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Inside ExploreLI

# TOP STORIES

# PLAN TO REGULATE LI SOLAR

LIPA trustees set to vote on rules to protect consumers from fraud

BY MARK HARRINGTON AND THOMAS MAIER  
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For the first time ever, Long Island will regulate its \$1 billion home solar industry under a new plan aimed at stopping fraud and abuse.

LIPA trustees this week are to vote to adopt a new set of consumer-protection rules for solar installation and related businesses. The move will come four months after a Newsday/News 12 Long Island special report found some customers had leased substandard systems without full knowledge of their complex terms.

LIPA's decision follows by more than a year the state Public Service Commission's adoption of similar rules, which are now in place in the rest of the state. LIPA does not fall under the PSC's supervision. It also follows a five-year period in which solar leasing companies expanded widely without specific regulation in the state, particularly on Long Island, after the Cuomo administration and LIPA allowed solar leasing companies to be eligible for state and LIPA rebates. After spiking sales through 2017, many of those companies have left the market or gone out of business.

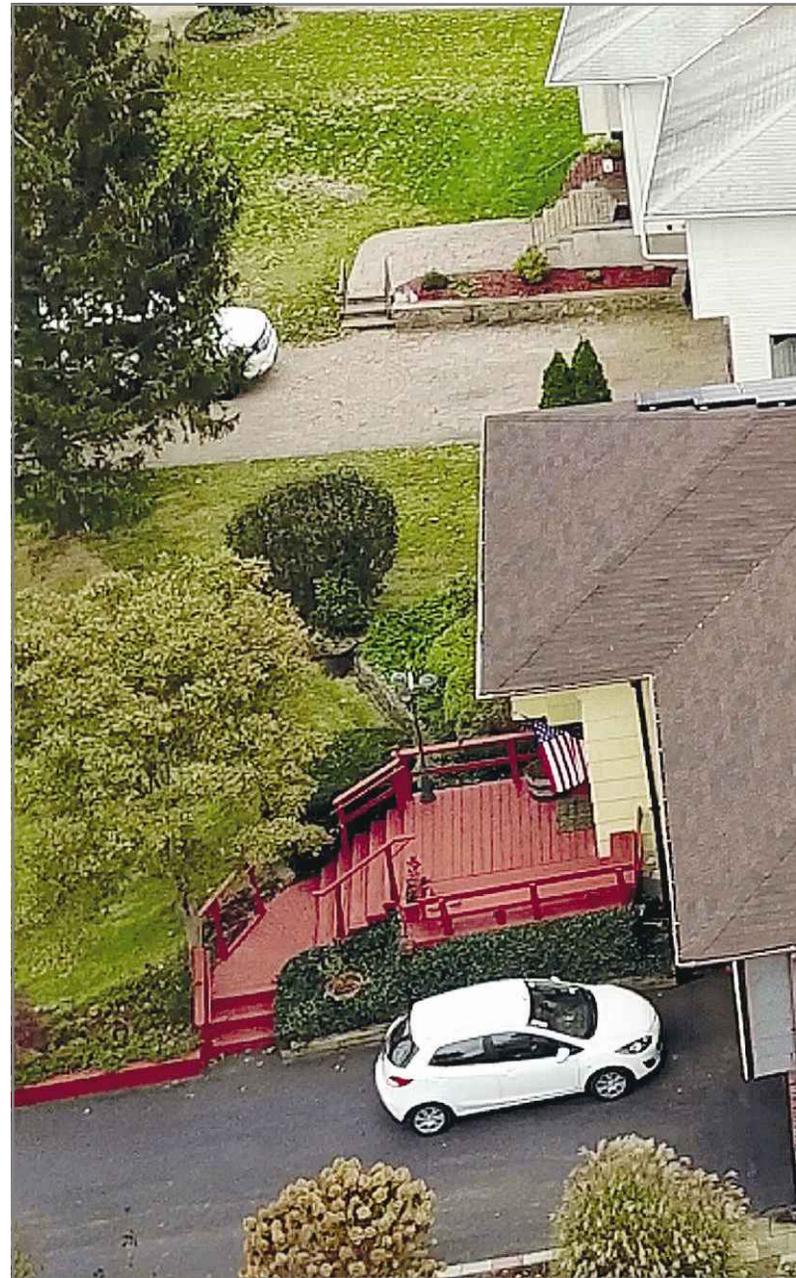
The new plan will require that "customers understand the costs and benefits of their

investments and are afforded protection from confusion, fraud, and abusive marketing." Long Island has more customers than any region in the state — nearly 40,000 home and small office rooftops at last count.

Solar industry officials — aware of complaints against some vendors putting expensive systems on homeowners roofs — say they can abide by the new proposed regulation.

"We are happy to see PSEG putting protection measures in place to protect Long Island homeowners and solar companies," said Arthur Perri, chair of the Long Island Solar Energy Industry Association. "It's unfortunate that some clients have been burned, but consumers should know that solar is alive and well on Long Island and that they can trust local solar."

The state rules, and LIPA's proposed version of them, are aimed at stemming questionable practices by some companies in the solar and related energy businesses that sought to entice customers with promises of lower bills and greener energy.



Long Island has more solar customers than any region in the state,

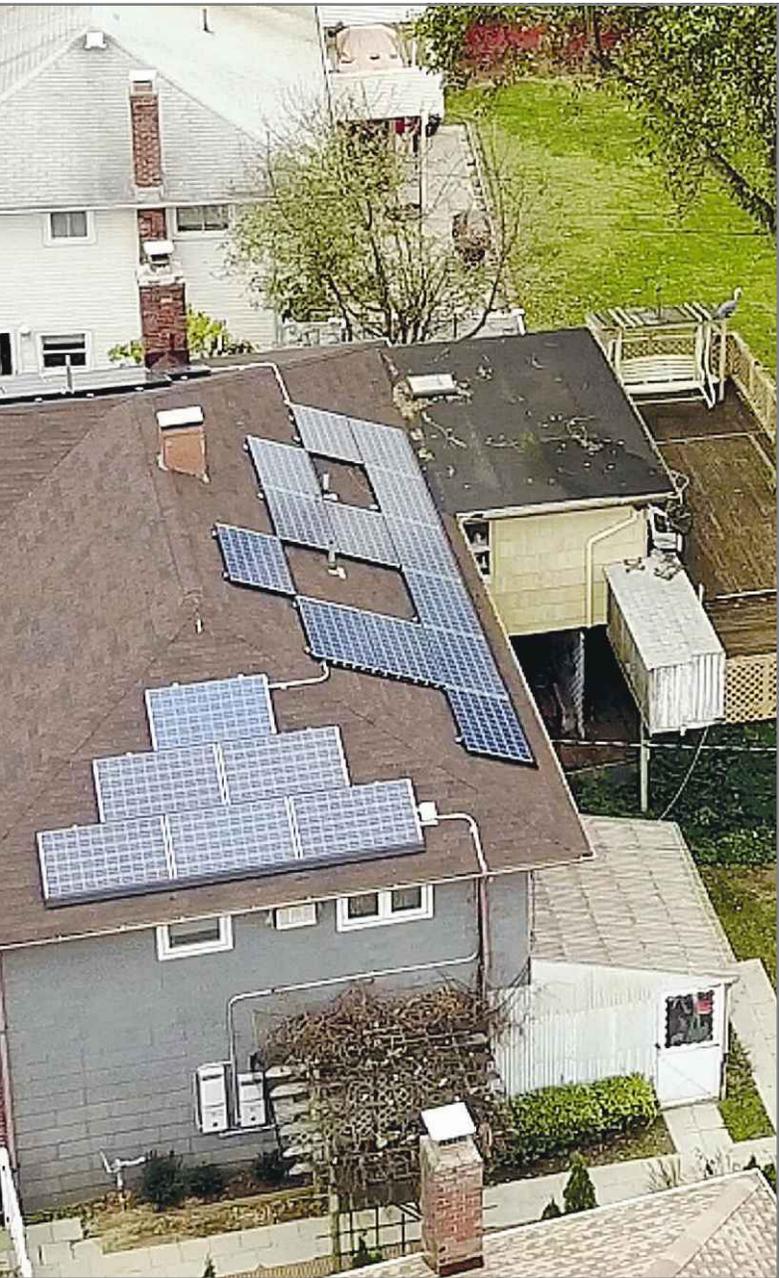
It's unfortunate that some clients have been burned, but consumers should know that solar is alive and well on Long Island and that they can trust local solar."

— Arthur Perri, chair of the Long Island Solar Energy Industry Association

In some cases, the Newsday investigation found, customers were unaware of clauses in their contracts that allowed the companies to increase the leasing cost by upward of 3 percent a year. Others were surprised to discover that their homes' titles were encumbered with so-called uniform commercial code filings that could complicate

home sales or refinancings, and while others found that their systems didn't produce the promised energy savings.

The rules bar energy companies from "misleading or deceptive" conduct, including in the presentation of rates and savings associated with the systems. Customers can request written information about the



nearly 40,000 home and small office rooftops at last count.

company, as well as information about their planned purchase in “plain language.”

The suppliers must comply with laws regarding door-to-door marketing and telemarketing, and cooperate with the state, LIPA and law enforcement in any deceptive practices investigations.

The rules put new limits on the release and safeguarding of customer information by LIPA and the energy companies, including prohibiting the companies from selling, disclosing or providing the information without the customer’s consent unless it’s required to maintain service.

Tom Falcone, chief executive of LIPA, said companies found to have broken the rules

could face a state audit, suspension from LIPA solar-energy programs, and an inability to get customer information needed to enroll them in programs. But he said he believed most companies welcome the rules: “If you’re someone who’s honest and treating customers fairly, you have nothing to fear here.”

LIPA’s new rules will encompass all the state rules, but include a clause that relies on the state Department of Public Service to make a “written recommendation” of resolutions to an offending energy company once the state investigates a complaint. The clause is needed because the department, while fielding complaints from LIPA customers,

doesn’t have formal jurisdiction over LIPA, a stipulation of Gov. Andrew M. Cuomo’s LIPA Reform Act. Instead, the department has a “review and recommend” role in LIPA affairs, leaving formal authority to LIPA’s 9-member board of trustees.

LIPA’s proposal says the new oversight rules were required to “ensure that customers understand the costs and benefits of their investments and are afforded protection from confusion, fraud, and abusive marketing.”

Scott Maskin, chief executive of SUNation Solar Systems, Long Island’s largest installer, applauded the move.

“The bottom line: if this cleans up the toilet, it’s good,” said Maskin. “Anything that protects the consumer is a good thing.” He worried, however, that the proposal didn’t appear to include penalties for wrongdoers. “It’s not going to scare anybody unless there’s teeth to it.”

LIPA’s rules come as the state attorney general’s office has confirmed it is conducting an investigation into the solar-energy market, begun under former Attorney General Eric T. Schneiderman. His replacement, Barbara Underwood, who will leave office in January, declined to comment on the probe or LIPA’s proposed rules. “Given that we have an ongoing investigation, we are of course not going to comment,” spokeswoman Amy Spitalnick wrote in an email.

Underwood has a “Going Solar” consumer tip page on her website, saying, “New York’s solar market is growing, creating jobs and producing clean power. That’s good for the environment and increases our energy security and resiliency,” but adds it’s “important homeowners have the information they need to make informed decisions.”

Nationally, complaints against solar leasing firms — and efforts to prevent abuses — shouldn’t stop overall government efforts to encourage solar and other environmental-friendly energy recovery methods, say experts.

“Solar will continue to grow and be a big part of the energy mix,” said Tyson Slocum, energy program director of Public Citizen, a longtime advocacy group that has criticized top solar companies in the past. “But we need to make sure consumers are protected.”

# Trump-Mueller interview a no-go

BY LAURA FIGUEROA HERNANDEZ  
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WASHINGTON — President Donald Trump’s personal attorney, Rudy Giuliani, on Sunday shut down the possibility of Trump sitting for an interview with special counsel Robert Mueller, saying it would occur “over my dead body.”

Giuliani made the declaration on “Fox News Sunday” — one of two appearances he made on Sunday talk shows to discuss Mueller’s Russia probe and the sentencing of Trump’s former personal attorney, Michael Cohen.

A federal judge sentenced Cohen on Wednesday to 3 years in prison for crimes that included campaign finance violations stemming from two hush-money deals he arranged before the 2016 election to conceal affairs Trump allegedly had with porn star Stormy Daniels and former Playboy model Karen McDougal.

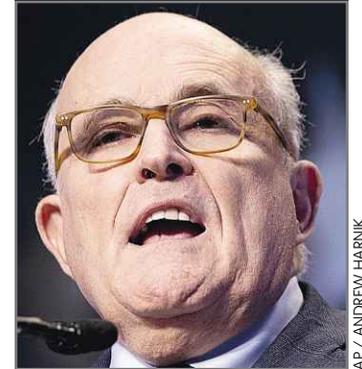
When asked by host Chris Wallace on “Fox News Sunday” if Trump would abide by Mueller’s standing request for an interview, Giuliani said: “Over my dead body; but, you know, I could be dead.”

In November, the president’s legal team submitted written answers in response to Mueller’s questions about possible collusion between the Trump campaign and Russia. The president’s lawyers have refused to answer any questions regarding possible obstruction of justice, according to media reports, and have balked at having Trump sit down for an interview with Mueller.

Giuliani and Trump cast Mueller’s investigation as a witch hunt and said the Long Island-born Cohen lied to federal prosecutors about his work on behalf of the president. Cohen told prosecutors his work coordinating six-figure payments to Daniels and McDougal in the run-up to the 2016 elections in exchange for their silence about the alleged affairs was done at the direction of Trump.

Trump, who has acknowledged making the payments, insisted this week that Cohen acted on his own and he never directed his former attorney to break the law.

Giuliani argued on ABC’s



Rudy Giuliani

“This Week” that Trump did not violate campaign finance laws by making the payments just weeks before the general election, because “if there’s another purpose, it’s not a campaign contribution.” Federal prosecutors in the Cohen case have argued the payments should have been disclosed by the Trump campaign because federal election law mandates the disclosure of payments made “for the purposes of influencing an election.”

On Sunday, Trump referred to Cohen in a tweet as a “rat” who decided to cooperate with federal investigators only after the FBI, brandishing a search warrant, raided his home and office in April.

“They BROKE INTO AN ATTORNEY’S OFFICE! Why didn’t they break into the DNC to get the Server, or Crooked’s office,” Trump tweeted, referring to the FBI’s investigations into the hacking of the Democratic National Committee’s email server and Hillary Clinton’s use of a personal email server while secretary of state.

Asked about Trump’s tweets, Cohen’s former attorney, Lanny Davis, said on CBS’ “Face the Nation” “That’s the language of a mobster, not the president.”

Davis said Cohen was willing to tell the truth, even if it meant jail and pushed back on Giuliani’s statement on “This Week” that Cohen sought a presidential pardon.

“He wouldn’t take a pardon from Trump if it was handed to him,” Davis said.

With Scott Eidler

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