

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

Further Details: James Denn

[james.denn@dps.ny.gov](mailto:james.denn@dps.ny.gov) | 518.474.7080

<http://www.dps.ny.gov>

<http://twitter.com/NYS DPS>

12074 Agenda

10/12/12

## PSC LISTS AGENDA FOR THURSDAY, OCTOBER 18, 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 Discussed at Session**

**Item PSC Case**

#### **GAS**

101 12-G-0206 Report on New York State Natural Gas Supply Readiness for the 2012-2013 Winter Season.

#### **GENERAL**

201 98-M-1343 In the Matter of Retail Access Business Rules. Review of Retail Electricity and Natural Gas Markets.

06-M-0647 In the Matter of Energy Service Company Price Reporting Requirements.

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

**CONSENT AGENDA**

**This portion of the 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-0227      M. METROS BUILDERS INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 12-G-0406      LAKEVIEW LAWN & LANDSCAPE, INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 12-E-0414      FRANK LIQUORI PLUMBING & HEATING, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 12-G-0415      PLUMBING WORKS, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 12-G-0416      HAMPTON DRAINAGE & PAVING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0417      J & W CONTRACTING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0418      STASI BROTHERS ASPHALT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0419      MIGHTY PAVERS, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0420      FRAMAR CONSTRUCTION CORP., INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0422      BOLLA CONSTRUCTION, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0423      BILL LEONARDO CONTRACTING/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 12-G-0424      HYDRO-TEK LTD./ORANGE AND ROCKLAND UTILITIES, INC.
- 12-G-0426      SF OF MD/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 12-G-0427      BEDFORD CONSTRUCTION CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 162-A      11-T-0401      BLUESTONE GAS CORPORATION OF NEW YORK, INC. - Application for a Certificate of Environmental Compatibility and Public

Need Pursuant to PSL Article VII for the Construction and Operation of a 20" Natural Gas Gathering System and Dehydration and Compression Facilities, in the Town of Sanford, Broome County, and Request for Approval of Environmental Management and Construction Standards and Practices. Confirming Order.

- 12-G-0214 BLUESTONE GAS CORPORATION OF NEW YORK INC. - Petition for an Order Granting Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime. Confirming Order.
- 162-B 12-G-0214 BLUESTONE GAS CORPORATION OF NEW YORK, INC. - Petition for an Order Granting Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime.
- 163 11-G-0543 CENTRAL HUDSON GAS & ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID, NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, ORANGE AND ROCKLAND UTILITIES, INC. and THE BROOKLYN UNION GAS COMPANY, INC. D/B/A NATIONAL GRID - Amendments to PSC 12-Gas; PSC 9-Gas; PSC 1-Gas; PSC 219-Gas; PSC 4-Gas; PSC 12-Gas, eff. 8/1/12, postponed to 11/1/12, for interruptible gas service.
- 164 11-G-0697 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - Amendments to PSC 12-Gas, eff. 11/1/12, to modify its Gas Retail Access Program.
- 165 12-G-0342 THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID - Amendments to PSC 12-Gas, eff. 11/1/12, to add a definition of "Force Majeure" regarding an ESCO's delivery responsibility and to include more detail on Capacity Release Services already available to ESCOs.
- 166 11-G-0280 CORNING NATURAL GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. Affiliate Standards.
- 167 08-G-1398 ORANGE AND ROCKLAND UTILITIES, INC. - Amendments to PSC 4-Gas, eff. 11/1/12, to effectuate the continuation of certain tariff provisions beyond the three-year term of the Gas Rate Plan in this proceeding.

- 168 11-G-0411 BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID - Amendments to PSC 12-Gas, eff. 12/1/11 and 2/1/12, on a temporary basis, to amend and clarify the requirements and procedures for customers taking service under Service Classification Numbers 5A, 6C, 6G, 6M and 18.
- 11-G-0412 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - Amendments to PSC 1-Gas, eff. 12/1/11 and 2/1/12, on a temporary basis, to amend and clarify the requirements and procedures for customers taking service under Service Classification Numbers 4, 7, 12 & 13.
- 169 12-G-0371 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition for Approval under Section 68 of the Public Service Law for the Exercise of a Gas Franchise in the Village of Greenwich, Washington County.
- 170 09-G-0716 NEW YORK STATE ELECTRIC & GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. Report on Gas Supply Collaborative.
- 09-G-0718 ROCHESTER GAS AND ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. Report on Gas Supply Collaborative.
- 171 12-T-0067 STANDARD BINGHAMTON LLC and BINGHAMTON BOP LLC - Petition for Approval of the Transfer Of a Certificate of Environmental Compatibility and Public Need Concerning an 8-inch, 0.2 Mile Long Buried Gas Pipeline in the City of Binghamton.

**GENERAL**

- 261 08-E-1171 OTHONI REALTY/MS. MICHELLE ROJAS and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 09-G-0249 SIMPSON REALTY CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 11-E-0174 MR. CHARLES AYALA/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 262 Status Report on Management Audits.
- 08-E-0827 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Comprehensive Management Audit of Electric Business.

- 08-M-0152 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Comprehensive Management Audit.
- 09-M-0764 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - Electric and Gas Comprehensive Management and Operations Audit of Businesses.
- 10-M-0551 IBERDROLA, S.A., IBERDROLA, USA, NEW YORK STATE ELECTRIC AND GAS CORPORATION, and ROCHESTER GAS AND ELECTRIC CORPORATION - In the Matter of a Comprehensive Management Audit.
- 11-G-0580 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - In the Matter of a Comprehensive Management Audit.
- 
- 263 01-M-1806 In the Matter of the Review of Existing Commission Rules and Regulations Pursuant to State Administrative Procedure Act, Section 207. Notice of continuation of rules adopted in 1997, 2002 and 2007.
- 
- 264 08-E-0623 GREENPOINT BANK/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 09-E-0590 969 1ST AVENUE LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 09-E-0650 NORTH FORK BANK/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 10-E-0162 GN RESTAURANT GROUP/CONSOLIDATED EDISON OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 11-G-0693 MR. DONALD GRIFFIN/ROCHESTER GAS AND ELECTRIC CORPORATION - Appeal of Informal Hearing Decision.
- 
- 265 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard - Implementation Plan for Statewide Energy Efficiency Outreach and Education Program.
- 
- 266 12-G-0452 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - In the Matter of Alleged Violations of Public Service Law Section 15.

### **POWER**

- 361 12-E-0428 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - Amendments to PSC No. 220 - Electricity, eff. 10/22/12, to make housekeeping changes to its electric tariff schedule.

- 362 12-E-0166 EDGEWOOD ENERGY, LLC - Petition to Amend its Certificate of Public Convenience and Necessity and for an Order Confirming Lightened Regulation.
- 363 08-E-1496 99 CENT CENTER, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Rehearing of Commission Determination.
- 364 11-E-0408 ORANGE AND ROCKLAND UTILITIES, INC. - Amendments to PSC No. 3 - Electricity, eff. 7/1/12 and 7/19/12, on a temporary basis, in compliance with Commission Order Adopting Terms of Joint Proposal, with Modification, and Establishing Electric Rate Plan, issued June 15, 2012.
- 365 12-E-0411 NEW YORK STATE ELECTRIC & GAS CORPORATION and AES ES WESTOVER, LLC - Joint Petition Under Public Service Law Section 70 for Approval to Sell Certain Equipment to AES ES WESTOVER, LLC and Request for Expedited Treatment on an Emergency Basis.
- 366 10-E-0050 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of for Electric Service. Petition to increase performance standard for the small commercial and industrial satisfaction survey index.
- 367 11-E-0512 SELMA JOHNSON/DIRECT ENERGY BUSINESS, LLC - Rehearing of Commission Determination.
- 368 11-E-0299 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Tariff Filing to Revise Provisions of Standby Service for Retail Access.
- 369 10-E-0430 4615 EAST COAST LLC - Petition to Submeter Electricity at 4615 Center Boulevard, Long Island City, NY, Located in the Territory of Consolidated Edison Company of New York, Inc. Request for Modification to July 20, 2011 Order in this Proceeding.
- 370 12-E-0343 HUDSON VALLEY CLEAN ENERGY, INC. - Petition to Increase Central Hudson Gas & Electric Corporation's Net Metering Limit.

**WATER**

- 461 11-W-0082 UNITED WATER OWEGO-NICHOLS INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service. Request by the company to revise prior order regarding requirement of newspaper publication.
- 462 12-W-0314 NEW YORK WATER SERVICE CORPORATION D/B/A NEW YORK AMERICAN WATER COMPANY - Petition for Authority, Under Section 89-f of the Public Service Law, to Refinance up to \$10,870,000 of Existing Long-Term Debt Through December 31, 2013.
- 463 11-W-0695 NEW YORK WATER SERVICE CORPORATION - Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds.

### COMMUNICATIONS

- 561 12-C-0318 VERIZON NEW YORK INC. - Petition for Approval Pursuant to Public Service Law Section 113(2), of a Proposed Allocation and Disposition of Certain Tax Refunds from the Town of Hempstead.
- 562 12-C-0382 VERIZON NEW YORK INC. - PSC NY No. 1-Communications, eff. 9/15/12 - Amendments to PSC 1-Communications, eff. 9/15/12, postponed to 10/19/12, to provide for a rate increase for the Unlimited Local Usage for Business offering.
- 563 12-C-0412 WARWICK VALLEY TELEPHONE COMPANY - Joint Petition for Approval of a Transfer of Assets to Warwick Valley Restructuring Company, LLC.

### CABLE

- 661 Petitions for Renewal of Cable Television Franchises.
- 12-V-0084 CABLEVISION OF WAPPINGERS FALLS, INC./VILLAGE OF BRIARCLIFF MANOR, WESTCHESTER COUNTY.
- 12-V-0244 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF BROOKVILLE, NASSAU COUNTY.
- 12-V-0367 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF CEDARHURST, NASSAU COUNTY.
- 12-V-0384 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/TOWN OF PLAINFIELD, OTSEGO COUNTY.

- 12-V-0386 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF RAMAPO, ROCKLAND COUNTY.
- 12-V-0387 CABLEVISION OF ROCKLAND/RAMAPO, INC./TOWN OF RAMAPO, ROCKLAND COUNTY.
- 12-V-0388 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/VILLAGE OF AVOCA, STEUBEN COUNTY.
- 12-V-0392 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/TOWN OF LYME, JEFFERSON 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**

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://www.dps.ny.gov/Webcasts.html>

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, November 15, 2012, in Albany, New York.**