

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

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<http://www.dps.state.ny.us>

FOR RELEASE: IMMEDIATELY

09017 Agenda 3/12/09

PSC LISTS AGENDA FOR THURSDAY, MARCH 12, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 3/6/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, March 12, 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., Tuesday, April 7, 2009, in Albany, New York.**

The agenda for the March 12, 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

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| 161 | 08-G-1483 | NATIONAL FUEL GAS DISTRIBUTION CORPORATION – Amendments to PSC 8, eff. 3/29/09, to Extend its “Partnership for Distributed Generation” Pilot Program for an Additional Three Years. |
| 162 | 08-G-1398 | ORANGE AND ROCKLAND UTILITIES, INC. – Amendments to PSC 4-Gas, eff. 12/26/08, to increase annual revenues by about \$17.9 million, or approx. 19.2% (Suspended through 4/24/09). |
| 163 | 08-G-0609 | NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID – Amendments to PSC 219-Gas, eff. 6/23/08, to increase its gas revenues by about \$95.3 million (Suspended through 4/20/09). |
| 164 | 08-G-1346 | NATIONAL GRID-UPSTATE and MS. GWENDOLYN CHAFFIN/MR. JASON M. PREMO |
| | 08-G-1357 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and MS. KATHERINE AYALA/MISS JOSLYN BURTON |
| | | Rehearing petitions of designees’ determinations. |
| 165 | 06-G-1185 | THE BROOKLYN UNION GAS COMPANY d/b/a KEYSpan ENERGY DELIVERY NEW YORK – Amendment to PSC 12-Gas, eff. 1/1/09, to update its volumetric delivery surcharge to increase revenues by \$5 million. |
| | 06-G-1186 | KEYSPAN GAS EAST CORPORATION d/b/a KEYSpan ENERGY DELIVERY LONG ISLAND – amendment to PSC 1-Gas, eff. 1/1/09, to develop a volumetric delivery surcharge to increase revenues by \$10 million annually. |
| 166 | 08-G-1503 | NATIONAL FUEL GAS DISTRIBUTION CORPORATION – Amendment to PSC 8-Gas, eff. 3/16/09, to enable ESCO’s to take release of the pipeline capacity at the same weighted cost of capacity paid by the sales customers. |
| 167 | 08-G-0975 | KEYSPAN ENERGY OF NEW YORK CITY/LIBERTY WATER AND SEWER LLC |
| | 09-G-0037 | KEYSPAN ENERGY OF LONG ISLAND/SANVIN |

- CONSTRUCTION, INC.
- 09-G-0123 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./
BARCA CONSTRUCTION
- 09-G-0125 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./JM
CONTRACTOR
- 09-G-0126 KEYSpan ENERGY OF LONG ISLAND/DELTA DEMOLITION
- 09-G-0127 KEYSpan ENERGY OF LONG ISLAND/R & L DEVELOPERS LLC
- 09-G-0128 KEYSpan ENERGY OF LONG ISLAND/CARLO LIZZA & SONS,
INC.
- 09-G-0129 KEYSpan ENERGY OF LONG ISLAND/R. W. SCHLAGEL
- 09-G-0130 NIAGARA MOHAWK POWER COPORATION d/b/a NATIONAL
GRID/HALEY BROS INC.
- 09-G-0131 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/PRO TECH AUTOMATIC LAW SPRINKLERS, INC.
- 09-G-0132 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/ESELIN EXCAVATION
- 09-G-0134 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/NORTH COUNTRY CONTRACTORS LLC
- 09-G-0135 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/PARRATT-WOLFF, INC.
- 09-G-0136 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/A LETO BROTHERS PAVING CO.
- 09-G-0137 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL
GRID/DEPENDABLE PAVING CO. INC.
- 09-G-0138 ROCHESTER GAS AND ELECTRIC CORPORATION/K & R DAY
TRUCKING INC.

Orders determining penalties and directing payment for violation of 16
NYCRR Part 753 – Protection of Underground Facilities.

- 168 07-G-0772 CORNING NATURAL GAS CORPORATION – Pro. as to the Rates,
Charges, Rules and Regulations for Gas Service.
- 169 07-G-0305 In the Matter of an Enforcement Proceeding Against Mike Burke
Construction Inc. for Alleged Violations of 16 NYCRR Part 753 –
Protection of Underground Facilities, in the Service Territory of KeySpan
Energy of Long Island, filed in C 15686.

GENERAL

- 261 05-M-0804 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and
MS. MARY WILLIAMS/MR. JAMES OLIVER
- 07-E-0090 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and
MR. ALLEN A. KAUFMAN

Appeals of Informal Hearing Decisions.

- 262 07-S-1315 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. –
Amendments to PSC 3-Steam, eff. 10/1/08 (on a temporary basis), in

compliance with the 9/26/08 Order Establishing Rate Plan.

- 263 08-M-1244 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. for approval, Pursuant to Section 69 of the PSL, to Issue Securities Having a Maturity of More Than One Year.
- 264-A 05-M-0090 In the Matter of the System Benefits Charge III.
- 264-B 05-M-0090 In the Matter of the System Benefits Charge III.
- 265 08-M-1150 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. to Adopt Accrual Method of Revenue Recognition for Accounting and Regulatory Purposes.

POWER

- 361 08-E-0836 FRAWLEY PLAZA, LLC – Pet. to Submeter Electricity at 1295 Fifth Avenue, 1309 Fifth Avenue and 1660 Madison Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- 362 08-E-0839 KNW APARTMENTS, LLC – Pet. to Submeter Electricity at 1890 Lexington Avenue and 1900 Lexington Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- 363 08-E-0837 METRO NORTH OWNERS, LLC – Pet. to Submeter Electricity at 1940 – 1966 First Avenue and 420 East 102nd Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- 364 08-E-0838 NORTH TOWN ROOSEVELT, LLC – Pet. to Submeter Electricity at 510 – 580 Main Street, Roosevelt Island, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- 365 09-E-0118 NIAGARA MOHAWK POWER CORPORATION – Amendments to PSC 207-Electricity, eff. 3/16/09, to clarify its application for Electric Extensions (Form B) regarding local sales taxes.
- 366 08-E-1416 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and MS. BRENDA JOYNER/437 THROOP REALTY, LLC – Rehearing petition of designees’ determination.
- 367 09-T-0079 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Appn. for a Certificate of Environmental Compatibility and Public Need in Connection with the Reconstruction of the Existing P and MK

Transmission Lines and Associated Substation Facilities in Ulster County.

- 368 09-E-0087 NEW YORK STATE ELECTRIC & GAS CORPORATION – Amendment to PSC 119-Electricity, eff. 4/1/09, for approval to update the rates used in determining contributions required from applicants for underground extensions.
- 369 07-E-0523 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Electricity, and PASNY 4, eff. 4/24/08, 10/24/08 and 2/16/09 on a temporary basis, in compliance with Commission Order issued 3/25/08 regarding the Revenue Decoupling Mechanism.

WATER

- 461 09-W-0143 NEW YORK WATER SERVICE CORPORATION – Amendments to PSC 12-Water, eff. 3/15/09, to increase annual operating revenues by \$5.3 million or 23.6%. (Cancellation Supplement)
- 462 08-W-1349 WINDOVER WATER WORKS – Amendments to PSC 1-Water, eff. 4/1/09, to Increase Annual Operating Revenues by about \$1,260 or 32% and to Increase the Maximum Balance of its Escrow Repair Account.
- 463 08-W-1272 BRISTOL WATER WORKS CORPORATION – Amendments to PSC 3-Water, eff. 3/1/09 (postponed to 6/1/09), to increase annual revenues by about \$38,542 or 42.5%.
- 06-W-1546 BRISTOL HARBOUR CONDOMINIUMS – Complaint to Investigate the Metering and Billing Practices of Bristol Water Works Corporations.
- 464 08-W-1170 GROMAN SHORES LLC – In the Matter of the Quality of Service and Potential Abandonment.
- 08-W-0996 GROMAN SHORES LLC – Tariff filing to increase its annual revenues by \$14,571 or approximately 155%, modify billing periods, increase customer surcharge to fund the escrow account and institute charges for customers who choose to disconnect from the water system.
- 07-W-1087 GROMAN SHORES LLC – Pet. to Abandon the System Supplying Water to Homes at Groman Shores in Sandy Creek, NY.
- 465 07-W-0774 UNITED WATER NEW ROCHELLE INC. – Pet. for a Declaratory Ruling that Cappelli Enterprises, Inc. Must Pay the Costs of the Off-Site Upgrades Required to Provide Water Service to its Trump Plaza Project in the City of New Rochelle, New York; Or, In the Alternative, for Permission to Recover the Costs of Those Upgrades Through its Long-

Term Main Replacement Program.

COMMUNICATIONS

- 561 09-C-0056 MR. JOMO WILLIAMS – Appeal of New York Department of Public Service Denial to Facilitate Interconnection with Verizon New York Inc.
- 562 08-C-1461 CITIZENS TELECOMMUNICATIONS COMPANY OF NEW YORK d/b/a FRONTIER COMMUNICATIONS – In the Matter of Reviewing a Proposed Redefinition of Service Area.
- 563 09-C-0018 LEVEL 3 COMMUNICATIONS, LLC and LOOKING GLASS NETWORKS, INC. – Joint Pet. for Pro Forma Reorganizations Including Transfer of Customers and Assets and Surrender of Certificate of Public Convenience and Necessity.
- 564 08-C-1497 CHAZY & WESTPORT TELEPHONE CORPORATION – Pet. requesting the Commission reclassify its status from Scenario 2 to Scenario 1, as determined in Case 07-C-0349 – In the Matter of Examining a Framework for Regulatory Relief, issued March 4, 2008.
- 565 09-C-0023 VERIZON NEW YORK INC. – Amendments to PSC 1-Communications, eff. 3/13/09, to Increase the Current Rate for Business Category Search.
- 566 08-C-1485 EMBARQ CORPORATION – Pet. for Approval of the Transfer of Control to CenturyTel, Inc.
- 567 09-C-0116 In the Matter of Quality of Service provided by Local Exchange Companies in New York State.

CABLE

- 661 09-V-0171 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the City of Long Beach, Nassau County.
- 662 09-V-0146 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Town of Poughkeepsie, Dutchess County.
- 663 08-V-1293 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP – Pet. for a Certificate of Confirmation for its Franchise with the Town of Butler, Wayne County.
- 664 Appns. For Certificates for Renewal.
- 09-V-0072 TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE

PARTNERSHIP d/b/a TIME WARNER CABLE (SYRACUSE DIVISION)/T. of Constable, Franklin Co.

07-V-1083 TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE
07-V-0423 PARTNERSHIP d/b/a TIME WARNER CABLE (BINGHAMTON DIVISION)/T. of Meredith, Delaware Co.; T. of Chemung, Chemung Co.

665 Temporary Operating Authorities.

09-V-0086 TIME WARNER-BINGHAMTON DIVISION/V. of Richfield Springs,
07-V-0932 Otsego Co.; V. of Endicott, Broome Co.; T. of Southport, Chemung Co.
06-V-0010

08-V-1071 TIME WARNER-NEW YORK CITY DIVISION/NYC-Staten Island,
08-V-0831 Richmond Co.; NYC-Bronx, Bronx Co.; NYC-Brooklyn, Kings Co.;
08-V-0832 NYC-Manhattan, New York Co.; NYC-Queens, Queens Co.
08-V-0833
08-V-0834

98-V-1008 TIME WARNER-ROCHESTER DIVISION/T. of Waterloo, Seneca Co.;
09-V-0081 T. of Romulus, Seneca Co.; C. of Batavia, Genesee Co.; V. of Leroy,
03-V-1075 Genesee Co.; T. of Penfield, Monroe Co.; C. of Rochester, Monroe Co.;
04-V-1586 V. of Spencerport, Monroe Co.; T. of Gaines, Orleans Co.
03-V-1076
99-V-0576
07-V-0739
04-V-0135

07-V-0144 TIME WARNER-ALBANY DIVISION/T. of Easton, Washington Co.;
07-V-0028 T. of Queensbury, Warren Co.; T. of Kinderhook, Columbia Co.; T. of
04-V-0962 Pittstown, Rensselaer Co.; T. of Glenville, Schenectady Co.
04-V-0007
03-V-0114

08-V-0105 TIME WARNER-ORANGE COUNTY/V. of Unionville, Orange Co.

02-V-1065 TIME WARNER-MOUNT VERNON/C. of Mount Vernon, Westchester Co.

06-V-0844 TIME WARNER-HUDSON VALLEY DIVISION/T. of Liberty,
08-V-0169 Sullivan Co.; T. of Hurley, Ulster Co.; T. of Esopus, Ulster Co.; T. of
08-V-0170 Ulster, Ulster Co.; T. of New Paltz, Ulster Co.; V. of New Paltz, Ulster
04-V-1018 Co.; V. of Tivoli, Dutchess Co.
05-V-1022
05-V-1023
97-V-0518

05-V-0032 TIME WARNER-SYRACUSE DIVISION/T. of Malone, Franklin Co.;

08-V-0867 C. of Utica, Oneida Co.; T. of Annsville, Oneida Co.; V. of Tully,
07-V-0935 Onondaga Co.; T. of Fowler, St. Lawrence Co.; C. of Cortland, Cortland
08-V-0866 Co.; V. of Homer, Cortland Co.; T. of Homer, Cortland Co.; T. of
05-V-0146 Cortlandville, Cortland Co.; T. of Preble, Cortland Co.
05-V-0138
05-V-0141
05-V-0140
05-V-0139
08-V-0900

03-V-1732 COMCAST CABLE OF NEW YORK, LLC/V. of Brewster, Putnam Co.

05-V-0884 CH COMMUNICATIONS/T. of Jefferson, Schoharie Co.

08-V-0097 FAIRPOINT COMMUNICATIONS/V. of Kinderhook, Columbia Co.;
08-V-0095 T. of Stuyvesant, Columbia Co.; T. of Kinderhook, Columbia Co.
08-V-0096

08-V-0825 CABLEVISION SYSTEMS-NEW YORK CITY CORP./NYC-Bronx,
08-V-0826 Bronx Co.; NYC-Brooklyn, Kings Co.

07-V-0100 CABLEVISION SYSTEMS LONG ISLAND CORP./V. of Rockville
Centre, Nassau Co.

97-V-0335 CABLEVISION SYSTEMS GREAT NECK CORP./V. of Great Neck
97-V-0336 Plaza, Nassau Co.; V. of Kensington, Nassau Co.; V. of Russell Gardens,
97-V-0353 Nassau Co.

07-V-0841 CABLEVISION SYSTEMS SUFFOLK CORP./V. of Quogue, Suffolk
07-V-0842 Co.; V. of Westhampton Beach, Suffolk Co.; V. of North Haven, Suffolk
07-V-0840 Co.

05-V-1007 CABLEVISION SYSTEMS OF OSSINING/T. of Mount Pleasant,
05-V-1008 Westchester Co.; V. of Ossining, Westchester Co.

05-V-0172 CABLEVISION SYSTEMS WESTCHESTER CORP./V. of Bronxville,
Westchester Co.

REGULAR AGENDA

No Gas, Power, Water, Communications or Cable items will be discussed on this Agenda.

PRESENTATIONS

Office of Consumer Services 2008 Annual Report.

Retail Renewable Portfolio Standard Update.

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