

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

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11006 Agenda

## PSC LISTS AGENDA FOR THURSDAY, JANUARY 20, 2011

**PLEASE NOTE:  
MEETING WILL BE BROADCAST ON THE INTERNET  
- VIDEOCASTING TO COMMISSION'S NEW YORK CITY OFFICES ALSO AVAILABLE -**

Albany, NY – 01/14/11 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, January 20, 2011, 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 by accessing <http://nydps.onlinevideoservice.com>.

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, February 17, 2011, in Albany, New York.**

The agenda for the January 20, 2011 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-0214 | Mr. Christopher Pfeil, Jr./Ms. Ladeen J. Masters and National Fuel Gas Distribution Corporation – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing. |
| 162 | 10-G-0541 | Central Hudson Gas & Electric Corporation – Amendments to PSC 12-Gas, eff. 2/1/11, to revise commodity price points and weightings used for the Winter Bundled Sales service.                               |
| 163 | 10-G-0392 | Triumph Pavers/KeySpan Gas East Corporation d/b/a National Grid.  |
|     | 10-G-0570 | Arty’s Sprinkler Service and Installation, Inc./KeySpan Gas East Corporation d/b/a National Grid.   |
|     | 10-G-0633 | Sublink Ltd./Consolidated Edison Company of New York, Inc.  |
|     | 10-G-0634 | Three Star Construction Co. Inc./Consolidated Edison Company of New York, Inc.  |
|     | 10-G-0635 | Regional Environmental Demolition, Inc./National Fuel Gas Distribution Corporation.   |
|     | 10-G-0636 | Bubonia General Contractors/Niagara Mohawk Power Corporation d/b/a National Grid.   |
|     | 10-G-0637 | Northern Concrete/Niagara Mohawk Power Corporation d/b/a National Grid.   |
|     | 10-G-0638 | Arrow Fence Company, Inc./Niagara Mohawk Power Corporation d/b/a National Grid.   |
|     | 10-G-0639 | Robert Boyle Landscaping & Excavating/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.

- 164 07-G-0772 Corning Natural Gas Corporation – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.
- 09-G-0813 Corning Natural Gas Corporation – Pet. 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.
- 165 09-G-0647 Mr. Benjamin W. Smith and National Grid-Metro NY – In the Matter of the Rules and Regulations of the PSC, Contained in 16 NYCRR, in Relation to Complaint Procedures – Appeal of Informal Hearing Decision.
- 166 There is no item 166.
- 167 06-G-1186 KeySpan Gas East Corporation d/b/a KeySpan Energy Delivery Long Island – Amendments to PSC 1-Gas, eff. 11/10/10, on a temporary basis, in compliance with Commission order issued January 19, 2010.
- 168 10-G-0474 National Fuel Gas Distribution Corporation – Amendments to PSC 8-Gas, eff. 1/1/11, postponed to 2/1/11, to revise its cash-out provisions for gas transportation service.
- 169 95-T-0248 New York State Electric & Gas Corporation – App. for a Certificate of Environmental Compatibility and Public Need for the Construction of the Seneca Lake Storage Project Gas Transmission Facilities, located in the Towns of Reading and Dix, Schuyler County; Catlin and Big Flats, Chemung County; Ithaca, Danby and Caroline, Tompkins County; Candor, Newark Valley and Owego, Tioga County; and Maine and Union, Broome County.
- 10-M-0143 New York State Electric & Gas Corporation, Inergy Midstream, LLC, Arlington Storage Company, LLC and Inergy Pipeline East, LLC – Joint Pet. for Authorization to Transfer the Seneca Lake Storage Facility, Certain Pipeline and Lateral Facilities and the Certificate of Environmental Compatibility and Public Need for the Seneca Lake East Pipeline and the Revocation of the Certificate of Environmental Compatibility and Public Need for the Seneca Lake West Lateral.
- 10-G-0146 Inergy Pipeline East, LLC – Pet. for an Order Providing for Incidental and Lightened Regulation.
- 170 08-G-1137 Corning Natural Gas Corporation – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.

**GENERAL**

- 261 10-M-0596 Ms. Joyce Young Metellus/Ms. Jemila Barwah and Consolidated Edison Company of New York, Inc. – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.
- 262 10-S-0455 Consolidated Edison Company of New York, Inc. – Pet. for Approval of the Yokogawa Flow Computer & Data Acquisition Unit Model MW100 for Use as a Steam Usage, Demand Measurement and Billing Device.
- 263 10-M-0039 Consolidated Edison Company of New York, Inc. – Pet. for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds between the Company and Ratepayers.
- 264 08-E-1084 Ms. Glizer Rodriguez and Consolidated Edison Company of New York, Inc.
- 10-G-0272 Mr. Fred Leist and National Grid-Metro 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 10-M-0429 Niagara Mohawk Power Corporation d/b/a National Grid – Pet. Regarding Modifications to Economic Development Procedures and Programs.
- 266 06-M-0878 National Grid PLC and KeySpan Corporation – Joint Petition for Approval of Stock Acquisition and other Regulatory Authorizations.

**POWER**

- 361 10-E-0377 Mr. Mel Nudelman/Mr. Robert Geraghty and Consolidated Edison Company of New York, Inc. – In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petition for Rehearing.
- 362 10-E-0375 Mr. Albert DeStefano/Ms. Marnie Colasacco 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-0384 Mr. Roger H. McMillan/Ms. Priscilla Medina 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-0595 Ms. Robin Marable/2 Lorraine Ave., 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.

- 365 10-E-0197 Astoria Gas Turbine Power LLC – Petition for an Original Certificate of Public Convenience and Necessity and for a Order Providing for Lightened Regulation.
- 366-A 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.
- 366-B 10-T-0283 Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. – Joint Petition Under Section 121 of the PSL to Transfer its Certificate of Environmental Compatibility and Public Need.
- 367 10-E-0645 In the Matter of the Interpretation of the Billing Period and Annual Credit Requirements Applicable to Certain Net Metered Customers.
- 368 10-E-0497 Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Consolidated Edison Solutions, Inc. and Consolidated Edison Development, Inc. – Joint Petition Regarding the Development of Renewable Energy Projects owned by the CEI Affiliates.
- 369 10-E-0529 Connecticut Municipal Electric Energy Cooperative – Petition for Approval of Financing Pursuant to Section 69 of the PSL.
- 370 09-M-0867 Consolidated Edison Company of New York, Inc. and Ratepayers – Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of the East Fishkill Tax Refund.
- 371 09-E-0299 Village of Frankfort – Petition for Approval, Pursuant to Section 68 of the Public Service Law, of the Provision of Electric Service to an area of the Town of Frankfort.
- 372 10-M-0648 Dynegey, Inc., Icahn Partners Master Fund LP, Icahn Partners Master Fund II LP, Icahn Partners Master Fund III, Icahn Enterprises LP, Icahn Enterprises Holdings LP, IEH Merger Sub LLC, IEP Merger Sub Inc. and High River Limited Partnership – Petition for a Declaratory Ruling, or in the Alternative, Approval of the Proposed Transaction Under Sections 70 and 83 of the Public Service Law.

## **WATER**

- 461 09-W-0402 Birch Hill Water Company, Inc. – In the Matter of Staff’s Investigation of Rates, Charges, Rules and Regulations.
- 462 04-W-1221 United Water New Rochelle Inc. – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

- 463 09-W-0824 United Water New Rochelle Inc. – Amendments to PSC 1-Water, eff. 11/1/10, in compliance with Commission order issued October 15, 2010.

### COMMUNICATIONS

- 561 10-C-0434 Hancock Telephone Company – Petition for Permission to Expend Deferred Rural Telephone Bank Monies.

### CABLE

- 661 10-V-0641 Verizon New York Inc. – Pet. for a Certificate of Confirmation for its franchise with the Village of Colonie, Albany County.
- 662 10-V-0549 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for the Approval of the Renewal of its Franchise with the Village of Newark Valley, Tioga County.
- 10-V-0360 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Village of Saugerties, Ulster County.
- 10-V-0361 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Town of Saugerties, Ulster County.
- 10-V-0450 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Village of Owego, Tioga County.
- 10-V-0468 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Village of Canastota, Madison County.
- 10-V-0476 Petition of Cablevision Systems Westchester Corporation for Approval of the Renewal of its Franchise with the Town of Somers, Westchester County.
- 10-V-0491 Petition of Cablevision Systems Huntington Corporation for Approval of the Renewal of its Franchise with the Village of Huntington Bay, Suffolk County.
- 10-V-0502 Petition of Cablevision Systems Suffolk Corp. d/b/a Cablevision for Approval of the Renewal of its Franchise with the Village of Belle Terre, Suffolk County.
- 10-V-0524 Petition of Cablevision Systems Long Island Corporation for Approval of

the Renewal of its Franchise with the Town of Oyster Bay, Nassau County.

- 10-V-0535 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Town of Barton, Tioga County.
- 10-V-0538 Petition of Cablevision Systems Long Island Corporation for Approval of the Renewal of its Franchise with the Village of Malverne, Nassau County.
- 10-V-0545 Petition of Comcast of New York, LLC for Approval of the Renewal of its Franchise with the Town of Somers (Heritage Hills), Westchester County.
- 10-V-0552 Petition of Cablevision Systems Suffolk Corp. d/b/a Cablevision for Approval of the Renewal of its Franchise with the Village of Lindenhurst, Suffolk County.
- 10-V-0589 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Town of Glen, Montgomery County.
- 663 10-V-0619 Time Warner Cable – Petition for Approval of an Amendment of its Franchise with the Town of West Sparta, Livingston County.
- 664 10-V-0490 SLIC Network Solutions, Inc. – Petition for a Certificate of Confirmation for its Franchise with the Town of Moira, Franklin County.
- 665 10-V-0602 New Visions Powerline Communications Inc. – Petition for a Certificate of Confirmation for its Franchise with the Town of Geddes, Onondaga County.
- 666 10-V-0615 New Visions Powerline Communications Inc. – Petition for a Certificate of Confirmation for its Franchise with the Village of Solvay, Onondaga County.

**REGULAR AGENDA**

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

**GAS**

No items will be considered on this agenda.

**GENERAL**

- 201 08-E-1129 New York State Electric & Gas Corporation – Pet. for Approval of an Energy Efficiency Portfolio Standard (EEPS) Utility-Administered Electric Energy Efficiency Program.
- 08-E-1130 Rochester Gas and 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.
- 202 08-E-1128 Orange and Rockland Utilities, Inc. – 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.

**POWER**

- 301 10-E-0050 Niagara Mohawk Power Corporation – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 302 08-E-1463 Ordinary Tariff Filing of Consolidated Edison Company of New York, Inc. to make various revisions to Rider U - Distribution Load Relief Program.
- 09-E-0115 Proceeding on Motion of the Commission to Consider Demand Response Initiatives.
- 10-E-0530 Tariff filing by Consolidated Edison Company of New York, Inc. to Revise Rider-U Distribution Load Relief Program.

**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