

STATE OF NEW YORK

# Public Service Commission

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## COMMISSION TO MEET ON THURSDAY, JANUARY 17, 2013

Albany, NY – 01/11/13 – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 a.m., Thursday, January 17, 2013, in the 19<sup>th</sup> Floor Board Room of its offices located at Three Empire State Plaza, Albany, New York.**

**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)

The session agenda is as follows:

**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      10-M-0451      Proceeding on Motion of the Commission to Investigate National Grid Affiliate Cost Allocations, Policies and Procedures.

#### **POWER**

301      12-E-0577      In the Matter of Examining Repowering Alternatives to Utility Transmission Reinforcements.

## COMMUNICATIONS

501-A 10-C-0202 Verizon Service Quality Improvement Plan.

501-B 10-C-0202 Verizon Service Quality Improvement Plan.

No items will be considered on the Regular Agenda for **GAS, WATER, 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 | 12-G-0504 | In the Matter of the Commission's Waiver of Certain Requirements of 16 NYCRR Section 655.204 Concerning "Operator Qualification". Rulemaking Requirement.                                              |
| 162 | 10-G-0643 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission to Examine Historical LAUF Calculations and Their Impact on Historical and Current LAUF Incentives.             |
| 163 | 12-G-0500 | In the Matter of a Temporary Waiver of 16 NYCRR Section 261.53 to Facilitate Restoration of Gas Service Related to Disruptions Caused by Hurricane Sandy. Rulemaking Requirement.                      |
| 164 | 12-G-0584 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Amendments to PSC 9-Gas, eff. 1/28/13, to incorporate, onto the same tariff pages, the effective tariff language from two previously approved filings. |
| 165 |           | In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities.                                                                            |
|     | 12-G-0380 | ELITE CONSTRUCTION & HOME IMPROVEMENT/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.                                                                                                           |
|     | 12-G-0462 | DAVID DEUSTCH CONTRACTING/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.                                                                                                                            |
|     | 12-G-0469 | A. S. ANDREWS ENTERPRISE, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.                                                                                                                              |
|     | 12-G-0518 | L. DANTE LTD./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.                                                                                                                                        |
|     | 12-G-0568 | NORTHEAST REMSCO CONSTRUCTION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.                                                                                                                            |

- 12-G-0569 IRVINGTON BUILDERS INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 12-G-0570 E.W. HOWELL CO., LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 12-G-0571 BELLAVISTA CONSTRUCTION CORP./ORANGE AND ROCKLAND UTILITIES, INC.
- 12-G-0572 TODD EDGECOMBE EXCAVATING/ROCHESTER GAS AND ELECTRIC CORPORATION.
- 166 12-G-0005 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter - Proposed Amendments to Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas.
- 167 12-G-0498 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Amendments to PSC 12-gas, eff. 2/1/13, to modify its gas tariff schedule to remove references to Standby Sales Services.
- 168 10-G-0228 In the Matter of Proposed Amendments to the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas - Distribution Integrity Management Rule.
- 169 12-G-0499 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition to Amend its Certificate of Public Convenience and Necessity and to Exercise a Gas Franchise in the Town of Plattsburgh, Clinton County, New York.
- 170 11-T-0654 NEW YORK STATE ELECTRIC & GAS CORPORATION Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 25,627 feet 8-Inch Diameter Steel Natural Gas Transmission Pipeline and Associated Facilities Located in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County.
- GENERAL**
- 261 12-M-0501 In the Matter of a Temporary Waiver and Suspension of Late Payment Charges Due to Payment Barriers Caused By Hurricane Sandy.

## Rulemaking Requirement.

- 262 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard. Petitions of Central Hudson Gas and Electric Corporation.
- 263 12-M-0491 WPS EMPIRE STATE, INC., WPS BEAVER FALLS GENERATION, LLC, WPS SYRACUSE GENERATION, LLC and LAKESIDE NEW YORK, LLC - Petition for Expedited Approval Pursuant to PSL Sections 70 and 83 for the Proposed Transfer of Ownership Interests and Related Approvals.
- 264 11-M-0294 In the Matter of the Filing of Annual Reports by Electric and Gas Corporations Subject to Lightened Ratemaking Regulation.
- 265 12-M-0448 JAMES OLIVER and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 12-E-0482 JOAQUIN BONILLA and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.
- 266 There is no item 266.
- 267 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard. Second supplement to implementation plan.

**POWER**

- 361 10-E-0413 MR. TONY MIDIRI/NEW YORK STATE ELECTRIC & GAS CORP. – Appeal of Informal Hearing Decision.
- 362 12-E-0286 HAMILTON MUNICIPAL UTILITIES COMMISSION - Amendments to PSC 1-Electricity, eff. 11/1/12, postponed to 2/1/13, to increase its annual revenues by about \$239,362 or 8.0%.
- 363 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard. Anaerobic Digester Program.

- 364 12-E-0200 MR. EMMANUEL I. NWIKE/MS. FAY ANN JAMES AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Rehearing of Designee's Determination.

### WATER

- 461 12-W-0558 NEW YORK AMERICAN WATER INC. - Amendments to PSC No. 2 - Water eff. 1/25/13, to modify its tariff schedule to correct a rate.
- 462 12-W-0493 NEW YORK AMERICAN WATER INC. - Petition for Authority, Under Section 89-f of the Public Service Law, to Refinance up to \$23,645,633 of Existing Long-Term Debt through December 31, 2014; and Issue up to \$15,000,000 of Long-Term Debt Through December 31, 2014.
- 463 There is no item 463.
- 464 12-W-0051 LONG ISLAND WATER CORPORATION D/B/A LONG ISLAND AMERICAN WATER AND RATEPAYERS – Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds.

### COMMUNICATIONS

- 561 12-C-0567 TELUS COMMUNICATIONS COMPANY AND TELUS COMMUNICATIONS (U.S.), INC. - Petition for Approval of a Transfer of Control.
- 562 12-C-0548 TOTAL CALL INTERNATIONAL, INC. AND KDDI AMERICA, INC. - Joint Petition for Approval of Transfer of up to 49% of Total Call International, Inc. to KDDI America, Inc.
- 563 12-C-0532 SPRINT COMMUNICATIONS COMPANY L.P. AND STARBURST II, INC. - Joint Petition Concerning an Indirect Transfer of Control of Sprint Communications Company L.P. to Starburst II, Inc.
- 564 12-C-0576 ZAYO GROUP, LLC AND ABOVE NET COMMUNICATIONS, INC. - Petition for Approval of Certain Pro Forma Intra-Company Transactions.

- 565 07-C-0349 HANCOCK TELEPHONE COMPANY - Amendments to PSC 5-Telephone, eff. 2/1/13, to increase basic residential local service rates.  
 PATTERSONVILLE TELEPHONE COMPANY - Amendments to PSC 15-Telephone, eff. 2/1/13, to increase basic residential local service rates.  
 WARWICK VALLEY TELEPHONE COMPANY - Amendments to PSC 12-Telephone, eff. 2/1/13, to increase basic residential local service rates.

### CABLE

- 661 Petitions for Renewal of Cable Television Franchises.
- 12-V-0540 TIME WARNER CABLE NORTHEAST, LLC D/B/A TIME WARNER CABLE/TOWN OF EATON, MADISON COUNTY.
- 12-V-0535 TIME WARNER CABLE NORTHEAST LLC, D/B/A TIME WARNER CABLE/TOWN OF WEBB, HERKIMER COUNTY.
- 12-V-0536 TIME WARNER CABLE NORTHEAST LLC, D/B/A TIME WARNER CABLE/VILLAGE OF GREENE, CHENANGO COUNTY.
- 12-V-0537 TIME WARNER CABLE NORTHEAST LLC, D/B/A TIME WARNER CABLE/VILLAGE OF MILFORD, OTSEGO COUNTY.
- 12-V-0542 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF CENTRE ISLAND, NASSAU COUNTY.
- 12-V-0549 TIME WARNER CABLE/TOWN OF HORNBY, STEUBEN COUNTY.
- 12-V-0553 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/TOWN OF KIRKLAND, ONEIDA 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, February 13, 2013, in Albany, New York.**

Individuals in Albany wishing to observe the Commission's meeting may do so in the Board Room on the 19<sup>th</sup> floor of the Commission's offices at Three Empire State Plaza. **Pursuant to procedures established by the building management, anyone planning to view the meeting in the New York City Office 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.** The videocasting will be for viewing and listening purposes only.

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