

RESOLUTION NO. 1095 -2010, ESTABLISHING A LONG ISLAND POWER AUTHORITY LEGISLATIVE OVERSIGHT COMMITTEE

WHEREAS, when the Long Island Power Authority ("LIPA") was formed, the County of Suffolk established safeguards to ensure that the authority was accountable to its ratepayers; and

WHEREAS, Local Law No. 36-1999 obligates the elected officials of the County of Suffolk to oversee LIPA to ensure the enforcement of all statutory, common law and consumer rights of the County's ratepayers; and

WHEREAS, recent information has surfaced about LIPA's rates and practices that suggest the authority has not always acted in the best interests of all of its ratepayers in Suffolk County; and

WHEREAS, concerns were raised after LIPA's response to severe storms in March, 2010 left thousands of ratepayers without electricity for days; and

WHEREAS, LIPA's practices remain controversial, including their recent decision to reduce funding for their solar power program and the hefty \$30 million incurred for standby costs preceding Hurricane Earl; and

WHEREAS, an oversight committee should be established to determine if LIPA's actions are adverse to the County's ratepayers and may warrant the consideration of legal action; and

WHEREAS, Suffolk County must examine LIPA's structure, billing, and storm response practices to safeguard the rights of its resident ratepayers; now, therefore be it

1st RESOLVED, that a special Long Island Power Authority Legislative Oversight Committee is hereby created to study and analyze the rates, contracts and practices of the Long Island Power Authority to determine if LIPA is working in the best interests of the Suffolk County ratepayers, including, but not limited to, an examination of LIPA's rate structure, its variable rate system, the use of peak/off-peak rates, and its storm and disaster response policies; and be it further

2nd RESOLVED, that this Committee shall have bipartisan representation and consist of the following members:

- 1) a person who has familiarity with the operations of LIPA, who will be selected by the **Presiding Officer** of the Suffolk County Legislature;
- 2) two (2) experts in the operation of electric utility companies, to be selected by the Suffolk County Legislature;
- 3) two (2) energy experts, to be selected by the Suffolk County Legislature;

4) a member of a civic organization to be selected by the Suffolk County Legislature.

and be it further

3rd **RESOLVED**, the Committee shall hold its first meeting no later than thirty (30) days after the oaths of office of all members have been filed, which meeting shall be convened for the purpose of organization and the appointment of a chairperson, vice chairperson and a secretary; and be it further

4th **RESOLVED**, that four (4) members of the Committee shall constitute a quorum to transact the business of the Committee at both regular and special meetings; and be it further

5th **RESOLVED**, that support services and technical assistance involving the month-to-month operation of this Committee, as well as supplies and postage as necessary, will be provided by the staff of the Office of Legislative Budget Review and the Clerk of the Legislature; and be it further

6th **RESOLVED**, that the Committee may conduct such hearings and meetings at any place or places within the County of Suffolk for the purpose of obtaining necessary information or other data to assist it in the proper performance of its duties and functions as it deems necessary; and be it further

7th **RESOLVED**, that the Committee may delegate to any member of the Committee the power and authority to conduct such hearings and meetings; and be it further

8th **RESOLVED**, that the Committee is hereby authorized, empowered and directed to hold at least four (4) public hearings, with two (2) hearings being held in the five East End towns and two (2) hearings in the five West End towns, to assemble the data and information necessary to complete the valuation, study, and report required with all reasonable efforts to be made to ascertain the views, wishes and opinions of the residents of Suffolk County; and be it further

9th **RESOLVED**, that said Committee shall issue a written report, after a comprehensive study and analysis of LIPA's rates, specifically its standard rates, variable rates, and peak/off-peak rates, contracts, practices, and disaster and storm response policies to determine if the authority is acting in the best interests of Suffolk County's ratepayers; and be it further

10th **RESOLVED**, that this special Committee shall submit a written report of its findings and determinations together with its recommendations for action, if any, to the Legislature's Economic Development, Higher Education and Energy Committee no later than one year subsequent to the effective date of this Resolution for consideration, review and appropriate action, if necessary, by the entire County Legislature; and be it further

11th **RESOLVED**, that the Committee shall expire, and the terms of office of its members terminate, as of December 31, 2011, at which time the Committee shall deposit all the records of its proceedings with the Clerk of the Legislature; and be it further

12th **RESOLVED**, that this study shall not be performed by any outside consultant or consulting firm unless explicit approval and authorization for such consultant or consulting firm is granted pursuant to a duly enacted resolution of the County Legislature; and be it further

13th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 7, 2010

APPROVED BY:



County Executive of Suffolk County

Date: DEC 17 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 7, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1980

Res. No. 1095

December 7, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					/
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	—	—	—	1

MOTION

Approve
 ___ Table: _____
 ___ Send To Committee
 ___ Table Subject To Call
 ___ Lay On The Table
 ___ Discharge
 ___ Take Out of Order
 ___ Reconsider
 ___ Waive Rule ___
 ___ Override Veto
 ___ Close
 ___ Recess

APPROVED FAILED ___
 No Motion ___ No Second ___

RESOLUTION DECLARED

ADOPTED
 ___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote