

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

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12085 Agenda  
12/10/12

## PSC LISTS AGENDA FOR THURSDAY, DECEMBER 13, 2012

**Meeting Time and Location: 10:30 AM**

**19<sup>th</sup> Floor Board Room**

**Three Empire State Plaza, Albany, NY**

**MEETING WILL BE BROADCAST ON THE INTERNET AT:**

**<http://www.dps.ny.gov/Webcasts.html>**

**-VIDEOCASTING TO PSC'S NYC OFFICES AVAILABLE-  
(See instructions on last page of Agenda)**

**To view documents related to PSC Cases Numbers below, visit:**

**[http://www.dps.ny.gov/New\\_Search.html](http://www.dps.ny.gov/New_Search.html)**

### **REGULAR AGENDA ITEMS**

**Items To Be Resolved Through Discussion**

**Item     PSC Case**

#### **GENERAL**

- |     |           |  |
|-----|-----------|--|
| 201 | 07-M-0548 | NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard. Petitions Concerning Budgets and Targets. |
|     | 10-M-0457 | NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - In the Matter of the System Benefits Charge IV. Petitions Concerning Budgets and Targets.   |
| 202 | 12-M-0501 | In the Matter of a Temporary Waiver and Suspension of Late Payment Charges Due to Payment Barriers.  |

- 203 12-M-0533 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. -  
Petition for Waiver of Certain Tariff Charges.
- 12-M-0545 ORANGE AND ROCKLAND UTILITIES, INC. – Petition for Waiver  
of Certain Tariff Charges.
- 12-M-0554 NEW YORK STATE GAS AND ELECTRIC CORP. – Petition for  
Waiver of Certain Tariff Charges.
- 12-G-0555 BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID NY;  
KEYSPAN GAS EAST CORP. d/b/a NATIONAL GRID – Petition for  
Waiver of Certain Tariff Charges.

### **POWER**

- 301 11-M-0710 In the Matter of Reviewing and Amending the Electric Submetering  
Regulations, 16 NYCRR Part 96.
- 302 12-E-0359 NRG ENERGY, INC., PLUS MERGER CORPORATION, and GENON  
ENERGY, INC. - Joint Petition for a Declaratory Ruling that Public  
Service Law §70 Does Not Apply to a Proposed Transaction, or in the  
Alternative, for Approval of the Proposed Transaction Pursuant to §70.

No items will be considered on the Regular Agenda for **GAS, WATER,  
COMMUNICATIONS, and CABLE.**

## 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.**

**Item      PSC Case**

### GAS

- 161                      In the Matter of Enforcement Proceedings for Alleged Violations of 16  
NYCRR Part 753: Protection of Underground Facilities.
- 12-G-0514      TWIN OAKS CONSTRUCTION COMPANY LLC/CONSOLIDATED  
EDISON COMPANY OF NEW YORK, INC.
- 12-G-0515      METRO-TECH ERECTORS CORP./CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.
- 12-G-0516      PHIL VALENZA CONTRACTING, INC./CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.
- 12-G-0517      MASTER MASON OF NY, INC./CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC.
- 12-G-0519      N. SAMPOGNA & SON CORP./KEYSPAN GAS EAST  
CORPORATION D/B/A NATIONAL GRID.
- 12-G-0520      VINNIE BUFFOLINO ASPHALT PAVING CORP./KEYSPAN GAS  
EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0521      ROBERT BELLO LANDSCAPING SERVICE INC./THE BROOKLYN  
UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 12-G-0522      LATEMPA TRUCKING & REMOVAL INC./THE BROOKLYN  
UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 162      12-G-0437      In the Matter of the Filing of Annual Reconciliation of Gas Expenses and  
Gas Cost Recoveries.

### GENERAL

- 261      08-E-1108      WESTCHESTER REFORM TEMPLE/CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing  
Decision.
- 10-G-0313      HAVERSTRAW/STONY POINT (NORTH ROCKLAND) CENTRAL  
SCHOOL DISTRICT, EAST RAMAPO CENTRAL SCHOOL  
DISTRICT, SOUTH ORANGETOWN CENTRAL SCHOOL  
DISTRICT, NYACK UNION FREE SCHOOL DISTRICT, PEARL

RIVER SCHOOL DISTRICT, NANUET CENTRAL SCHOOL DISTRICT/ORANGE & ROCKLAND UTILITIES INC. - Appeal of Informal Hearing Decision.

- 262 12-M-0401 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Petition Under Section 69 of the Public Service Law for Authority to Issue and Sell Unsecured Debt Obligations Having a Maturity of More than One Year.
- 263 Appeals of Informal Hearings Decisions
- 09-E-0459 MR. BHAGWANT SINGH AND MS. SUKHWINDER KAUR/MS. SHOBHANA SINGHA AND MR. SONKOR SINGH/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.(811043)
- 09-M-0523 MR. RUBEN MARTE/MS. KILSIS CONTRERA/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.(730028).
- 09-V-0525 TIME WARNER CABLE/MR. NICHOLAS LEGARND (834775).
- 09-E-0566 545 WEST 146TH STREET INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (800060).
- 12-E-0405 MS. DANEENE ADINOLFI/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. (177232).
- 12-W-0436 MR. CHARLES MONACO/UNITED WATER NEW ROCHELLE, INC. (232012).

**POWER**

- 361 09-S-0794 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Amendments to PSC 4-Steam, eff. 10/1/12, on a temporary basis, to implement Rate Year 3 in compliance with Commission order issued September 22, 2010.
- 09-G-0795 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Amendments to PSC 9-Gas, eff. 10/1/12, on a temporary basis, to implement Rate Year 3 in compliance with Commission order issued September 22, 2010.
- 362 12-E-0442 LDH RENSSELAER HOLDINGS LLC - Petition for a Declaratory Ruling Regarding the Application of Public Service Law 70 or in the Alternative, Approval Under Public Service Law 70. Review of Upstream Transfer Transaction.
- 363 12-E-0251 In the Matter of a Commission Designee's Determination Pursuant to

PSL Section 52-Rehearing Petition by Mr. James Scagnelli of the Designee's Determination Rendered in Favor of Mr. Eddie Rodriguez and Consolidated Edison Company of New York, Inc. (103101).

- 364 12-E-0208 MR. ABRAHAM FRIEDMAN/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Rehearing of Appeal Determination.
- 365 11-E-0559 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition for Approval of Certain Economic Development Programs on an Emergency Basis to Allow for Immediate Assistance to Customers Impacted by Recent Storms.
- 366 There is no item 366.
- 367 12-E-0400 CAYUGA OPERATING COMPANY, LLC - Petition to Mothball Generating Units 1 and 2.

#### **WATER**

- 461 12-W-0429 SARATOGA WATER SERVICES, INC., and MARK BRESLIN AND PATRICIA BRESLIN - Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Stillwater, Saratoga County
- 462 07-W-0076 SARATOGA WATER SERVICES, INC., and MALTA CROSSING, LLC - Joint Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Development in the Town of Malta, Saratoga County.
- 463 12-W-0299 KNOLLS WATER CO., INC. - Amendments to PSC 3-Water, eff. 1/1/13, to increase existing escrow account set for unexpected/extraordinary expenses from \$4,500 to \$20,000.
- 464 12-W-0300 ARBOR HILLS WATERWORKS COMPANY INC. - Petition filed to Increase Existing Escrow Account Set for Unexpected / Extra Ordinary Expenses from \$10,000.00 to \$20,000.00.
- 12-W-0313 ARBOR HILLS WATERWORKS - Petition filed to Implement a Quarterly Customer Surcharge of \$59.70 to Cover the Cost of Radiological Tests Required by the Department of Health.

### COMMUNICATIONS

- 561 12-C-0257 TARGETED ACCESSIBILITY FUND OF NEW YORK, INC . -  
Petition for Approval of a Request for Proposal to Provide  
Telecommunications Relay Service and Captioned Telephone Service in  
the State of New York.
- 562 12-C-0497 VERIZON NEW YORK INC. - Petition Pursuant to Section 99 of the  
Public Service Law for Approval to Sell a Garage and Work Center  
Located at 1436 Broadway, Hewlett, New York.
- 563 07-C-0349 CHAZY AND WESTPORT TELEPHONE CORPORATION,  
CITIZENS TELEPHONE COMPANY OF HAMMOND NEW YORK  
INC., MIDDLEBURGH TELEPHONE COMPANY, GERMANTOWN  
TELEPHONE COMPANY, INC., D/B/A GTEL TELECONNECTIONS,  
DEPOSIT TELEPHONE COMPANY, EDWARDS TELEPHONE  
COMPANY, PORT BYRON TELEPHONE COMPANY, TOWNSHIP  
TELEPHONE COMPANY and FRONTIER COMMUNICATIONS  
COMPANIES - Ordinary tariff filings to increase basic rates.
- 09-C-0532 GERMANTOWN TELEPHONE COMPANY INC. - Minor Rate Filing  
of Germantown Telephone Company, Inc. to Increase its Annual  
Revenues by \$300,000.

### CABLE

- 661 Petitions for Renewal of Cable Television Franchises.
- 12-V-0456 TIME WARNER CABLE/TOWN OF NEWARK VALLEY, TIOGA  
COUNTY.
- 12-V-0457 TIME WARNER CENTRAL NEW YORK DIVISION/TOWN OF  
ADAMS, JEFFERSON COUNTY, NEW YORK.
- 12-V-0458 TIME WARNER CENTRAL NEW YORK DIVISION/TOWN OF  
GENESEE, ALLEGANY COUNTY, NEW YORK.
- 12-V-0481 TIME WARNER CABLE/CITY OF MIDDLETOWN IN ORANGE  
COUNTY, NEW YORK.
- 12-V-0484 TIME WARNER CABLE/TOWN OF NELSON, MADISON COUNTY.
- 662 12-V-0483 TIME WARNER CABLE - Petition for a Certificate of Confirmation for  
its Franchise with the Town of Howard, Steuben County.

### **Instructions to View Videocast at PSC's NYC Offices**

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.

### **Instructions to View Video Broadcast of Meeting**

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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.

### **Explanation of Agenda**

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 contained herein is complete at the time of issue, but other items may be added and some agenda items may be removed without further notice.

Proposed draft orders for **Regular Agenda items** or discussion items will be posted for public viewing, if feasible, by 5:00 p.m. the day before a Commission meeting. The draft orders will be made available at: [www.dps.ny.gov/DraftDocuments.html](http://www.dps.ny.gov/DraftDocuments.html)

The posted drafts will be removed by 5:00 p.m. on the day of the Commission meeting. The proposed order is not the final Commission action, rather, the final determination is the issued order, posted by the Secretary, and available at [www.dps.ny.gov](http://www.dps.ny.gov), click on "Search" then search the appropriate PSC case number.

#### **Other Matters**

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 may be obtained by accessing the Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov), click on "Search" then search using the appropriate PSC case number, or in the alternative documents may be viewed on monitors provided in the Files Unit on the 14<sup>th</sup> floor of the Albany offices or obtained by calling (518) 474- 2500.

#### **Next Meeting**

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, January 17, 2013, in Albany, New York.**