

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

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<http://www.dps.state.ny.us>

FOR RELEASE: IMMEDIATELY

09007 Agenda 2/12/09

PSC LISTS AGENDA FOR THURSDAY, FEBRUARY 12, 2009

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 2/6/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, February 12, 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., Thursday, March 12, 2009, in Albany, New York.**

The agenda for the February 12, 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

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| 161 | 08-G-1137 | CORNING NATURAL GAS CORPORATION – Amendments to PSC 4-Gas, PSC 5-Gas (Hammondsport), PSC 6-Gas (Bath), eff. 10/24/08, to revise its rates and charges to produce an annual increase in gas operating revenues of about \$1,689,911 or 7.02%. (Suspended through 2/20/09.) |
| 162 | 08-G-1300 | ST. LAWRENCE GAS COMPANY, INC. – Pet. for Approval, Pursuant to Section 68 of the PSL to Exercise the Renewal of a Gas Franchise in the Town of Norfolk, St. Lawrence County. |
| 163 | 08-G-1361 | ST. LAWRENCE GAS COMPANY, INC. – Pet. for Approval, Pursuant to Section 68 of the PSL to Exercise the Renewal of a Gas Franchise in the Village of Potsdam, St. Lawrence County. |
| 164 | 08-G-0955 | CENTRAL HUDSON GAS & ELECTRIC CORPORATION/PRECISE LANDSCAPING AND LAWN MAINTENANCE INC. |
| | 08-G-1097 | NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID/265 WOODSCAPE DRIVE, INC. (MARANDO CONSTRUCTION) |
| | 08-G-1436 | KEYSPAN ENERGY OF LONG ISLAND/RFG ELECTRICAL CONTRACTING |
| | 09-G-0031 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./DIONTECH CONSULTING, INC. |
| | 09-G-0032 | KEYSPAN ENERGY OF LONG ISLAND/FRANCIS PALUMBO “BUILDER” INC. |
| | 09-G-0033 | KEYSPAN ENERGY OF LONG ISLAND/WHITMORES LANDSCAPING, INC. |
| | 09-G-0034 | KEYSPAN ENERGY OF LONG ISLAND/J V A MASONRY, INC. |
| | 09-G-0036 | KEYSPAN ENERGY OF LONG ISLAND/CHASE MASONRY CONTRACTING CORP. |
| | 09-G-0038 | KEYSPAN ENERGY OF LONG ISLAND/J. C. H. DELTA CONTRACTING, INC. |
| | 09-G-0039 | KEYSPAN ENERGY OF LONG ISLAND/RBBC, INC. |
| | 09-G-0040 | KEYSPAN ENERGY OF LONG ISLAND/RICHIE’S TREE SERVICE, INC. |
| | 09-G-0042 | KEYSPAN ENERGY OF LONG ISLAND/RIZZOTTI CONSTRUCTION, INC. |
| | 09-G-0043 | KEYSPAN ENERGY OF LONG ISLAND/LATHAM SAND & |

- GRAVEL, INC.
- 09-G-0044 KEYSpan ENERGY OF NEW YORK CITY/GREAT AMERICAN CONSTRUCTION CORP.
- 09-G-0045 NATIONAL FUEL GAS DISTRIBUTION CORPORATION/T&R SEASONAL SERVICES, INC.
- 09-G-0046 NATIONAL FUEL GAS DISTRIBUTION CORPORATION/H & S FENCE
- 09-G-0047 NIAGARA MOHAWK POWER CORPORATION/SYRACUSE UTILITIES, INC.
- 09-G-0048 ST. LAWRENCE GAS, INC/HARVEY EXCAVATION & CONSTRUCTION CO., INC.
- 09-G-0050 ROCHESTER GAS AND ELECTRIC CORPORATION/THOMAS MCGINNIS EXCAVATION & PLUMBING, INC.

Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities.

GENERAL

- 261 08-G-0196 KEYSpan OF LONG ISLAND and MS. CATHERINE SHEA/MR. STEVEN MARTIN
- 08-G-1053 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and MS. VICTORIA OCEGUERA/MS. MARIA KAPSIS
- 08-E-1327 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and MS. MARGARET HUNTER/MR CHARLES MADRAY

Rehearing petitions of designees' determinations.

- 262 06-G-0796 KEYSpan ENERGY OF NEW YORK/MR. WILLIAM CHUSTCKIE and MR. JAMES FLYNN
- 08-C-0065 CTC COMMUNICATIONS CORP. D/B/A ONE COMMUNICATIONS/HUNTINGTON UNION FREE SCHOOL DISTRICT
- 08-C-0379 VERIZON NEW YORK INC./TRADITION N.A.

Appeals of Informal Hearing Decisions.

- 263 05-M-0858 ROCHESTER GAS AND ELECTRIC CORPORATION – Amendments to PSC 19-Electricity and PSC 16-Gas, eff. 2/19/09, to cancel a tariff filing implementing Energy Services Company Referral Programs.
- 264 07-M-0548 Pro. Regarding an Energy Efficiency Portfolio Standard.
- 265 There will be no Item 265 on this Agenda.
- 266 01-M-0075 NIAGARA MOHAWK HOLDINGS, INC./NIAGARA MOHAWK POWER CORPORATION/NATIONAL GRID PLC and NATIONAL GRID USA – Joint Pet. for Approval of Merger Stock Acquisition.

- 06-M-0878 NATIONAL GRID PLC and KEYSpan CORPORATION – Joint Pet. for Approval of Stock Acquisition and Other Regulatory Authorizations.
- 267 98-M-0667 In the Matter of Electronic Data Interchange.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 268 09-E-0082 NEW YORK STATE ELECTRIC & GAS CORPORATION – Amendments to PSC 120 and 121 – Electricity, eff. 3/1/09, to increase annual electric revenues by approximately \$133 million or 7.3%.
- 09-G-0083 NEW YORK STATE ELECTRIC & GAS CORPORATION – Amendments to PSC 87 and 88 – Gas, eff. 3/1/09, to increase annual gas revenues by approximately \$42 million or 6.0%.
- 269 09-E-0084 ROCHESTER GAS AND ELECTRIC CORPORATION – Amendments to PSC 18 and 19 – Electricity, eff. 3/1/09, to increase annual electric revenues by approximately \$65.5 million or 11.1%.
- 09-G-0085 ROCHESTER GAS AND ELECTRIC CORPORATION – Amendments to PSC 16-Gas eff. 3/1/09, to increase annual gas revenues by approximately \$32.8 million or 5.0%.
- 270 08-E-0539 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service – Extension of Maximum Suspension Period.

POWER

- 361 08-E-1457 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and TRANS UNION TRANSPORT INC. – Rehearing petition of designees' determination.
- 362 08-E-1326 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and MR. FRANTZ CENEUS/MR. KULWANT KAUR – Rehearing petition of designees' determination.
- 363 08-E-1227 PLATTSBURGH MUNICIPAL LIGHTING DEPARTMENT – Amendments to PSC 1-Electricity, eff. 11/15/08, to increase revenues of about \$975,577 or 5.44% for the rate year ending 12/31/09 (Suspended through 3/14/09).
- 364 08-E-1131 TOREN CONDOMINIUMS – Pet. to Submeter Electricity at 150 Myrtle Avenue, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc., filed in C. 26998.

- 365 08-E-1203 808 COLUMBUS, LLC – Pet. to Submeter Electricity at 808 Columbus Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc., filed in C. 26998.
- 366 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.
- 367 07-E-0949 ORANGE AND ROCKLAND UTILITIES, INC. – Implementation Plan to expand mandatory day-ahead hourly pricing made in compliance with Commission Order issued July 23, 2008.
- 368 09-E-xxxx ORANGE AND ROCKLAND UTILITIES, INC. – Pro. as to Continuation of Standby Rate Exemptions for Beneficial Distributed Generation.
- 369 07-E-0088 In the Matter of the Adoption of an Installed Reserve Margin for the New York Control Area.
- 05-E-1180 In the Matter of the Reliability Rules of the New York State Reliability Council and the Criteria of the Northeast Power Coordinating Council.
- 370 There is no Item 370 on this Agenda.
- 371 There is no Item 371 on this Agenda.
- 372 08-E-1408 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendment to PSC 9-Electricity, eff. 2/27/09, cancellation of tariff filing to recover through the Market Supply Charge and the Monthly Adjustment Clause Mechanism costs related to the Regional Greenhouse Gas Initiative.
- 373 06-T-0650 NEW YORK REGIONAL INTERCONNECT INC. – Appn. For a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for a high voltage direct current electric transmission line approximately 190 miles in length running between a converter station with an AC interconnection to National Grid’s Edic Substation in the Town of Marcy, and a converter station with an AC interconnection to Central Hudson Gas & Electric’s Rock Tavern substation located in the Town of New Windsor.
- 374 07-E-0523 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pro. as to the Rates, Charges, Rules and Regulations for Electric Service.
- 375 00-E-2054 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of a Status Report on the Demand/Supply Component of the

Department's Electric Price and Reliability Task Force Including
Recommendations for Specific Utility Actions on the Demand-Side.

- 376 08-E-1018 In the Matter of the Rates, Charges, Rules and Regulations Related to the Interconnection and Operation of Customer Owned Generation.
- 08-E-1305 CENTRAL HUDSON GAS & ELECTRIC CORPORATION
08-E-1306 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
08-E-1307 ORANGE & ROCKLAND UTILITIES, INC.
08-E-1308 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
08-E-1309 ROCHESTER GAS AND ELECTRIC CORPORATION
08-E-1310 NEW YORK STATE ELECTRIC & GAS CORPORATION
- 376-A 08-E-1305 CENTRAL HUDSON GAS & ELECTRIC CORPORATION
08-E-1306 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
08-E-1307 ORANGE & ROCKLAND UTILITIES, INC.
08-E-1308 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
08-E-1309 ROCHESTER GAS AND ELECTRIC CORPORATION
08-E-1310 NEW YORK STATE ELECTRIC & GAS CORPORATION
- Tariff filings to effectuate amendments to PSL Section 66-j (Net Energy Metering for Residential Solar, Farm Waste or Non-Residential Solar Electric Generating Systems) and Section 66-I (Net Metering for Residential Farm Service and Non-Residential Wind Electric Generating Systems).
- 376-B 08-E-1018 In the Matter of the Rates, Charges, Rules and Regulations to the Interconnection and Operation of Customer-Owned Generation.

WATER

- 461 08-W-1292 GREENTREE WATER COMPANY, INC. – Amendment to PSC 1-Water, eff. 3/1/09, to increase its annual water revenues by about \$21,425 or approximately 67%.
- 462 08-W-0996 GROMAN SHORES LLC – Amendment to PSC 1-Water, eff. 3/1/09, to increase its annual water revenues by about \$14,571 or approximately 155.49%.
- 463 08-W-0654 JD WATER COMPANY, INC. – Amendments to PSC 1-Water, eff. 9/1/08 (Suspended through 6/29/09), to increase revenues by about \$24,328 or 21.7% for the rate year ending 2/18/09.

COMMUNICATIONS

- 561 08-C-1134 TDS TELECOMMUNICATIONS CORP., ORISKANY FALLS TELEPHONE CORPORATION and ORISKANY FALLS MERGER CORPORATION – Pet. for Approval of Certain Stock Transfers Pursuant to Section 100 of the PSL and Other Related Transactions.
- 562 09-C-0021 YAK AMERICA, INC. – Pet. for Approval Nunc Pro Tunc for the Acquisition of Certain Assets of USD CLEC, LLC.
- 563 08-C-1270 HANCOCK TELEPHONE COMPANY – Pet. for Approval to Expend Deferred Rural Telephone Bank Monies.
- 564 08-C-1406 VERIZON NEW YORK INC. – Pet. Pursuant to Section 99(2) of the PSL for Approval to Sell an Office Building.
- 565 08-C-0405 In the Matter of Quality of Service Provided by Local Exchange Companies in NYS.
- 00-C-2051 VERIZON NEW YORK INC. – Pro. to Investigate Methods to Improve and Maintain High Quality Special Services Performance.
- VERIZON NEW YORK INC. – Special Services Fourth Quarter 2008 Service Quality Report.

CABLE

- 661 08-V-0533 TOWN OF WAVERLY (FRANKLIN COUNTY) – Pet. for a Waiver of Certain Provisions of 8 NYCRR Part 894 of the Commission’s Rules to Provide Cable Television Service.
- 662 Appns. For Certificates for Renewal.
- 08-V-0100 TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE PARTNERSHIP D/B/A TIME WARNER CABLE (ALBANY DIVISION)/T. of Horicon, Warren Co.
- 05-V-0676 TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE PARTNERSHIP D/B/A TIME WARNER CABLE (BINGHAMTON DIVISION)/T. of Big Flats, Chemung Co.
- 05-V-0528 TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE
07-V-0005 PARTNERSHIP D/B/A TIME WARNER CABLE (SYRACUSE
08-V-1508 DIVISION)/V. of Hermon, St. Lawrence Co.; V. of Camden, Oneida Co.;
T. of Louisville, St. Lawrence Co.

663

Temporary Operating Authorities.

- 05-V-0039 TIME WARNER-POUGHKEEPSIE DIVISION/T. of Poughkeepsie,
06-V-0034 Dutchess Co.; C. of Poughkeepsie, Dutchess Co.
- 08-V-0742 TIME WARNER-BINGHAMTON DIVISION/ V. of Marathon,
08-V-0745 Cortland Co.; T. of Troupsburg, Steuben Co.
- 97-V-0309 TIME WARNER-ORANGE COUNTY/T. of Montgomery, Orange Co.;
05-V-0030 V. of Highland Falls, Orange Co.; T. of Goshen, Orange Co.; V. of
07-V-0835 Goshen, Orange Co.
07-V-0838
- 05-V-0883 TIME WARNER-SYRACUSE DIVISION/C. of Little Falls, Herkimer
07-V-0004 Co.; V. of Munnsville, Madison Co.; T. of Stockbridge, Madison Co.; V.
08-V-0803 of Lacona, Oswego Co.; T. of Parish, Oswego Co.; T. of Schroepfel,
07-V-0006 Oswego Co.; C. of Syracuse, Onondaga Co.; V. of Jordan, Onondaga
07-V-0812 Co.; V. of Elbridge, Onondaga Co.; V. of Groton, Tompkins Co.; T. of
08-V-0804 Danby, Tompkins Co.
07-V-0805
05-V-0709
05-V-0710
98-V-0382
97-V-0210
- 08-V-0625 TIME WARNER-ALBANY DIVISION/T. of Schroon, Essex Co.; T. of
06-V-0032 Guilderland, Albany Co.; C. of Albany, Albany Co.; T. of Amsterdam,
05-V-0930 Montgomery Co.
02-V-1583
- 01-V-0868 TIME WARNER-BUFFALO DIVISION/T. of Olean, Cattaraugus Co.;
04-V-1404 V. of Williamsville, Erie Co.; T. of Eden, Erie Co.; T. of North Collins,
08-V-0743 Erie Co.; T. of Lewiston, Niagara Co.; T. of Lockport, Niagara Co.; C. of
07-V-0843 Lockport, Niagara Co.; T. of Wheatfield, Niagara Co.; T. of Cambria,
01-V-0028 Niagara Co.
99-V-1250
99-V-1248
08-V-0744
05-V-0861
- 99-V-0780 TIME WARNER-ROCHESTER DIVISION/T. of Brighton, Monroe Co.;
04-V-0025 T. of Naples, Ontario Co.; C. of Canandaigua, Ontario Co.
97-V-0097
- 05-V-0849 HAEFELE TV, INC./T. of Greene, Chenango Co.
- 07-V-0019 HANCOCK VIDEO, INC./T. of Hancock, Delaware Co.

09-V-0001 CHARTER COMMUNICATIONS/T. of Copake, Columbia Co.; T. of
09-V-0002 Austerlitz, Columbia Co.

97-V-0640 CABLEVISION SYSTEMS GREAT NECK CORP./V. of Great Neck,
97-V-0334 Nassau Co.; V. of Great Neck Estates, Nassau Co.; V. of Kings Point,
97-V-0337 Nassau Co.; V. of Lake Success, Nassau Co.; V. of Thomaston, Nassau
97-V-0351 Co.; V. of Saddlerock, Nassau Co.; V. of Plandome, Nassau Co.; V. of
97-V-0355 Plandome Heights, Nassau Co.; V. of Plandome Manor, Nassau Co.; V.
97-V-0354 of Flower Hill, Nassau Co.; V. of North Hills, Nassau Co.
97-V-0458
97-V-0457
97-V-0645
97-V-0289
97-V-0639

05-V-0900 CABLEVISION SYSTEMS WESTCHESTER CORP./V. of Irvington,
Westchester Co.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

No Items Will Be Considered On This Agenda.

GENERAL

201 09-M-0074 In the Matter of Advanced Metering Infrastructure.

POWER

301 07-E-1507 Pro. to Establish a Long-Range Electric Resource Plan and Infrastructure Planning Process.

302 09-E-xxxx Pro. to Consider Demand Response Initiatives.

303 09-x-xxxx Proceeding on Motion of the Commission to Examine Certain Capital Program Expenditures by Consolidated Edison Company of New York.

WATER

No Items Will Be Considered On This Agenda.

COMMUNICATION

501-A 08-C-0405 In the Matter of Quality of Service Provided by Local Exchange Companies in New York State.

VERIZON NEW YORK INC. – Fourth Quarter 2008 Service Quality Report.

501-B 08-C-0405 In the Matter of Quality of Service Provided by Local Exchange Companies in New York State

FRONTIER COMMUNICATIONS – Fourth Quarter 2008 Service Quality Report.

502 03-C-0971 VERIZON NEW YORK INC. – Pro. to Consider the Adequacy of the Company's Retail Service Processes and Programs.

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

-30-