

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

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10082 Agenda

## PSC LISTS AGENDA FOR THURSDAY, SEPTEMBER 16, 2010

### PLEASE NOTE:

### MEETING WILL BE BROADCAST ON THE INTERNET

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

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

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, October 14, 2010, in Albany, New York.**

The agenda for the September 16, 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 07-G-1016 MR. JAY HAZARA/MS. IRENE ORTEGA and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 08-G-1325 MR. KEVIN GRANT/MR. MANDOR NEMETH and KEYSpan OF LONG ISLAND.
- In the Matter of Commission Designee's Determination Pursuant to PSL Section 52 – Petitions for Rehearing.
- 162 10-G-0117 D&R PAVING/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
- 10-G-0232 CARNEGIE CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0334 MAR-WAL CONSTRUCTION COMPANY INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 10-G-0389 T. FERRARO & SON, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0390 CREATIVE DESIGNS MASONRY & CONCRETE, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0391 ALL ISLAND MASONRY & CONCRETE INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0393 D.L.I. CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0394 G. MELOMO, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0395 HEITZ LANDSCAPE, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.

- 10-G-0396 NABALI, LLC/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 10-G-0397 G. DEVINCENTIS & SON CONSTRUCTION CO., INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 10-G-0399 SICKLER PLUMBING & HEATING, LLC/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
- 10-G-0400 TRADES CONSTRUCTION SERVICES CORP./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 10-G-0278 KEYSpan GAS EAST CORPORATION d/b/a NATIONAL GRID – Amendments to PSC 1-Gas, eff. 10/1/10, to update the definition of Weighted Average Cost of Capacity; add Corresponding Language to the Mandatory Capacity Program and Eliminate the Capacity Release Surcharge Adjustment.
- 10-G-0279 THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID – Amendments to PSC 12-Gas, eff. 10/1/10, to update the definition of Weighted Average Cost of Capacity; add Corresponding Language to the Mandatory Capacity Program and Eliminate the Capacity Release Surcharge Adjustment.
- 164 10-G-0329 THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID – Amendments to PSC 12-Gas, eff. 10/1/10, to add and to clarify the requirements and obligations of its customers.
- 10-G-0330 KEYSpan GAS EAST CORPORATION d/b/a NATIONAL GRID – Amendments to PSC 1-Gas, eff. 10/1/10, to add and to clarify the requirements and obligations of its customers.
- 165 10-G-0295 ST. LAWRENCE GAS COMPANY, INC. – Pet. for an Original Certificate of Public Convenience and Necessity Under Section 68 of the PSL for the Exercise of Gas Franchises of Numerous Municipalities in the Counties of Franklin and St. Lawrence.

**GENERAL**

- 261 07-G-0988 HIGHLAND CAR SERVICE, INC. and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-G-1128 MS. MURIEL BLAKE and KEYSpan ENERGY OF NEW YORK.

07-S-1448 62<sup>ND</sup> STREET EAST, INC. and CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.

07-E-0478 MR. JOSEPH NAPOLITANO and CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.

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

262 There is no item 262.

263 08-M-0659 Proceeding on Motion of the Commission Regarding Regulation of  
Owners of Stock Interests in Electric and Steam Corporations.

07-E-1371 CALPINE CORPORATION, HARBINGER CAPITAL PARTNERS  
MASTER FUNDS I, LTD., HARBINGER CAPITAL PARTNERS  
SPECIAL SITUATIONS FUND, L.P., SPO PARTNERS II, L.P., and  
SAN FRANCISCO PARTNERS II, L.P. – Joint Pet. for a Declaratory  
Ruling Regarding Acquisition of Common Stock, and, in the Alternative,  
Approval Under Section 70 of the NYS Public Service Law.

07-E-1385 CALPINE CORPORATION and LS POWER DEVELOPMENT, LLC –  
Pet. for a Declaratory Ruling Regarding Acquisition of Common Stock,  
or, in the Alternative, Approval Under Sections 70 and 83 of the NYS  
Public Service Law.

08-E-0397 HARBINGER CAPITAL PARTNERS MASTER FUND I, LTD. and  
HARBINGER CAPITAL PARTNERS SPECIAL SITUATIONS FUND,  
L.P. – Pet. for Declaratory Ruling Regarding Acquisition of Common  
Stock, and, in the Alternative, Approval Under Section 70 of the NYS  
Public Service Law.

## **POWER**

361 00-F-2057 BESICORP-EMPIRE DEVELOPMENT COMPANY, LLC –  
Application 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.

362 07-E-0949 ORANGE AND ROCKLAND UTILITIES, INC. – Amendment to PSC  
2-Electricity, eff. 7/1/10 on a temporary basis, to revise its electric rates,  
charges, rules and regulations in compliance with Commission Order  
issued July 23, 2008.

- 363 08-E-0539 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 07-E-0523 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Electricity, eff. 6/1/10 and 8/6/10, on a temporary basis.
- 364 09-E-0428 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Electricity, eff. 4/1/10; PSC PASNY 4, eff. 4/1/10, 6/29/10, 7/29/10; PSC 2-Retail Access, eff. 4/1/10; PSC EDDS No. 2, eff. 4/1/10, all on a temporary basis, to revise its electric rates, charges, rules and regulations in compliance with Commission order issued March 26, 2010.
- 365 08-E-0539 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 366 10-E-0276 BAYONNE ENERGY CENTER, LLC – Petition for an Order Providing for Lightened Regulation and Confirming that Sections 69, 69-a, and 70 of the PSL are Preempted as to the Bayonne Energy Center Transmission Facility.
- 367 10-E-0282 FISHERS ISLAND ELECTRIC CORPORATION and CONNECTICUT MUNICIPAL ELECTRIC ENERGY COOPERATIVE – Joint Petition for Approval under Section 70 of the PSL for Consent to Enter into a Lease, Request for a Negative Declaration under the State Environmental Quality Review Act and Motion for Expedited Treatment.
- 368 09-E-0845 VILLAGE OF BROCTON – Amendments to PSC 1-Electricity, eff. 5/1/10 and Postponed to 10/1/10 to increase its annual revenues by about \$94,603 or 12/5%.
- 369 10-E-0371 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID – Amendments to PSC 220-Electricity, eff. 10/1/10, to update the costs used in determining contribution required from applicants for underground extensions in New Residential Subdivisions.
- 370 There is no item 370.
- 371 08-E-0751 Proceeding on Motion of the Commission to Identify the Sources of Electric System Losses and the Means of Reducing Them.
- 372 10-E-0229 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Petition for Approval of Direct Load Control Program.

**WATER**

- 461 09-W-0828 UNITED WATER WESTCHESTER INC. – Amendments to PSC 1-Water, eff. 12/17/09, suspended through October 22, 2010, to increase annual revenues by \$4.1 million or 42.8%.
- 462 10-W-0324 FOREST PARK WATER COMPANY, INC. – Escrow Account Statement No. 4, eff. 10/1/10, to increase the maximum balance in the company’s escrow account as well as the surcharges to fund and replenish the account.
- 463 10-W-0094 CRYSTAL WATER SUPPLY COMPANY, INC. – Amendments to PSC 1-Water, eff. 10/1/10 to increase its annual revenues by about \$42,000 or 106%.

**COMMUNICATIONS**

- 561 10-C-0349 VERIZON NEW YORK INC. – Pet. for Approval of a Transfer or Lease of Property with an Original Cost of Over \$100,000.
- 562 10-C-0355 BTI COMMUNICATIONS, INC. d/b/a TELZEQ COMMUNICATIONS – Pet. for Designation as an Eligible Telecommunications Carrier within the State of New York.
- 563 10-C-0344 AMERICAN FIBER SYSTEMS, INC. and ZAYO GROUP, LLC – Joint Petition for Approval of an Indirect Transfer of Control of American Fiber Systems, Inc. to Zayo Group, LLC; and for American Fiber Systems to Participate in Certain Existing and Additional Financing Arrangements of Zayo Group, LLC.
- 564 10-C-0268 2-1-1 NEW YORK, INC. – Petition for reassignment of the 2-1-1 code for New York State to the Petitioner.

**CABLE**

- 661 10-V-0259 CABLEVISION SYTEMS LONG ISLAND CORPORATION/  
VILLAGE OF HEWLETT BAY PARK, NASSAU COUNTY.
- 10-V-0261 CABLEVISION SYSTEMS WESTCHESTER CORPORATION/TOWN  
OF POUND RIDGE, WESTCHESTER COUNTY.
- 10-V-0319 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE  
PARTNERSHIP/VILLAGE OF ANTWERP, JEFFERSON COUNTY.

10-V-0326 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF HYDE PARK, DUTCHESS COUNTY.

10-V-0343 TIME WARNER CABLE/TOWN OF WESTMORELAND, ONEIDA COUNTY.

Applications for Certificates for Renewals.

662 10-V-0381 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Village of Pelham, Westchester County.

**REGULAR AGENDA**

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

**GAS**

No items will be considered on this agenda.

**GENERAL**

- 201 08-E-0827 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID – Comprehensive Management Audit of the Company’s Electric Business.
- 10-E-0050 NIAGARA MOHAWK POWER CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 202 09-S-0029 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pro. to Consider Steam Resource Plan and East River Re-powering Project Cost Allocation Study, and Steam Energy Efficiency Programs.
- 09-S-0794 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pro. as to the Rates, Charges, Rules and Regulations for Steam Service.
- 09-G-0795 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
- 203 09-E-0715 NEW YORK STATE ELECTRIC & GAS CORPORATION – Pro. as to the Rates, Charges, Rules and Regulations for Electric Service.
- 09-G-0716 NEW YORK STATE ELECTRIC & GAS CORPORATION – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
- 09-E-0717 ROCHESTER GAS & ELECTRIC CORPORATION – Pro. as to the Rates, Charges, Rules and Regulations for Electric Service.
- 09-G-0718 ROCHESTER GAS & ELECTRIC CORPORATION – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.

**POWER**

- 301 10-E-0331 In the Matter of Staff’s Investigation into NYSEG, Central Hudson, Con Edison and Orange & Rockland’s performance during and following the February/March 2010 Snow Storms related outages.

**WATER**

No items will be considered on this agenda.

**COMMUNICATION**

501 10-C-0215 VERIZON NEW YORK INC. – Petition for Waiver of NYCRR, Title 16, S.602.10(b) Pertaining to the Distribution of Telephone Directories.

**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