

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

09031 Agenda

PSC LISTS AGENDA FOR TUESDAY, APRIL 21, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 4/17/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Tuesday, April 21, 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, May 14, 2009, in Albany, New York.**

The agenda for the April 21, 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 08-G-0918 KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY - LI (KEDLI) - Amendment to PSC 1 - Gas, eff. 11/1/08 (Postponed to 6/1/09) to eliminate the "two-strike" rule from the Company's non-firm tariffs and to establish a maximum size limitation for new gas service under Non-Residential and Multiple Dwelling Services.
- 08-G-0919 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSpan ENERGY DELIVERY - NY (KEDNY) - Amendment to PSC 12 - Gas, eff. 11/1/08 (Postponed to 6/1/09) to eliminate the "two-strike" rule from the Company's non-firm tariffs and to revise language related to maximum size limitations for new gas service under Non-Residential and Multiple Dwelling Services.
- 162 08-G-1093 M. Jordan General Contracting Corp./KeySpan Energy of New York City
- 09-G-0216 Orba Construction Corp./Consolidated Edison Company of New York
- 09-G-0217 Good Deal General Contracting, Inc./KeySpan Energy of Long Island
- 09-G-0215 Imperial Fence Company, Inc./National Fuel Gas Distribution Corporation
- 09-G-0214 Regional Concrete/National Fuel Gas Distribution Corporation
- 09-G-0220 Adirondack Development Group, LLC /Niagara Mohawk Power Corporation d/b/a National Grid
- 09-G-0221 Quality Builders: Kevin Hanna/Niagara Mohawk Power Corporation d/b/a National Grid
- 09-G-0222 Ray Tyrell Paving Inc./Orange and Rockland Utilities, Inc.
- 09-G-0224 Ruckel Excavating/Orange and Rockland Utilities, Inc.
- Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities.
- 163 00-T-2186 Notice of Intent Filed by Columbia Natural Resources to Construct a Fuel Gas Transmission Line, Approximately 10,400 Feet of Pipeline, Located within the Town of Erin, Chemung County.

GENERAL

- 261 There is no Item 261 on this Agenda.

- 262 04-E-0830 Central Hudson Electric and Gas Corporation/Ms. Christina Timm
06-G-0097 Mr. Steven J. Pafites/Consolidated Edison Company of New York, Inc.
05-G-0928 Mestivta Ateres Yaakov of Greater Long Island/Keyspan of Long Island
Appeals of Informal Hearing Decisions.
- 263 08-G-1028 Mr. Tomoko Matsuyama/Ms. Cecilia M. Marta and Consolidated Edison
Company of New York, Inc.
08-G-1447 Mr. Paul Papas/Ms. Stephanie Eppig and Consolidated Edison Company
of New York, Inc.
09-E-0051 Ms. Cora Jeadler/Mr. Henry Stambuli and National Grid--Upstate.
09-E-0060 Mr. David L. Ribakove/Ms. Judith Phillips and National Grid--Upstate.
Rehearing petitions of designees' determinations.
- 264 09-M-0243 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In
the Matter of Comprehensive Forensic Accounting Examination of
Consolidated Edison Company of New York, Inc.

POWER

- 361 09-E-0144 Petition of Strategic Value Partners, LLC, Mach Gen, LLC, and New
Athens Generating Co., LLC for a Declaratory Ruling Regarding the
Acquisition of Ownership Interests in Mach Gen, LLC and Indirect
Ownership Interests in New Athens Generating Company, LLC.
- 362 09-E-0059 Joint Petition of EPCOR Power (Castleton) LLC, EPCR Power
Enterprises LLC, and Castleton Energy Center, LLC for Approval of the
Transfer of Ownership of EPCOR Power (Castleton) LLC Pursuant to
Section 70 of the PSL and Continuing to Apply Lightened Regulation.
- 363 There is no Item 363 on this Agenda.
- 364 08-M-0520 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./AT&T
MOBILITY LLC - Petition Under Section 70 of the PSL for the
Approval of Wireless Attachments to Con Edison Transmission Facilities
(Tower K-250).
- 365 06-T-1040 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL
GRID - Application for a Certificate of Environmental Compatibility and
Public Need for the Reconstruction, Operation and Maintenance of
Approximately 21 Miles of 115 kV Double-Circuit Transmission
Facilities from the Gardenville Substation in West Seneca to Structure
199 in Concord, Erie County.
- 366 08-E-1365 CENTRAL HUDSON GAS & ELECTRIC CORPORATION –
Amendments to PSC 15-Electricity, eff. 3/1/09 (postponed to May 1,
2009), to modify the rate utilized in the determination of the capacity

charges included in the UCAP charge paid by customers taking service under the Hourly Pricing Provision.

- 367 06-E-0911 VILLAGE OF FREEPORT – Amendments to PSC No. 8, effective March 1, 2009, on a temporary basis, made in compliance with Commission Order issued June 21, 2007.
- 368 06-T-0650 Application of New York Regional Interconnect Inc. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for a high voltage direct current electric transmission line approximately 190 miles in length running between a converter station with an AC interconnection to National Grid's Edic Substation in the Town of Marcy, and a converter station with an AC interconnection to Central Hudson Gas & Electric's Rock Tavern substation located in the Town of New Windsor.

WATER

- 461 08-W-0317 DAVENPORT WATER COMPANY - Petition filed by Davenport Water Company seeking approval for the dissolution of the company and authorization to file a certificate of Dissolution with the New York Department of State.
- 462 09-W-0121 EDGEWOOD LAKES, INC. - Amendments to PSC 4 - Water, eff. 5/1/09 to Increase its Annual Water Revenues by about \$11,120 or 104% and to increase its escrow account surcharge from \$40 to \$400 per quarter.
- 463 06-W-0131 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of United Water New York Inc. and United Water South County Inc. for Water Service.

COMMUNICATIONS

- 561 09-C-0211 TALKSPAN, INC. - Pet. for Designation as an Eligible Telecommunications Carrier within the State of New York.
- 562 09-C-0234 Petition of Empire One Telecommunications, Inc. for Designation as an Eligible Telecommunications Carrier.
- 563 09-C-0244 Tariff filing by Verizon New York, Inc. to consolidate the New York City Region Rate Zones establishing one Rate Zone for the Borough of Manhattan for the area codes 212, 646 and 917.

CABLE

- 661 05-V-0432 CAP Exchange I, LLC d/b/a Time Warner Cable/Town of Orchard Park,
Erie County
- 06-V-1401 CAP Exchange I, LLC, d/b/a Time Warner Cable/ Town of Concord,
Erie County
- 08-V-1462 Comcast of New York, LLC/Village of Brewster, Putnam County
- 09-V-0141 CAP Exchange I, LLC, d/b/a Time Warner Cable/Town of North
Harmony, Chautauqua County
- 09-V-0172 CAP Exchange I, LLC d/b/a Time Warner Cable/Town of Franklinville,
Cattaraugus County

Applications for Certificates of Renewal.

- 662 97-V-0394 Cablevision Systems-Westchester/City of Yonkers, Westchester County
- 97-V-0853 CH Communications/Town of Long Lake, Hamilton County
- 99-V-1238 Village of Lake Placid, Essex County/Time Warner-Syracuse Division
- 97-V-2119 Town of Geneva, Ontario County/Time Warner Entertainment-
Advance/Newhouse Partnership-Rochester Division
- 02-V-0262 City of Rensselaer, Rensselaer County/Time Warner Entertainment-
Advance/Newhouse
- 01-V-1305 Town of Portland, Chautauqua County/Time Warner Entertainment-
Advance/Newhouse
- 01-V-0390 Town of Kingston, Ulster County/Time Warner
- 05-V-0269 Town of Summit, Schoharie County/CH Communications
- 05-V-0289 City of Schenectady, Schenectady County/Time Warner Entertainment-
Advance/Newhouse
- 05-V-0308 Village of Briarcliff Manor, Westchester County/Cablevision Systems
Corp.
- 04-V-1101 Town of Ossining, Westchester County/Cablevision Systems Corp.
- 05-V-1130 City of Plattsburgh, Clinton County/ Charter Communications
- 06-V-1091 Town of Horseheads, Chemung County/Time Warner Entertainment-
Advance/Newhouse
- 06-V-1092 Town of Cheektowaga, Erie County/Time Warner-Buffalo Division
- 06-V-1098 Town of LeRay, Jefferson County/Time Warner Entertainment-
Advance/Newhouse
- 06-V-1099 Town of Pamela, Jefferson County/Time Warner Entertainment-
Advance/Newhouse
- 06-V-1207 Town of Moreau, Saratoga County/Time Warner-Albany Division
- 08-V-1151 Village of Churchville, Monroe County/Time Warner Entertainment-
Advance/Newhouse
- 08-V-1152 Town of Parma, Monroe County/Time Warner Entertainment-
Advance/Newhouse
- 08-V-1178 City of Long Beach, Nassau County/ Cablevision Systems Long Island
Corporation
- 08-V-1179 Village of Islandia, Suffolk County/Samson Cablevision Corp.
- 08-V-1180 Village of Port Jefferson, Suffolk County/Cablevision Systems Suffolk
Corp.

- 08-V-1189 Village of Millport, Chemung County/Time Warner Cable - Binghamton Division
- 08-V-1190 Town of Mexico, Oswego County/Time Warner Cable - Syracuse Division
- 06-V-0518 Town of Newburgh, Orange County/Time Warner Cable
- 07-V-0270 Town of Richland, Oswego County/Time Warner Entertainment-Advance/Newhouse
- 07-V-0294 Town of Ashford, Cattaraugus County/Time Warner Entertainment-Advance/Newhouse
- 08-V-0215 Town of Triangle, Broome County/Time Warner Entertainment-Advance/Newhouse
- 08-V-0216 Village of Chatham, Columbia County/Charter Communications
- 08-V-0217 Town of Chatham, Columbia County/Charter Communications
- 09-V-0210 Village of Naples, Ontario/Time Warner Entertainment-Advance/Newhouse

Temporary Operating Authorities.

- 663 08-V-1289 In the Matter of Delegation of Authority to the Director of the Office of Telecommunications Concerning Temporary Operating Authority for Cable Franchise Renewals and Requests for Orders of Limited Entry.
- 664 09-V-0259 VERIZON NEW YORK, INC. - Petition for a Certificate of Confirmation for its Franchise with the Village of Westbury, New York (Nassau 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-0539 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.
- 08-M-0618 Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds between Consolidated Edison Company of New York, Inc. and Ratepayers.

POWER

- 301 09-E-0055 Joint Petition of Constellation Energy Nuclear Group, LLC, Nine Mile Point Nuclear Station, LLC, R. E. Ginna Nuclear Power Plant, LLC, EDF Development, Inc. for a Declaratory Ruling Regarding the Application of Section 70 of the PSL, or, in the Alternative, for Approval Under Section 70.

WATER

No Items Will Be Considered On This Agenda.

COMMUNICATION

No Items Will Be Considered On This Agenda.

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