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Local Elected Officials Join in Legal Proceedings Over Secretive Utility Plans

In legal filing, officials push for release of hidden information on rate-hiking repowering plan

Albany, NY – A group of local elected officials and electricity customers concerned about the secrecy surrounding a plan to repower with natural gas a pair of coal-fired power plants scheduled for retirement, are filing papers today in a proceeding before the New York Public Service Commission (PSC) demanding full access to basic documents the PSC is relying on to make its decision about the controversial projects. The elected officials represent constituents from Cayuga, Cortland, Erie, Ontario, Seneca, Steuben, Tioga and Tompkins counties.

“The PSC will be making a decision with broad, long-lasting implications for upstate New York that will affect the cost of electricity for individuals and businesses throughout central and western New York. But the public was only given a small fraction of the information on which to base our input. All the essential information about financial and environmental impacts was redacted,” said Carol Chock, Legislator from Tompkins County, where one of the plants would be located.

In 2012, operators of the Dunkirk plant in Chautauqua County and the Cayuga plant in Tompkins County proposed to retire the two coal-fired power plants saying that they were uneconomical to run. NYSEG and National Grid, the regional utility providers, submitted information to the PSC stating that after the plants are shut down regional power needs could be met with simpler and more cost efficient transmission line upgrades. However, earlier this year, the PSC initiated an administrative proceeding in which it directed the plant operators to evaluate an alternative: converting the plants to burn natural gas, called “repowering.”

Throughout the proceeding, the PSC has allowed the plant operators and transmission utilities to conceal from the public basic information about the repowering proposal.

“The public has many questions: how much will ratepayers be saddled with if the repowering is approved; what is the financial risk that will be assumed by ratepayers given the volatile price of natural gas; how will the cost of repowering compare to the cost of the proposed transmission line upgrades; and what are the environmental impacts that would result from repowering the plants, ” asked Earthjustice attorney Chris Amato, who is filing the motion on behalf of the group.

“The secrecy in this case is breeding suspicion,” said Irene Weiser, Councilmember from the Town of Caroline. “The PSC is supposed to protect the ratepayer and the environment. But with all the secrecy one can’t help but wonder if instead the State is protecting the power companies.”

"As an elected official, I’m concerned about my constituents – local businesses, and people with low or fixed incomes – and the rest of our county's residents, who will bear the brunt of the rate hikes that result from these costly repowering proposals,” said Kathie Arnold, Cortland County Legislator. “How much more will they have to pay than if the power line upgrades were done instead?”

“I want to know where the new gas pipeline will be sited, whether it will come through my village, and whether the company will invoke eminent domain to take over people’s properties,” said Bonnie Apgar Bennett, Mayor of the Village of Aurora, in Cayuga County. “What health risks and other environmental impacts will the pipeline and the power plant cause?”

The filing seeks access to hundreds of pages of critical financial reports and projections that the PSC has allowed the plant operators and utility companies to redact from public view. The public versions of the reports available on the PSC’s public docket for the proceeding have hundreds of pages of critical information blacked out.

Due to their concerns about the lack of transparency in this public process, and to ensure that the PSC adheres to its mandate to protect the ratepayer and consider the full environmental impact, a group of concerned elected officials and electric customers have formed the “Ratepayer and Community Intervenor” group (<http://ratepayersgroup.com>) which the PSC has recognized as a party to the proceeding. The group, which is growing as people in the two electric service areas learn about the issue, currently consists of elected officials from Cayuga, Cortland, Erie, Ontario, Seneca, Steuben, Tioga and Tompkins counties, as well as advocacy groups and individual ratepayers. The group is being represented in the proceedings by the public interest law organization Earthjustice.

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