

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

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FOR RELEASE: IMMEDIATELY

09065 Agenda

## PSC LISTS AGENDA FOR THURSDAY, JULY 16, 2009

### PLEASE NOTE:

### MEETING WILL BE BROADCAST ON THE INTERNET

- VIDEOCASTING TO COMMISSION'S NEW YORK CITY OFFICES ALSO AVAILABLE -

Albany, NY – 07/10/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, July 16, 2009, 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 4<sup>th</sup> 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 14<sup>th</sup> 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.

An additional session has been scheduled to begin at **10:00 A.M., Friday, July 24, 2009, in Albany, New York.**

The agenda for the July 16, 2009 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-0371      Mr. William C. Alvarez/Ms. Maria Transito Inga and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination.
- 162      06-G-0283      Mr. Wan Joo Lee/Mr. Daryl Pinkney and National Fuel Gas Distribution Corporation  
07-G-0166      Hollisco Owners Corp./Consolidated Edison Company of New York, Inc.  
  
Appeals of Informal Hearing Decisions.
- 163      09-G-0501      BTW Pro, Inc./Consolidated Edison Company of New York Inc.  
09-G-0504      National Lawn Sprinklers, Inc./Consolidated Edison Company of New York, Inc.  
09-G-0503      Fieldway Industries Inc./KeySpan Energy of New York City  
09-G-0502      Benson Enterprises of New York, Inc./National Fuel Gas Distribution Corporation  
09-G-0500      American Excavating, Inc./New York State Electric & Gas Corporation  
  
Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities.
- 164      08-G-1315      National Fuel Gas Distribution Corporation - Petition for Authorization to Defer the Costs Related to the Environmental Clean-Up of the Manufactured Gas Site located at 126 East Niagara Street in Tonawanda, New York.

**GENERAL**

- 261      07-E-0036      Ms. Chandrama Chintamani/Mr. Ravindra Rampersad and Consolidated Edison Company of New York, Inc.  
09-G-0261      Mr. Jesse McCutchen, Jr./Ms. Manzayila Bimwala and Consolidated Edison Company of New York, Inc.  
  
Rehearing petitions of designees’ determinations.

262 09-M-0485 Central Hudson Gas & Electric Corporation - Pet. for Approval of a Transfer and to Grant Easements On Utility Property in Connection with the Walkway Over the Hudson Project and for Related Approvals and Request for Emergency Action.

263 There is no Item 263 on this Agenda.

264 09-E-0470 T. Rowe Price Associates, Inc. - Petition for a Declaratory Ruling Regarding the Acquisition of Common Stock, or, in the Alternative, Approval under Section 70 of the PSL.

### **POWER**

361 09-E-0406 Ms. Marion Ackerman/1340 E. 9<sup>th</sup> Street Realty LLC and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination.

362 09-E-0262 Ms. Leena Dsouza/Ms. Paula Vassell and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination.

363 99-F-1625 Application by KeySpan Energy for a Certificate of Environmental Compatibility and Public Need to Construct and operate a 250 megawatt, cogeneration, combustion turbine electric generating facility to be developed at the existing Ravenswood Generating Station in Long Island City, Borough of Queens.

09-F-0317 Petition of National Grid PLC and KeySpan Corporation for Approval of the Termination of Agreements Entered into Pursuant to Orders Issued in Case 99-F-1625.

364 99-F-1625 Application by KeySpan Energy for a Certificate of Environmental Compatibility and Public Need to Construct and operate a 250 megawatt, cogeneration, combustion turbine electric generating facility to be developed at the existing Ravenswood Generating Station in Long Island City, Borough of Queens.

365 09-E-0109 Proceeding on Motion of the Commission as to Continuation of Standby Rate Exemptions For Beneficial Distributed Generation.

366 There is no Item 366 on this Agenda.

367 07-E-0523 Consolidated Edison Company of New York, Inc. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.

368 There is no Item 368 on this Agenda.

- 369 09-E-0376 Airevolution Wind Energy Systems, LLC - Petition for a Declaratory Ruling Concerning Applicability of Aggregate Net Metering with Respect to Multiple Meters on the Same Property.
- 370 09-E-0348 Caithness Long Island, LLC - Petition for a Declaratory Ruling that Dedication to Municipality of Land Incidental to Operation of Electric Plant need not Require Approval Pursuant to Section 70 of the PSL.
- 371 06-T-1040 Niagara Mohawk Power Corporation d/b/a National Grid - Appn. for a Certificate of Environmental Compatibility and Public Need for the Reconstruction, Operation and Maintenance of Approximately 21 Miles of 115 kV Double-Circuit Transmission Facilities from the Gardenville Substation in West Seneca to Structure 199 in Concord, Erie County.
- 372 09-E-0310 In the Matter of the American Recovery and Reinvestment Act of 2009 – Utility Filings for New York Economic Stimulus.
- 373 04-M-1078 Petition of Niagara Mohawk Power Corporation for Approval to Attach certain Wireless Facilities on Niagara Mohawk Transmission Structures and Property.  
09-M-0269 Petition of Niagara Mohawk Power Corporation d/b/a National Grid for Approval of SBA Towers II, LLC to Construct a Cell Tower and Related Facilities on Utility Property in the Town of Onondaga, Onondaga County.
- 374 08-E-0713 Joint Petition of New York State Electric & Gas Corporation and Nucor Steel Auburn, Inc. Regarding First Amendment to Electric Service Agreement.
- 375 08-E-0836 Petition of Frawley Plaza, LLC, to submeter electricity at 1295 Fifth Avenue, 1309 Fifth Avenue, and 1660 Madison Avenue, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 376 08-E-0837 Petition of Metro North Owners, LLC, to submeter electricity at 1940-1966 First Avenue, and 420 East 102nd Street, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 377 08-E-0838 Petition of North Town Roosevelt, LLC, to submeter electricity at 510-580 Main Street, Roosevelt Island, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 378 08-E-0839 Petition of KNW Apartments, LLC, to submeter electricity at 1890 Lexington Avenue and 1990 Lexington Avenue, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.

## **WATER**

- 461 06-W-0943 Joint Petition of Saratoga Water Services, Inc. and Luther Forest Technology Campus - EDC for a Declaratory Ruling Concerning the Provision of Water Service to Proposed Development in the Town of Malta, Saratoga County.
- 462 07-W-0886 Joint Petition of Saratoga Water Services, Inc. and Visionary Park, LLC for a Declaratory Ruling Concerning the Provision of Water Services to a Proposed Development in the Town of Malta, Saratoga County.
- 463 09-W-0383 Friedlander Water Supply - New Tariff Schedule PSC 1-Water to increase its annual flat rate from \$480 to \$1,080 or 125%.
- 464 09-W-0237 New York Water Service Corporation - Amendments to PSC 12-Water, eff. 4/8/09, to increase annual revenues by approximately \$6 million or 27%. (Suspended to 8/5/09)
- 465 08-W-1251 Long Island Water Corporation d/b/a Long Island Am and Ratepayers - Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds.

## **COMMUNICATIONS**

- 561 07-C-0349 Armstrong Telephone Company - Amendments to PSC 2-Telephone, eff. 7/1/09 on a temporary basis, Empire Telephone Corporation - Amendments to PSC 7-Telephone, eff. 8/1/09, Warwick Valley Telephone Company - Amendments to PSC 9-Telephone, eff. 8/1/09, to increase their residential basic local service rates.
- 562 08-C-0873 XO Communications Services, Inc. – Pet. Against Verizon New York Inc. for Relief from Unlawful Charges.
- 08-C-0163 Choice One Communications et al. – Complaint against Verizon New York Inc. Concerning Unlawfully Imposed Charges for Access Toll Connecting Trunk.
- 563 09-C-0506 Verizon New York Inc. - Amendments to PSC 2, 3 and 12- Communications to increase the per-minute rate for intraLATA message toll service and region-to-region calling service for business customers.
- 564 09-C-0486 NOC, Inc. – Petition for Designation as an Eligible Communications Carrier in the State of New York.
- 565 09-C-0487 Cleartel Communications, NOW Communications, Birch Communications, Inc. – Pet. for Customer Transfer Approval.

- 566 09-C-0511 In the Matter of Compliance with Requirement to have a current Telecommunications Carrier Critical Information Form on File at the Department.

**CABLE**

- 661 08-V-1487 Putnam Valley/Cablevision Systems Corporation - Notice of Pet. and Complaint of Putnam Valley Against Cablevision Systems Corporation on the Application and Implementation of 16 NYCRR Section 895.4(c)(11).
- 662 08-V-1427 Time Warner Entertainment Advance Newhouse Partnership – Pet. for a Certificate of Confirmation for its Franchise with the Town of Torrey, Yates County.
- 663 09-V-0324 Town of Niles – Pet. for a Waiver of the Requirements of Part 894 of the Franchise Procedures in Order to Expedite the Franchising Process.
- 09-V-0356 Town of Sempronius – Pet. for a Waiver of the Requirements of 16 NYCRR, Section 894 to Permit the Company to Expedite the Franchising Process.
- 664 01-V-0239 Time Warner/Town of Callicoon, Sullivan County  
 07-V-1292 Time Warner Cable/Town of Forestburgh, Sullivan County  
 06-V-0425 Time Warner/Town of Hartwick, Otsego County  
 08-V-0090 Petition of Time Warner/Town of Rockland, Sullivan County  
 09-V-0245 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Owasco, Cayuga County  
 09-V-0268 Time Warner Entertainment-Advance/Newhouse Partnership/Village of Castorland, Lewis County  
 09-V-0274 Mid-Hudson Cablevision, Inc./Town of Athens, Greene County  
 09-V-0331 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Moira, Franklin County  
 09-V-0362 Time Warner Entertainment-Advance/Newhouse Partnership/Village of Marathon, Cortland County  
 09-V-0436 Time Warner Entertainment-Advance/Newhouse Partnership/Village of Brushton, Franklin County  
 09-V-0439 CAP Exchange I, LLC/Town of North Collins, Erie County  
 09-V-0451 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Lewis, Lewis County  
 09-V-0473 Time Warner Entertainment-Advance/Newhouse Partnership/City of Gloversville, Fulton County
- Application for Certificates of Renewal.
- 665 09-V-0491 Verizon New York Inc. - Pet. for a Certificate of Confirmation for its Franchise with the Town of Cornwall, Orange County.

- 666 09-V-0479 Verizon New York Inc. - Pet. for a Certificate of Confirmation for its Franchise with the Village of Sea Cliff, Nassau County.
- 667 09-V-0508 Verizon New York Inc. - Pet. for a Certificate of Confirmation for its Franchise with the Village of East Syracuse, Onondaga County.
- 668 09-V-0520 Verizon New York Inc. - Pet. for a Certificate of Confirmation for its Franchise with the Town of Cicero, Onondaga County.
- 669 09-V-0530 Verizon New York Inc. - Pet. for a Certificate of Confirmation for its Franchise with the Village of North Syracuse, Onondaga County.

**REGULAR AGENDA**

**Items not necessarily to be considered in the order listed:**

**GAS**

- 101 08-G-1137 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Corning Natural Gas Corporation for Gas Service.

**GENERAL**

- 201 09-M-xxxx In the Matter of the Examination of Issues Related to a Universal Service  
(Ref: Fund.  
02-C-0595)

**POWER**

- 09-E-0310 In the Matter of the American Recovery and Reinvestment Act of 2009 – Utility Filings for New York Economic Stimulus (Discussion Only).

**WATER**

No Items Will Be Considered On This Agenda.

**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