



Gov. Andrew M. Cuomo shakes hands Saturday with Fred Guttenberg. ■ Video: newsday.com/nassau

Parkland parents pitch for gun laws and gun

BY JOHN ASBURY

john.asbury@newsday.com

Two parents of victims killed in the mass school shooting in Parkland, Florida, rallied Saturday for Gov. Andrew M. Cuomo and urged the State Senate to pass stricter gun laws.

Cuomo held the rally in Westbury, five days before the Democratic gubernatorial primary against Cynthia Nixon. The governor gave a blistering speech almost entirely aimed at President Donald Trump and Republicans in the State Senate. He made no mention of Nixon and he did not take questions after his speech.

Parkland parents Fred Guttenberg and Linda Beigel Schulman endorsed Cuomo and his call to pass what is called a red-flag bill — an extreme-risk protection law that would allow a court order to prevent an individual from purchasing or possessing a gun if he or she were deemed at risk of doing harm to themselves or hurting others.

The bill would follow New York's SAFE Act, which Cuomo said includes 77,000 people on the mental health database who are unable to own or purchase guns. The 2013 law's title stands for Secure Ammunition and Firearms Enforcement.

A spokeswoman for Nixon's campaign said Nixon supports the NY SAFE Act.

Guttenberg and Beigel Schulman said if Florida had passed such laws, it could have prevented the killings of their children. Jaime Guttenberg, 14, was a student at Marjory Stoneman Douglas High School and Scott Beigel, 35, taught geography and was a cross country coach.

Nikolas Cruz, 19, a former Parkland student, allegedly killed 14 students and three teachers or coaches during the rampage, and injured 17 others. The school district later reported he had a history of mental illness and did not receive treatment through the school.

Cruz remains held on multiple counts of premeditated murder and murder. In August, authorities released his videotaped confession.

"Jaime was the toughest person I knew and she fought for her life until the very last second," her father told the crowd of several hundred gathered in the Yes We Can Community Center's gym. "We know because she was in the hallway — there's video of her running down the hall being hunted with an active shooter at back, and boom! A single shot to her spine. One second later she'd be in the stairwell and safe."

He continued, "There is no question if red-flag laws were in place before Feb. 14 in Florida, our children would be

alive today."

Linda Beigel Schulmann said she has been fighting for reasonable gun control and a complete ban on assault rifles since her son's death. Cruz was armed with an AR-15-style semi-automatic weapon that he purchased legally.

"No parent should be afraid of sending their child to school," Beigel Schulman said. "No student should be afraid of getting shot."

Guttenberg said he was shunned on Tuesday when Supreme Court nominee Brett Kavanaugh did not shake his hand as Guttenberg attempted to introduce himself during a break at the judge's Senate confirmation hearing in Washington.

"My name is Fred Guttenberg, father of Jaime Guttenberg, who was murdered in Parkland. Those were the exact words I made an effort to say to Judge Kavanaugh," Guttenberg said. "When I got to the 'murdered in Parkland' part, he turned and walked away."

A White House spokesman has said that security intervened before Kavanaugh was able to shake Guttenberg's hand. Guttenberg, in response, said on Twitter last week that security was not involved after he was introduced to Kavanaugh by Sen. Dianne Feinstein (D-Calif.).

CRITICISM

Final ratepayer-paid LIPA report cut, altered findings

BY MARK HARRINGTON

mark.harrington@newsday.com

The final version of a ratepayer-funded audit report of LIPA and PSEG Long Island excluded or altered some findings and recommendations from the first draft, including deficiencies relating to customer outages, incorrect customer rate classifications and overall transparency.

For example, the final version of the 2018 management and operations audit by outside firm Northstar Consulting Group eliminated findings from the initial report that found there was "no 'voice of the customer' in executive decision making" at LIPA, that LIPA's interaction with its board "lacks transparency," and that public speaking at board meetings "did not appear to have any impact on decisions."

Newsday compared the January draft of the report with the final June 29 version. The audit and report, contracted by the state Department of Public Service, cost customers \$1.6 million.

The final report also reduced the number of recommendations to 49 from an initial 53, and eliminated the very first: "To improve transparency, it is imperative that DPS [the state Department of Public Service] attend all" meetings of PSEG's little-known utility review board, a joint management review board and the LIPA board's executive management budget workshops.

A section on reliability of the local grid noted that PSEG didn't achieve two key measures of customer outage duration and frequency, but the final version said PSEG "has maintained high levels of reliability" compared with other utilities, with the "second lowest number of outages" and the "shortest duration in the state."

The draft report includes a full-page chart detailing system outages over the three years since PSEG took over manage-

ment of the LIPA system, noting that the number of customers per outage increased 42 percent from 2014 to 2016 and other detailed findings. The final report eliminates that chart and its extensive data.

The number of customers who lost power because of a tree branch or other vegetative problem increased to 246,999 in 2016 from 188,824 in 2014, according to the draft, even as PSEG ramped up tree-trimming. Equipment problems had an even bigger impact, knocking out 552,503 customers in 2016 compared with 373,517 in 2014. The average frequency of outages increased 53 percent over that time, the draft says.

Northstar took exception to PSEG's oft-stated justifications for the increased outage numbers. In the past, PSEG has said a new safety procedure and a new outage management computer system were chiefly to blame for the higher numbers, suggesting that outages were either intentional for work safety or the result of a more accurate count by the new system.

A differing view

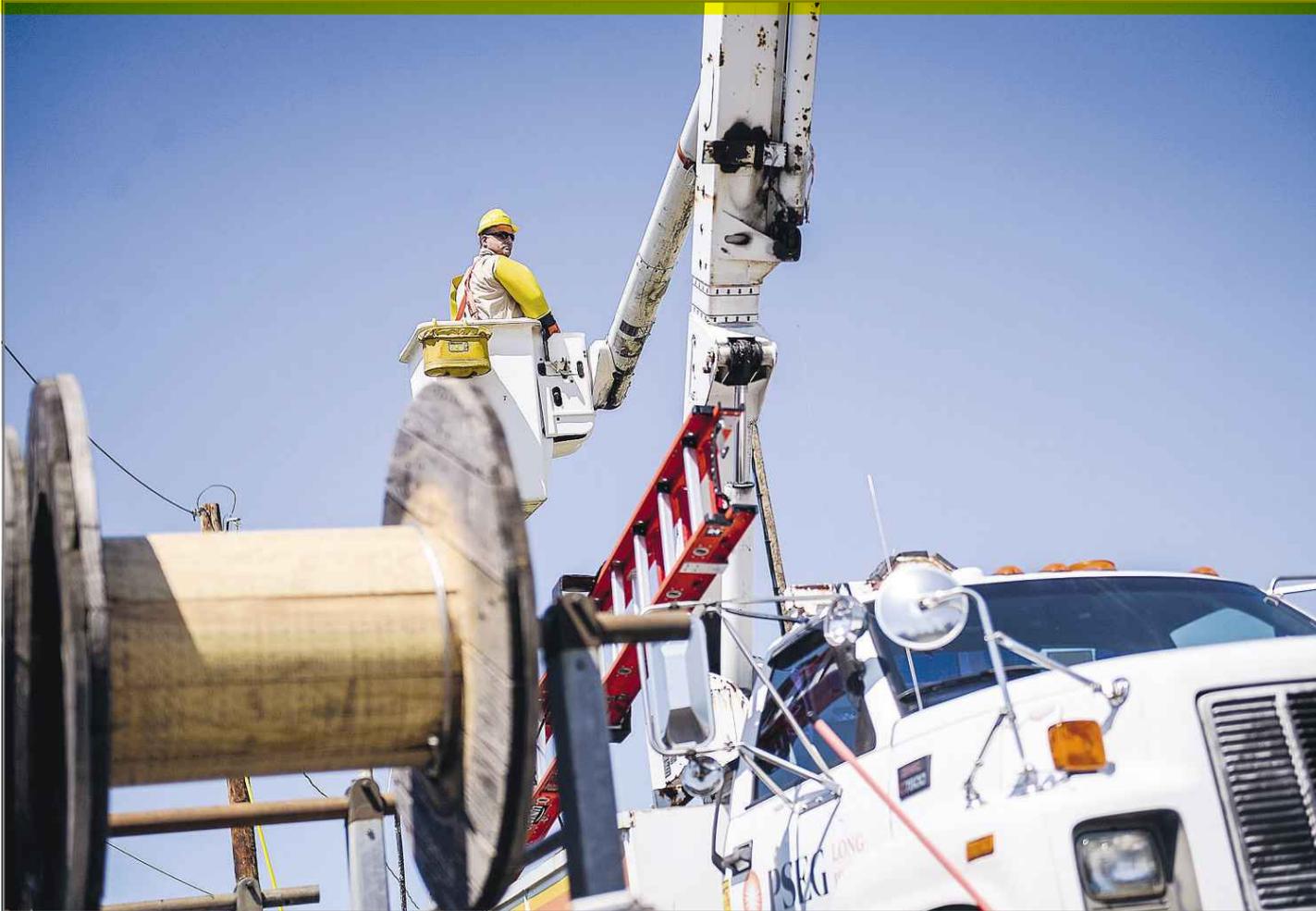
Northstar disagreed in the draft report. "The increase in the number of customers interrupted is being impacted by factors other than new outage management system," according to the draft. Northstar also took exception to PSEG's blaming declining numbers on "intentional" outages, calling the contention "flawed" and noting that is "not an industry-accepted term." Northstar said it found nothing that would constitute an emergency condition to justify the intentional outages.

Explaining the edits, DPS spokesman James Denn called it "standard operating procedure for DPS to carefully scrutinize audits to ensure that findings are supported by the facts."

He added, "If there are mistakes, we ask the auditor to make necessary corrections. There are no barriers preventing DPS to access information

HOWARD SCHNAPP

MUTED IN AUDIT'S EDITS



STEVE POST

Among other things, the first draft of the \$1.6 million report faulted LIPA and PSEG Long Island's response to outages.

that's needed about a utility's operation."

PSEG spokeswoman Elizabeth Flagler said the company "never saw a copy" of the January draft report. And while it reviewed the final report in May/June for "factual corrections," the company "did not have any final say in sections being removed or altered." Spokesman Jeremy Walsh added PSEG did not make objections to the observations made in the reliability section of the audit report, and noted Northstar "included our perspective in the final version of the report," which also found that "LIPA customers have the second lowest number of outages annually and the shortest outage durations in New York."

A LIPA spokesman concurred that the January report was "never shared with LIPA/PSEG." The authority was

"offered an opportunity to correct factual inaccuracies, and it was up to the auditor to make final recommendations."

Doug Bennett, a Northstar executive who oversaw the audit, said his company "is prohibited from speaking to the media, or anyone else for that matter, as agreed to in our contract."

Alterations and eliminations are widespread in the report, and some points that Northstar characterized critically were neutralized or reconstituted.

In the first draft, the finding that LIPA "does not have sufficient resources or defined roles and responsibilities to effectively oversee" PSEG's capital project follow-through was changed in the final draft to say LIPA's oversight of those matters is "performed at a high level."

The changes in the two reports are evident even in the ex-

ecutive summary. Gone were lines noting that LIPA "does not investigate project cost overruns to identify or correct problems," that "many measures" of PSEG's performance are "not addressed" by LIPA's incentive program for PSEG, and that LIPA and PSEG have "no formal follow-up processes" to address deficiencies identified in numerous studies, internal audits and reports.

"LIPA oversees PSEG LI's spending without sufficient consideration of value received for the investment," the original report charged, a finding that didn't make the final cut.

Expertise deficit

Also gone was the finding that the LIPA board "does not have sufficient relevant functional expertise for an organization of its size, complexity and revenue."

Also, it found the board's level of activity is "relatively low," and it may not exercise a "suitable level of authority."

The initial report noted that LIPA's operations oversight plan incorporating its mission and values "does not address transparency." It noted that customers, for instance, don't have an opportunity to comment on board items moved into a multi-layered "consent agenda" during trustee meetings. Even when ratepayers or others are given a chance to speak at board meetings, the original report found, "public speaking at board meetings did not appear to have any impact on decisions." That line was cut from the final report.

"Based on the board of trustee makeup, LIPA organization and governance processes observed, there is no 'voice of the customer' in executive decision mak-

ing," Northstar found in the original draft report.

In Northstar's original report, it found that PSEG "does not have sufficient processes to assure customers that they are assigned to the correct rate," noting the company views that as "the customers' responsibility," even though it can lead to over- or under-billing.

But in the final version, the finding became "LIPA-PSEG LI comply with PSC precedent regarding rate-code assignments."

While both reports provide charts showing the "potentially significant costs" an incorrect rate classification can have for customers, with charges for the incorrectly classified increasing by \$2,382.25 during the summer months, the final study leaves out the line that "PSEG LI does not actively manage the assignment of general service rate codes," and that it "places the burden on the customer to see a message on the bill and proactively contact" the company.

The original draft report recommends that PSEG "assign customers to the rate schedule based on the previous 12 months billing." The final draft leaves out that recommendation.

In one case, the final report took a somewhat more defined and harsher line than the draft. The report took aim at PSEG's outreach for "high-risk capital projects such as the tall steel poles that replaced shorter wooden ones" in Eastport. It found outreach "may not be adequate," and PSEG held only a "small number of meetings" in advance of the work. The draft discussed capital projects more generally, though it noted outreach is "not sufficiently robust."

Assemb. Fred Thiele (I-Sag Harbor), a frequent LIPA critic, said Newsday's analysis of the two reports raises the question, "Who changed the report and why?" adding that the original report "more closely comports with my sense of reality of how LIPA operates than the white-wash that ended up being released to the public."

He said the omissions and alterations in the final report "require further investigation and is something the legislature in its oversight role should be getting involved in."