



Robert P. Astorino
County Executive

Public Utility Service Agency

Vincent Vesce, Chair

Timothy S. Carey
Executive Director

17629

March 3, 2011

To: Board of Acquisition and Contract

From: Timothy S. Carey, Executive Director
County of Westchester Public Utility Service Agency

Re: Authority to enter into an agreement with Frank Radigan d/b/a Hudson River Energy Group for the provision of professional consulting and expert witness services in connection with various energy issues facing the County for the period February 1, 2011 through January 31, 2012 in an amount not-to-exceed Fifty Thousand (\$50,000.00) Dollars

Authority is requested for the County to enter into an agreement with Frank Radigan d/b/a Hudson River Energy Group (the "Consultant"), 25 Eagle Street, Albany, New York 12207, for the provision of professional consulting and expert witness services in connection with various energy issues, including without limitation, proceedings before the New York State Public Service Commission ("PSC"), matters before the New York Independent System Operator, the Federal Energy Regulatory Commission and related litigation during the period February 1, 2011 through January 31, 2012.

The proposed Agreement will be in an amount not-to-exceed Fifty Thousand (\$50,000.00) Dollars and payable at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour. The maximum amount that the Consultant may be paid for any one day period shall not exceed eight (8) hours. Consultant will also be reimbursed for reasonable and customary out-of-pocket expenses.

The services to be provided by the Consultant in connection with such proceedings may include, but not be limited to, attending proceedings and work groups; assisting with negotiations; preparation and delivery of presentations; preparation of technical analysis; assistance with the preparation of statements; assistance related to ongoing litigation in state court, review of analysis prepared by others; preparation and delivery of testimony and service as

an expert witness during the proceedings. It is anticipated that during 2011, the Consultant's services will be required in connection with one pending case before the State Supreme Court in addition to providing advice and assistance to the County relating to PSC special proceedings.

The Consultant has in the past provided significant services to the County, including, but not limited to, analysis of energy issues, expert witness testimony for the County in connection with various adjudicatory proceedings; and assistance with the MAC litigation. The Consultant's background and familiarity with the intricacies of the energy situation in New York, particularly his past experience serving the County makes him uniquely qualified to assist the County in future endeavors and in the pending litigation. The proposed Resolution, if authorized by your Honorable Board, will permit the Consultant to continue to assist the County in its efforts to ensure that the electric and gas rates of Con Edison are "just and reasonable" to the ratepayers of the County.

The Consultant's long-standing experience and expertise in the area of energy has benefited the County and continuing this relationship would serve a public purpose by providing the County with a trusted expert to help maintain fair energy rates for the County.

This Agreement is exempt from the requirements of the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) vii thereof, as it constitutes a contract for the services of an expert witness for use in, or in anticipation of an adjudicatory proceeding or litigation.

The goals and objectives of this contract include assuring that the County, municipalities within the County, and residents and businesses in the County pay the lowest possible rates for electric and gas service. The goals and objectives are in the best interests of the County in terms of fiscal responsibility because without the County's active participation in the proceedings before the Public Service Commission and other regulatory agencies, the County may be paying higher rates for electric and gas service than it should. The goals and objectives will be tracked and monitored by the Chair of the County of Westchester Public Utility Service Agency and its Executive Director.

Accordingly, your favorable action on the annexed Resolution is most respectfully urged and recommended.

TSC/SMG:me

RESOLUTION

Upon a communication from the Executive Director of the Westchester County Public Utility Service Agency, be it hereby:

RESOLVED, that the County of Westchester, acting by and through the County of Westchester Public Utility Service Agency, is hereby authorized to enter into an agreement with Frank Radigan d/b/a Hudson River Energy Group, 25 Eagle Street, Albany, New York 12207 (the "Consultant") for the provision of professional consulting and expert witness services in connection with various energy issues, including without limitation, proceedings before the New York State Public Service Commission, matters before the New York Independent System Operator, the Federal Energy Regulatory Commission, and related litigation; and be it further

RESOLVED, in consideration for his services, the Consultant shall be paid an amount not-to-exceed Fifty Thousand (\$50,000.00) Dollars payable at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour, noting that the maximum amount that the Consultant may be paid for any single day shall not exceed eight (8) hours and that Consultant shall be reimbursed for reasonable and customary out-of-pocket expenses; and be it further

RESOLVED, that the term of the Agreement shall commence as of February 1, 2011 and continue through January 31, 2012; and be it further

RESOLVED, that this Agreement is subject to County appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited

Fiscal Year	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2011	52	2110	5100		\$45,000.00
2012	52	2110	5100		\$ 5,000.00

Budget Funding Year(s) 2011/2012 Start Date February 1, 2011 End Date January 31, 2012
 (must match resolution)

Funding Source Tax Dollars X

State Aid _____

\$ 50,000.00 Federal Aid _____

(must match resolution) Other _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 3-31-2011 - JOMARY VIEIRA, SECRETARY