

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223
Further Details: James Denn
james_denn@dps.state.ny.us | 518.474.7080
<http://www.dps.state.ny.us>

10044 Agenda

PSC LISTS AGENDA FOR THURSDAY, MAY 13, 2010

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 05/07/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, May 13, 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 viewing quality of a live webcast can be adversely affected by various factors including, but not limited to, Internet bandwidth limitations, Internet network congestion, and the configurations and settings on a computer used to view the webcast. If you experience problems viewing a live webcast, you may view it at a later time by accessing an archived copy of the

webcast. Archives are available on the Department Web site within two business days after the meeting.

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, June 17, 2010, in Albany, New York.**

The agenda for the May 13, 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-0627 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 258, Transportation of Liquid Petroleum.
- 162 10-G-0014 C.A.C. Industries Inc./The Brooklyn Union Gas Company d/b/a National Grid NY.
10-G-0171 Warren George Inc./Buckeye Pipeline Company.
10-G-0172 Hi-Tech Irrigation Lawn Sprinkler Systems Inc./KeySpan Gas East Corporation d/b/a National Grid.
10-G-0173 S & K Contracting Inc./The Brooklyn Union Gas Company d/b/a National Grid, NY.
- In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities.
- 163 08-G-0609 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Proceeding as to the Rates, Charges, Rules and Regulations for Gas Service.

GENERAL

- 261 98-M-1343 In the Matter of Retail Access Business Rules.
- 262 09-E-0381 Ms. Leena Eddy/Ms. Elvire Larrieux and Consolidated Edison Company of New York, Inc.
10-G-0047 Mr. Yim Wah Kwok/Mr. Pablo Ramirez and Consolidated Edison Company of New York, Inc.
- In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petitions for Rehearing.

- 263 06-C-1304 Ms. Ross Ellis/Verizon New York Inc.
- 07-G-1128 Ms. Muriel Blake/KeySpan Energy of New York.
- 07-E-0231 Ms. Julia Oyewo/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.

- 264 09-M-0788 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Pet. for Approval to Defer Bad Debt Net Write-Off Expense Related to Electric and Gas Operations for Rate Year Ended June 30, 2009.

POWER

- 361 10-E-0042 AES ES WESTOVER, LLC – Petition for Declaratory Ruling and, in the Alternative, Application for Certificate of Public Convenience and Necessity and Petition for an Order Providing Lightened Regulation and Financing Approval.
- 362 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.
- 363 10-E-0025 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Tariff filing to Implement a Provision of the Consent Decree Resolving the Lawsuit of Indeck Corinth V. Peterson et al to Invalidate NYS Participation in the Regional Greenhouse Gas Initiative.
- 364 10-E-0169 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 1-Electricity, eff. 5/14/10, to Revise its Electric Tariff to Classes SC Nos. 1, 2, and 7 to Participate in Rider U Distribution Load Relief Program.
- 365 08-E-1355 HERTEL PARK ASSOCIATES, LP – Petition for a Declaratory Ruling for the Master Metering of Electricity at a Senior Living Facility at 1631 Hertel Avenue, Buffalo, New York, Located in the Territory of the Niagara Mohawk Power Corporation.
- 08-E-1356 WALDEN PARK ASSOCIATES, LP – Petition for a Declaratory Ruling and Waiver of Rule 47 for the Master Metering of Electricity at a Senior Living Facility at 101 Bakos Boulevard, Buffalo, New York, Located in the Territory of the Niagara Mohawk Power Corporation.
- 366 No Item 366 will appear on this agenda.

- 367 00-F-2057 BESICORP-EMPIRE DEVELOPMENT COMPANY, LLC – Petition for a Certificate of Environmental Compatibility and Public Need to Construct and operate a 505 megawatt, combined cycle cogeneration plant in the City of Rensselaer, Rensselaer County.

WATER

- 461 10-W-0091 TOWN OF BLOOMING GROVE ORCHARD LAKE WATER DISTRICT – Joint Petition for Approval of the Acquisition of Braeside Aqua Corp. and Orchard Lake Park Homeowners Association.
- 462 09-W-0237 NEW YORK WATER SERVICE CORPORATION – Amendment to PSC 12-Water, eff. 2/4/10, 2/4/11 and 2/4/12, in Compliance with Commission Order issued January 29, 2010.
- 463 10-W-0086 EDGEWOOD LAKES, INC. – Petition for Approval to Abandon its Water System.
- 464 09-W-0792 SOUTHSIDE WATER INC. – Amendments to PSC 1-Water, eff. 5/1/10, postponed to 6/1/10, to increase its annual revenues by about \$65,000 or 90 percent.

COMMUNICATIONS

- 561 10-C-0124 VERIZON NEW YORK INC. – Amendments to PSC 1-Communications, eff. 3/22/10, postponed to 5/14/10, to eliminate tariff regulations for Intellipath II Digital Centrex Service; NYNEX Wide Area Centrex Service; Intellipath Disaster Recovery Service; Centrex Voice Mail Premium Service; Crisis Management Service; and NYNEX Enterprise Service.

CABLE

- 661 09-V-0826 CABLEVISION OF SOUTHERN WESTCHESTER, INC./VILLAGE OF IRVINGTON, WESTCHESTER COUNTY.
- 10-V-0020 CABLEVISION OF WAPPINGERS FALLS, INC./VILLAGE OF TARRYTOWN, WESTCHESTER COUNTY.
- 10-V-0022 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF ROSLYN, NASSAU COUNTY.
- 10-V-0128 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF CATLIN, CHEMUNG COUNTY.

Applications for Certificates of Renewal.

- 662 10-V-0177 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Town of Lysander, Onondaga County.
- 663 10-V-0178 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Village of Baldwinsville, Onondaga County.
- 664 10-V-0184 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Town of Van Buren, Onondaga County.
- 665 09-V-0755 MS. STEPHANIE BRUKER/CABLEVISION – In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures – Appeal of the Informal Decision Rendered.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

No items will be considered on this agenda.

GENERAL

- 201 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

POWER

- 301 10-E-0149 In the Matter of Report of Investigation Team Regarding the March 6, 2009 Turbine Failure at a Noble Environmental Power, LLC Windpark.
- 302-A 10-E-0175 In the Matter of Staff's Report on 2010 Electric Summer Preparedness.
- 302-B 10-E-0175 In the Matter of Staff's Report on 2010 Electric Summer Preparedness.
- 302-C 10-E-0175 In the Matter of Staff's Report on 2010 Electric Summer Preparedness.

WATER

No items will be considered on this agenda.

COMMUNICATION

- 501-A 10-C-0017 VERIZON NEW YORK INC. – In the Matter of Quality of Service provided by Local Exchange Companies in New York State.
- 501-B 10-C-0202 Verizon 2010 Service Quality Improvement Plan.

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