

## Consent Agenda Report for 09/17/2015



The following is a preliminary and informal summary of actions the Commission took at its public session on September 17, 2015. 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

	<u>Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities</u>
15-G-0424	MONTESANO BROTHERS, INC./ORANGE AND ROCKLAND UTILITIES, INC.
15-G-0472	FRANK'S LAWN SERVICE, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
15-G-0473	PRECISION FENCE, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0474	ASPLUNDH CONSTRUCTION, CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0475	J & V HOME IMPROVEMENT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0476	HAYDEN BROWN CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0477	CARRY LANDSCAPING DESIGN & MASONRY LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0478	INTERCOUNTY PAVING ASSOCIATES, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0479	HHJR CONSTRUCTION LTD./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0480	J & G EMPIRE CONTRACTING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
15-G-0481	FORT HILL INDUSTRIES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

ITEM 161 (Cont'd)

- 15-G-0482      GOSSEL TRENCHING & GRADING, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 15-G-0483      DANA DARLING CONTRACTING, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 15-G-0484      F. RIZZO CONSTRUCTION, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 15-G-0485      VIN SID & SONS CONST. LLC/NIAGARA MOHAWK POWER COMPANY D/B/A NATIONAL GRID.
- 15-G-0486      HELDERBERG EXCAVATING & TRUCKING, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 15-G-0487      LIAM DESIGN + BUILD/ORANGE AND ROCKLAND UTILITIES, INC.
- 15-G-0488      MASTRO ENTERPRISES INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 15-G-0489      HEAVY CONSTRUCTION CO., INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0490      ACCURATE PRECAST CONCRETE COMPANY/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.

The Commission decided to grant Consent Orders in Cases 15-G-0424, 15-G-0474, and 15-G-0485; determined a \$12,500 penalty in Case 15-G-0484; a \$10,000 penalty in Case 15-G-0488; and \$2,500 penalties in Cases 15-G-0472, 15-G-0473, 15-G-0475, 15-G-0476, 15-G-0477, 15-G-0478, 15-G-0479, 15-G-0480, 15-G-0481, 15-G-0482, 15-G-0483, 15-G-0486, 15-G-0487, 15-G-0489, and 15-G-0490.

ITEM 162

There is no Item 162

ITEM 163

- 12-G-0450      Rehearing of Commission Designee Determination  
MR. JOHN LANZONE/MS. KRISTIN SPIROWS AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 6/27/12 decision since Mr. Lanzone's statement does not provide a basis for canceling the shared area charges and the 12-month assessment has already been reduced by 75%. Correction of a shared meter condition does not eliminate an owner's responsibility for shared meter charges.

- ITEM 164  
12-G-0023      Rehearing of Commission Designee Determination  
MR. ORLY KASHAN/MR. JORGE MONTALVAN  
AND NATIONAL GRID-LONG ISLAND - The  
Commission decided to deny the request for  
rehearing. However, upon review of the case an  
error in the shared use calculation was discovered  
resulting in a reduction of the shared usage from  
8934 ccf to 3074 ccf. This reduction also qualified  
the 12-month assessment to be revised to the  
maximum reduction of 25% of the original amount  
billed.

**General**

- ITEM 261  
12-M-0476, 98-M-1343, 06-M-0647 & 98-M-0667 - The Commission  
decided to adopt proposals for changes to the  
Electronic Data Interchange Standards filed on  
April 7, 2015 in the "Report on EDI Standards  
Development".

- ITEM 262  
15-M-0251      CENTRAL HUDSON GAS & ELECTRIC  
CORPORATION - The Commission decided to  
approve the company's petition for authority through  
December 31, 2018 to issue \$350 million of new  
unsecured debt and to enter into or continue  
revolving credit agreements not to exceed \$200  
million.

**Power**

- ITEM 361  
15-E-0403      CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC. - The Commission decided to approve  
the company's tariff filing of a housekeeping nature to  
remove duplicate language under Rider U Distribution  
Load Relief Program contained in P.S.C. No. 10 -  
Electricity.

- ITEM 362  
15-E-0052      315 EAST 68TH STREET CORPORATION - The  
Commission decided to approve the notice of intent to  
submeter electricity, in the cooperative units, at 315  
East 68th Street, New York, New York, located in the  
territory of Consolidated Edison Company of New  
York, Inc.

- ITEM 363  
14-E-0179 1 JOHN STREET LLC - The Commission decided to approve the notice of intent to submeter electricity at 1 John Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364  
11-E-0400 56 7TH AVENUE LLC - The Commission decided to approve the notice of intent to submeter electricity at 56 7th Ave. New York, New York, in the territory of Consolidated Edison Company of New York Inc.
- ITEM 365  
15-M-0297 SITHE/INDEPENDENCE POWER PARTNERS, L.P. - The Commission decided to approve the company's proposed financing plan increasing its authorized financing limit from \$2.175 billion to \$8.28 billion.
- ITEM 366  
15-T-0305 NIAGARA MOHAWK POWER CORPORATION - The Commission decided to approve the company's motion for a waiver of the requirements set forth in 16 NYCRR § 86.3(b)(2) relating to its pending Article VII Application.
- ITEM 367  
15-T-0384 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - The Commission decided to approve the Amendment to the Certificate for the construction and operation of the Cody Road Station, the 115 kV Loop Taps, and the ADSS fiber optic cable connecting the Cody Road Station and the existing Fenner Substation (collectively the "Project") by National Grid.
- ITEM 368  
15-E-0446 Rehearing of Commission Designee Determination  
MR. JONATHAN M. GARCIA AND MS. MARIA CABRERA/MR. ARACELI ROSALES AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 5/20/15 decision since Mr. Garcia failed to support his claim that he did not own the property at the time that the shared meter condition was discovered. The 12-month assessment has already been reduced by 43%.

- ITEM 369  
12-E-0454      Rehearing of Commission Designee Determination  
MS. MARIA TROTT/MS. PORTIA STEWARD AND  
CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC. - The Commission decided to uphold  
the SMD's 8/23/12 decision since Ms. Trott's  
agreement contained no provision for reimbursing  
her tenant for the minimal shared usage charges. Ms.  
Trott's remaining assertion that she was not notified  
of her tenant's complaint was not supported since  
Staff's records indicate its 5/11/12 notification sent to  
her was not returned by the Post Office.
- ITEM 370  
13-E-0034      Rehearing of Commission Designee Determination  
MS. KAREN BRISCOE-REED/MR. CARMELO  
RIVERA, JR. AND CENTRAL HUDSON GAS AND  
ELECTRIC CORPORATION - The Commission  
decided to uphold the SMD's 8/29/12 decision  
since Ms. Briscoe-Reed provided no new evidence to  
support her claim that the shared meter condition  
found on 3/2/11 did not exist and the 12-month  
assessment has already been reduced by 75%.
- ITEM 371  
12-E-0453      Rehearing of Commission Designee Determination  
MR. JOSE MOROCHO AND MR. SERGIO  
HERRERA/MR. JOSE MOROCHO AND  
CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC. - The Commission decided to uphold  
the SMD's 6/5/12 decision since Mr. Morocho's  
documentation does not provide a basis for canceling  
the shared area charges and the 12-month  
assessment has already been reduced by 60%. Mr.  
Herrera's assertion that he was not fully  
compensated was not supported. Making payment  
on the owner's account is not a basis for adjusting  
shared meter charges.
- ITEM 372  
12-E-0451      Rehearing of Commission Designee Determination  
MR. MARCEL BUCHOLZ/MR. SAMSON SEGEDIN  
AND CONSOLIDATED EDISON COMPANY OF  
NEW YORK, INC. - The Commission decided to  
uphold the SMD's 6/19/12 decision since Mr.  
Bucholz's assertion does not provide a basis for  
canceling the shared area charges and the 12-month  
assessment has already been reduced by 75%. As a  
landlord Mr. Bucholz is ultimately responsible for the  
wiring conditions within his property.

**Water**

- ITEM 461  
 14-W-0307 FOREVER WILD WATER COMPANY, INC. - The Commission decided to grant the company's request for reconsideration and modifies its April 17, 2015 Order to 1) grant the company's request to remove the requirement that the escrow account be interest-bearing and to 2) grant the company's request to allow it to continue using the escrow account funds to cover the cost of extraordinary repairs and/or plant replacements.
- ITEM 462  
 15-W-0209 HUDSON VALLEY WATER COMPANIES, INC. - The Commission decided to authorize the Company to increase its annual revenues by \$33,815 or 21.8%, to become effective October 1, 2015.

**Cable**

- ITEM 661  
 15-V-0231 EMPIRE VIDEO SERVICES CORPORATION - The Commission decided to approve the Certificate of Confirmation franchise agreement between the company and the Village of North Hornell (Steuben County)
- ITEM 662  
 15-V-0232 COMMUNITY CABLE CORPORATION D/B/A NORTH PENN VIDEO - The Commission decided to approve the Certificate of Confirmation franchise agreement between the company and the Village of North Hornell (Steuben County)
- ITEM 663  
 15-V-0237 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CAMPBELL, STEUBEN COUNTY.  
 15-V-0201 TIME WARNER CABLE NORTHEAST LLC/TOWN OF HOPEWELL, ONTARIO COUNTY.  
 15-V-0203 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF HAVERSTRAW, ROCKLAND COUNTY.  
 15-V-0212 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF EAST FISHKILL, DUTCHESS COUNTY.

ITEM 663 (Cont'd.)

- 15-V-0242 CABLEVISION SYSTEMS DUTCHESS CORPORATION/VILLAGE OF MILLERTON, DUTCHESS COUNTY.
- 15-V-0253 CABLEVISION SYSTEMS DUTCHESS CORPORATION/TOWN OF NORTH EAST, DUTCHESS COUNTY.
- 15-V-0265 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF HERKIMER, HERKIMER COUNTY.
- 15-V-0268 ADAMS CATV, INC./VILLAGE OF WINDSOR, BROOME COUNTY.
- 15-V-0238 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CINCINNATUS, CORTLAND COUNTY.

The Commission decided to approve the respective franchise agreement renewals for each of the listed cases.