



## Public Service Commission

**For Immediate Release:** 09/13/19

John B. Rhodes, Chair

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### **COMMISSION ISSUES PRELIMINARY SEPTEMBER 19, 2019 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 19, 2019, in the 19th Floor Board Room of its offices located at Three Empire State Plaza, Albany. 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)

No items will be considered on the Regular Agenda for **GAS, GENERAL, 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	16-G-0058	KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
162-A	19-G-0535	BRIZZELL'S CONSTRUCTION SERVICES L.L.C./ NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID - In the Matter of an Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753- Protection of Underground Facilities, in the Service Territory of Niagara Mohawk Power Corporation, d/b/a National Grid.
162-B		In the Matter of an Enforcement Proceeding for Alleged Violation 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	JERICOHO WATER DISTRICT/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
	19-G-0524	LCJ ELECTRICAL CONTRACTORS, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
	19-G-0547	FANTOZZI CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
162-C	19-G-0101	GEMINI IRRIGATION/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - In the Matter of an Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of KeySpan Gas East Corporation d/b/a National Grid. (Petition for Rehearing)
163	18-G-0446	CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Petition for Approval of Honeywell's Rabo Rotary Meter.
164	19-G-0365	CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Tariff Filing to Modify Its Gas Tariff Schedule, P.S.C. No. 12 - Gas, to Add a Special Provision for Individually Negotiated Contracts to Service Classification No. 9 - Interruptible Transportation.

- 165 16-G-0181 RESERVE GAS COMPANY, NORTHERN GAS WELL OPERATORS, INC., NEW YORK GAS & OIL, INC., AND/OR 1ST MEDINA GAS PROPERTIES, LLC - In the Matter of an Investigation into Gas Services Provided in the Town of Alden, New York.
- 166 18-G-0443 SMITHTOWN CENTRAL SCHOOL DISTRICT ET AL/ KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures' Appeal of the Informal Decision Rendered in Favor of KeySpan Gas East Corporation d/b/a National Grid.  
(551960/551962/551964/551966/551968/551970/552152/552158/552160)

### GENERAL

- 261 16-M-0330 CTIA - THE WIRELESS ASSOCIATION - Petition to Update and Clarify Wireless Pole Attachment Protections.
- 262 19-M-0509 MR. STEVEN HALSDORF/MR. HECTOR RIVERA AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - In the Matter of a Commission Designee's Determination Pursuant to PSL Section 52-Rehearing Petition of the Designee's Determination Rendered in Favor of Mr. Hector Rivera and Niagara Mohawk Power Corporation d/b/a National Grid (835109).
- 263 19-M-0494 MR. ABRAHAM ZUSSMAN/MS. TINA MADURA AND ORANGE AND ROCKLAND UTILITIES INC. - In the Matter of a Commission Designee's Determination Pursuant to PSL Section 52 - Rehearing Petition of the Designee's Determination Rendered in Favor of Ms. Tina Madura and Orange and Rockland Utilities Inc. (829907).
- 264 19-E-0375 NEW YORK STATE ELECTRIC & GAS CORPORATION - Tariff Filing to Modify Its Electric Tariff Schedules, P.S.C. Nos. 120 and 121, to Allow Recovery of Municipal Gross Receipts Taxes on Transmission and Delivery Service from Customers Taking Service from Third Party Providers.
- 19-E-0377 ROCHESTER GAS AND ELECTRIC CORPORATION - Tariff filing to Modify Its Electric Tariff Schedules, P.S.C. Nos. 18 and 19, to Allow Recovery of Municipal Gross Receipts Taxes on Transmission and Delivery Service from Customers Taking Service from Third Party Providers.
- 19-G-0374 NEW YORK STATE ELECTRIC & GAS CORPORATION - Tariff Filing to Modify Its Gas Tariff Schedules, P.S.C. Nos. 87 and 88, to Allow Recovery of Municipal Gross Receipts Taxes on Transmission and Delivery Service from Customers Taking Service from Third Party Providers.

- 19-G-0376 ROCHESTER GAS AND ELECTRIC CORPORATION - Tariff filing to Modify Its Gas Tariff Schedule, P.S.C. No. 16, to Allow Recovery of Municipal Gross Receipts Taxes on Transmission and Delivery Service from Customers Taking Service from Third Party Providers.
- 265 19-M-0200 MORNING VIEW, LLC - Petition for a Limited and Conditional Waiver of Niagara Mohawk Power Corporation's Tariff.
- 266 98-M-1343 In the Matter of Retail Access Business Rules.
- 267 There is no Item 267.
- 268 18-M-0739 CITY OF NEW YORK - Petition for a Declaratory Ruling Regarding Consolidated Edison Company of New York, Inc.'s Standby Rate Exemptions Under Its Steam and Electric Service Tariffs.
- 269 18-M-0072 UTILITY RATE ANALYSIS CONSULTANTS – Petition for a Declaratory Ruling Concerning the Removal of Customers from Direct Pay when a Consumer Elects to Utilize the Complaint Process under 16 NYCRR §12.

#### **POWER**

- 361 18-E-0722 HAMILTON MUNICIPAL UTILITIES COMMISSION - Minor Rate Filing to Increase its Annual Revenues by about \$213,484 or 7.0%.
- 362 19-E-0456 ORANGE AND ROCKLAND UTILITIES, INC. - Tariff filing to Modify Its Electric Tariff Schedule, P.S.C. No. 3 - Electricity, to Adjust the Demand-based Smart Home Rate Demonstration Project (SHR) Rates.
- 19-E-0457 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Tariff filing to Modify Its Electric Tariff Schedule, P.S.C. No. 10 - Electricity, to Adjust the Demand-based Smart Home Rate Demonstration Project (SHR) Rate.
- 363 17-T-0752 PSEG LONG ISLAND LLC - Application on Behalf of and as Agent for the Long Island Lighting Company d/b/a LIPA for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the Public Service Law for the Western Nassau Transmission Project.
- 364 14-F-0490 CASSADAGA WIND LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Project.
- 365 19-E-0264 900 PALMER OWNERS, INC. - Notice of Intent to Submeter Electricity at 900 Palmer Road, Bronxville, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 366 19-E-0090 SCHWEITZER ENGINEERING LABORATORIES - Petition for Approval of the SEL-735 Power Quality and Revenue Meter under Part 93.

- 367                    There is no Item 367.
- 368                    There is no Item 368.
- 369    19-E-0198    CIVIC CENTER COMMUNITY GROUP BROADWAY LLC - Notice of intent to Submeter Electricity at 108 Leonard Street, New York, New York 10013, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 370    15-E-0302    Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.
- 371    18-E-0663    BROOKLYN HOSPITAL CENTER/CONSOLIDATED EDISON COMPANY OF NEW YORK. INC. - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York. Inc. (732688)
- 18-E-0664    BROOKDALE HOSPITAL MEDICAL CENTER/CONSOLIDATED EDISON COMPANY OF NEW YORK. INC. - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York. Inc. (732908)
- 18-E-0665    101 PARK AVE ASSOCIATES/KALIKOW PROPERTIES/CONSOLIDATED EDISON COMPANY OF NEW YORK. INC. - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York. Inc. (732910)
- 372    19-E-0266    VILLAGE OF SILVER SPRINGS - Minor Rate filing to Increase Its Annual Revenues by about \$57,746 or 12.98%.
- 373    19-E-0352    NEW YORK TRANSCO LLC - Petition for an Order Approving Financing.
- 374    19-E-0410    Joint Petition of Cassadaga Wind LLC, Baron Winds LLC, IRUS Wind Development LLC, RWE Aktiengesellschaft, and E.ON SE for a Declaratory Ruling Concerning That No Further Review of Upstream Ownership Transfers is Required Under Public Service Law Section 70.

#### **WATER**

- 461    19-W-0556    ARBOR HILLS WATERWORKS, INC., BONIVILLE WATER COMPANY, INC., AND KNOLLS WATER CO., INC. - In the Matter to Review the Need for Capital Investments.
- 462    19-W-0546    BATTISTI WATER SUPPLY CORPORATION - In the Matter of the Continued Operation.

- 463 17-W-0528 SUEZ WATER OWEGO-NICHOLS INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.

### COMMUNICATIONS

- 561 19-C-0286 VERIZON NEW YORK INC. – Report on the Quality of Service Provided During the 2<sup>nd</sup> Quarter of 2019.
- 562 15-M-0388 CHARTER COMMUNICATIONS AND TIME WARNER CABLE - Joint Petition for Approval of a Transfer of Control of Subsidiaries and Franchises, Pro Forma Reorganization, and Certain Financing Arrangements.
- 18-M-0178 CHARTER COMMUNICATIONS, INC. - Proceeding to Investigate Whether the Company and its Subsidiaries Providing Service Under the Trade Name “Spectrum” Have Materially Breached Their New York City Franchises.

### CABLE

- 661 19-V-0393 VERIZON NEW YORK INC. - Petition for an Order of Entry for 660 Bergen Street, Brooklyn, New York.
- 662 19-V-0394 VERIZON NEW YORK INC. - Petition for an Order of Entry for 2010 Ocean Avenue, Brooklyn.
- 663 19-V-0388 VERIZON NEW YORK INC. - Petition for an Order of Entry for 43-09 40th Street, Queens, New York.
- 664 19-V-0387 VERIZON NEW YORK INC. - Petition for an Order of Entry for 450 West 147th Street, Manhattan, New York.
- 665 Petitions for Renewal of Cable Television Franchises.
- 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.
- 666 18-V-0218 ARTURO BATAAC/SPECTRUM-NEW YORK CITY - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Spectrum-New York City (734730).

## **Instructions to View Video Webcast of Meeting**

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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.

## **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 Commission's 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 17, 2019, in Albany, New York.**

**Pursuant to procedures established by the building management, anyone planning to view the meeting in the New York City Office or Albany Office must be prepared to show valid photo identification upon arrival.** The webcasting will be for viewing and listening purposes only.

In addition, the meeting will be webcast live on the Internet. The Internet webcast can be viewed by accessing <http://www.dps.ny.gov/Webcasts.html>.

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