

STATE OF NEW YORK

# Public Service Commission

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11078 Agenda

## PSC LISTS AGENDA FOR THURSDAY, SEPTEMBER 15, 2011

### PLEASE NOTE:

**MEETING WILL BE BROADCAST ON THE INTERNET**

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

Albany, NY – 09/09/11 – The New York State Public Service Commission announced today the agenda for its regular meeting starting at **10:30 A.M., Thursday, September 15, 2011, 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 by accessing <http://nydps.onlinevideoservice.com>.

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, October 13, 2011, in Albany, New York.**

The agenda for the September 15, 2011 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 11-G-0428 Siegrist & Sons Construction, Inc./Central Hudson Gas & Electric Corporation.
- 11-G-0430 Vinny Construction/Consolidated Edison Company of New York, Inc.
- 11-G-0431 Stasi Brothers Asphalt Corp./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0432 National Asphalt Paving, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0433 Tri-Rail Construction, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0434 Phil's Cesspool Service, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0435 Genco Builders, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0436 Richie's Tree Service/KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0437 Morgan Paving and Excavating/KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0438 Paul F. Vitale, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0446 Divine Way Landscaping/KeySpan Gas East Corporation d/b/a National Grid.
- 11-G-0439 Bright's Mechanical Services, Inc./National Fuel Gas Distribution Corporation.
- 11-G-0440 An Martin Grain Systems/Rochester Gas and Electric Corporation.
- 11-G-0441 John Welch Enterprise, Inc./Rochester Gas and Electric Corporation.
- 11-G-0442 Etec Construction Corp./The Brooklyn Union Gas Company d/b/a National Grid NY.
- 11-G-0443 Corum Group LLC/The Brooklyn Union Gas Company d/b/a National Grid NY.
- 11-G-0444 QED Mechanical & Construction Corp./The Brooklyn Union Gas Company d/b/a National Grid NY.

- 11-G-0445 Always First, Inc./The Brooklyn Union Gas Company d/b/a National Grid NY.
- 162 10-G-0467 In the Matter of the Filing of Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
- 10-G-0643 Proceeding on Motion of the Commission to Examine Consolidated Edison Company of New York's Historical LAUF Calculations and Their Impact on Historical and Current LAUF Incentives.
- 163 11-G-0361 GATEWAY DELMAR, LLC and AMERICAN MIDSTREAM ONSHORE PIPELINES, LLC - Joint Pet. for a Declaratory Ruling Regarding the Transfer of Certain Property Located in Albany County, New York, or in the Alternative, Approval of the Transfer of Certain Property, and for an Order Providing for Incidental Regulation.
- 164 10-G-0482 Petition of E. Tetz & Sons, Inc for a Waiver of Tariff Provisions Pursuant to Sections 65 and 66 of the Public Service Law.
- 165 09-G-0795 Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Gas Service.
- 166 10-G-0480 Mr. Mohamed K. Baksh/Ms. Joolaiika Baksh and Consolidated Edison Company of New York, Inc.

**GENERAL**

- 261 11-M-0342 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition Under Section 69 of the Public Service Law for Authority to Issue Long-Term Indebtedness, Preferred Stock and Hybrid Securities and to Enter into Derivative Instruments Pursuant to a Global Financing Plan.
- 262 10-M-0466 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR Part 753 - Protection of Underground Facilities.
- 263 08-E-0155 MR. SEMYON BELILOVSKY/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 09-C-0360 AMERIVEST PARTNERS, LLC/VERIZON NEW YORK INC.
- 264 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable

Portfolio Standard.

**POWER**

- 361 11-E-0422 A ONE CAR SERVICE INC. and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 362 08-E-0904 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and PIGRANEL MANAGEMENT CORP.
- 363 10-T-0080 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for the Construction of a New 115kV Electric Transmission Line from Spier Falls, Saratoga County to Rotterdam, Schenectady County.
- 364 11-E-0110 405 W. 53rd DEVELOPMENT GROUP, LLC - Petition to Submeter Electricity at 405 and 425 West 53rd Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 365 11-E-0247 AMSTERDAM 78, LLC - Petition to Submeter Electricity at 230 West 78th Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 366 11-E-0423 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Petition for a Declaratory Ruling Concerning the Discontinuance of Blackstart Service.
- 367 11-E-0279 GRIFFISS UTILITY SERVICES CORPORATION and UTC POWER CORPORATION - Joint Petition for the Continuation and Expansion of Standby Rate Exemptions for Environmentally Advantageous Technologies in the Niagara Mohawk Power Corporation d/b/a National Grid Territory.
- 368 11-E-0182 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and ORANGE AND ROCKLAND UTILITIES, INC. - Joint Petition Regarding the Development of Renewable Energy Projects by the CEI Affiliates.

- 369 11-E-0176 In the Matter of the Commission's Implementation of Certain Provisions of the Recharge New York Power Program Act.
- 370 10-E-0050 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - Amendments to PSC No. 220 - Electricity, eff. 9/19/11 in compliance with the Economic Development Collaborative revisions to service classification No. 12 - Special Contract Rates.
- 371 09-E-0017 BAY CITY METERING COMPANY, INC. - Petition to Submeter Electricity at 28 East 10th Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 372 11-E-0253 FIRST WIND HOLDINGS, LLC, FIRST WIND NORTHEAST COMPANY, LLC, NORTHEAST WIND PARTNERS, LLC, CSSW HOLDINGS, LLC, CSSW, LLC, CSSW COHOCTON HOLDINGS, LLC, NEW YORK WIND, LLC, CANANDAIGUA POWER PARTNERS, LLC, CANANDAIGUA POWER PARTNERS II, LLC and NORTHEAST WIND HOLDINGS, LLC - Joint Petition for a Declaratory Ruling that Public Service Law Section 70 Does Not Apply to Proposed Transactions.
- 373 08-T-0034 HUDSON TRANSMISSION PARTNERS, LLC - Application for a Certificate of Environmental Compatibility and Public Need for a 345 Kilovolt Submarine/Underground Electric Transmission Line Between Manhattan and New Jersey.
- 374 11-E-0312 NEW YORK STATE ELECTRIC & GAS CORPORATION - Petition for an Exemption From the Targeted Financial Assistance Requirements of the Non Rate Economic Development Program.
- 375 11-E-0359 Fishers Island Electric Corporation proposes to establish an annual reconciliation to its Purchased Power Adjustment.
- 376 09-T-0870 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII for the Reconstruction of Transmission Line 111 from Lockport to Mortimer, New York.

**WATER**

- 461 10-W-0403 SARATOGA WATER SERVICES, INC. and BRIAN HAYES - Petition for a Declaratory Ruling Concerning the Provision of Water Service to a Proposed Project in the Town of Malta, Saratoga County.
- 462 11-W-0087 HOPEWELL SERVICE CORPORATION - Amendments to PSC No. 12 - Water, eff. 5/24/11, to increase its annual revenues by about \$10,500 or 24% (Suspended through 9/28/11).
- 463 11-W-0333 WOODBURY HEIGHTS ESTATES WATER CO., INC. - Amendments to PSC No. 1 - Water, eff. 10/1/11 to increase its annual revenues by about \$43,103 or 79%.
- 464 11-W-0086 Devon Farms Water Works Inc. - Amendments to PSC. No. 2 - Water, eff. 6/1/11, to increase its annual revenues by about \$31,000 or 80.9% (Suspended through 9/28/11).
- 465 11-W-0081 NATIONAL AQUEOUS CORPORATION and WHITE KNIGHT MANAGEMENT - Joint Petition for Approval to Transfer the Water Supply Assets for the sum of \$5,000.
- 466 10-W-0449 LONG ISLAND WATER CORPORATION d/b/a LONG ISLAND AMERICAN WATER - Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds Between the Company and Ratepayers.

### COMMUNICATIONS

- 561 11-C-0416 GERMANTOWN TELEPHONE COMPANY, INC. - Amendments to PSC No. 9-Telephone, eff. 9/1/11, pursuant to the Commission's Order in Case 09-C-0532.
- 562 11-C-0304 CHAMPLAIN TELEPHONE COMPANY - Petition Pursuant to Section 99 of the Public Service Law for Approval of a Transfer of Real Property in the Village of Champlain, Clinton County.
- 563 10-C-0488 Ms. Gwendolyn Todd and Verizon New York Inc.
- 564 11-C-0410 VERIZON NEW YORK INC. - Pet. for Approval to Sell a Condominium Unit Located at 38th Street, New York, New York
- 565 11-C-0385 VERIZON NEW YORK INC. - Pet. for Approval of a Transfer or Lease of Property with an Original Cost of Over \$100,000.

- 566 11-C-0209 VERIZON NEW YORK INC. - Pet. for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds between Verizon New York Inc. and Ratepayers.
- 567 09-M-0527 Proceeding to Examine Issues Related to a Universal Service Fund.
- 568 11-C-0409 Petition of Verizon New York Inc. for Approval to Sell a Garage and Work Center located at 203 Spruce Street, Albany, New York.
- 569 11-C-0173 In the Matter of Quality of Service provided by Local Exchange Companies in New York State.

**CABLE**

- 661 11-V-0290 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/VILLAGE OF THERESA, JEFFERSON COUNTY.
- 11-V-0363 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/VILLAGE OF COPENHAGEN, LEWIS COUNTY NEW YORK.
- 11-V-0302 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF MARLBOROUGH, ULSTER COUNTY.
- 11-V-0362 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE/TOWN OF CANTON, ST. LAWRENCE COUNTY.
- 11-V-0365 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE/TOWN OF SKANEATELES. ONONDAGA COUNTY, NEW YORK
- 11-V-0372 TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP/VILLAGE OF PANAMA, CHAUTAUQUA COUNTY.
- 11-V-0381 CABLEVISION OF WAPPINGERS FALLS INC./TOWN OF NEW CASTLE, WESTCHESTER COUNTY.
- 11-V-0391 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/TOWN OF WADDINGTON, ST. LAWRENCE COUNTY.
- 11-V-0394 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/VILLAGE OF LYONS FALLS, LEWIS COUNTY.
- 11-V-0395 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF HEWLETT NECK, NASSAU COUNTY.
- 11-V-0403 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE/VILLAGE OF WATKINS GLEN, SCHUYLER

COUNTY, NEW YORK.

- 11-V-0406 TIME WARNER ENTERTAINMENT-ADVANCE NEWHOUSE PARTNERSHIP/TOWN OF BANGOR, FRANKLIN COUNTY.
- 662 11-V-0293 Petition of SLIC Network Solutions, Inc. for a Certificate of Confirmation for its Franchise with the Town of Brandon, Franklin County.
- 663 11-V-0210 Petition of SLIC Network Solutions, Inc. for a Certificate of Confirmation for its Franchise with the Town of Malone, Franklin County.
- 664 11-V-0211 Petition of SLIC Network Solutions, Inc. for a Certificate of Confirmation for its Franchise with the Town of Bangor, 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 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard.
- 202 10-M-0457 Petition of New York State Energy Research and Development Authority in the Matter of the System Benefits Charge IV.

**POWER**

- 11-E-0408 Presentation - Overview of Rate Filing  
Orange and Rockland Utilities, Inc. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 301 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.

**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