

## Consent Agenda Report for 03/19/2020

The following is a preliminary and informal summary of actions the Commission took at its public session on March 19, 2020. 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

19-G-0181 The Commission decided to issue a Notice of Adoption adopting hard rulemaking changes to Chapter III, Gas Utilities, Subchapter C, Safety, Part 262, Drug and Alcohol Testing, to ensure conformance with Title 49, Code of Federal Regulations, Part 199, Drug and Alcohol Testing.

#### ITEM 162

19-G-0182 The Commission decided to issue a Notice of Adoption adopting hard rulemaking changes to Chapter I, Rules of Procedure, Subchapter A, General, Part 10, Referenced Material; and Chapter III, Gas Utilities, Subchapter C, Safety, Part 255, Transmission and Distribution of Gas, to Ensure Conformance with Title 49, Code of Federal Regulations, Part 192, Transportation of Natural and Other Gas by Pipeline.

#### ITEM 163

20-G-0038 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to approve The Brooklyn Union Gas Company d/b/a National Grid NY's tariff revisions nature to correct a misplacement of tariff language regarding service line access.

#### ITEM 164-A

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Penalty Determinations).  
19-G-0143 D & R PAVING, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.  
19-G-0705 JOSEPH & SONS BUILDERS/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY  
19-G-0761 PROLINE CONCRETE OF WNY II, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION  
20-G-0036 MAGGAR MANAGEMENT & DEVELOPMENT, INC./ROCHESTER GAS AND ELECTRIC CORPORATION

ITEM 164-A Cont'd.

- 20-G-0052 JAT CONSTRUCTION CO., INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 20-G-0053 KA IMPROVEMENT NY INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 20-G-0056 ROYAL EMPRESS INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 20-G-0065 AGUILAR BLACKTOP SEALCOATING CORP./KEYSPAN GAS EAST CORP. D/B/A NATIONAL GRID.
- 20-G-0070 RELIABLE SEPTIC PUMPING CORP/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission determined that \$12,500 penalties be determined in Case 20-G-0070; and \$2,500 penalties in Cases 19-G-0705, 19-G-0143, 19-G-0761, 20-G-0036, 20-G-0052, 20-G-0053, 20-G-0056, and 20-G-0065.

ITEM 164-B

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

- 20-G-0035 HAUGLAND ENERGY GROUP LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0047 STEVEN DUBNER LANDSCAPING, INC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0073 S. ST. GEORGE ENTERPRISES, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 20-G-0077 TRIUMPH CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 20-G-0078 LANDSCAPING WITH GRACE INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0079 JACKSON DEMOLITION SERVICES, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

The Commission grants Consent Orders in Cases 20-G-0035, 20-G-0047, 20-G-0073, 20-G-0077, 20-G-0078, and 20-G-0079.

ITEM 164-C		<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Petitions for Rehearing).</u>
	19-G-0324	5L ENTERPRISES, INC./ORANGE AND ROCKLAND UTILITIES, INC.
	19-G-0423	CRANE - HOGAN STRUCTURAL SYSTEMS, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
	19-G-0430	CITY OF YONKERS SEWER DEPARTMENT/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
	19-G-0699	MERRITT CONSTRUCTION, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION
	19-G-0700	MERRITT CONSTRUCTION, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION

The Commission decided deny Petitions for Rehearing in Cases 19-G-0423, 19-G-0699, 19-G-0700; and the Commission decided to grant Petitions for Rehearing in Cases 19-G-0324 and 19-G-0430.

**General**

ITEM 261	19-E-0378, 19-E-0380, 19-G-0379 & 19-G-0381	NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve an extension to the maximum suspension period through and including July 15, 2020.
ITEM 262	15-M-0509	NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's request for authority to issue and sell up to \$1.14 billion of unsecured long-term debt in one or more transactions, not later than March 31, 2021.
ITEM 263	16-M-0434	MARATHON ENERGY CORPORATION - The Commission ordered Marathon Energy Corporation to show cause within 30 days why its eligibility to act as an Energy Services Company should not be revoked or why other consequences, as set forth in the Commission's Uniform Business Practices Section 2.D.6, should not be imposed.

ITEM 264  
 19-M-0577 UTILITY RATE ANALYSIS CONSULTANTS - The Commission decided to deny the rehearing because the complainant failed to state sufficient procedural or substantive grounds for granting a rehearing.

**Power**

ITEM 361  
 05-E-1180 The Commission decided to adopt an Installed  
 07-E-0088 Reserve Margin of 18.9% for the New York Control Area for the Capability Year beginning May 1, 2020, and ending April 30, 2021.

ITEM 362  
 19-E-0694 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the transfer of certain street lighting facilities from National Grid to the Town of Eden.

ITEM 363  
 19-E-0743 FOURTH STREET TROY, LLC - The Commission decided to approve the company's petition to submeter electricity at 100 Congress Street, Troy, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.

ITEM 364  
 19-E-0767 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve National Grid's tariff filing clarifying the applicability of the term customer under Rule 28 Special Services Performed by Company for Customer at a Charge.

ITEM 365  
 19-E-0734 ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the company's petition to transfer street lighting facilities to the Village of Sodus Point.

ITEM 366  
 20-E-0022 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff revisions of a housekeeping nature removing obsolete street lighting pricing exceptions for the City of Syracuse.

- ITEM 367                      19-E-0731                      Rehearing of Commission Determination  
 MS. DONNA SANDARELLI AND MR. MICHAEL SANDARELLI/ MS. SUSAN NERI AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID -The Commission decided to uphold the designee's determination.
- ITEM 368                      19-E-0693                      ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the transfer of certain street lighting facilities, with an original value over \$100,000, located in the Town of Farmington to the Town of Farmington.
- ITEM 369                      19-E-0189                      UTILITY CUSTOMERS (Petitioners) - The Commission decided that Consolidated Edison Company of New York, Inc. correctly billed the Petitioners based on PSL §66-j and its tariff, and denied the petition.
- ITEM 370                      19-E-0723                      CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff filings to allow Community Distributed Generation Projects to receive Value Stack compensation under the PASNY tariff - P.S.C No. 12 - Electricity.
- ITEM 371                      17-T-0752                      PSEG LONG ISLAND LLC/LONG ISLAND LIGHTING COMPANY D/B/A LIPA -The Commission decided to approve the company's Environmental Management and Construction Plan Phase 2.
- ITEM 372                      15-E-0751                      NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY (NYSERDA) - The Commission decided to grant NYSERDA's request to reallocate unused capacity for Community Distributed Generation compensation.
- ITEM 373                      14-E-0423 & 15-E-0189                      NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff revisions its Dynamic Load Management Program.

- ITEM 374                    10-T-0139                    CHAMPLAIN HUDSON POWER EXPRESS, INC. - The Commission decided to approve the company's petition for amendments to its Certificate of Environmental Compatibility and Public Need.
- ITEM 375                    14-E-0423 &                    ROCHESTER GAS AND ELECTRIC  
15-E-0190                    CORPORATION - The Commission decided to approve to approve an increase in the company's day-ahead forecast trigger from 92% to 97% of forecasted summer system peak.
- ITEM 376                    18-E-0138                    The Commission decided to provide clarification to certain elements of the Direct Current Fast Charging (DCFC) Per-Plug Incentive Program and directed modifications to other DCFC Program rules.
- ITEM 377                                                          There is no item 377
- ITEM 378                    14-F-0490                    CASSADAGA WIND LLC - The Commission decided to approve the company's (Certificate Holder) Compliance Filing 25.
- ITEM 379                    19-E-0282                    Appeal of Informal Review  
ROCHESTER GAS AND ELECTRIC CORPORATION/NORTHERN DEVELOPMENT LLC - The Commission decided to uphold the informal hearing decision and deny the appeal.

**Water**

- ITEM 461                    19-W-0536                    HOPEWELL SERVICE CORPORATION AND TOWN OF EAST FISHKILL - The Commission decided to authorize the transfer of all assets of the Hopewell Service Corporation to the Town of East Fishkill; to direct the cancellation of Hopewell's tariff, supplements, and statements; and to authorize the dissolution of Hopewell upon closing of the sale.

**Communications**

ITEM 561  
 19-C-0363 SAGE TELECOM COMMUNICATIONS LLC - The Commission decided to approve Sage Telecom Communications LLC dba TruConnect's petition for designation as an Eligible Telecommunications Carrier for the purpose of receiving federal universal support for providing Lifeline service throughout all of New York State.

ITEM 562  
 19-C-0286 VERIZON NEW YORK INC. – Report on Quality of Service Provided During the Fourth Quarter of 2019.

**Cable**

ITEM 661  
 19-V-0674 Renewal of Cable Television Franchise Agreements  
 CABLEVISION OF WAPPINGERS FALLS, INC./VILLAGE OF FISHKILL, DUTCHESS COUNTY.  
 20-V-0001 TIME WARNER CABLE NORTHEAST LLC/TOWN OF COLLINS, ERIE COUNTY.  
 20-V-0003 SPECTRUM NORTHEAST, LLC/TOWN OF ELBA, GENESEE COUNTY.  
 20-V-0004 SPECTRUM NORTHEAST, LLC/VILLAGE OF ELBA, GENESEE COUNTY.  
 20-V-0006 SPECTRUM NORTHEAST, LLC/TOWN OF SIDNEY, DELAWARE COUNTY.  
 20-V-0010 TIME WARNER CABLE NORTHEAST LLC/TOWN OF GREAT VALLEY, CATTARAUGUS COUNTY.  
 20-V-0024 SPECTRUM NORTHEAST, LLC/VILLAGE OF NELLISTON, MONTGOMERY COUNTY.  
 20-V-0039 TIME WARNER CABLE NORTHEAST LLC/TOWN OF RICHMOND, ONTARIO COUNTY.  
 20-V-0040 TIME WARNER CABLE NORTHEAST LLC/TOWN OF SCIO, ALLEGANY COUNTY.

The Commission decided to approve the certificates for renewal of cable franchises for the above listed municipalities.

ITEM 662

19-V-0617 VERIZON NEW YORK INC. - The Commission decided to approve the company's petitions for an Order of Entry at 125 East 93rd Street, Manhattan, NY.

ITEM 663

19-V-0615 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition for an Order of Entry at 153 Clinton Avenue, Brooklyn, NY.

ITEM 664

19-V-0611 VERIZON NEW YORK INC. - The Commission decided to approve the company's petitions for Orders of Entry at 45 Multiple-Dwelling Unit Buildings in the City of New York.