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Cuomo tries to block LILCO rate increase

The Associated Press

ALBANY — Gov. Mario Cuomo yesterday ordered a state consumer agency to petition the Public Service Commission to reject the Long Island Lighting Co.'s request for a \$97.7 million rate increase.

Cuomo also ordered Consumer Protection Board Executive Director Richard M. Kessel to find other ways the PSC could block LILCO "from using its customers' money to pursue an operating license" for the controversial Shoreham nuclear power plant.

"If LILCO's rate proposal is implemented, ratepayers will be forced to sub-

dize LILCO's pursuit of a license for Shoreham," Cuomo said in a press release.

"LILCO's new management is disappointed that the governor has not supported our rate request," LILCO Vice President Joseph McDonnell said yesterday. "In the past year, we have embarked on new service programs, a comprehensive conservation program, maintenance programs for our aging power plants and the construction of new power plants. The company has not received a rate increase in nearly three years."

The Consumer Protection Board would file papers tomorrow with the PSC asking

the commission to reject LILCO's temporary 5.4 percent rate increase that takes effect Jan. 1, according to the news release.

LILCO filed for the rate increase on Dec. 2, one day after an agreement between Cuomo and the utility to close Shoreham expired because the state Legislature refused to approve the settlement. Long Island lawmakers opposed the deal, saying it was too generous to LILCO.

The 4-year-old, \$5.3 billion Shoreham plant has been unable to obtain an operating license because the state and local governments maintain the surrounding

area could not be evacuated in the event of an emergency.

Cuomo's settlement called for LILCO to sell Shoreham to the state for \$1 in return for a decade of 5 percent annual rate increases. The state would then shut the plant permanently and build non-nuclear power plants to replace the electricity Shoreham would have generated.

LILCO also stood to gain a 4.9 rate increase if the agreement had been approved.

LILCO contends the new rate increase it seeks should be granted without hearings before the PSC. But the state called the

utility's temporary rate petition "untenable" and cited a Public Service Law that requires the PSC to set temporary rates only "upon notice and after hearing."

In its release, the state said the rate petition cannot be considered without addressing Monday's jury ruling that LILCO lied to state regulators about Shoreham's completion schedule to obtain rate increases in 1978 and 1984.

Cuomo told The New York Times Friday that he has ordered Vincent Tese, his chief negotiator and state director of economic development, to explore the possibility of a new settlement with LILCO "to shut the plant and complete the agreement."

Insanity defense pursued

Steinberg lawyers to press ahead

By Samuel Maul
The Associated Press

NEW YORK — The lawyers for Joel Steinberg maintain their client is a paranoid with a "delusional disorder" and say they will press ahead next week in asking the court permission to pursue an insanity defense.

Attorney Ira London said Friday that Steinberg was delusional the night Lisa, the 6-year-old girl he raised from birth but never formally adopted, was fatally injured. He said Steinberg thought Lisa was staring at him because she was under the influence of a cult that hypnotized people and then used them for sex.

Steinberg is charged with beating the child to death.

A psychiatrist who examined Steinberg, a disbarred lawyer, twice has prepared an affidavit saying the murder defendant has a "delusional disorder — paranoid type" and will testify to that in court, London said.

"He thought he was helping Lisa, not hurting her," London said. "He thought he was saving her from the cult, getting her out of her trance."

Witness Charles Scannapieco said a few weeks ago that he saw Steinberg slap Lisa during an auto trip to Albany. He said Steinberg explained that the child had gone into a trance and was staring and he was bringing her out of it.

London said that if Steinberg is delusional, then he cannot be guilty of "depraved indifference" in Lisa's death, as prosecutors charge, and the jury hearing the murder trial should be told this.

London said he will try to use



Joel Steinberg watches his attorney, Ira London, during the murder trial in New York recently.

testimony from lay witnesses to show Steinberg is not criminally responsible if state Supreme Court Justice Harold Rothwax rejects his request to present an insanity defense.

"If we're not permitted to present psychiatric evidence, we can still present testimonial evidence from lay people ... to indicate that his conduct was not depraved but rather, it was insane."

Last week, Rothwax temporarily rejected the defense request to be allowed to present an insanity defense.

The judge said insanity pleas usually must come with in 30 days of a defendant's plea to an indictment. But he said he would allow the defense to apply again after the lawyers submitted

papers explaining why the request is late and what new psychiatric evidence they have.

London said Rothwax told the lawyers he will hear oral argument on the insanity petition when the prosecution finishes its case, which should be the end of next week.

If Rothwax allows the defense to present a belated insanity defense, then Steinberg must submit to examination by a prosecution psychiatrist. "At this point he's willing," London said of his client.

Steinberg, 47, is on trial in Manhattan, accused of beating Lisa to death. He denies that he hit the girl, but Hedda Nussbaum, Steinberg's battered, longtime live-in companion, has testified that he did.

Lisa, a first-grader described as bright and outgoing, was removed unconscious from Steinberg's Greenwich Village apartment Nov. 2, 1987. She died of head injuries three days later at nearby St. Vincent's Hospital.

London spoke about the insanity defense outside the courtroom after two jurors called in sick and Friday's court session was cancelled. He is expected to continue cross-examining Nussbaum, 46, for the fourth day tomorrow.

As to whether Nussbaum is "crazy," London said "it's obvious from her testimony" and it will help the defense case.

Meanwhile, London said he would prepare his own affidavit and submit it with the psychiatrist's affidavit late tomorrow or early Tuesday.

Subways get biggest change since 1904

By Marjorie Anders
The Associated Press

NEW YORK — Today, half of the city's subway routes will change, three new stations will open and a new route will be added in the biggest set of service changes in the 84-year history of the system.

The changes will affect the riding habits of 640,000 straphangers in every borough but Staten Island.

"There hasn't been anything like this for a long, long time," said TA President David Gunn. "Everyone's going to feel it."

In all, 12 IND and BMT lines will be affected.

The only lines unchanged are the G, L and M trains, the IRT division, which includes all the numbered routes from 1 to 7, and the Times Square and Franklin Avenue shuttles.

The three new stations in the Jamaica section of southeast Queens, called the Archer Avenue extension, add two miles to the J line and connect the E and J trains. The E train will be diverted from its current Queens Boulevard route and stop at all three new stations: Jamaica-Van Wyck, Sutphin-Archer and Jamaica Center.

A new train named the Z will operate as "skip-stop" service along the existing J route during rush hours.

The R train, which formerly terminated at Forest Hills, will be extended to the end of the F at 179th Street, adding more capacity to the line.

Transit officials are counting on the J and Z trains to relieve overcrowding on the E and F trains. To achieve that end, the routes of many buses that now drop commuters at 179th Street in Jamaica, the terminus of the E and F trains, will be rerouted to the new Jamaica Center station at the intersection of Archer Avenue and Parsons Boulevard.

A legal challenge by a group of

Jamaica merchants to the TA's planned changes in five bus routes produced an interim settlement this week. The TA agreed to reroute only three buses to connect with the new stations. A court hearing is scheduled Jan. 4.

The new terminal is spacious and modern with high glass skylit ceilings and escalators and is expected to draw passengers who are tired of the old crowded 179th Street station.

To make the J, which passes through some of Brooklyn's poorest neighborhoods, more attractive to middle-class Queens riders, the TA is assigning all overhauled and graffiti-free subway cars to the line.

Not everyone is impressed. "It is pretty and it is new," says Stephen Dobrow, president of the Committee for Better Transit. "But overall, it achieves little benefit for transit riders considering the large amount of capital funds it absorbed."

The three new stations, plus four that weren't built, were conceived in 1968 with a budget of \$100 million. They open a decade late and at a cost of \$465 million. There are no plans to build the other four stops, which would have linked the subways with the Long Island Rail Road at Springfield Boulevard.

Other important changes include inauguration of midday express service on the A train, which will double service along Fulton Street in Brooklyn.

In Manhattan, changes in B and C service mean trains will come more often along Central Park West — every five minutes. The K train will be eliminated.

Trains that use the Manhattan Bridge over the East River, the B, D and Q, will be returned to their former routes, changes that alone will affect a quarter of a million riders. Those routes, which had been truncated, return to their

Please see SUBWAY, 12

Ark builder fights Newark officials to save her home

By Todd Richman
The Associated Press

NEWARK, N.J. — The woman who became a local celebrity fighting for the 80-ton wooden ark she built in her ghetto has become a neighborhood heroine again.

Kea Tawana lost her first battle with the city this summer when she was forced to demolish the three-story ark, which officials said violated zoning laws. She says the ark, praised by engineers and artists for its solid structure and fine craftsmanship, took her 20 years to build.

Her latest fight with the city came last week and the 53-year-old woman appears to have won the first round.

After a three-hour standoff during which she threatened to set herself ablaze, police and a demolition crew retreated from Tawana's wood-frame home.

City officials say the house, which is attached to two buses and a trailer parked in the back of the parking lot of Humanity Baptist Church, is illegal and they want it razed. Tawana says it is all she has left and that she will die first.

"I may be in this house myself, but I represent all the people who have been thrown out of their house," Tawana said. "I'm the little lady who wouldn't budge."

City attorney Albert J. Mrozik said police and demolition crews will stay away from the house at least until Monday.

"Frankly, we're not quite sure what we're going to do, but she is in violation of a court order," he said.

Many neighbors are rallying behind Tawana for defying police bomb squads, tactical units and city attorneys.

Residents who gathered to watch Thurs-

day's attempted demolition hurled insults at police, telling them to rid their neighborhood of drugs and leave Tawana alone.

"They shouldn't be bothering her, harassing her like that," said Vance Johnson, a neighbor. "All she wants to do is live in peace. She don't bother nobody."

Said Gail Mace, 23, "She said she was going to do this a week ago. She's a fighter, the only one with any sense in this neighborhood. Nobody's going to push her around."

Anticipating the demolition crew, Ms. Tawana scattered jugs of gasoline throughout her home and surrounded them with newspapers. Next to each she placed a book of matches.

When a tractor revved Thursday to raze the home, the muscular woman yelled through the metal grating covering her windows that she would shoot intruders and set herself on fire. She has remained barricaded in the house since.

On Friday, the strip of glass-strewn road in front of Tawana's house was busy with traffic.

"People have been driving by all day, saying, 'Don't give up Kea,'" Tawana said. "I'm not going to give up."

"You see those flowers there?" she asked, pointing to a vase near a jug of gasoline. "They try and remove me from here and that'll be my funeral arrangement. They'll have to kill me for this house. It ain't coming cheaply."

The walls of Tawana's 6-foot-square living room are lined with the books she said she taught herself with because her formal education ended in the sixth grade. Technical books on architecture, geometry and philosophy rest on the shelves.



Kea Tawana talks from her Newark home, which she built and is trying to save from demolition. On the bookcase at left is a bottle of gasoline surrounded by newspapers, which she vowed to light if the city attempts to remove her.

The house, which Tawana started building in 1970 and moved to the church lot in 1972, has plumbing, electricity and a coal stove, all of which she installed. But city officials say it must go.

"The fact of the matter is she's violating a court order to vacate the area, and urban people just like anybody else have to learn that there are laws to obey," Mrozik said.

Tawana's correspondence with the city includes applications for alternative sites to move the house.

She produced a document which she said was signed by the church's pastor, the Rev. J.W. Brown, demanding she leave the property, but with the understanding the city would find her another place to go.

Mrozik said Newark is not obligated to find her another lot because the house is illegal.

2 dead, 2 hurt in Brooklyn shooting

The Associated Press

NEW YORK — Two brothers were killed and their mother and a teen-age girl were seriously injured yesterday by an irate gunman who went to their Brooklyn apartment looking for his missing daughter, police said.

The gunman later surrendered to the police and handed over the 45-caliber automatic pistol he had allegedly used in the attack, police said.

The shooting happened shortly after 5 p.m. in apartment 6-L at 6801 19th Ave. in the Bath Beach section, the police said.

"Apparently (the gunman) went to the apartment looking for his daughter who's been missing since yesterday," said Sgt. Raymond O'Donnell, a police spokesman.

His daughter was not there, but the 48-year-old man got into an argument with the two men and opened fire, O'Donnell said. His shots struck the two men in the chest, killing them, the spokesman said.

Bullets also hit the men's 43-year-old mother in the left cheek and a 15-year-old girl in the chest, O'Donnell said.

All the victims were rushed to Kings County Hospital. The men, ages 24 and 27, were pronounced dead on arrival, the woman and teen-ager were admitted in serious condition, O'Donnell said.

The teen-ager was apparently the girlfriend of one of the men, he said.

After the shooting, the suspect surrendered to the police at the 62nd Precinct station house and handed over his gun, O'Donnell said.

He suffered an undetermined hand injury and was being treated at Coney Island Hospital, the spokesman said.

The suspect had not yet been charged in the shooting spree, the police said.