

## Consent Agenda Report for 12/12/2019

The following is a preliminary and informal summary of actions the Commission took at its public session on December 12, 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  
19-G-0563      Rehearing of Commission Determination  
MS. DONNA WHITE/MS. NELIA MARTINEZ AND  
CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC. - The Commission decided to uphold the  
designee's determination.
- ITEM 162-A      In the Matter of Enforcement Proceedings for Alleged  
Violations of 16 NYCRR Pare 753: Protection of  
Underground Facilities. (Penalty Determinations)
- 19-G-0699      MERRITT CONSTRUCTION, INC./NEW YORK  
STATE ELECTRIC & GAS CORPORATION
- 19-G-0700      MERRITT CONSTRUCTION, INC./CENTRAL  
HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0701      ALLIED/ALL-CITY PLUMBING CORP./KEYSPAN  
GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0702      SALA & SONS CONSTRUCTION COMPANY,  
INC./CENTRAL HUDSON GAS & ELECTRIC  
CORPORATION
- 19-G-0703      A. COLARUSSO AND SON, INC./CENTRAL  
HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0704      180 DEVELOPERS LLC/NEW YORK STATE  
ELECTRIC & GAS CORPORATION
- 19-G-0706      JDN CONSTRUCTION, INC./THE BROOKLYN  
UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 19-G-0707      G & K SEWER CONSTRUCTION CO.,  
INC./NATIONAL FUEL GAS DISTRIBUTION  
CORPORATION
- The Commission decided to determine \$10,000  
penalties in Cases 19-G-0699, 19-G-0701, and  
19-G-0703; and \$2,500 penalties in Cases  
19-G-0700, 19-G-0702, 19-G-0704, 19-G-0706, and  
19-G-0707.

ITEM 162-B In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Pare 753: Protection of Underground Facilities. (Consent Order Approvals)

- 19-G-0710 SAGRESTANO'S LANDSCAPING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0711 BIANCO'S LANDSCAPING INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 19-G-0712 NEW YORK CITY DEPARTMENT OF TRANSPORTATION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 19-G-0714 BRIGHT SIDE ELECTRICAL SERVICES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0715 WESTERN NEW YORK PLUMBING- ELLICOTT PLUMBING AND REMODELING CO., INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 19-G-0716 LYNCH COMMUNICATIONS CONSTRUCTION, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0725 3RD TRACK CONSTRUCTORS/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

The Commission approves Consent Orders in Cases 19-G-0710, 19-G-0711, 19-G-0712, 19-G-0714, 19-G-0715, 19-G-0716, and 19-G-0725.

ITEM 162-C 19-G-0472 MASTER BUILDERS OF ORANGE COUNTY - The Commission decided to grant the Petition for Rehearing.

ITEM 163 19-G-0543 Staff Report Regarding Reconciliation of Purchased Gas Expense and Gas Cost Recoveries - No Commission Action Required

ITEM 164 Commissioner Diane X. Burman, dissenting  
 19-G-0678 NATIONAL GRID USA, THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY, KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to confirm the One Commissioner Order issued on November 26, 2019, by Chair Rhodes, that adopted and approved a settlement resolving the allegations made in the Order to Show Case issued on October 11, 2019.

ITEM 165  
 19-G-0182 The Commission decided to issue a Notice of Proposed Hard Rulemaking for 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 166  
 19-G-0181 The Commission decided to issue a Notice of Proposed Consensus Hard Rulemaking for 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.

**General**

ITEM 261 There is no Item 261

ITEM 262  
 19-E-0065 & 19-G-0066 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. -The Commission decided to approve an extension of the maximum suspension period for Con Edison’s proposed electric and gas rate filings through and including January 29, 2020.

**Power**

- ITEM 361                      19-E-0047                      Appeal of the Informal Decision  
HENRY PLATSKY/CONSOLIDATED EDISON  
COMPANY OF NEW YORK, INC. - The Commission  
decided to deny the rehearing because the  
complainant failed to state sufficient procedural or  
substantive grounds for granting a rehearing.
- ITEM 362                      19-E-0601                      Rehearing of Commission Determination  
MS. JOAN SINGH/MS. GRACE QUIST AND  
CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC. - The Commission decided to uphold the  
designee's determination.
- ITEM 363                      19-E-0642                      Rehearing of Commission Determination  
MR. NOAH BOND/MR. GARY MACLEOD AND  
NIAGARA MOHAWK POWER CORPORATION  
D/B/A NATIONAL GRID - The Commission decided  
to uphold the designee's determination.
- ITEM 364                      19-E-0515                      10 MINERVA PLACE L.P. - The Commission  
decided to approve company's petition to submeter  
electricity at 2865 Creston Avenue, Bronx, New York,  
located in the territory of Consolidated Edison  
Company of New York, Inc.
- ITEM 365                      18-E-0778                      Appeal of the Informal Decision  
MARC MITCHELL/ NIAGARA MOHAWK POWER  
CORPORATION D/B/A NATIONAL GRID-UPSTATE  
- The Commission decided to deny the rehearing  
because complainant failed to state sufficient  
procedural or substantive grounds for granting a  
rehearing.
- ITEM 366                      19-E-0506                      ORANGE AND ROCKLAND UTILITIES, INC. - The  
Commission decided to approve Orange and  
Rockland's petition to transfer street lighting facilities  
to the Village of South Nyack, with modification.
- ITEM 367                      19-E-0505                      ORANGE AND ROCKLAND UTILITIES, INC. - The  
Commission decided to approve Orange and  
Rockland's petition to transfer street lighting facilities  
to the Village of Florida, with modification.

- ITEM 368  
 19-T-0549 LS POWER GRID NEW YORK, LLC, LS POWER GRID NEW YORK CORPORATION I, AND THE NEW YORK POWER AUTHORITY - The Commission decided to approve the Joint Applicants' waiver request and grant the request to accept a System Impact Study in lieu of a System Reliability Impact Study.
- ITEM 369  
 19-E-0566 The Commission decided to amend the Standardized Interconnection Requirements in order to more effectively process distributed energy resource interconnection applications.
- ITEM 370  
 19-E-0068 Appeal of the Informal Decision  
 CITYBRIDGE LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision and deny the appeal.
- ITEM 371  
 19-E-0302 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve NYSEG's petition regarding the sale of interests in poles to Verizon New York Inc. with conditions.
- ITEM 372  
 There is no Item 372
- ITEM 373  
 19-E-0719 CAYUGA OPERATING COMPANY LLC, SOMERSET OPERATING COMPANY, LLC, GSO CAPITAL PARTNERS LP, FREYR DATAENERGY INC., AND MJOLNIR ENERGY INC. -The Commission decided to issue a Declaratory Ruling that the proposed transaction of upstream interests in electric generating facilities satisfies the Walkkill Presumption and that further review is not needed pursuant to PSL §70.

ITEM 374  
 19-E-0204 533 48TH AVENUE CONDOMINIUM LLC -The Commission decided to approve the company's petition to submeter electricity at 5-33 48th Avenue, Queens, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 375  
 There is no Item 375

ITEM 376  
Commissioner Diane X. Burman, concurring in part and dissenting in part

15-E-0751 The Commission decided to adopt Staff's Whitepaper Regarding High-Capacity-Factor Resources, with modifications, to update the calculation of the Market Transition Credit or Community Credit for certain resources when used for Community Distributed Generation based on the capacity factors of those resources and to limit environmental compensation under the Value Stack to resources consistent with the PSL 66-p definition of "renewable energy systems," subject to certain grandfathering provisions.

**Water**

ITEM 461  
 19-W-0546 BATTISTI WATER SUPPLY CORPORATION - The Commission decided to adopt on a permanent basis its emergency appointment of New York American Water, Inc. as temporary operator of the Battisti Water Supply Corporation.

ITEM 462  
 19-W-0556 ARBOR HILLS WATERWORKS, INC., BONIVILLE WATER COMPANY, INC., AND KNOLLS WATER CO., INC. - The Commission decided to commence an enforcement action against the owner of Arbor Hills Waterworks, Inc., Boniville Water Company, Inc., and Knolls Water Co., Inc.

## ITEM 463

18-W-0576 &  
15-W-0037

EMERALD GREEN LAKE LOUISE MARIE WATER COMPANY, INC. - The Commission decided to approve Emerald Green Lake Louise Marie Water Company, Inc. to increase its annual revenues by \$73,471 or 14.6%, and to eliminate its seasonal service class SC No. 2 and establish monthly metered rates for all seasonal and year-round customers under SC No. 1, effective January 1, 2020. The Commission also decided to deny the Company's request for an interim non-metered rate for those customers that have not yet had meters installed, to deny the Company's request for a surcharge to recover the costs of repairs to the Lake Louise Marie dam, and to close Case 15-W-0037.

**Communications**

## ITEM 561

15-M-0742

The Commission decided to approve nine small Incumbent Local Exchange Carriers (ILECs) to recover revenue losses resulting from the FCC's mandated phase-out of terminating access charges via additional State Universal Service Fund (SUSF) disbursements.

## ITEM 562

19-C-0721

TACONIC TELEPHONE CORPORATION - The Commission decided to approve Taconic Telephone Corp. D/B/A Consolidated Communications' petition to sell property located at 2596 NY Route 66, Village of Chatham, Town of Ghent, New York to Andrew McDonnel, including a leaseback agreement of the property, at no additional cost to the company, until June 30, 2020.

**Cable**

ITEM 661

- 19-V-0528 CABLEVISION OF ROCKLAND/RAMAPO, LLC/  
VILLAGE OF NEW HEMPSTEAD, ROCKLAND  
COUNTY.
- 19-V-0645 TIME WARNER CABLE NORTHEAST LLC/VILLAGE  
OF CASTLETON, RENSSELAER COUNTY.
- 19-V-0646 TIME WARNER CABLE NORTHEAST LLC/TOWN  
OF PROVIDENCE, SARATOGA COUNTY.
- 19-V-0647 TIME WARNER CABLE NORTHEAST LLC/TOWN  
OF UNADILLA, OTSEGO COUNTY.
- 19-V-0650 TIME WARNER CABLE NORTHEAST LLC /TOWN  
OF RICHLAND, OSWEGO COUNTY.
- 19-V-0651 CABLEVISION OF WAPPINGERS FALLS, INC./  
TOWN OF WAPPINGER, DUTCHESS COUNTY
- 19-V-0675 CABLEVISION OF WAPPINGERS FALLS,  
INC./TOWN OF LAGRANGE, DUTCHESS COUNTY.
- 19-V-0686 TIME WARNER CABLE NORTHEAST LLC/TOWN  
OF ELLERY, COUNTY OF CHAUTAUQUA.
- 19-V-0688 TIME WARNER CABLE NORTHEAST LLC/TOWN  
OF NORTH COLLINS, ERIE COUNTY.
- 19-V-0691 TIME WARNER CABLE NORTHEAST LLC/VILLAGE  
OF WHITNEY POINT, BROOME COUNTY.

The Commission decided to approve the cable franchise renewals listed above.

ITEM 662

- 19-V-0399 VERIZON NEW YORK INC. - The Commission  
decided to approve a portion of Verizon New York  
Inc.'s Petition for Orders of Entry for 33  
multiple-dwelling unit buildings in the City of New  
York.

## ITEM 663

19-V-0599

CHARTER COMMUNICATIONS; CHARTER COMMUNICATIONS ENTERTAINMENT I, LLC; AND SPECTRUM NORTHEAST, LLC -The Commission decided to approve Charter Communications, Inc.'s request for a pro forma internal reorganization involving the merger of two Charter subsidiaries, Charter Communications Entertainment I, LLC (CCE-I) and Spectrum Northeast, LLC (Spectrum NE), with Spectrum NE surviving the merger. As a result, CCE I's assets, including 27 franchises to provide cable television service, will be transferred from CCE-I to Spectrum NE.