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NEW YORK POWER AUTHORITY  
PUBLIC FORUM  
Proposed Increase in Westchester County  
Governmental Customer Rates

November 17, 2008  
10:30 a.m.  
at  
123 Main Street  
White Plains, New York 10601  
-----X

PRESENT: ANNE CAHILL  
Corporate Secretary

MARILYN BROWN,  
Manager of Market Analysis  
and Tariff Administration

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2 MS. CAHILL: Good morning. My name is  
3 Anne Cahill and I'm the Corporate Secretary  
4 of the New York Power Authority.

5 This public forum is being conducted  
6 by the Power Authority in accordance with  
7 the terms of the policy and procedure  
8 adopted by the Authority's Trustees in  
9 November 1990, which provide for the  
10 holding of public forums on all significant  
11 Authority production and transmission rate  
12 increase proposals; that is, increases of  
13 2 percent or more.

14 These forums are held in addition to  
15 the public notice and comment procedures  
16 required by the State Administrative  
17 Procedure Act and contracts with affected  
18 customers.

19 The purpose of this forum is to offer  
20 affected customers and the general public  
21 an opportunity to present data, views or  
22 positions concerning the proposed action to  
23 increase the Authority's rates for its  
24 Westchester County governmental customers.  
25 The record of the forum will assist the

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2 Trustees of the Authority in evaluating the  
3 proposed rate increase.

4                   Notice of the holding of a public  
5 forum on the proposed rate action was  
6 published in the Miscellaneous  
7 Notices/Hearings Section of the New York  
8 State Register on October 8, 2008.  
9 Customers were informed by direct mail of  
10 this public forum regarding the proposed  
11 rate modifications on August 22, 2008.

12           If you plan to make an oral statement  
13 this morning and have not filled out a card  
14 at the sign-in desk, please do so now. We  
15 ask that you give copies of your written  
16 statement to the reporter and me, either  
17 before or after you deliver your remarks.

18           Although your written statement can be  
19 whatever length you'd like, we would ask  
20 those presenting an oral statement to limit  
21 their remarks to 10 minutes. If your oral  
22 statement summarizes a written statement,  
23 both will appear in the record.

24           The record of this forum will remain  
25 open until November 24, 2008 for the

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2    submission of any additional comments or  
3    statements. These should be addressed to  
4    the Authority's Corporate Secretary at  
5    123 Main Street, 15-M, White Plains,  
6    New York 10601; or may be faxed to  
7    (914) 681-6949; or e-mailed to  
8    secretarys.office@nypa.gov. I will spell  
9    that; it's S-E-C-R-E-T-A-R-Y-S dot  
10   O-F-F-I-C-E at NYPA dot GOV.

11           Please see Ms. Johnson, the Assistant  
12   Corporate Secretary, on your way out if you  
13   have additional questions.

14           Full stenographic minutes of the forum  
15   will be made, and will be incorporated,  
16   along with the written submissions, into  
17   the record that will be reviewed by the  
18   Authority's Trustees.

19           Copies of the stenographic transcript  
20   of this forum are available to the public.  
21   You should contact the reporter to make  
22   arrangements to purchase such a copy. A  
23   copy of today's transcript will also be  
24   available for your review at the  
25   Authority's Corporate Secretary's office

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2   located at 123 Main Street, White Plains,  
3   and on the Authority's website.

4               At this point, I will turn the  
5   proceedings over to Ms. Marilyn Brown, the  
6   Authority's Manager of Market and Tariff  
7   Administration, who will describe the  
8   proposed rate increase for the Authority's  
9   Westchester County Governmental Customers.  
10   I will then call on speakers, starting with  
11   any elected officials.

12               Ms. Brown.

13               MS. BROWN: Good morning. My name is  
14   Marilyn Brown. I am the Manager of Market  
15   Analysis and Tariff Administration at the  
16   New York Power Authority.

17               I am here today to present an overview  
18   of the proposed modifications to the 2009  
19   production rates for the Authority's  
20   Westchester County governmental customers.

21               The Authority provides electricity to  
22   104 governmental customers in Westchester  
23   County, which includes the County of  
24   Westchester, school districts, housing  
25   authorities, cities, towns and villages.

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2   The County of Westchester is the largest  
3   single customer, accounting for about  
4   36 percent of revenues.

5           The basis of providing services is  
6   contained in the Supplemental Electricity  
7   Agreements that were approved by the  
8   Trustees at their December 19, 2006  
9   meeting, and signed by all 104 customers.

10          These Agreements provided that, among  
11   other things:

12           • The Authority can modify the  
13   Westchester Customers' rates at any time  
14   based on a fully supported pro-forma  
15   cost-of-service, and in accordance with the  
16   State Administrative Procedure Act process,  
17   subject to review and comment by the  
18   Westchester Customers;

19           • The Westchester Customers agree to  
20   be full-requirements customers of the  
21   Authority through December 31, 2008;

22           • The Westchester Customers may fully  
23   terminate service on one year's written  
24   notice, which cannot be effective earlier  
25   than January 1, 2009;

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2                   • And beginning in 2007, the Energy  
3 Charge Adjustment, or ECA, mechanism would  
4 be reactivated. The ECA is a monthly  
5 charge or credit that reconciles the actual  
6 variable costs with the Tariff revenues.

7                   At their meeting of December 18, 2007,  
8 the Trustees adopted the current 2008 rates  
9 with approval of a 15.05 percent production  
10 rate increase over 2007 rates.

11                  Consistent with the Authority's past  
12 rate-making practices and with the  
13 rate-setting process set forth in the  
14 agreements, the proposed increase is based  
15 on a pro-forma Preliminary 2009  
16 cost-of-service. Authority staff informed  
17 the customers of the projected increase in  
18 early 2008, with updates throughout the  
19 year.

20                  Under the Agreements, the Authority  
21 must provide at least 30 days' notice to  
22 the Westchester customers in advance of any  
23 proposed increase to allow opportunity for  
24 their review and comment.

25                  This notice was sent to all

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2   Westchester Customers on August 22, 2008,  
3   and Authority staff has been responding to  
4   Westchester customers' questions regarding  
5   the cost of service.

6           Based on the pro-forma preliminary  
7   2009 cost-of-service for the Westchester  
8   customers of \$67.8 million, and expected  
9   revenues at current production rates of  
10   \$47.8 million, the resulting projected  
11   revenue deficiency is \$20 million.

12           The primary cost component, energy  
13   purchases, totals \$61 million, accounting  
14   for 90 percent of the total production  
15   costs and an almost \$20 million increase  
16   from 2008 levels of \$41.6 million. The  
17   higher-purchased power costs reflect the  
18   expiration of the Entergy agreement that  
19   supplied below-market-priced energy and the  
20   forecasted 2009 energy prices that are  
21   expected to be higher than 2008 prices.  
22   Therefore, staff recommended that the 2009  
23   base production rates be increased by  
24   41.77 percent over 2008 rates.

25           On a total-bill basis, the proposed

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2    increase would be 25 percent, on average,  
3    for the Westchester Customers. The  
4    pro-forma Preliminary 2009 cost-of-service  
5    for the Westchester Customers is summarized  
6    in Exhibit "A" of the September 23, 2008  
7    Trustee agenda item. Exhibit "B" of the  
8    agenda item shows the current and proposed  
9    rates. Copies of these two exhibits are  
10   available here today.

11            To address the recent volatility in  
12   the energy market, staff anticipates  
13   updating the Cost-of-Service to reflect  
14   current market conditions prior to Trustee  
15   approval of the final 2009 production  
16   rates. Staff also will inform the  
17   Customers of the results for their review.  
18   The final production increase will apply  
19   equally to both the base demand and energy  
20   rates.

21            As Ms. Cahill stated earlier, the  
22   Authority will accept your comments on the  
23   proposed rates through November 24, 2008.  
24   Authority staff will consider all concerns  
25   that have been raised at this public forum

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2    and in comments filed with the Authority  
3    before returning to the Trustees at their  
4    December 16, 2008 meeting to request  
5    approval of a rate modification for 2009.

6            After Trustee approval, the final 2009  
7    production rates will be incorporated into  
8    the Tariffs and become effective with the  
9    January 2009 bills.

10           We look forward to receiving your  
11    comments. I will now turn the public forum  
12    back to Ms. Cahill.

13           MS. CAHILL: Thank you, Ms. Brown.

14           We will now call on the speakers. If  
15    you speak, when you come up to speak,  
16    please say your name clearly and spell it  
17    for the reporter.

18           The first speaker is Jonathan Ross  
19    from Blind Brook School District.

20           MR. ROSS: Jonathan Ross, R-O-S-S. I  
21    work at the Blind Brook-Rye Union Free  
22    School District.

23           I am here, actually, in two  
24    capacities. I represent the Southern  
25    Westchester Business Officials Group, Lower

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2 Westchester, as their president this year.  
3 I am only here to more or less appeal to  
4 those present that represent the New York  
5 Power Authority, if there is any way the  
6 rates could somehow, in light of the  
7 current oil environment -- and I realize we  
8 are talking electricity, but it does affect  
9 your rates, as well -- if there is any way  
10 the consideration can be given to a lower  
11 increase, we certainly would appreciate it.

12           I hope you appreciate our dilemma in  
13 this environment. You might have read last  
14 week the school district is subject to cuts  
15 in aid from the state. While lower  
16 Westchester is not a big receiver of state  
17 aid, the hundreds of thousands of dollars  
18 that most school districts get, in some  
19 cases millions of dollars of school aid,  
20 that's being cut off this year. The budget  
21 is going to hit us hard this year, as well  
22 as perhaps in next year's budget.

23           We have a mandate to bring in a tax  
24 rate that I will call minuscule by  
25 comparison. We are talking

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2 budget-to-budget increases of no more than  
3 5 percent locally. These are tax rates  
4 that are incomparably low.

5           To receive a letter stating the  
6 production rates are going to increase by  
7 almost 42 percent is rather astonishing and  
8 mind-blowing for most of us.

9           Having said that, let me speak on  
10 behalf of the school district. I do  
11 receive my bill from the Town of Rye. We  
12 are not a direct customer of NYPA. For  
13 some years, going over the bills, ever  
14 since we have been billed, I do get usage  
15 in addition to the bill, so I don't think I  
16 am being cheated in any way.

17           I will tell you -- and I will read it  
18 aloud -- my bill, for the first ten months  
19 of 2008, as opposed to the first ten months  
20 of 2007 -- and I did acknowledge to  
21 Mr. Copeland (ph) that our usage might be  
22 up a tad -- but most of this increase is  
23 due to an increase in the rates that NYPA  
24 had presented last year, which I understand  
25 was in the vicinity of 25, 28 percent.

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2                   As of October, we have been billed for  
3 ten months in 2008 \$379,434.54. It doesn't  
4 sound like a lot, but to us, it is. We  
5 have a small school district. We have two  
6 buildings, plus a garage.

7                   Last year, we were billed for the same  
8 period \$263,644.68. So the differential is  
9 \$115,789.56, '08 to '07. That is a  
10 43.9 percent billable increase to the  
11 district, and we are struggling, as you  
12 might expect.

13                   I budgeted \$400,000 billed. I am at  
14 380 this year, so I will already be over  
15 budget.

16                   My Board of Education is aware that I  
17 am here today, as well as my colleagues,  
18 who I am here to represent, as well.

19                   The only thing I can say is, whatever  
20 you can do -- I have just learned something  
21 new today; that I might be able to  
22 negotiate on behalf of the school district.  
23 If that's the case, I'd like to know the  
24 process and be able to do that. Anything  
25 that I can do to keep the cost low helps me

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2    in the process, and it sure helps others,  
3    as well.

4            I appreciate Chris coming to see us  
5    this Friday. He has done it regularly over  
6    the years. And I appreciate the good  
7    service we get. We are never short of  
8    power by the New York Power Authority.

9            I am only saying it, and hopefully you  
10   will take my comments into consideration  
11   and somehow come in with an increase that  
12   doesn't hit us as hard.

13           MS. CAHILL: The next speaker is Mike  
14   Dalton, Executive Director of the Yonkers  
15   Parking Authority.

16           MR. DALTON: Thank you, everyone, for  
17   inviting me to this forum. My name is  
18   Michael Dalton, D-A-L-T-O-N, of the Yonkers  
19   Parking Authority, which operates  
20   40 facilities in the City of Yonkers, and  
21   is growing, as all of you know that read  
22   the paper. We are doing massive  
23   construction down there. One that's just  
24   getting underway now, we are doing LED  
25   lighting to save costs and what have you.

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2           Just like the gentleman said, a  
3 42 percent increase to the Yonkers Parking  
4 Authority -- by the way, you people can  
5 relate to authorities. You are one; I am  
6 one. I can't take this hit.

7           We are the last parking authority in  
8 the lower Hudson Valley. We do not cost  
9 the taxpayers a dime. They are all user  
10 fees, wherever they come from, whether a  
11 permit or someone putting it in the parking  
12 meter. That's the only income we get. We  
13 don't get money on tickets.

14           We can't afford to take this hit.  
15 It's just too big. I have to be very  
16 honest with you; I am doing the budget and  
17 crunching for next year. I just don't know  
18 what to do, to be very honest with you.

19           Liabilities, we are self-insured. Our  
20 liabilities keep going up since 1989 --  
21 excuse me. We are not self-insured like  
22 the city. We have to insure our  
23 facilities.

24           So all these things are going up.  
25 What used to be for liabilities, even in

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2 insurance, was \$1,000, what have you. All  
3 of a sudden, now, it is in the hundreds.

4           So I just wanted to express my  
5 feelings, and as the executive director and  
6 with approval of my Board and chairman, to  
7 come here and express that the Parking  
8 Authority be heard, along with the other  
9 people here.

10           Thank you very much.

11           MS. CAHILL: Thank you.

12           Was there anyone else here today who  
13 wanted to speak and didn't sign in?

14           (No response.)

15           MS. CAHILL: Was there anyone else  
16 expected who hasn't come?

17           (No response.)

18           MS. CAHILL: Thanks again, everyone.  
19 At this point, I will close this portion of  
20 the hearing and remind you that the record  
21 of this forum will remain open until  
22 November 24, 2008 for the submission of  
23 additional comments or statements. Thank  
24 you.

25                           (Time noted: 10:51 a.m.)

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

I, MARIE A. MARTIN, a Court Reporter  
and Notary Public within and for the State  
of New York, do hereby certify:

That the witness whose deposition  
is herein before set forth, was duly sworn  
by me, and that the within transcript is a  
true record of the testimony given by such  
witness.

I further certify that I am not  
related to any of the parties to this action  
by blood or marriage, and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 26th day of November 2008.

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MARIE A. MARTIN

<b>A</b>	<b>astonishing</b> 12:7 <b>August</b> 3:11 8:2 <b>authorities</b> 5:25 15:5 <b>authority</b> 1:2 2:4,6 2:11 3:2 5:16,21 6:12,21 7:16,20 8:3 9:22,24 10:2 11:5 14:8,15,19 15:4,7 16:8 <b>Authority's</b> 2:8,23 4:4,18,25 5:3,6,8 5:19 7:11 <b>available</b> 4:20,24 9:10 <b>average</b> 9:2 <b>aware</b> 13:16 <b>a.m</b> 1:7 16:25	<b>budget-to-budget</b> 12:2 <b>buildings</b> 13:6 <b>Business</b> 10:25	<b>contact</b> 4:21 <b>contained</b> 6:6 <b>contracts</b> 2:17 <b>Copeland</b> 12:21 <b>copies</b> 3:15 4:19 9:9 <b>copy</b> 4:22,23 <b>Corporate</b> 1:15 2:3 4:4,12,25 <b>cost</b> 8:5,12 13:25 15:8 <b>costs</b> 7:6 8:15,17 14:25 <b>cost-of-service</b> 6:15 7:16 8:7 9:4,13 <b>County</b> 1:4 2:24 5:9 5:20,23,23 6:2 <b>Court</b> 17:3 <b>credit</b> 7:5 <b>crunching</b> 15:17 <b>current</b> 7:8 8:9 9:8 9:14 11:7 <b>customer</b> 1:5 6:3 12:12 <b>customers</b> 2:18,20 2:24 3:9 5:9,20,22 6:9,13,18,19,20,22 7:17,22 8:2,4,8 9:3 9:5,17 <b>cut</b> 11:20 <b>cuts</b> 11:14
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