

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

Further Details: James Denn (518) 474-7080

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

FOR RELEASE: IMMEDIATELY

09039 Agenda

PSC LISTS AGENDA FOR THURSDAY, MAY 14, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 05/08/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, May 14 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, June 18, 2009, in Albany, New York.**

The agenda for the May 14, 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 | 09-G-0322 | KEYSPAN GAS EAST CORPORATION D/B/A KEYSPAN ENERGY DELIVERY LONG ISLAND - Amendment to PSC 1-Gas, eff. 5/16/09, to adjust the loss rate used in determining the Unaccounted-for-Gas Factor. |
| 162 | 09-G-0122 | Changebridge Construction Corp./Central Hudson Gas & Electric Corporation |
| | 09-G-0337 | Capri Landscaping Inc./Consolidated Edison Company of New York, Inc. |
| | 09-G-0339 | HOD Construction Corp./KeySpan Energy of Long Island |
| | 09-G-0340 | Venable Construction Co., Inc./National Fuel Gas Distribution Corporation |
| | 09-G-0341 | Mohawk Tree Service/National Fuel Gas Distribution Corporation |
| | 09-G-0342 | Birch Grove Landscaping & Nursery, Inc./National Fuel Gas Distribution Corporation |
| | 09-G-0343 | Payne's Construction, Inc./New York State Electric & Gas Corporation |
| | 09-G-0344 | PDP Development Corp./Niagara Mohawk Power Corporation, d/b/a National Grid |
| | 09-G-0345 | Rounds Paving and Excavating/Niagara Mohawk Power Corporation, d/b/a National Grid |
| | 09-G-0346 | Bakertown Road Condominium Association, Inc./Orange and Rockland Utilities, Inc. |
| | 09-G-0347 | James V. Spano, Inc./Niagara Mohawk Power Corporation, d/b/a National Grid |
| | | Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities. |
| 163 | 08-G-1364 | BATH ELECTRIC, GAS & WATER - Amendments to PSC 4-Gas, eff. 3/1/09 (Postponed to 6/1/09), to Increase its Annual Gas Revenues by about \$236,061 or 6%. |
| 164 | 09-G-0020 | ST. LAWRENCE GAS COMPANY, INC. - Pet. Pursuant to Public Service Law, Section 68, for the Exercise of a Gas Franchise in the Town of Potsdam, St. Lawrence County. |

- 165 06-G-1332 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Pro.
as to the Rates, Charges, Rules and Regulations for Gas Service.

GENERAL

- 261 02-G-0711 National Fuel Gas Distribution Corporation - Ms. Darlene Respress
06-E-1220 Ms. Alexandria Hertz - New York State Electric & Gas Corporation
08-E-0248 New York State Electric & Gas Corporation - Village of Oxford

Appeals of Informal Hearing Decisions.

- 262 08-M-1352 NIAGARA MOHAWK POWER CORPORATION - Pet. for Authority
to Issue Long-Term Indebtedness Under Section 69 of the Public Service
Law.

- 263 08-G-1027 Mr. James Concepcion/Ms. Carol Graff Kinghan and Consolidated
Edison Company of New York, Inc.
09-G-0054 Mr. Paul Jaszy/Mr. Tilak Vithanage and National Grid--Metro NY.

Rehearing petitions of designees' determinations.

- 264 08-M-1312 Proceeding on Motion of the Commission to Consider the Financial
Impacts on New York States Energy Utilities of Changes in Uncollectible
Expense and Arrearages in the Current Economic Environment.

POWER

- 361 08-E-1405 WHEATON/TMW FOURTH AVENUE LIMITED PARTNERSHIP -
Petition to submeter electricity at 251 7th Street, Brooklyn, located in the
territory of Consolidated Edison Company of New York, Inc., filed in C
26998.
- 362 07-E-0090 Mr. Allen A. Kaufman/Consolidated Edison Company of New York, Inc.
- 363 08-E-1426 ALLIED CONVERTS, INC. - Petition for a Declaratory Ruling on the
Administration of Solar Net Metering Provisions at Locations Where
Multiple (Hybrid) Energy Efficient Generation Technologies are
Installed.
- 364 09-E-0109 Proceeding on Motion of the Commission as to Continuation of Standby
Rate Exemptions For Beneficial Distributed Generation.
- 365 08-E-1048 BURROWS PAPER CORPORATION - Petition for a Declaratory
Ruling that as owner of Two Hydroelectric Generating Facilities,

Burrows is Also the Owner of the Renewable Environmental Attributes Generated by Those Facilities.

- 366 05-E-1180 In the Matter of the Reliability Rules of the New York State Reliability Council and the Criteria of the Northeast Power Coordinating Council.
- 07-E-0088 In the Matter of the Adoption of an Installed Reserve Margin for the New York Control Area.
- 367 07-E-0949 ORANGE AND ROCKLAND UTILITIES, INC. - Amendments to PSC 2 - Electricity, eff. 5/1/09, in compliance with Commission Order issued February 12, 2009 regarding Mandatory Day-Ahead Hourly Pricing.
- 368 08-T-1388 LONG ISLAND POWER AUTHORITY - Appn. for a Certificate of Environmental Compatibility and Public Need to Install a Second 138 kV Cable in the Certified Underground Conduit from the Riverhead Substation to the Canal Substation.
- 369 07-E-0523 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.
- 370 08-E-1390 NIAGARA MOHAWK POWER CORPORATION - Petition for Approval Under Section 70 of the PSL for the Sale of Two Parcels of Real Property Comprising a Total of Approximately 53 Acres in the City of North Tonawanda, New York to the City of North Tonawanda, New York.
- 371 09-E-0227 NEW YORK STATE ELECTRIC & GAS CORPORATION - Tariff filing to modify its tariff regarding fixed transition charges.
- 09-E-0228 ROCHESTER GAS AND ELECTRIC CORPORATION - Tariff filing to modify its tariff regarding fixed transition charges.

WATER

- 461 08-W-1201 HERITAGE HILLS WATER WORKS CORP. - Amendments to PSC 2-Water, eff. 2/1/09, to increase annual revenues by approximately \$300,000 or 22%. (Suspended through 5/31/09)
- 462 08-W-0556 FOREVER WILD WATER COMPANY, INC. - Amendments to PSC 3-Water, eff. 10/1/08, (Postponed through 6/1/09) to Increase its Annual Water Revenues by about \$167,000 or 140%.

- 463 08-W-0522 BONIVILLE WATER COMPANY - Amendments to PSC 4 - Water, eff. 8/1/08 and further suspended to 10/29/08, to Increase its Annual Water Revenues by about \$18,248 or approximately 29.7%.
- 464 08-W-0523 KNOLLS WATER CO., INC. - Amendments to PSC 4 - Water, eff. 8/1/08 (Suspended through 5/29/09) to increase revenues by \$17,874, or 30.42%.
- 465 08-W-0527 ARBOR HILLS WATERWORKS, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules, and Regulations of Arbor Hills Waterworks, Inc.
- 08-W-0445 ARBOR HILLS WATERWORKS, INC. - Pet. for Approval to Recover Revenue Losses Caused by a Ban on the Use of Lawn Sprinkler Systems.

COMMUNICATIONS

- 561 09-C-0295 XCHANGE TELECOM CORP. - Petition for Designation as an Eligible Telecommunications Carrier within the State of New York.
- 562 08-C-1497 Petition by Chazy & Westport Telephone Corporation 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.
- 07-C-0349 In the Matter of Examining a Framework for Regulatory Relief.
- 563 07-C-0349 CASSADAGA TELEPHONE CORPORATION - Amendments to PSC 7-Telephone, eff. 6/1/09; GERMANTOWN TELEPHONE COMPANY INC. DBA GTEL TELECONNECTIONS FKA GERMANTOWN TELEPHONE COMPANY, INC. - Amendments to PSC 9-Telephone, eff. 6/1/09; ONTARIO TELEPHONE COMPANY, INC. - Amendments to PSC 11-Telephone, eff. 5/1/09, 5/30/09 and 6/1/09, to increase basic local service rates to equal residential basic local service rates.

CABLE

- 661 09-V-0204 CAP Exchange I, LLC d/b/a Time Warner Cable – Buffalo Division/Town of Amherst, Erie County
- 09-V-0238 Time Warner Entertainment- Advance/Newhouse Partnership/Town of Preble, Cortland County
- 09-V-0276 Charter Communications/Town of Saranac, Clinton County
- 09-V-0277 Charter Communications/Town of Schuyler Falls, Clinton County
- 09-V-0278 Charter Communications/Town of Beekmantown, Clinton County

09-V-0279 Charter Communications/Town of Ausable, Clinton County
09-V-0280 Charter Communications/Town of Dannemora, Clinton County
09-V-0281 Charter Communications/Town of Peru, Clinton County
09-V-0282 Charter Communications/Town of Plattsburgh, Clinton County
09-V-0283 Charter Communications/City of Plattsburgh, Clinton County
09-V-0300 Charter Communications//Town of Chesterfield, Essex County
09-V-0304 Charter Communications/Village of Keeseville Clinton County

Applications for Certificates of Renewal.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 09-G-0380 Presentation: Status Report on a Natural Gas Explosion at 80-50 260th Street, Queens, New York, on April 24, 2009, Within the Natural Gas Service Territory of Consolidated Edison Company of New York, Inc.
- 101 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 102 08-G-0609 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Niagara Mohawk Power Corporation for Gas Service.

GENERAL

No Items Will Be Considered On This Agenda.

POWER

- 301 09-M-0355 In the Matter of Staff's Report on 2009 Electric Summer Preparedness.
- 301-A 09-M-0355 In the Matter of Staff's Report on 2009 Electric Summer Preparedness.
- 301-B 09-M-0355 In the Matter of Staff's Report on 2009 Electric Summer Preparedness.
- 301-C 09-M-0355 In the Matter of Staff's Report on 2009 Electric Summer Preparedness.
- Presentation: Review of Electric System Planning Studies.

WATER

No Items Will Be Considered On This Agenda.

COMMUNICATION

- 501 09-C-0361 In the Matter of Quality of Service provided by Local Exchange Companies in New York State.

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