



NIAGARA COUNTY
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MEDIA RELEASE

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SUPREME COURT DENIES STATE-SOUGHT NYPA SUIT VENUE CHANGE
BONIELLO REJECTS EFFORTS TO MOVE LAWSUIT TO ALBANY

LOCKPORT—Niagara County lawmakers received word Wednesday that New York State Supreme Court Justice Ralph A. Boniello III had rejected an effort by State Comptroller Thomas P. DiNapoli to change the venue of the county's lawsuit against the New York Power Authority to Albany.

Boniello removed DiNapoli as a party to the lawsuit in a tersely-worded three-page order issued late Monday. Boniello's ruling means the lawsuit will be heard in Niagara County's State Supreme Court.

An ebullient Legislature Chairman Clyde L. Burmaster, R-Ransomville, announced the news to county taxpayers from the County Courthouse in Lockport Wednesday night.

"The Legislature has just received word of the ruling by [Boniello] denying the state's requested change of venue in the taxpayers' lawsuit against the New York State Power Authority," Burmaster said. "The actions by the New York State Comptroller to move this matter to State Supreme Court in Albany were misplaced and employed to make it difficult for justice to be served."

Burmaster reiterated the county's stance—which Boniello affirmed in his ruling—that Niagara County is the appropriate venue for the lawsuit, which seeks to reverse a sweep of \$544 million in NYPA overcharges by New York Gov. David A. Paterson and the New York State Legislature. The monies were diverted to the state's general fund as part of this year's state budget.

"The appropriate venue for this case is here, in Niagara County, where the largest Power Authority facility is located," Burmaster said, referring to the Niagara Power Project. The Power Project, located in Lewiston, is also one of only two profitable NYPA power generation sites in the state.

Burmaster blasted Paterson and other state leaders for their raid of the NYPA funds to patch over shortfalls in the state budget, which increased by 7 percent this year. County leaders have questioned how an entity with a statutory mission of offering the lowest-priced power possible could have had more than half a billion dollars on-hand in excess funds.

"[The swept funds] came from monies that were overcharged to the ratepayers—a decision that was questionable at best, and certainly morally reprehensible," Burmaster said.

Speaking on behalf of his colleagues, Burmaster praised Boniello's ruling and said county lawmakers looked forward to the county's law firm, Buffalo-based Webster Szanyi, having an opportunity to fight for local ratepayers in court.

"We look forward to the opportunity to present our case in open court, rather than behind closed doors, as was done in the sweep," Burmaster said.

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