



# Public Service Commission

**For Immediate Release: 09/14/2022**

Rory M. Christian, Chair

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**22084**

## **COMMISSION ISSUES FINAL SEPTEMBER 15, 2022 AGENDA**

**ALBANY, NY** – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 A.M., Thursday, September 15, 2022**, in the 19th Floor Board Room of its offices located at Three Empire State Plaza, Albany; 90 Church Street, New York City; 125 East Bethpage Road, Plainview, Long Island; and, 295 Main Street, Buffalo, New York. Please be prepared to show identification to be admitted to the New York City or the Albany office.

**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 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**

#### **GENERAL**

- |     |           |   |
|-----|-----------|---|
| 201 | 22-M-0429 | Proceeding to Implement the Utility Thermal Energy Network and Jobs Act.                |
| 202 | 14-M-0094 | Proceeding on Motion of the Commission to Consider a Clean Energy Fund.                 |
|     | 18-M-0084 | In the Matter of a Comprehensive Energy Efficiency Initiative.                          |
| 203 | 14-M-0224 | Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs. |

15-E-0082 Proceeding on Motion of the Commission as to the Policies, Requirements and Conditions For Implementing a Community Net Metering Program.

19-M-0463 In the Matter of Consolidated Billing for Distributed Energy Resources.

**No items will be considered on the Regular Agenda for GAS, POWER, WATER, COMMUNICATIONS 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	22-G-0364	NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Tariff Filing to Modify Its Gas Tariff Schedule, P.S.C. No. 9, to Create a Pension and Other Post-Employment Surcredit and other Housekeeping Changes.
162	22-G-0081	NEW YORK STATE ELECTRIC & GAS CORPORATION - Tariff Filing to Make Revisions to its Gas Tariff Schedule, P.S.C. No. 90, to Eliminate Provisions Regarding Outdoor Gas Lighting.
	22-G-0082	ROCHESTER GAS AND ELECTRIC CORPORATION - Tariff Filing to Make Revisions to its Gas Tariff Schedule, P.S.C. No. 16, to Eliminate Provisions Regarding Outdoor Gas Lighting.
163-A		In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Penalty Determination Orders).
	22-G-0438	Deco Management & Construction Corp./Central Hudson Gas and Electric Corporation.
	22-G-0439	Metro Paving LLC/KeySpan Gas East Corporation d/b/a National Grid.
	22-G-0440	D Best Construction Group Inc./KeySpan Gas East Corporation d/b/a National Grid.
	22-G-0441	JH Property Services LLC/Niagara Mohawk Power Corporation d/b/a National Grid.
	22-G-0442	Creative Properties/Niagara Mohawk Power Corporation d/b/a National Grid.
	22-G-0443	J.C. McCashion Construction, Inc./Niagara Mohawk Power Corporation d/b/a National Grid.

- 22-G-0444 Z CORE, LLC/Niagara Mohawk Power Corporation d/b/a National Grid.
- 22-G-0445 Caribbean Water Pools/KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0446 Shannon Contracting LLC/Consolidated Edison Company of New York, Inc.
- 22-G-0447 Fajardo General Construction Corp./Consolidated Edison Company of New York, Inc.
- 22-G-0448 White Land Contracting Inc./Consolidated Edison Company of New York, Inc.
- 22-G-0449 Greenfield Custom Builders Inc./The Brooklyn Union Gas Company d/b/a National Grid NY.
- 22-G-0450 Court Pro/KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0451 City of Syracuse Water Department/Niagara Mohawk Power Corporation d/b/a National Grid.
- 22-G-0452 JPM Industries, Inc./KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0453 Triumph Construction Corp./KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0454 Wide World Construction Corp./KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0455 J. K. Tobin Construction Co., Inc./Niagara Mohawk Power Corporation d/b/a National Grid.
- 22-G-0456 T. Young's Asphalt LLC d/b/a T. Young's Paving/Central Hudson Gas and Electric Corporation.
- 22-G-0457 Perdomo Landscaping & Construction Corp/Orange and Rockland Utilities Inc.
- 163-B In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Consent Order Approvals).
- 22-G-0395 City & County Paving Corp./The Brooklyn Union Gas Company d/b/a National Grid NY.
- 22-G-0465 Bulinski Trucking, LLC/Niagara Mohawk Power Corporation, d/b/a National Grid.
- 22-G-0466 Alaimo Plumbing and Heating Solutions, LLC/National Fuel Gas Distribution Corporation.
- 22-G-0467 The Landtek Group, Inc/KeySpan Gas East Corporation d/b/a National Grid.
- 22-G-0468 MFS Masonry/Central Hudson Gas & Electric Corporation.

- 163-C Orders Granting Petitions for Rehearing.
- 21-G-0091 MCN Construction Services, Inc./Consolidated Edison Company of New York, Inc.
- 22-G-0216 Paladino Concrete Creations Corp./Consolidated Edison Company of New York, Inc.

### **GENERAL**

- 261 There is no Item 261.
- 262 20-M-0589 SUNSEA ENERGY, LLC - Proceeding on Motion of the Commission to Seek Consequences for Violations of the Uniform Business Practices.
- 263 21-M-0238 FORTISTAR NORTH TONAWANDA INC. AND DIGIHOST INTERNATIONAL INC. - Petition for a Declaratory Ruling Regarding Application of Section 70 and 83 of the New York State Public Service Law and the Alternative, Approval of the Proposed Transaction Pursuant to Sections 70 and 83.
- 264 20-M-0082 Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data.

### **POWER**

- 361 21-T-0340 NEW YORK POWER AUTHORITY AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Application for a Certificate of Environmental Compatibility and Public Need for the Rebuild of Approximately 100 Linear Miles of Existing 230 kV to Either 230 kV or 345 kV along with Associated Substation Upgrades Along the Existing NYPA Moses-Willis 1&2, Willis-Patnode, Willis-Ryan, and National Grid's Adirondack-Porter 11, 12 and 13 Lines in Clinton, Franklin, St. Lawrence, Lewis, and Oneida Counties, New York.
- 362 21-T-0340 NEW YORK POWER AUTHORITY AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Application for a Certificate of Environmental Compatibility and Public Need for the Rebuild of Approximately 100 Linear Miles of Existing 230 kV to Either 230 kV or 345 kV along with Associated Substation Upgrades Along the Existing NYPA Moses-Willis 1&2, Willis-Patnode, Willis-Ryan, and National Grid's Adirondack-Porter 11, 12 and 13 Lines in Clinton, Franklin, St. Lawrence, Lewis, and Oneida Counties, New York.
- 363 22-E-0253 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition for Authority to Extend and Amend the Lease of the Volney-Marcy Transmission Line.

- 364 21-E-0412 BOP GREENPOINT D LLC - Notice of Intent to Submeter Electricity at 1 Eagle Street and 227 West Street Brooklyn, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 365 22-E-0284 745 BROADWAY ALBANY, LLC - Petition to Submeter Electricity at 745 Broadway, Albany, Located in the Territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- 366 22-E-0162 167-171 CHRYSTIE LP - Notice of Intent to Submeter Electricity at 167-171 Chrystie Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 367 19-T-0041 CANISTEO WIND ENERGY, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law.
- 368 22-E-0127 RXR 196 WILLOUGHBY OWNER LLC - Petition to Submeter Electricity at 196 Willoughby Street, Brooklyn, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 369 22-E-0136 ORANGE AND ROCKLAND UTILITIES, INC. - Petition for Approval, Pursuant to Public Service Law Section 70, to Transfer Street Lighting Facilities to the Town of Wallkill, Orange County, with an Original Cost of Over \$100,000.
- 370 There is no Item 370.
- 371 19-E-0735 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - Petition Requesting Additional NY-Sun Program Funding and Extension of Program Through 2025.
- 372 19-F-0299 EXCELSIOR ENERGY CENTER, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility in the Town of Byron, Genesee County.
- 373 15-F-0122 BARON WINDS, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility.
- 374 22-E-0239 NEW YORK TRANSCO LLC AND ORANGE AND ROCKLAND UTILITIES, INC. - Joint Petition for Approval of a Transfer or Lease of Property in the Town of Chester, Orange County with an Original Cost of Over \$100,000.
- 375 19-F-0366 TRELINA SOLAR ENERGY CENTER, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Develop, Construct and Operate a Solar Generating Facility with a Maximum Generating Capability of 80 MW in the Town of Waterloo, Seneca County.
- 376 20-E-0598 CHPE LLC AND CHPE PROPERTIES, INC. - Petition for Approval of Financing Pursuant to Public Service Law Section 69.

- 21-E-0425 CHPE LLC AND CHPE PROPERTIES, INC. - Petition for an Order Granting Certificate of Public Convenience and Necessity.
- 377 21-E-0580 FISHERS ISLAND ELECTRIC CORPORATION - Petition for Authority to Impose a System Improvement Charge and to Incur Indebtedness for a Term in Excess of Twelve Months Pursuant to Sections 65 and 69 of the Public Service Law.

### WATER

- 461 21-W-0497 WEST BEEKMAN WATER CO., INC. - Petition for Approval of a Financing, an Increase in Rates in the form of a Surcharge, a Surcharge Leaf, and Waiver of Newspaper Publication.
- 462 18-W-0554 NEW YORK AMERICAN WATER COMPANY, INC. - Petition for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Allocation of Certain Tax Refunds between New York American Water Company, Inc. and Ratepayers.
- 20-W-0654 NEW YORK AMERICAN WATER COMPANY, INC. - Petition for Approval, Pursuant to New York State Public Service Law Section 113(2), of the Proposed Disposition of a Sales Tax Refund.
- 21-W-0060 NEW YORK AMERICAN WATER COMPANY, INC. - Petition Pursuant to § 113(2) of the New York State Public Service Law Regarding Property Tax Refund Disposition
- 21-W-0356 NEW YORK AMERICAN WATER COMPANY, INC. - Petition for Approval, Pursuant to New York State Public Service Law Section 113(2), of the Proposed Disposition of a Tax Refund.

### CABLE

- 661 22-V-0290 SPECTRUM NORTHEAST, LLC - Petition for Approval of an Amendment to its Franchise with the Town of Hurley, Ulster County.
- 662 Petitions for Renewal of Cable Television Franchises.
- 22-V-0355 Adams CATV, Inc./Town of Windsor, Broome County.
- 22-V-0367 Cablevision of Brookhaven, Inc./Village of Poquott, Suffolk County.
- 22-V-0370 Cablevision of Warwick, LLC/Village of Greenwood Lake, Orange County.
- 22-V-0401 Cablevision of Wappingers Falls, Inc. /Town of Blooming Grove, Orange County.
- 22-V-0414 Cablevision Systems Long Island Corporation/Village of Hewlett Harbor, Nassau County.
- 22-V-0418 Spectrum Northeast, LLC/Town of Bolivar, Allegany County.
- 22-V-0428 Spectrum Northeast, LLC/Village of Bloomingburg, Sullivan County.

- 663                                      Petitions for Orders of Entry.
- 22-V-0406    Verizon New York Inc./144 Ludlow Street, Manhattan.
- 22-V-0407    Verizon New York Inc./190 East 2nd Street, Manhattan.
- 22-V-0408    Verizon New York Inc./930 Sheridan Avenue, Bronx.
- 22-V-0409    Verizon New York Inc./17 Avenue B, Manhattan.
- 22-V-0410    Verizon New York Inc./593 Riverside Drive, Manhattan.
- 22-V-0411    Verizon New York Inc./849 St. Nicholas Avenue, Manhattan.
- 22-V-0412    Verizon New York Inc./3485 Broadway, Manhattan.
- 664            22-V-0288    SPECTRUM NORTHEAST, LLC - Petition for Approval of an  
Amendment to its Franchise with the Village of Skaneateles, Onondaga  
County.

**No items will be considered on the Consent Agenda for COMMUNICATIONS**

**Instructions to View Video Webcast of Meeting**

In addition to the webcast of the meeting in the Commission's Albany office, the meeting will be webcast live on the Internet. The Internet webcast can be accessed at <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 access the webcast. If you experience problems listening to 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** will be posted for public viewing, if feasible, by 6:00 p.m. the day before a Commission meeting. The proposed draft orders will be made available at: [Documents Scheduled for Discussion at Session](#).

The posted draft orders will be removed by 6:00 p.m. on the day of the Commission meeting, or when the final order is issued, whichever is earlier. (Clicking on this link at any other time than that noted above will result in “No Documents found.”) The proposed draft 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 Department of Public Service 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, October 13, 2022.**