

Dear Senator Stewart-Cousins:

Thank you for holding hearings on Con Ed's failure to respond in a timely manner to the numerous electrical outages that occurred during the recent storm. We were without power from Tuesday afternoon until Sunday afternoon. By Tuesday afternoon, Con Ed knew the extent the power outages. Clearly they need to explain why it took so long for them to have crews from other companies in other states arrive to assist them. When did Con Ed request these companies' assistance? Tuesday, Wednesday, Thursday? There must be some written record.

It is very nice that Con Ed is reimbursing customers for spoiled food caused by the outages. However, these reimbursements should be paid for by the Con Ed shareholders and not the ratepayers. Otherwise, the customers are merely reimbursing themselves.

it is time to consider whether Con Ed is the appropriate company to distribute electricity and gas in Westchester. I am fairly certain that Westchester residents pay the same rates for electricity and gas distribution as people living in New York City. This arrangement is clearly discriminatory against Westchester County residents. The cost of installing power lines in New York City, which directly determine the rates charged by Con Ed, are greater in New York City than they are in Westchester County. Yet Westchester residents pay the same rate and in effect subsidize the New York City ratepayers. I believe that if you compare the rates that Westchester customers pay for the distribution of electricity and gas with the rates paid by residents of adjacent counties, the rates Westchester residents pay are much higher with no justification. In addition, when there is a regional outage as there was recently, Con Ed focuses its first attention on residents of New York City because they give priority to restoring the most customers first. While this policy makes sense, it means that Westchester residents will always have their power restored after the residents of New York City have had their power restored.

The solution seems fairly simple and straightforward. The Company providing electricity and gas distribution to Westchester should be different from the Company providing electricity and gas distribution to New York City. This can be accomplished in a number of ways. Con Ed can spin off its Westchester operations into a separate company. However, this will not solve the incompetence that was demonstrated in the delayed restoration of power after the last storm. Alternatively, the distribution assets can be sold to an existing private company, a newly formed private company or a municipally owned company.

Thank you again for your consideration of this problem.

Very truly yours,  
Alan J Garfunkel

Alan J. Garfunkel, Esq.  
Law Office of Alan J. Garfunkel LLC  
444 Madison Avenue  
18th Floor  
New York, New York 10022  
T-212 888 7300

F-212 888 7306

Westchester Office:  
63 Lincoln Road  
Scarsdale, New York 10583

[AGarfunkel@Garfunkel.biz](mailto:AGarfunkel@Garfunkel.biz)