

APPENDIX B
Municipal Resolutions



Town of New Paltz, New York

Susan Zimet, Town Supervisor

PO Box 550 • 1 Veterans Drive • New Paltz, NY 12561
Phone: 845/255.0604 • TTY: 800/622.1220 • Fax: 845/255.4084
www.townofnewpaltz.org

Resolution In Opposition to the Proposed Merger of Central Hudson and Fortis Inc.

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (representing 680,000 persons), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger in order to be approved the applicant must prove a net public benefit, and

WHEREAS, the PSC held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when much of the population is still at work, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million before ultimately settling for less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for 12 months, and



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WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and
WHEREAS Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to our state, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee, has highlighted the possible use of the North American Free Trade agreement (NAFTA), as a way to severely restrict the ability of the PSC to fully regulate a merged Fortis/Central Hudson,

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and



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Susan Zimet, Town Supervisor

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WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley, now, Therefore be it

RESOLVED, that the New Paltz Town Board , at this time, does not support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

FURTHER RESOLVED, that the New Paltz Town Board urges the Public Service Commission (PSC) to extend the period for public comment so that the public , and other interested parties, can have time to assess the full implications and potential impacts of the CH/Fortis merger, and

FURTHER RESOLVED, if the merger is allowed , the PSC should direct the Central Hudson successor to assist municipalities in the establishment and construction of solar farms to offset municipal power costs , and

FURTHER RESOLVED, the New Paltz Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senators John Bonacic and William Larkin, Jr., New York State Assemblymen Kevin Cahill, Peter Lopez and Frank Skartados.



Town of New Paltz, New York

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The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Susan Zimet	Voting ___aye___
Councilwoman Kristin Brown	Voting ___aye___
Councilman Kevin Barry	Voting ___aye___
Councilwoman Jean Gallucci	Voting ___aye___
Councilwoman Jeff Logan	Absent

The foregoing resolution was thereupon declared duly adopted on March 21, 2013.

Rosanna Mazzaccari, Town Clerk

Date

Case No: 12-M-0192

Resolution # 03-2013-10

Resolution – Opposition of Central Hudson / Fortis, Inc. Merger

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that ... the companies in Canada are subject to NAFTA (the North American Free Trade agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and

WHEREAS the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to the State of New York, and

WHEREAS, an unregulated utility would endanger 375,000 Central Hudson users, and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, the loss of long term local jobs would be a disaster for the Hudson Valley region, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger;

THEREFORE BE IT RESOLVED, that the Town of Rosendale is, at this time, in opposition to the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

BE IT FURTHER RESOLVED, that the Town of Rosendale urges the Public Service Commission (PSC) to extend the period for public comment so that the Legislature, and other interested parties, can have time to assess the full implications and potential impacts of the CH/Fortis merger, and

BE IT FURTHER RESOLVED, the Town of Rosendale urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and

BE IT FURTHER RESOLVED, that if the merger does take place that more provisions are put place to protect the interest of the union employees and the users of the areas serviced by Central Hudson.

Motion made at a regular meeting of the Town Board of the Town of Rosendale, March 13, 2013, by Supervisor Stalck and seconded by Councilman Hassett

VOTING MEMBERS:

Councilman Gallagher	<u>Yes</u>
Councilwoman Greene	<u>Yes</u>
Councilman Hassett	<u>Yes</u>
Councilman Ryan	<u>Yes</u>
Supervisor Walsh	<u>Yes</u>

CERTIFICATION

I do hereby certify that on March 13, 2013, the foregoing
resolution, entitled #03-2013-#10 - Opposition of
Central Hudson/Fortis, Inc. Merger

copy of which is herewith attached and made a part of this
certification, was adopted by the Town Board of the Town of
Rosendale and filed in the Office of the Town Clerk.

Dated: 3/20/2013

Jean S. Jordan
Rosendale Town Clerk

Resolution No. 82 March 19, 2013

In Opposition to the Proposed Merger of Central Hudson and Fortis Inc.

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and RS Parete)

Legislators Bartels, Belfiglio, Fabiano, RS Parete, Rodriguez and Wishnick offer the following:

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (representing 680,000 persons), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger in order to be approved the applicant must prove a net public benefit, and

WHEREAS, the PSC held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when much of the population is still at work, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million before ultimately settling for less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for 12 months, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to our state, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee, has highlighted the possible use of the North American Free Trade agreement (NAFTA), as a way to severely restrict the ability of the PSC to fully regulate a merged Fortis/Central Hudson, and

Resolution No. 82 March 19, 2013

In Opposition to the Proposed Merger of Central Hudson and Fortis Inc.

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley, now, therefore be it

RESOLVED, that the Ulster County Legislature, at this time, cannot support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and be it further

RESOLVED, that the Ulster County Legislature urges the Public Service Commission (PSC) to extend the period for public comment so that the Legislature, and other interested parties, can have time to assess the full implications and potential impacts of the CH/Fortis merger, and be it further

RESOLVED, the Legislature urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and be it further

RESOLVED, the Clerk of the Ulster County Legislature is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senators John Bonacic and William Larkin, Jr., New York State Assemblymen Kevin Cahill, Peter Lopez and Frank Skartados,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 17 NOES: 0
(4 Abstentions: Legislators Aiello, Gerentine,
Maio and Maloney)
(Absent: Legislators Briggs and Fabiano)

Passed Committee: Laws and Rules, Governmental Services on March 18, 2013

Resolution No. 82 March 19, 2013

In Opposition to the Proposed Merger of Central Hudson and Fortis Inc.

FINANCIAL IMPACT:
NONE

0185

STATE OF NEW YORK
COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 19th Day of March, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of March in the year Two Thousand and Thirteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in public session at the Town Hall, 3775 Main Street, Stone Ridge, New York on April 16, 2013 at 7:00 o'clock P.M. local time. The meeting was called to order by Supervisor Michael Warren and, upon roll being called, the following were:

PRESENT: All

ABSENT: None

The following Resolution was offered by Brooke Pickering-Cole, seconded by Joe Borzumato to wit:

Resolution - Opposition of Central Hudson / Fortis, Inc. Merger

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses, md households, representing approximately 680,000 actual consumers), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS Fortis has not committed to increase the resilience of the region's electricity



system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of Marbletown an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that the companies in Canada are subject to NAFTA (the North American Free Trade agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51 % and Abitibi 49%, and

WHEREAS the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to the State of New York, and

WHEREAS, an unregulated utility would endanger 375,000 Central Hudson users, and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, the loss of long term local jobs would be a disaster for the Hudson Valley region, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger;

THEREFORE BE IT RESOLVED that the Town of Marbletown is, at this time, in opposition to the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

BE IT FURTHER RESOLVED, that the Town of Marbletown urges the Public Service Commission (PSC) to extend the period for public comment so that the Legislature, and other interested parties, can have time to assess the full implications and potential impacts of the CH/Fortis merger, and

BE IT FURTHER RESOLVED, the Town of Marbletown urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and



BE IT FURTHER RESOLVED, that if the merger does take place that more provisions are put place to protect the interest of the union employees and the users of the areas serviced by Central Hudson.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

The Vote:

Pat Clark	Aye <u> x </u>	Nay <u> </u>	absent <u> </u>
Joe Borzumato	Aye <u> x </u>	Nay <u> </u>	absent <u> </u>
Brooke Pickering-Cole	Aye <u> x </u>	Nay <u> </u>	absent <u> </u>
Michael Warren	Aye <u> x </u>	Nay <u> </u>	absent <u> </u>
Doug Adams	Aye <u> x </u>	Nay <u> </u>	absent <u> </u>

The Resolution was thereupon adopted.

Dated: April 16, 2013

OFFICE OF THE TOWN CLERK

PH: 845-679-2113 ext 4 ,Fax: 845-679-8743

E-mail: townclerk@woodstockny.org

Website: <http://www.woodstockny.org>

Colony of the Arts

TOWN OF WOODSTOCK . 45 COMEAU DRIVE, WOODSTOCK NY 12498

RESOLUTION 139

URGE THE PUBLIC SERVICE COMMISSION (PSC) TO EXTEND THE PERIOD FOR PUBLIC COMMENT

Offered by Supervisor Wilber, seconded by Councilman McKenna:

Whereas, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Town of Woodstock; and

WHEREAS; the Public Service Commission (PSC) must approve this merger, and in order to be approved the applicant must ensure a net public benefit; and

WHEREAS; the PSC held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many Woodstockers are still at work; and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

WHEREAS, Fortis has guaranteed a rate freeze for not more than 12 months; and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

WHEREAS, Fortis has not committed to improve the region's electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

WHEREAS, Fortis offers no reasonable plan for Woodstock residents to achieve an affordable, sustainable, and reliable supply of power; and

WHEREAS, Assemblyman Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

WHEREAS, Central Hudson workers would be guaranteed jobs for only a two-year period, after which Fortis can begin to outsource work; now, therefore

BE IT RESOLVED, that the Woodstock Town Board not support the merger of Central Hudson and Fortis, Inc. under the terms that have been proposed; and

BE IT FURTHER RESOLVED, the Woodstock Town Board urge the PSC to seek better assurance that such a merger will benefit residents in the current Central Hudson utility service area, particularly with regard to improved infrastructure and support for renewable energy; and

BE IT FURTHER RESOLVED, that the Woodstock Town Board urge the Public Service Commission (PSC) to extend the period for public comment for so long as necessary for residents of the Town of Woodstock, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and

BE IT FURTHER RESOLVED, the Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator Cecelia Tkaczyk, and New York State Assemblymen Kevin Cahill.

All voted 5-0: Supervisor Wilber - aye
Councilwoman Magarelli - aye
Councilman McKenna - aye
Councilman Wenk - aye
Councilman Panza - aye

OFFICE OF THE TOWN CLERK

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Colony of the Arts

TOWN OF WOODSTOCK . 45 COMEAU DRIVE, WOODSTOCK NY 12498

STATE OF NEW YORK

:SS:

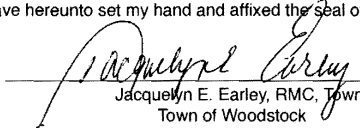
COUNTY OF ULSTER

I, the undersigned Clerk of the Town of Woodstock, Ulster County, New York, **DO HEREBY CERTIFY:**

THAT I have compared the attached proceedings of the Town Board of the Town of Woodstock including the resolution contained therein with the originals thereof on file in my office and that the same is a true and correct copy of the said original as recorded in the minutes of the Town Board meeting dated April 9, 2013, and filed in the Office of the Town Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Woodstock, New York this 11th day of April, 2013.

SEAL


Jacquelyn E. Earley, RMC, Town Clerk
Town of Woodstock

RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC-FILES-ALBANY

Sylvia B. Rozzelle 2013 APR 15 PM 2:03

Town of Olive Town Clerk
PO Box 96
West Shokan, NY 12494
845-657-8118

www.town.olive.ny.us

olivetownclerk@hvc.rr.com

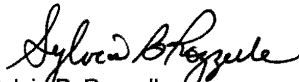
April 10, 2013

Re: Town of Olive Opposition to Proposed Merger of Central Hudson & Fortis, Inc.

The Town of Olive Town Board at its April 9, 2013 meeting unanimously approved the enclosed certified copy of Resolution #7 of 2013 opposing the proposed merger of Central Hudson and Fortis, Inc.

Thank you for supporting the concerns of the local municipalities and the 680,000 consumers in the Ulster County area.

Sincerely,



Sylvia B. Rozzelle
Town Clerk

enc/1

Resolution #7 of 2013
Town of Olive Opposition to the Proposed Merger
of Central Hudson and Fortis, Inc.

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS, Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that ... the companies in Canada are subject to NAFTA (North American Free Trade Agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and

WHEREAS, the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to the State of New York, and

WHEREAS, an unregulated utility would endanger 375,000 Central Hudson users, and;

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, the loss of long term local jobs would be a disaster for the Hudson Valley region, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger;

THEREFORE, BE IT RESOLVED that the Town of Olive Town Board is, at this time, in opposition to the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

FURTHER RESOLVED, that the Town of Olive Town Board urges the Public Service Commission (PSC) to extend the period for public comment so that the Ulster County Legislature, the Town of Olive and other interested parties can have time to assess the full implications and potential impacts of the CH-Fortis merger, and

FURTHER RESOLVED, the Town of Olive urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and

FURTHER RESOLVED, that the Town of Olive Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo; members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission; Senate Majority Leader Dean Skelos; Senate Minority Leader Andrea Stewart-Cousins; Assembly Speaker Sheldon Silver; New York Senators James Seward, John J. Bonacic, and William J. Larkin, Jr., New York State Assembly Members Kevin A Cahill, Peter Lopez, and Frank Skartados.

	Aye	Nay
Berndt Leifeld, Supervisor	<u>X</u>	_____
Donald VanBuren, Board Member	<u>X</u>	_____
Linda Burkhardt, Board Member	<u>X</u>	_____
Bruce La Monda, Board Member	<u>X</u>	_____
Peter Friedel, Board Member	<u>X</u>	_____

Dated this 10th day of April, 2013


Sylvia B. Rozzelle, Town Clerk

Resolution -- In Opposition to Central Hudson / Fortis

RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC FILES-ALBANY

2013 APR 29 PM 4:03

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), of which over 30,000 customers are located in the Town of Newburgh.

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and in order for the merger to be approved the applicant must prove a net public benefit and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two (2) year period, after which Fortis can begin to outsource work, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that the companies in Canada are subject to NAFTA (the North American Free Trade agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns

Therefore be it

RESOLVED, that the Town of Newburgh, does not support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc. as it has been proposed and

FURTHER RESOLVED, If the merger is allowed, the PSC should direct the Central Hudson successor to assist municipalities in the establishment and construction of solar farms to offset municipal power costs.

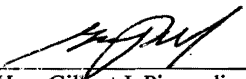
FURTHER RESOLVED, the Town of Newburgh Town Clerk is hereby directed to forward copies of this resolution to: U.S. Senator Kristen Gillibrand; U.S. Senator Charles Schumer; U.S. Congressman Sean Patrick Maloney; Governor Andrew Cuomo; members of the Public Service Commission c/o Jeffery C. Cohen, Acting Secretary, Public Service Commission; New York State Senator William J. Larkin Jr.; New York State Assemblyman Frank Skartados.

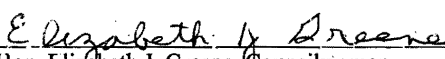
Adopted by a vote of the Town of Newburgh Town Council at a special meeting held Wednesday, April 17, 2013


Hon. Wayne C. Booth, Supervisor


Hon. George A. Woolsey, Sr., Councilman


Certified by Andrew J. Zarutskie, Town Clerk


Hon. Gilbert J. Piaquadio, Deputy Supervisor


Hon. Elizabeth J. Greene, Councilwoman


Hon. Ernest C. Bello, Councilman

**RESOLUTION IN OPPOSITION
TO THE PROPOSED MERGER OF
CENTRAL HUDSON AND FORTIS, INC.**

12
RECEIVED
PUBLIC SERVICE
COMMISSION
EXEC-FILES-ALBANY

2013 APR 26 PM 2:47

WHEREAS, the Town of Esopus Town Board, County of Ulster, State of New York, offer this resolution in opposition to the proposed merger of Central Hudson and Fortis Inc.

Whereas, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Town of Esopus; and

Whereas; the Public Service Commission (PSC) must approve this merger, and in order to be approved the Applicant must prove a net public benefit; as required by New York State Law, and

Whereas; the PSC initially held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many rate-payers are still at work; and

Whereas, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

Whereas, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

Whereas, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future contributions to storm damage repair and more than \$9 million in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

Whereas, the purported \$ 9 million "benefit" is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

Whereas, when these poorly defined and relatively inconclusive "benefits" are deducted, what remains is a trivial "Economic Development Fund" of \$5 million for the whole region; and

Whereas, by contrast, the region's rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

Whereas, Fortis has guaranteed a rate freeze for not more than 12 months; and

Whereas, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

Whereas, Fortis has not committed to improve the region's electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

Whereas, Fortis offers no reasonable plan for Esopus residents to achieve an affordable, sustainable, and reliable supply of power; and

Whereas, Assemblyman Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

Whereas, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

Whereas, New York State Law requires the Public Service Commission to establish a factual basis for a finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

Resolved, that the Esopus Town Board does not support the merger of Central Hudson and Fortis, Inc. under the terms that have been proposed; and be it further

Resolved, the Esopus Town Board calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further

Resolved, the Esopus Town Board does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area,

particularly with regard to improved infrastructure and support for renewable energy; and be it further

Resolved, that the Esopus Town Board does urge the Public Service Commission (PSC) to extend the period for public comment for so long as necessary for residents of the Town, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further

Resolved, the Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator Cecelia Tkaczyk, and New York State Assemblyman Kevin Cahill.

THEREFORE, BE IT RESOLVED, the Town of Esopus Town Board approves the resolution in opposition of the proposed merger of Central Hudson and Fortis Inc.

Resolution offered by Councilperson: John K. Coutant
Resolution seconded by Councilperson: Donna McAuley

The Board was polled:

Councilperson Wayne Freer	<u>AYE</u>
Councilperson Gloria VanVliet	<u>AYE</u>
Councilperson Donna McAuley	<u>AYE</u>
Councilperson Kyle Barnett	<u>ABSENT</u>
Supervisor John Coutant	<u>AYE</u>

I, TOWN CLERK OF THE TOWN OF ESOPUS
HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY
SIGNED Valley St. Butler, deputy
DATE April 19, 2013

FORTIS TAKEOVER OF CENTRAL HUDSON:

Resolution # 72-2013:

A Motion was made by Councilman Drabkin, and Seconded by Councilwoman Archer that;

Be it resolved that the Town of Rochester Town Board, at this time, opposes the takeover of Central Hudson, a publicly traded utility located in the Hudson valley which serves the electrical needs of the residents of our Town, by Fortis, Inc., a multinational corporation headquartered in Canada for the following reasons:

- Fortis, Inc. has only committed \$49.6 million in community benefit funds as opposed to the \$85 million recommended by PSC staff.
- Fortis has only guaranteed a rate freeze for 12 months. It takes 8 months to be granted a rate increase, therefore Fortis, Inc. is in actuality the guaranteed freeze is for 4 months.
- Central Hudson workers would only be guaranteed jobs for 2 years.
- The potential negative impacts due to the loss of local ownership of a local utility to a foreign owned corporation protected by the North American Free Trade Agreement.

Be it further resolved that the Town Clerk forward a copy of this resolution to members of the NYS Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission.

4-0aye, motion carried

Cilenti- Absent

RESOLUTION NO. 88 - 2013

OF

APRIL 22, 2013

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH OPPOSING
THE PROPOSED MERGER OF CH ENERGY GROUP, INC. WITH FORTIS, INC.

WHEREAS, Fortis, Inc. ("Fortis"), a multinational corporation with headquarters in Canada made an offer to purchase CH Energy Group, Inc. ("Central Hudson"), a publicly traded utility located in the Hudson Valley; and

WHEREAS, there are approximately 375,000 Central Hudson customers, representing approximately 680,000 persons, many of whom live in the City of Newburgh; and

WHEREAS, the Public Service Commission (PSC) must approve of this merger and in order to be approved the applicant must prove a net public benefit; and

WHEREAS, the PSC held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when much of the population was still at work; and

WHEREAS, the PSC staff recommended \$85 million in community benefit funds for areas covered by Central Hudson, to which Fortis initially offered only \$20 million before ultimately settling for less than \$50 million in aid to our area; and

WHEREAS, Fortis has only guaranteed a rate freeze for 12 months; and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas; and

WHEREAS, Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee and Sandy, including through investment in a distributed generation network; and

WHEREAS, the public benefits offered by Fortis are not only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable and reliable supply of power; and

WHEREAS, the possible use of the North American Free Trade Agreement ("NAFTA") to override the PSC and New York State requirements to modernize energy should be of major concern to our State; and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee, has highlighted the possible use of NAFTA as a way to severely restrict the ability of the PSC to fully regulate merged Fortis/Central Hudson; and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%; and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work; and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, at this time, cannot support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc. as it has been proposed; and

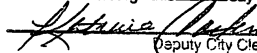
BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh urges the Public Service Commission to extend the period for public comment so that the City Council and other interested parties can have time to assess the full implications and potential impacts of the Central Hudson/Fortis merger; and

BE IT FURTHER RESOLVED, that the City Council urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh be and hereby is directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator William Larkin, Jr. and New York State Assemblyman Frank Skartados.

Christina Cotten, Deputy City Clerk of the City of Newburgh
I hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held April 22, 2013
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 23rd day of April, 2013


Deputy City Clerk

Resolution 114 of 2013

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, SUPPORTING A MEMORIALIZING RESOLUTION OPPOSING THE TAKE OVER OF CENTRAL HUDSON BY FORTIS, INC.

Sponsored By: Public Safety/General Government Committee:
Alderman: Carey, Dunn, Whitlock, Ball, Brown

WHEREAS, opposition to the takeover of Central Hudson by Canadian holding company Fortis, Inc. is strong and growing; and

WHEREAS, not a single vote in any town or city has been cast in favor of the takeover of Central Hudson by Fortis, Inc., labor and elected officials spoke out against the takeover at several press conferences, organizations and others have passed resolutions against the proposed merger; and

WHEREAS, not a single person spoke in favor of the proposed Fortis acquisition of Central Hudson at any of the four Public Service Commission's hearings.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. The Common Council supports a memorializing resolution opposing the takeover of Central Hudson by Fortis, Inc.

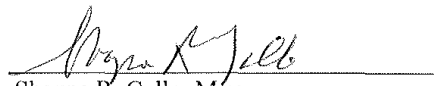
SECTION-2. That a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker, Members of Assembly, and the New York State Conference of Mayors.

SECTION-3. That this resolution shall take effect immediately.

Submitted to the Mayor this 5th day of June, 2013


Carly Williams, City Clerk

Approved by the Mayor this 7th day of June, 2013


Shayne R. Gallo, Mayor

Adopted by Council on June 4, 2013.

Filed electronically by Supervisor Crane with Department of Public Service May 29.

We, the members of the Town Board of the Town of Red Hook, unanimously agreed at a Town Board meeting on April 24, 2013, to submit the following comments for Case #12-M-0192.

We, the Town Board of the Town of Red Hook, Dutchess County, urge the Public Service Commission (PSC), to have a Public Recommended Decision on the proposed merger of Fortis Inc. and CH Energy Group.

Our town has more than 11,000 residents, all of whom reside in the Central Hudson utility service area. We believe that a closer look at the results of this merger is warranted. We understand that our local representatives - County Legislator Ben Traudt, State Senator Terry Gipson, State Assemblyman Kevin Cahill - have all written the PSC to oppose this merger.

Red Hook has been very active for many years in renewable energy and energy conservation projects, working closely with Central Hudson on many occasions. We were chosen as the community to pilot their Smart Meter Program. Central Hudson has worked with our 10% Challenge initiative to promote incentives for residential energy savings and renewable energy use. We have enjoyed working with a local utility that has been proactive in these areas, one that is closely aligned with our goals.

By having a Public Recommended Decision, our residents will have more information and more opportunities to provide comment on this important action that will affect our entire town.

Sue T. Crane, Supervisor

Brenda Cagle, Councilwoman; Harry Colgan, Councilman; William O'Neill, Councilman; James Ross, Councilman

Village of Ellenville

***Government Center
2 Elting Court
Ellenville, New York 12428
Phone: 845-647-7080, Fax: 845-647-7171
www.villageofellenville.com***

May 22, 2013

188 State Street
Legislative Office Building Room 509
Albany, NY 12247

Dear Senator Bonacic:

At the May 13, 2013 Village Board of Trustees meeting the following resolution was passed and it was requested that I send you a copy.

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger:

Whereas, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Village of Ellenville; and

Whereas; the Public Service Commission (PSC) must approve this merger, and in order to be approved the Applicant must prove a net public benefit; as required by New York State Law, and

Whereas, the PSC initially held on two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many rate-payers are still at work; and

Whereas, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

Whereas, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

Whereas, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future undefined contributions to storm damage repair and more than \$9 million in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

Whereas, the purported \$9 million “benefit” is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

Whereas, when these poorly defined and relatively inconclusive “benefits” are deducted, what remains is a trivial “Economic Development Fund” of \$5 million for the whole region; and

Whereas, by contrast, the region’s rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

Whereas, Fortis has guaranteed a rate freeze for not more than 12 months; and

Whereas, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

Whereas, Fortis has not committed to improve the region’s electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

Whereas, Fortis offers no reasonable plan for Ellenville residents to achieve an affordable, sustainable, and reliable supply of power; and

Whereas, Assembly Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

Whereas, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

Whereas, New York State Law requires the Public Service Commission to establish a factual basis for finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

Resolved, the Ellenville Board of Trustees calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further

Resolved, the Ellenville Board of Trustees does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area, particularly with regard to improved infrastructure and support for renewal energy; and be it further

Resolved, that the Village Board of Trustees does urge the Public Service Commission (PSC) to extend the period for further comment for so long as necessary for residents of the Village, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further

Resolved, the Village Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator John J. Bonacic, and New York State Assemblyman Claudia Tenney.

All in favor – Aye – motion carried

Yours truly,

Noreen Dechon
Village Clerk

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COMMISSION
EXEC-FILES-ALBANY

Sylvia B. Rozzelle 2013 APR 15 PM 2:03

Town of Olive Town Clerk
PO Box 96
West Shokan, NY 12494
845-657-8118

www.town.olive.ny.us

olivetownclerk@hvc.rr.com

April 10, 2013

Re: Town of Olive Opposition to Proposed Merger of Central Hudson & Fortis, Inc.

The Town of Olive Town Board at its April 9, 2013 meeting unanimously approved the enclosed certified copy of Resolution #7 of 2013 opposing the proposed merger of Central Hudson and Fortis, Inc.

Thank you for supporting the concerns of the local municipalities and the 680,000 consumers in the Ulster County area.

Sincerely,



Sylvia B. Rozzelle
Town Clerk

enc/1

Resolution #7 of 2013
Town of Olive Opposition to the Proposed Merger
of Central Hudson and Fortis, Inc.

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), many of whom live in Ulster County, NY, and

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS, Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that ... the companies in Canada are subject to NAFTA (North American Free Trade Agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%, and

WHEREAS, the possible use of NAFTA to override PSC and State requirements to modernize energy should be of major concern to the State of New York, and

WHEREAS, an unregulated utility would endanger 375,000 Central Hudson users, and;

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work, and

WHEREAS, the loss of long term local jobs would be a disaster for the Hudson Valley region, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger;

THEREFORE, BE IT RESOLVED that the Town of Olive Town Board is, at this time, in opposition to the proposed merger of Central Hudson and the multinational corporation Fortis, Inc., as it has been proposed, and

FURTHER RESOLVED, that the Town of Olive Town Board urges the Public Service Commission (PSC) to extend the period for public comment so that the Ulster County Legislature, the Town of Olive and other interested parties can have time to assess the full implications and potential impacts of the CH-Fortis merger, and

FURTHER RESOLVED, the Town of Olive urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision, and

FURTHER RESOLVED, that the Town of Olive Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo; members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission; Senate Majority Leader Dean Skelos; Senate Minority Leader Andrea Stewart-Cousins; Assembly Speaker Sheldon Silver; New York Senators James Seward, John J. Bonacic, and William J. Larkin, Jr., New York State Assembly Members Kevin A Cahill, Peter Lopez, and Frank Skartados.

	Aye	Nay
Berndt Leifeld, Supervisor	<u>X</u>	_____
Donald VanBuren, Board Member	<u>X</u>	_____
Linda Burkhardt, Board Member	<u>X</u>	_____
Bruce La Monda, Board Member	<u>X</u>	_____
Peter Friedel, Board Member	<u>X</u>	_____

Dated this 10th day of April, 2013


Sylvia B. Rozzelle, Town Clerk

Resolution -- In Opposition to Central Hudson / Fortis

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2013 APR 29 PM 4:03

WHEREAS, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility located in the Hudson Valley, and

WHEREAS, there are 375,000 Central Hudson customers (businesses and households, representing approximately 680,000 actual consumers), of which over 30,000 customers are located in the Town of Newburgh.

WHEREAS, the Public Service Commission (PSC) must approve of this merger, and in order for the merger to be approved the applicant must prove a net public benefit and

WHEREAS, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, to which Fortis initially offered only \$20 million, and

WHEREAS, the proposed merger would now provide less than \$50 million in aid to our area, and

WHEREAS, Fortis has only guaranteed a rate freeze for a 12 month period, and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas, and

WHEREAS Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee, and Sandy, including through investment in a distributed generation network, and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two (2) year period, after which Fortis can begin to outsource work, and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley, and

WHEREAS, the public benefits offered by Fortis are only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable, and reliable supply of power, and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee is quoted as saying: "The Public Utility Law Project has pointed out that there could be very significant international legal tangles in how we proceed given the fact that the companies in Canada are subject to NAFTA (the North American Free Trade agreement), as are we in the United States, that places severe restrictions on the ability of regulators to fully regulate those who they might have otherwise been able to impose public will upon.", and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns

Therefore be it

RESOLVED, that the Town of Newburgh, does not support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc. as it has been proposed and

FURTHER RESOLVED, If the merger is allowed, the PSC should direct the Central Hudson successor to assist municipalities in the establishment and construction of solar farms to offset municipal power costs.

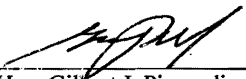
FURTHER RESOLVED, the Town of Newburgh Town Clerk is hereby directed to forward copies of this resolution to: U.S. Senator Kristen Gillibrand; U.S. Senator Charles Schumer; U.S. Congressman Sean Patrick Maloney; Governor Andrew Cuomo; members of the Public Service Commission c/o Jeffery C. Cohen, Acting Secretary, Public Service Commission; New York State Senator William J. Larkin Jr.; New York State Assemblyman Frank Skartados.

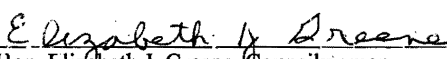
Adopted by a vote of the Town of Newburgh Town Council at a special meeting held Wednesday, April 17, 2013

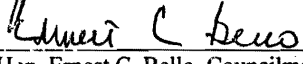

Hon. Wayne C. Booth, Supervisor


Hon. George A. Woolsey, Sr., Councilman


Certified by Andrew J. Zarutskie, Town Clerk


Hon. Gilbert J. Piaquadio, Deputy Supervisor


Hon. Elizabeth J. Greene, Councilwoman


Hon. Ernest C. Bello, Councilman

**RESOLUTION IN OPPOSITION
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CENTRAL HUDSON AND FORTIS, INC.**

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Whereas, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

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Whereas, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future contributions to storm damage repair and more than \$9 million in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

Whereas, the purported \$ 9 million "benefit" is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

Whereas, when these poorly defined and relatively inconclusive "benefits" are deducted, what remains is a trivial "Economic Development Fund" of \$5 million for the whole region; and

Whereas, by contrast, the region's rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

Whereas, Fortis has guaranteed a rate freeze for not more than 12 months; and

Whereas, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

Whereas, Fortis has not committed to improve the region's electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

Whereas, Fortis offers no reasonable plan for Esopus residents to achieve an affordable, sustainable, and reliable supply of power; and

Whereas, Assemblyman Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

Whereas, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

Whereas, New York State Law requires the Public Service Commission to establish a factual basis for a finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

Resolved, that the Esopus Town Board does not support the merger of Central Hudson and Fortis, Inc. under the terms that have been proposed; and be it further

Resolved, the Esopus Town Board calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further

Resolved, the Esopus Town Board does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area,

particularly with regard to improved infrastructure and support for renewable energy; and be it further

Resolved, that the Esopus Town Board does urge the Public Service Commission (PSC) to extend the period for public comment for so long as necessary for residents of the Town, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further

Resolved, the Town Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator Cecelia Tkaczyk, and New York State Assemblyman Kevin Cahill.

THEREFORE, BE IT RESOLVED, the Town of Esopus Town Board approves the resolution in opposition of the proposed merger of Central Hudson and Fortis Inc.

Resolution offered by Councilperson: John K. Coutant
Resolution seconded by Councilperson: Donna McAuley

The Board was polled:

Councilperson Wayne Freer	<u>AYE</u>
Councilperson Gloria VanVliet	<u>AYE</u>
Councilperson Donna McAuley	<u>AYE</u>
Councilperson Kyle Barnett	<u>ABSENT</u>
Supervisor John Coutant	<u>AYE</u>

I, TOWN CLERK OF THE TOWN OF ESOPUS
HEREBY CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY
SIGNED Valley St. Butler, deputy
DATE April 19, 2013

FORTIS TAKEOVER OF CENTRAL HUDSON:

Resolution # 72-2013:

A Motion was made by Councilman Drabkin, and Seconded by Councilwoman Archer that;

Be it resolved that the Town of Rochester Town Board, at this time, opposes the takeover of Central Hudson, a publicly traded utility located in the Hudson valley which serves the electrical needs of the residents of our Town, by Fortis, Inc., a multinational corporation headquartered in Canada for the following reasons:

- Fortis, Inc. has only committed \$49.6 million in community benefit funds as opposed to the \$85 million recommended by PSC staff.
- Fortis has only guaranteed a rate freeze for 12 months. It takes 8 months to be granted a rate increase, therefore Fortis, Inc. is in actuality the guaranteed freeze is for 4 months.
- Central Hudson workers would only be guaranteed jobs for 2 years.
- The potential negative impacts due to the loss of local ownership of a local utility to a foreign owned corporation protected by the North American Free Trade Agreement.

Be it further resolved that the Town Clerk forward a copy of this resolution to members of the NYS Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission.

4-0aye, motion carried

Cilenti- Absent

RESOLUTION NO. 88 - 2013

OF

APRIL 22, 2013

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH OPPOSING
THE PROPOSED MERGER OF CH ENERGY GROUP, INC. WITH FORTIS, INC.

WHEREAS, Fortis, Inc. ("Fortis"), a multinational corporation with headquarters in Canada made an offer to purchase CH Energy Group, Inc. ("Central Hudson"), a publicly traded utility located in the Hudson Valley; and

WHEREAS, there are approximately 375,000 Central Hudson customers, representing approximately 680,000 persons, many of whom live in the City of Newburgh; and

WHEREAS, the Public Service Commission (PSC) must approve of this merger and in order to be approved the applicant must prove a net public benefit; and

WHEREAS, the PSC held only two hearings, on the same day, one of which was held at 3:30 in the afternoon, when much of the population was still at work; and

WHEREAS, the PSC staff recommended \$85 million in community benefit funds for areas covered by Central Hudson, to which Fortis initially offered only \$20 million before ultimately settling for less than \$50 million in aid to our area; and

WHEREAS, Fortis has only guaranteed a rate freeze for 12 months; and

WHEREAS, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said they will continue to rely on natural gas; and

WHEREAS, Fortis has not committed to increase the resilience of the region's electricity system to major storms like Irene, Lee and Sandy, including through investment in a distributed generation network; and

WHEREAS, the public benefits offered by Fortis are not only one-time and short-term, and are outweighed by the future risks to Hudson Valley residents of achieving an affordable, sustainable and reliable supply of power; and

WHEREAS, the possible use of the North American Free Trade Agreement ("NAFTA") to override the PSC and New York State requirements to modernize energy should be of major concern to our State; and

WHEREAS, Assemblyman Kevin Cahill, former chair of the Assembly Energy Committee, has highlighted the possible use of NAFTA as a way to severely restrict the ability of the PSC to fully regulate merged Fortis/Central Hudson; and

WHEREAS, Fortis partner, Abitibi, initiated a NAFTA claim against Canada when Newfoundland expropriated property there, including some belonging to Exploits Hydro Partnership, in which Fortis owns 51% and Abitibi 49%; and

WHEREAS, Central Hudson workers would only be guaranteed jobs for a two year period, after which Fortis can begin to outsource work; and

WHEREAS, IBEW Local 320 is strongly opposed to this merger due to the loss of long term local jobs, which would devastate the Hudson Valley;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newburgh, at this time, cannot support the proposed merger of Central Hudson and the multinational corporation Fortis, Inc. as it has been proposed; and

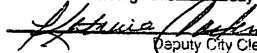
BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh urges the Public Service Commission to extend the period for public comment so that the City Council and other interested parties can have time to assess the full implications and potential impacts of the Central Hudson/Fortis merger; and

BE IT FURTHER RESOLVED, that the City Council urges the PSC to have a Public Recommended Decision, which will provide for a more transparent decision; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh be and hereby is directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator William Larkin, Jr. and New York State Assemblyman Frank Skartados.

Christina Cotten, Deputy City Clerk of the City of Newburgh
I hereby certify that I have compared the foregoing with the
original resolution adopted by the Council of the City of
Newburgh at a regular meeting held April 22, 2013
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of
Newburgh this 23rd day of April, 2013


Deputy City Clerk

Resolution 114 of 2013

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, SUPPORTING A MEMORIALIZING RESOLUTION OPPOSING THE TAKE OVER OF CENTRAL HUDSON BY FORTIS, INC.

Sponsored By: Public Safety/General Government Committee:
Alderman: Carey, Dunn, Whitlock, Ball, Brown

WHEREAS, opposition to the takeover of Central Hudson by Canadian holding company Fortis, Inc. is strong and growing; and

WHEREAS, not a single vote in any town or city has been cast in favor of the takeover of Central Hudson by Fortis, Inc., labor and elected officials spoke out against the takeover at several press conferences, organizations and others have passed resolutions against the proposed merger; and

WHEREAS, not a single person spoke in favor of the proposed Fortis acquisition of Central Hudson at any of the four Public Service Commission's hearings.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION-1. The Common Council supports a memorializing resolution opposing the takeover of Central Hudson by Fortis, Inc.

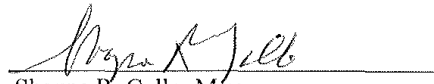
SECTION-2. That a copy of this resolution be forwarded to the Governor, Senate Majority and Minority Leaders, Assembly Speaker, Members of Assembly, and the New York State Conference of Mayors.

SECTION-3. That this resolution shall take effect immediately.

Submitted to the Mayor this 5th day of June, 2013


Carly Williams, City Clerk

Approved by the Mayor this 7th day of June, 2013


Shayne R. Gallo, Mayor

Adopted by Council on June 4, 2013.

Filed electronically by Supervisor Crane with Department of Public Service May 29.

We, the members of the Town Board of the Town of Red Hook, unanimously agreed at a Town Board meeting on April 24, 2013, to submit the following comments for Case #12-M-0192.

We, the Town Board of the Town of Red Hook, Dutchess County, urge the Public Service Commission (PSC), to have a Public Recommended Decision on the proposed merger of Fortis Inc. and CH Energy Group.

Our town has more than 11,000 residents, all of whom reside in the Central Hudson utility service area. We believe that a closer look at the results of this merger is warranted. We understand that our local representatives - County Legislator Ben Traudt, State Senator Terry Gipson, State Assemblyman Kevin Cahill - have all written the PSC to oppose this merger.

Red Hook has been very active for many years in renewable energy and energy conservation projects, working closely with Central Hudson on many occasions. We were chosen as the community to pilot their Smart Meter Program. Central Hudson has worked with our 10% Challenge initiative to promote incentives for residential energy savings and renewable energy use. We have enjoyed working with a local utility that has been proactive in these areas, one that is closely aligned with our goals.

By having a Public Recommended Decision, our residents will have more information and more opportunities to provide comment on this important action that will affect our entire town.

Sue T. Crane, Supervisor

Brenda Cagle, Councilwoman; Harry Colgan, Councilman; William O'Neill, Councilman; James Ross, Councilman

Village of Ellenville

***Government Center
2 Elting Court
Ellenville, New York 12428
Phone: 845-647-7080, Fax: 845-647-7171
www.villageofellenville.com***

May 22, 2013

188 State Street
Legislative Office Building Room 509
Albany, NY 12247

Dear Senator Bonacic:

At the May 13, 2013 Village Board of Trustees meeting the following resolution was passed and it was requested that I send you a copy.

Resolution by Trustee Steinhoff, seconded by Deputy Mayor Younger:

Whereas, Fortis, Inc., a multinational corporation with headquarters in Canada made an offer to purchase Central Hudson, a publicly traded utility serving the residents of the Village of Ellenville; and

Whereas; the Public Service Commission (PSC) must approve this merger, and in order to be approved the Applicant must prove a net public benefit; as required by New York State Law, and

Whereas, the PSC initially held on two hearings, on the same day, one of which was held at 3:30 in the afternoon, when many rate-payers are still at work; and

Whereas, the PSC has now scheduled two additional hearings, in Poughkeepsie and Kingston, but has not provided the public with any additional information about how the proposed acquisition of Central Hudson by Fortis, Inc. will provide any substantial benefits which meet the test of establishing a public interest resulting from the proposed transaction, and

Whereas, PSC staff recommended \$85 million in community benefit funds for the areas covered by Central Hudson, for which Fortis has offered less than \$50 million; and

Whereas, of the stated \$50 million in customer benefits, the Settlement Agreement relies upon \$35 million in future undefined contributions to storm damage repair and more than \$9 million in what are claimed to be lessened management costs, neither of which substantially benefit customers; and

Whereas, the purported \$9 million “benefit” is claimed to be the future result of the merged companies no longer needing to meet the reporting requirements for public companies, which would actually mean that the operations of Fortis and Central Hudson would no longer be subject to appropriate and necessary financial regulatory scrutiny and oversight, and

Whereas, when these poorly defined and relatively inconclusive “benefits” are deducted, what remains is a trivial “Economic Development Fund” of \$5 million for the whole region; and

Whereas, by contrast, the region’s rate-payers would face the certainty of many times that amount in increased electricity delivery charges over the decades to come; and

Whereas, Fortis has guaranteed a rate freeze for not more than 12 months; and

Whereas, Fortis is not committed to expanding its Alternative Energy portfolio and has publicly said it will continue to rely on natural gas for energy production; and

Whereas, Fortis has not committed to improve the region’s electricity system to meet the challenges of major storms like Irene, Lee, and Sandy; and

Whereas, Fortis offers no reasonable plan for Ellenville residents to achieve an affordable, sustainable, and reliable supply of power; and

Whereas, Assembly Kevin Cahill has highlighted the possible use of provisions in the North American Free Trade Agreement by foreign owned Fortis as a way to circumvent the ability of the PSC to fully regulate a merged Fortis/Central Hudson and enforce New York State requirements to modernize energy production and distribution; and

Whereas, Central Hudson workers would be guaranteed jobs for only a two year period, after which Fortis can begin to outsource work;

Whereas, New York State Law requires the Public Service Commission to establish a factual basis for finding of genuine public interest resulting from such a transaction as the Fortis merger; now, therefore be it

Resolved, the Ellenville Board of Trustees calls upon the PSC to hold Evidentiary Hearings, in order that the Public can examine the factual basis for the public interest, followed with a Recommended Decision; and be it further

Resolved, the Ellenville Board of Trustees does urge the PSC to express in the most transparent terms to Central Hudson rate-payers the ways that such a merger would benefit residents in the current Central Hudson utility service area, particularly with regard to improved infrastructure and support for renewal energy; and be it further

Resolved, that the Village Board of Trustees does urge the Public Service Commission (PSC) to extend the period for further comment for so long as necessary for residents of the Village, and other interested parties, to assess the implications and potential impacts of the CH/Fortis merger; and be it further

Resolved, the Village Clerk is hereby directed to forward copies of this resolution to Governor Andrew Cuomo, members of the Public Service Commission c/o Jeffrey C. Cohen, Acting Secretary, Public Service Commission, New York State Senator John J. Bonacic, and New York State Assemblyman Claudia Tenney.

All in favor – Aye – motion carried

Yours truly,

Noreen Dechon
Village Clerk