

STATE OF NEW YORK

# Public Service Commission

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10092 Agenda

## PSC LISTS AGENDA FOR THURSDAY, OCTOBER 14, 2010

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 10/08/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, October 14, 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.

There will be a technical conference regarding Plug-in Electric Vehicles, which will begin at **10:30 A.M., Wednesday, October 20, 2010, in Albany, New York.** The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, November 18, 2010, in Albany, New York.**

The agenda for the October 14, 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-0627      In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas.
  
- 162      09-G-0589      CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 12-Gas, eff. on a temporary basis, 7/1/10; 8/11/10 & 8/12/10, to implement year 2 of a three-year rate plan adopted by the Commission in its order issued June 18, 2010.
  
- 163      10-G-0436      TROCOM CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
  
- 10-G-0437      OLIVERI CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
  
- 10-G-0438      ASG&C, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
  
- 10-G-0439      SHELTERTHERM BUILDERS, LLC/KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
  
- 10-G-0440      MILLER ENVIRONMENTAL GROUP, INC./KEYSPAN GAS EAST CORPORATION d/b/a NATIONAL GRID.
  
- 10-G-0441      RC CONSTRUCTION/NEW YORK STATE ELECTRIC & GAS CORPORATION.
  
- 10-G-0443      A & E LAWN SPRINKLER, LTD/NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
  
- 10-G-0444      ELEMENTAL LANDSCAPES, INC./NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID.
  
- 10-G-0445      B & H CEMENT/ORANGE AND ROCKLAND UTILITIES, INC.

- 10-G-0446 MATTERHORN NURSERY, INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0447 SCHWARTZ EXCAVATING, LLC/ROCHESTER GAS & ELECTRIC CORPORATION.
- 10-G-0448 TROCOM CONSTRUCTION CORP./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 10-G-0315 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. for Approval of SIP-CB Electronic Pulse Recorder Gas Metering Equipment and Accessories.
- 165 10-G-0301 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. for Approval to use the Rio Tronics Pulse Initiator.
- 166 10-G-0311 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. for Approval of IMAC Systems, Inc. Pulse Generator Device.
- 167 10-G-0251 TENNESSEE GAS PIPELINE COMPANY – Pro. to Investigate the Proper Ratemaking Treatment of Pipeline Refunds Received by Certain Utilities.
- 168 06-G-1185 THE BROOKLYN UNION GAS COMPANY d/b/a KEYSpan ENERGY DELIVERY NEW YORK – Pro. 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 – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
- 169 08-G-1010 CORNING NATURAL GAS CORPORATION – Pet. for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Gas Energy Efficiency Program.
- 08-G-1021 ST. LAWRENCE GAS COMPANY, INC. – Pet. for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Gas 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) for Gas Energy Efficiency Programs.

- 170 10-G-0280 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Pet. for Approval to use IMAC Systems, Inc. Meter Pulser Device within the State of New York.

**GENERAL**

- 261 09-G-0869 MR. STEVE STRAUSS/MR. PHILIP MAMOS and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 10-G-0043 MS. BETH GRIVROYANNIS/MISS TAMMY RAIFORD and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

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

- 262 05-M-0090 In the Matter of the System Benefits Charge III.

- 263 10-S-0060 PARKCHESTER SOUTH CONDOMINIUM, INC. – Pet. for a Ruling that It is not Subject to Steam Corporation Regulation, or, Alternative, for a Certificate of Public Convenience and Necessity Authorizing the Provision of Steam Service Subject to Lightened Regulation.

- 264 There is no item 264.

- 265 06-G-0845 CONGREGATION RODEPH SHOLOM and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 06-E-1084 PARK BELVEDERE and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 07-G-0789 SAYVILLE SCHOOLS and KEYSpan ENERGY.

- 06-E-0437 TOLI MANAGEMENT and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 07-G-1417 CHURCH OF ST GABRIEL and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 08-G-0240 ST. JOHN’S PREP SCHOOL and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 08-G-0360 ST. JOHN’S PREP SCHOOL and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

- 09-G-0232 UNIONDALE U.F.S.D and NATIONAL GRID-LI, 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.

- 266 09-E-0428 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Electricity, eff. 9/27/10, to provide aggregate information concerning a building’s most recent 24 months of electricity to a building owner or its authorized agent.
- 10-G-0314 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Amendments to PSC 9-Gas, eff. 9/27/10, to provide aggregate information concerning a building’s most recent 24 months of gas to a building owner or its authorized agent.
- 267 08-M-0772 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and ORANGE AND ROCKLAND UTILITIES, INC. – Joint Petition for Authority Under Section 70 of the PSL to Enter into a Lease.

**POWER**

- 361 09-E-0588 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 15-Electricity, eff. 8/6/10, on a temporary basis, to implement Rate Year 1 of a three-year rate plan adopted by the Commission in its order issued 6/18/10.
- 362 10-E-0379 MR. JOSEPH D’ANGELO/MS. ELIZABETH FLICK and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.
- 363 10-E-0376 MS. ILONA NADGORNAYA/MAJESTIC ASSOCIATES LLC 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 09-E-0860 ITRON INC. – Petition for Approval of the Centron Open Way Electricity Meter Line.
- 365 09-M-0074 In the Matter of Advanced Metering Infrastructure.
- 09-E-0310 In the Matter of the American Recovery and Reinvestment Act of 2009 – Utility Filings for New York Economic Stimulus.
- 366 10-E-0281 CONNECTICUT MUNICIPAL ELECTRIC ENERGY COOPERATIVE – Petition for a Certificate of Public Convenience and Necessity for Construction and Operation of a 2.5 Megawatt Packaged Electric Diesel-Generator.

- 367 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 368 03-E-0188 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION, Amendments to PSC 15-Electricity, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., Amendments to PSC 9-Electricity, NEW YORK STATE ELECTRIC & GAS CORPORATION, Amendments to PSC 120, 121-Electricity, NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID, Amendments to PSC 220-Electricity, ORANGE AND ROCKLAND UTILITIES, INC., Amendments to PSC 2-Electricity, and ROCHESTER GAS AND ELECTRIC CORPORATION, Amendments to PSC 18, 19-Electricity, all eff. 7/1/10, on a temporary basis, in compliance with Commission Order issued April 2, 2010.
- 369 08-E-1019 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Petition for Approval of an Energy Efficiency Portfolio Standard (EEPS) “Fast Track” Utility-Administered Electric Energy Efficiency Program.
- 08-E-1135 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Petition 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.
- 370 10-E-0087 VILLAGE OF SPRINGVILLE – Amendments to PSC 1-Electricity, eff. 8/1/10, postponed to 11/1/10, to increase its annual revenues by about \$271,660 or 7.4%.
- 371 10-E-0338 HANAC ASTORIA HOUSING REDEVELOPMENT ASSOCIATES, LP – Petition to Submeter Electricity at 27-40 Hoyt Avenue, South Queens, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 372 00-F-2057 BESICORP-EMPIRE DEVELOPMENT COMPANY, LLC – Application 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 07-W-1445 SARATOGA WATER SERVICES, INC. and THOMAS J. FARONE AND SON, INC. – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Development in the Town of Malta, Saratoga County.

- 09-W-0541 SARATOGA WATER SERVICES, INC. and MALTA MOBILE ACRES, INC. – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Mobile Home Development in the Town of Malta, Saratoga County.
- 09-W-0598 SARATOGA WATER SERVICES, INC. and KO-HO REALTY, LLC – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Malta, Saratoga County.
- 09-W-0641 SARATOGA WATER SERVICES, INC. and MALTA PROPERTIES 1, LLC – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Malta, Saratoga County.
- 09-W-0645 SARATOGA WATER SERVICES, INC. and BLUTH COMPANY, LLC – Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Development in the Town of Malta, Saratoga County.
- 462 10-W-0264 WEST VALLEY CRYSTAL WATER COMPANY, INC. – Amendment to PSC 3-Water, eff. 10/1/10, postponed to 11/1/10, to increase its annual revenues by about \$271,480 or 571%.
- 463 08-W-1407 CHAFFEE WATER WORKS COMPANY – Amendments to PSC 2-Water, eff. 4/1/09, postponed to 7/1/09, and further postponed to 9/1/09, 10/1/09, 1/1/10, 5/1/10 and 9/1/10, and suspended to 12/29/10, to increase its annual water revenues by about \$17,754 or 105%.

### COMMUNICATIONS

- 561 10-C-0464 GLOBAL TEL\*LINK CORPORATION and PUBLIC COMMUNICATIONS SERVICES, INC. – Joint Petition for Approval of a Transfer of Control and Transfer of Assets from Public Communications Services, Inc. to Global Tel\*Link Corporation, Inc.
- 562 10-C-0458 Q-COMM CORPORATION, NORLIGHT, INC., NORLIGHT TELECOMMUNICATIONS, INC. and WINDSTREAM CORPORATION – Joint Petition for Approval of an Indirect Transfer of Control of Authorized Telecommunications Providers.

**CABLE**

- 661 10-V-0249 MID-TEL CABLE TV, INC./Town of Fulton, Schoharie County.
- 10-V-0317 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Hannibal, Oswego County.
- 10-V-0318 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Lenox, Madison County.
- 10-V-0321 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Scriba, Oswego County.
- 10-V-0325 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Whitney Point, Broome County.
- 10-V-0340 CHARTER COMMUNICATIONS/Village of Dannemora, Clinton County.
- 10-V-0353 TIME WARNER NY CABLE LLC/Village of Perrysburg, Cattaraugus County.
- 10-V-0357 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/Village of Atlantic Beach, Nassau County.
- 10-V-0367 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Village of Dexter, Jefferson County.
- 10-V-0370 TIME WARNER NY CABLE LLC/Village of Saranac Lake, Franklin County.
- 10-V-0419 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/Town of Leyden, Lewis County.

Applications for Certificates for Renewals.

**REGULAR AGENDA**

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

**GAS**

- 101-A 10-G-0337 Report on New York State Natural Gas Supply Readiness for the 2010-2011 Winter Season.
- 101-B 10-G-0337 Report on New York State Natural Gas Supply Readiness for the 2010-2011 Winter Season.

**GENERAL**

- 201 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

**POWER**

- 301 10-E-0175 In the Matter of Staff's Report on 2010 Electric Summer Preparedness.
- 302 10-E-0463 Report on the Status of Electric System Planning Studies.
- 303 10-E-0149 In the Matter of the Investigation of the March 6, 2009 Turbine Failure at a Noble Environmental Power, LLC Windpark.

**WATER**

- 401 09-W-0824 UNITED WATER NEW ROCHELLE INC. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

**COMMUNICATION**

- 501 10-C-0215 VERIZON NEW YORK INC. – Petition for Waiver of NYCRR, Title 16, S.602.10(b) Pertaining to the Distribution of Telephone Directories.

**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