

ROCKY POINT CIVICS ASSOCIATION FEBRUARY MAY 2014

Email FREE to Members
\$2 Non-Members

CIVIC SPEAKER— DR. RING ROCKY POINTS UFSD SUPERINTENDENT

INSIDE THIS ISSUE:

Resolutions April and Discussion Items for May	1
Farmers' Market Nutrition	2
Dr. Ring: Speaker	3
Events Page and Information Page	4
Neighborhood Watch Page	5
NYSED Regents Foundation in Democracy criteria	6
Attachments: Minutes and TOB Intervene	7+

2015 Meeting Dates: First Tuesdays

May 5

June 2

July 7

No August

September 8

October 6

November 3

December 1

ROCKY POINT CIVIC ASSOCIATION MEETING MINUTES;

Resolutions below with full report attached:

Girl Scout Kelly McCauley asking for a donation for a buddy bench she is building for the JAE school. This will be for her Gold Award. Motion by Susan Wilson, seconded by Joe Cognitore and passed by those present to donate \$50.

A motion to donate \$300 to the VFW was made by Susan Wilson and seconded by Roland Jackson and passed by those present. Joe Cognitore thanked the Civic for their donation and shared some of the recent donations they made to local wounded warriors.

January 6, 2015 The town board has changed work session and meeting days, times and dates for the remainder of 2015. Work sessions are now on Mondays at 2 PM and Town Board meetings are now on Thursdays start time remains 5PM.

May Discussion Items:

Caithness II: Power Plant

- ◆ Possible inappropriate use of public money by Industrial Development Agencies. This is of interest to Port Jefferson because the Brookhaven IDA is putting Port Jefferson at a disadvantage by providing tax breaks to Caithness II in Yaphank, which will discourage repowering Port Jefferson (This inequity also violates the IDA's charter).
- ◆ Article 78 lawsuit against the Brookhaven IDA (and a separate suit against Brookhaven Town for their very poor environmental document that supported the Caithness II power plant).
- ◆ NYS intervening in the calculation of why and if to give a go-ahead to Caithness II.
- ◆ Newsday articles to be presented
- ◆ Recommendation to defer to the Ad-Hoc Rocky Point Civics Association Land Use Committee for a full report within 60 days to the community

◆ Membership Dues: Adding \$5

◆ Motion to Intervene Public Service Commission regarding PSEG LI by the Town discussion (see attached)



2015 Volunteers

Rocky Point Civic
Association

President - Kathy Weber

Vice President - Al Hanson

Treasurer - Susan Wilson

Recording Secretary—Open
Position

Corresponding Secretary Pat
Adamko

Sergeant at Arms - Charles
T. Bevington, Ed.D.

Membership Secretary Open
Position

Trustees -

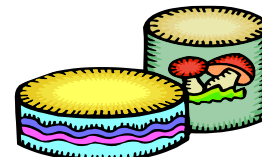
Rory Rubino,

Virginia Heslin,

and Susan Bevington

**Call for members' \$10
Annual and \$15 Family
Dues Renew Now—
PLEASE RENEW NOW**

BRING PANTRY ITEMS TO
EACH MEETING...



Rocky Point Farmers Market: May through the Sunday before Thanksgiving.
Find more info at www.rockypointfarmsmarket/Wordpress.com Sundays
8AM—1PM May through Nov

WIC & Senior Farmers' Market Nutrition Program

The New York State Farmers' Market Nutrition Program (FMNP) provides checks to low-income, nutritionally at-risk families enrolled in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Senior Nutrition Programs. The checks are redeemable for fresh fruits and vegetables at participating farmers' markets. The purpose of the program is to promote improved nutrition through increased consumption of locally grown fresh fruits and vegetables. It is also intended to expand sales at farmers' markets. The Department collaborates with the New York State Department of Health, the New York State Office for the Aging, and Cornell Cooperative Extension in administering the program.

Farmers must sign up annually with a manager of the market(s) in which they plan to participate. Farmers will receive participation materials from the Department after we are notified by the market manager. There is no fee to participate. WIC clients receive benefits automatically provided that their local WIC agency participates in the Program. FMNP checks are issued one per household, not by individual.

Seniors receive their FMNP checks from local senior centers. Eligible seniors must be at least 60 years of age and be receiving benefits through Social Security, public assistance, food stamps, HEAP, or section 8 housing or earn less than \$1,670 per month for a single senior or \$2,246 for a couple.

For more information on participation in the Farmers' Market Nutrition Program and how to redeem FMNP checks, please contact us at Farmers-Markets@agriculture.ny.gov.

WIC Vegetables and Fruits Checks at Farmers' Markets

The WIC Vegetables and Fruits Check Program (WIC VF) is the program started in 2009 that provides WIC moms and kids with monthly checks of \$6.00 for kids and \$10.00 for moms. These checks can be used either at grocery stores or farmers markets to purchase fruits and vegetables. To participate in this program farmers must fill out an application and agreement in addition to their FMNP application and attend annual training specifically for the WIC Vegetables and Fruits Check Program. The application and agreement are in effect for 3 years at which time the farmer must complete a new application and agreement. <http://www.agriculture.ny.gov/AP/agservices/marketing.html>

“A new nine-year contract between the Rocky Point school district and its teachers union ties future raises to a formula based on the district's state-imposed tax cap – an approach believed to set a statewide precedent,” officials said last year.

"We know the tax cap is there and it is not going away," Rocky Point Superintendent Michael Ring said. "And we have to recognize that the tax cap has...This is impressive—

Want to find out more? It is not a little red schoolhouse anymore! Come to the Civics meeting Tuesday May 5th at 7:30 PM at the VFW on Main St.



BUDGET Time The Vote is May 19th



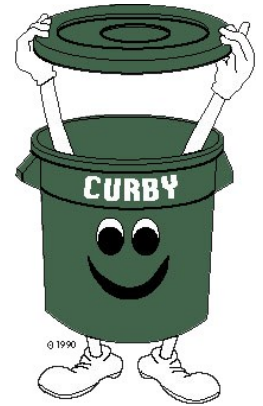
The Rocky Point Civics Association invites all citizens and especially students to spend one hour each month on the first Tuesday with our association and members to participate in democracy in action.

Tuesday, May 5th AGENDA

- Pledge of Allegiance 7:30 PM
 - Roll call of Officers and Trustees
 - Reading of Prior Minutes
 - Report of Officers
 - Report of Committees
 - COPE Report
 - Ad Hoc Land Use Committee
- Speaker 8:30 PM Dr Ring
New Business: Membership Dues
Adjournment 9:00 PM

Single Stream Recycling Reduces Costs

“Single-Stream” recycling means there will no longer be separate pick up days for various items. You can place your recyclables all in ONE CONTAINER. Every Wednesday please place all of your paper, glass, plastics, cans, cardboard into one container. Not only are we making it easier by allowing residents to use one container, but we are now accepting more recyclable items, including plastic containers labeled # 1-7. Y (Thank You Jane and Thank you Edward!)



Page 4

Events Page and Information Page

Public Educational Forum on Disposable Bag Pollution Hosted by the Village of Patchogue

Learn how disposable bags hurt wildlife, our waterways, and our communities

Single-use disposable bags litter our communities, waste natural resources, kill wildlife, and pollute waterways—prompting a global movement to get rid of these unnecessary and environmentally harmful bags. Policy makers from China to California to Italy, and even locally in East Hampton and Southampton, have banned plastic bags and promoted BYOB (Bring Your Own Bag) alternatives. Now, the Village of Patchogue is considering jumping on the bag "ban-wagon!"

The Village and CCE will be hosting a free public forum to discuss the impacts disposable plastic and paper bags have on our environment and economy, the ways in which bag bans have affected other communities, and tips on how to kick the disposable bag habit. Come learn everything you need to know about disposable bag pollution, and find out what you can do to help.

When: Wednesday, March 18, 7:00pm (previously scheduled for March 3)

Where: Patchogue Theater for the Performing Arts, 71 East Main Street, Patchogue, NY

This event is free and open to the public. Contact CCE

Who to call? List of important numbers

Police and Emergency: 911 and Address: 400 Middle Country Rd, Selden, NY 11784

Phone:(631) 854-8600 Non emergency 852-COPS

Fire Department(631) 744-2390

Dangerous road complaint? Pothole repair call Highway Superintendent Losquadro 451-9200, (631) 732-2584, fax

For Councilwoman Jane Bonner: 451-6964 phone 451-6447 fax councilwoman-bonner@brookhaven.org

For Supervisor Brookhaven Ed Romaine: One Independence Hill , Farmingville, NY 11738 (631) 451-TOWN

For NYS Assemblyman Anthony H. Palumbo District 2, 400 W. Main St., Suite 201, Riverhead, NY 11901 631-727-0204

Suffolk County Assemblywoman Sarah Anker, 620 Route 25A, Suite B, Mt. Sinai, New York 11766 631- 854-1600



Neighborhood Watch Page

COPE report for the Dec 2014 Civic meeting.

At the October COPE meeting the police concentrated on reports of ATV activity. ATVs can only be driven on private property with written permission of the owner. If you know where ATV activity originates please call the 7th precinct. Currently they are giving tickets and impounding vehicles. December report pending.

Join a Neighborhood Watch
Receive Emergency Notifications from the Suffolk County Code Red Emergency Notification System.
The Suffolk County Department of Fire Rescue and Emergency Services has contracted with Emergency Communications Network to license it CodeRED high-speed notification system. Suffolk will use this system to contact Suffolk Residents in the event of an actual or impending emergency. The CodeRED emergency notification system is a high-speed mass notification service that allows the Suffolk County Department of Fire Rescue and Emergency Services to deliver customized messages directly to Suffolk County homes and business. The CodeRED system also sends out high-speed emails and text messages to those residents who have enrolled additional contact information. CodeRED is an emergency notification service that allows emergency officials to notify residents and businesses by telephone, cell phone, text message, email and social media regarding time-sensitive general and emergency notifications. Only authorized officials have access to the CodeRED system.



Senate Coalition Leads Effort To Keep Our Children From Sex Offenders

New York, NY Feb 22, 2015– The New York State Senate Coalition today unveiled an alarming joint-investigative report, “Keeping Our Children Safe From Sex Offenders,” conducted by the offices of Independent Democratic Conference Leader Jeff Klein (D-Bronx/Westchester) and State Senate Majority Leader Dean G. Skelos (R-Nassau), which uncovered startling violations of residency restrictions and a major loophole in the law.

The joint-investigative report comes on the heels of a devastating New York State Court of Appeals ruling relating to Nassau County. As a result, the New York State Senate Coalition will immediately act on key sex offender legislation — including closing the major loophole in the law and allowing localities to strengthen residency restrictions.

“As the author of Megan's Law, I recognize that the recent Court of Appeals decision is a clarion call for New York to take whatever steps are necessary to protect our children from dangerous sexual predators. I thank the members of the Senate Republican Conference — who have been at the forefront of the state's efforts on these issues for years — for their ongoing commitment to common-sense measures that keep kids safe. I urge the Governor and our Assembly colleagues to join us in enacting a swift and smart legislative solution,” Senate Majority Leader Skelos said.

On February 17, the New York State Court of Appeals sided with a sex offender who completed his parole and moved within 500-feet of a Nassau school, in compliance with state law, but against local law. The court ruled that only the state, not a locality, is authorized to create residency restrictions for sex offenders.

When session resumes this week, the New York State Senate Coalition will pass the following legislation:

Allowing localities to fortify sex offender restrictions in ways that are no less restrictive than state laws (Senator Michael Venditto)

Requiring school districts to distribute information about a sex offender’s residence upon notification from law enforcement (Senator Kenneth LaValle)

Closing the loophole on the legal definition of a school to include Pre-K and Kindergarten (Senator Klein) Holding risk assessment hearings before a sexual predator is released into a community (Senator Tony Avella)

Tuesday, May 5th AGENDA

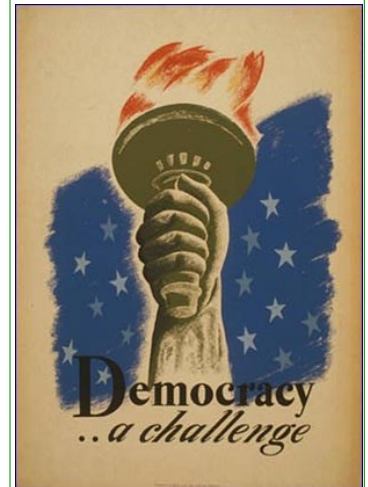
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Adjournment 9:00 PM

PARTICIPATION IN GOVERNMENT AND CIVICS

Grade 12: Participation in Government and Civics (NYSED Adopted 2014)

This New York State regents course aims to provide students with opportunities to become engaged in the political process by learning the knowledge and practicing the skills necessary for active citizenship. Participation in government and in our communities is fundamental to the success of American democracy.

12.G1 FOUNDATIONS of AMERICAN DEMOCRACY: The principles of American democracy are reflected in the Constitution and the Bill of Rights and in the organization and actions of federal, state, and local government entities. The interpretation and application of American democratic principles continue to evolve and be debated.



12.G1a Enlightenment ideas such as natural rights, the social contract, popular sovereignty, and representative government greatly influenced the framers of the Constitution and Bill of Rights.

12.G1b The Constitution created a unique political system that distributes powers and responsibilities among three different branches of government at the federal level and between state and federal governments. State constitutions address similar structures and responsibilities for their localities.

12.G1c Limited government is achieved through the separation of powers between three different branches. The system of checks and balances is part of this limited government structure at all levels of government.

12.G1d The rule of law is a system in which no one, including government, is above the law. The United States legal system has evolved over time as the result of implementation and interpretation of common law, constitutional law, statutory law, and administrative regulations.

12.G1e The powers not delegated specifically in the Constitution are reserved to the states. Though the power and responsibility of the federal government have expanded over time, there is an ongoing debate over this shift in power and responsibility.

12.G1f The Constitution includes a clearly defined and intentionally rigorous process for amendment. This process requires state and federal participation and allows the Constitution to evolve and change.

*Those who
stand for
nothing,
fall for
anything.*

*Alexander
Hamilton*

ROCKY POINT CIVIC ASSOCIATION MEETING MINUTES

April 7, 2015 ~ 7:30 PM

❖ **Salute to the Flag/Pledge of Allegiance**

❖ **Roll Call of Officers and Trustees**

Present:

- President - Kathy Weber
- Vice President-Al Hanson
- Recording Secretary TBD
- Treasurer Susan Wilson
- Sergeant at Arms Charles T. Bevington Ed.D.
- Trustee Virginia Heslin
- Trustee Susan Bevington
- Trustee Rory Rubino
- Membership Secretary TBD
- **Absent, Excused:** Honorary Trustee - Ann Reynen, Corresponding Secretary Pat Adamko

On a motion by Dr. Bevington and seconded by Joe Cognitore and passed by those present, the reading of the minutes of the January 2015 meeting was waived.

❖ **Report of Officers**

❖ **Treasurers Report:** Susan Wilson

April 7, 2015 Balances

- ❖ Checking \$1,351.01
- ❖ Savings \$1,901.54

❖ **Membership Report:** None

❖ **Corresponding Secretary Report:** Reported by President Weber

- **Relay for Life** is on June 13, 2015
- **Letter from Girl Scout Kelly McCauley** asking for a donation for a buddy bench she is building for the JAE school. This will be for her Gold Award.
 - ✓ Motion by Susan Wilson, seconded by Joe Cognitore and passed by those present to donate \$50 to Kelly.
 - ✓ In addition, \$10 cash was donated by Taste & See Thrift Shop for Kelly.
 - ✓ The civic will write a check for \$60 to Kelly and send it.
- Susan Wilk was instrumental in getting two signs for the bypass. They are the same size as the old ones. A \$25 permit fee will be paid.
- Letter from the TOB and Ed Romaine ABCO regarding misinformation on the ABCO site regarding casino revenue. All civic associations were copied on the letter to ABCO.
- Upcoming events: 360th Anniversary of the Town of Brookhaven on 4/13; Tax assessment info session on 4/21 at the Town center in Mt. Sinai; Sarah Anker is sponsoring a video contest – bullying awareness submissions –with a \$500 cash prize for 1st place.

❖ **Cope Report:** None

- ❖ **Land Use:** President Weber asked Al Hanson if he would take on the role of chairing the Land Use Committee. Al agreed but asked what the “charge” would be for this committee.

Kathy Weber shared that due to recent issues involving newly released sex offenders in our community, it would be a good idea to explore ways to appeal to real estate people to reduce issues of this type in the future. She shared that she did not believe DSS was at the root of the problem.

Dr. Bevington stated while this was a fantastic goal, it was a very broad goal. He suggested the following: 1) Contact the town to get a list of all vacant properties; 2) Develop liaisons with both Habitat for Humanity and the CDC; 3) Look into whether or not landlords have the proper permits.

Discussion followed and several members (Dan Gazzari, Al Hanson, Roland Jackson, Annette, Brian, Albert Hoppi) contributed to the conversation.

The committee will meet in the near future and report back to the membership.

- ❖ **Farmers Market Committee:** Dr. Charles Bevington

- Dr. Bevington shared that the market was approved for its 4th year and the \$243 fee was paid. The opening day will be on or about Memorial Day (perhaps a week later) and will run until November. There are about 20 vendors. Dr. Bevington would like to involve local students who could do unpaid internships at the market. In addition, the coupons for senior citizens will be available this year.
- Roland Jackson asked how the market works. Dr. Bevington gave an overview of the vendor structure and shared that the vendors pay \$125 per year for a table.
- Dr. Bevington stated that the market was looking to expand a little bit this year.

- ❖ **Guest Speaker—None this month** although there was a speaker scheduled for the May 5 meeting. Dr. Ring, Superintendent of Schools, will give an overview of the school budget.

Dr. Bevington suggested that a future speaker from BNL on the Intel Program would be a good idea as the Rocky Point UFSD does not have the Intel program.

Susan Wilson asked if BOE candidates would be invited to the May 5 meeting. Kathy Weber will reach out to the District Clerk for the names and invite them.

OLD BUSINESS

- ❖ Kathy Weber mentioned that the downtown grant window would be open shortly. She asked the membership to share their ideas on what we could include in this year’s grant proposal.
- ❖ Joe Saunders stated that the Sound Beach Civic as well as the Historical Society raised their dues \$5 for the current year. He asked that the Civic consider this. Dr. Bevington suggested that we either switch it for 2016 or let members know that if they pay after a date (TBD) this year, they would pay the increase.

- ❖ Kathy Weber talked about increasing participation at our meetings and mentioned that if we could figure out a way to make this online and interactive, it could draw additional participants.
- ❖ Member Tina Bogart suggested that we have either a school group or girl scouts volunteer to babysit (like what the PTA does now) so more community members could attend. Joe Cognitore said that we could use the downstairs room and suggested it would be for school-aged children. Kathy Weber will put this idea on Facebook and see if it is something that would increase attendance at future meetings.

NEW BUSINESS

- ❖ Rory Rubino discussed the upcoming “Garden Tour” and that we would need to get started ASAP. John Easterbrook already agreed to help with the advertising. This event would be at the end of June.
- ❖ The Historical Society will host a yard sale on 5/29 and 5/30 at the Noah Hallock House. This will go on the website.
- ❖ Albert Hoppi asked that the civic write a letter to the town about replacing the trash receptacles on Broadway as a part of the revitalization. He also asked that we ask the Town to set up a “maintenance fund” to keep up with the repairs.
- ❖ The Great Brookhaven Cleanup is scheduled for 5/16.
- ❖ A motion to donate \$300 to the VFW was made by Susan Wilson and seconded by Roland Jackson and passed by those present.
- ❖ Joe Cognitore thanked the Civic for their donation and shared some of the recent donations they made to local wounded warriors. He also shared that all VFW personnel volunteer their time.
- ❖ There is a VFW fundraiser on 4/25 at the Moose Lodge.
- ❖ Annette of Taste & See Thrift Shop shared that seniors get 10% off at all times.
- ❖ Kim from Jane Bonner’s office shared that she had brown recycle bags for yard waste if anyone was interested. She had more at the office if we run out.
- ❖ 50/50 was won by Joe Cognitore. He donated his \$32 winnings to Relay For Life. Susan Wilson will write a check and send it out to the American Cancer Society.

Motion to Adjourn

A Motion to Adjourn was made by Albert Hoppi and seconded by Dr. Bevington. Motion passed by members present.

Next meeting is scheduled for May 5, 2015



Town of
Brookhaven
Long Island

Edward P. Romaine, Supervisor

April 21, 2015

Dear Community Leader,

The Town of Brookhaven is the first town in New York State to petition to become an intervener in the three year rate proposal to increase electric rates and charges by LIPA and its service provider PSEG. The proposal would increase rates 4% for the next three years for a total of \$440 million.

Most municipalities are required to keep any tax increase under the 2% cap, yet LIPA/PSEG is requesting a 4% rate increase for each of the next three years. This rate increase will have a major adverse impact on the personal finances on the Town's residents and businesses.

It is important that the Town intervene in the public interest, particularly because the PSEG submissions to the Public Service Commission are incomplete and lacking "fundamental information with which to perform a meaningful analysis."

The Town's intervention will help protect its residents and businesses from economic harm that could be caused by this proposed rate increase. Rest assured as this rate increase proposal moves forward, I will keep you updated of the Town's effort to block it.

Sincerely,

Edward P. Romaine
Brookhaven Town Supervisor

Office of the Supervisor

One Independence Hill • Farmingville • NY 11738 • Phone (631) 451-9100 • Fax (631) 451-6677
www.brookhaven.org

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

-----X
BEFORE: Hon. Michelle L. Phillips, Administrative Law Judge
David R. VanOrt, Administrative Law Judge

MATTER NO. 15-00262 - In the Matter of a Three-Year Rate Proposal for Electric Rates
and Charges Submitted by the Long Island Power Authority and
Service Provider, PSEG Long Island LLC
-----X

MOTION BY TOWN OF BROOKHAVEN, NEW YORK
FOR PERMISSION TO INTERVENE

TO: The Secretary and Commissioners of the New York Public Service Commission:

Introduction

1. The Town of Brookhaven, New York (“Town”), Long Island’s largest (over 500 square miles) and second most populous (nearly 500,000 residents) Town, and a major electric ratepayer (\$6.4 million annually) seeks to intervene before the Public Service Commission (“Commission”) in pending proceedings upon the Application of PSEG Long Island (“PSEG” [a wholly owned subsidiary/division of publicly traded Public Service Enterprise Group, a New Jersey-based for-profit utility corporation]) which seeks approval of a three-year rate increase plan (the “Three Year Plan”). The Three Year Plan will increase electric revenues by more than \$440,000,000 over three years by, among other things, raising consumer delivery charges approximately 4% per year (notwithstanding the State-mandated 2% tax rate increase “cap” applicable to governmental subdivisions), and will have a major adverse impact upon the financial and personal welfare of the Town’s residents (one-third of Suffolk County’s and more than one-sixth of Long Island’s total) and businesses. As detailed below, permitting the Town to intervene pursuant to 16 NYCRR §4.3 is in the “*public interest*”, and will assist in creating a “*fair*” and a “*complete record*”, particularly since the staff of the Department of Public Service

itself has criticized PSEG's submissions as incomplete and as lacking "*fundamental information with which to perform a meaningful analysis*". In effect, PSEG is keeping the Commission "*in the dark*" as to the basis and justification for its planned rate increase.

The LIPA Reform Act of 2013

2. Under the LIPA Reform Act of 2013 (L. 2013 Ch. 173) ["Act"], PSEG assumed essentially complete operational control over the Long Island Power Authority ("LIPA"), a government owned utility formed in 1985 to acquire the assets of the former Long Island Lighting Company ("LILCO") in the wake of LILCO's disastrous investment in the eventually shuttered Shoreham Nuclear Power Station. Under the Act, public oversight over both PSEG's operations and, critically, its rate making policy is exceedingly limited. PSEG formulates and recommends budgets and rates to LIPA's Board and the PSC's role is a strictly advisory one, limited to providing, in effect, only non-binding recommendations upon PSEG's budgetary and rate increase plans. And, having been essentially stripped of the majority of its professional staff under the Act, the LIPA Board lacks the independent professional capacity to disagree with the PSEG's recommendations. Viewed in this statutory framework of the Act, the current rate increase proceeding before the PSC is the only, and a limited public check upon PSEG's otherwise unrestricted authority to establish LIPA's budgets and rates for Long Island's 2.9 million users.

Reasons Intervention Should be Permitted

3. Intervention by the Town is clearly in the "*public interest*" pursuant to 16 NYCRR § 4.3 because of the direct and substantial interest of the Town and its nearly 500,000 residents in assuring that PSEG's rates are "*set at the lowest level consistent with sound fiscal operating practices*". Public Service Law § 3-b(3)(a)(i).

4. PSEG's financial submissions and proffered economic justification for the excessive proposed rate increase have been criticized by the Department of Public Services' own legal staff as: (a) incomplete; (b) "*non-responsive*"; (c) "*severely imped[ing] Staff's ability to evaluate the information necessary to carry out its statutorily required review*"; (d) lacking "*fundamental information with which to perform a meaningful analysis*"; and (e) in "*contravention*" of the express directions of the Administrative Law Judges to provide the required supporting financial data needed to support the PSEG Application. Only when confronted with the DPS Staff's motion to the presiding Administrative Law Judges to compel financial explanations and details which PSEG had stubbornly and disturbingly refused did PSEG finally relent and grudgingly provide them.

5. The PSEG Application is the very first filed under the Act, and in the words of the DPS's own legal counsel, represents the "*first time in more than 20 years*" that a rate filing affecting Long Island electric customers has been reviewed by the [Commission]". Moreover, DPS Staff has acknowledged that it is "*not familiar*" with PSEG's "*mode of operation*", that PSEG's Application "*uses a different regulatory model*" which is unlike the utility applications which DPS staff has reviewed previously (because PSEG is New Jersey based), and must be reviewed in a "*timeframe [which] is shorter than normal*". These factors render it particularly appropriate for the Administrative Law Judges and Commission to permit the Town to elevate its role, in the "*public interest*", from mere "*commenter*", to "*intervener*" "*party*" with direct legal access to filings, rulings, decisions, and an opportunity to make its position, in the "*public interest*", and so to enable the Town to provide assistance in creating a "*fair*" and "*complete record*" which will be directly heard by the Administrative Law Judges presiding over the Application.

6. For more than twenty years, LIPA was a quasi-governmental agency established rates and terms established without public scrutiny. The Act was enacted to partially remedy the lack of public oversight and participation by empowering the Commission to review and make recommendations to LIPA concerning rate increase applications.

7. With DPS's professional staff itself having formally complained that it was being essentially "*left in the dark*" by PSEG's incomplete and opaque filings and lack of required financial disclosure (only belatedly provided under legal compulsion), this is a singularly appropriate case to allow intervention by the Town in the "*public interest*".

PSEG's Prior Inadequate Financial Disclosures

8. In February and March 2015 PSEG withheld critical financial information urgently requested by counsel for DPS and which must be reviewed in order to justify the rate hike. In a March 16, 2015 motion filed by DPS Staff Counsel against PSEG before the Administrative Law Judges presiding over the PSEG Application, which was later effectively withdraw upon claimed compliance (DMM File No. 39), DPS Staff Counsel complained about PSEG's failure to provide critical financial information to the DPS staff needed to evaluate the pending PSEG Application (DMM File No. 27). The DPS Staff's motion complained that PSEG failed, for long periods to provide critical information in response to numerous requests, provided "nonresponsive" information to others, and is "*hindering*" and "*impeding*" the DPS Staff's ability to evaluate the PSEG Application. In relevant part, the DPS staff had stated:

"Prompt and thorough response to Staff's discovery requests are always important but even more so here than as the case with normal rate filing of the investor owned utilities. This is the first time in more than 20 years that a rate filing affecting Long Island electric customers has been reviewed by the [Department of Public Service]; the [Department] is not familiar with PSEG Long Island's mode operation [and] the filing was made using a different regulatory model than that familiar to the Staff and used by electric

utilities throughout the rest of New York State and the timeframe to complete the process is shorter than the normal rate case process.... PSEG Long Island's reluctance to be fully responsive to the discovery requests made by Staff is severely hindering Staff's ability to fulfill its obligations to effectively review the [PSEG] filing.

* * *

.... The large number of outstanding requests issued by Staff severely impedes Staff's efforts to evaluate the information necessary to carry out its statutorily required review....

* * *

.... Significantly, [PSEG] alleges...that any 2015 historical budget data need not be provided because [PSEG] did not assume control of operations until January 1, 2014 and that any information prior to that date is not relevant to the case. To the extent that the implication [is] that this information is not available it would constrain credulity that [PSEG] did not have access to this information. These requests are essential to Staff because they seek information that relates directly to the core operative functions of [PSEG and LIPA] which would have a direct impact on the rate proposal under review.

* * *

.... The failure to timely respond and to timely notify the parties of a delayed response impedes Staff's review of the rate proposal. The failure to timely respond to the requests impedes and impairs Staff's ability to review the rate filing made by [PSEG/LIPA]...as may be necessary to gain a full understanding of a particular issue.

* * *

.... This filing signals a tremendous change in LIPA's operations as it continues to explore its relationship with [PSEG]. It is also the first time that DPS Staff is reviewing the authority's rates. Staff seeks to thoroughly conduct its review, however, cannot do so without the fundamental information with which to perform a meaningful analysis.

* * *

The Company has failed to provide responses to many information and document requests, many have not been timely responded to [at all], and some replies are non-responsive.... Moreover, and

consistent with the ALJ's March 6 direction, any notification that the Company cannot timely respond should include an explanation as to why it cannot do so."

9. Only when confronted with the DPS Staff's motion to the Administrative Law Judges to compel adequate financial disclosures did PSEG, grudgingly comply (See, ALJ's Order dated March 25, 2015 stating that the motion would not be decided by reason of PSEG's belated reported compliance [DMM File No. 39]).

Conclusion

10. Granting the Town's motion for intervention in the PSEG Application proceeding will assure that the Town obtains prompt and complete notice of all filings, rulings, decisions, and elevate the Town's status from that of a mere "commenter" to that of an interested and affected party, so as to assist in creating a "*complete record*" which is "*fair*" and which serves the "*public interest*" (16 NYCRR 16.4).

11. An official application form for permission to intervene as a party has been electronically filed today. A copy is attached (Ex. A).

Dated: April 17, 2015

Respectfully submitted,

ROSENBERG CALICA & BIRNEY LLP
Special Counsel to Brookhaven Town Attorney
Annette Eaderesto, Esq.

By: _____

Robert M. Calica, Esq.

100 Garden City Plaza, Suite 408
Garden City, New York 11530
516-747-7400