

Consent Agenda Report for 10/18/2018

The following is a preliminary and informal summary of actions the Commission took at its public session on October 18, 2018. 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

16-G-0369 CORNING NATURAL GAS CORPORATION - The Commission decided to approve, on a permanent basis, the company's compliance filing effectuating Rate Year 2 pursuant to Commission Order issued June 15, 2017 in this proceeding.

ITEM 162-A

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

17-G-0648 KUBRICKY CONSTRUCTION CORP./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

18-G-0161 COUNTRY ACRES MOBILE HOME PARK, LLC /NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

18-G-0241 LC SPRINKLERS SYSTEM INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0580 H & Z BUILDING CONSULTING INC./ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

18-G-0581 ROCKS MASONARY & EXCAVATING INC./ KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0582 SWIM CLEAN INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0583 SKANSKA USA CIVIL NORTHEAST INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID

18-G-0585 CAC BHL JOINT VENTURE, LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID

18-G-0586 5D ARCHITECTURE & ENGINEERING PLLC/ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

ITEM 162-A (Cont'd)

- 18-G-0589 LUCARELLI SAND & GRAVEL, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0590 JOHN DEACY PLUMBING & HEATING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0591 ESSWEIN ASSOCIATES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0593 TIM MAURO CO., INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 18-G-0594 FRANKIE C'S CONTRACTING & SEALCOATING/CENTRAL HUDSON GAS & ELECTRIC CORPORATION

The Commission determined \$10,000 penalties in Cases 18-G-0589, and 18-G-0591, and determined \$2,500 penalties in Cases 17-G-0648, 18-G-0161, 18-G-0241, 18-G-0580, 18-G-0581, 18-G-0582, 18-G-0583, 18-G-0585, 18-G-0586, 18-G-0590, 18-G-0593, and 18-G-0594.

ITEM 162-B

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

- 18-G-0569 AUDUBON ENVIRONMENTAL, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0570 DARCY CONSTRUCTION CORPORATION/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0571 DRAGONFLY LANDSCAPE DESIGN LTD./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0572 CIR ELECTRICAL CONSTRUCTION CORPORATION/NEW YORK STATE ELECTRIC & GAS CORPORATION
- 18-G-0573 GLEN AMESBURY & SON/ROCHESTER GAS AND ELECTRIC CORPORATION
- 18-G-0574 MORGAN CONSTRUCTION & CABINETRY LTD./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

162-B (Cont'd)

- 18-G-0575 EAST & WEST CONCRETE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0588 N & N MAURA, LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0597 CON-TECH CONSTRUCTION TECHNOLOGY, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 18-G-0598 TOWN OF SHAWANGUNK DEPARTMENT OF PUBLIC WORK/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 18-G-0599 L.P. TRUCKING & EXCAVATING, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

The Commission decided to approve Consent Orders in Cases 18-G-0569, 18-G-0570, 18-G-0571, 18-G-0572, 18-G-0573, 18-G-0574, 18-G-0575, 18-G-0588, 18-G-0597, 18-G-0598, and 18-G-0599.

ITEM 162-C

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

- 17-G-0585 PERCIBALLI INDUSTRIES INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0628 ARBEN GROUP LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 17-G-0645 ROBERT MACVIE D/B/A ROBERT MACVIE INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 18-G-0049 GALLO CONSTRUCTION CORPORATION/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

The Commission decided to grant Petitions for Reconsideration in Cases 17-G-0585, 17-G-0645, and 18-G-0049, and denied a Petition for Rehearing in Case 17-G-0628.

ITEM 163

- 18-G-0393 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff filing establishing a Base Load Service under its Daily Delivery Service Program and making a clarifying revision to its Gas Cost Factor provision, in P.S.C. No. 9.

ITEM 164
 18-G-0318 KEYSpan GAS EAST CORP. D/B/A NATIONAL GRID; THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY, AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve, with modification, the cost allocation and reimbursement provisions of the New York Facilities Agreement and to grant the New York Facilities System Owners' requests to reconcile and recover the associated costs and revenues.

ITEM 165
 18-G-0436 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's gas tariff filing amending its Capacity Release Program, in P.S.C. No. 219.

General

ITEM 261
 15-M-0566, 16-G-0058, 16-G-0059 The Commission decided to adopt a statewide customer survey pilot, and directed Department of Public Service Staff to report on the results of the pilot after one year.

ITEM 262
 17-E-0459, 17-G-0460 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve, on a permanent basis, the company's compliance tariff filings effectuating the terms of Rate Year 1, P.S.C. No. 15 - Electricity, and P.S.C. No. 12 - Gas.

ITEM 263
 There is no item 263

ITEM 264
 17-E-0238, 17-G-0239 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's petition to implement an electronic deferred payment agreement program.

ITEM 265
 18-M-0494 Commissioner Burman, abstaining
ARTS CENTER AND THEATRE OF
SCHENECTADY, INC. D/B/A PROCTORS - The Commission decided to rule that petitioner will not be regulated as an electric corporation if it serves customers from a cogeneration facility as defined by the Public Service Law. The Commission also found that Petitioner will not become a steam corporation by operating a cogeneration facility that does not produce steam, and it ruled that customers disconnected from Niagara Mohawk's system are not entitled to receive standby electric service from Niagara Mohawk.

Power

ITEM 361
 18-E-0550 Rehearing of Shared Meter Designee's Determination
MR. AHMED ALAWLAQI ON BEHALF OF HIMSELF
AND MR. ABDULLA HADI/MS. JOSE LUIS MONTES
AND CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC. - The Commission decided to deny the rehearing as no grounds were provided to warrant it.

ITEM 362
 18-E-0527 Rehearing of Shared Meter Designee's Determination
MS. MANETTE DIEZ/MR. MICHAEL GROSSMAN
AND CONSOLIDATED EDISON COMPANY OF
NEW YORK, INC. - The Commission decided to deny the rehearing as no grounds were provided to warrant it.

ITEM 363
 18-E-0539 ASTORIA ENERGY II LLC - The Commission decided to rule that petitioners satisfied the Wallkill Presumption criteria, and no further regulatory review under Public Service Law Section 70 is needed with respect to the proposed transfer of upstream, indirect ownership interests in the Astoria II Facility. The Commission also ruled that the existing lightened regulatory regime applied to the Astoria II Facility owner should continue after the proposed transaction is effectuated.

ITEM 364
 18-E-0416 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's electric tariff filing modifying provisions for Standby Service, in P.S.C. No. 10.

- ITEM 365
16-T-0499 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the EM&CP for the West Ashville Substation located on a 11.62-acre parcel located west of Swede Road, in the Town of Harmony, Chautauqua County.
- ITEM 366
18-E-0381 2255 BROADWAY PROPERTY OWNER, L.L.C. - The Commission decided to approve the company's petition to submeter electricity at 250 West 81st Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 367
18-E-0273 MEZUYON LLC - The Commission decided to approve the company's petition to submeter electricity at 572 11th Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 368
18-E-0564 NOBLE ALTONA WINDPARK, LLC, NOBLE BLISS WINDPARK, LLC, NOBLE CHATEAUGAY WINDPARK, LLC, NOBLE ELLENBURG WINDPARK, LLC., NOBLE WETHERSFIELD WINDPARK, LLC, AND ZEPHYR WIND ENERGY, LLC - The Commission decided to find that petitioners satisfied the Wallkill Presumption criteria, and no further regulatory review under Public Service Law Section 70 is needed with respect to the proposed transfer of upstream, indirect ownership interests in jurisdictional wind energy facilities owned by the Noble Wind Project Companies. The Commission also ruled that the existing lightened regulatory regime applied to the owners of the wind energy facilities should continue after the proposed transaction is effectuated.

ITEM 369
 18-E-0018 The Commission decided to adopt changes to the New York State Standardized Interconnection Requirements to the sequencing of protection and control studies and clarifications to the preliminary screening process.

ITEM 370
 13-E-0279 Rehearing of Commission Determination
 HELEN & JOHN PUGMIRE/MR. VLADISLAV RIABIOUK AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to grant in part and deny in part the rehearing.

ITEM 371
 15-E-0302 This item was pulled at the session.

Water

ITEM 461
 18-W-0545 BONIVILLE WATER COMPANY, INC. AND KNOLLS WATER CO., INC. - The Commission decided to institute a proceeding to determine if Andrew Sferra individually, Andrew Sferra on behalf of Boniville Water Company, Inc. and Knolls Water Co., Inc., and the directors, managers and agents of Boniville Water Company, Inc. and Knolls Water Co., Inc., failed to provide safe, adequate and reliable service to their customers and to show cause why the Commission should not appoint a temporary operator to control and manage the Companies to ensure the provision of safe and adequate service to ratepayers.

Communications

ITEM 561
 17-C-0795 Rehearing of an Appeal Determination
 MR. MATTHEW SIEGEL/VERIZON - The Commission decided to deny the rehearing.

Cable

ITEM 661

- 18-V-0345 ADAMS CATV INC./TOWN OF COLESVILLE,
BROOME COUNTY
- 18-V-0377 DTC CABLE, INC./VILLAGE OF DELHI, DELAWARE
COUNTY

The Commission decided to grant the approval of the cable franchise renewals listed above.

ITEM 662

- 18-V-0390 DTC CABLE, INC. - The Commission decided to grant the issuance of a Certificate of Confirmation for a cable television franchise agreement to provide video service between the company and the Town of Davenport, Delaware County.