

STATE OF NEW YORK

# Public Service Commission

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09093 Agenda

## PSC LISTS AGENDA FOR THURSDAY, OCTOBER 15, 2009

**PLEASE NOTE:**  
**MEETING WILL BE BROADCAST ON THE INTERNET**  
**- VIDEOCASTING TO COMMISSION'S NEW YORK CITY OFFICES ALSO AVAILABLE -**

Albany, NY – 10/9/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, October 15, 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 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.

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 14<sup>th</sup> 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, November 12, 2009, in Albany, New York.** In addition, the Commission is sponsoring a Technical Conference to explore the issues associated with the Renewable Portfolio Program which will begin at 10:00 a.m. and conclude at 4:00 p.m., Wednesday, October 28, 2009, in Albany, NY.

The agenda for the October 15, 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.**

<b>Item</b>	<b>PSC Case</b>	<b>GAS</b>
161	09-G-0546	Corning Natural Gas Corporation – Petition for Authority to Implement, as Emergency Measure, an Alternative Method of Recovering the Temporary Annual Assessment Pursuant to Public Service Law Section 18-a(6).
162	09-G-0616	Schodack Septic Services/Niagara Mohawk Power Corporation d/b/a National Grid.
	09-G-0697	Kreiger Well and Pump Corp./Keyspan Energy of Long Island.
	09-G-0700	Bonilla Landscaping Inc./Keyspan Energy of Long Island.
	09-G-0706	Sandstorm Construction, Inc./Keyspan Energy of Long Island.
	09-G-0701	Marders The Landscape Store, Inc./Keyspan Energy of Long Island.
	09-G-0702	Four Star Remodeling, Inc./Keyspan Energy of Long Island.
	09-G-0707	Forte Remodeling, Inc./Keyspan Energy of New York.
	09-G-0704	G.F. Construction, Inc./Keyspan Energy of Long Island.
	09-G-0705	Joe Pedreira Co./Niagara Mohawk Power Corporation d/b/a National Grid.
	09-G-0708	Zappala Excavating, LLC/Niagara Mohawk Power Corporation d/b/a National Grid.
	09-G-0710	All Bright Electric Co./Orange and Rockland Utilities, Inc.
		Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities.
163	07-G-0141	National Fuel Gas Distribution Corporation – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
164	09-G-0352	Corning Natural Gas Corporation – Pet. for Approval of the Eagle MPplus Series Electronic Volume Corrector.
165	08-G-0609	Niagara Mohawk Power Corporation – Amendments to PSC 219-Gas, eff. 5/20/09, on a temporary basis, to implement Rate Year 1 of a two-year rate plan.
166	06-M-0878	National Grid PLC and Keyspan Corporation – Joint Petition for Approval of Stock Acquisition and other Regulatory Authorizations.

**GENERAL**

- 261 09-M-0311 Implementation of Chapter 59 of the Laws of 2009 Establishing a Temporary Annual Assessment Pursuant to PSL 18-a(6)
- 262 09-M-0529 Orange and Rockland Utilities, Inc. – Petition for Authority Under Section 69 of the Public Service Law to Issue Securities Having a Maturity of More Than One Year and Under Section 108 of the Public Service Law for Approval and Consent for Amendments of the Company’s Certificate of Incorporation.

**POWER**

- 361 09-E-0547 Village of Arcade – Cancellation of Amendments to PSC 1-Electricity, eff. 10/17/09, to establish a new service classification No. 6 supplemental service for Wholesale Electric Generation.
- 362 07-E-0951 Mr. Paul Miller/Mr. Dennis Ward and Central Hudson Gas & Electric Corporation.
- 09-E-0407 Ms. Suzanne Levesque/Ms. Valnide Calcado Yasuda, Mr. Jade Greer and Central Hudson Gas & Electric Corporation.
- 09-E-0467 Ms. Janet Hajba/Ms. Devida Smith and Central Hudson Gas & Electric Corporation.
- Rehearing petitions of designees’ determinations.
- 363 00-F-2057 Besicorp-Empire Development Company, LLC – Application 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.
- 364 00-F-2057 Besicorp-Empire Development Company, LLC – Application 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.
- 365 07-E-0479 New York State Electric & Gas Corporation – Tariff filing to Offer Customers a Single Fixed Supply Service.
- 09-E-0227 New York State Electric & Gas Corporation – Tariff filing to modify fixed transition charges.
- 09-E-0228 Rochester Gas and Electric Corporation – Tariff filing to modify fixed transition charges.
- 09-E-0626 Rochester Gas and Electric Corporation – Complaint of Pactiv Corporation Concerning Mitigation of Transition Charges.

- 366 07-E-0949 Orange and Rockland Utilities, Inc. – Amendments to PSC 2-Electricity, eff. 7/1/09 on a temporary basis to revise electric rates in compliance with Commission Order issued 7/23/08.
- 367 09-E-0574 RPL Holdings, Inc., Power City Generating Inc., Power City Partners, L.P. and MEG Development, LLC – Joint Petition for Approval of a Transfer of Assets Pursuant to PSL Sections 70 and 83, Approving Associated Debt Pursuant to PSL Section 69, and Confirming a Lightened Regulatory Regime.
- 368 06-E-0501 Mr. Hoi Ip – Ms. Jennifer Gelb and Consolidated Edison Company of New York, Inc.  
06-E-0935 Young Israel of New Hyde Park and Consolidated Edison Company of New York, Inc.

Appeals of Informal Hearing Decisions.

- 369 09-E-0294 Green Island Power Authority – Petition for a Declaratory Ruling Concerning the Approval of the Transfer of Ownership Interests in Erie Boulevard Hydropower, L.P.
- 370 09-E-0631 Niagara Mohawk Power Corporation d/b/a National Grid – Amendments to PSC 220-Electricity, eff. 10/1/09 (Postponed to 11/1/09), to update rates used to determine contributions required from applicants for underground extensions in residential subdivisions.
- 371 09-E-0553 City of Jamestown – Petition for Permission to Utilize a Portion of the Dismantling Fund Deferral Account to Offset the Amortizations of Maintenance Costs Regarding Overhauls of Gas Fired Generator #7 and Steam Turbine Generator #6.
- 372 09-E-0497 In the Matter of Generator-Specific Energy Deliverability Study Methodology.

**WATER**

- 461 09-W-0229 United Water New York Inc. – Petition For Authority to Enter into one or more Agreement(s) for the Sale On a Negotiated Basis of Up to an Aggregate Principal Amount of Unsecured \$30,000,000 of Promissory Notes and Enter into any and all Other Agreements that would be Negotiated and Required at a Later Date with Respect to the Foregoing.
- 462 09-W-0518 Dwight Arthur and Betty Lemonik – Petition for Approval to Abandon its Water System.

- 463 09-W-0541 Saratoga Water Services, Inc. and Malta Mobile Acres, Inc. – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Mobile Home Development in the Town of Malta, Saratoga County.
- 464 07-W-0463 New York Water Service Corporation – Petition for Accounting Treatment Authorizing Accrual of Carrying Charges on Pension Internal Reserves.

### COMMUNICATIONS

- 561 07-C-0349 Margaretville Telephone Company – Amendments to PSC 15-Telephone, eff. 10/1/09, to increase residential basic local service rates.
- 562 09-C-0563 Communications Workers of America – Petition for a Declaratory Ruling Concerning Applicability of PSL Section 99(2) and/or 100 to the Proposed Transfer of a Majority Ownership Interest in the Parent Company of Frontier Communications of America, Inc., Frontier Communications of Ausable Valley, Inc., Frontier Communications of New York, Inc., Frontier Communications of Rochester, Inc., Frontier Communications of Seneca Gorham, Inc., Frontier Communications of Sylvan Lake, Inc., and Frontier Telephone of Rochester, Inc.

### CABLE

- 661 07-V-1144 Cablevision Systems Islip Corp. – Petition for Approval of the Renewal of its Franchise with the Town of Islip, Suffolk County.
- 07-V-1162 Samson Cablevision Corporation – Petition for Approval of the Renewal of its Franchise with the Town of Islip, Suffolk County.
- 662 09-V-0664 Verizon New York Inc. – Petition for a Certificate of Confirmation for its Franchise with the Town of Skaneateles, New York (Onondaga County).
- 663 09-V-0695 Verizon New York Inc. – Petition for a Certificate of Confirmation for its Franchise with the Town of Pound Ridge, Westchester County.
- 664 09-V-0721 Verizon New York Inc. – Petition for a Certificate of Confirmation for its Franchise with the Village of Fayetteville, Onondaga County.
- 665 09-V-0725 Verizon New York Inc. – Petition for a Certificate of Confirmation for its Franchise with the Town of Sennett, Cayuga County.
- 666 09-V-0204 Petition of CAP Exchange I, LLC d/b/a Time Warner Cable – Buffalo Division for the Approval of the Renewal of its Franchise with the Town of Amherst, Erie County.

- 09-V-0292 Petition of Cablevision of Wappingers Falls, Inc. for Approval of the Renewal of its Franchise with the Village of Cold Spring, Putnam County.
- 09-V-0369 Petition of Cablevision of Rockland/Ramapo, Inc. for Approval of the Renewal of its Franchise with the Town of Orangetown, Rockland County.
- 09-V-0437 Petition of Cablevision of Wappingers Falls, Inc. for Approval of the Renewal of its Franchise with the Village of Buchanan, Westchester County.
- 09-V-0572 Petition of Suffolk Cable of Smithtown, Inc. for Approval of the Renewal of its Franchise with the Village of Nissequogue, Suffolk County.
- 09-V-0573 Petition of CSC Acquisition-NY, Inc. for Approval of the Renewal of its Franchise with the Village of Quogue, Suffolk County.
- 09-V-0584 Petition of CSC Acquisition-NY, Inc. for Approval of the Renewal of its Franchise with the Village of Sag Harbor, Suffolk County.
- 667 09-V-0624 Town of Southampton (Suffolk County) – Complaints Pertaining to Delivery of PEG Access Channels by Cablevision Systems East Hampton Corp.

**REGULAR AGENDA**

**Items not necessarily to be considered in the order listed:**

**GAS**

- 101 08-G-1398 Orange & Rockland Utilities, Inc. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 102-A 09-G-0550 Report on New York State Natural Gas Supply Readiness for the 2009-2010 Winter Season.
- 102-B 09-G-0550 Report on New York State Natural Gas Supply Readiness for the 2009-2010 Winter Season. (Office of Consumer Services’ Winter Outreach & Education Program)

**GENERAL**

- 201 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.
- 08-E-1133 Petition of Niagara Mohawk Power Company 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-1130 Petition of Rochester Gas and Electric Corporation for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 08-E-1129 Petition of New York State Electric and Gas Corporation for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-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.

- 08-E-1128 Petition of Orange and Rockland Utilities, Inc. for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 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.
- 202 09-E-0715 Proceeding on Motion of the Commission as to the Rates, Charges, Rules  
09-G-0716 and Regulations of New York State Electric & Gas Corporation;  
09-E-0717 Rochester Gas and Electric Corporation for Electric and Gas Service  
09-G-0718 (Staff Presentation of Companies' Applications).

### **POWER**

- 301 There is no Item 301 on this Agenda.
- 302 09-E-0115 Consolidated Edison Company of New York, Inc. – Pro. on Motion to Consider Demand Response Initiatives.

### **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