



## Consent Agenda Report for 02/16/2017

The following is a preliminary and informal summary of actions the Commission took at its public session on February 16, 2017. 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

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| ITEM 161 | 16-G-0638 | <u>Appeal of Informal Hearing Decision</u><br>MR. STEVEN EPSTEIN/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision.  |
| ITEM 162 | 13-G-0357 | <u>Rehearing of Commission Designee Determination</u><br>CANDA REALTY CORPORATION/MS. OHLA KARETNIKOV/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID - The Commission decided to uphold its original determination. |
| ITEM 163 | 13-G-0380 | <u>Rehearing of Commission Designee Determination</u><br>MS. ANNERYS CORONA/MS. MICHELLE BORGES/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID - The Commission decided to uphold its original determination.       |
| ITEM 164 | 16-G-0694 | <u>Rehearing of Commission Designee Determination</u><br>MR. JIAN ZHI LI/MR. IVAN MARQUEZ/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold its original determination.                  |

## ITEM 165

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities.

- 16-G-0451 METRO GROUP OF LONG ISLAND INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 16-G-0522 PRIMA PAVING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 17-G-0023 JERUSALEM CARTING INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 17-G-0025 FREDDY GRELLA INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0026 J. PIZZIRUSSO LANDSCAPING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0027 EAGLE GEOTECH CONSTRUCTION LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0028 M & V CONCRETE CONTRACTING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0029 JPL SITE CONTRACTORS LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0030 VILLADOM AT BRIDGEHAMPTON LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0031 TELEMAR CONSTRUCTION INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0033 SUFFOLK COUNTY WATER AUTHORITY/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0034 PELICAN POOLS INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0035 CHRIS MOHR LAWNCARE & LANDSCAPING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0036 MARINE BULKHEADING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

ITEM 165 (Cont'd)

- 17-G-0037 ALL HANDS IRRIGATION AND PROPERTY DESIGN, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0038 LADERER & SONS LANDSCAPE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0039 KULL'S CONSTRUCTION, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 17-G-0040 WIENER BROTHERS INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 17-G-0041 CMC CONSTRUCTION GROUP, INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 17-G-0042 BASSET GROUP, INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 17-G-0043 KSK CONSTRUCTION GROUP/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 17-G-0044 INGENUITY CONSTRUCTION CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 17-G-0045 XOLLE LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 17-G-0047 RIFENBURG CONSTRUCTION INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

The Commission decided to grant Consent Orders in Cases 17-G-0034, 17-G-0035, 17-G-0036, 17-G-0037, 17-G-0038, 17-G-0042, and 17-G-0047, determined \$10,000 penalties in Cases 17-G-0036, and 17-G-0033, determined \$2,500 penalties in Cases 17-G-0023, 17-G-0025, 17-G-0027, 17-G-0028, 17-G-0029, 17-G-0030, 17-G-0031, 17-G-0039, 17-G-0040, 17-G-0041, 17-G-0043, 17-G-0044, and 17-G-0045, and granted Petitions for Rehearing in Cases 16-G-0451, and 16-G-0522.

- ITEM 166  
 15-G-0711 ST. LAWRENCE GAS COMPANY, INC. - The Commission decided to allow the company to defer \$267,393 with carrying charges associated with the incremental costs related to the risk assessment of the Company's pipelines.
- ITEM 167  
 14-G-0201 and 14-G-0212 – CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. – The Commission decided to approve a Settlement Agreement in lieu of potential remedies that could have been sought by the Commission in a civil penalty action or a prudence proceeding.

**General**

- ITEM 261  
 14-M-0210 Appeal of Informal Hearing Decision  
 BENJAMIN GAMORAN/ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to uphold the informal hearing decision.
- ITEM 262  
 15-M-0317 Appeal of Informal Hearing Decision  
 MS. SUZANNE WALTERS/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID-UPSTATE - The Commission decided to uphold the informal hearing decision.
- ITEM 263  
 13-M-0309 Appeal of Informal Hearing Decision  
 MS. DIANE CERINO/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to modify the informal hearing decision.
- ITEM 264  
 16-M-0624 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant the company's petition to lease a portion of a facility located at 230 Baldwin Place Road, Mahopac, NY to Allied Dog Training, LLC.
- ITEM 265  
 13-E-0030, 13-G-0031 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff amendments extending Automated Meter Reading/Advanced Meter Infrastructure Meter Opt-Out provisions to all residential customers. The electric and gas tariff revisions shall become effective on March 1, 2017.



ITEM 271-B

14-M-0565 The Commission decided to approve the utilities' low-income program implementation plans with certain modifications. The implementation plans are modified to conform the programs to the Order Granting in Part and Denying in Part the Requests for Reconsideration and Petitions for Rehearing.

**Power**

ITEM 361

16-E-0637 MEGNIN FARMS AT POOLSBROOKE LLC -The Commission decided to direct the state's electric utilities to revise their tariffs to ensure that new customers receive the required free 100 feet of service line, whether single phase or three phase service is required and deny the request for compensation because the existing tariff provisions were valid at the time.

ITEM 362

16-E-0180 Appeal of Informal Hearing Decision  
MR. KEN KEENAN/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision.

ITEM 363

16-E-0391 THE RESIDENTIAL BOARD OF MANAGERS OF 30 PARK PLACE CONDOMINIUM - The Commission decided to approve the company's petition to submeter electricity at 30 Park Place, New York, New York, located in the territory of Consolidated Edison Company of New York Inc.

ITEM 364

13-E-0378 Rehearing of Commission Designee Determination  
MR. ANTONIO DITILLIO/MS. ELIZABETH LUENGENE/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold its original determination.

ITEM 365

13-E-0308 Rehearing of Commission Designee Determination  
CONSUMER/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision.

- ITEM 366                      13-E-0372                      Rehearing of Commission Designee Determination  
 MR. RAYMOND W. LEMKA/MR. ANTHONY SCATTAREGGIA/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to modify its original determination.
- ITEM 367                      13-E-0385                      Appeal of Informal Hearing Decision  
 MR. RUSSELL MILLAR/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision.
- ITEM 368                      11-E-0093                      Appeal of Informal Hearing Decision  
 THE BOULEVARD TOWERS CONDOMINIUM/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to reverse the informal hearing decision.
- ITEM 369                      16-E-0069                      Appeal of Informal Hearing Decision  
 TEARDROPS OF ELEGANCE/CONSOLIDATED EDISON OF NEW YORK, INC. - The Commission decided to deny complainant's appeal of informal hearing denial.
- ITEM 370                      13-E-0330                      Rehearing of Commission Designee Determination  
 MS. JULIANA MENDEZ/MS. MARTHA E. BAEZ/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
 16-E-0675                      235 TROUTMAN REALTY LLC/MR. MICHAEL STARK/MR. COREY DOZIER/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- The Commission decided to uphold its original determinations.
- ITEM 371                      13-E-0379                      Rehearing of Commission Designee Determination  
 PALMIERI PROPERTIES, LTD/MS. NIKESHA WILSON/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the request for rehearing.

ITEM 372  
 13-E-0369      Rehearing of Commission Designee Determination  
 MR. LAZER STEINMETZ/MR. MOSHE  
 BRISK/CONSOLIDATED EDISON COMPANY OF  
 NEW YORK, INC.  
 13-E-0320      MS. GLADYS FIGUEROA/MR.  
 AGOSTINO PARROTTINO/NIAGARA MOHAWK  
 POWER CORPORATION D/B/A NATIONAL GRID

The Commission decided to uphold its original determination.

ITEM 373  
 13-E-0495      Rehearing of Commission Designee Determination  
 MR. ALFREDO JIMENEZ/MS. KARLA  
 AYALA/CONSOLIDATED EDISON COMPANY OF  
 NEW YORK, INC. - The Commission decided to  
 uphold its original determination.

ITEM 374-A  
 15-E-0452      RELATED COMPANIES AND OXFORD  
 PROPERTIES - The Commission decided to  
 deny the companies' petition for an order regarding  
 the calculation of demand for Offset Tariff customers  
 subject to standby service rates, because under the  
 current rate structure, contract demand charges and  
 daily as used demand charges must apply to the  
 customer's maximum annual demand of each  
 individual building on the campus. A change to  
 applying contract demand charges and daily as used  
 demand charges, based on the coincident demand of  
 a group of offset accounts, would require a change to  
 the underlying rates. Such rate changes could be  
 considered in the review of standby rates that the  
 Commission has ordered under the REV Track II  
 Order.

ITEM 374-B  
 16-E-0138      RELATED COMPANIES AND OXFORD  
 PROPERTIES - The Commission decided to reject  
 the company's petition for an order requesting that  
 Consolidated Edison Company of New York, Inc.  
 develop a mechanism in its tariff whereby standby  
 rate Offset Tariff customers benefit from the four-year  
 exemption from standby rates for which they qualify.

- ITEM 375  
16-E-0230      CB TARTER PROPERTY LLC - The Commission decided to approve the company's petition to submeter electricity at 210 East 39th Street, New York, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 376  
16-E-0636      ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve the petition by the company to transfer certain street lighting facilities to the Town of Ramapo.
- ITEM 377  
16-E-0123      3475 THIRD AVENUE OWNER REALTY LLC - The Commission decided to approve the company's petition to submeter electricity at 3475 Third Avenue, Bronx, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 378  
16-E-0073      504 MYRTLE RESIDENTIAL OWNER LLC - The Commission decided to approve the company's petition to submeter electricity at 504 Myrtle Avenue, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 379  
16-E-0377      616 FIRST AVENUE LLC - The Commission decided to approve the company to submeter electricity at 626 First Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 380  
16-E-0366      ACLARA TECHNOLOGIES LLC - The Commission decided to approve the company kV2c electric meter with Silver Spring SSN 511 communication module for use in New York.

- ITEM 381-A  
15-E-0302      Commission Diane X. Burman, abstaining  
The Commission decided to direct the utilities to file tariff amendments to implement the CES and to amend certain tariff leaves to allow for recovery of the cost of Tier 1 compliant RECs, ZECs, and ACPs. Also the utilities are directed to recover, on a volumetric basis, on all sales (including all NYPA sales), and from all retail delivery customers, the cost of Tier 2 maintenance resources and the costs that may be incurred by the utilities in their role as the financial backstop.
- ITEM 381-B  
16-E-0693      Commission Diane X. Burman, abstaining  
The Commission decided to approve Freeport Electric Municipal Light & Power's, New York Municipal Power Agency's, and Rockville Centre's tariff filings to effectuate the New York State Clean Energy Standard. Jamestown shall file further tariff revisions incorporating modifications for the cost recovery of ZECs.
- ITEM 381-C  
15-E-0302      Commission Diane X. Burman, abstaining  
The Commission decided to approve Phase 1 of the Clean Energy Standard Implementation Plan to launch the Program in 2017.
- ITEM 382  
15-E-0082, 16-E-0671      Commission Diane X. Burman, abstaining  
NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the proposed tariff amendments, which clarify the Community Distributed Generation Program requirements and revise utility documents describing the CDG Program.
- ITEM 383  
16-E-0574      ENERGY CAPITAL PARTNERS I, LP, ENERGY CAPITAL PARTNERS I-A, LP, ENERGY CAPITAL PARTNERS I-B, LP, ECP I (NE ENERGY IP), LP, EMPIRE GEN HOLDINGS, INC., EMPIRE GEN HOLDCO, LLC, EMPIRE GENERATING CO, LLC, and TTK POWER, LLC - The Commission decided to approve the transfer of indirect upstream ownership interests in an electric generation facility, and found that no further regulatory review under PSL Section 70 is necessary for an additional transfer of upstream ownership interests and the proposed restructuring.

ITEM 384

15-E-0745, 15-E-0746, 15-E-0747, 15-E-0748, 15-E-0794 CENTRAL HUDSON GAS & ELECTRIC CORPORATION, NEW YORK STATE ELECTRIC & GAS CORPORATION, NIAGARA MOHAWK POWER CORPORATION, ROCHESTER GAS AND ELECTRIC CORPORATION, and ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to grant in part the Mid-Hudson Streetlight Consortium's petition for clarification on the scope of the Order Approving Tariff Amendments with Modification.

ITEM 385

05-E-1180 & 07-E-0088 Staff recommends that the Commission adopt an Installed Reserve Margin (IRM) of 18.0% for the New York Control Area for the upcoming 2017-2018 Capability Year, beginning May 1, 2017 and ending April 30, 2018.

ITEM 386

13-E-0030, 13-G-0031, 13-S-0032 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to modify its Phase Three Storm Hardening Order, which required the company to implement dual-fuel capability at certain stations, and approved the Company's plan to purchase 250 gallon fuel storage skids as part of its storm hardening and resiliency efforts.

ITEM 387

13-T-0585 CRICKET VALLEY ENERGY CENTER, LLC - The Commission decided to grant a limited approval for tree clearing work to commence, with conditions.

ITEM 388

16-E-0565 MUNICIPAL COMMISSION OF BOONVILLE - The Commission decided to authorize the Municipal Commission of Boonville to increase its annual electric revenues by \$161,477, or 4.26% of total revenues.

**Water**

- ITEM 461  
16-W-0432 NEW YORK AMERICAN WATER COMPANY, INC. - The Commission decided to approve the sale of all assets of Hoey-DeGraw Water Works, Inc. to New York American Water Company, Inc., authorize the transfer of the books and records of Hoey-DeGraw Water Works, Inc. out of New York State, and approve the transfer of Hoey-DeGraw Water Works, Inc. customers to the company's P.S.C. No. 1 - Water.
- ITEM 462  
16-W-0402 NEW YORK AMERICAN WATER COMPANY, INC. and THE ESTATE OF EDWIN D. SILVERS - The Commission decided to approve the transfer of the assets of New Vernon Water Co. and the stock of Whitlock Farms Water Corp. to New York American Water Company, Inc.
- ITEM 463  
16-W-0394 NEW YORK AMERICAN WATER COMPANY, INC. and WEST BRANCH ACRES, INC. - The Commission decided to approve the sale of all assets of the companies', authorize the transfer of the books and records of West Branch Acres, Inc. out of New York, and approve the transfer of West Branch Acres, Inc.'s customers to New York American Water Company, Inc.'s P.S.C. No. 1 - Water.
- ITEM 464  
16-W-0121 ROLLING MEADOWS WATER CORPORATION - The Commission decided to authorize the company to increase its annual base revenues by \$111,654 or 21.87%, to become effective March 1, 2017 and to cancel its Escrow Account for Capital Improvements Statement No. 2.

**Communications**

- ITEM 561  
16-C-0122 VERIZON NEW YORK INC. - The Commission decided to deny the Communications Workers of America's interlocutory appeal of an administrative law judge's ruling precluding its consultant from further participation in the proceeding.

**Cable**

ITEM 661

- 16-V-0680 TIME WARNER CABLE NORTHEAST LLC/ VILLAGE OF ALLEGANY, NY OF CATTARAUGUS COUNTY
- 17-V-0012 TIME WARNER CABLE NORTHEAST LLC/TOWN OF BUSTI, CHAUTAUQUA COUNTY.
- 17-V-0014 TIME WARNER CABLE NORTHEAST LLC/TOWN OF EVANS, ERIE COUNTY.
- 17-V-0019 TIME WARNER CABLE NORTHEAST LLC/ VILLAGE OF HAMMONDSPORT, STEUBEN COUNTY, NEW YORK.

The Commission decided to approve the cable franchise renewals and renewal by option listed above.

ITEM 662

- 16-V-0626 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 44 multiple-dwelling unit buildings in the City of New York.

ITEM 663

- 16-V-0627 VERIZON NEW YORK INC. - The Commission decided to approve a portion of company's petition for Orders of Entry for 54 multiple-dwelling unit buildings in the City of New York.