
News from STATE SENATOR
Liz Krueger



**COMMUNITY
BULLETIN**

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New York State Senate - 26th District

Late last month, Con Edison's report on last summer's steam pipe explosion in Midtown Manhattan was leaked to the press. The report attributed blame for the accident to faulty maintenance. The continuing problems that Con Edison has had in providing safe, reliable service highlight several failures. The consequences of these failures are real, in this case leaving one person dead, two more with devastating lifelong injuries, and causing an estimated 30 million dollars in losses to impacted businesses.

The now public report indicated that contractors hired by Con Edison to work on a leaking joint had used too much epoxy, and clogged the steam trap valves at this location. Because the steam traps could not drain, water accumulated at the location, creating a "water hammer" effect that generated excessive force inside the pipe, leading to the rupture. Con Edison has provided a written review of steps taken since the explosion which confirms that they have now inspected all steam trap valves throughout the system to ensure that this problem is addressed. While this was clearly necessary, it does not relieve my concern that events such as this and the 2006 Queens blackout are indicative of more endemic problems in our power delivery system.

As a State legislator, I want to focus on the problem of the State's Public Service Commission (PSC) in adequately overseeing our power system and holding public utilities accountable. In the late 1990s, the PSC deregulated New York's energy supply market with the promise that deregulation would bring lower rates and improved service through competition. Unlike in most other states, the Legislature **was not** involved in setting the ground rules for deregulation, and it therefore reflected a fairly unadulterated version of the Pataki Administration's preference for limited government oversight. Deregulation has not lived up to its advance notices – few consumers have seen lower rates, and Con Edison has continued to operate as a monopoly for energy delivery in NYC. Under deregulation, consumers can buy power from a variety of suppliers, but that power continues to be provided by the existing infrastructure of delivery companies like Con Edison. This arrangement raises the question: *In the deregulated arrangement that includes competing over energy supply while still having a monopoly over energy delivery, cause Con Edison to lack incentives for adequate investment in energy delivery maintenance?*

WHAT'S INSIDE

COMMUNITY SPOTLIGHT	2
- DMI Scholars Summer Institute for College Juniors & Sophomores	
- Absentee Ballot Information	
- Cultural Development Fund Applications Available	
- Affordable Housing Opportunities in Manhattan	
- District 2 Middle School Fair	
- Free Tax Assistance	
- Information on Applying for Financial Aid	
- Alternate Side Parking Calendar	
- Heat Season Rules	
SPOTLIGHT ON POLICY	5
Voting Machines	

In its report on the 2006 blackout, the PSC blamed "the company's failure to address a multitude of pre-existing problems and issues associated with the operations, maintenance and oversight of the

Long Island City network." The steam pipe explosion has now been attributed to yet another maintenance failure on the part of Con Edison. We are still awaiting a PSC review of the Con Edison report.

While Con Edison certainly deserves its share of blame for these events, the Public Service Commission has not done its part in aggressively acting to ensure that Con Edison and other utilities are operating in the public interest.

In August, I wrote to the PSC expressing my concern over press reports that indicated that the agency had a minimal role in overseeing the investigation of the steam pipe explosion. While they assured me they were heavily involved, it now appears that most of that involvement consisted of being briefed on Con Edison's findings approximately two weeks before the report was leaked to the press. I have had further conversations with the PSC since then which have only enhanced my concerns, since the agency has been unclear on what they believe is their role in ensuring the adequacy of Con Edison's response to the explosion.

It is clear to me that the PSC must become a more proactive regulator of energy delivery in New York City and State. The current system of trusting the utilities – who, after all, see their primary obligation as being to their stockholders rather than consumers – has clearly failed. There has been a long history in this country of permitting monopolies to provide public services like energy delivery, but the tradeoff for those monopolies has traditionally been the acceptance of a high degree of governmental regulation to ensure that the service providers are operating in the public interest. In the rush to deregulate, this critical part of the equation was lost and New York State now needs to act to strengthen its regulatory structure for public goods. Given the PSC's relatively weak regulatory powers, such a change will likely require legislative action to increase the ability of the PSC to oversee utility operations and to penalize utilities when they behave in irresponsible or dangerous ways.

COMMUNITY SPOTLIGHT

DMI SCHOLARS SUMMER INSTITUTE FOR COLLEGE SOPHOMORES AND JUNIORS:

The Drum Major Institute (DMI), a nonprofit, non-partisan think tank generating ideas that fuel the progressive movement, has created the DMI Scholars Program to support and guide talented young people considering the field of public policy. The DMI Scholars program is a "Public Policy 101" program, which identifies progressive college students from diverse communities and trains them in the skills necessary to obtain and succeed in entry-level public policy positions. The program is currently accepting applications from college sophomores and juniors for their Summer Institute, which will run from July 27th to August 10th, 2008, and take place in New York City. All expenses for the program are covered by DMI. For more information or an application, visit their website at www.dmischolars.org. The application deadline is January 27, 2008.

ABSENTEE BALLOT INFORMATION FOR PRESIDENTIAL PRIMARY:

If you are a registered member of the Democratic or Republican parties, but are unable to visit your designated voting station on election day (Tuesday, February 5, 2008), you can request an absentee ballot. Ballot applications must be requested at least 7 days prior or delivered directly to the Board at least one day prior to the election. For more information visit the NYC Board of Elections at <http://vote.nyc.ny.us/>, or request an application by calling my office at 212-490-9535 or by downloading the application under Featured Items on my website: www.lizkrueger.com

CULTURAL DEVELOPMENT FUND APPLICATIONS NOW AVAILABLE ONLINE:

The Department of Cultural Affairs is currently accepting public service proposals from New York City's arts and cultural organizations. Eligible organizations are those that are located within the five boroughs of New York City, incorporated under New York State law, certified tax exempt under Internal Revenue Service Code Section 501(c)(3), and have as a primary mission the provision of cultural services. Eligible organizations must meet other criteria stipulated in the guidelines. The application Deadline is February 4, 2008.

Learn about DCLA's Programs funding process and download the Fiscal 2009 Guidelines and Application at: www.nyc.gov/html/dcla/html/funding/program_application.shtml . Interested groups are strongly encouraged participate in one of DCLA's application seminars prior to the February 4th deadline.

AFFORDABLE HOUSING OPPORTUNITIES IN MANHATTAN:

Fulton and Dutch LP is now accepting applications for 27 studio and one-bedroom apartments under construction at 110 Fulton Street in Lower Manhattan for low and moderate income individuals and families. Rents for these units will be \$671 for studios and \$678 for one-bedroom apartments. To be eligible, applicants must have incomes between \$28,760 to \$34,020, depending on unit and family size. Applications will be selected by lottery with preference given to New York City residents. Applicants residing in Community Board 1 will receive priority for 50% of the units. In addition, visual/hearing impaired applicants will receive priority for 2% of the units, applicants with mobility impairment will receive priority for 5% of the units, and applicants who are New York City municipal employees will receive preference for 5% of the units. You may request an application by mail from Fulton & Dutch LP, P.O. Box 629, Woodmere, NY 11598 . Please include a self-addressed envelope with your application request. Applications must be postmarked no later than February 16, 2008 and must be returned by regular mail to the PO Box on the application, so you should request your application as soon as possible in order to ensure you have time to fill it out and return it by the deadline. Only one application per household will be accepted.

COMMUNITY SCHOOL DISTRICT 2 MIDDLE SCHOOL FAIR:

On Thursday, January 24th, Community School District 2 is holding a Middle School Fair. The Middle School Fair provides an opportunity for parents and students to speak with representatives from middle schools to which they are eligible to apply. A Middle School Directory should be available at all elementary schools, and will also be available at the fair. Translation and interpretation services will be available. The fair will take place from 5:30 to 8:00 PM on Thursday, January 24th at the High School of Art and Design, 1975 Second Avenue at 57th Street. For more information, please call 311 or visit <http://schools.nyc.gov/ChoicesEnrollment/Middle>.

FREE TAX ASSISTANCE AVAILABLE:

Community Tax Aid is offering free tax preparation to individuals with incomes up to \$25,000 and families with incomes up to \$40,000 who have income from interest, dividends and capital gains of less than \$2,900. Tax assistance is provided by volunteers trained in tax preparation, including CPAs and attorneys. Locations in Manhattan include:

Union Settlement House, 237 East 104th Street

Saturdays from 10AM-4PM from February 16th to April 12th

Housing Conservation Coordinators, 777 Tenth Avenue @ W. 53rd Street

Wednesdays from 6:00-8:30PM from February 13th to April 9th except March 12th

Hudson Guild, 119 Ninth Avenue @ W. 18th Street

Thursdays from 6:00 to 8:00PM from February 14th to April 10th except March 13th
Goddard-Riverside Community Center, 647 Columbus Ave @ W. 91st Street
Tuesdays 6:00 8:30PM from February 12th to April 15th except March 11th
By Appointment only – call 212-799-9400 for an apartment

For more information, visit <http://communities.msn.com/ctanyc> or call 212-613-3101.

INFORMATION FOR COLLEGE STUDENTS APPLYING FOR FINANCIAL AID:

Paying for college has gotten tough. But there are smart ways to get scholarships, grants, on-campus employment and, if need be, loans, that will not leave students saddled with debt after they graduate. To help students and their parents the New York State Higher Education Services Corporation (HESC.org) and the Financial Aid Administrator's Association (NYSFAAA.org) have put together a 2008-09 Financial Aid Chart that easily lists different types of programs available, who is eligible, and how to apply. To get a copy call my office at 212-490-9535.

Last fall I also put together a comprehensive booklet titled *Yes! You Can Go to College: Financial Aid & Academic Support Programs for Low-Income New Yorkers*. If you or someone you know comes from a low-income family and may benefit from these programs a free copy of the booklet can also be obtained by calling my office.

2008 ALTERNATE SIDE PARKING CALENDAR FOR NYC

To get a copy of the 2008 Alternate Side Parking Rules Suspension Calendar visit <http://www.nyc.gov/html/dot/html/motorist/scriintro.shtml>

HEAT SEASON RULES:

The City Housing Maintenance Code and Multiple Dwelling Law requires building owners to provide heat and hot water to all tenants.

Building owners are required to provide hot water 365 days per year at a constant minimum temperature of 120 degrees Fahrenheit. Between October 1st and May 31st, a period designated as "Heat Season," building owners are also required to provide tenants with heat under the following conditions:

- Between the hours of 6:00 AM and 10:00 PM, if the outside temperature falls below 55 degrees, the inside temperature is required to be at least 68 degrees Fahrenheit.
- Between the hours of 10:00 PM and 6:00 AM, if the temperature outside falls below 40 degrees, the inside temperature is required to be at least 55 degrees Fahrenheit.

Tenants who are cold in their apartments should first attempt to notify the building owner, managing agent or superintendent. If heat is not restored, the tenant should call the City's Citizen Service Center at 311. For the hearing impaired, the TTY number is (212) 504-4115. The Center is open 24-hours a day, seven-days a week.

SPOTLIGHT ON POLICY

VOTING MACHINES

On December 20th, New York State was ordered by the United States District Court to submit a plan for compliance with the Help America Vote Act (HAVA), which requires replacement of New York's lever machines. New York has been out of compliance with HAVA since 2006, but the problems that other states have had in implementing HAVA have made New York's delay look quite wise. Throughout the country, early adopters of computerized voting systems have been faced with a host of concerns about accuracy, technical glitches, and soaring costs. Of course our existing machines are far from perfect – they break down a great deal too, and provide no mechanism for many voters with disabilities to cast secret ballots. But, New York State would be in much worse shape than today if we had replaced these machines with malfunctioning electronic voting machines (known as DREs), and were now looking at replacing that system again – a situation that many states across the country are currently facing.

The New York State Board of Elections (BOE) has responded with a plan for implementing HAVA, partially by the September 2008 primary and November general elections and entirely by September of 2009. The BOE has indicated that at least one ballot marking device to enable disabled voters to cast secret ballots will be in each polling site for the September 2008 primary. The HAVA implementation plan does not involve any changes for the presidential primaries next month.

New York's difficulties in meeting the deadlines have been caused by two realities. First, the legislature passed HAVA implementation legislation very late, and when they did, they included the most stringent standards for voting machines in the country. Given the problems other states have faced, this was a prudent move, but it has made it difficult to identify voting machines that can meet all the standards imposed by New York State. The second difficulty emerged when the company initially chosen to conduct independent tests on potential voting systems for the state lost its federal certification in 2006. New York finally identified a new testing company in late 2007, SysTest, Inc., and testing is expected to begin in mid-January.

It remains to be seen whether the court will accept the state's plan or require revisions, but it is not clear how New York could implement a new system sooner than proposed by the Board of Elections without seriously compromising the evaluation process for voting machines. The criteria for successful implementation of a voting system should never be how fast it gets done but instead should be whether the system that gets implemented is reliable, verifiable, and understandable to both the voters and the poll workers. The evidence continues to mount that DRE's (direct recording electronic voting machines) are not reliable or acceptable, and that optical scanning systems (with ballot marking equipment to assist voters with disabilities) which preserve a voter created paper copy of each individual ballot are the best option available. It is critical that when New York does finally comply with HAVA, it implements this more reliable technology, rather than repeating the mistakes of so many other jurisdictions that have bought DRE voting machines.