

Western Queens Power for the People Campaign

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Sent Via Electronic Mail and/or FedEx

February 28, 2007

Hon. Jaclyn A. Brillling
Secretary
NYS Department of Public Service
3 Empire State Plaza
Albany, NY 12223-1350

Eleanor Stein
Administrative Law Judge
NYS Public Service Commission
3 Empire State Plaza
Albany New York 12223

Re: CASE 06-E-0894 – Proceeding on Motion of the Commission to Investigate the Electric Power Outages in Consolidated Edison Company of New York, Inc.’s Long Island City Electric Network.

Dear Secretary Brillling and Judge Stein,

Enclosed are formal comments from the Western Queens Power for the People Campaign on the Dept. of Public Service Staff’s Report on its investigation into the electric outages in Consolidated Edison Company of New York, Inc.’s Long Island City Network, entitled Department of Public Service Staff Report on its Investigation of the July 2006 Equipment Failures and Power Outages in Con Edison’s Long Island City Network in Queens County, New York.

We are grateful for this opportunity to share our formal comments with the NYS Department of Public Service on its investigation into the July 2006 power outage that affected our community. We deeply appreciate the efforts of all your staff to create this comprehensive report.

Sincerely yours,

Molly Charboneau
On behalf of Western Queens Power for the People Campaign

cc: Active Parties
Enc.

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*COMMENTS ON THE NEW YORK STATE DEPARTMENT OF
PUBLIC SERVICE STAFF REPORT ON ITS INVESTIGATION OF
THE JULY 2006 EQUIPMENT FAILURES AND POWER OUTAGES
IN CON EDISON'S LONG ISLAND CITY NETWORK IN QUEENS
COUNTY, NY.*

Introduction

The Western Queens Power for the People Campaign (PFP) was launched on July 22, 2006, by residents and workers in the diverse, multi-ethnic communities of Sunnyside, Woodside, Astoria, and Long Island City, which were affected by the July 2006 Con Edison (the Company) power outage. Since then, PFP volunteers have petitioned, held public meetings, and mobilized for and testified at public hearings on the power outage. We organized ourselves in direct response to the *civilian disaster* that struck our area as a result of the power outage of July 2006.

In August 2006, PFP became an “active party” to the NYS Public Service Commission (PSC) Staff investigation of the outage to bring our communities’ combined voices to the proceedings and to continue our fight for justice, for an economic and public-health impact study, and for full compensation for un-reimbursed losses and damages stemming from the July 2006 Queens power outage.

As a result of Con Edison’s failure to provide safe and reliable electrical service, our community was endangered. *Being without electricity is inherently a dangerous situation.* In an age when the public depends on electricity for basic services such as communications, transportation, refrigeration, medical needs, climate control, etc., to be without power is a disaster.

In truth, our community experienced two disasters. The first was the lack of power itself and all the consequences we experienced as a result: no food, no lights, no elevators, no air conditioners, and closed businesses. The second disaster was the reckless disregard for public safety caused by Con Edison’s indifference, which exacerbated our suffering.

Con Edison has testified that, “First of all, a customer to us, as we described in the Report and in this discussion today, is a meter, is an account.”¹ This dehumanizing categorization of consumers testifies to Con Edison’s disregard for our welfare. Our community experienced traumatic stress, and real economic and health damages. Con Edison’s monumental failure to provide safe and reliable electrical service was the direct cause of our stress and damages.

PFP strongly supports PSC staff’s conclusion that Con Edison’s senior management either “failed or refused to comprehend the magnitude of the crisis... especially [its impact] on electricity consumers using the network.”²

As a result of Con Edison’s failure to act with discretion, care, and intelligence, PFP requests the PSC to call for a prudence hearing to determine appropriate punitive and corrective actions and appropriate compensation for our community.

Finally, nowhere nor at any time has Con Edison accepted even the slightest responsibility for the catastrophe that took place in Queens in July 2006, and this in itself is incredible.

¹ Testimony of John Miksad, October 26, 2007, PSC website, Transcript of Technical Conference before Judge Stein for review of Con Edison's reports, page 139.

² DPS Staff Report, page 2.

Following are Power for the People's comments on the February 2007 *NYS Dept. of Public Service Staff Report on its Investigation of the July 2006 Equipment Failures and Power Outages in Con Edison's Long Island City Network in Queens County, NY* (the Report).

Prudence Hearing

PFPP is alarmed by the fact that, “Absent a finding of imprudence by the Commission, customers will bear the full cost of all capital additions made to the Long Island City network as a result of the incident.”³

Unless the PSC holds hearings and finds Con Ed management was “imprudent” in its past spending, we, the customers and victims of the power outage, will have to pay “the full cost.” The PSC Report, along with state and city legislators and others, calls for prudence hearings to evaluate Con Ed’s past spending because of “apparent lack of care demonstrated by the Company for the Long Island City Network, resulting damage to the secondary system, number of customers adversely affected, and the potential financial impact of this event on ratepayers.”⁴

PFPP supports this call for prudence hearings and intends to bring the community’s voice to the process. Con Edison’s top management and stockholders should bear the costs of this outage and LIC network repairs — not the people who live and work in the affected communities.

Our community has already suffered enough from days without power during the July 2006 heat wave. We have still not been reimbursed for millions of dollars in outage-related damages and losses (beyond spoiled food). (See Appendix D of DPS Staff Report.) We should not have to pay for repairs to a system that the Con Ed management neglected while its stockholders reaped dividends.

Underreporting of Affected Population

Con Edison’s lack of concern for public safety is most evident in its underreporting of the number of *people* without service. Con Edison has testified that, “we don’t count the number of people who live—number of people in a family or in an apartment or the number of people in a home.”⁵ *Accurate population estimates are necessary to mobilize an appropriate emergency response.*

The Report rightly notes that Con Ed continued to maintain “virtually the same outage count of about 2,000 customers” as late as Thursday, July 20. Given the multiple contingency events the network was experiencing for days, Con Edison’s continued insistence that the outage count numbered only “about 2,000” seems disingenuous at best, and possibly purposefully misleading.

The Report states that, because of Con Edison’s “grossly inaccurate customer outage estimate,” the Company “could not give public officials or the press accurate information about the extent of the outage problems, compromising relief efforts and public safety.” PFPP questions whether senior management at Con Ed “could not”—or *would not*—supply the press and public officials with accurate information about the extent of the outage.⁶

³ DPS Report, page 141.

⁴ DPS Report, page 132.

⁵ Testimony of John Miksad, October 26, 2007, PSC website, Transcript of Technical Conference before Judge Stein for review of Con Edison’s reports, page 139.

⁶ DPS Staff Report, page 23.

Con Edison has demonstrated enduring incompetence at counting customers without service. Con Edison was fully aware of this problem as early as 2004.⁷ Con Edison's reliance, during the outage, on a reporting system that it had already identified as inadequate is a clear example of its disregard for public safety.

The undercount is further exacerbated by the fact that Queens is the most diverse county in the United States, with immigrants from all over the world and many people who are not fluent in English. This population is historically underreported in census counts. Also, due to the extreme housing crisis in NYC, multiple families are known to occupy single apartments. Customer count is a grossly inadequate method to estimate populations in emergency conditions.

Con Edison's strategy of asking all those who had power to leave a light in their windows, so that the Company could count the homes without light, was highly unreliable.⁸ The Company appeared to take for granted that everyone in the area heard this request, which is unrealistic, and had only one van going through this entire section of Queens to count homes. Furthermore, those customers who complied with this request should not have been charged for any resulting electrical consumption and should be issued a credit for that usage.

Con Edison has asserted that: "A shutdown of the Long Island City network would have cut power to over 115,000 customers, and affected the lives of more than 1 million people..."⁹ How did Con Edison derive these figures if it does not count the people attached to an account? Using this ratio and Con Edison's estimate of 25,000 customers without service, it is possible that at least 225,000 people were affected by the outage. This is a much higher figure than the PSC estimate that Con Edison contests. It appears that Con Edison may be deliberately underreporting the extent of the crisis for its own purposes.

Refusal to Assess Low-Voltage Conditions

The PSC Report finds that Con Ed management has "made no attempt to assess how many customers were affected by low voltage or the impact low voltage had on customer equipment."¹⁰ Con Edison affirmed this finding in its comments to DPS that, "[t]he field surveys conducted by the Company during the event estimated only customers without power" and that "[t]he outage numbers we quote are outage, not low voltage."¹¹ PFP has repeatedly asked for this information throughout the investigation. *Con Edison's refusal to address the issue of low voltage is unacceptable.*

Regarding the DPS-commissioned telephone survey, it is unconscionable that Con Edison has objected to the justifiable inclusion of low-voltage customers to arrive at a more accurate

⁷ DPS Staff Report, page 62.

⁸ DPS Staff Report, page 27.

⁹ Poison, Jim, Bloomberg.com, 1/18/07, "Con Edison Mishandled Blackout Report Says," <http://www.bloomberg.com/apps/news?pid=conewsstory&refer=conews&tkr=ED:US&sid=aFG.ahaX3A.A>

¹⁰ DPS Staff Report, page 74.

¹¹ Con Edison Comments to DPS Staff Draft Report, January 31, 2007, Customer Counts Response, page 3.

determination of populations affected by the outage.¹² Customers with voltage so low that essential services were not working were *functionally without power*, and were at risk.

Con Edison's claims that low-voltage customers "had service" displays a callous disregard for public health and safety and either a game of semantics or a disconnect with reality. For example, the Sunnyside Community Services Center, a designated emergency cooling center, experienced low voltage during the outage. It was without elevators and air conditioning and had extreme heat conditions. As a result, *it was forced to completely evacuate*.¹³ A major customer listed as "having service" was in fact in crisis.

Con Edison has stated that 41,000 claims¹⁴ have been processed, far exceeding its estimates for customers without service. By reimbursing customers who experienced food spoilage as a result of low-voltage service, Con Edison has acknowledged implicitly that low-voltage customers experienced compensatory damages.

PFP calls upon the PSC to revise its guidelines to require that during an electrical outage Con Edison fully and accurately estimate:

1. total number of customers *fully* without service;
2. total number of low-voltage customers *functionally* without service; and
3. total number of the population affected.

All three figures must be available for both Con Edison and City emergency agencies to take appropriate actions.

PFP is also deeply concerned that Con Edison's refusal to acknowledge the service disruption experienced by low-voltage customers may lead to its misclassification of expenditures. PFP adamantly opposes consumers being charged for ANY expenses involved in bringing low-voltage customers back into full service. How can we be protected from this if there is no information on low-voltage customers? PSC must protect consumers from these dangers.

Assessment of Financial Damages Inflicted on Western Queens Small Businesses and Individuals (Economic Impact Study)

To date, absolutely no estimates have been released, by any source, on the financial damages experienced by our community as a result of Con Edison's failure to provide safe and reliable electrical service. Any re-examination of the existing reimbursement tariff would reasonably require an accurate assessment of the total economic damage resulting from the crisis.

PFP emphasizes that the businesses in the affected communities are *small, generally independently owned and operated businesses* that cannot afford—and whose continued existence is threatened by—setbacks of the kind they suffered as a result of the July 2006 outage, which was prolonged and lasted substantially longer than any previous outages in this area.

¹² Ibid.

¹³ DPS Staff Report, page 38.

¹⁴ DPS Staff Report, page 59.

Business losses went far beyond the \$7,000 allowance for food spoilage and included labor costs, lost revenues, damaged electrical equipment, and generator rental costs. Individuals lost computers, refrigerators, and wages, and incurred expenses for restaurant meals, hotels/motels, and/or medicine. These are real damages from an event that should have been avoided and are therefore deserving of compensation. (See Appendix D of the DPS Staff Report for examples of residential and commercial losses.)

The Department of Small Business Services and the NYC Economic Development Corporation offered Emergency Business Loans to prevent business failures. A tabulation of the total dollar amount of those loans would be just one way to assess a portion of financial damages our community experienced.

PFPP recommends the PSC conduct an appropriate survey of residential and business customers to obtain estimates of economic damages.

Reimbursements

PFPP would like it emphasized that many businesses and residents in the affected communities have not, to this date, been compensated monetarily for millions of dollars worth of losses and damages they suffered as a direct result of Con Edison's negligence, nor has Con Edison given any indication that it intends to make such compensation.

PFPP supports the recommendation by the NYS Attorney General's Office that: "Con Edison must provide reimbursement for electrical equipment damaged by the LIC network outages."¹⁵ PFPP also calls for compensation for additional damages such as lost wages and medical expenses that resulted from the outage. (See Appendix D of DPS Staff Report.)

Con Edison has asserted that it is the only utility company in the state that provides for any kind of reimbursement to customers for damages inflicted by a power outage.¹⁶ This statement is irrelevant and should in no way release Con Edison from full liability for damages that resulted from its failure to provide safe and reliable electrical service.

PFPP would like to see information explaining how the caps on reimbursement amounts were determined and the factors upon which they were based.

Assessment of Public Health Impact of Outage on Population (Public Health Impact Study)

"Many heat-stroke deaths are preventable," said Health Commissioner Dr. Thomas R. Frieden. "*Air conditioning can save lives*, particularly for the elderly who have medical problems."¹⁷ Elderly Western Queens residents without air conditioning were, therefore, left highly

¹⁵ NYS Attorney General's Office, Comments to DPS Staff Report, Recommendations, page 33.

¹⁶ Con Edison, Comments to DPS Staff Draft Report, January 31, 2007, Claims, page 21.

¹⁷ NYC Dept. of Health and Mental Hygiene, "Health Department Releases Report on Summer 2006 Heat Wave Deaths," press release (November 15, 2006).

vulnerable. As mentioned previously, the emergency cooling center in Sunnyside was itself without air conditioning.

Also, death from heat stroke is not the only heat-related illness that can occur. At one public hearing on the outage, an elderly gentleman testified that his wife required five days hospitalization as a result of the outage. This couple incurred expenses approximating \$10,000.¹⁸ This is only one example of the threats to public health our community experienced.

To date, there has been no investigation into the public health affects of this crisis. (A three-page NYC Dept. of Health “report” covered only three days of the two-week outage, and drew erroneous and misleading conclusions.) Distribution of ice and water did not reach the entire affected population. No investigation of the nature of hospital visits or 311 or 911 calls has been conducted for the entire time period of the crisis.

The Report states that Con Edison’s Public Affairs Organization’s failures “...made it difficult if not impossible, for people to make appropriate plans to take care of themselves, their families, their businesses, or their pets.”¹⁹ These failures led to financial losses and, most probably, negative health impacts, and are a notable example of how Con Edison’s actions directly jeopardized public health and safety.

The Report also states that Con Edison “could not give public officials or the press accurate information about the extent of the outage problems, compromising relief efforts and public safety.”²⁰ PFP submits that the Report may understate the possible extent to which public safety was compromised.

Therefore PFP strongly recommends that the PSC commission an appropriate non-profit or academic institution to examine the public health consequences of the crisis. All costs for this study and appropriate compensation for damages discovered as a result must be borne by Con Edison.

Technical Concerns

STAR Program. Customer calls to Con Edison along with calls from city officials and Con Ed crews go into a computer-based Emergency Control System. This information then goes to the *Outage Management System (OMS)* and the *System Trouble Analysis and Response (STAR)* program (which then estimates how many metered customers are out-of-service).²¹

Con Ed piloted the STAR program in Westchester in 1999, because it knew customers don’t usually call during a power outage. However, the Company had not yet implemented STAR—which uses a combination of call data with other parameters—in the Brooklyn/Queens operating area at the time of the July 2006 outage.

¹⁸ Testimony of Michael Davis, October 25, 2006 - 7:00 PM – PSC Transcript of Public Statement Hearing held at The Hellenic Center, Astoria, NY, page 24

¹⁹ DPS Staff Report, page 50.

²⁰ DPS Staff Report, page, 23.

²¹ DPS Staff Report, page 24, footnote 25.

The Report states that, because the STAR program had not yet been implemented in the Brooklyn/Queens operating area at the time of the outage “the metered customer outage information between Monday, July 17 and Thursday, July 20 was based entirely on calls received from consumers.”²²

The Report also notes that Con Ed reps “began to realize” that the Company’s initial count “might be inaccurate” on July 20, fully three days after the outage had begun.²³ Given Con Ed’s knowledge that the OMS was a sub-standard method for determining metered customer outage information, why did it take the reps until July 20 to suspect that their count was inaccurate?

The PSC staff found that the STAR program could have identified the severity of customer outages sooner than relying only on phone calls. PFP supports the Report’s recommendation that Con Ed implement the STAR program in all service areas by June 1, 2007.

Advanced Metering. “After the event, Con Edison commissioned a consultant to conduct a survey of 12 large urban utilities to obtain information about how . . . estimates of customer outages are determined, and how such estimates are communicated to the public.”²⁴ PFP submits that a study commissioned by Con Ed itself reflects a conflict of interest and cannot be considered objective or useful.

Most of the large utilities that were surveyed for the Con Ed report indicated that they relied on customer calls. Some also used automated methods such as advanced metering, which do not require a utility worker to read the meter. The Report recommends that Con Ed study the feasibility of installing fixed network, advanced metering in the Long Island City network and report to PSC staff within six months.²⁵

PFP has concerns about this recommendation. One reason utilities install advanced metering is to cut costs through laying off the utility workers who read the meters. Con Ed utility workers are often the community’s only direct, human connection with a huge utility monopoly operating from corporate offices in another borough. We don’t want to have fewer utility workers in our neighborhoods in Western Queens in the event of another power outage or similar emergency.

At the same time, advanced meters can potentially help consumers gauge usage patterns, which can be a valuable conservation tool. PFP therefore encourages such demand reduction options, but implemented in a way that preserves utility workers’ jobs and prevents layoffs.

Maintenance Issues. PFP agrees with the PSC investigation’s findings that “the overriding cause of the Long Island City network event was the Company’s failure previously to address a multitude of issues associated with its overall operation and maintenance of the network” and “its failure during the event to recognize and take effective action to limit the extent of cascading system damage and the resulting consumer impacts.”²⁶

²² DPS Staff Report, page 25.

²³ DPS Staff Report, page 25.

²⁴ DPS Staff Report, page 28.

²⁵ Ibid.

²⁶ DPS Staff Report, Section 6.1.

In other words, not only did Con Edison management maintain the LIC network poorly *before* the outage, but it also failed to recognize the magnitude of the emergency and take effective action *during* the outage—thereby damaging the secondary network that brings electrical power into homes and buildings in Western Queens. The Report states the severity of this damage “will only be discovered over time”—when the system is stressed during the summer of 2007 and beyond.

Utility Worker Safety. Utility workers got us back online. Con Ed’s experienced utility workers did a tremendous job under difficult, often dangerous conditions to bring our communities back online from the July 2006 outage. They were one of our few sources of information early in the outage. They are still hard at work making repairs all over the area. PFP supports Utility Workers Union Local 1-2’s technical recommendations, which would make this work safer and more reliable for our neighborhoods in the future. However, the line workers can only do maintenance and repairs when and where they are dispatched, and those decisions are made by Con Ed management.

Sample Analysis. Con Edison was directed to provide samples of cables and joints that *actually experienced faults* during the July 2006 outage for analysis as part of the PSC inquiry. Instead, the Company gave samples from “elsewhere on the failed primary feeders,”²⁷ so tests either had to be stopped or were inconclusive. The result? Our communities will never know what really happened to those cables during the 2006 outage. The PSC Report called this “an unacceptable oversight by the Company” and ordered Con Ed to develop a procedure to set aside *actual failed cables and joints* by the summer of 2007. However, PFP has to ask: Why didn’t the PSC mandate such a procedure after the Washington Heights outage, so Con Ed would have supplied the correct evidence in the July 2006 Queens outage?

LIC Network Still Vulnerable. The Report states that “the effect on the network from the incident may be lingering and not fully identified until the network is subjected to peak load conditions during the summer of 2007 and beyond.”²⁸ In other words, there could be more outages in 2007 (and even *after* that) in Western Queens communities during high-heat conditions because the LIC network is already damaged from the 2006 outage.

Financial Concerns

Network Budgeting. The PSC Report states, “Adequate infrastructure investment is one of the main functions Staff performs in a traditional rate case proceeding.” However, Con Edison “does not maintain budget and actual expenditures by electric network. This makes the task of examining actual expenditures by network impossible.” PFP agrees with the PSC recommendation that Con Ed begin budgeting by electrical network from 2008 on. However, that tells us nothing about the crucial period leading up to the July 2006 outage.

We have to ask: Why didn’t the PSC require Con Ed to keep such records by network before this? Wasn’t the Washington Heights outage in 1999 enough of a precedent to require this? Why

²⁷ DPS Staff Report, page 79.

²⁸ DPS Staff Report, page 140.

did it take another major network outage in July 2006 for the PSC to realize Con Ed's books were not sufficiently revealing, particularly since examining and evaluating this information is one of the PSC's main functions?

Capital Costs. "Staff expects that the costs related to the network failure will likely continue to be incurred for the foreseeable future,"²⁹ according to the DPS Staff Report. Customers should not have to pay for major network repairs with increased electric delivery rates.

PFPP is troubled to learn that, "... at the same time Con Edison was engaged in repairing event-related damage it was also using this opportunity to conduct upgrade and reinforcement work unrelated to the event."³⁰ We are deeply concerned that outage-related capital costs may become confused with routine expenses. Customers must be protected from absorbing the costs of repairs that result from Con Edison's failures.

As noted earlier, PFPP is also deeply concerned that Con Edison's refusal to acknowledge the service disruption experienced by low-voltage customers may lead to Company misclassification of expenditures, which could be passed on to the customer unlawfully.

Communications

PFPP is largely in agreement with and gratified by the Department of Public Service Staff Report's findings and recommendations concerning the gross inadequacy of Con Edison's communications with its customers, public officials, community-based organizations, the media, and the public at large during and after the July 2006 power outage. We note the following statements with which we strongly agree:

Con Ed's "lack of knowledge, understanding, or acceptance of the condition of the secondary system and the impacts on consumers led to, or perhaps was the result of, failures of communications within the Company. It also led to failures by the Company with regard to its communications with consumers, public officials, and the media, resulting in extreme hardships for affected consumers."³¹

"The Company should have known or made greater efforts to determine the severity of the impacts. Not only did this purported lack of information affect the Company's decisions, it also affected what consumers were told, which in turn adversely affected consumers to a much greater extent than was necessary. . . . Con Edison . . . needs to . . . communicate more effectively, both internally and externally, when system problems arise."³²

"Con Edison's performance was particularly deficient with respect to communications with consumers, public officials, and community organizations."³³

²⁹ DPS Staff Report, page 139.

³⁰ Con Edison Comments to DPS Draft Staff Report, January 31, 2007, Customer Counts Response, page 2-3.

³¹ DPS Staff Report, page 3.

³² Ibid.

³³ DPS Report, page 4.

“An inaccurate customer outage count permeated every aspect of the Company’s communications with its customers and others.”³⁴

PFPP believes, however, that the Report could go further in the following areas:

Impact of Inaccurate Information on Communications. “It should be noted that deficiencies in the Company’s communications efforts were mostly the result of a lack of accurate information. . . .”³⁵ This statement is somewhat misleading in that the Report refers earlier to Con Ed’s “*purported* lack of information”³⁶ [emphasis added] and also cites instances of poor or “sloppy” communications even when accurate information was available. See, for example, Sections 5.2.2.2 and 5.2.2.3, which indicate that Con Edison made little or no effort to regularly brief either public officials or community-based organizations, and Section 5.4, which points to severe inadequacies with the Company’s website.

The Report states that, “Based on information the City had received from elected officials and other contacts . . . the City went forward and prepared for a full-scale response on Thursday, July 20, without relying on the Company’s estimates.”³⁷ If the City was aware that a crisis was in progress, Con Ed should have been aware of same. The Company’s claims about being unaware of the extent of the outage seem disingenuous at best.

Impact of Poor Communications on Health and Economics. In determining whether or not to conduct a prudence hearing, we ask that the Commissioners particularly consider the Staff’s key finding that, “The Company’s failures, especially with respect to internal and external communications, led to extreme damage to the secondary system and extensive hardships for consumers.”³⁸ PFP would like it noted that those hardships both compromised people’s health and caused financial losses that the Company has not reimbursed to date and has indicated that it has no plans to reimburse.

Con Ed’s Investment in Communications. “Con Edison invested considerable expertise and resources in preparing its customer service and communication staffs to assist consumers. . . .”³⁹ Yet, as the Report states, Con Ed’s “employees did not have the appropriate information to carry out their jobs properly,”⁴⁰ indicating that the former statement needs more elaboration and details. How were these investments made? What evidence is there that Con Ed invested in a communications system that would serve the public?

“The Company dispatched its mobile van, equipped with information . . .”⁴¹ One van is not nearly enough to service an area as large as the one that was affected by the outage.

Briefings. PFP concurs with the PSC’s recommendation that Con Ed provide accurate

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ DPS Staff Report, page, 26.

³⁸ DPS Staff Report, page 9, fourth bullet

³⁹ DPS Staff Report, page 34.

⁴⁰ Ibid.

⁴¹ DPS Staff Report, page 35.

information to customers, public officials, and community-based organizations during an outage.⁴² We would add to that recommendation the need for Con Edison to also hold regular daily briefings with the residents of the communities affected by a power outage, as well as with the management of large, multi-family dwellings with elevators.

Getting Information to the Public. PFP notes that information on the “status of outages” in Queens County was given incompletely or incorrectly, containing little or nothing that would have been helpful to callers. In addition, the Report does not mention that, according to anecdotal evidence, Con Edison placed automated, pre-recorded calls to customers’ homes during the day, asking whether their power had been restored and giving them the option of pressing one of several keys on their telephone to indicate their response. When such automated calls are picked up by voice mail or an answering machine, with which many homes are equipped, they provide no information to the Company whatever about the extent of the outage, and may even give the false impression that the power is on when it is not.

It is not clear how Con Edison made its “out-of-service customers aware of the availability and locations, dates, hours, and amounts of ice to be distributed.”⁴³ The Report states that, according to Con Edison (per note 50), “the Company acted appropriately to assist consumers in preserving food . . .”⁴⁴ PFP asks just what those “appropriate” actions consisted of and what documentation Con Ed can supply as evidence of those actions.

PFP would like to see a recommendation that Con Edison send information pertaining to outage-related consumer issues—including where/how to get information, how to report service problems, what to do in an emergency, locations of cooling centers, where to get dry ice, etc.—to customers at the beginning of each summer as a matter of course.

⁴² DPS Staff Report, page 39.

⁴³ DPS Staff Report, page 47.

⁴⁴ Ibid.

RECOMMENDATIONS

1. PFP strongly supports the DPS Staff Report’s “recommendation that the Commission initiate a **proceeding to examine the prudence** of the Company’s actions or inactions...”⁴⁵
2. PFP calls on the PSC to mandate improved techniques to **adequately assess numbers of customers** as well as numbers of *people* affected by an outage.
3. PFP calls upon the PSC to mandate that Con Edison provide complete numbers for how many customers experience **low-voltage conditions**, of whatever degree, during an outage.
4. PFP calls upon the PSC to engage a neutral third party—such as an appropriate non-profit or academic institution—to conduct a comprehensive **public health impact study** of the power outage on our community. Con Edison should be required to pay for all related costs of this assessment.
5. PFP calls upon the PSC to conduct an appropriate **survey of the economic impact** of the outage on our community for the purpose of assessing appropriate compensation for damages. We further request that Con Edison be required to pay for a comprehensive **economic impact study** of the July 2006 power outage on our community, to be undertaken by a neutral third party, such as an appropriate non-profit or academic institution.
6. PFP calls upon the PSC to require **retroactive reimbursement** to all customers, individuals, or business, for all categories of damages suffered as a result of the outage.
7. PFP calls upon the PSC to **ensure the secure jobs of utility workers** in the event Con Edison installs fixed network, advanced metering in the Long Island City network.
8. PFP supports the **implementation of the STAR program** in all service areas by June 1, 2007.
9. PFP supports the recommendation that Con Ed **begin budgeting by electrical network** from 2008 moving forward.
10. PFP calls upon the PSC to mandate that Con Edison **provide heat wave / outage emergency preparedness information** to customers every summer as part of an ongoing public education program.
11. PFP calls upon the PSC to **protect consumers from outage-related expenses** misidentified as routine or related to low-voltage customer service repairs.

⁴⁵ DPS Staff Final Report, page 4.