

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: May 28, 2010

Enclosed with this memorandum are the following items:

- 5-14 Invitation to the Annual City of Rye Memorial Day Celebration to be held on the Village Green on Monday, May 31, 2010 from 10:00 a.m. to 11:30 am.
- 5-15 Letter from Robert Hoch, Cablevision Director of Government Affairs, dated May 21, 2010 concerning a rate reduction in customer bills.
- 5-16 Litigation Update from the Corporation Counsel dated May 28, 2010.
- 5-17 Notice of a Public Statement Hearing by the New York State Public Service Commission regarding Con Edison proposed rate increases to be held on Tuesday, June 8, 2010 at 1:30 p.m. in Yonkers.
- 5-18 Notice of a series of Public Hearings of the Westchester County Rent Guidelines Board to be held throughout the month of June in Yonkers and White Plains.
- 5-19 Meeting notice for the week of June 1, 2010 is available on the City website [www.ryeny.gov](http://www.ryeny.gov) under Calendar.

FJC/emm  
Encs.

RYE POST 128, INC.



Post Office Box 128  
Rye, NY 10580-0128  
[www.ryealpost128.org](http://www.ryealpost128.org)

Received

FEB 26 2010

City Manager's Office  
Rye, New York

February 26, 2010

Douglas French, Mayor  
The City of Rye  
City Hall, Rye N.Y. 10580

Dear Mayor French,

Your approval and that of the Rye City Council is requested for this Post to conduct the Annual City of Rye Memorial Day Celebration Monday May 31 2010 on the "Green" in front of Rye City Hall.

You and all members of the Rye City Council are invited as distinguished guests at the program.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "James K. Burke".

James K. Burke  
Post Commander

jkb/jc

**NOTE: The Memorial Day Observance will run from 10:00 am to 11:30 am**

ROBERT HOCH, DIRECTOR  
GOVERNMENT AFFAIRS  
(914) 378-4515 PHONE  
(914) 909 0207 FAX  
[RHOCH@CABLEVISION.COM](mailto:RHOCH@CABLEVISION.COM)



Received

MAY 26 2010

City Manager's Office  
Rye, New York

May 21, 2010

The Honorable Douglas French, Mayor  
City of Rye  
1051 Boston Post Road  
Rye, New York 10580-2996

Re: **CableCARD Rate Reduction**

Dear Mayor French:

Please let this letter serve to provide notice that beginning Wednesday, May 26, 2010, residential customers with a CableCARD who subscribe to Broadcast Basic or Broadcast Basic and iO Navigation will no longer be charged for the CableCARD.

These customers will be notified of the rate reduction in their May bills and the actual reduction of \$2.00 will be reflected in their May billing statements.

In addition, customers can always find the most current pricing information on Cablevision's consumer website [www.optimum.com](http://www.optimum.com).

As always if you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hoch", written over a horizontal line.

Robert Hoch

**CITY OF RYE  
MEMORANDUM**

TO: Honorable Mayor and Rye City Council  
FROM: Kristen K. Wilson, Interim Corporation Counsel  
SUBJECT: Litigation Update  
DATE: May 28, 2010

**LITIGATION**

**OSBORN v. CITY OF RYE**

No new developments.

**BEAVER SWAMP BROOK – (DEC Administrative proceeding)**

No new developments.

**151 PURCHASE STREET ASSOCIATES V. CITY OF RYE, ET AL.**

No new developments.

**SCHUBERT v. CITY OF RYE, ET AL.**

A Memorandum of Law and Declaration of Further Support have been filed by the attorney for the City of Rye defendants in further support of the City's motion to dismiss the Plaintiffs' Amended Complaint.

**R.B. CONWAY v. CITY OF RYE**

Motions for summary judgment must be served by July 12, 2010 and any opposition papers must be served by August 12, 2010 and any reply by August 26, 2010.

**DELLI PAOLI v. ZONING BOARD OF APPEALS**

No new developments.

**SHEW v. CITY OF RYE**

No new developments.

**MOLLOY v. PLANNING COMMISSION**

The attorney representing proposed Intervenor-Respondent Raymond Tartaglione has received an adjournment until June 3, 2010 in order to file Reply papers relating to his motion to intervene in the Article 78 action.

**TOWNSEND v. BOARD OF APPEALS**

The Appellants filed a motion to strike references in the Board of Appeals Brief in Opposition that refer to a Notice of Violation issued against appellants for constructing a fence in violation of the Rye City Code. The return date on the motion is June 11<sup>th</sup>. Any responsive papers are due on June 4<sup>th</sup>.

**PANETTA v. PLANNING COMMISSION**

A motion to dismiss was filed by the Law Department asking the court to dismiss the Second Cause of Action in the hybrid Article 78/Declaratory Judgment action commenced by Petitioner/Plaintiff Panetta.

**CITY COURT**

Routine calendar with no unusual dispositions.

Respectfully submitted,

*Kristen K. Wilson*

Kristen K. Wilson  
Interim Corporation Counsel

KKW/dfn

# STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

www.dps.state.ny.us

## PUBLIC SERVICE COMMISSION

GARRY A. BROWN

*Chairman*

PATRICIA L. ACAMPORA

MAUREEN F. HARRIS

ROBERT E. CURRY JR.

JAMES L. LAROCCA

*Commissioners*



PETER McGOWAN

*General Counsel*

JACLYN A. BRILLING

*Secretary*

May 20, 2010

Dear Community Leader:

As you may be aware, in November 2009 Consolidated Edison Company of New York, Inc. (Con Edison) submitted rate increase proposals for gas and steam delivery service to the New York State Public Service Commission (PSC).

Department of Public Service (DPS) Staff and several other parties evaluated the company's request and filed testimony opposing various aspects of the proposal. Subsequent discussions among the parties, which included DPS Staff, the City of New York, Consumer Power Advocates, New York Energy Consumers Council, Inc., the E-Cubed Company, LLC on behalf of the Joint Supporters, the Small Customer Marketer Coalition (SCMC), and the Retail Energy Supply Association (RESA) (collectively, the Signatory Parties), resulted in a comprehensive Joint Proposal intended to resolve all contested issues. The Joint Proposal provides for a three-year rate plan starting October 1, 2010 and continuing through September 30, 2013. The enclosed fact sheet includes additional information regarding the case and the Joint Proposal.

The Commission will formally consider the case at one or more regularly scheduled public meetings. Following its discussion and deliberations at such meetings, the Commission will issue a written order. The Commission recently announced that it will hold public statement hearings to hear the views of the public on the Joint Proposal. The date, times and locations for the public statement hearings are as follows:

### Yonkers

**Tuesday, June 8, 2010**

**1:30 p.m.**

Grinton I. Will Library  
1500 Central Park Avenue

### Manhattan

**Wednesday, June 9, 2010**

**7:00 p.m.**

City University of New York  
The Graduate Center  
Proshansky Auditorium C Level  
365 5<sup>th</sup> Avenue (between 34<sup>th</sup> & 35<sup>th</sup> Street)

**Received**

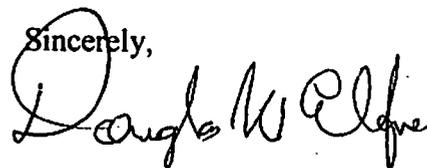
**MAY 24 2010**

**City Manager's Office  
Rye, New York**

To speak at the hearings, it is not necessary to make an appointment in advance or present written material. Persons will be called to speak after completing a request card. Each hearing will remain open for at least one hour and will continue until everyone wishing to speak has been heard or other arrangements have been made. Disabled persons requiring any special accommodations should contact the Department of Public Service's Human Resources Management Office collect at (518) 474-2520 as soon as possible.

The public may submit comments by speaking at the public statement hearing, or by calling the Commission's toll-free Opinion Line at 1-800-335-2120. Written comments may be submitted through the Commission's Website at <http://www.dps.state.ny.us>, by clicking on "What's New," then "Case 09-G-0795-Con Edison Gas Operations" or "Case 09-S-0794-Con Edison Steam Operations." Written comments may also be sent to Jaclyn A. Brillling, Secretary of the Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. Your comments should reference "Case 09-G-0795/09-S-0794 Con Edison Gas and Steam Rates." All comments must be received no later than **August 2, 2010**. All comments received by the Commission will be placed in the official case file and subject to public inspection.

I would appreciate your assistance in making people in your area aware of the hearings, the comment period, and the ways they may comment on the case. Thank you for your assistance.

Sincerely,  


Douglas Elfner  
Director  
Office of Consumer Policy

Enclosure



**Summary of Rate Case 09-G-0795 & 09-S-0794  
Natural Gas and Steam Delivery Rates for  
Consolidated Edison Company of New York**

**PSC Seeking Public Comment on Joint Proposals**

The New York State Public Service Commission seeks public comments on two Joint Proposals regarding Consolidated Edison Company of New York's proposed rate increases. Opportunities to comment include public statement hearings, which will be held before Administrative Law Judges.

It is not necessary to make an appointment in advance or present written material to speak at the hearings. Each hearing will remain open for at least one hour and will continue until everyone wishing to speak has been heard or other reasonable arrangements are made.

Disabled persons requiring special accommodations may place a collect call to the Department of Public Service's Human Resources Management Office at 518-474-2520 and should contact that Office as soon as possible.

**Public Statement Hearings**

- |                  |  |
|------------------|--|
| <b>Yonkers</b>   | <b>Tuesday, June 8, 2010<br/>1:30 p.m.<br/>Grinton I. Will Library<br/>1500 Central Park Ave.<br/>Yonkers, New York</b>  |
| <b>Manhattan</b> | <b>Wednesday, June 9, 2010<br/>7:00 p.m.<br/>City University of New York<br/>The Graduate Center<br/>Prohansky Auditorium<br/>365 5th Ave. (Between 34th and<br/>35th Street)<br/>New York, NY 10016</b> |

**Background**

On November 6, 2009, Consolidated Edison Company of New York, Inc. (Con Edison or the Company) formally asked the New York State Public Service Commission (Commission) to approve increases in revenues (the total amount of money collected from customers through the rates they pay) for natural gas and steam delivery service.

On May 18, 2010, two Joint Proposals were filed by Department of Public Service (DPS) Staff, the City of New York, Consumer Power Advocates, New York Energy Consumers Council, Inc., and certain other parties. The Signatory Parties proposed three-year rate plans for Con Edison's natural gas businesses commencing October 1, 2010 and continuing through September 30, 2013. Rate Year 1 (RY1) is the period from October 1, 2010 to September 30, 2011, Rate Year 2 (RY2) is the period from October 1, 2011 to September 30, 2012 and Rate Year 3 (RY3) is the period from October 1, 2012 to September 30, 2013.

Under New York State Law, the Commission may adopt, modify or reject the Joint Proposals in whole or in part. Administrative Law Judges are presiding over the gathering of public comment and all evidence relating to the proposal.

## Summary of Rate Case

### Natural Gas

In its initial filing, Con Edison proposed that natural gas revenues be increased by \$160.8 million in RY1 (an increase of 8.4% on total bills or 21.9% on the delivery portion of the bill), \$56 million in RY2 (an increase of 2.7% on total bills or 6.4% on delivery) and \$56 million in RY3 (an increase of 2.6% on total bills or 6.0% on delivery). To mitigate the impact of the first year rate increase, Con Edison proposed to levelize the rate increases at \$108 million per year (5.6% total bill). Con Edison stated that the main reasons for the requests include the need to fund ongoing infrastructure investment, higher pension and other post-employment benefit costs, increased property taxes, and to recover costs previously incurred by the company.

DPS Staff and several other parties evaluated the facts and circumstances of the Company's request, and filed testimony opposing various aspects of that proposal. Subsequently, the Signatory Parties filed a comprehensive Joint Proposal intended to resolve all contested issues. That Proposal includes increases of \$47.1 million in annual revenues in RY1 (2.4% on total bills or 6.1% on delivery), an additional \$47.9 million in RY2 (2.3% on total bills or 5.3% on delivery), and an additional \$46.7 million in RY3 (2.2% on total bills or 5.3% on delivery). The Joint Proposal also reflects:

- Specific austerity measures in each of the three years in recognition of current economic conditions;
- Stronger incentives for the Company to effectively manage its costs;
- Provisions to share excess Company earnings, if any, with customers;
- Expanded assistance to Con Edison's low-income customers; and
- Enhanced incentives for gas safety and high quality service.

### Steam

Regarding its steam operations, Con Edison initially proposed that steam revenues be increased by \$128.8 million in RY1 (an increase of 18.2% on total bills), but also included a four-year plan that included increases of \$66.1 million (9.4% on total bills) for each of the four years. Con Edison stated that the main reasons for the requests are to: fund ongoing infrastructure investment; offset lower sales revenues; fund higher property taxes, pension and other post-employment benefit costs; and offset expiring credits.

After evaluating Con Edison's proposal, DPS Staff and some other parties filed testimony in opposition to some of the Company's recommendations. Thereafter, the Signatory Parties filed a comprehensive Joint Proposal intended to resolve all contested issues, including a proposed reallocation of fuel costs at Con Edison's East River Repowering Project from its electric system to its steam system. The Joint Proposal includes increases of \$84.1 million in RY1, an additional \$10.4 million in RY2, and an additional \$22.4 million in RY3, along with a proposal to levelize these increases by increasing revenues by \$49.5 million per year (7.01%, 6.52% and 6.09% increases on total bills in the three years, respectively). The Joint Proposal also reflects:

- Specific austerity measures in each of the three years in recognition of current economic conditions;
- Stronger incentives for the Company to effectively manage its costs;
- Provisions to share excess Company earnings, if any, with customers; and
- Enhanced incentives for steam safety.

### **How to Comment on the Case**

The Commission seeks public comments concerning Con Edison's proposals. Interested members of the public may comment as noted below. Your comments should refer to "Case 09-G-0795 and 09-S-0794 – Consolidated Edison Company of New York, Inc. – Natural Gas and Steam Rates."

1. **Write to:** Honorable Jaclyn A. Brillling, Secretary, NYS Public Service Commission, Three Empire State Plaza, Albany, NY 12223-1350.
2. **Submit comments electronically** by accessing the Department's Website - <http://www.dps.state.ny.us> - and filling in the electronic "Comment Form." Many libraries offer free internet access.
3. **Call the Department's Toll-Free Opinion Line** at 1-800-335-2120. This number is designed to take comments about pending cases from in-state callers, 24 hours a day. Callers should select English or Spanish and press "1" to leave comments.

All comments must be received no later than August 2, 2010. All public comments received by the Commission will be placed in the official case file and subject to public inspection. Persons interested in Con Edison's rate filings may view them at the Commission's offices at Three Empire State Plaza, 14<sup>th</sup> Floor, Albany, New York and 90 Church Street, New York, New York (bring picture identification for a security check), or on the Commission's Website <http://www.dps.state.ny.us>, click on "What's New," then click on Case 09-G-0795, Consolidated Edison Company of New York Gas Operations, or Case 09-S-0794, Consolidated Edison Company of New York Steam Operations, depending on your interest.

### **Next Steps**

The Commission will formally consider the case at one or more regularly scheduled public meetings. Following its discussion and deliberations at such meetings, the Commission will issue a written order.

WESTCHESTER COUNTY RENT GUIDELINES BOARD

75 South Broadway  
White Plains, New York 10601  
Telephone 914-948-4434

CITY OF RYE, N.Y.  
LAW DEPARTMENT

5-28-10

Joseph G. Whelan, Jr., CPA, *Chair*  
Public Member

Members

Eliot J. Cherson, Esq.	Owner
Kenneth J. Finger Esq.	Owner
Sterling V. Jasper, Jr.	Public
Ian Joseph	Public
Jane Morgenstern	Public
Emma Jean Loftin-Woods	Tenant

AMENDED NOTICE TO CORRECT JUNE 15th TO TUESDAY

**FOR INFORMATION:**

**MICHAEL BERRIOS**

(718) 262-4816

**FOR IMMEDIATE RELEASE:**

**WESTCHESTER COUNTY RENT GUIDELINES BOARD TO  
HOLD PUBLIC HEARINGS**

The Westchester County Rent Guidelines Board will hold public hearings, to take testimony and evidence pertaining to the Board's setting of guideline rates of rent adjustment for housing accommodations within its jurisdiction, subject to the Emergency Tenant Protection Act of 1974 (ETPA), for leases commencing between October 1, 2010 and September 30, 2011, as follows:

**DATE:** Monday, June 7, 2010; **TIME:** 7:00 PM

**PLACE:** City Hall, Memorial Room, 1 Roosevelt Square,  
Mount Vernon, New York.

**DATE:** Tuesday, June 8, 2010; **TIME:** 7:00 PM

**PLACE:** 1 Larkin Center, Riverfront Library, Yonkers, New York

**DATE:** Wednesday, June 9, 2010; **TIME:** 7:00 PM  
**PLACE:** Ceremonial Court Room, (First Floor), 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York.

**WESTCHESTER COUNTY RENT GUIDELINES BOARD TO HOLD  
PUBLIC MEETING**

**DATE:** Tuesday, June 15, 2010; **TIME:** 7:00 PM  
**PLACE:** Ceremonial Court Room, (First Floor), 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York - For the purpose setting rent guidelines for the one year period commencing October 1, 2010.

**(IF ADDITIONAL DATE IS REQUIRED)**

**DATE:** Thursday, June 17, 2010; **TIME:** 7:00 PM  
**PLACE:** Ceremonial Court Room, 111 Dr. Martin Luther King Jr. Boulevard, White Plains, New York.

**Certification**

**The Board anticipates scheduling a public meeting to be held during September, 2010 (specific date to be determined) to certify the rent adjustment guidelines (for the October 1, 2010 - September 30, 2011 guidelines year) voted upon by the Board on June 15, 2010 or June 17, 2010.**

Joseph G. Whelan, Jr., CPA Chair  
WESTCHESTER COUNTY RENT GUIDELINES BOARD

May 20, 2010