



Consent Agenda Report for 09/15/2016

The following is a preliminary and informal summary of actions the Commission took at its public session on September 15, 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	11-G-0217	<u>Appeal of Informal Hearing Decision</u> MR. MICHEL SAINT-FLEUR/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID - The Commission decided to uphold the informal hearing decision.
ITEM 162	10-G-0028	APARTMENT MANAGEMENT ASSOCIATES/LAWRENCE TOWERS/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID - The Commission decided to uphold its original determination.
ITEM 163		In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: <u>Protection of Underground Facilities.</u>
	15-G-0419	HOMGREN ENTERPRISES, INC. D/B/A VIKING LAND CLEARING/ORANGE AND ROCKLAND UTILITIES, INC.
	15-G-0671	TO THE MAX LANDSCAPING, LLC/ORANGE AND ROCKLAND UTILITIES, INC.
	15-G-0724	FIRST RATE LANDSCAPING & CONSTRUCTION, INC./ORANGE AND ROCKLAND UTILITIES, INC.
	16-G-0435	MOUNT PLEASANT HIGHWAY/SANITATION DEPARTMENT/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	16-G-0436	APOLLO CONSTRUCTION & DEVELOPMENT, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	16-G-0437	C & F PAVING AND CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	16-G-0438	VILLAGE OF SLEEPY HOLLOW-DPW/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	16-G-0439	LANG POOLS INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	16-G-0441	KRAZY KLEAN, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
	16-G-0442	MOTT'S TREE SERVICE & LANDSCAPING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

ITEM 163 (Cont'd.)

- 16-G-0443 NRG MAGIC CONSTRUCTION INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0444 SCOTT MILLER LANDSCAPE MAINTENANCE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0445 ADVANCE CONCRETE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0446 D&S ART STONE CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0447 ISLANDER CESSPOOL SERVICE/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0448 DEA CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0449 IRWIN CONTRACTING OF LONG ISLAND, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0450 J.N. DIAZ CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0451 METRO GROUP OF LONG ISLAND INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0452 EAST END UNDERGROUND UTILITIES, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0453 UNITED FENCE AND GUARD RAIL CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0454 CASOLA WELL DRILLERS, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0455 GREALISH TREE SERVICE/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 16-G-0456 MILLENNIUM CONSTRUCTION, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 16-G-0458 J C MC CASHION CONSTRUCTION LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 16-G-0459 IT'S PARKER'S LANDSCAPE, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 16-G-0460 CITY OF UTICA DEPARTMENT OF PUBLIC WORKS/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 16-G-0461 GENERATION ELECTRICAL CORP./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 16-G-0462 JAT CONSTRUCTION CO., INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 16-G-0463 ZURLA EXCAVATING, INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 16-G-0464 AROLDI ROCA LANDSCAPING/ORANGE AND ROCKLAND UTILITIES, INC.
- 16-G-0466 TITAN REALTY & CONSTRUCTION LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

- ITEM 163 (Cont'd.)
 16-G-0467 DYNATEC CONTRACTING INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
 The Commission decided to grant Consent Orders in Cases 16-G-0436, 16-G-0438, 16-G-0439, 16-G-0454, 16-G-0455, 16-G-0456, 16-G-0459, 16-G-0460, 16-G-0461, and 16-G-0462, and determined \$2,500 penalties in Cases 15-G-0419, 15-G-0671, 15-G-0724, 16-G-0435, 16-G-0437, 16-G-0441, 16-G-0442, 16-G-0443, 16-G-0444, 16-G-0445, 16-G-0446, 16-G-0447, 16-G-0448, 16-G-0449, 16-G-0450, 16-G-0451, 16-G-0452, 16-G-0453, 16-G-0458, 16-G-0463, 16-G-0464, 16-G-0466, and 16-G-0467.
- ITEM 164 There is no Item 164
- ITEM 165 There is no Item 165
- ITEM 166 14-G-0330 KEYSpan GAS EAST CORP. D/B/A NATIONAL GRID
 14-G-0331 LONG ISLAND, and THE BROOKLYN UNION GAS
 06-G-1185 COMPANY D/B/A NATIONAL GRID NEW YORK - The
 06-G-1186 Commission decided to approve the companies' tariff filings revising their retail access programs under KEDNY's Service Classification No. 19 - Seller Transportation Aggregation Service and KEDLI's Service Classification No. 8 – Seller Service, as contained in their in their gas tariff schedules.
- ITEM 167 16-G-0325 CORNING NATURAL GAS CORPORATION - The Commission decided to grant the requested 30 day waiver of the Commission's policy on historic test years.
- ITEM 168 11-G-0463 MR. SOO JAI LEE/CONSOLIDATED EDISON OF NEW YORK, INC. - The Commission decided to modify the informal hearing decision.
- ITEM 169 11-G-0182 RESERVE GAS COMPANY - The Commission decided to make permanent its emergency rule that authorized the company to continue providing service and billing to six customers located on Sullivan Road, Alden, New York.

General

- ITEM 261 There is no Item 261
- ITEM 262 There is no Item 262.
- ITEM 263 14-M-0101 The Commission decided to require the state's electric
 15-M-0501 utilities to make specific changes to their codes of conduct.

- ITEM 264
- 16-M-0176 Rehearing of Designees' Determinations.
MR. BIDHAN C. DAS/MS. ROSA CABREARA and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 16-E-0177 MR. JOHN KIBBLER/MR. JORDAN REBER and NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 16-E-0262 MS. DEBORAH WILTROUT/MS. TIFFANY LOPEZ and NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- The Commission decided to uphold its original determinations.
- ITEM 265 There is no Item 265.
- ITEM 266 There is no item 266.
- ITEM 267 15-S-0514 Rehearing of Designee Determination
FIFTH AND 67TH ST., INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to grant, in part, and deny, in part, the rehearing request.
- ITEM 268-A 15-E-0516
15-G-0571 GREENIDGE GENERATION LLC and GREENIDGE PIPELINE LLC and GREENIDGE PIPELINE PROPERTIES CORPORATION - The Commission decided to grant the Company a Certificate of Public Convenience and Necessity and provide that the petitioners will be lightly regulated as electric and gas corporations (as applicable).
- ITEM 268-B 15-T-0586 GREENIDGE PIPELINE LLC; GREENIDGE PIPELINE PROPERTIES CORPORATION - The Commission decided to grant the Company a Certificate of Environmental Compatibility and Public Need.
- ITEM 269 There is no Item 269
- ITEM 270 15-S-0523
16-S-0134 CITY OF NEW YORK/THE REAL ESTATE BOARD OF NEW YORK and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – The Commission decided to approve in part, modify in part, and reject in part, the petition of the City and the Real Estate Board, and approved the tariff revisions of the Company making various changes to Service Classification No. 4 - Back-Up/ Supplementary Service, P.S.C. No. 4 – Steam.

Power

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| ITEM 361 | 16-E-0184 | HV HOUSING, LLC - The Commission decided to approve the company's petition to submeter electricity at 45 Vandeburgh Avenue, Troy, New York, located in the territory of National Grid. |
| ITEM 362 | 16-E-0136 | IGI-GGP RENWICK LLC - The Commission decided to approve the company's petition to submeter electricity at 15 Renwick Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc. |
| ITEM 363 | 16-E-0011 | 31 LINCOLN ROAD DEVELOPMENT LLC - The Commission decided to approve the company's petition to submeter electricity at 31-33 Lincoln Road, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York Inc. |
| ITEM 364 | 15-E-0695 | 910 FIFTH AVENUE CORPORATION -The Commission decided to approve the company's petition to submeter electricity at 910 Fifth Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York Inc. |
| ITEM 365 | 15-E-0441 | 20 WEST 53RD STREET, L.L.C. - The Commission decided to approve the company's petition to submeter electricity at 20 West 53rd Street, New York, New York, located in the territory of Consolidated Edison Company of New York Inc. |
| ITEM 366 | 16-E-0010 | 31 LINCOLN ROAD DEVELOPMENT LLC - The Commission decided to approve the company's petition to submeter electricity at 510 Flatbush Avenue, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York Inc. |
| ITEM 367 | 16-E-0266 | <u>Rehearing of Designee's Determination</u>
MKA HOLDINGS INC./MS. TANESSA GREENE/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold its original determination. |

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| ITEM 368 | 16-E-0293 | <u>Rehearing of Designees' Determinations</u>
MR. ZING GUANG WANG/MR. JORGE FERNANDEZ/
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC |
| | 16-E-0309 | MR. ANTHONY FIERRO/MS. EMILY MALLORY/
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC |
| | 16-E-0331 | MS. DEANNA GARFINKEL/MS. LINDSAY GARFINKEL/
MALCOLM X PROPERTIES LLC/CONSOLIDATED
EDISON COMPANY OF NEW YORK, INC. |
| | | The Commission decided to uphold its original
determinations. |
| ITEM 369 | 15-E-0319 | 47 EAST 34TH STREET (NY), L.P. - The Commission
decided to approve the company's petition to submeter
electricity at 49 East 34th Street, New York, New York,
located in the territory of Consolidated Edison Company of
New York Inc. |
| ITEM 370 | 15-E-0463 | 605 WEST 42ND OWNER LLC - The Commission decided
to approve the company's request to submeter electricity at
605 West 42nd Street, New York, New York located in the
territory of Consolidated Edison Company of New York, Inc. |
| ITEM 371 | 11-T-0534 | ROCHESTER GAS AND ELECTRIC CORPORATION - The
Commission decided to amend a Certificate of
Environmental Compatibility and Public Need by (1)
changing the location of a new substation, moving it from a
site on the Krenzer farm to vacant land across the Genesee
River to the east, and (2) altering the route of two new 115
kV transmission lines to follow the right-of-way of an existing
NYPA line through property on which the US Department of
Agriculture holds a conservation easement, instead of
following a "zig-zag" route through farm fields. |
| ITEM 372 | 16-E-0131 | SKYVIEW PARC II LP - The Commission decided to
approve the company's petition to submeter electricity at
131-05, 131-03 and 131-01 40th Road, Flushing, New York,
located in the territory of Consolidated Edison Company of
New York Inc. |
| ITEM 373 | 15-E-0307 | MASSENA ELECTRIC DEPARTMENT - The Commission
decided to approve, on a permanent basis, the Company's
compliance filing effectuating the Rate Year May 1, 2016
through April 30, 2017, pursuant to Commission Order
issued April 21, 2016. |

- ITEM 374 16-E-0392 DANSKAMMER ENERGY, LLC - The Commission decided to find and declare that the proposed grant of an easement over and under property adjacent to the Danskammer electric generating facility is in the public interest and further review under Public Service Law Section 70 is not needed.
- ITEM 375 16-E-0401 RIVERSTONE HOLDINGS LLC, TALEN ENERGY SUPPLY, LLC, MACH GEN, LLC, NEW MACH GEN, LLC and NEW ATHENS GENERATING COMPANY, LLC - The Commission decided to find and declare that the petitioners' proposal to acquire additional indirect upstream ownership interests in jurisdictional electric generation facilities satisfies the Wallkill Presumption criteria and does not require further regulatory review under Public Service Law Section 70.
- ITEM 376 There is no Item 376.
- ITEM 377 16-E-0397 ALCOA INC., ALCOA POWER GENERATING INC. and ALCOA CORPORATION - The Commission decided to find and declare that the petitioners' proposed restructuring and transfer of upstream ownership interests in jurisdictional electric generation and transmission facilities satisfies the Wallkill Presumption criteria and does not require further regulatory review under Public Service Law Section 70.
- ITEM 378 12-E-0503 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - The Commission decided to grant the Companies' authority to extend both the Demand Management and Combined Heat and Power program components of the Indian Point Demand Management Program, as well as offer reduced incentive payments for demand management projects with an in-service date after the original June 1, 2016 deadline.

ITEM 379 16-E-0408 CRICKET VALLEY ENERGY CENTER, LLC, CRICKET VALLEY ENERGY HOLDINGS LLC, AP CRICKET VALLEY HOLDINGS II, INC., APNA HOLDINGS GMBH, 730 CRICKET, LLC, BLACKROCK FINANCIAL MANAGEMENT, INC. and ASG FRONTIER HOLDINGS, LLC - The Commission decided to find and declare that the petitioners' proposal to transfer indirect upstream ownership interests in jurisdictional electric generation facilities satisfies the Walkkill Presumption criteria and does not require further regulatory review under Public Service Law Section 70. The proposal to restructure the intra-corporate reorganization by inserting a holding company into the ownership structure similarly does not require further review under PSL Section 70. The Commission also decided to find and declare that 730 Cricket, BFM, and ASG Frontier will not become electric corporations by virtue of acquiring passive interests in jurisdictional facilities, but a future transfer of upstream ownership interests to an as-yet-unknown buyer cannot be approved at this time.

WATER

ITEM 461 16-W-0415 ARBOR HILL WATERWORKS, INC. - The Commission decided to confirm a one commissioner order by Audrey Zibelman, Chair that ordered the Company to show cause why a temporary operator should not be appointed pursuant to Public Service Law §112-a.

ITEM 462 16-W-0390 NORTHEAST WATER SERVICES, FOREST PARK WATER COMPANY, INC., HILLTOP MEADOWS WATER-WORKS CORP., and MISTY HILLS WATER CORPORATION - The Commission decided to adopt on a permanent basis its prior emergency order appointing Suez Water New York, Inc. temporary operator of the Forest Park water systems.

ITEM 463 16-W-0121 ROLLING MEADOWS WATER CORPORATION - The Commission decided to suspend the minor rate filing of the company through January 28, 2017.

Communications

ITEM 561 There is no Item 561

ITEM 562 15-M-0742 The Commission decided to adopt the terms and conditions of the Joint Proposal, thereby continuing the State Universal Service Fund, through December 31, 2020.

ITEM 563 16-C-0235 VERIZON NEW YORK INC. - Report on Service Quality Provided by the company for the 2nd quarter of 2016.

Cable

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| ITEM 661 | 16-V-0251 | <u>Petitions for Renewal of Cable Television Franchises</u>
TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF CHESTER, ORANGE COUNTY. |
| | 16-V-0253 | TIME WARNER CABLE NORTHEAST LLC/TOWN OF LEBANON, MADISON COUNTY. |
| | 16-V-0287 | TIME WARNER CABLE NORTHEAST LLC/TOWN OF CRAWFORD, ORANGE COUNTY. |
| | 16-V-0313 | CSC ACQUISITION-NY, INC./TOWN OF RIVERHEAD, SUFFOLK COUNTY. |
| | 16-V-0372 | TIME WARNER CABLE NORTHEAST LLC/TOWN OF NEW BERLIN, CHENANGO COUNTY. |
| | | The Commission decided to approve the cable franchise renewals listed above. |
| ITEM 662 | 16-V-0290 | HEART OF THE CATSKILLS COMMUNICATIONS, INC. D/B/A MTC CABLE - The Commission decided to approve the Certificate of Confirmation for a cable franchise agreement to provide video service between the Company and the Town of Jefferson, Schoharie County. |
| ITEM 663 | 16-V-0306 | VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 35 multiple-dwelling unit buildings in the City of New York. |
| ITEM 664 | 16-V-0307 | VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 42 multiple-dwelling unit buildings in the City of New York. |