

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

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COMMISSION TO MEET ON THURSDAY, AUGUST 15, 2013

Albany, NY – 08/09/13 – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 a.m., Thursday, August 15, 2013, in the 19th 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

REGULAR AGENDA ITEMS

Items To Be Resolved Through Discussion

Item PSC Case

GAS

101 11-G-0580 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - In the Matter of a Comprehensive Management Audit.

GENERAL

- 201 13-M-0061 In the Matter of Customer Outage Credit Policies and Other Consumer Protection Policies Relating to Prolonged Electric or Natural Gas Service Outages.
- 202-A 13-M-0178 In the Matter of Energy Utility Cyber Security Strategic Planning Review. (Large Energy Utilities)
- 202-B 13-M-0178 In the Matter of Energy Utility Cyber Security Strategic Planning Review. (Central Hudson)

POWER

- 301 13-E-0198 In the Matter of 2013 Electric Emergency Plan Review.

No items will be considered on the Regular Agenda for **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

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| 161 | In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. |
| 13-G-0322 | NEW YORK BUILDERS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. |
| 13-G-0323 | RACANELLI CONSTRUCTION GROUP INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. |
| 13-G-0324 | NEW SKY CONSTRUCTION INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. |
| 13-G-0325 | NORTON MECHANICAL II, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. |
| 13-G-0326 | MOUSSEAU PROPERTIES, LLC/NEW YORK STATE ELECTRIC & GAS CORPORATION |
| 13-G-0328 | DY CONSTRUCTION LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY |
| 162 | 13-G-0187 PROCUREMENT ENERGY, LLC - Petition for a Declaratory Ruling Regarding Regulation of Compressed Natural Gas Filling Stations and Related Facilities. |
| 163 | 13-G-0017 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Amendments to PSC 8-Gas, eff. 5/1/13, postponed to 9/1/13, to revise Service Classification No. 7 - Sales for Service for Customers Operating Natural Gas Vehicles. |

GENERAL

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| 261 | 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard. Delegation for authority to approve reallocations of previously authorized funds. |
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- 262 13-M-0331 BUY ENERGY DIRECT, LLC - In the Matter of an Investigation.
- 263 13-M-0090 NEW YORK STATE ELECTRIC & GAS CORPORATION and ITHACA CITY SCHOOL DISTRICT - Petition for Approval Pursuant to Public Service Law §70 of A Transfer of Property.
- 264 13-M-0314 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, USA, CENTRAL HUDSON GAS AND ELECTRIC CORPORATION, NATIONAL FUEL GAS DISTRIBUTION CORPORATION, ORANGE AND ROCKLAND UTILITIES, INC. ROCHESTER GAS AND ELECTRIC CORPORATION, NEW YORK STATE ELECTRIC AND GAS CORPORATION, NIAGARA MOHAWK POWER COMPANY GAS, KEYSpan ENERGY DELIVERY NEW YORK AND KEYSpan ENERGY DELIVERY LONG ISLAND - Request for Proposal for an Independent Third-Party Consultant to Conduct a Review of the Accuracy and Effectiveness of Certain Reliability and Customer Service Systems at all Gas and Combination Gas and Electric Utilities in New York State that Provide Statistics to the Commission on the Services They Provide Customers.

POWER

- 361 07-M-0954 ORANGE AND ROCKLAND UTILITIES, INC. and SPRINT SPECTRUM, L. P. - Joint Petition for Request Approval Under Section 70 of the PSL for Wireless Attachments to Transmission Facilities.
- 09-M-0677 ORANGE AND ROCKLAND UTILITIES, INC. and T-MOBILE NORTHEAST, LLC - Petition for Approval Pursuant to Section 70 of the PSL for Authorization for T-Mobile's Existing Wireless Equipment Attached to Orange & Rockland's Electric Transmission Facilities (Tower 147).
- 09-M-0678 ORANGE AND ROCKLAND UTILITIES, INC. and T-MOBILE NORTHEAST, LLC - Petition for Approval Pursuant to Section 70 of the PSL for Authorization for T-Mobile's Existing Wireless Equipment Attached to Orange & Rockland's Electric Transmission Facilities (Pole 18).
- 09-M-0679 ORANGE AND ROCKLAND UTILITIES, INC. and T-MOBILE NORTHEAST, LLC - Petition for Approval Pursuant to Section 70 of the PSL for Authorization for T-Mobile's Existing Wireless Equipment Attached to Orange & Rockland's Electric Transmission Facilities (Pearl River Substation).
- 09-M-0680 ORANGE AND ROCKLAND UTILITIES, INC. and T-MOBILE

- NORTHEAST, LLC - Petition for Approval Pursuant to Section 70 of the PSL for Authorization for T-Mobile's Existing Wireless Equipment Attached to Orange & Rockland's Electric Transmission Facilities (Tower 200).
- 09-M-0681 ORANGE AND ROCKLAND UTILITIES, INC. and T-MOBILE NORTHEAST, LLC - Petition for Approval Pursuant to Section 70 of the PSL for Authorization for T-Mobile's Existing Wireless Equipment Attached to Orange & Rockland's Electric Transmission Facilities (Pole 25).
- 362 13-E-0041 MASSENA ELECTRIC DEPARTMENT - Cancellation of amendment to PSC 2-Electricity, eff. 5/1/13, postponed 9/1/13, to add a new Service Class (SC No. 10) for individual service contracts for customers receiving full service from the Town of Massena Electric Department.
- 363 13-E-0166 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition for Approval of a Transfer or Lease of Property Located in Arcadia, New York.
- 364 13-E-0138 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition for Approval of a Transfer or Lease of Property with an Original Cost of Over \$100,000.
- 365 10-E-0253 MR. GERARD LEONARD/MS. MYRIAM LELAEZ CARDONA and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 10-E-0558 STEPHEN B. LEVINSON and NEW YORK STATE ELECTRIC AND GAS CORPORATION - Appeal of Informal Hearing Decision.
- 366 12-E-0560 JAMAICA 161 REALTY, LLC - Petition to Submeter Electricity at 90-14 161st Street, Jamaica, Located in the Territory of Consolidated Edison Company, Inc.
- 367 11-T-0534 ROCHESTER GAS AND ELECTRIC CORPORATION - Application for a Certificate of Environmental Compatibility and Public Need for the Construction of the "Rochester Area Reliability Project," Approximately 23.6 Miles of 115 Kilovolt Transmission Lines and 1.9 Miles of 345 Kilovolt Line in the City of Rochester and the Towns of Chili, Gates and Henrietta in Monroe County. Petitions for Rehearing.

WATER

- 461 12-W-0300 ARBOR HILLS WATERWORKS, INC. - Petition to Increase Existing Escrow Account Set for Unexpected / Extra Ordinary Expenses from \$10,000.00 to \$20,000.00.
- 12-W-0313 ARBOR HILLS WATERWORKS, INC. - Petition to Implement a Quarterly Customer Surcharge of \$59.70 to Cover the Cost of Radiological Tests Required by the Department of Health.
- 462 08-W-0549 SARATOGA GLEN HOLLOW WATER SUPPLY CORP. - Petition for Increased Hookup Fees for New Developers.

COMMUNICATIONS

- 561 13-C-0296 LOCUS TELECOMMUNICATIONS, INC. - Petition for Approval of the Merger of Locus Telecommunications into Total Call International.
- 562 13-C-0310 FRONTIER COMMUNICATIONS OF SYLVAN LAKE, INC., FRONTIER COMMUNICATIONS OF SENECA GORHAM, INC., FRONTIER TELEPHONE OF ROCHESTER, INC., FRONTIER COMMUNICATIONS OF NEW YORK, INC., FRONTIER COMMUNICATIONS OF AUSABLE VALLEY, INC., FRONTIER COMMUNICATIONS OF AMERICA, INC., CITIZENS TELECOMMUNICATIONS COMPANY OF NEW YORK, INC. D/B/A FRONTIER COMMUNICATIONS OF NEW YORK, OGDEN TELEPHONE COMPANY D/B/A FRONTIER OGDEN TELEPHONE COMPANY and FRONTIER COMMUNICATIONS OF ROCHESTER, INC. - Tariff filing to change the late payment fee to 1.5% or \$5.00, whichever is greater.
- 563 13-C-0161 VERIZON NEW YORK INC. - In the Matter of Quality of Service provided by Local Exchange Companies in New York State.
- 564 13-C-0205 NETWORKS, INC., LDMI TELECOMMUNICATIONS, INC., MCLEODUSA TELECOMMUNICATIONS, LLC, PAETEC COMMUNICATIONS, INC., TALK AMERICA, INC., US LEC COMMUNICATIONS, LLC, WINDSTREAM COMMUNICATIONS, INC., WINDSTREAM NEW YORK, INC., NORLIGHT, INC., NORLIGHT TELECOMMUNICATIONS, INC., AND WINDSTREAM CORPORATION - Petition of Intellifiber for Authority to Complete a Pro Forma Intra-Corporate Transaction.

CABLE

- 661 Petitions for Renewal of Cable Television Franchises.
- 13-V-0245 TIME WARNER CABLE NORTHEAST LLC/TOWN OF
NEVERSINK, SULLIVAN COUNTY.
- 13-V-0284 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF
HARRISVILLE, LEWIS COUNTY.
- 13-V-0285 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF
MALONE, FRANKLIN COUNTY.
- 13-V-0286 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CAPE
VINCENT, JEFFERSON 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 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.

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

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, 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, 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 14th 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, September 19, 2013, in Albany, New York.**

Individuals in Albany wishing to observe the Commission's meeting may do so in the Board Room on the 19th 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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