

STATE OF NEW YORK

Public Service Commission

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09115 Agenda

PSC LISTS AGENDA FOR WEDNESDAY, DECEMBER 16, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 12/11/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Wednesday, December 16 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., Tuesday, January 19, 2010, in Albany, New York.**

The agenda for the December 16, 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

- 161 09-G-0799 EMPIRE CITY SUBWAY COMPANY (LTD.)/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 09-G-0800 NORTHEASTERN ELECTRIC/KEYSPAN ENERGY OF LONG ISLAND
- 09-G-0801 NEW YORK PAVING INC./KEYSPAN ENERGY OF NEW YORK CITY
- 09-G-0804 SOUTHERN PROLINE CONCRETE LLC/NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 09-G-0802 BLUE HAVEN POOLS/KEYSPAN ENERGY OF NEW YORK CITY
- 09-G-0803 RSF BUILDING CORP./KEYSPAN ENERGY OF NEW YORK CITY
- 09-G-0805 BRP DEVELOPMENT CORPORATION/KEYSPAN ENERGY OF NEW YORK CITY
- 09-G-0806 SPARKS EXCAVATING INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 75 – Protection of Underground Facilities.

- 162 08-G-0609 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
- 163 08-G-1137 CORNING NATURAL GAS CORPORATION – Amendments to PSC 4-Gas, PSC 5-Gas and PSC 6-Gas, eff. 9/1/09, on a temporary basis; Amendments to PSC 4-Gas, PSC 5-Gas and PSC 6-Gas, eff. 11/19/09, on a temporary basis, to revise its rates and charges in compliance with the Commission’s August 20, 2009 Order.
- 164 06-G-1332 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Gas, eff. 10/1/09, on a temporary basis, to implement Year 3 of a three-year rate plan adopted by the Commission’s September 25, 2007 Order in this proceeding.
- 165 06-G-1185 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSPAN ENERGY DELIVERY NEW YORK – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

- 06-G-1186 KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY LONG ISLAND – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 166 09-G-0669 In the Matter of the Filing of Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

GENERAL

- 261 01-M-1806 In the Matter of the Review of Existing Commission Rules and Regulations Pursuant to State Administrative Procedure Act, Section 207.
- 262 07-S-1315 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendment to PSC 4-Steam, eff. 10/1/09, on a temporary basis, to revise rates and charges for a second rate year.
- 09-M-0114 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding on Motion of the Commission to Examine the Prudence of Certain Capital Program and Operation and Maintenance Expenditures.
- 263 09-E-0460 MR. WILLIAM LATTARULO/MS. AMARILYS ECHEVARRIA AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
09-E-0476 MR. GEORGE D. SOOKHOO/MS. TAMMY DUNCAN AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
09-M-0602 MR. PAOLO FORTE/MS. MICHELLE BADALAMENTE AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petitions for Rehearing.
- 264 06-E-1490 MS. ADA APONTE/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
06-G-1523 MS. NANCY B. AKERHIELM/NIAGARA MOHAWK POWER CORPORATION.
07-E-0290 MS. LINDA RAJOTTE/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
07-G-0497 GLOBAL BUSINESS & SERVICES INC./KEYSPAN ENERGY OF NEW YORK.
- In the Matter of the Rules and Regulations of the PSC, contained in 16 NYCRR, in Relation to Complaint Procedures – Appeals of Informal Hearing Decisions.
- 265 09-M-0659 EASTMAN KODAK COMPANY and the MONROE COUNTY WATER AUTHORITY – Pet. for Authorization Pursuant to Section 89-

H of the PSL for Eastman Kodak Company to Sell Certain Property in Monroe County, New York to the Monroe County Water Authority and for Certain Declaratory Rulings.

- 266 09-M-0822 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 A, General, Part 7, Implementation of State Environmental Quality Review Act.
- 267 01-M-0075 NIAGARA MOHAWK HOLDINGS, INC., NIAGARA MOHAWK POWER CORPORATION, NATIONAL GRID GROUP PLC and NATIONAL GRID USA – Joint Petition for Approval of Merger and Stock Acquisition.
- 268 09-M-0435 Proceeding on Motion of the Commission Regarding the Development of Utility Austerity Programs.
- 269 08-E-1132 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) NYSERDA-Administered Electric Energy Efficiency Program.
- 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

POWER

- 361 09-E-0753 NEW YORK MUNICIPAL POWER AGENCY – Amendment to PSC 1-Electricity, eff. 1/1/10, to conform its tariff schedule according to Commission’s policy regarding the application of late payment charges under Deferred Payment Agreements.
- 362 09-E-0482 VILLAGE OF RICHMONDVILLE – Cancellation of Amendments to PSC 1-Electricity, eff. 12/18/09, to increase its annual revenues by about \$111,824 or 9.69%.
- 363 09-E-0575 MRS. JACLYN GARAFOLA/MS. KRISTEN DEPIETRO and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Rehearing Petition of Designee’s Determination.
- 364 09-E-0737 MR AZIZUL HAQUE MOLLIK/MS. IVETTE RIVERA and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Rehearing Petition of Designee’s Determination.
- 365 08-T-1388 LONG ISLAND POWER AUTHORITY – Application 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.

- 366 09-E-0711 VILLAGE OF FREEPORT – Amendment to PSC 8-Electricity, eff. 1/1/10, to address installed capacity revenue issues.
- 367 No Item 367 will appear on this Agenda.
- 368 09-E-0817 INCORPORATED VILLAGE OF ROCKVILLE CENTRE – Amendment to PSC 3-Electricity, eff. 1/1/10, to conform its tariff schedule according to Commission’s policy regarding the application of late payment charges under Deferred Payment Agreements.
- 369 09-E-0464 MR. RONALD HAY and AMBIT ENERGY – Appeal of Informal Hearing Decision.
- 370 09-E-0750 SUEZ ENERGY ASTORIA, LLC – Petition for a Declaratory Ruling Invoking the Wallkill Presumption or Expedited Approval Pursuant to Section 70 of the Public Service Law.
- 371 09-E-0250 ASTORIA GENERATING COMPANY – Petition for an Order Granting Lightened Regulation and for an Original Certificate of Public Convenience and Necessity under Public Service Law, Section 68, and Approving Financing Thereof Pursuant to Public Service Law, Section 69.
- 372 08-E-0539 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendment to PSC 9-Electricity, PSC 2-Retail Access, PASNY 4 and EDDS 2, eff. 5/1/09, on a temporary basis, and Amendments to PSC 9-Electricity, eff. 5/2/09, on a temporary basis, to revise its electric rates, charges, rules and regulations in compliance with Commission Order issued April 24, 2009 in this proceeding.
- 373 08-E-1227 PLATTSBURGH MUNICIPAL LIGHTING DEPT. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 374 01-M-0075 NIAGARA MOHAWK HOLDINGS, INC., NIAGARA MOHAWK POWER CORPORATION, NATIONAL GRID GROUP PLC and NATIONAL GRID USA – Amendments to PSC 220-Electricity, eff. 1/1/10; Compliance filing for the fourth Competitive Transition Charge Reset, Pursuant to Commission Opinion 01-6.
- 375 09-E-0593 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID and INNOVATIVE MUNICIPAL PRODUCTS, INC. – Joint Pet. for Approval of a Transfer of a Leasehold Interest in the Former Texaco Tank Farm Property Located in the Town of Bethlehem, Albany County, Pursuant to Section 70 of the PSL.

- 376 00-F-2057 BESICORP-EMPIRE DEVELOPMENT COMPANY, LLC – Appn. 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.

WATER

- 461 09-W-0402 BIRCH HILL WATER COMPANY, INC. – Amendments to PSC 1-Water, eff. 1/1/10, containing a quarterly customer flat rate of \$225.
- 462 09-W-0744 HUDSON VALLEY WATER COMPANIES, INC. – Amendments to PSC 2-Water, eff. 1/1/10, to establish an escrow account for capital improvements and extraordinary repairs.
- 463 09-W-0712 ARBOR HILLS WATERWORKS, INC. – Amendment to PSC 3-Water, eff. 1/1/10, to increase its restoration of service charge.
- 464 09-W-0505 SARATOGA WATER SERVICES, INC. and LUTHER FOREST TECHNOLOGY CAMPUS, ECONOMIC DEVELOPMENT CORPORATION – Joint Petition for a Declaratory Ruling Concerning the Provision of Temporary Water Service to a Proposed Project in the Towns of Malta and Stillwater, Saratoga County.
- 465 03-W-0754 SHELTER VALLEY WATER WORKS – A Proprietorship Owned by Mr. Ernest Bury – Petition to Abandon its Water System.
- 466 09-W-0713 BONIVILLE WATER COMPANY, INC. – Amendment to PSC 4-Water, eff. 1/1/10, to Increase its Restoration of Service Charge.
- 467 09-W-0714 KNOLLS WATER CO., INC. – Amendments to PSC 3-Water, eff. 1/1/10, to increase its restoration of service charge.
- 468 07-W-0177 AQUA NEW YORK, INC. and AQUARION WATER COMPANY OF SEA CLIFF, INC. – Joint Petition for Approval of the Acquisition By Aqua New York, Inc. of the Stock of Aquarion Water Company of Sea Cliff, Inc.
- 469 09-W-0496 THE CALLICOON WATER COMPANY, INC. – Amendment to PSC 5-Water, eff. 1/1/10, to increase its annual revenues by about \$17,881 or 18.40% and extend the company’s capital repairs escrow for 12 months to produce approximately \$29,395 for a new computer and replacement of a tank.
- 470 08-W-1292 GREENTREE WATER COMPANY, INC. – Amendments to PSC 1-Water, eff. 3/1/09, to increase its annual water revenues by about \$21,425 or 67% and to convert its paper tariff to an electronic tariff. (Suspended through December 28, 2009.)

COMMUNICATIONS

- 561 09-C-0551 VERIZON NEW YORK INC. – Petition for Partial Waiver of 609.4(b)(7) of the Commission’s Rules and Regulations.
- 562 09-C-0780 VERIZON NEW YORK INC. – Petition for approval to sell a garage and work center located at 2260 Saw Mill River Road, Elmsford, New York.
- 563 09-C-0781 VERIZON NEW YORK INC. – Petition for approval to sell a garage and work center located at 455 Knollwood Road, White Plains, New York.
- 564 07-C-0349 In the Matter of Examining a Framework for Regulatory Relief.
- 565 09-C-0058 NORTH AMERICAN NUMBERING PLAN ADMINISTRATOR, on behalf of the New York Telecommunications Industry – Petition for Relief of the 718/347 Numbering Plan Area.
- 566 09-C-0769 TVC ALBANY, INC. – Tariff filing to Revise Tariff at the Request of Commission Staff.
- 567 09-C-0793 LOCUS COMMUNICATIONS, INC. and KDDI AMERICA, INC. – Joint Petition for Approval of a Transfer of Control of Locus Telecommunications.
- 568 07-C-0349 DELHI TELEPHONE COMPANY – Amendments to PSC 13-Telephone, eff. 1/1/10, to increase its residential basic local service rates.
- 569 08-C-0247 GLOBAL NAPS, INC. – Petition for a Declaratory Ruling Against Verizon New York Inc. for Failure to Provide Technically Feasible Interconnection Arrangements to a Requesting Carrier.
- 570 09-C-0431 CROWN POINT TELEPHONE CORPORATION – Minor Rate Filing to Increase its Local Service Revenues by \$159,628.
- 571 08-C-0610 ONEIDA COUNTY RURAL TELEPHONE COMPANY – Request for a revenue request of \$157,845 to be obtained from the Transition Fund.
- 572 09-C-0783 VERIZON NEW YORK INC. – Pet. for Approval to sell a portion of an office building located at 227 East 30th Street, New York, New York.

CABLE

- 661 09-V-0808 VERIZON NEW YORK INC. – Petition for a Certificate of Confirmation for its Franchise with the Village of Solvay, Onondaga County.

- 662 09-V-0772 HEART OF CATSKILLS COMMUNICATIONS, INC. D/B/A MTC CABLE – Petition of MTC Cable for a Certificate of Confirmation for its Franchise with the Town of Colchester, Delaware County.
- 663 09-V-0810 VERIZON NEW YORK INC. – Petition for a Certificate of Confirmation for its Franchise with the Town of Geddes, Onondaga County.
- 664 09-V-0667 CITY OF BINGHAMTON – Petition for Approval of an Amendment to the Current Franchise Agreement.
- 665 09-V-0498 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Town of Harpersfield, Delaware County.
- 09-V-0510 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Town of Binghamton, Broome County.
- 09-V-0754 Petition of Charter Communications for Approval of the Renewal of its Franchise with the Town of New Lebanon, Columbia County.
- 09-V-0766 Petition of Cablevision of Brookhaven, Inc. for Approval of the Renewal of its Franchise with the Village of Lake Grove, Suffolk County.
- 666 05-V-1579 CABLEVISION SYSTEMS WESTCHESTER CORPORATION – Petition for Approval of the Renewal of its Franchise with the Village of Scarsdale, Westchester County.
- 667 09-V-0833 VERIZON NEW YORK INC. – Petition for a Certificate of Confirmation for its Franchise with the Town of Bedford, Westchester County.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101 08-G-1392 ST. LAWRENCE GAS COMPANY, INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

GENERAL

- 201 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.
- 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-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-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-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-1133 Petition of Niagara Mohawk Power Company 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.
- 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.

- 202 09-S-0029 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pro. to Consider Steam Resource Plan and East River Re-powering Project Cost Allocation Study, and Steam Energy Efficiency Programs.

POWER

- 301 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.
- 302 08-E-0827 Comprehensive Management Audit of Niagara Mohawk Power Corporation d/b/a National Grid’s Electric Business.
- 303 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.

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