



# Public Service Commission

**For Immediate Release: 11/12/21**

Rory M. Christian, Chair

**Contact:**

James Denn | James.Denn@dps.ny.gov | (518) 474-7080

<http://www.dps.ny.gov>

<http://twitter.com/NYSDPS>

21114

## COMMISSION ISSUES PRELIMINARY NOVEMBER 18, 2021 AGENDA

**ALBANY, NY** – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 A.M., Thursday, November 18, 2021**. The session will be held in the Commission’s offices located at Three Empire State Plaza, 19th Floor, Albany; 90 Church Street, 4th Floor, New York City; 125 East Bethpage Road, Plainview, Long Island; and, 295 Main Street, Buffalo, with in-person attendance limited to the Albany, New York office. Please be prepared to show identification to be admitted to the Albany office. Due to COVID protocols, individuals must wear a mask while in the agency’s office. Seating capacity in Albany will be minimal.

**MEETING WILL BE BROADCAST ON THE INTERNET AT:**

<http://www.dps.ny.gov/Webcasts.html>

**-VIDEOCASTING TO PSC’S NYC OFFICES AVAILABLE-**

**(See instructions on last page of Agenda)**

The session agenda is as follows:

**To view documents related to PSC Cases below, visit:**

[http://www.dps.ny.gov/New\\_Search.html](http://www.dps.ny.gov/New_Search.html)

**REGULAR AGENDA ITEMS**

**Items To Be Resolved Through Discussion**

<b>Item</b>	<b>PSC Case</b>	
		<b>GENERAL</b>
201	20-E-0428	CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service
	20-G-0429	CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

20-M-0134 Petition of Central Hudson Gas & Electric Corporation for Approval, Pursuant to Public Service Law, Section 113(2), of a Proposed Disposition of Sales Tax Refund.

**No items will be considered on the Regular Agenda for POWER, GAS, WATER, COMMUNICATIONS and CABLE.**

### CONSENT AGENDA

**This agenda consists of items that, by their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commissioners and do not require discussion at the Session.**

Item	PSC Case	GAS
161	20-G-0101	CORNING NATURAL GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
162	19-G-0379	NEW YORK STATE ELECTRIC & GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
163	21-G-0508	KEYSPAN GAS EAST CORP. D/B/A NATIONAL GRID - Tariff Filing to Make Revisions of a Housekeeping Nature to Its Gas Tariff Schedule, P.S.C. No. 1, to Correct a Service Classification Number Listed in the Company's Seller Service Agreement.
164-A		In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Penalty Determination Orders).
	21-G-0374	Asplundh Construction, LLC/KeySpan Gas East Corporation d/b/a National Grid.
	21-G-0381	M. Jesus Construction Corp./KeySpan Gas East Corporation d/b/a National Grid.
164-B		In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Consent Order Approvals).
	21-G-0512	Luizzi Management, LLC/Niagara Mohawk Power Corporation, d/b/a National Grid.
	21-G-0513	Peter Luizzi & Bros Contracting, Inc./Niagara Mohawk Power Corporation d/b/a National Grid.

- 21-G-0514 Peter Luizzi & Bros Contracting, Inc./Niagara Mohawk Power Corporation d/b/a National Grid.
- 21-G-0515 RAF Development Corp./KeySpan Gas East Corporation d/b/a National Grid.
- 21-G-0516 Ashley Mechanical Inc/Central Hudson Gas & Electric Corporation.
- 21-G-0517 MJD Masonry by Marty, LLC/KeySpan Gas East Corporation d/b/a National Grid.
- 21-G-0518 Town of East Greenbush Department of Public Works/Niagara Mohawk Power Corporation d/b/a National Grid.
- 21-G-0519 All Island Group/KeySpan Gas East Corporation d/b/a National Grid.
- 21-G-0520 Accadia Site Contracting, Inc./National Fuel Gas Distribution Corporation.
- 21-G-0521 Meadowview LLC/National Fuel Gas Distribution Corporation.
- 21-G-0522 JS Electric & Construction, Inc./KeySpan Gas East Corp. d/b/a National Grid.
- 164-C In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Petitions for Rehearing).
- 20-G-0567 Reinhart Enterprises Landscaping and Lawn Care, LLC/National Fuel Gas Distribution Corporation.
- 20-G-0585 Maples Farm & Garden Center/Orange and Rockland Utilities, Inc.
- 20-G-0637 Buffalo & Orchard Park Topsoil, Inc./National Fuel Gas Distribution Corporation.
- 20-G-0646 Peter Luizzi & Bros. Contracting, Inc./Niagara Mohawk Power Corporation d/b/a National Grid.
- 21-G-0103 Viking Land Works, Inc./Orange and Rockland Utilities, Inc.
- 21-G-0224 Halcyon Construction Management LLC/The Brooklyn Union Gas Company d/b/a National Grid NY.
- 165 21-G-0423 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Tariff filing to continue the Partnership to Revitalize the Industrial Manufacturing Economy of Western NY (PRIME-WNY) as a pilot through November 30, 2024.
- 166 21-G-0433 CRESTWOOD PIPELINE AND STORAGE NORTHEAST LLC, STAGECOACH GAS SERVICES LLC, CON EDISON GAS PIPELINE AND STORAGE NORTHEAST, LLC, TWIN TIER PIPELINE LLC, AND KINDER MORGAN OPERATING LLC "A" - Joint Petition for a Declaratory Ruling or, Alternatively, Approval Pursuant to Section 70 of

the Public Service Law for Transfer of Interest and Declaratory Ruling Regarding Lightened Regulation.

### GENERAL

- |     |           |  |
|-----|-----------|--|
| 261 | 20-M-0082 | Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data.   |
| 262 | 21-M-0491 | GOT GAS?, LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices.   |
| 263 | 20-E-0380 | NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.            |
|     | 20-G-0381 | NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.                 |
| 264 | 21-M-0454 | In the Matter of Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Prescribing Interest Rates Applicable to Customer Deposits.                    |
| 265 | 21-E-0074 | ORANGE AND ROCKLAND UTILITIES, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.                             |
|     | 21-G-0073 | ORANGE AND ROCKLAND UTILITIES, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.                                  |
| 266 | 14-M-0224 | Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.  |
| 267 | 06-M-0647 | In the Matter of Energy Service Company Price Reporting Requirements.  |
|     | 12-M-0476 | Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.                         |
|     | 98-M-0667 | In the Matter of electronic data interchange.  |
|     | 98-M-1343 | In the Matter of Retail Access Business Rules.   |
| 268 | 19-E-0065 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.                   |
|     | 19-G-0066 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.                        |
| 269 | 21-M-0403 | CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Petition for Authority under Section 69 of the Public Service Law to Issue Securities Having a Maturity of More than One Year. |

- 270 12-M-0476 Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.
- 15-M-0127 In the Matter of Eligibility Criteria for Energy Service Companies.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 271 12-M-0476 Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.
- 15-M-0127 In the Matter of Eligibility Criteria for Energy Service Companies.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 272 12-M-0476 Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.
- 15-M-0127 In the Matter of Eligibility Criteria for Energy Service Companies.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 273 12-M-0476 Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.
- 15-M-0127 In the Matter of Eligibility Criteria for Energy Service Companies.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 274 20-M-0602 THE VANGUARD GROUP, INC. - Petition for a Declaratory Ruling Regarding Acquisition of Stock, or, in the Alternative, Approvals Pursuant to Sections 70, 83, 89-h, 100 and 222 of The Public Service Law.
- 275 21-M-0365 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Petition for Authority to Enter into Multi-Year Committed Credit Agreements in Amounts not to Exceed \$250 million in the Aggregate and Maturities not to Exceed Five Years, and Approval to Issue and Sell Long-Term Debt in an Amount not to Exceed \$475 Million in the Aggregate through December 31, 2024.
- 276 21-M-0405 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. AND ORANGE AND ROCKLAND UTILITIES, INC. - Tariff Filings to Establish a New Provision, Customer Consent to Contact, in their Respective Electric, Gas, and Steam Tariff Schedules.

**POWER**

- 361 21-E-0039 111 VARICK, LLC - Notice of Intent to Submeter Electricity at 111 Varick Street, New York, New York 10013, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 362 21-E-0125 SHERMAN TERRACE COOPERATIVE, INC. - Notice of Intent to Submeter Electricity at 1010 Sherman Ave, Bronx, NY 10456, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 363 21-E-0198 DELSHAH-OTL-START 22 JV LLC - Notice of Intent to Submeter Electricity at 22 Chapel Street, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 364 21-E-0233 445 GERARD LLC - Petition to Submeter Electricity at 445 Gerard Avenue, Bronx, New York in the Territory of Consolidated Edison Company of New York, Inc.
- 365 21-E-0234 MADISON 465 W LLC - Notice of Intent to Submeter Electricity at 465 Washington Street, New York, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 366 20-E-0243 UTILISAVE, LLC. - Petition for a Declaratory Ruling Regarding the Zero-Emissions Credit Requirement.
- 367 21-E-0416 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition Pursuant to Section 70 of the New York State Public Service Law Regarding the Transfer of Certain Property to the Town of Geddes.
- 368 21-E-0490 GRAYSTONE TECHNOLOGIES, INC. - In the Matter to Seek Consequences for Violations of the Uniform Business Practices.
- 369 19-E-0009 CON EDISON/ECCLESIASTICAL ASSIST CORPORATION OF THE ARCHDIOCESE OF NEW YORK - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal by Consolidated Edison Company of New York, Inc. of the Informal Decision Rendered in Favor of Ecclesiastical Assist Corporation of the Archdiocese of New York. (7329032).
- 370 20-E-0081 SUSAN BERKOWITZ/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal by Susan Berkowitz of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (839856).
- 371 21-T-0366 EMPIRE OFFSHORE WIND LLC - Application for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 17.5 Miles of Transmission Lines from the Boundary of

- New York State Territorial Waters to a Point of Interconnection in Brooklyn, Kings County.
- 372 17-F-0597 HIGH RIVER ENERGY CENTER, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Florida, Montgomery County.
- 373 15-F-0122 BARON WINDS, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility.
- 374 18-T-0604 DEEPWATER WIND SOUTH FORK, LLC - Application for a Certificate of Environmental Compatibility and Public Need for the Construction of Approximately 3.5 Miles of Submarine Export Cable from the New York State Territorial Waters Boundary to the South Shore of the Town of East Hampton in Suffolk County and Approximately 4.1 Miles of Terrestrial Export Cable from the South Shore of the Town of East Hampton to an Interconnection Facility with an Interconnection Cable Connecting to the Existing East Hampton Substation in the Town of East Hampton, Suffolk County.
- 375 21-E-0345 MORRIS RIDGE SOLAR ENERGY CENTER, LLC - Petition for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law Section 68 and an Order Granting Lightened Regulation.
- 376 21-E-0434 COGENTRIX VALCOUR WIND ENERGY HOLDINGS, LLC, AND AES CLEAN ENERGY DEVELOPMENT, LLC - Joint Petition for a Declaratory Ruling That No Further Review is Required of Upstream Ownership Transfer, or in the Alternative, for Approval of the Proposed Transaction Pursuant to Section 70 of the Public Service Law.
- 377 21-E-0414 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Tariff Filing to Modify Its Electric Tariff Schedules, P.S.C. Nos. 10 and 12, to Allow Eligible Combined Heat and Power Generation Customers to Provide Export Support to Their Other Service Connections.
- 378 18-E-0138 Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure.
- 379 18-T-0202 EIGHT POINT WIND, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII to Construct and Operate a 16.5 Mile 115kV Transmission Line.
- 380 21-E-0196 GENERATION BRIDGE ACQUISITION, LLC AND NRG ENERGY, INC. - Joint Petition for a Declaratory Ruling Eschewing Further Review of the Proposed Transaction or, in the Alternative, an Order Approving the Proposed Transaction Pursuant to Section 70 of the New York Public Service Law and Petition of Generation Bridge Acquisition, LLC for an Order Authorizing Financing Pursuant to Section 69 of the New York Public Service Law.
- 381 20-E-0609 JAMES RYAN/CENTRAL HUDSON GAS & ELECTRIC CORPORATION - In the Matter of the Rules and Regulations of the

Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Central Hudson Gas & Electric Corporation (015942)

### **WATER**

- 461 21-W-0424 SUEZ WATER NEW YORK INC. - Tariff filing to Clarify Language Regarding Late Payment Charges to Customer Bills; and Incorporating Revisions of a Housekeeping Nature.

### **COMMUNICATIONS**

- 561 21-C-0235 In the Matter of Quality of Service Provided by Local Exchange Companies in New York State.

### **CABLE**

- 661 Petitions for Renewal of Cable Television Franchises.
- 21-V-0430 Spectrum Northeast, LLC/Town of Lincoln, Madison County.
- 21-V-0435 Spectrum Northeast, LLC/Town of Orangeville, Wyoming County.
- 21-V-0436 Spectrum Northeast, LLC/Village of Union Springs, Cayuga County.
- 21-V-0448 Spectrum Northeast, LLC/Village of Laurens, Otsego County.
- 21-V-0449 Spectrum Northeast, LLC/Town of Lisbon, St. Lawrence County.
- 21-V-0450 Spectrum Northeast, LLC/Town of North Harmony, Chautauqua County.
- 21-V-0452 Spectrum Northeast, LLC/Town of Smithville, Chenango County.
- 21-V-0467 Heart of the Catskills Communications, Inc. dba MTC Cable/Town of Colchester, Delaware County.
- 21-V-0468 Spectrum Northeast, LLC/Town of Genesee Falls, Wyoming County.
- 21-V-0469 Spectrum Northeast, LLC/Town of Bristol, Ontario County.
- 662 21-V-0286 VILLAGE OF WOODBURY - Petition for a Waiver of the Requirements of 16 NYCRR, Sections 894.1 - 894.4 Regarding Franchise Procedures.

### **Instructions to Listen to the Webcast of Meeting**

The Internet webcast can be accessed at <http://www.dps.ny.gov/Webcasts.html>.

The listening quality of a live webcast can be adversely affected by various factors including, but not limited to, Internet bandwidth limitations, Internet network congestion, and the configurations and settings on a computer used to access the webcast. If you experience problems listening to a



live webcast, you may view it at a later time by accessing an archived copy of the webcast. Archives are available on the Department Web site within two business days after the meeting.

### **Explanation of Agenda**

The agenda is divided into two sections. The **Consent Agenda** consists of items that because of their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commission and do not require discussion. Any item on the Consent Agenda can be transferred to the Regular Agenda if discussion is required.

The **Regular Agenda** consists of items that, by their nature, appear to be best resolved through discussion of matters covered by written reviews and analyses, also available to the Commissioners in advance of the meeting. All Commission meetings are open to the public. However, since adequate forums are available for public participation in cases before the Commission there will be no opportunity for the public to address the Commission. The agenda contained herein is complete at the time of issue, but other items may be added and some agenda items may be removed without further notice.

Proposed draft orders for **Regular Agenda items** will be posted for public viewing, if feasible, by 6:00 p.m. the day before a Commission meeting. The proposed draft orders will be made available at: [Documents Scheduled for Discussion at Session](#).

The posted draft orders will be removed by 6:00 p.m. on the day of the Commission meeting, or when the final order is issued, whichever is earlier. (Clicking on this link at any other time than that noted above will result in “No Documents found.”) The proposed draft order is not the final Commission action, rather, the final determination is the issued order, posted by the Secretary, and available at [www.dps.ny.gov](http://www.dps.ny.gov), click on “Search” then search the appropriate PSC case number.

### **Other Matters**

Persons with disabilities who require a sign language interpreter or other special accommodations should call the Department of Public Service's Human Resources Management office at 518-474-2520. TTD users may call this number through the New York Relay Service at 1-800-662-1220 or have a representative call directly to the office.

All public documents that have been filed or issued before today's date may be obtained by accessing the Department of Public Service Web site at [www.dps.ny.gov](http://www.dps.ny.gov), click on “Search” then search using the appropriate PSC case number.

**Next Meeting**

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, December 16, 2021.**