

## Consent Agenda Report for 09/19/2019

The following is a preliminary and informal summary of actions the Commission took at its public session on September 19, 2019. 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

16-G-0058 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff filing of a housekeeping nature updating its pre-tax weighted average cost of capital percentage.

#### ITEM 162-A

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

19-G-0535 BRIZZELL'S CONSTRUCTION SERVICES L.L.C./ NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID - The Commission determined a \$30,000 penalty.

#### ITEM 162-B

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Consent Order Approvals)

19-G-0492 CITY OF UTICA PARKS AND RECREATION DEPARTMENT/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

19-G-0521 BAST HATFIELD CONSTRUCTION, LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

19-G-0522 JERICHO WATER DISTRICT/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

19-G-0523 LEO BOICE & SONS, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION

19-G-0524 LCJ ELECTRICAL CONTRACTORS, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

ITEM 162-B Cont'd.

19-G-0547 FANTOZZI CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to approve Consent Orders in Cases 19-G-0492, 19-G-0521, 19-G-0522, 19-G-0524, and 19-G-0547.

ITEM 162-C

In the Matter of an Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities (Petition for Rehearing)

19-G-0101 GEMINI IRRIGATION/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the petition for rehearing.

ITEM 163

18-G-0446 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve the Honeywell-Elster Rotary-All-By-One (RABO) rotary gas meter for use in gas metering applications in New York State.

ITEM 164

19-G-0365 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve Central Hudson's tariff amendment modifying P.S.C. No. 12 - Gas to add a special provision for individually negotiated contracts to SC 9 - Interruptible Transportation.

ITEM 165

16-G-0181 RESERVE GAS COMPANY, NORTHERN GAS WELL OPERATORS, INC., NEW YORK GAS & OIL, INC., AND/OR 1ST MEDINA GAS PROPERTIES, LLC - The Commission decided to appoint Reserve Gas Co., Inc. as permanent operator of the abandoned gas facilities associated with the 22 wells Northern Gas Well Operators, Inc., New York Gas & Oil, Inc., and 1st Medina Gas Properties and their owners, Michael and Christa Schlegel agreed to transfer to Reserve and other well transfers that Reserve purchased from well operator PPP Development.

ITEM 166  
 18-G-0443 SMITHTOWN CENTRAL SCHOOL DISTRICT ET AL/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the request for commencement of a penalty action on an appeal compliance matter.

**General**

ITEM 261  
 16-M-0330 CTIA - THE WIRELESS ASSOCIATION - The Commission decided to allow the wireless pole attachment rates filed by Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation, made pursuant to the Commission's March 14, 2019 Order in this proceeding, to become effective on a temporary basis on October 1, 2019.

ITEM 262  
 19-M-0509 Rehearing of Commission Determination  
 MR. STEVEN HALSDORF/MR. HECTOR RIVERA AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to uphold the designee's determination.

ITEM 263  
 19-M-0494 Rehearing of Commission Determination  
 MR. ABRAHAM ZUSSMAN/MS. TINA MADURA AND ORANGE AND ROCKLAND UTILITIES INC. - The Commission decided to uphold the designee's determination.

ITEM 264  
 19-E-0375,  
 19-E-0377,  
 19-G-0374 &  
 19-G-0376 Commissioner Diane X. Burman, concurring  
 NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the Companies' tariff amendments to their electric and gas tariff schedules allowing for the collection and remittance of municipal gross receipts taxes on transmission and delivery service from customers taking service from third party providers.

- ITEM 265  
 19-M-0200 MORNING VIEW, LLC and NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny Morning View's petition to waive 16 NYCRR §100.3(b) and certain Niagara Mohawk tariff rules.
- ITEM 266  
 98-M-1343 Commissioner Diane X. Burman, concurring NATIONAL ENERGY MARKETERS ASSOCIATION, THE IMPACTED ESCO COALITION, RETAIL ENERGY SUPPLY ASSOCIATION, DIRECT ENERGY SERVICES LLC, AND THE JOINT UTILITIES - The Commission decided to grant rehearing in part, deny rehearing in part, and provide clarification with respect to the January 18, 2018 Order Modifying the Uniform Business Practices.
- ITEM 267  
 There is no item 267
- ITEM 268  
 18-M-0739 Commissioner Diane X. Burman, concurring NEW YORK CITY HEALTH AND HOSPITALS CORPORATION- The Commission determined that Consolidated Edison’s Designated Technology Exemption applicable to steam customers should be available for the same period as the Designated Technology Exemption applicable to electric customers and that customers taking the Targeted Exemption for electric service should also be eligible for the Designated Technology Exemption for steam service. However, the Commission denies the Petitioner’s request that the Targeted Exemption be extended to steam customers and that the in-service deadline for both exemptions be extended to June 30, 2022.
- ITEM 269  
 18-M-0072 UTILITY RATE ANALYSIS CONSULTANTS – The Commission decided to decline to issue a declaratory ruling.

**Power**

- ITEM 361  
 18-E-0722 HAMILTON MUNICIPAL UTILITIES COMMISSION -  
 The Commission decided to authorize Hamilton  
 Municipal Utilities Commission to increase its annual  
 electric revenues by \$128,826, or 4.2% of total  
 revenues, effective October 1, 2019.
- ITEM 362  
 19-E-0456 &  
 19-E-0457 ORANGE AND ROCKLAND UTILITIES, INC. AND  
 CONSOLIDATED EDISON COMPANY OF NEW  
 YORK, INC. - The Commission decided to approve  
 the tariff filings of Orange and Rockland Utilities, Inc.  
 and Consolidated Edison Company of New York, Inc.  
 implementing a downward adjustment to the  
 demand-based Smart Home Rate Demonstration  
 Project Rates.
- ITEM 363  
 There is no item 363
- ITEM 364  
 14-F-0490 CASSADAGA WIND LLC - The Commission decided  
 to approve Cassadaga Wind LLC's Compliance  
 Filings 21 and 30.
- ITEM 365  
 19-E-0264 900 PALMER OWNERS, INC. - The Commission  
 decided to approve the company's petition to  
 submeter electricity at 900 Palmer Road, Bronxville,  
 New York located in the territory of Consolidated  
 Edison Company of New York, Inc.
- ITEM 366  
 19-E-0090 SCHWEITZER ENGINEERING LABORATORIES -  
 The Commission decided to approve the Schweitzer  
 SEL-735 Power Quality and Revenue Meter for use  
 in distributed energy applications in New York State.
- ITEM 367  
 There is no item 367
- ITEM 368  
 There is no item 368

- ITEM 369  
 19-E-0198 CIVIC CENTER COMMUNITY GROUP BROADWAY LLC - The Commission decided to approve the company's petition to submeter electricity at 108 Leonard Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc.
- ITEM 370  
 15-E-0302 Commissioner Diane X. Burman, concurring  
 The Commission decided to approve the Clean Energy Standard Zero-Emissions Credit Implementation Plan filed on August 3, 2018, as modified by the June 28, 2019 supplemental letter to the petition.
- ITEM 371  
 18-E-0663,  
 18-E-0664 &  
 18-E-0665 Appeal of the Informal Decision  
 BROOKLYN HOSPITAL CENTER/CONSOLIDATED EDISON COMPANY OF NEW YORK. INC. - The Commission decided to uphold the informal hearing decisions, and the complainants' appeals be denied.
- ITEM 372  
 19-E-0266 VILLAGE OF SILVER SPRINGS - The Commission decided to authorize the Village to increase its annual revenues by about \$47,266 or 10.63% of total revenues, effective October 1, 2019.
- ITEM 373  
 19-E-0352 NEW YORK TRANSCO LLC - The Commission decided to approve a proposed debt financing in an amount not to exceed \$400 million for New York Transco LLC which owns and is developing electric transmission facilities in New York.
- ITEM 374  
 19-E-0410 CASSADAGA WIND LLC, BARON WINDS LLC, IRUS WIND DEVELOPMENT LLC, RWE AKTIENGESELLSCHAFT, AND E.ON SE - The Commission decided to confirm the Declaratory Ruling by Chair Rhodes that declares no further review will be conducted of the proposed transactions described in the Petition filed in this proceeding.

**Water**

ITEM 461  
 19-W-0556 ARBOR HILLS WATERWORKS, INC., BONIVILLE WATER COMPANY, INC., AND KNOLLS WATER CO., INC. - The Commission decided to commence a review of the capital needs of Arbor Hills Waterworks, Inc., Boniville Water Company, Inc., and Knolls Water Co., Inc. and order the owner of the systems to demonstrate how they will provide the necessary investments.

ITEM 462  
 19-W-0546 BATTISTI WATER SUPPLY CORPORATION - The Commission decided to appoint New York American Water Company, Inc. temporary operator of the Battisti Water System.

ITEM 463  
 17-W-0528 SUEZ WATER OWEGO-NICHOLS INC. - The Commission decided to approve, on a permanent basis, the Company's compliance tariff amendments effectuating Rate Year 2.

**Communications**

ITEM 561  
 19-C-0286 VERIZON NEW YORK INC. – Report on the Company’s Service Quality during the 2<sup>nd</sup> Quarter of 2019.

ITEM 562  
 15-M-0388 &  
 18-M-0178 CHARTER COMMUNICATIONS AND TIME WARNER CABLE - The Commission determined that the escrow funds identified by Charter Communications, Inc., comply with the terms of the 2019 Settlement Agreement. The 2019 Settlement Agreement specifically required Charter to place \$6 million in escrow for the purpose of funding additional expansion efforts.

**Cable**

- ITEM 661  
 19-V-0393 VERIZON NEW YORK INC. - The Commission decided to approve the company’s petition for an Order of Entry 660 Bergen Street, Brooklyn, NY.
- ITEM 662  
 19-V-0394 VERIZON NEW YORK INC. - The Commission decided to approve the company’s petition for an Order of Entry for 2010 Ocean Avenue, Brooklyn, NY.
- ITEM 663  
 19-V-0388 VERIZON NEW YORK INC. - The Commission decided to approve the company’s petition for an Order of Entry for 43-09 40th Street, Queens, NY.
- ITEM 664  
 19-V-0387 VERIZON NEW YORK INC. - The Commission decided to approve the company’s petition for an Order of Entry for 450 West 147th Street, New York, NY.
- ITEM 665  
 19-V-0312 TIME WARNER CABLE NORTHEAST LLC/TOWN OF LEWIS, LEWIS COUNTY.  
 19-V-0443 SUFFOLK CABLE OF SHELTER ISLAND, INC./TOWN OF SHELTER ISLAND, SUFFOLK COUNTY.  
 19-V-0504 TIME WARNER CABLE NORTHEAST LLC/TOWN OF PERSIA, CATTARAUGUS COUNTY.  
 19-V-0511 TIME WARNER CABLE NORTHEAST LLC/TOWN OF HIGHLAND, SULLIVAN COUNTY.
- The Commission decided to approve the cable franchise renewals listed above.
- ITEM 666  
 18-V-0218 Appeal of the Informal Decision  
 ARTURO BATAAC/SPECTRUM-NEW YORK CITY - The Commission decided to deny the complainant's rehearing because it was untimely and failed to state sufficient grounds for a rehearing.