

STATE OF NEW YORK

Public Service Commission

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10024 Agenda

PSC LISTS AGENDA FOR THURSDAY, MARCH 25, 2010

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

- VIDEOCASTING TO COMMISSION'S ALBANY OFFICES ALSO AVAILABLE -

Albany, NY – 03/19/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **11:00 A.M., Thursday, March 25, 2010, in the 4th Floor Board Room of its offices located at 90 Church Street, New York, New York.**

Individuals in Albany wishing to view 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, Albany. 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 Albany 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 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 website within two business days after the meeting.

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, April 15, 2010, in Albany, New York.**

The agenda for the March 25, 2010 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 09-G-0567 ORANGE AND ROCKLAND UTILITIES, INC. – Amendments to PSC 4-Gas, eff. 11/1/09 (postponed to 4/1/10), to change the terms under which the company will release upstream pipeline capacity to its Marketers and to revise its Capacity Release Service Adjustment.
- 09-G-0568 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Gas, eff. 11/1/09 (postponed to 4/1/10), to change the terms under which the company will release upstream pipeline capacity to its Marketers and to revise its Capacity Release Service Adjustment.
- 162 06-G-1185 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSpan ENERGY DELIVERY NEW YORK – Amendments to PSC 12-Gas, eff. 1/1/10, on a temporary basis, to update its volumetric delivery surcharge and systems benefit charge, in compliance with Commission order issued December 21, 2007.
- 06-G-1186 KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY LONG ISLAND – Amendments to PSC 1-Gas, eff. 1/1/10, on a temporary basis, to update its volumetric delivery surcharge and systems benefit charge, in compliance with Commission order issued December 21, 2007.
- 163 10-G-0002 NATIONAL FUEL GAS DISTRIBUTION CORPORATION – Amendments to PSC 8-Gas, eff. 3/25/10, postponed to 3/28/10, to add tariff provisions that notify suppliers that the Company may post instructions on its web site regarding the minimum flow requirements which are applicable to Mandatory Upstream Transmission Capacity delivery points and update the company’s Grandfathered Upstream Transmission Capacity threshold level.
- 164 10-G-0011 SAVAGE EQUIPMENT CO., INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0012 ROBERT J. BANKER CONSTRUCTION, INC./ROCHESTER GAS AND ELECTRIC CORPORATION
- 10-G-0061 LASER INDUSTRIES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

- 10-G-0063 NIAGARA CONSTRUCTION/NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 10-G-0064 ARTMEIER COMMODITY SUPPLY INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 10-G-0065 THE RADEC CORPORATION/NEW YORK STATE ELECTRIC & GAS CORPORATION
- 10-G-0066 SHEA'S OUTHOUSE SERVICES, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION
- 10-G-0067 BRAD WEAKLEY EXCAVATING LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 10-G-0068 ROAD SAVERS INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 10-G-0069 OLSON'S CREATIVE LANDSCAPING/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 10-G-0070 NORTHERN STYLE CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 10-G-0071 G.P. LANDSCAPE DESIGN, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 10-G-0072 JACKSON DEMOLITION SERVICE INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 10-G-0073 GRIZZLY CONSTRUCTION/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 10-G-0074 PIGLIAVENTO BUILDINGS/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities.

- 165 07-G-0772 CORNING NATURAL GAS CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 09-G-0813 CORNING NATURAL GAS CORPORATION – Petition for a Declaratory Ruling as to the Treatment of Revenues and Costs Associated with Transportation of Natural Gas Produced in the Vicinity of the Company's Service area or, in the Alternative, For a Waiver or Modification of Existing Requirements Applicable to Such Revenues and Costs.
- 166 09-T-0499 NORNEW, INC. – Application for a Certificate of Environmental Compatibility and Public Need for the Construction of a Natural Gas Gathering Pipeline of Approximately 8.2 Miles of 16 Inch Coated, High Pressure Steel Pipe, Located in the Towns of Eaton and Lebanon, Madison County.

GENERAL

- 261 10-M-0082 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter G, Certificates of Environmental Compatibility and Public Need, Part 85, General Procedures, Subpart 85-2, Procedures with Respect to All Electric Transmission Lines and Fuel Gas Transmission Lines 10 or More Miles Long.
- 262 08-E-0087 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 08-G-0888 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Central Hudson Gas & Electric Corporation for Gas Service.
- 263 04-E-1547 310/312 EAST 23RD STREET APARTMENT CORPORATION/
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
06-C-1020 XTECH SYSTEMS INC./VERIZON NEW YORK INC.
07-E-0332 MR. DANIEL L. GABEL/NEW YORK STATE ELECTRIC & GAS CORPORATION
09-C-0723 SCHUYLER COUNTY/VERIZON NEW YORK INC.
- In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, in Relation to Complaint Procedures – Appeals of Informal Hearing Decisions.
- 264 08-E-0887 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 08-G-0888 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 265 07-M-0906 IBERDROLA S.A., ENERGY EAST CORPORATION, RGS ENERGY GROUP, INC., GREEN ACQUISITION CAPITAL, INC., NYSEG and RGE - Joint Petition for Approval of the Acquisition of Energy East Corporation by Iberdrola, S.A.

POWER

- 361 10-E-0040 MS. ROSA ROMERO and LU SHAN 5, LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of a Commission Designee’s Determination Pursuant to PSL Section 52 – Rehearing Petition of the Designee’s Determination.

- 362 09-E-0863 ASTORIA ENERGY LLC and ASTORIA ENERGY II LLC – Joint Petition for a Declaratory Ruling Concerning the Transfer of Upstream Interests or, in the Alternative, Approval Pursuant to Section 70 of the PSL.
- 363 09-E-0656 GENERAL MOTORS COMPANY – Petition for Approval of Transfer of a Substation and Certificate of Public Convenience and Necessity and an Order Providing for Incidental and Lightened Regulation.
- 364 10-T-0030 ORANGE AND ROCKLAND UTILITIES, INC. – Petition for a Declaratory Ruling That Proposed Reconductoring of the Portions of Transmission Line 31 is a “Like Kind Replacement” Not Subject to the Reporting Requirements of 16 NYCRR Part 102 or the Certification Requirements of PSL Section 121.
- 365 10-E-0079 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Amendment to PSC 220-Electricity, eff. 3/29/10, to make a “housekeeping” revision to its electric tariff schedule Service Classification No. 7 – Sale of Standby Service to Customers with On-Site Generation Facilities.
- 366 10-E-0053 JAMESTOWN BOARD OF PUBLIC UTILITIES – Amendment to PSC 6-Electricity, eff. 3/24/10, postponed to 4/1/10, to conform its tariff schedule according to Commission’s policy regarding the application of late payment charges under Deferred Payment Agreements.
- 367 10-E-0033 NIAGARA MOHAWK POWER CORPORATION – Petition for Approval under Section 68 of the New York Public Service Law for the Exercise of an Electric Franchise in the City of North Tonawanda, Niagara County.
- 368 10-E-0077 BAYONNE ENERGY CENTER, LLC – Petition for an Original Certificate of Public Convenience and Necessity for Permission and Approval to Operate as an Electric Corporation within the State of New York.
- 369 10-E-0032 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Petition for Approval under Section 68 of the New York Public Service Law for the Exercise of an Electric Franchise in the Town of Dunkirk, County of Chautauqua, State of New York.
- 370 10-E-0034 NIAGARA MOHAWK POWER CORPORATION – Petition for Approval Pursuant to Section 68 of the New York Public Service Law for the Exercise of an Electric Franchise in the City of Cortland, Cortland County.
- 371 10-E-0048 NEW YORK STATE ELECTRIC & GAS CORPORATION – Amendments to PSC 119-Electricity, eff. 4/1/10, to update the rates used

in determining contributions required from applicants for underground extensions.

- 372 09-E-0115 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendment to PSC 9-Electricity, eff. 12/15/09, on a temporary basis, to modify Demand Response Programs and propose a Cost Recovery Mechanism for New York Power Authority Customers in compliance with Commission order issued October 23, 2009.
- 373 07-E-0523 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 374 08-T-1245 BAYONNE ENERGY CENTER, LLC – Application for a Certificate of Environmental Compatibility and Public Need for the Construction of the New York State Portion (Kings County) of a 6.6 Mile, 345 kV AC, 3 Phase Circuit Submarine Electric Transmission Facility Pursuant to Article VII of the PSL.

WATER

- 461 09-W-0866 MARTIN ROSENWASSER AND EDWARD KRAVITZ – Amendment to PSC 2-Water, eff. 5/1/10, to increase its annual revenues by approximately \$172 or about 107%.
- 462 09-W-0840 PINEBROOK WATER CO. INC. and TOWN OF HYDE PARK – Joint Petition for Approval of the Transfer of All of the Water Supply Assets.
- 463 09-W-0644 RAND WATER CORPORATION and THE TOWN OF EAST FISHKILL – Joint Petition for Approval of the Transfer of all of the Water Supply Assets Serving the Dogwood Knolls Subdivision to the Town of East Fishkill and the Transfer of its Remaining Assets to a New Transportation Corporation.
- 464 09-W-0581 LONG ISLAND WATER CORPORATION – Petition Regarding Receipt of Tax Refunds Pursuant to PSL 113-2 and 16 NYCRR 89.3.
- 465 09-W-0778 UNITED WATER WESTCHESTER INC. – Petition to Defer Costs Plus Additional Expenses and Accrued Interest for Treatment in its Next Rate Case.
- 466 07-W-0639 UNITED WATER OWEGO INC. and UNITED WATER NICHOLS INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

COMMUNICATIONS

- 561 10-C-0031 VERIZON NEW YORK INC. – Petition, Pursuant to Section 99 of the Public Service Law, for Approval to Sell a Portion of an Office Building Located at 50 Varick Street, New York, New York.
- 562 09-C-0361 In the Matter of Quality of Service provided by Local Exchange Companies in New York State.
- 563 10-C-0081 MAXSIP TELECOM CORPORATION – Petition for Designation as an Eligible Telecommunications Carrier.
- 564 10-C-0056 VERIZON NEW YORK INC. – Amendments to PSC 1- Communications, eff. 3/19/10, postponed to 3/26/10, to provide for rate increases to Unlimited Local Usage and Unlimited Local and Toll Usage Service for business.

CABLE

- 661 10-V-0058 VERIZON NEW YORK INC. – Petition for a Certificate of Confirmation for its Franchise with the Village of Pleasantville, Westchester County.
- 662 10-V-0015 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE D/B/A TIME WARNER CABLE – Petition for Approval of the Renewal of its Franchise with the Village of Menands, Albany County.
- 10-V-0018 TIME WARNER NY CABLE, LLC – Petition for Approval of the Renewal of its Franchise with the Town of Cheektowaga, Erie County.
- 10-V-0023 TIME WARNER NY CABLE LLC – Petition for Approval of the Renewal of its Franchise with the Village of Springville, Erie County.
- 10-V-0024 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP – Petition for Approval of the Renewal of its Franchise with the Town of Veteran, Chemung County.
- 10-V-0029 HANCOCK VIDEO – Petition for Approval of the Renewal of its Franchise with the Village of Hancock, Delaware County.
- 10-V-0037 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP – Petition for Approval of the Renewal of its Franchise with the Town of Caroga, Fulton County.

10-V-0038 HAEFELE TV, INC. – Petition for Approval of the Renewal of its Franchise with the Town of Van Etten, Chemung County.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101-A 09-G-0380 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Natural Gas Explosion at 80-50 260th Street, Queens, New York, on April 24, 2009.
- 101-B 10-G-0100 Proceeding on Motion of the Commission to Investigate Whether a Penalty Should be Imposed on Consolidated Edison Company of New York, Inc. for Violations of the Public Service Law or an Order or Regulation Adopted Under the Authority of the Public Service Law, Causing or Contributing to the Death of a Queens Resident in the Natural Gas Explosion That Occurred on April 24, 2009, in Floral Park, New York.

GENERAL

No Items Will Be Considered On This Agenda.

POWER

- 301-A 09-E-0428 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 301-B 07-E-0523 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 08-E-0539 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 302-A 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.
- 302-B 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.
- 303 08-E-0077 ENTERGY NUCLEAR FITZPATRICK, LLC, ENTERGY NUCLEAR INDIAN POINT 2, LLC, ENTERGY NUCLEAR INDIAN POINT 3, LLC, ENTERGY NUCLEAR OPERATIONS, INC., NEWCO AND

ENTERGY CORPORATION – Petition for a Declaratory Ruling
Regarding a Corporate Reorganization or, in the Alternative, an Order
Approving the Transaction and an Order Approving Debt Financings.

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