

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

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10107 Agenda

## PSC LISTS AGENDA FOR THURSDAY, NOVEMBER 18, 2010

### PLEASE NOTE:

**MEETING WILL BE BROADCAST ON THE INTERNET**

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

Albany, NY – 11/12/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, November 18, 2010, 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 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.

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, December 16, 2010, in Albany, New York.**

The agenda for the November 18, 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      10-G-0224      CORNING NATURAL GAS CORPORATION – Pet. for a Declaratory Ruling or, In the Alternative, Approval Pursuant to Public Service Law Section 70.
- 162      10-G-0525      ST. LAWRENCE GAS COMPANY, INC. – Amendments to PSC 3-Gas, eff. 11/22/10, to clarify the wording related to the annual surcharge/refund filing requirements of the Revenue Decoupling Mechanism.
- 163      10-G-0244      GROUNDSCARE LTD/ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0506      OLSON CREATIVE LANDSCAPING/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0507      ONE TEN RESTORATION, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0508      K.R.L.'s LANDSCAPING, CONSTRUCTION & SERVICE, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0509      MODO SERIO, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0510      KINGS PARK INDUSTRIAL, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0512      ALL POINTS PLUMBING & HEATING, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0513      LOUIE CONA LANDSCAPING, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
- 10-G-0514      ALBERTSON ELECTRIC, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.

- 10-G-0515 HOLLINGWORTH ENTERPRISES, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 10-G-0516 WILCOX BROTHERS SIGN CO., INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 10-G-0517 COREY WISINSKI EXCAVATING/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
- 10-G-0518 STANLEY PAVING/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
- 10-G-0519 BOBBY C's PROPERTY MAINTENANCE, LLC/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
- 10-G-0520 THE LANDSCAPE GROUP, INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0521 A.D. CALL AND SONS EXCAVATING AND TRUCKING, INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 10-G-0522 M & B CONSTRUCTION INC./THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID NY.

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

- 164 07-G-0141 NATIONAL FUEL GAS DISTRIBUTION CORPORATION – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.

**GENERAL**

- 261-A 10-M-0457 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY – Pet. in the Matter of the Systems Benefits Charge IV.
- 261-B 05-M-0090 In the Matter of the System Benefits Charge III, Determination of Significance Pursuant to SEQRA.
- 262 09-G-0735 MS. PRISCILLA FORDE/MS. EBONY GENROSS and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-E-0221 MR. YOEL TEITELBAUM/MR. ELI REVIVO and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

In the Matter of Commission Designee's Determination Pursuant to PSL Section 52 – Petitions for Rehearing.

- 263 10-M-0477 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Prescribing Interest Rates Applicable to Customer Deposits.
- 264 01-M-1806 In the Matter of the Review of Existing Commission Rules and Regulations Pursuant to State Administrative Procedure Act, Section 207.
- 265 10-M-0531 UTILITY RATE ANALYSIS CONSULTANTS CORPORATION – Petition for Declaratory Ruling, Violation of 16 NYCRR 12.7(b)(4) Discovery Procedures at Informal Hearing Level of Office of Consumer Services.
- 266 05-E-1476 LUDWIG AUCTION & REALTY CO., INC./CITY OF JAMESTOWN BOARD OF PUBLIC UTILITIES.
- 04-G-1161 MR. PANAGIOTIS MIHALARIS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 03-G-0743 CIAMPA ORGANIZATION, ET AL./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-E-0734 CAJAY FOODS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-E-0123 MCDONALD’S CORPORATION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-E-0137 CARMEN FOODS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-E-0165 NORTH FORK BANK/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-M-0542 MS. SHATI KI BEATTY/NIAGARA MOHAWK POWER CORPORATION.
- 09-E-0649 QUALITY FOOD/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-E-0358 JBB FOODS, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

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.

- 267 07-S-1074 AG-ENERGY, L.P. – Pet. for Permission to Relinquish a Certificate of Public Convenience and Necessity for Steam Service and Authorization to Cease Providing Steam Service.
- 09-G-0320 AG-ENERGY, L.P. – Pet. and Complaint Against St. Lawrence Gas Company, Inc. Concerning Rates, Terms and Conditions for Gas Transportation.
- 09-G-0872 ST. LAWRENCE GAS COMPANY, INC. – Pet. to Terminate Service to AG-Energy, L.P.
- 10-M-0186 ALLIANCE ENERGY RENEWABLES, LLC, AER NY-GEN, LLC, AG-ENERGY, L.P., ALLIANCE ENERGY, NEW YORK LLC, EAGLE CREEK HYDRO POWER LLC, EAGLE CREEK WATER RESOURCES, LLC, EAGLE CREEK LAND RESOURCES, LLC and EAGLE CREEK OGDENSBURG, LLC – Pet. for an Order Approving Transfer Pursuant to PSL Sections 70 and 83 and Approving a Limited Lightened Regulatory Regime.
- 268 09-M-0544 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Parts 1-6, 8, and 17, to Incorporate References to Electronic Filing, Distribution and Issuance of Documents.
- 269 10-M-0422 DYNEGY, INC., DENALI PARENT, INC. and DENALI MERGER SUB, INC. – Pet. for a Declaratory Ruling Regarding Merger, or, in the Alternative, Approval Under Sections 70 and 83 of the NYS Public Service Law.

## **POWER**

- 361 10-E-0405 NRG ENERGY, INC. – Petition for Approval of Financing Pursuant to Section 69 of the Public Service Law.
- 362 10-E-0207 MR. MOUSA FAKHOURI/MS. ALICE KUZEN and CENTRAL HUDSON GAS & ELECTRIC CORPORATION – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.
- 363 10-E-0484 MR. SUNG CHI DOH/MRS. RUFINA VARGAS and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.
- 364 10-E-0420 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 15-Electricity, eff. 12/1/10, to add an LED street lighting fixture option.

- 365 09-E-0588 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service: Plan for Implementation of further Expansion of Hourly Pricing Provision.
- 366 10-E-0129 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Tariff filing to Revise the Contribution Required from an Applicant where it is Determined that Three Phase Service is Required to Meet the Electrical Needs of the Applicant’s Residential Subdivisions.
- 367 There is no item 367.
- 368 10-E-0454 GDF SUEZ, S.A., INTERNATIONAL POWER PLC, ASTORIA ENERGY LLC, ASTORIA ENERGY II LLC and SYRACUSE ENERGY CORPORATION – Joint Petition for a Declaratory Ruling Concerning Change in Ownership Interest or, in the Alternative, an Order Approving the Transaction.
- 369 10-E-0351 ABB INC. – Petition for Approval of OMU 362kV for use in revenue metering certification.
- 370 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard.
- 371 09-E-0843 NIAGARA GENERATION, LLC – Petition for Clean Wood to be Eligible for Use as Biomass Fuel in the Renewable Portfolio Program.
- 372 10-E-0195 CATALYST RENEWABLES, LLC – Petition for a modification to the Renewable Portfolio Standard (RPS) Main Tier Eligibility Rules to allow Behind-the-Meter Bilateral Contracts to qualify on a Case-Specific Basis; and for a determination that its Onondaga Project is eligible to receive RPS funding on that basis in an RPS Main Tier Solicitation that pre-dated the proposed rule change.

**WATER**

- 461 09-W-0579 NATIONAL AQUEOUS CORPORATION – Amendment to PSC 1-Water, eff. 11/1/09, postponed to 3/1/10 and 8/1/10, suspended to 11/28/10 to increase its annual revenues by about \$38,523 or 125%.
- 462 09-W-0731 UNITED WATER NEW YORK INC. – Amendments to PSC 1-Water, eff. 8/31/10, filed in compliance with Commission’s Order issued July 20, 2010.

- 463 10-W-0403 SARATOGA WATER SERVICES, INC. and BRIAN HAYES – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Malta, Saratoga County.
- 464 10-W-0264 WEST VALLEY CRYSTAL WATER COMPANY, INC. – Amendments to PSC 3-Water, eff. 12/1/10, to increase its annual revenues by about \$271,480 or 571%.
- 465 10-W-0534 SAGAMOR WATER CORP. – In the Matter of the Refund of Over-Earnings.

**COMMUNICATIONS**

- 561 07-C-0349 WARWICK VALLEY TELEPHONE COMPANY – Amendments to PSC 12-Telephone, eff. 11/1/10, Pattersonville Telephone Company – Amendments to PSC 14-Telephone, eff. 11/1/10, Margaretville Telephone Company – Amendments to PSC 15-Telephone, eff. 11/1/10, Nicholville Telephone Company – Amendments to PSC 7-Telephone, eff. 11/1/10 and Empire Telephone Company – Amendments to PSC 7-Telephone, eff. 11/1/10, pursuant to Commission’s order.
- 562 10-C-0433 MCIMETRO ACCESS TRANSMISSION SERVICES LLC d/b/a VERIZON ACCESS TRANSMISSION SERVICES – Petition to Cancel the Company’s Designation as an Eligible Telecommunications Carrier.
- 563 10-C-0415 STATE TELEPHONE COMPANY – Pet. for Authority and Approval to Obtain Term Debt in the Aggregate Amount of \$1,400,000.

**CABLE**

- 661 10-V-0499 VERIZON NEW YORK INC. – Pet. for a Certificate of Confirmation for its Franchise with the Village of Scotia, Schenectady County.
- 662 10-V-0265 TIME WARNER CABLE/Town of Rosendale, Ulster County.
- 10-V-0326 CABLEVISION OF WAPPINGERS FALLS, INC./Town of Hyde Park, Dutchess County.
- 10-V-0382 CHARTER COMMUNICATIONS/Town of Ghent, Columbia County.
- 10-V-0417 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/Village of Cleveland, Oswego County.
- 10-V-0452 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/Village of Alfred, Allegany County.

- 10-V-0470 TIME WARNER ENTERTAINMENT-ADVANCE NEW HOUSE PARTNERSHIP/City of Albany, Albany County.
- 10-V-0481 TIME WARNER ENTERTAINMENT-ADVANCE NEW HOUSE PARTNERSHIP/Town of Cicero, Onondaga County.
- 10-V-0494 TIME WARNER NY CABLE LLC/Town of Eden, Erie County.
- Applications for Certificates for Renewals.
- 663 09-V-0266 CSC ACQUISITION-MA INC. – Pet. for Approval of the Renewal of its Franchise with the Town of Harrison, Westchester County.
- 664 There is no item 664.
- 665 There is no item 665.
- 666 10-V-0348 TOWN OF DENNING, ULSTER COUNTY – Pet. for a Waiver of 16 NYCRR Part 894 of the Commission’s Rules to Provide Cable Television Service.

**REGULAR AGENDA**

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

**GAS**

No items will be considered on this agenda.

**GENERAL**

- 201 10-M-0451 NATIONAL GRID – Proceeding on Motion of the Commission to Investigate Affiliate Cost Allocations, Policies and Procedures.
- 202 08-E-1133 NIAGARA MOHAWK POWER CORPORATION – Pet. for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 08-E-1135 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Pet. 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.

**POWER**

- 301 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