

STATE OF NEW YORK

Public Service Commission

Garry A. Brown, Chairman

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09078 Agenda

PSC LISTS AGENDA FOR THURSDAY, AUGUST 20, 2009

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

Albany, NY – 08/14/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, August 20, 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, September 17, 2009, in Albany, New York.**

The agenda for the August 20, 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-0218 Frey Well Drilling, Inc./National Fuel Gas Distribution Corporation
09-G-0226 Kenrick Corporation/Rochester Gas and Electric Corporation
09-G-0558 Fred Landscaping/National Fuel Gas Distribution Corporation
09-G-0559 Campana Masonry, Inc./Niagara Mohawk Power Corporation d/b/a
National Grid
09-G-0560 East Ridge Associates, LLC/Niagara Mohawk Power Corporation d/b/a
National Grid

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

- 162 09-G-0139 Central Hudson Gas & Electric Corporation - Petition for Authorization to Defer Incremental Gas Leak Repairs Expense for the Year Ended 12/31/2008.
- 163 09-T-0495 Application of Fortuna Energy Inc. for a Certificate of Environmental Compatibility and Public Need for the Construction of a Natural Gas Gathering Pipeline of Approximately 23,600 Feet of 4 Inch Steel Coated Pipe, Located in the Town of Horseheads, Chemung County.

GENERAL

- 261 09-E-0392 Mr. Julio Ramirez/Mr. Alberto Pomaquiza and Consolidated Edison Company of New York, Inc.
09-G-0393 Mr. Ji-Zhong Huang/Mr. Jay Simon and National Grid-Metro NY
- Rehearing petitions of designees' determinations.
- 262 There is no Item 262 on this Agenda.
- 263 05-E-0934 Central Hudson Gas & Electric Corporation for Electric Service – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations.
- 05-G-0935 Central Hudson Gas & Electric Corporation for Gas Service – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations.

- 08-E-0887 Central Hudson Gas & Electric Corporation for Electric Service – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations.
- 264 96-S-0054 Saranac Power Partners, L.P. – for Exemption from Regulation as a Steam Corporation under the Provisions of the Public Service Law.
- 09-M-0251 Saranac Power Partners, L.P. – Petition for an Order Providing for Incidental and Lightened Regulation, and Motion for Expedited Proceeding.
- 265 98-M-1343 In the Matter of Retail Access Business Rules.
- 266 09-M-0395 Rochester Gas and Electric Corporation – Pet. for Approval to Revise Procedures for Estimating Customer Usage of Electricity and Natural Gas for Billing Purposes when Metered Usage Data is not Available.
- 09-M-0394 New York State Electric & Gas Corporation – Pet. for Approval to Revise Procedures for Estimating Customer Usage of Electricity and Natural Gas for Billing Purposes when Metered Usage Data is not Available.
- 267 06-G-1226 Marvin Hellman/Hellman Management and KeySpan Energy of New York
- 09-E-0483 Mr. and Mrs. Rohanand Prasram and Consolidated Edison Company of New York, Inc.
- Appeals of Informal Hearing Decisions.
- 268 09-M-0140 Central Hudson Gas & Electric Corporation – Petition for the Authority to Defer Bad Debt Net Write-off Expense for the Year ended 12/31/08.
- 269 08-M-0901 Consolidated Edison Company of New York, Inc. – Petition for Approval to Defer Property Tax Expense Resulting from Increased Property Tax Assessments by The New York State Office of Real Property Services.
- 270 98-M-0667 In the Matter of electronic data interchange.
- 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.

POWER

- 361 09-E-0463 Ms. Donna V. Kauderer/Ms. Ana Gomez and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination.
- 362 09-E-0265 Petition of Madison Park Owner, LLC to Submeter Electricity at 15 East 26th St., New York, NY Located in the Territory of Consolidated Edison Company of New York, Inc.
- 363 08-E-1305 Ordinary Tariff Filing of Central Hudson Gas & Electric Corporation to establish tariff amendments to conform to the new statutory requirements of Section 66-j of the Public Service Law regarding Net Energy Metering for Residential Solar, Farm Waste or Non-Residential Solar Electric Generating Systems.
- 364 08-E-1227 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Plattsburgh Municipal Lighting Dept. for Electric Service.
- 365 09-E-0053 Village of Holley - Amendments to PSC No. 1 Electricity, eff. 6/1/09, (Postponed to 9/1/09) to increase its annual electric revenues by about \$246,431 or 19.7%.
- 366 09-E-0201 Bath Electric, Gas and Water Systems - Amendments to PSC No. 1 - Electricity, eff. 6/1/09, (Postponed to 9/1/09) to increase its annual revenues by about \$290,741 or 6.3%.

WATER

- 461 04-W-0665 New York Water Service Corporation – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.
- 462 09-W-0505 Joint Petition of Saratoga Water Services, Inc. and Luther Forest Technology Campus, Economic Development Corporation for a Declaratory Ruling Concerning the Provision of Temporary Water Service to a Proposed Project in the Towns of Malta and Stillwater, Saratoga County.
- 463 09-W-0389 West Valley Crystal Water Company – Amendment to PSC 3-Water, eff. 9/1/09, to increase its annual revenues by about \$12,557 or 40%.
- 464 08-W-0775 Pheasant Hill Water Corporation – Petition for the Approval of Loan from the New York State Environmental Facilities Corporation.

COMMUNICATIONS

- 561 09-C-0565 Mr. Allen Schaeffer – IDT America Corporation – Appeal of Informal Hearing Decision.
- 562 09-C-0487 Petition of Cleartel Communications, Inc., NOW Communications, Inc., Birch Communications, Inc. for Customer Transfer Approval.
- 563 09-C-0570 Delhi Telephone Company – Amendments to PSC 13-Telephone, eff. 8/31/09, to modify current basic local service rates and custom calling and CLASS feature prices in a revenue neutral manner.
- 564 06-C-1257 Public Service Commission Staff and Newport Telephone Company, Inc. – Joint Proposal on Multi-Year Rate Plan.
- 565 09-C-0481 Verizon New York Inc. – Petition for Approval of the Sale of an Industrial Building Pursuant to Section 99 of the Public Service Law.

CABLE

- 661 09-V-0571 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Fleming, Cayuga County.
- 662 06-V-1326 Time Warner NY Cable LLC/Town of Harrietstown, Franklin County.
- 09-V-0275 Cablevision Systems Dutchess Corporation/Town of Amenia, Dutchess County.
- 09-V-0293 Cablevision Systems Dutchess Corporation/Town of Dover, Dutchess County.
- 09-V-0318 Time Warner Cable/Village of Richfield Springs, Otsego County.
- 09-V-0323 Time Warner Entertainment-Advance/Newhouse Partnership/Village of Mount Morris, Livingston County.
- 09-V-0367 Time Warner Cable/Town of Troupsburg, Steuben County.
- 09-V-0434 Cablevision of Wappingers Falls, Inc./Village of West Haverstraw, Rockland County.
- 09-V-0457 Time Warner Cable/Town of Niskayuna, Schenectady County.
- 09-V-0474 Time Warner Cable/Town of Pittstown, Rensselaer County.
- 09-V-0477 Charter Communications/Town of Long Lake, Hamilton County.
- 09-V-0480 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Ava, Oneida County.
- 09-V-0484 Petition of Charter Communications for Approval of the Renewal of its Franchise with the Town of Austerlitz, Columbia County.
- 09-V-0512 Time Warner Cable/Village of Addison, Steuben County.
- 09-V-0513 Time Warner Cable/Village of Montour Falls, Schuyler County.
- 09-V-0517 CAP Exchange I, LLC d/b/a Time Warner Cable/Village of North Collins, Erie County.
- 09-V-0531 Time Warner Entertainment-Advance/Newhouse Partnership/Town of Ogden, Monroe County.

09-V-0538 Charter Communications/Town of Canaan, Columbia County.

Applications for Certificates of Renewal.

663 09-V-0313 Town of Colchester, Delaware County – Petition for Waivers of parts 894.1 through 894.4(b)(2) in order to expedite the franchising process.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101 08-G-1137 Corning Natural Gas Corporation – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

GENERAL

- 201 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.
- 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-M-0152 Comprehensive Management Audit of Consolidated Edison Company of New York, Inc.
- 203 09-M-0243 Consolidated Edison Company of New York, Inc. – In the Matter of a Comprehensive Investigative Accounting Examination.

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

- 501 09-C-0361 Verizon New York Inc. – In the Matter of Quality of Service provided by Local Exchange Companies in New York State.

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