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PUBLIC HEARING

Contract with Long Island Power Authority  
for Sale of Hydropower to Benefit  
Brookhaven National Laboratory

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January 19, 2010  
2:00 p.m.

One Independence Hill  
Farmingville, New York

B E F O R E :

KAREN DELINCE,  
Hearing Officer

MINUTES OF PUBLIC HEARING

Lisa H. Edelstein, RPR  
Court Reporter

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MS. DELINCE: We are ready  
to begin.

Good afternoon. My name is  
Karen Delince. I'm the corporate  
secretary of the New York Power  
Authority, NYPA. This public hearing  
is being conducted by NYPA to provide  
an overview and receive public  
comment on a proposed contract with  
the Long Island Power Authority,  
LIPA, for the sale of 15 megawatts of  
NYPA hydropower to LIPA to be resold  
exclusively to the U.S. Department of  
Energy as owner of Brookhaven  
National Laboratory.

Pursuant to Section 1009 Sub  
1 of the Public Authorities Law,  
notice of this hearing was published  
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Times of Middle Country. During the 30-day period prior to today's hearing, copies of the proposed contract and service tariff have been available for inspection at NYPA's office in White Plains, as well as NYPA's website.

Also pursuant to 1009 Sub 1 of the Public Authorities Law, notice of this hearing and copies of the proposed contract and service tariff were sent to Governor David Paterson; President Pro Tem of the New York State Senate Malcolm Smith; Speaker of the Assembly Sheldon Silver; Chairman of the State Finance Committee Carl Kruger; Chairman of the Assembly Ways and Means Committee Herman Farrell; Senate Minority Leader Dean Skelos and Assembly Minority Leader Brian Kolb.

If you plan to make an oral statement at this hearing and have not yet filled out the form at the

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sign-in desk, please do so now. I ask that you give copies of your written statement to the reporter and Ms. Frank at the sign-in desk before you deliver your comments. If your oral statement summarizes your written statement, both will appear in the record of the hearing.

The record of this hearing will remain open through close of business Friday, January 22, 2010 for the submission of any additional comments and statements. These should be addressed to NYPA's Corporate Secretary at 123 Main Street, 11P, White Plains, New York 10601 or may be faxed to (914)390-8040 or e-mailed to [secretarys.office@nypa.gov](mailto:secretarys.office@nypa.gov). Please see Ms. Frank on your way out if you have additional questions.

Full stenographic minutes of the hearing will be made available and they will incorporate any written

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submission into the record and they will be reviewed by our trustees. A transcript will be available at NYPA's office and on the website [www.nypa.gov](http://www.nypa.gov).

At this point I will turn the microphone, whatever microphone we have, over to Michael Tarney and he is NYPA's analyst in our marketing department and he will provide you with additional details of the proposed contract and service tariff. When he is done, I will call on the speakers one by one, so Michael.

MR. TARNEY: Good afternoon. My name is Michael Tarney. I'm a contract administrative analyst for marketing and economic development at the New York Power Authority.

A SPEAKER: Could you speak up, please? We can't quite hear you.

MR. TARNEY: I'm here today to present an overview of the proposed contract with the Long

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Island Power Authority or LIPA for the sale of 15 megawatts of NYPA hydropower to LIPA to be resold exclusively to the U.S. Department of Energy as owner of Brookhaven National Laboratory or BNL.

BNL has been receiving power from NYPA since 1982. The current contract provides for the sale of up to 77 megawatts of power and associated energy. According to BNL, the power provided by NYPA has saved it more than \$247,000,000 over the course of the contract, which has allowed new cutting-edge research projects to be developed. Such projects include the National Synchrotron Light Source, a world-class particle accelerator instrumental to developments in the nanotechnology and medical research fields, plus two other particle accelerators involved in high-energy physics research and space

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exploration studies, the Relativistic Heavy Ion Collider and the Alternate Gradient Synchrotron, respectively.

BNL, a major employer on Long Island, provides jobs for more than 3,000 employees and has an annual budget of \$500,000,000. The facility attracts scientists from all over the world, including many from New York research institutions and high-technology corporations. BNL is an important component of New York State's economy and is key to future technology growth and high-technology infrastructure in New York.

Based on NYPA's commitment of 15 megawatts of hydropower, BNL has begun construction of a new cutting-edge synchrotron light source to be known as the National Synchrotron Light Source II or NSLS-II. The design and engineering for NSLS-II is currently proceeding. NSLS-II is slated to be operational

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by 2015 and to be staffed by several hundred new Brookhaven employees. The research produced at BNL will continue to provide substantial benefits to industries within New York State that rely on high technology.

The hydropower would come from NYPA's St. Lawrence/FDR and Niagara Power Projects. The 15 megawatts of power and energy under this contract comprises 14 megawatts of unallocated St. Lawrence/FDR Project power recaptured by NYPA in 2003 from the block sold to the neighboring states as part of the St. Lawrence/FDR hydroelectric relicensing proceeding and 1 megawatt of unallocated Niagara Project power. None of the megawatts allocated to BNL would harm any other NYPA customer or upstate consumers. The allocation is approved for a 15-year term.

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In order to effectuate BNL's receipt of hydropower, the allocation will be made via a sale to LIPA for BNL's exclusive use. LIPA is a political subdivision of the State authorized to resell such power.

At their meeting of January 27, 2009, NYPA's trustees approved commencement of negotiation of the contract with LIPA to allocate 15 megawatts of hydropower for BNL's exclusive use.

The 15 megawatts allocation would be blended with market resources to meet BNL's requirements up to 77 megawatts.

Due to BNL's internal policy limiting energy purchase contracts to terms of no more than 10 years, the proposed contract is for 10 years with an option for NYPA to extend the agreement for an additional 5 years provided NYPA and LIPA receive prior authorization from BNL. LIPA will

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make the necessary arrangements to resell this hydropower allocation to the Lab in accordance with the NYPA/LIPA contract. In the event that BNL ceases to take the hydro allocation, the sale-for-resale agreement will terminate. The NYPA/LIPA contract is subject to a public hearing and approval by the Governor, as set forth in Section 1009 of the Public Authorities Law.

As Ms. Delince stated earlier, the Power Authority will accept your comments on the proposed contract until close of business Friday, January 22, 2010.

I will now turn the forum back over to Ms. Delince. Thank you.

MS. DELINCE: Okay. Thank you, Mr. Tarney.

I will now call on people who wish to make oral statements one by one and I will start with Mr. Bob Shand.

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MR. SHAND: This certainly is intimate. It was nice of you to provide us the opportunity to speak.

My name is Bob Shand. I'm the business manager of IBEW Local 1049. I represent over 3,500 men and women who work on the LIPA and National Grid properties and actually I have about 500 people who work in generation here on Long Island and although this may seem a conflict to our interest, I'm here in support of the proposal. I think it's good.

We've always, as a Local, we've always stood up for what's important and what's good for Long Island. We certainly think the Brookhaven National Lab is critically important to the economy on Long Island. This proposal will allow us to go ahead building that project and that will provide hundreds of jobs in its construction and another hundred more jobs -- hundreds of more jobs in

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the maintenance of the project while  
it's alive.

So with that, certainly with  
the Long Island economy in mind, on  
behalf of my Local, I'm standing here  
in support of this proposal today, so  
thank you.

MS. DELINCE: Thank you,  
Mr. Shand.

Next is Thomas Bermel.

MR. BERMEL: That was quick.  
Nobody else? How did I get up so  
quick?

Hello. My name is Tom  
Bermel, B-E-R-M-E-L. I live in East  
Patchogue. I'm not affiliated with  
any company or anything. I'm just a  
resident.

When I read this piece about  
a deal to bring down hydro energy  
from upstate New York down to Long  
Island to Brookhaven National Lab, I  
put together a few questions and I'll  
start shooting right now.

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Number one, what is the  
opinion --

MS. DELINCE: Excuse me. We  
are not here to respond to questions.  
This is not --

MR. BERMEL: I understand  
that. I now realize I will not get  
any answers to my questions from any  
representatives of LIPA or NYPA or  
BNL or anybody, but I'm just throwing  
it out there and putting in my two  
cents.

MS. DELINCE: Okay. You can  
put your questions on the record.

MR. BERMEL: That's fine.  
That's what I intend -- that's what  
I'm attempting to do.

Number one, what is the  
opinion on this deal of the LIPA  
watchdog?

Number two, who is the  
current LIPA watchdog? Is he  
sleeping in the doghouse? Where has  
the LIPA watchdog been hiding for the

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last few years ever since Gordian Raacke relinquished that title of LIPA watchdog?

What is the position of LILCO, d/b/a LIPA on this project? Who is that going to benefit?

Next, if they're going to try to import 15 megawatts from upstate new York and it's quite a coincidence that right here in Brookhaven Town Hall since the Town of Brookhaven went into the energy business with Caithness, that the Caithness Power Plant located only a few miles here from Town Hall, why wouldn't BNL contract with Caithness right down the street to buy the excess megawatts that Caithness will be producing and, again, there will not be any power lost in transmission?

What is the cost of these so-called hydro megawatts coming down from upstate? Again, questions that

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need to be answered.

If cheap hydropower can be brought down from upstate new York in this case for the Brookhaven National Lab, why can't it be brought down for the businesses and the ratepayers and the residents of Long Island?

LIPA's main mission for 10, 11, 12 years now ever since they have been in existence should be, and if I'm not mistaken in their charter, was to reduce the cost of electricity for the ratepayers. Under the previous administration of Richard Kessel, that mission has failed. Why would anyone with LIPA want to do business with Richard Kessel is beyond me. Where is the transparency?

While all these programs are nice, they're nothing more than Band-Aids and this also integrates with the recently announced proposed solar project out at the Pine

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Barrens. Again, why are we doing a project that -- solar project at the Pine Barrens when energy can be bought from Caithness? To do a solar project alone doesn't make any sense because energy would only be produced half the time. The sun is only out -- the sun is not out at night, so why not have a windmill project integrated with the solar project? That's a little common sense, but I don't know if that's -- I don't know if the elevator goes all the way to the top.

It's a sad state these days when our taxes are now surpassing our mortgage payments and now it's gotten even worse when our electric utility bills are surpassing our mortgage and our tax payments on a monthly basis.

The main thrust that I would like to also bring up here today is for LIPA to think in terms of long term and in the big picture because

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all these Band-Aids are nice, all these little programs are all nice and well but, as I said, they're all Band-Aids. How about the big long-term picture of an energy super highway from Niagara Mohawk downstate, down to Long Island with the expansion and upgrading of the transmission and delivery services? This would not only create hundreds of jobs and be good for the economy, as this previous gentleman said, it would reduce electricity bills, which is LIPA's goal or should be their goal.

Not only that, that will create expansion in jobs because companies that now pay thousands and thousands of dollars for monthly utility bills could use that money to expand their business, hire some new employees, spend money back into the local economy rather than give the money to an electric utility, but

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this is the business that the State wants to be in, so the State should take the long-term big picture approach. This has got to stop, these high utility bills, especially electric bills have got to stop. Bringing down hydro energy from Niagara Mohawk or what I guess is now National Grid, they have the capability to bring all the hydro energy that we need down here on Long Island. Instead of all that energy going to Michigan and Ohio and Indiana, let's bring some of that back down here to New York where it's produced.

Thank you very much for a few minutes.

MS. DELINCE: Thank you.

Is there anyone else present who would like to make a statement? Well, we'll stay here until 4:00, this ends at 4:00, in case anybody else comes along and wants to make a

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statement.

(A recess was taken.)

MS. DELINCE: Having no one else present who wishes to make an oral statement, this meeting is officially closed. Thank you.

(Time noted: 4:00 p.m.)

o o o

(Time noted: 7:00 p.m.)

MS. DELINCE: Good evening.

My name is Karen Delince. I'm the corporate secretary of the New York Power Authority, NYPA. This public hearing is being conducted by NYPA to provide an overview and receive public comment on a proposed contract with the Long Island Power Authority, LIPA, for the sale of 15 megawatts of NYPA hydropower to LIPA to be resold exclusively to the U.S. Department of Energy as owner of Brookhaven National Laboratory.

Pursuant to Section 1009 Sub 1 of the Public Authorities Law,

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At this point I will turn it  
over to Michael Tarney, NYPA's  
analyst contract administrator from  
marketing.

Thank you.

MR. TARNEY: Good evening.  
My name is Michael Tarney. I'm a  
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At their meeting of January 27, 2009, NYPA's trustees approved commencement of negotiation of the contract with LIPA to allocate 15 megawatts of hydropower for BNL's exclusive use.

The 15 megawatts allocation would be blended with market resources to meet BNL's requirements up to 77 megawatts.

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As Ms. Delince stated earlier, the Power Authority will accept your comments on the proposed contract until close of business Friday, January 22, 2010.

I will now turn the forum back over to Ms. Delince. Thank you.

MS. DELINCE: Okay. Thank you, Mr. Tarney.

I'd like to know, is there anybody here who would like to make an oral statement? Okay. Well, we will be here until 9:00 should

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anybody wish to speak.

(A recess was taken.)

MS. DELINCE: Having no  
speakers this evening, I declare this  
hearing closed. Thank you.

(Time noted: 9:00 p.m.)

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C E R T I F I C A T I O N

I, LISA H. EDELSTEIN, a Registered Professional Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



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LISA H. EDELSTEIN

January 19, 2010

Office of the Corporate Secretary  
New York Power Authority  
123 Main Street  
White Plains, NY 10601

**Subject: Hearing on Hydropower Plan for Brookhaven National Laboratory**

On behalf of Brookhaven National Laboratory (BNL), I'd like to express the entire Laboratory community's tremendous appreciation for the benefits that result from the low-cost electricity provided by the New York Power Authority (NYPA) and New York State (NYS). Throughout our 29-year relationship with NYPA, we have been able to maintain the economic vitality of the Lab with electricity rates that are lower than local sources of supply. We strongly support the continuation and expansion of the various NYPA programs designed to provide low-cost power, not just for BNL, but as a major economic development tool for organizations throughout NYS.

Brookhaven Laboratory is a major employer in the downstate region, with over 2,900 employees that include a high proportion of scientists, engineers, and technicians. More than 4,300 researchers from universities, industry and other research institutions come to BNL each year to use our facilities; approximately one-third of these visiting researchers represent New York State institutions.

NYPA low-cost power is crucial to the continued operations of our large science facilities and the success of our research programs. It allowed us to compete nationally for the National Synchrotron Light Source II (NSLS-II), a premiere world-class research facility. NSLS-II – with an estimated construction cost of \$912 million and an annual operating budget of \$150 million – will support more than 1,200 jobs during construction and 500 full-time employees when operational. This project has allowed BNL to retain key jobs that would have been otherwise lost to other areas of the country. In the future, BNL will be competing for another \$1 billion science facility called eRHIC and once again, our success will depend in large part on the availability of low-cost electric power.

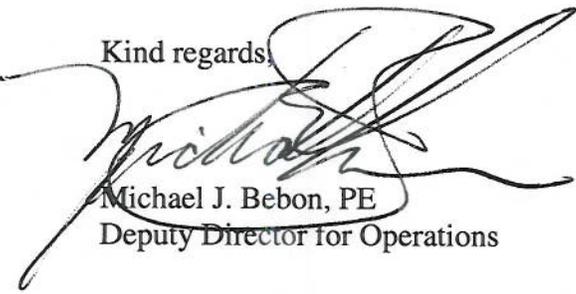
A BNL economic impact study illustrates the Laboratory's contribution to the NYS economy. For example, for the period of 1993-2003, the Lab's employees injected more than \$4.76 billion in direct spending into the New York State economy. This increased the state's output of goods and services by almost \$9.2 billion and created almost 79,000 secondary jobs in the state. BNL's annual impact on the NYS economy is currently estimated at \$1 billion/year. Going forward, BNL's activities are expected to create nearly 7,000 jobs annually. Further,

NYPA programs saved BNL over \$293 million in energy costs since the start of our relationship. These savings have largely been reinvested in NYS through construction projects, personnel, materials, and other services.

In our opinion, the NYPA is an extremely effective economic tool, and a tremendous asset for NYS. The availability of stable, low-cost power should be increased. This is even more important in this era of wildly fluctuating energy prices that wreak havoc on budgets and operations.

Once again, we would like to emphasize our strong support for NYPA and for the continuation of its economic development programs. We look forward to the opportunity to continue our exceptional 29-year partnership with NYS and the NYPA, a partnership that has created thousands of jobs, enabled groundbreaking discoveries and made New York state a place where great science and technology flourishes.

Kind regards,



Michael J. Bebon, PE  
Deputy Director for Operations

MJB/mt

cc: File: NYPA

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