

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

Further Details: James Denn

James.denn@dps.ny.gov | 518.474.7080

<http://www.dps.ny.gov>

<http://twitter.com/NYSDPS>

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## COMMISSION TO MEET ON THURSDAY, MARCH 14, 2013

Albany, NY – 03/08/13 – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 a.m., Thursday, March 14, 2013, in the 19<sup>th</sup> Floor Board Room of its offices located at Three Empire State Plaza, Albany, New York.**

**MEETING WILL BE BROADCAST ON THE INTERNET AT:**

<http://www.dps.ny.gov/Webcasts.html>

**-VIDEOCASTING TO PSC'S NYC OFFICES AVAILABLE-  
(See instructions on last page of Agenda)**

The session agenda is as follows:

**To view documents related to PSC Cases Numbers below, visit:**

[http://www.dps.ny.gov/New\\_Search.html](http://www.dps.ny.gov/New_Search.html)

### **REGULAR AGENDA ITEMS**

#### **Items To Be Resolved Through Discussion**

**Item      PSC Case**

#### **GENERAL**

Presentation - Overview of Rate Filing

13-E-0030      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.

13-G-0031      Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for

Gas Service.

- 13-S-0032 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Steam Service.
- 201 12-E-0201 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 12-G-0202 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of for Gas Service.

**POWER**

- 301 12-E-0503 Proceeding on Motion of the Commission to Review Generation Retirement Contingency Plans.
- 302 13-E-0062 In the Matter of an Investigation of Liberty Power Corp.

No items will be considered on the Regular Agenda for **GAS, WATER, COMMUNICATIONS** and **CABLE**.

## 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.**

**Item      PSC Case**

### GAS

- |     |           |   |
|-----|-----------|---|
| 161 | 06-G-1332 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. Request of the New York State Energy Research and Development Authority to use unencumbered interest Earnings for Cost Recovery Fees.   |
| 162 |           | In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities.   |
|     | 13-G-0053 | CIANO CONCRETE CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  |
|     | 13-G-0054 | COMMODORE CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  |
|     | 13-G-0055 | WU CONTRACTING/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  |
|     | 13-G-0056 | DISTINCTIVE PAVING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID   |
|     | 13-G-0057 | CONCRETE CONSTRUCTION/NATIONAL FUEL GAS DISTRIBUTION CORPORATION  |
|     | 13-G-0058 | PIONEER POOLS INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID  |
|     | 13-G-0059 | FREDERICO CONSTRUCTION & DEMOLITION LLC/ROCHESTER GAS AND ELECTRIC CORPORATION  |
|     | 13-G-0060 | CAHOON CONSTRUCTION COMPANY/ROCHESTER GAS AND ELECTRIC CORPORATION  |
| 163 | 12-G-0565 | EMKEY ENERGY, LLC, EMKEY GATHERING, LLC, EMKEY TRANSPORTATION, INC., NE ENERGY, INC., 2008 SNYDER FAMILY PARTNERSHIP, LTD., RICHARD NEIL ELLIS, JOHN CAPERTON WHITE, DEWITT RANCH, L.L.C., ADRIA CZEREWATY, and HKRSJ, LLC - Petition for Order Approving Financing Pursuant to Section 69 of the Public Service Law, and Declaratory Ruling Regarding a Transfer of Membership Interests or, in the Alternative, an Approval Pursuant to Section 70 of the Public Service Law. |
| 164 |           | There is no item 164.   |

- 165 12-G-0389 OBP COGEN LLC, a Subsidiary of ONE BRYANT PARK LLC -  
Petition for a Declaratory Ruling Regarding Rider H of Consolidated  
Edison Company of New York, Inc.'s Schedule for Gas Service.

### GENERAL

- 261 11-G-0036 SALISBURY POINT COOPERATIVE - Appeal of Informal Hearing  
Decision.

262 There is no item 262.

- 263 09-G-0771 MR. HARRY SANTANA/MS. JESSICA RODRIGUEZ and  
NATIONAL GRID, INC. - METRO NY - Appeal of Informal Hearing  
Decision.

10-W-0103 JD WATER CO., INC. and MS. JACKIE BELINCHAK - Appeal of  
Informal Hearing Decision.

10-E-0212 BRADFORD HALL APARTMENTS and CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing  
Decision.

### POWER

- 361 12-E-0235 116 JOHN STREET OWNER LLC - Petition to Submeter Electricity at  
116 John Street, New York, Located in the Territory of Consolidated  
Edison Company of New York, Inc.

- 362 00-E-1269 HERBERT E. HIRSCHFELD, P.E. - Petition to Submeter Electricity at  
Hazel Towers, 1730-1740 Mulford Avenue, Bronx, NY, Located in the  
Territory of Consolidated Edison Company of New York, Inc.

- 363 11-E-0176 In the Matter of the Commission's Implementation of Certain Provisions  
of the Recharge New York Power Program Act. Petition by Multiple  
Intervenors for Clarification.

- 364 12-E-0151 MEADOW MANOR HOLDINGS LLC - Petition to Submeter Electricity  
at 3412 113th Street, Flushing New York, Located in the Territory of  
Consolidated Edison Company of New York.

- 365 12-E-0460 2130 ACP BOULEVARD INVESTORS LLC - Petition to Submeter  
Electricity at 2130-2138 Adam Clayton Powell Jr. Boulevard, New York,  
NY, Located in the Territory of Consolidated Edison Company of New  
York.

- 367 12-E-0310 4C RESCUE RANCH and NEW YORK STATE ELECTRIC AND GAS  
CORPORATION - Appeal of Informal Hearing Decision.

- 368 04-M-0159 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission to Examine the Safety of Electric Transmission and Distribution Systems. Joint Petitioners Proposed Revisions.
- 369 There is no item 369.
- 370 12-E-0393 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.
- 12-E-0394 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.
- 12-E-0395 NEW YORK STATE ELECTRIC & GAS CORPORATION - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.
- 12-E-0396 NIAGARA MOHAWK POWER CORPORATION - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.
- 12-E-0397 ROCHESTER GAS AND ELECTRIC CORPORATION - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.
- 12-E-0398 ORANGE AND ROCKLAND UTILITIES, INC. - Tariff filing to Effectuate Amendments to Public Service Law §66-j (Remote Net Energy Metering for Micro-Hydro Electric Generating Systems) and Conforming and Reforming Changes to Standardized Interconnection Requirements.

### **WATER**

- 461 11-W-0484 LONG ISLAND WATER CORPORATION D/B/A LONG ISLAND AMERICAN WATER - Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds between Ratepayers.

- 462 12-W-0559 RAINBOW WATER COMPANY, INC. AND SUNRISE RIDGE WATER COMPANY - Petition for Recovery of Storm Expenses.

### COMMUNICATIONS

- 561 13-C-0015 AT&T COMMUNICATIONS OF NEW YORK, INC. - Petition to Relinquish its Designation as an Eligible Telecommunications Carrier.
- 562 12-C-0510 TIME WARNER CABLE INFORMATION SERVICES (NEW YORK), LLC - Petition for Modification of Its Existing Eligible Telecommunications Carrier Designation.

### CABLE

- 661 Petitions for Renewal of Cable Television Franchises.
- 13-V-0013 TIME WARNER CENTRAL NEW YORK DIVISION/TOWN OF ONEONTA, OTSEGO COUNTY.
- 13-V-0014 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF NEW HYDE PARK IN NASSAU COUNTY.
- 13-V-0042 MID-HUDSON CABLEVISION, INC./TOWN OF COEYMANS (INCLUDING THE VILLAGE OF RAVENA) ALBANY COUNTY.
- 13-V-0044 CABLEVISION OF WAPPINGERS FALLS, INC./VILLAGE OF HARRIMAN IN DUTCHESS COUNTY
- 13-V-0045 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF PERRY IN WYOMING COUNTY.

#### **Instructions to View Videocast at PSC's NYC Offices**

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.

#### **Instructions to View Video Broadcast of Meeting**

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 by accessing <http://www.dps.ny.gov/Webcasts.html>

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.

### **Explanation of Agenda**

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 contained herein is complete at the time of issue, but other items may be added and some agenda items may be removed without further notice.

Proposed draft orders for **Regular Agenda items** or discussion items will be posted for public viewing, if feasible, by 5:00 p.m. the day before a Commission meeting. The draft orders will be made available at: [www.dps.ny.gov/DraftDocuments.html](http://www.dps.ny.gov/DraftDocuments.html)

The posted drafts will be removed by 5:00 p.m. on the day of the Commission meeting. The proposed order is not the final Commission action, rather, the final determination is the issued order, posted by the Secretary, and available at [www.dps.ny.gov](http://www.dps.ny.gov), click on "Search" then search the appropriate PSC case number.

### **Other Matters**

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 may be obtained by accessing the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov), click on "Search" then search using the appropriate PSC case number, or in the alternative documents may be viewed on monitors provided in the Files Unit on the 14<sup>th</sup> floor of the Albany offices or obtained by calling (518) 474- 2500.

#### **Next Meeting**

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, April 18, 2013, in Albany, New York.**

Individuals in Albany wishing to observe the Commission's meeting may do so in the Board Room on the 19<sup>th</sup> floor of the Commission's offices at Three Empire State Plaza. **Pursuant to procedures established by the building management, anyone planning to view the meeting in the New York City Office 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.** The videocasting will be for viewing and listening purposes only.

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