

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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February 4, 2013
Start: 2:17 p.m.
Recess: 2:28 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:
Charles Barron
Leroy. G. Comrie, Jr.
Karen Koslowitz
G. Oliver Koppell
Michael C. Nelson
Julissa Ferreras

CHAIRPERSON GARODNICK: Good

afternoon, and welcome to the Consumer Affairs Committee of the New York City Council. Today is Monday, February 4th. My name is Dan Garodnick. I have the privilege of chairing the Consumer Affairs Committee. I am joined today by Council Members Mike Nelson, Oliver Koppell, Karen Koslowitz, Charles Barron and Dan Halloran and Leroy Comrie, the sponsor of today's bill, and on the agenda for today is a vote on Intro 985-A, which is a bill that would require the mayor's office of long term planning and sustainability to conduct a study to assess the utilization of underground power lines in the city, including locations where it would be advantageous to move above ground lines below ground, locations where underground power lines could potentially result in an increase in power outages and the cost of moving above ground power lines below ground. I am going to recommend an aye vote on this bill for a couple of reasons. First, and then we are going to give the sponsor of the bill an opportunity to explain it, but we all know that Con Ed customers whose homes are served by above ground power lines

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2 are always susceptible to power outages caused by
3 downed trees on power lines. Two weeks after
4 super storm Sandy, the city had gotten over 15,000
5 requests to remove downed trees, and it makes
6 sense to identify those locations where
7 undergrounding of power lines is feasible and
8 indeed where undergrounding may actually reduce
9 the risk of outages and/or repair costs during and
10 after any future storms. It is worth noting that
11 in the middle of the storm, Con Ed was projecting
12 four days to restore power for those with
13 underground power lines and a week for those who
14 had power lines above ground. Second, it's worth
15 noting that during last month's post hurricane
16 Sandy hearing in this committee, it became clear
17 that the power companies and the city have less
18 than optimal communications with one another
19 regarding tree removal before power can be
20 restored to a given home. That system that they
21 currently have in place is confusing and may
22 potentially lead to outages that are longer than
23 necessary. We are counting on them to improve
24 their processes, but we also want to do our best
25 to minimize the issue in the first instance. So

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2 with that, I'd like to turn the microphone over to
3 Council Member Comrie for his remarks on his bill,
4 Intro 985-A.

5 COUNCIL MEMBER COMRIE: Thank you,
6 Mr. Chair. I want to thank all of the members and
7 the Speakers Office, Rachel Cordero [phonetic],
8 Damien Butvick, - - for working on this
9 legislation, and I want to thank the mayor's
10 office for long term planning and sustainability
11 to understand their opportunity to find the
12 benefits of making sure that there is a study to
13 be done to see how the city's underground power
14 lines and to create an opportunity to put power
15 lines underground. To the extent that we
16 understand the nature and the presence of how
17 weather will be, and the fact that now 20 year
18 storms are coming up every 2 years, it is
19 important that we start to look to hardening and
20 hardwiring our power lines—that we do everything
21 necessary to ensure that there is an opportunity
22 as you said to ensure that our emergency
23 communications, that our emergency contacts, that
24 the ability of agencies to work throughout power
25 outages is something that we should be able to

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2 achieve as a city. I think that this legislation
3 will help create that to ensure that weather
4 related outages and general network reliability,
5 but even more so to make sure that we start
6 looking especially in the outer boroughs that are
7 always hit the hardest by these types of storms
8 because 90 percent of our power is above grounds
9 lines where they can start looking at
10 systematically reducing that risk by putting lines
11 underground, by putting feeders underground, by
12 doing more with putting transformers underground
13 because it can be done and while the utilities
14 kept giving us the concerns about the cost if it
15 was done incrementally if it was done after every
16 storm, it could be done over time, and this is not
17 something that is going to be done in one or two
18 years. It is going to take time, but if we can
19 start focusing on hardening our emergency
20 resources and making sure that our emergency
21 services can work, we can move from there. I want
22 to thank all of the members that signed on the
23 bill. I hope that everybody understands the
24 nature of it, that we are looking to try to create
25 a system that can sustain storms that are going to

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2 be coming every 2 years, not every 20 years. We
3 would hope that—you know, I was just out in the
4 Rockaways last week again, and the devastation
5 that is still out there because there is a mixture
6 of utilities that are involved in repairing.
7 Right now we have a situation where neighborhood
8 projects in that area that need to have lighting
9 can't get lighting because they don't even know
10 who to reach out to do the lighting on the
11 property. Those kinds of situations can be
12 resolved by hardening the power lines and making
13 sure that we don't have to worry about—just
14 because there is a 60 mph wind, we are going to
15 lose communications throughout an entire area. I
16 would encourage all of the members to pass this
17 bill and convince others that the reality of the
18 new world is here, and we need to be better
19 prepared for it. Thank you, Mr. Chair.

20 CHAIRPERSON GARODNICK: Thank you,
21 Council Member Comrie. Are there other members of
22 the Committee or otherwise who wish to make any
23 comments? Council Member Halloran?

24 COUNCIL MEMBER HALLORAN: Thank
25 you, Mr. Chair. I am here today to support your

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2 efforts. As you know, my council district has had
3 15,000 homeowners plus in each of the four major
4 storms over the last five years lose power. In
5 fact, for 15 days 10,000 people did not have power
6 following super storm Sandy in my district, and
7 when you realize that this has happened now in the
8 microburst tornadoes, Hurricane Irene, Hurricane
9 Sandy and the winter storm we had in 2010, it does
10 not seem reasonable to me for Con Edison to tell
11 me that the repair costs to bring in thousands of
12 workers from out of state at overtime rates to
13 restructure overhead lines is in some way not as
14 cost effective as having simply started the
15 process of moving them underground, and while I
16 recognize that this is incremental and Chair
17 Comrie is completely right when he says this is a
18 long term project. It is a long overdue project.
19 I'll also make one other point. Con Edison in the
20 city of New York has a veritable monopoly on the
21 use of power and as a result, they are able to
22 make—and to their credit—millions of dollars per
23 year in money for their corporation, which comes
24 back to their stockholders. Well, they are given
25 that unique situation of a monopoly in a trust, in

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2 a trust form with the public service commission,
3 and that obligation is that they are delivering to
4 the citizens of the city of New York the best
5 possible service. It is clear that to this point
6 they have not delivered the best possible service
7 to residents in Staten Island and Queens in
8 particular, and I will mention my colleague,
9 Council Member Ulrich, who saw both in Breezy
10 Point, the near Rockaways, Bell Harbor and Howard
11 Beach an incredible amount of devastation and a
12 lack of ability to combat when our power lines
13 went down coupled with our gas stations being able
14 to pump gas. Literally for three, four weeks
15 there were people without heat, hot water or the
16 ability to even turn on a portable device to get
17 information, and that is just not acceptable in
18 the 21st century in the greatest city in the world,
19 so I salute you for having gone forward with this,
20 and I hope that one day the bills that Council
21 Member Crowley and I introduced requiring
22 underground lines will be the next step of this so
23 that we can force Con Edison to take its
24 responsibility as a good corporate partner with
25 the city to do the right things for its citizens

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2 and not to lay the price tag of that on its
3 citizens as they are upgrading their necessary
4 grids. Thank you, Mr. Chair.

5 CHAIRPERSON GARODNICK: Thank you,
6 Council Member Halloran. Seeing nobody else, we
7 will ask the clerk to call the roll, and again, I
8 am recommending an aye vote. We thank Chair
9 Comrie for this introduction.

10 COMMITTEE CLERK: Kevin Pin,
11 committee clerk. Roll call in the Committee on
12 Consumer Affairs Intro 985-A. Council Member
13 Garodnick?

14 CHAIRPERSON GARODNICK: I vote aye.

15 COMMITTEE CLERK: Nelson?

16 COUNCIL MEMBER NELSON: Aye.

17 COMMITTEE CLERK: Barron?

18 COUNCIL MEMBER BARRON: Aye.

19 COMMITTEE CLERK: Comrie?

20 COUNCIL MEMBER COMRIE: Aye.

21 COMMITTEE CLERK: Koppell?

22 COUNCIL MEMBER KOPPELL: I'd like
23 to explain my vote, Mr. Chairman. Just briefly
24 while I fully support the bill and might note that
25 in my district particularly the Riverdale section

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2 we had very substantial outages. I personally did
3 not have power for 11 days after the Sandy storm.
4 I think the bill would be improved if there was
5 some discussion of how undergrounding will be paid
6 for, and I want to put on the record that that
7 issue has to be discussed in connection with any
8 program of undergrounding. There is no free
9 lunch, and somebody is going to have to pay for
10 it. We have to discuss—not we, but we if we are
11 around and whoever succeeds us because this is an
12 ongoing process, is going to have to discuss how
13 it's going to be paid for. There are various ways
14 Con Ed has discussed with me because we have
15 discussed this issue, having the individual
16 residents pay, that will cost many thousands of
17 dollars and probably for homeowners in my area
18 where it's relatively not a sense situation rather
19 an open situation with large residential plots, it
20 would probably cost \$100,000 a house, which people
21 are just not going to afford. Other alternatives
22 are that it will be spread among all the rate
23 payers. Another alternative might be to have the
24 main trunk lines paid for by the rate payers and
25 the connections to the houses paid by the

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2 homeowners, which would be more affordable. In
3 addition, there may be some subsidies available—
4 federal, state, local. It's a major, major issue.
5 You can't talk about undergrounding and not talk
6 about how it should be paid for, and
7 unfortunately, it's not part of the bill, but as
8 this study proceeds, I hope that that will be
9 added to the study. With that, I withdraw my
10 request and vote in the affirmative.

11 COMMITTEE CLERK: Koslowitz?

12 COUNCIL MEMBER KOSLOWITZ: Aye.

13 COMMITTEE CLERK: By a vote of six
14 in the affirmative, zero in the negative and no
15 abstentions, the item has been adopted. Members,
16 please sign the Committee Report.

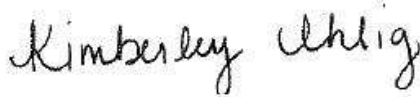
17 CHAIRPERSON GARODNICK: Thank you
18 very much. Again, thanks to Council Member Comrie
19 and with that, this Committee is adjourned.

20 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. 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.

Signature

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.Date 2/20/13