

STATE OF NEW YORK

Public Service Commission

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10052 Agenda

PSC LISTS AGENDA FOR THURSDAY, JUNE 17, 2010

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 06/11/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, June 17, 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.

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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, July 15, in Albany, New York.**

The agenda for the June 17, 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 10-G-0251 Proceeding to Investigate the Proper Ratemaking Treatment of Pipeline Refunds Received by Certain Utilities from Tennessee Gas Pipeline Company.
- 162 10-G-0130 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 12-Gas, eff. 7/1/10, to clarify language specifying how the company’s cash outs are calculated for their gas Retail Access Program and to clarify wording regarding the timing of the company’s Weather Normalization Adjustment.
- 163 09-G-0859 ROCHESTER GAS & ELECTRIC CORPORATION – Petition for waiver of its filed gas refund plan to allow quarterly refunds received from Tennessee Gas Pipeline Company to be returned to eligible customers on an accelerated basis.
- 164 09-G-0791 CORNING NATURAL GAS CORPORATION – Petition for a Declaratory Ruling to Determine Accounting for Revenues and Costs Pertaining to Proposed Compressor Project.
- 165 08-G-1137 CORNING NATURAL GAS CORPORATION – Proceeding on Motion as to the Rates, Charges, Rules and Regulations for Gas Service.
- 166 No Item 166 will appear on this agenda.
- 167 08-G-1021 ST. LAWRENCE GAS COMPANY, INC. – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Gas Energy Efficiency Program.
- 168 08-G-1010 CORNING NATURAL GAS CORPORATION – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Gas Energy Efficiency Program.
- 08-G-1021 ST. LAWRENCE GAS COMPANY, INC. – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Gas Energy Efficiency Program.

- 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 09-G-0363 Petitions for Approval of Energy Efficiency Portfolio Standard Gas Energy Efficiency Programs.
- 169 10-G-0230 RGH CONSTRUCTION, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 10-G-0231 FCV SEWER & WATER, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0233 E. STANLEY PAVING/CORNING NATURAL GAS CORPORATION.
- 10-G-0234 L.L. INDUSTRIES INC., OF L.I./KEYSPAN ENERGY OF LONG ISLAND.
- 10-G-0235 FREEDOM CITY CONTRACTING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 10-G-0236 ALLUVION GARDENS, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 10-G-0237 PRECISION EXCAVATING & DRAINAGE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 10-G-0238 DI PIZIO CONSTRUCTION COMPANY, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 10-G-0239 HARLAN ELECTRIC COMPANY/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 10-G-0240 WELLINGTON BUILDING COMPANY INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 10-G-0241 J.LUK CONSTRUCTION CO., LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 10-G-0242 STEPHEN MILLER, GENERAL CONTRACTORS, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 10-G-0243 ROYAL STAR ASSOCIATES, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 10-G-0244 GROUNDSCARE LTD./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0245 MAPLE LEAF ASSOCIATES INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0246 P & T CONTRACTING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 10-G-0247 BEAVER CONCRETE CONSTRUCTION CO., 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.
- 170 10-G-0228 In the Matter of Proposed Amendments to the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas – Distribution Integrity Management Rule.

GENERAL

- 261 01-T-1679 LONG ISLAND POWER AUTHORITY – App. for a Certificate of Environmental Compatibility and Public Need Regarding the Replacement of the 138 kV Submarine Electric Transmission Line Between Northport, New York and Norwalk, Connecticut.
- 262 00-F-2057 BESICORP-EMPIRE DEVELOPMENT COMPANY, LLC – Appn. 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.
- 263 10-E-0201 T. ROWE PRICE ASSOCIATES, INC. – Pet. for a Declaratory Ruling Concerning the Acquisition of Common Stock, or in the Alternative, Approval Under Section 70 of the PSL.
- 264 09-E-0655 1037 REALTY CORPORATION/MR. MANUEL VICTORIA and
09-G-0786 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
MR. ARIEL BROSI DEXLER/MS. DANELLA MISTRETTA and
NATIONAL GRID – METRO NY.

In the Matter of Commission Designee’s Determinations Pursuant to PSL Section 52 – Petitions for Rehearing.

- 265 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 266 07-E-0289 REALTY MANAGEMENT/CONSOLIDATED EDISON COMPANY
OF NEW YORK, INC.
06-E-0919 NORTH FORK BANK/CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC.
09-C-0360 AMERIVEST PARTNERS, LLC/VERIZON NEW YORK INC.

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

- 267 10-M-0082 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter G, Certificates of Environmental Compatibility and Public Need, Part 85, General Procedures, Subpart 85-2, Procedures with Respect to All Electric Transmission Lines and Fuel Gas Transmission Lines 10 or More Miles Long.

POWER

- 361 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.
- 362 07-E-0332 MR. DANIEL GABEL/NEW YORK STATE ELECTRIC & GAS CORPORATION – In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, in Relation to Complaint Procedures – Appeal of Informal Hearing Decision.
- 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.
- 364 10-E-0204 ROCHESTER GAS AND ELECTRIC CORPORATION – Amendments to PSC 19-Electricity, eff. 7/1/10, to revise the contribution by and credit to the applicant for underground residential distribution installations.
- 365 09-E-0306 LIVING OPPORTUNITIES OF DEPAUL – Petition for Waiver of the Individual Residential Living Unit Metering Requirements in Opinion 76-17 to Allow Master Metering at DePaul Batavia Community Residence, 549-555 East Main Street, Batavia, New York, Located in the Service Territory of National Grid.

WATER

- 461 06-W-0131 UNITED WATER NEW YORK INC. and UNITED WATER SOUTH COUNTY INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.
- 462 05-W-0707 HOME DEPOT U.S.A., INC./LINENS ‘N THINGS – Complaint Against Independent Water Works, Inc. Requesting an 80% Reduction in the Rates Charged by Independent Water Works, Inc., the Implementation of Temporary Rates and a Refund of Overcharges – Rehearing.

COMMUNICATIONS

- 561 10-C-0219 MIDDLEBURGH TELEPHONE COMPANY – Pet. for Approval to Expend Deferred Rural Telephone Bank Monies.
- 562 10-C-0200 RCN NEW YORK COMMUNICATIONS, LLC, RCN TELECOM SERVICES, LLC, NORTHEAST OPTIC NETWORK OF NEW YORK, INC., YANKEE CABLE ACQUISITIONS, LLC and YANKEE METRO PARENT, INC. – Pet. for Approval of a Pro Forma Assignment and

Transfer of Control and to Enter Certain Financing Arrangements.

CABLE

- 661 10-V-0049 CHARTER COMMUNICATIONS/TOWN OF HILLSDALE, COLUMBIA COUNTY.
10-V-0127 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/CITY OF JAMESTOWN, CHAUTAUQUA COUNTY.
10-V-0147 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF LIMA, COUNTY OF LIVINGSTON.
10-V-0151 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF CHENANGO, BROOME COUNTY.
10-V-0164 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF MASONVILLE, DELAWARE COUNTY.
10-V-0176 HAEFELE TV, INC./TOWN OF HARTFORD, CORTLAND COUNTY.
10-V-0196 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF CASTILE, WYOMING COUNTY.

Applications for Certificates for Renewals.

- 662 10-V-0199 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP – Pet. for Approval of an Extension of its Franchise with the Town of Easton, Washington County.
663 10-V-0192 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the City of Auburn, Cayuga County.
664 10-V-0177 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Town of Lysander, Onondaga County.
665 10-V-0178 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Village of Baldwinsville, Onondaga County.
666 10-V-0184 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Town of Van Buren, Onondaga County.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101 10-G-0225 In the Matter of Staff's Analysis of Local Distribution Company Safety Performance and Performance Measures.

GENERAL

- 201 08-E-1127 Petition of Consolidated Edison Company of New York, Inc. for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 08-E-1132 Petition of New York State Energy Research and Development Authority (NYSERDA) for Approval of an Energy Efficiency Portfolio Standard (EEPS) NYSERDA-Administered Electric Energy Efficiency Program.
- 08-E-1135 Petition of Central Hudson Gas & Electric Corporation for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 09-G-0363 Petitions for Approval of Energy Efficiency Portfolio Standard (EEPS) Gas Energy Efficiency Programs.
- 202 10-M-0190 In the Matter of Energy Utility Customer Service Quality.
- 203 09-E-0588 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 09-G-0589 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

POWER

- 301 10-E-0226 2009 Electric Reliability Performance in New York State.
- 302-A 10-E-0273 2009 Compliance Report on Stray Voltage Testing and Inspections as Required by the Electric Safety Standards.

302-B 10-E-0271 In the Matter of Examining the Mobile Testing Requirements of the Electric Safety Standards.

WATER

No Items Will Be Considered On This Agenda.

COMMUNICATION

501 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