

STATE OF NEW YORK

Public Service Commission

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09086 Agenda

PSC LISTS AGENDA FOR THURSDAY, SEPTEMBER 17, 2009

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

Albany, NY – 09/11/09 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, September 17, 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, October 15, 2009, in Albany, New York.**

The agenda for the September 17, 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

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| 161 | 09-G-0404 | Ms. Sonja Houze/Ms. Marjorie Balk Rose and National Fuel Gas Distribution Corporation – Rehearing petition of designee’s determination. |
| 162 | 09-G-0609 | M.S.Y. Construction Corp./Consolidated Edison Company of New York, Inc. |
| | 09-G-0610 | Plumbing Works/Consolidated Edison Company of New York, Inc. |
| | 09-G-0611 | Executive Construction/Consolidated Edison Company of New York, Inc. |
| | 09-G-0612 | Wojtacki Bobcat Service/KeySpan Energy of New York City. |
| | 09-G-0614 | Mathlia Construction/Niagara Mohawk Power Corporation d/b/a National Grid. |
| | 09-G-0615 | Delsignore Blacktop Paving Inc./Niagara Mohawk Power Corporation d/b/a/ National Grid. |
| | 09-G-0617 | Suburban Road & Driveway/Niagara Mohawk Power Corporation d/b/a National Grid. |
| | 09-G-0618 | Blue Spruce Nursery, Inc./Niagara Mohawk Power Corporation d/b/a National Grid. |
| | 09-G-0619 | Glenman Construction Corporation/KeySpan Energy of New York City. |
| | 09-G-0621 | Boyce Excavating Co., Inc./Orange and Rockland Utilities, Inc. |
| | 09-G-0622 | Dig In Excavating Corp/Orange and Rockland Utilities, Inc. |
| | 09-G-0623 | Thomas Beach General Contracting/Rochester Gas and Electric Corporation. |
| | | Orders determining penalties and directing payment for violation of 16 NYCRR Part 753 – Protection of Underground Facilities. |
| 163 | 08-G-1006 | In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR – Proposed Amendments to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 257, Liquefied Petroleum Gas Plants – filed in Case 27049. |
| 164 | 09-G-0578 | Ms. Edilberta Luna/Mr. Justin Young and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination. |

- 165 05-G-0549 Ms. Rosa Romero/Keyspan Energy Delivery – Appeal of Informal Hearing Decision.
- 166 09-G-0320 AG-Energy, L.P. – Pet. and Complaint for Gas Transportation Service by St. Lawrence Gas Company, Inc.
- 167 09-G-0488 Corning Natural Gas Corporation – Pet. for Authority to Issue Long-Term Indebtedness in the Principal Amount of \$7,000,000 for the Purpose of Refunding Existing Obligations and Financing New Construction.
- 168 09-G-0507 Orange and Rockland Utilities, Inc. – Amendments to PSC 4- Gas, eff. 10/1/09, to provide both withdrawable transportation service and withdrawable sales service under one service classification.
- 169 06-G-1185 Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York – Pro. 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 – Pro. as to the Rates, Charges, Rules and Regulations for Gas Service.

GENERAL

- 261 09-E-0588 Central Hudson Gas & Electric Corporation – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 09-G-0589 Central Hudson Gas & Electric Corporation – Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 262 06-S-0296 Trump Parc Condo/Consolidated Edison Company of New York, Inc.
07-S-0493 Tower West, Inc./Consolidated Edison Company of New York, Inc.
- Appeals of Informal Hearing Decisions.
- 263 07-M-0906 Iberdrola, S.A., Energy East Corporation, RGS Energy Group, Inc., Greene Acquisition Capital, Inc., New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation – Joint Petition for Approval of the Acquisition of Energy East Corporation by Iberdrola, S.A.
- 264 09-M-0485 Central Hudson Gas & Electric Corporation – Pet. for Approval of a Transfer and to Grant Easements On Utility Property in Connection with the Walkway Over the Hudson Project and for Related Approvals and Request for Emergency Action.

- 265 09-M-0207 In the Matter of the Delegation of Authority to the Secretary Concerning Tariff Filing Suspensions for Communications, Gas, Electric, Steam and Water Corporations.
- 266 09-M-0308 Central Hudson Gas & Electric Corporation – Pet. for authorization for (a) approval to enter into multi-year committed credit agreements to provide committed funding to meet expected liquidity needs, in amounts not to exceed \$175 million in the aggregate and maturities not to exceed five years, and (b) approval to issue and sell long-term debt, commencing immediately upon issuance of an order regarding this petition, and from time to time through December 31, 2012, in an amount not to exceed \$250 million in the aggregate.
- 267 98-M-0667 In the Matter of Electronic Data Interchange.
98-M-1343 In the Matter of Retail Access Business Rules.

POWER

- 361 09-E-0592 Petition of Stephentown Regulation Services LLC for Authority Pursuant to PSL Section 69 and for Lightened Regulation.
- 09-E-0628 Petition of Stephentown Regulation Services LLC for a Certificate of Public Convenience and Necessity for Authorization Pursuant to PSL 68 to Construct and Operate an Energy Storage Facility of Up to 20-megawatts and Related Facilities to be Located in the Town of Stephentown, Rensselaer County.
- 362 09-E-0521 Red Star Realty/Mr. Pierrette Rissland and Consolidated Edison Company of New York, Inc. – Rehearing petition of designee’s determination.
- 363 09-E-0428 Consolidated Edison Company of New York, Inc. – Amendments to PSC 9-Electricity, PSC 2-Retail Access, PASNY-4 and Economic Development Delivery Service No. 2, eff. 6/7/09, to increase annual revenues by about \$854.4 million or 7.4% (Suspended through 10/4/09).
- 364-A 09-E-0228 Rochester Gas and Electric Corporation – Tariff filing to modify its tariff regarding fixed transition charges.
- 09-E-0227 New York State Electric & Gas Corporation – Tariff filing to modify its tariff regarding fixed transition charges.
- 364-B 09-E-0228 Rochester Gas and Electric Corporation – Tariff filing to modify its tariff regarding fixed transition charges.
- 09-E-0626 Pactiv Corporation – Complaint Against Rochester Gas and Electric Corporation Concerning Mitigation of Transition Charges.

- 365 09-E-0332 MP Liberty LLC – Petition to Submeter Electricity at 200 North End Avenue, New York, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 366 09-E-0333 MP Freedom LLC – Petition to Submeter Electricity at 300 North End Avenue, New York, NY, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 367 07-E-0949 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Orange and Rockland Utilities, Inc. for Electric Service.
- 368 There is no Item 368 on this Agenda.
- 369 09-E-0432 Consolidated Edison Company of New York, Inc. - Amendments to PSC 9-Electricity and PSC 2-Retail Access, eff. 8/26/09, (postponed to 10/1/09) to Revise Rider M - Day Ahead Hourly Pricing filed in compliance with Commission Orders in Case 03-E-0641 issued April 26, 2006 and Case 07-E-0523 issued March 25, 2008.
- 370 09-E-0247 Village of Groton – Amendments to PSC 1-Electricity, eff. 9/1/09, (Postponed to 10/1/09) to increase its annual revenues by about \$218,001 or 26.2%.
- 371 09-E-0569 Niagara Mohawk Power Corporation – Amendments to PSC 220-Electricity, eff. 9/19/09, to make housekeeping changes.
- 372 02-M-0514 New York State Electric and Gas Corporation - Amendments to PSC 120-Electricity, PSC 87 and 88-Gas, eff. 1/1/08, (Postponed to 10/1/09), Amendments to PSC 120-Electricity and PSC 87 and 88-Gas, eff. 10/1/09, to cancel tariff filings.
- Rochester Gas and Electric Corporation - Amendments to PSC 19-Electricity, PSC 16-Gas, eff. 1/1/08, (Postponed to 10/1/09); Amendments to PSC 19-Electricity and PSC 16-Gas, eff. 10/1/09, to cancel tariff filings.
- 373 08-E-0751 Proceeding on Motion of the Commission to Identify the Sources of Electric System Losses and the Means of Reducing Them.
- 374 08-E-0836 Frawley Plaza, LLC - Petition to submeter electricity at 1295 Fifth Avenue, 1309 Fifth Avenue, and 1660 Madison Avenue, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 375 08-E-0837 Metro North Owners, LLC - Petition to submeter electricity at 1940-1966 First Avenue, and 420 East 102nd Street, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.

- 376 08-E-0838 North Town Roosevelt, LLC - Petition to submeter electricity at 510-580 Main Street, Roosevelt Island, located in the territory of Consolidated Edison Company of New York, Inc.
- 377 08-E-0839 KNW Apartments, LLC - Petition to submeter electricity at 1890 Lexington Avenue and 1990 Lexington Avenue, New York, NY located in the territory of Consolidated Edison Company of New York, Inc.

WATER

- 461 09-W-0537 Emerald Green Lake Louise Marie Water Company – Amendments to PSC 1-Water, eff. 10/1/09, to increase its annual revenues by about \$148,565 or 38.7%.
- 462 09-W-0509 In the Matter of Staff’s Investigation as to whether Pierson Lakes Homeowners Association, Inc. is subject to the jurisdiction of the Public Service Commission.
- 463 09-W-0409 Great Expectations, LLC – Amendments to PSC 1-Water, eff. 10/1/09, to increase its escrow account for major renovations.
- 464 01-W-0358 Forever Wild Water Company, Inc. – Rate Filing to increase its annual water revenues by about \$20,320 or 26% and modifications to its restoration of service charge.
- 08-W-0556 Forever Wild Water Company, Inc. – Amendments to PSC 3-Water, eff. 10/8/09 (suspended through 9/28/09), to increase its annual water revenues by about \$166,745 or 140%.
- 465 08-W-1139 United Water New York, Inc. – Petition for the Approval of Special Accounting Treatment for a Net Payment of \$3,692,500.

COMMUNICATIONS

- 561 09-C-0640 Eschelon Telecom, Inc., Electric Lightwave, LLC and Integra Telecom, Inc. – Joint Petition for Approval of a Transfer of Control and Request for Expedited Treatment.
- 562 09-C-0522 Value Added Communications, Inc. – Amendments to PSC 1-Telephone, eff. 7/1/09 (Postponed to 10/1/09), to add Collect Call Rate Plan for the New York State Department of Corrections and to modify the V-Connect Advance Pay Account language.
- 563 09-C-0478 Verizon New York Inc. – Petition for Approval of a Proposed Allocation of a Tax Refund from the City of New York.

564 97-C-0139 Proceeding on Motion of the Commission to Review Service Quality Standards for Telephone Companies.

CABLE

661 09-V-0634 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Cornwall.

662 09-V-0351 Petition of Time Warner Entertainment Company, L.P. for an Order of Entry to Install Cable Television Equipment and Facilities Pursuant to Section 228 of the NYS Public Service Law at 124-06 Hillside Avenue, Queens, New York.

663 09-V-0630 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Village of Cornwall-on-Hudson, New York, Orange County.

664 09-V-0597 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Salina, Onondaga County.

665 09-V-0270 Petition of Time Warner Entertainment Company, L.P. d/b/a Time Warner Cable of New York City for an Order of Entry to Install Cable Television Equipment and Facilities Pursuant to Section 228 of the NYS Public Service Law at 102-104 S. 8th St., Brooklyn, NY.

666 09-V-0599 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of DeWitt, Onondaga County.

667 09-V-0585 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Cicero, Onondaga County.

668 09-V-0639 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Town of Camillus, New York, Onondaga County.

669 09-V-0637 Petition of Verizon New York Inc. for a Certificate of Confirmation for its Franchise with the Village of Skaneateles, Onondaga County.

670 07-V-1144 Petition of Cablevision Systems Islip Corp. for Approval of the Renewal of its Franchise with the Town of Islip, Suffolk County.

07-V-1162 Petition of Samson Cablevision Corporation for Approval of the Renewal of its Franchise with the Town of Islip, Suffolk County.

671 07-V-1281 Petition of Time Warner NY Cable LLC for Approval of the Renewal of its Franchise with the Town of Hoosick, Rensselaer County.

- 09-V-0353 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for the Approval of the Renewal of its Franchise with the Town of Southport, Chemung County.
- 09-V-0365 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with The Town of Horseheads, Chemung County.
- 09-V-0366 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Village of Hobart, Delaware County.
- 09-V-0451 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Town of Lewis, Lewis County.
- 09-V-0471 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Town of Galway, Saratoga County.
- 09-V-0540 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Village of Naples, Ontario County.
- 09-V-0582 Petition of Time Warner Cable for Approval of the Renewal of its Franchise with the Village of Brocton, Chautauqua County.
- 09-V-0586 Petition of Time Warner Entertainment-Advance/Newhouse Partnership for Approval of the Renewal of its Franchise with the Town of Coroghan, Lewis County.

REGULAR AGENDA

Items not necessarily to be considered in the order listed:

GAS

- 101 08-E-1127 Consolidated Edison Company of New York, 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.
- 09-G-0363 Petitions for Approval of Energy Efficiency Portfolio Standard (EEPS) Gas Energy Efficiency Programs.

GENERAL

No Items Will Be Considered On This Agenda.

POWER

- 301 08-E-0836 Frawley Plaza, LLC - Petition to submeter electricity at 1295 Fifth Avenue, 1309 Fifth Avenue, and 1660 Madison Avenue, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 08-E-0837 Metro North Owners, LLC - Petition to submeter electricity at 1940-1966 First Avenue, and 420 East 102nd Street, New York, NY, located in the territory of Consolidated Edison Company of New York, Inc.
- 08-E-0838 North Town Roosevelt, LLC - Petition to submeter electricity at 510-580 Main Street, Roosevelt Island, located in the territory of Consolidated Edison Company of New York, Inc.
- 08-E-0839 KNW Apartments, LLC - Petition to submeter electricity at 1890 Lexington Avenue and 1990 Lexington Avenue, New York, NY located in the territory of Consolidated Edison Company of New York, Inc.

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