

Consent Agenda Report for 02/23/2016



The following is a preliminary and informal summary of actions the Commission took at its public session on February 23, 2016. 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-0009 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to approve the company's filing of a housekeeping nature correcting typographical errors.
- ITEM 162
11-G-0280 CORNING NATURAL GAS CORPORATION - The Commission decided to approve, on a permanent basis, the company's compliance tariff filing effectuating Rate Year 4 pursuant to Commission Order.
- ITEM 163
06-G-1185 & 06-G-1186 THE BROOKLYN UNION GAS COMPANY D/B/A KEYSpan ENERGY DELIVERY NEW YORK and KEYSpan GAS EAST CORPORATION D/B/A KEYSpan ENERGY DELIVERY LONG ISLAND - The Commission decided to approve, on a permanent basis, the companies' compliance tariff filings pursuant to the Commission's Order Authorizing Recovery of Deferred Balances, issued November 28, 2012 and the Commission's Order Approving Grid NY's SIR Recovery Surcharge Increase, issued October 19, 2015.

ITEM 164

Enforcement Proceedings for Alleged Violations of 16
NYCRR Part 753 – Protection of Underground
Facilities

- 15-G-0156 SQUIRES, PIERSON & SONS, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 15-G-0159 ALX HUNTER EXCAVATION, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 15-G-0679 EV MASONRY/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0732 UPSTATE MACHINERY & DEMOLITION/VALLEY ENERGY.
- 16-G-0035 SWANSON BUILDERS INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 16-G-0036 SENTRALE CONSTRUCTION CORPORATION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 16-G-0037 ROCCO AGOSTINO LANDSCAPE & GENERAL CONTRACTOR CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 16-G-0038 BOTANICA LANDSCAPE & CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 16-G-0039 DISANO CONSTRUCTION CO., INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 16-G-0040 BULLROCK CONCRETE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0041 MARDERS THE LANDSCAPE STORE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0042 J. TORTORELLA SWIMMING POOL'S INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0043 BANCKER CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0044 WHITMORES LANDSCAPING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0045 FIDELE CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0046 DJN ENTERPRISES OF WESTERN NEW YORK, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

ITEM 164 (Cont'd)

- 16-G-0047 AGLE TRENCHING & EXCAVATING, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 16-G-0048 AMERICAN DESIGN & CONTRACTING/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 16-G-0049 THE LEIPOLD GROUP LLC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 16-G-0050 SONNY DAYS MANAGEMENT L.L.C./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 16-G-0051 SARCONE MASONRY, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0057 NASSAU COUNTY DEPARTMENT OF PUBLIC WORKS/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

The Commission decided to grant Consent Orders in Cases 15-G-0057, 15-G-0156, 15-G-0679, 16-G-0036, 16-G-0037, 16-G-0040, 16-G-0041, 16-G-0042, 16-G-0043, 16-G-0044, 16-G-0045, 16-G-0047, 16-G-0048, and 16-G-0051, determined a \$22,500 penalty in Case 16-G-0035, determined \$2,500 penalties in Cases 15-G-0732, 16-G-0038, 16-G-0039, 16-G-0046, 16-G-0049, and 16-G-0050, and granted a petition for reconsideration in Case 15-G-0159.

ITEM 165

- 15-T-0701 BLUESTONE GAS CORPORATION OF NEW YORK, INC. - The Commission decided to grant the petition for an amendment to the Certificate of Environmental Compatibility and Public Need filed by the company, on December 4, 2015.

General

ITEM 261

98-M-1343, 12-M-0476 & 98-M-0667 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., NATIONAL FUEL GAS DISTRIBUTION CORPORATION, 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 The Commission decided to grant waivers for the requirements of Public §66(12)(b) and 16 NYCRR §720-8.1 regarding newspaper publication and grants waivers to the electric and gas utilities filings to be made pursuant to the December 23, 2015 Order issued in this proceeding.

ITEM 262

15-M-0263

ENGINEERED ENERGY SOLUTIONS, LLC - The Commission decided to seek consequences against the company for violations of the Uniform Business Practices.

Power

ITEM 361

15-E-0580

UPSTATE NEW YORK POWER PRODUCERS, INC.; CAYUGA OPERATING COMPANY, LLC; SOMERSET OPERATING COMPANY, LLC; and RIESLING POWER LLC - The Commission decided to approve the transfer of ownership interests in Cayuga and Somerset.

ITEM 362

15-E-0364

MOHAWK MUNICIPAL COMMISSION - The Commission decided to approve the company's cancellation supplement withdrawing its tariff filing to increase annual electric revenues by about \$113,119 or 13.74%.

- ITEM 363
 15-E-0684 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff filing clarifying revisions to Rule 34 - Economic Development Programs.
- ITEM 364
 15-E-0210 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff filing modifying Rule 28 - Special Services performed by company at a charge contained in P.S.C. No. 220 - Electricity.
- ITEM 365
 14-E-0318 & 14-G-0319 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to waive the monthly billing requirement for the subset of customers categorized as net metered customers. In addition, the Commission approved the company's request to prorate the Electric Energy Cost Adjustment Mechanism (ECAM) by using billing days for all electric customers.
- ITEM 366
 10-E-0421 Appeal of Informal Hearing Decision
 HUDSON NATIONAL GOLF CLUB/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the complainant's appeal and uphold the informal review decision.
- ITEM 367
 12-T-0502, 13-E-0488, 13-T-0454, 13-T-0455, 13-T-0456, 13-M-0457, 13-T-0461, The Commission decided to deny the petition of Boundless Energy NE, LLC for rehearing of the December 17, 2015 Order Finding Transmission Needs Driven by Public Policy Requirements because the petition fails to demonstrate that the Commission committed an error of law or fact, or that new circumstances warrant a different determination.
- ITEM 368
 15-E-0184 CITY OF JAMESTOWN - The Commission decided to authorize the City to increase its annual electric revenues by about \$816,352 or 1.69% of total revenues.

- ITEM 369
 15-E-0698 ALBANY ENGINEERING CORPORATION - The Commission decided to deny the company's petition for a declaratory ruling that the two hydroelectric generation facilities located at the Mechanicville Station meet the definition of micro-hydroelectric generating equipment because the facilities are not separately sited and so do not meet the statutory 2 MW net metering limitation imposed by the Public Service Law.
- ITEM 370
 10-E-0312 Appeal of Informal Hearing Decision
 LANDY MICHAELS REALTY CORP./
 CONSOLIDATED EDISON COMPANY OF
 NEW YORK, INC. - The Commission decided to grant complainant's appeal and reverse the informal hearing decision.
- ITEM 371
 12-E-0503 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the Motion filed on October 8, 2015, by Con Edison. The Commission accepted a modified Indian Point Energy Center Reliability Contingency Plan that does not include the forced cooling phase of the Staten Island project in the event Con Edison does not renew transmission services with PJM Interconnection, LLC.
- ITEM 372
 07-E-0088 & 05-E-1180 The Commission decided to adopt an Installed Reserve Margin of 17.5% for the New York Control Area for the upcoming 2016-2017 Capability Year.
- ITEM 373
 12-E-0577 The Commission decided to conclude its inquiry into the potential repowering options regarding the Cayuga electric generating facility, finding that repowering the Cayuga facility is not in public interest or warranted based on the limited benefits. The Commission also denied a motion filed by Earthjustice.

ITEM 374

15-E-0132 VILLAGE OF ARCADE - The Commission decided to approve the Village to increase annual electric revenues by about \$57,403 or 0.63%.

ITEM 375

15-E-0302, 14-M-0101, 14-M-0094, 13-M-0412, 10-M-0457, 07-M-0548 & 03-E-0188 - The Commission decided to accept the draft supplemental Environmental Impact Statement (Draft SEIS) prepared by Staff in connection with proposed actions by the Public Service Commission in connection with the Clean Energy Standard to provide funding for the construction of new and continuing support for existing renewable and other non-emitting electric generating facilities. The Commission determined that the Draft SEIS comported with the regulations implementing SEQRA, in particular, 6 NYCRR §617.9 and §617.10, accepted the Draft SEIS as complete, and directed the Secretary to issue it for public comment."

Water

ITEM 461

15-W-0639 NEW YORK AMERICAN WATER COMPANY, INC. AND THE ASSOCIATION OF OWNERS OF MILL NECK ESTATES, INC. - The Commission decided to approve the joint petition, allowing the companies' to purchase all assets of the Association of Owners of Mill Neck Estates, Inc.

ITEM 462

15-W-0590 WEST BRANCH ACRES, INC. - The Commission decided that the company be allowed to implement an emergency repair surcharge of \$84.13 per customer per quarter for three quarters to be recovered through an Emergency Repair Statement to become effective April 1, 2016, and waived the requirements of Public Service Law §89-c(10) and 16 NYCRR §720-8.1 for newspaper publication.

- ITEM 463
13-W-0246 UNITED WATER NEW YORK INC. - The Commission decided that it has effectively reheard and reconsidered the Surcharge Order, and, on the merits, reaffirmed its findings and result with two adjustments.
- ITEM 464
16-W-0079 CORBIN HILL WATER CORP. - The Commission decided to require the company to replace one of its current uranium filters and reconfigure its remaining filters, as recommended by the Orange County Department of Health, report on efforts to connect to the Town of Highlands water system and the installation of meters for all ratepayers.
- Communications**
- ITEM 561
16-C-0056 COMCAST PHONE OF NEW YORK, LLC D/B/A CIMCO AND FIRST COMMUNICATIONS, LLC - The Commission decided to approve the companies' joint petition, a Division of Comcast Business Service (Comcast Phone), for First Communications to acquire certain New York assets of Comcast Phone, including customers.
- ITEM 562
15-C-0236 VERIZON NEW YORK INC. - The Commission decided to present a report that describes the service quality provided by the company during the fourth quarter of 2015. VNY incurred no penalties during that calendar quarter.
- ITEM 563
15-C-0095 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition seeking the disposition of \$5,120,869, the regulated intrastate portion of a 1992-2002 settlement claim refund from the Town of Hempstead, subject to conditions.
- ITEM 564
15-C-0383 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition seeking the disposition of \$1,030,763, the regulated intrastate portion of a 2014-2015 tax year, settlement claim refund from the City of New York.

ITEM 565
15-C-0091 VERIZON NEW YORK INC. - The Commission decided to approve the company's proposed disposition of the \$2,012,317, the regulated intrastate portion of a 2008, 2009, 2010 and 2012 property tax refund from the Town of Oyster Bay, subject to conditions.

ITEM 566
10-C-0105 NEW ERA CAP COMPANY, INC./ALLTEL DIRECT - The Commission decided to deny complainant's appeal, in part, and reverse the informal hearing decision, in part.

Cable

ITEM 661
15-V-0693 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition for Orders of Entry at 35 Multiple-Dwelling Unit Buildings in the City of New York because certain building owners/representatives failed to answer the petitions despite numerous attempts to obtain a response and therefore are in default.

ITEM 662
15-V-0739 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition for Orders of Entry at 38 Multiple-Dwelling Unit Buildings in the City of New York because certain building owners/representatives failed to answer the petitions despite numerous attempts to obtain a response and therefore are in default.

ITEM 663
15-V-0738 VERIZON NEW YORK INC. - The Commission decided to approve some of the company's petitions for Orders of Entry at certain of the 43 Multiple-Dwelling Unit Buildings in the City of New York because those building owners/representatives failed to answer the petitions despite numerous attempts to obtain a responses and therefore are in default.