

STATE OF NEW YORK

Public Service Commission

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10004 Agenda

PSC LISTS AGENDA FOR TUESDAY, JANUARY 19, 2010

PLEASE NOTE:
MEETING WILL BE BROADCAST ON THE INTERNET
- VIDEOCASTING TO COMMISSION'S NEW YORK CITY OFFICES ALSO AVAILABLE -

Albany, NY – 01/14/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Tuesday, January 19, 2010, in the 19th Floor Board Room of its offices located at Three Empire State Plaza, Albany, New York.**

Individuals in New York City wishing to view the Commission's meeting may do so in the Board Room on the 4th floor of the Commission's offices at 90 Church Street, New York City. The videocasting will be for viewing and listening purposes only. Pursuant to procedures established by the building management, anyone planning to observe the meeting in the New York City Board Room must notify Jan Goorsky at 212-417-2378, 48 hours in advance of the meeting, and must be prepared to show valid photo identification upon arrival at 90 Church Street.

In addition to the video broadcasting of the meeting in the Commission's New York City offices, the meeting will be broadcast live on the Internet. The Internet broadcast can be viewed through NewYorkAdmin by accessing <http://www.NewYorkAdmin.com> from a computer capable of using RealPlayer. RealPlayer can be downloaded from the NewYorkAdmin Web site. The Commission has no financial interest in the Web site, its management, maintenance or administration.

The agenda is divided into two sections. The Consent Agenda consists of items that because of their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commission and do not require discussion. Any item on the Consent Agenda can be transferred to the Regular Agenda if discussion is required.

The Regular Agenda consists of items that, by their nature, appear to be best resolved through discussion of matters covered by written reviews and analyses, also available to the Commissioners in advance of the meeting. All Commission meetings are open to the public. However, since adequate forums are available for public participation in cases before the Commission there will be no opportunity for the public to address the Commission. The agenda attached to this announcement is complete at the time of issue, but other items may be added and some agenda items may be removed without further notice.

Persons with disabilities who require a sign language interpreter or other special accommodations should call the Department of Public Service's Human Resources Management office at (518) 474-2520. TTD users may call this number through the New York Relay Service at 1-800-662-1220 or have a representative call directly to the office.

All public documents that have been filed or issued before today's date are available for inspection in the Files Unit on the 14th floor of the Albany offices, or by faxing a request for copies to (518) 474-9842 using a Billing Information Form, available in that office or by calling (518) 474-2500. Copies of notices or other material relating to pending Commission actions may be obtained by calling the Department's Operations Section at (518) 474-2500. Copies may be obtained from Central Files when they become available by calling (518) 474-2500.

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, February 11, 2010, in Albany, New York.**

The agenda for the January 19, 2010 meeting is attached.

CONSENT AGENDA

This agenda consists of items that, by their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commissioners and do not require discussion at the Session.

All items will be considered together at the start of the session.

Item PSC Case

GAS

161 09-G-0382 MR. DERRICK A. RENFORD/MS. CONSTANCE RODHY and NATIONAL FUEL GAS DISTRIBUTION CORPORATION – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.

162 08-G-1006 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 257, Liquefied Petroleum Gas Plants.

163 09-G-0846 BADGER CONSTRUCTION, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.

09-G-0849 SEYMOUR EXCAVATING INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.

09-G-0850 DIG IN EXCAVATING CORP./ORANGE AND ROCKLAND UTILITIES, INC.

09-G-0851 BERNADETTE PROPERTIES/ORANGE AND ROCKLAND UTILITIES, INC.

09-G-0852 D’AGOSTINO LANDSCAPING/ORANGE AND ROCKLAND UTILITIES, INC.

09-G-0853 BAREFOOT SEPTIC & SEWER, INC./ROCHESTER GAS AND ELECTRIC CORPORATION.

09-G-0854 CCI COMPANIES, INC./ST. LAWRENCE GAS COMPANY, INC.

09-G-0856 NORMAN KURRASS CONTRACTOR, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities.

164 09-G-0848 RONDAXE PROPERITIES, LLC/NEW YORK STATE ELECTRIC & GAS CORPORATION.

In the Matter of an Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities.

- 165 06-G-1185 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSpan ENERGY DELIVERY NEW YORK – Amendments to PSC 12-Gas, eff. 8/1/09, 12/2/09 and 1/5/10, on a temporary basis, to revise their transportation and balancing provisions in compliance with the Commission Order issued 6/23/09.
- 06-G-1186 KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY LONG ISLAND – Amendments to PSC 1-Gas, eff. 8/1/09, 12/2/09 and 1/5/10, on a temporary basis, to revise their transportation and balancing provision in compliance with the Commission Order issued 6/23/09.
- 166 06-G-1185 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSpan ENERGY DELIVERY NEW YORK – Cancellation of amendments to PSC 12-Gas, eff. 10/1/08 (postponed to 2/1/10) to eliminate the deadband from the weather normalization calculation.
- 06-G-1186 KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY LONG ISLAND – Cancellation of amendments to PSC 1-Gas, eff. 10/1/08 (postponed to 2/1/10) to eliminate the deadband from the weather normalization calculation.

GENERAL

- 261 08-M-1299 ORANGE AND ROCKLAND UTILITIES, INC. – Pet. for Authorization to Defer Incremental Costs Related to Extraordinary Interest Cost Increases and For Costs Related to the Refunding and Refinancing of Two Issues of Tax Exempt Debt.
- 262 06-E-1389 MR. SIMON YOO/MR. IN HEOK CHO and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 08-E-0249 HICKORY SHADOW INC. and CENTRAL HUDSON GAS & ELECTRIC CORPORATION, INC.
- 09-G-0334 MS. KATHLEEN A. SULLIVAN and NATIONAL GRID, INC.

In the Matter of the Rules and Regulations of the PSC, Contained in 16 NYCRR, in Relation to Complaint Procedures – Appeals of Informal Hearing Decisions.

POWER

- 361 09-E-0816 MS. JUDY WANG/MS. SHANNON SMITH and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of a Commission Designee’s Determination Pursuant to PSL Section 52 – Rehearing Petition.

- 362 08-E-1003 ORANGE AND ROCKLAND UTILITIES, INC. – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Electric Energy Efficiency Program.
- 363 09-E-0747 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendment to PSC 9-Electricity, eff. 1/1/10, postponed to 2/1/10, to update its pole attachment rates applicable to cable system operators and telecommunication carriers to reflect 2008 costs.
- 09-E-0748 ORANGE AND ROCKLAND UTILITIES, INC. – Amendments to PSC 2-Electricity, eff. 1/1/10, and postponed to 2/1/10, to update its pole attachment rates applicable to cable system operators and telecommunication carriers to reflect 2008 costs.
- 364 08-E-1014 NIAGARA MOHAWK POWER CORPORATION – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Electric Energy Efficiency Program.
- 365 09-E-0227 NEW YORK STATE ELECTRIC & GAS CORPORATION – Amendments to PSC 120 and 121 – Electricity, eff. 10/2/09, on a temporary basis, to modify its tariff regarding fixed transition charges.
- 09-E-0228 ROCHESTER GAS AND ELECTRIC CORPORATION – Amendments to PSC 18 and 19 – Electricity, eff. 10/2/09, on a temporary basis, to modify its tariff regarding fixed transition charges.
- 366 No Item 366 will appear on this Agenda.
- 367 09-E-0519 FC 80 DEKALB ASSOCIATES – Petition to Submeter Electricity at 80 Dekalb Avenue, Brooklyn, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 368 09-E-0231 HIGHLAND SENIOR RESIDENCE, LLC – Petition to Submeter Electricity at 34 Highland Avenue, Yonkers, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.

WATER

- 461 04-W-1221 UNITED WATER NEW ROCHELLE INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.
- 462 09-W-0641 SARATOGA WATER SERVICES, INC. and MALTA PROPERTIES 1, LLC – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Malta, Saratoga County.

- 463 09-W-0645 SARATOGA WATER SERVICES, INC. and BLUTH COMPANY, LLC – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Development in the Town of Malta, Saratoga County.
- 464 09-W-0734 FOUR SEASONS WATER CORP. – Petition for Approval to Transfer Approximately 1.51 Acres of Land Located in East Fishkill to Jack Frost, LLC.
- 465 09-W-0537 EMERALD GREEN LAKE LOUISE MARIE WATER COMPANY, INC. – Amendments to PSC 1-Water, eff. 10/1/09, suspended to 1/28/10, to increase its annual revenues by about \$148,565 or 38.7%.
- 466 05-W-0707 HOME DEPOT U.S.A., INC. and LINENS ‘N THINGS – Complaint Requesting an 80% Reduction in the Rates Charged by Independent Water Works, Inc.

COMMUNICATIONS

- 561 09-C-0722 LIFECONNEX TELECOM, LLC – Petition for Designation as an Eligible Telecommunications Carrier within the State of New York.
- 562 07-C-1541 XCHANGE TELECOM, INC. – Complaint Against Sprint Nextel Corporation for Refusal to Pay Terminating Compensation.
- 09-C-0370 XCHANGE TELECOM CORP. – Petition for a Declaratory Ruling Establishing the Just and Reasonable Rates for Termination of Traffic Between Wireless Carriers and CLECs.

CABLE

- 661 09-V-0368 TIME WARNER CABLE/Town of Middlefield, Otsego County.
- 09-V-0438 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Schuyler, Herkimer County.
- 09-V-0494 TIME WARNER CABLE/Village of Lake George, Warren County.
- 09-V-0533 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Wampsville, Madison County.
- 09-V-0534 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Richland, Oswego County.
- 09-V-0564 TIME WARNER CABLE/Town of Springfield, Otsego County.
- 09-V-0625 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Dickinson, Broome County.
- 09-V-0629 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Norwich, Chenango County.
- 09-V-0646 TIME WARNER CABLE – CENTRAL NEW YORK DIVISION/Town

- of Richfield, Otsego County.
- 09-V-0651 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Triangle, Broome County.
 - 09-V-0661 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Endicott, Broome County.
 - 09-V-0720 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Glen Park, Jefferson County.
 - 09-V-0732 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Russia, Herkimer County.
 - 09-V-0733 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Stockbridge, Madison County.
 - 09-V-0777 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/City of Glen Cove, Nassau County.
 - 09-V-0807 HANCOCK VIDEO/Town of Tompkins, Delaware County.
 - 09-V-0809 HANCOCK VIDEO/Town of Hancock/Delaware County.
 - 09-V-0837 TIME WARNER CABLE/Village of Millport, Chemung County.

Applications for Certificates of Renewal.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

No Items Will Be Considered On This Agenda.

GENERAL

No Items Will Be Considered On This Agenda.

POWER

- 301 08-E-0439 RIVERVIEW II PRESERVATION, LP – Petition to submeter electricity at 47 Riverdale Avenue, Yonkers, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- 302 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.

WATER

- 401 09-W-0237 NEW YORK WATER SERVICE CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

COMMUNICATION

No Items Will Be Considered On This Agenda

CABLE

No Items Will Be Considered On This Agenda.

KEY TO ABBREVIATIONS:

* – Item was on calendar of previous meeting

+ – Notice required by State Administrative Procedure Act (SAPA)

A – Special Permit Order (spo) to be issued

16NYCRR – Commission regulation published in Vol. 16, NYS Codes, Rules and Regulations

ALJ – Administrative Law Judge

NOI – Notice of Intention

EM&CP – Environmental Management & Construction Plan

V – Village T – Town C – City Co – County