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DEPARTMENT OF LAW
CITY OF YONKERS

August 21, 2008

Jaclyn A. Brillling
Secretary
NYS Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

2008 AUG 22 AM 11:01

Re: Case 04-M-0159 Proceeding on Motion of the Commission to Examine the Safety of Consolidated Edison Company of New York, Inc.'s Electric Transmission and Distribution Systems.

Dear Secretary Brillling:

In response to the Commission's Notice Soliciting Comments on the Electronic Safety Standards in the above listed matter, the City of Yonkers submits for filing an original and five (5) copies of the City of Yonkers' Comments. This response has also been served electronically to your office.

Respectfully submitted,

Frank J. Rubino
Corporation Counsel
Attorney for City of Yonkers
City Hall, Room 300
Yonkers, New York 10701

By: Christopher H. Feldman
Christopher H. Feldman
Attorney, Office of the Corporation Counsel

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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Proceeding on Motion of the Commission :
to Examine the Safety of Consolidated
Edison Company of New York, Inc.'s
Electric Transmission Distribution Systems. :
-----X

Case No. 04-M-0159

**CITY OF YONKERS
COMMENTS TO THE PROPOSED
MODIFICATIONS TO THE ELECTRIC SAFETY STANDARDS**

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August 21, 2008

ORIGINAL

CITY OF YONKERS
COMMENTS TO THE PROPOSED
MODIFICATIONS TO THE ELECTRIC SAFETY STANDARDS

The City of Yonkers respectfully submits its comments in response to the Notice Soliciting Comments regarding the Commission’s Electric Safety Standards.

The City has a few comments with regard to the proposed Modifications to the Electric Safety Standards. As such the City proposes the following modifications discussed more fully herein:

- I. City requests that the stray voltage testing requirements be expanded to include other utilities which could be considered “customers” and thus exempt from such testing requirements, such as Verizon and Cablevision;
- II. City requests that there be an immediate reporting of stray voltage to municipalities;
- III. City requests that there be an increased availability to municipalities of field visit inspection summaries; and
- IV. City requests that the Commission add a few additional items to the miscellaneous facilities outlined in Appendix “B”

The City of Yonkers hopes that you will take its suggestions to heart and adopt these modifications in the new Electric Safety Standards.

DISCUSSION

POINT I: CITY REQUESTS THAT THE STRAY VOLTAGE TESTING REQUIREMENTS BE EXPANDED TO INCLUDE OTHER UTILITIES WHICH COULD BE CONSIDERED “CUSTOMERS” AND THUS EXEMPT FROM SUCH TESTING REQUIREMENTS, SUCH AS VERIZON AND CABLEVISION

The City feels that the exemption from testing of “customer meters” and “customer-owned facilities” is not specific enough and may leave ambiguities which would exempt other utilities such as Verizon or Cablevision from these stray voltage testing requirements. Section 3: Stray Voltage Testing, section (a) reads:

“Stray voltage testing shall be conducted on all utility facilities that are capable of conduction electricity and are publicly accessible. Testing is not required on customer meters and customer-owned facilities, except municipal-owned streetlights”.

The City’s issue is the exemption of “customer meters” and “customer-owned facilities”, which in some cases can be another utility company, such as Verizon or Cablevision. These companies could create stray voltage which is outside the scope of this testing and, as a result, would never be tested. Furthermore, in turning to the definitions section for clarification we find that the definition of Utilities reads:

“The term ‘utilities’ includes all investor-owned and municipal electric corporations subject to the Commission’s jurisdiction that own or operate transmission or distribution facilities, whether fully or lightly regulated. As appropriate, the term also includes companies subject to our jurisdiction that own or operate electric generating facilities within the State, whether fully or lightly regulated.”

The section mentions utilities which are “regulated” but it applies to “own[ers]” or “operators” while companies such as Verizon or Cablevision are customers in these instances.

The City requests that the definition section and/or the stray testing section be expanded to include some testing of “customer meters” and “customer owned facilities” so as to require testing of those utilities owned by companies such as Verizon and Cablevision who maybe deemed customers.

POINT II: CITY REQUESTS THAT THERE BE AN IMMEDIATE REPORTING OF STRAY VOLTAGE TO MUNICIPALITIES

Under the stray voltage testing requirements, paragraph (k) requires that where a stray voltage finding is determined to be caused by customer-owned equipment, the area must be made safe and the utility shall notify the customer or a responsible person associated with the property of the unsafe condition and the need for them to make permanent repairs to their equipment. The City requests that in such cases there be an additional notification to the emergency call facility of the municipality so that we are additionally aware of any situation and can act accordingly.

POINT III: CITY REQUESTS THAT THERE BE AN INCREASED AVAILABILITY TO MUNICIPALITIES OF FIELD VISIT INSPECTION SUMMARIES

The Electric Safety Standards in a number of sections requires documentation, certification and records retention. Section 4: Inspections, paragraph (g) requires that inspections occurring on field visits must be properly documented and certified. Section 6: Recordkeeping requires that utilities keep track of permanent and temporary repairs, repairs to be made and that such records be kept and readily accessible, searchable and continuously updated. Section 9: Reporting Requirements requires that each company shall file a comprehensive report by February 15 each year, detailing the results of testing and inspection, breakdowns, lists of facilities, deficiencies and a review and analysis. The City requests that municipalities be granted access to such records so that they may more

effectively protect the public safety and welfare. The City suggests that such access be granted either by requiring utilities to forward copies of such reports, either by mail or electronically, to each municipality or, if more feasible, to at least provide municipalities access to the companies' countywide records instead of require a city-by-city break down.

**POINT IV: CITY REQUESTS THAT THE COMMISSION ADD A FEW
ADDITIONAL ITEMS TO THE MISCELLANEOUS FACILITIES OUTLINED
IN APPENDIX "B"**

The City feels that there has been an omission of some items from the Miscellaneous Facilities category. The City requests that the following items be added to the list of Miscellaneous Facilities:

- Parking Meters,
- Metallic Park Benches,
- Mailboxes Mounted in the Sidewalk,
- Guide Rails, and
- that Fire Hydrant Fenders be included with Fire Hydrants.

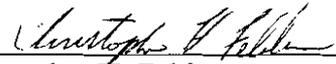
CONCLUSION

The City of Yonkers hopes that you take the above suggestions into account when modifying the Electric Safety Standards. It is our hope that by expanding the requirements to include further utility companies, to require immediate reporting of stray voltage incidents to the municipality, to increase the availability of information to municipalities, and to increase the miscellaneous items to including those additional items commonly found on our sidewalks; we will be in a better position to protect and care for the public safety and welfare.

Dated: Yonkers, New York
August 21, 2008

Respectfully submitted,

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