

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

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FOR RELEASE: IMMEDIATELY

09052 Agenda

PSC LISTS AGENDA FOR THURSDAY, JUNE 18, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 06/12/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, June 18, 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 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, July 16, 2009, in Albany, New York.**

The agenda for the June 18, 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-0466 CORNING NATURAL GAS CORPORATION - Amendment to PSC 4-Gas, eff. 6/27/09, to delete obsolete tariff language pertaining to the volumetric threshold for qualification for S.C. No. 11 - Firm or Limited Negotiated Transportation Service.
- 162 05-G-0549 Ms. Rosa Romero/Keyspan Energy Delivery – Appeal of Informal Hearing Decision.
- 163 09-G-0338 In the matter of an Enforcement Proceeding Against Environmental Bulkheading Corporation for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.
- 09-G-0440 In the matter of an Enforcement Proceeding Against Core Contracting, Inc. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.
- 09-G-0441 In the matter of an Enforcement Proceeding Against Consolidated Edison Company of New York, Inc. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.
- 09-G-0442 In the matter of an Enforcement Proceeding Against Consolidated Edison Company of New York, Inc. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.
- 09-G-0443 In the matter of an Enforcement Proceeding Against PD Quality Construction, Inc. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Keyspan Energy of Long Island.
- 09-G-0444 In the matter of an Enforcement Proceeding Against Rudco Corporation for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Keyspan Energy of Long Island.

- 09-G-0445 In the matter of an Enforcement Proceeding Against KCD Enterprises, Inc. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of KeySpan Energy of Long Island.
- 09-G-0446 In the matter of an Enforcement Proceeding Against Gladiator Contracting Corp. for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Keyspan Energy of New York City.
- 09-G-0447 In the matter of an Enforcement Proceeding Against KBT Construction Inc. for Allegedly Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of KeySpan Energy of New York City.
- 09-G-0452 In the matter of an Enforcement Proceeding Against Tempa General Contractors for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Consolidated Edison Company of New York, Inc.
- 09-G-0448 In the matter of an Enforcement Proceeding Against Bothar Construction, LLC for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of New York State Electric & Gas Corporation.
- 09-G-0449 In the matter of an Enforcement Proceeding Against Royal Flush Plumbing and Heating for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Niagara Mohawk Power Corporation, d/b/a National Grid.
- 164 08-G-1392 ST. LAWRENCE GAS COMPANY, INC. - Amendments to PSC 3-Gas, to increase annual revenues by about \$2.17 million or 4.3%. (Suspended through June 30, 2009).
- 165 06-G-1185 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York for Gas Service.
- 06-G-1186 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island for Gas Service.
- 166 09-G-0372 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Amendments to PSC 8-Gas, eff. 6/20/09, to reflect changes to the Energy Consumer Protection Act of 2002 and to clarify customer's rights related to deferred payment agreements.

- 167 09-G-0252 Petition of Corning Natural Gas Corporation, under Section 68 of the PSL for approval of, and Permission to Exercise, a New Gas Franchise Granted said Corporation by the Town of Virgil, in the County of Cortland, Including the Right to Transmit and Distribute Gas Throughout said Town and to Construct Gas Plant as Necessary in said Town.

GENERAL

- 261 09-S-0315 Petition of Georgia-Pacific Consumer Operations LLC for an Original Certificate of Public Convenience and Necessity.
- 262 07-M-1245 CAROL MAXWELL and the PUBLIC UTILITY LAW PROJECT/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Pet. for an Investigation into Certain Practices Relating to Denials of Service to Residential Applicants and Related Matters.
- 263 09-M-0251 SARANAC POWER PARTNERS L.P. - Application for Certificate of Public Convenience and Necessity, Petition for an Order Providing for Incidental and Lightened Regulation, and Motion for Expedited Proceeding.
- 264-A 07-M-0906 Joint Petition of Iberdrola S.A., Energy East Corporation, RGS Energy Group, Inc., Green Acquisition Capital, Inc., NYSEG and RGE for Approval of the Acquisition of Energy East Corporation by Iberdrola, S.A.
- 264-B 07-M-0906 Joint Petition of Iberdrola S.A., Energy East Corporation, RGS Energy Group, Inc., Green Acquisition Capital, Inc., NYSEG and RGE for Approval of the Acquisition of Energy East Corporation by Iberdrola, S.A.
- 265 08-G-0806 Mr. Ian Walsh/Mr. Frank Hayne and Consolidated Edison Company of New York, Inc.
 06-E-1309 Ms. Mayra Morales/Mr. James Kao and Consolidated Edison Company of New York, Inc.
 07-G-1529 Mr. Orville Stephenson/Ms. Rose Brown and Consolidated Edison Company of New York, Inc.
- Rehearing petitions of designees' determinations.
- 266 05-M-0090 In the Matter of the System Benefits Charge III.
 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 267 09-M-0309 ROCHESTER GAS AND ELECTRIC CORPORATION - Verified Petition Under Section 69 of the Public Service Law for Authority to

Issue Long-Term Indebtedness, Preferred Stock and Hybrid Securities and to Enter into Derivative Instruments Pursuant to a Global Financing Plan.

- 268 09-M-0114 Proceeding on Motion of the Commission to Examine the Prudence of Certain Capital Program and Operation and Maintenance Expenditures by Consolidated Edison Company of New York, Inc.

POWER

- 361 06-E-0911 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Village of Freeport for Electric Service.
- 362 09-E-0416 ROCHESTER GAS AND ELECTRIC CORPORATION - Amendments to PSC 19-Electricity, 7/1/09, to update the rates used in determining contributions required from applicants for underground extensions.
- 363 09-E-0103 Petition of Corning Property Management Corporation to Submeter Electricity at One Museum Way, Corning, NY, Located in the Territory of New York State Electric & Gas Corporation.
- 364 09-E-0212 Petition of TransData Advanced Metering Systems & Technologies for Approval of the TransData Model SSR-6000 Recorder.
- 365 09-E-0335 PENNSYLVANIA ELECTRIC COMPANY - Amendments to PSC No. 6 - Electricity, effective 7/1/09 to adjust non-utility generation cost rate.
- 366 09-E-0375 ORANGE AND ROCKLAND UTILITIES, INC. - Amendments to PSC 2-Electricity, eff. 7/1/09, to update its underground line extension costs.
- 367 04-E-0572 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service.
- 368 08-E-0909 Petition of Catalyst Renewables, LLC for a Declaratory Ruling Regarding Eligibility For Renewable Portfolio Standard Credits of Behind-The-Meter Bilateral Sales of Electricity.
- 369 07-E-1507 Proceeding to Establish a Long-Range Electric Resource Plan and Infrastructure Planning Process.
- 370 09-T-0049 Application of Upstate NY Power Corp. for a Certificate of Environmental Compatibility and Public Need for a 50.6 mile 230kV Transmission Facility From Galloo Island in the Town of Hounsfield, Jefferson County, to the Fitzpatrick-Edic Substation in the Town of Mexico, Oswego County.

- 371 09-E-0264 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Amendments PSC No. 15 - Electricity, eff. 7/1/09, to update the costs used in determining contributions required from applicants for underground and overhead extensions in new residential subdivisions.
- 372 08-E-1306 Consolidated Edison Company of New York, Inc. - Tariff filing to conform to the new statutory requirements of Section 66-j of the Public Service Law regarding Net Energy Metering for Residential Solar, Farm Waste or Non-Residential Solar Electric Generating Systems.
- 08-E-1307 Orange and Rockland Utilities, Inc. - Tariff filing to conform to the new statutory requirements of Section 66-j of the Public Service Law regarding Net Energy Metering for Residential Solar, Farm Waste or Non-Residential Solar Electric Generating Systems.
- 09-E-0284 Niagara Mohawk Power Corporation - Amendments to PSC 207- Electricity, eff. 7/1/09, to Effectuate Revisions to Public Service Law Section 66-l (Net Metering for Residential Farm Service and Non-Residential Wind Electric Generating Systems).
- 09-E-0296 New York State Electric & Gas Corporation - Amendments to PSC 120- Electricity, to effectuate revisions to Public Service Law Section 66-l; Net Metering for Residential Farm Service and Non-Residential Wind Electric Generating Systems.
- 09-E-0297 Rochester Gas and Electric Corporation - Amendments to PSC 19- Electricity, eff. 7/1/09, to effectuate revisions to Public Service Law Section 66-l; Net Metering for Residential Farm Service and Non-Residential Wind Electric Generating Systems.
- 09-E-0298 Central Hudson Gas & Electric Corporation - Amendments to PSC 15- Electricity, eff. 7/1/09, to effectuate revisions to Public Service Law Section 66-l; Net Metering for Residential Farm Service and Non-Residential Wind Electric Generating Systems.
- 373 08-E-1458 FISHERS ISLAND ELECTRIC CORPORATION - Amendments to PSC 1-Electricity, eff. 7/1/09, to increase its annual electric revenues by about \$300,000 or 19%.
- 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 09-E-0472 In the Matter of Investigation of New York State Electric and Gas Corporation Expenditures Related to its Line Clearance Programs.
- 376 09-M-0427 Proceeding on Motion of the Commission to Investigate New York State Electric and Gas Corporation's Right-of-Way Management Practices.

WATER

- 461 08-W-1292 GREENTREE WATER COMPANY - Amendments to PSC 1-Water, eff. 3/1/09, to increase its annual water revenues by about \$21,425 or 67%. (Suspended through 6/28/09)
- 462 09-W-0312 Joint Petition of Heritage Springs Waterworks, Inc. and the County of Saratoga for a Declaratory Ruling on Provision of Service.
- 463 08-W-0555 Petition of Forever Wild Water Company, Inc. for the Approval of a Loan to Perform Necessary Infrastructure Upgrades to the Water System.
- 464 07-W-0508 Long Island Water Corporation - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

COMMUNICATIONS

- 561 09-C-0350 Petition of Verizon New York Inc. Pursuant to Section 99 of the PSL for Approval to Sell a Parcel of Land and Surplus Equipment Hut Located at 2113 Montauk Highway, Bridgehampton, New York.
- 562 09-C-0458 Joint Petition of Charter Fiberlink NY - CCO, LLC and Charter Fiberlink NY - CCVII, LLC for Authority to Engage in a Reorganization Transaction Under Chapter 11 of the United States Bankruptcy Code and to Emerge from Bankruptcy.
- 563 09-C-0461 Petition of Primus Telecommunications, Inc. and Least Cost Routing, Inc. for Authority to Complete a Transfer of Control.
- 564 09-C-0120 VERIZON NEW YORK INC. - Petition for a Waiver of the Requirements of Part 641 of Commission Regulations.

CABLE

- 661 07-V-1124 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Fenner, Madison County.
- 662 09-V-0455 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Village of Asharoken, Suffolk County.
- 663 09-V-0258 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Clay, New York (Onondaga County).
- 664 09-V-0236 Mr. George Rubman/Time Warner Cable of New York City.

- 665 06-V-0008 Time Warner Cable, Binghamton Division/Town of Elmira, Chemung County
- 06-V-0009 Time Warner Entertainment-Advance/Newhouse/Village of Elmira Heights, Chemung County
- 07-V-0811 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Hastings, Oswego County
- 06-V-1507 Suffolk Cable of Smithtown, Inc./Village of the Branch, Suffolk County
- 07-V-0006 Time Warner Entertainment-Advance/Newhouse Partnership/Village of Lacona, Oswego County
- 07-V-0007 Time Warner Entertainment-Advance/Newhouse/Village of Sandy Creek, Oswego County
- 08-V-0022 Time Warner-Syracuse Division/Town of Lincoln, Madison County
- 09-V-0012 Samson Cablevision Corp./Village of Brightwaters, Suffolk County
- 07-V-0551 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Cazenovia, Madison County
- 08-V-0402 Time Warner Cable-Albany Division/Town of Hague, Warren County
- 08-V-0502 Time Warner Cable - Albany Division/Town of Lake George, Warren County
- 09-V-0254 FairPoint Communications, Inc./Village of Valatie, Columbia County
- 09-V-0267 Cablevision Systems Suffolk Corp. d/b/a Cablevision/Town of Babylon, Suffolk County
- 09-V-0307 FairPoint Communications, Inc./Town of Kinderhook, Columbia County
- 09-V-0321 Cablevision Systems Long Island Corporation/City of Long Beach, Nassau County
- 09-V-0328 Berkshire Cable Corp. d/b/a FairPoint Communications, Inc./Town of Stuyvesant, Columbia County

Applications for Certificates of Renewal.

- 666 09-V-0285 Petition of Cablevision of Wappingers Falls, Inc. for a Certificate of Confirmation for its Franchise with the Village of South Blooming Grove, Orange County.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101 09-G-0454 In the Matter of Staff's Analysis of Local Distribution Company Safety Performance and Performance Measures.

GENERAL

- 201 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard (EEPS).
- 202 09-M-0311 Implementation of Chapter 59 of the Laws of 2009 Establishing a Temporary Annual Assessment Pursuant to PSL 18-a(6).
- 203 08-E-0887 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Central Hudson Gas & Electric Corporation for Electric Service.
- 08-G-0888 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Central Hudson Gas & Electric Corporation for Gas Service.

POWER

- 301-A 09-E-0271 In the Matter of Staff's Investigation into NYSEG's performance during and following the October 2008 storm.
- 09-E-0272 In the Matter of Staff's Investigation into NYSEG, National Grid and Central Hudson's performance during and following the December 2008 storm related outages.
- 301-B 09-E-0450 2008 Electric Reliability Performance in New York State.
- 301-C 09-M-0456 In the Matter of Energy Utility Customer Service Quality.
- 302 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.
- 303 08-E-1127 Petitions for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 08-E-1132 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT CORPORATION - Petition for Approval of an Energy Efficiency

Portfolio Standard (EEPS) NYSERDA-Administered Electric Energy Efficiency Program.

- 304 04-M-0159 Proceeding on Motion of the Commission to Examine the Safety of Consolidated Edison Company of New York, Inc.'s Electric Transmission and Distribution Systems.

WATER

No Items Will Be Considered On This Agenda.

COMMUNICATION

- 501 09-C-0327 VERIZON NEW YORK INC. - Amendments to PSC 1, 2 and 3-Communications, eff. 6/20/09, to increase the monthly charge for residence local exchange access lines (1MR and 1FR) by \$1.95 per month.

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