

STATE OF NEW YORK

# Public Service Commission

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10072 Agenda

## PSC LISTS AGENDA FOR THURSDAY, AUGUST 19, 2010

PLEASE NOTE:

MEETING WILL BE BROADCAST ON THE INTERNET

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

Albany, NY – 08/13/10 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, August 19, 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.

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, September 16, 2010, in Albany, New York.** A special session will be held on **Wednesday, September 8, 2010, in Albany, New York, beginning at 11 AM.**

The agenda for the August 19, 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-0035      DELLAPOLLA LANDSCAPING, LLC/KEYSPAN ENERGY OF LONG ISLAND.
- 09-G-0855      ALWAYS FIRST INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 10-G-0332      GALAXY GENERAL CONTRACTING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 10-G-0335      MATTERHORN NURSERY INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 10-G-0336      CEDAR BROOK ENTERPRISES/ROCHESTER GAS AND ELECTRIC CORPORATION.
- 10-G-0341      SHAZI CONSTRUCTION CO., INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0342      PETER PAPINEAU/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities.

- 162      10-T-0019      FORTUNA ENERGY INC. and CORNING NATURAL GAS CORPORATION – Joint Petition for Approval of the Transfer of a Certificate of Environmental Compatibility and Public Need of an Existing Gas Pipeline Consisting of Approximately 24,920 Feet of Six-Inch Coated Steel Pipeline and an Amendment of the Certificate to Authorize Construction of a Gas Compressor Station and Approximately 500 Feet of Six-Inch (Discharge Line) and 400 Feet of Ten-Inch (Suction Line), Located in the Town of Caton, Steuben County.
- 163      08-G-0609      NIAGARA MOHAWK POWER CORPORATION – Amendments to PSC 219-Gas, eff. 5/20/10, on a temporary basis, to implement Rate Year Two of its two-year rate plan pursuant to Commission Order issued May 15, 2009 in this proceeding.

- 164 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.
- 165 10-G-0181 MR. RENE BELMAR and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – In the Matter of the Rules and Regulations of the PSC, Contained in 16 NYCRR, in Relation to Complaint Procedures – Appeal of Information Hearing Decision.
- 166 08-G-0842 MR. LUC LANOUX/MR. JONATHAN MELTON and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 10-G-0213 MS. GLENDA CODDETTE/MS. JEANETTE RAMOS and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- In the Matter of Commission Designee’s Determination Pursuant to PSL Section 52 – Petitions for Rehearing.
- 167 10-G-0224 CORNING NATURAL GAS CORPORATION – Pet. for a Declaratory Ruling or, in the Alternative, Approval Pursuant to Public Service Law Section 70.
- 168 10-G-0159 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Amendments to PSC 219-Gas, eff. 7/15/10, 7/20/10 (postponed to 8/24/10), 8/26/10 & 9/2/10, to revise its gas adjustment provisions to allow it to file its monthly gas adjustment on less than three day’s notice to the Commission.
- 10-G-0161 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID and KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID – Pet. for a Limited Waiver of the Requirements of 16 NYCRR, Section 720-6.5(b) to Permit the Company to file its Gas Cost Adjustment Clause Statements on Fewer Than Three Day’s Notice.
- 10-G-0208 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID – Amendments to PSC 12-Gas, eff. 7/20/10 (postponed to 8/24/10), 8/26/10 & 9/2/10, to revise its gas adjustment provisions to allow the company to file its monthly gas adjustment on less than three day’s notice to the Commission.
- 10-G-0209 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID – Amendments to PSC 1-Gas, eff. 7/20/10 (postponed to 8/24/10), 8/26/10 & 9/2/10, to revise its gas adjustment provisions to allow the company to file its monthly gas adjustment on less than three day’s notice to the Commission.

- 169 10-T-0350 DMP NEW YORK, INC. and LASER NORTHEAST GATHERING COMPANY, LLC – Appn. for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII to Construct a 9.6 Mile, 16 Inch Natural Gas Gathering Pipeline to the Existing Millennium Pipeline in the Town of Windsor, Broome County.

**GENERAL**

- 261 10-M-0297 MR. ARNOLD SCHORR/MS. FELICIA ESTRADA 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 03-G-0671 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSPAN ENERGY DELIVERY NEW YORK and NEW YORK CITY HOUSING AUTHORITY.
- 07-G-0776 MS. ADELAIDE VERPONI and KEYSPAN ENERGY OF NEW YORK.
- 06-E-0960 CONGREGATION RODEPH SHOLOM and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 07-E-0599 CONGREGATION RODEPH SHOLOM and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 09-G-0289 MS. LAURA JACOBSON and MX ENERGY.

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.

**POWER**

- 361 10-E-0252 GREEN ISLAND POWER AUTHORITY – Amendments to PSC 1-Electricity, eff. 9/1/10, to update its after-hours reconnection charge and return check charge.
- 362 10-E-0255 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 15-Electricity, eff. 9/1/10, to reflect the elimination of its Open Access Transmission Tariff.
- 363 09-E-0359 MR. WILLIAM HOUSTON/MR. EUSTACE NERO 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-0153 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Pet. for Approval Under Section 68 of the PSL for the Exercise of an Electric Franchise in the City of Batavia, Genesee County.
- 365 10-E-0131 CENTRAL HUDSON GAS & ELECTRIC CORPORATION – Amendments to PSC 15-Electricity, eff. 9/1/10, to update the costs used in determining contributions required from applicants for underground and overhead extensions in new residential subdivisions.
- 366 10-E-0258 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Amendments to PSC 220-Electricity, eff. 9/1/10, to improve the organization and the completeness of Service Classification No. 4 – Untransformed Service to Certain Customers Taking Power from Projects of the New York Power Authority.
- 367 09-E-0299 VILLAGE OF FRANKFORT – Pet. for Approval, Pursuant to Section 68 of the PSL, of the Provision of Electric Service to an area of the Town of Frankfort.
- 368 10-E-0281 CONNECTICUT MUNICIPAL ELECTRIC ENERGY COOPERATIVE – Pet. for a Certificate of Public Convenience and Necessity for Construction and Operation of a 2.5 Megawatt Packaged Electric Diesel-Generator.
- 369 09-E-0492 42<sup>ND</sup> AND 10<sup>TH</sup> ASSOCIATES – Pet. to Submeter Electricity at 440 West 42<sup>nd</sup> Street, New York, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 370 There is no item 370.
- 371 10-E-0169 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proposed Revisions to its Electric Tariff to Classes SC Nos. 1, 2, and 7, to Participate in Rider U Distribution Load Relief Program.
- 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 08-W-1407 CHAFFEE WATER WORKS COMPANY – Amendments to PSC 2-Water, eff. 4/1/09, postponed to 9/1/10, to increase its annual revenues by about \$17,754 or 105%.

### COMMUNICATIONS

- 561 10-C-0211 VERIZON NEW YORK INC. – Amendments to PSC 1- Communications, eff. 6/18/10, to de-tariff its retail voice messaging service (VMS) by removing the tariff regulations relating to the terms and conditions, including price, on which the service is offered.
- 562 10-C-0345 QWEST COMMUNICATIONS INTERNATIONAL, INC. and CENTURYLINK, INC. et al. – Pet. for Approval of the Transfer of Control of Qwest Communications Company, LLC.
- 563 10-C-0354 TVC ALBANY, INC., TECH VALLEY HOLDINGS, LLC, TVC MERGER SUB, INC. and RIVERSIDE PARTNERS – Joint Pet. for Authority to Transfer and Purchase Capital Stock.
- 564 09-C-0595 THE CHAMPLAIN TELEPHONE COMPANY and THE CHAMPLAIN TELEPHONE COMPANY EMPLOYEE STOCK OWNERSHIP PLAN - Joint petition to be formed for Authority to Effect a Transfer of Control Under Sections 100, 101, 108 of the PSL, to Issue Capital Stock and Promissory Notes and for the Approval of an Amendment to The Champlain Telephone Company's Certificate of Incorporation.

### CABLE

- 661 09-V-0266 CSC ACQUISITION-MA INC. – Pet. for Approval of the Renewal of its Franchise with the Town of Harrison, Westchester County.
- 662 06-V-1147 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/  
VILLAGE OF ROCKVILLE CENTRE, NASSAU COUNTY.
- 10-V-0057 TIME WARNER ENTERTAINMENT-ADVANCE/ NEWHOUSE PARTNERSHIP/VILLAGE OF KINDERHOOK, COLUMBIA COUNTY.
- 10-V-0125 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF TICONDEROGA, ESSEX COUNTY.
- 10-V-0132 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF ELLICOTT, CHAUTAUQUA COUNTY.
- 10-V-0166 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHP/TOWN OF ADDISON, STEUBEN COUNTY.
- 10-V-0222 CHARTER COMMUNICATIONS/TOWN OF COPAKE, COLUMBIA COUNTY.

10-V-0256 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/CITY OF SCHENECTADY, SCHENECTADY COUNTY.

10-V-0270 MID-HUDSON CABLEVISION, INC./TOWN OF LIVINGSTON, COLUMBIA COUNTY.

10-V-0305 CABLEVISION OF WARWICK, INC./VILLAGE OF FLORIDA, ORANGE COUNTY.

10-V-0306 CABLEVISION OF WARWICK, INC./TOWN OF WARWICK, ORANGE COUNTY.

10-V-0320 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF MORRISTOWN, ST. LAWRENCE COUNTY.

10-V-0322 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/TOWN OF LOWVILLE, LEWIS COUNTY.

10-V-0323 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/VILLAGE OF CLAYVILLE, ONEIDA COUNTY.

Applications for Certificates for Renewals.

663 10-V-0248 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP – Pet. for a Certificate of Confirmation for its Franchise with the Town of Waverly, Franklin County.

**REGULAR AGENDA**

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

**GAS**

No items will be considered on this agenda.

**GENERAL**

- 201 06-M-1078 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Proceeding to Audit the Company’s Performance in Response to Emergency Outages
- 08-E-0827 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID – Comprehensive Management Audit of the Company’s Electric Business.
- 08-M-0152 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – Comprehensive Management Audit.
- 09-M-0764 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION – Comprehensive Management and Operations Audit of the Company’s Electric and Gas Businesses.
- 202 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 203 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.

**POWER**

- 301 08-T-0034 HUDSON TRANSMISSION PARTNERS, LLC – Appn. for a Certificate of Environmental Compatibility and Public Need for a 345 Kilovolt Submarine/Underground Electric Transmission Line Between Manhattan and New Jersey.
- 302 08-E-0077 ENTERGY NUCLEAR FITZPATRICK, LLC, ENTERGY NUCLEAR INDIAN POINT 2, LLC, ENTERGY NUCLEAR INDIAN POINT 3, LLC, ENTERGY NUCLEAR OPERATIONS, INC., NEWCO and ENTERGY CORPORATION – Pet. for a Declaratory Ruling Regarding a Corporate Reorganization or, in the Alternative, an Order Approving the Transaction and an Order Approving Debt Financings.

**WATER**

No items will be considered on this agenda.

**COMMUNICATION**

501 10-C-0017 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