

## Consent Agenda Report for 05/17/2018

The following is a preliminary and informal summary of actions the Commission took at its public session on May 17, 2018. This summary does not itself constitute final Commission action, and does not waive any privilege or exemption from disclosure for deliberative or other intra-agency materials. Final Commission action will take the form of an order.

### Gas

ITEM 161-A	<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities</u>
18-G-0223	BIG APPLE TESTING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0224	GILLESPIE ENTERPRISES, INC./CENTRAL HUDSON GAS AND ELECTRIC CORPORATION
18-G-0225	KLINKER TOPSOIL/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0226	RICCI'S CUSTOM HOMES/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0227	BEST MODULAR HOMES AFFORDABLE PRICE, QUALITY, & SERVICE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0228	FRASER CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0229	KG CONSTRUCTION SERVICES, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
18-G-0231	M.N.C. GENERAL CONTRACTORS CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
18-G-0232	PECONIC BAY MATERIALS/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0233	WATER WORKS PIPING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0234	WATER WORKS PIPING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0235	M & Y DEVELOPERS INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
18-G-0237	MACEDO CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0238	CHASE ENTERPRISES LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0243	BRICK BROTHER INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

ITEM 161-A (Cont'd)

- 18-G-0244 BEN'S GENERAL CONTRACTING  
CORP./KEYSPAN GAS EAST CORPORATION  
D/B/A NATIONAL GRID
- 18-G-0246 JSJ CONSTRUCTION INC./KEYSPAN GAS EAST  
CORPORATION D/B/A NATIONAL GRID
- 18-G-0247 TRIUMPH CONSTRUCTION CORP./  
CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC.
- 18-G-0248 NYSTROM AND SONS CONTRACTING  
CORP./KEYSPAN GAS EAST CORPORATION  
D/B/A NATIONAL GRID
- 18-G-0249 OXFORD INTERIORS CORP./THE BROOKLYN  
UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission determined a \$12,500 penalty in Case 18-G-0237, \$10,000 penalties in Cases 18-G-0233, and 18-G-0246, and \$2,500 penalties in Cases 18-G-0223, 18-G-0224, 18-G-0225, 18-G-0226, 18-G-0227, 18-G-0228, 18-G-0229, 18-G-0231, 18-G-0232, 18-G-0234, 18-G-0235, 18-G-0237, 18-G-0238, 18-G-0243, 18-G-0244, 18-G-0247, 18-G-0248, and 18-G-0249.

ITEM 161-B

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

- 17-G-0648 KUBRICKY CONSTRUCTION CORP./NIAGARA  
MOHAWK POWER CORPORATION, D/B/A  
NATIONAL GRID
- 18-G-0240 THE CITY OF LONG BEACH/KEYSPAN GAS EAST  
CORPORATION D/B/A NATIONAL GRID
- 18-G-0241 LC SPRINKLERS SYSTEM INC./KEYSPAN GAS  
EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to grant Consent Orders in Cases 17-G-0648, 18-G-0240, and 18-G-0241.

- ITEM 162  
13-G-0136 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to adopt the terms of the Joint Proposal that resolves all outstanding disputes arising out of assessment of Negative Revenue Adjustments under the Gas Safety Performance Mechanism established by the 2014 Rate Order and provide for the use of \$930,000 in shareholder funds.
- ITEM 163  
18-G-0200 Rehearing Request  
MR. NIRAV SHAH/MR. ORLANDO OSMA AND CONSOLIDATED EDISON COMPANY OF NEW YORK INC. - The Commission decided to deny the petition because it does not provide any basis to reduce the shared meter charges or the twelve-month assessment further.
- ITEM 164  
18-T-0165 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to grant the company's application for a Certificate of Environmental Compatibility and Public Need the construction and operation of a 2.35-mile replacement of the existing VM-5 natural gas pipeline in the Towns of Pembroke and Batavia, and City of Batavia, Genesee County .
- ITEM 165  
14-G-0212 The Commission decided to require: 1) all LDCs to disqualify inspectors of plastic fusion who approve visually unacceptable fusion and require them to be retrained; 2) the State's major LDCs to develop quality assurance and control (QA/QC) programs for the completion and inspection of plastic fusions; 3) all LDCs to ensure that all persons acting as QA/QC inspectors be qualified with appropriate training and experience in evaluating the acceptability of plastic pipe joints and that the LDCs file such requirements with the Department of Public Service; and (4) require NFG and all LDCs to follow all Commission rules with respect to the completion and inspection of fuses, as well as qualification of fuser and inspectors.

**General**

- ITEM 261                      18-M-0216                      Commissioner Diane X. Burman, concurred  
 BLUCO ENERGY, LLC - The Commission ordered the company show cause within 30 days why its eligibility to act as an energy services company should not be revoked or why other consequences, as set forth in the Commission's Uniform Business Practices (UBP) Section 2.D.6 should not be imposed.
  
- ITEM 262                      18-M-0217                      Commissioner Diane X. Burman, concurred  
 ASPIRITY ENERGY LLC - The Commission ordered the company to show cause within 30 days why its eligibility to act as an energy services company should not be revoked or why other consequences, as set forth in the Commission's Uniform Business Practices (UBP) Section 2.D.6 should not be imposed.
  
- ITEM 263                      18-M-0081                      Shared Meter Rehearing Request  
 MS. ELIZABETH NESTLE AND MS. CATHLEEN SPICKERMAN/MS. PATRICIA RUTNIK AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to uphold the initial Designee determination.
  
- ITEM 264                      15-M-0127, 12-M-0476 & 98-M-1343 - Commissioner Diane X. Burman, concurred  
 NATIONAL ENERGY MARKETERS ASSOCIATION - The Commission decided to confirm a one-commissioner order by Chair Rhodes that denied an interlocutory request for extension.
  
- ITEM 265

There is no Item 265

ITEM 266                      18-M-0187                      Rehearing Request  
 WILLIAM J. MCDERMOTT, LLP/MR. JAMES REILLY AND MS. ALYSSA KISSOON/ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the February 15, 2018 shared meter determination since William J. McDermott's request does not provide any basis to reduce the shared meter charges or the twelve-month assessment further.

ITEM 267                      18-M-0195                      NATIONAL GRID USA'S NEW YORK ELECTRIC AND GAS UTILITIES - The Commission decided to issue a request for proposals for an independent third-party consulting firm to conduct a management and operations audit of the company. The audit will be conducted pursuant to Section 66(19) of the Public Service Law and will focus on construction program planning and operational efficiency.

**Power**

ITEM 361                      17-M-0178                      ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to deny the petition for rehearing because the petitioner failed to identify an error of fact or law, or raise new circumstances requiring a different outcome.

ITEM 362                      07-M-0954, 09-M-0673                      ORANGE AND ROCKLAND UTILITIES, INC. AND SPRINT SPECTRUM, LP - The Commission decided to accept the compliance filing for company's cellular antenna attachment to Orange and Rockland's transmission tower.

ITEM 363                      17-E-0071                      JERICHO PROJECT - The Commission decided to grant the company's request for a waiver of the individual metering requirements of 16 NYCRR Part 96 at 2065 Walton Avenue, Bronx, New York, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 364  
18-E-0022 MP OWNER LLC - The Commission decided to approve the company's petition to submeter electricity at 146 Pierrepont Street, Brooklyn, New York located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 365  
18-E-0065 MIP ONE WALL STREET ACQUISITION, LLC - The Commission decided to approve the company's petition to submeter electricity at 1 Wall Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 366  
17-E-0684 BRUNS ASSOCIATES, LLC - The Commission decided to approve the company's petition to submeter electricity at 291 North Thompson Street, Rotterdam, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- ITEM 367  
17-T-0816 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - The Commission decided to grant a waiver of certain Article VII application requirements as set forth in 16 NYCRR §§ 86.3(a)(1), 86.3(a)(2), 86.3(b)(2) and 88.4(a)(4) application is subject to certain additional requirements related to §§ 86.3(a)(2) and 86.3(b)(2)
- ITEM 368  
18-E-0186 Appeal of an Informal Hearing  
GARY STARK/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny complainant's appeal because complainant failed to state sufficient grounds for an appeal.
- ITEM 369  
18-E-0025 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the company's request for the transfer of street lighting facilities to the Village of Owego.

ITEM 370  
 15-E-0307 MASSENA ELECTRIC DEPARTMENT - The Commission decided to approve, on a permanent basis, Massena's compliance filing effectuating Rate Year 3 pursuant to Commission Order issued A April 21, 2016.

ITEM 371  
 17-E-0685 PENNSYLVANIA ELECTRIC COMPANY - The Commission decided to authorize the company to increase its electric revenues by \$300,000 per year, which is an increase of 17.75% in base revenues, or 5.2% of total revenues.

ITEM 372  
 09-M-0248, 09-M-0301, 09-M-0302, 09-M-0319, 09-M-0378, 09-M-0387, 09-M-0415, 09-M-0418, 09-M-0419, 09-M-0652, 07-M-0744  
 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND SPRINT SPECTRUM, LP and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND NEW CINGULAR WIRELESS, PSC, LLC - The Commission decided to approve the petitions for existing cellular antenna attachments to Consolidated Edison's transmission structures.

**Water**

ITEM 461  
 18-W-0128 WILLSBORO BAY WATER COMPANY - The Commission decided to confirm a one-commissioner order by Commissioner Sayre that denied abandonment, without prejudice and appointed a temporary operator on an emergency basis.

ITEM 462  
18-W-0017 SARATOGA WATER SERVICES, INC., KNC HOLDINGS, INC., M.A.L. DONUT VENTURE OF SARATOGA, LTD., AND MALTA DINER, INC. - The Commission decided to approve the terms of the Agreement for the Provision of Water Service (the Agreement) by and between the company and KNC Holdings, Inc., M.A.L. Donut Venture of Saratoga, Ltd., and Malta Diner, Inc; and b) waive the Company's tariff provisions and certain provisions of 16 NYCRR §§501 and 502, including 16 NYCRR §501.10, needed for the Company to extend water service outside its franchise area in order to fulfill the Agreement.

### **Communications**

ITEM 561  
17-C-0278 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition requesting that the Commission authorize Verizon to exclude certain central office codes from blocking service options offered to customers, in order to make them available for the provision of general telecommunications services.

ITEM 562  
18-C-0219 VERIZON NEW YORK INC. – Report for information only on the company's service quality for the 1st quarter of 2018.

ITEM 563  
18-C-0242 Commissioner James S. Alesi, recused  
GREENLIGHT NETWORKS, LLC AND GRAND OAKS GLN, LLC - The Commission decided to approve the authority to execute transactions whereby Grand Oaks will acquire a controlling equity interest in Greenlight. These transactions will allow Greenlight to meet the immediate need for the working capital in constructing its high-speed broadband fiber network and facilities and to optimize capital structure required for long-term success in the competitive telecommunications industry.

ITEM 564  
17-C-0097 Appeal of an Informal Review Decision  
SEVENSON ENVIRONMENTAL SERVICES, INC./ METROPOLITAN TELECOMMUNICATIONS - The Commission decided to issue a declaratory ruling regarding proper tariff interpretation in light of a New York County Supreme Court decision.



**Cable**

- ITEM 661            17-V-0712            VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 48 multiple-dwelling unit buildings in the City of New York.
- ITEM 662            17-V-0713            VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 29 multiple-dwelling unit buildings in the City of New York.
- ITEM 663            17-V-0733            TIME WARNER CABLE NORTHEAST LLC - The Commission decided to confirm a one-commissioner order by Chair Rhodes that denied a petition by the company for the provision of cable service in the Towns of Wells, Lake Pleasant, Indian Lake, and Johnsbury in Hamilton County and the Village of Speculator in Delaware County.