

Consent Agenda Report for 04/19/2018

The following is a preliminary and informal summary of actions the Commission took at its public session on April 19, 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

18-G-0127 KEYSpan GAS EAST CORP. D/B/A NATIONAL GRID - The Commission decided to approve the housekeeping tariff filing that updates the Table of Contents and reinstates tariff language that was inadvertently removed from P.S.C. No. 1 - Gas.

ITEM 162-A

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

18-G-0166 CH DENNIS CESSPOOL SERVICE/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0167 ASPLUNDH CONSTRUCTION CORPORATION /KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0168 ROAD TEK PAVING & EXCAVATING/NEW YORK STATE ELECTRIC & GAS CORPORATION

18-G-0169 2M MECHANICAL SUB SURFACE CORP./ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

18-G-0170 DAN'S HAULING & DEMO, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

18-G-0171 GAZEBO CONTRACTING, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

18-G-0172 MAXIMUM CONTRACTING INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

18-G-0173 RELIABLE SEPTIC PLUMBING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

18-G-0174 SAM'S PLUMBING & HEATING/ROCHESTER GAS AND ELECTRIC CORPORATION

18-G-0175 LONG ISLAND LAWN AND IRRIGATION/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

ITEM 162-A (Cont'd)

- 18-G-0176 RONY'S HOME IMPROVEMENT INC./
CONSOLIDATED EDISON COMPANY OF NEW
YORK, INC.
- 18-G-0177 SUFFOLK EXCAVATING AND DRAINAGE INC./
KEYSPAN GAS EAST CORPORATION D/B/A
NATIONAL GRID
- 18-G-0180 RESCUE CESSPOOL & DRAIN, LLC/KEYSPAN
GAS EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0181 UPSTATE ASPHALT & LETO PAVING, LLC/
NIAGARA MOHAWK POWER CORPORATION
D/B/A NATIONAL GRID
- 18-G-0182 TOWN OF GREENBURGH HIGHWAY
DEPARTMENT/CONSOLIDATED EDISON
COMPANY OF NEW YORK, INC.
- 18-G-0184 P&T II CONTRACTING CORP./KEYSPAN GAS
EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to determine \$10,000 penalties in Cases 18-G-0167, and 18-G-0184, and to determine \$2,500 penalties in Cases 18-G-0166, 18-G-0168, 18-G-0169, 18-G-0170, 18-G-0171, 18-G-0172, 18-G-0173, 18-G-0174, 18-G-0175, 18-G-0176, 18-G-0177, 18-G-0180, 18-G-0181, and 18-G-0182.

ITEM 162-B

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

- 18-G-0154 TOWN OF POUGHKEEPSIE/CENTRAL HUDSON
GAS & ELECTRIC CORPORATION
- 18-G-0155 NEJAME & SONS, LLC/CONSOLIDATED EDISON
COMPANY OF NEW YORK, INC.
- 18-G-0156 HIGH RISE INDUSTRIES INC./KEYSPAN GAS
EAST CORPORATION D/B/A NATIONAL GRID
- 18-G-0157 RON FOSTER, INC./KEYSPAN GAS EAST
CORPORATION D/B/A NATIONAL GRID
- 18-G-0158 STONE CREATIONS OF LONG ISLAND
INC./KEYSPAN GAS EAST CORPORATION D/B/A
NATIONAL GRID
- 18-G-0159 NIAGARA ENVIRONMENTAL & WRECKING
INC./NATIONAL FUEL GAS DISTRIBUTION
CORPORATION
- 18-G-0160 T&K HARRINGTON, LLC/NIAGARA MOHAWK
POWER CORPORATION, D/B/A NATIONAL GRID

ITEM 162-B (Cont'd)

- 18-G-0161 COUNTRY ACRES MOBILE HOME PARK, LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0162 ROUTE 84 ENTERPRISES INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0163 VILLAGE OF PULASKI/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 18-G-0164 KISHAN PLUMBING & HEATING, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission decided to grant Consent Orders in Cases 18-G-0154, 18-G-0155, 18-G-0156, 18-G-0157, 18-G-0158, 18-G-0159, 18-G-0160, 18-G-0161, 18-G-0162, 18-G-0163, and 18-G-0164.

ITEM 162-C

- 17-G-0259 In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities
PLUMB TECH SERVICE SOLUTIONS INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the petition for reconsideration.

General

ITEM 261

- 18-M-0178 CHARTER COMMUNICATIONS, INC. - The Commission decided to confirm the One Commissioner Order by Chair Rhodes that ordered the company to show cause why the Commission should not begin a public notice and opportunity for a hearing on whether Charter has committed material breaches of its franchise agreements with New York City.

ITEM 262

15-M-0388 CHARTER COMMUNICATIONS AND TIME WARNER CABLE - The Commission decided to confirm the One Commissioner Order by Chair Rhodes that ordered the company to show cause why the identified passing's should not be disqualified and why the letter of credit should not be drawn down as a result for the respective forfeiture amount.

ITEM 263

18-M-0147 NATIONAL GRID USA/KEYSPAN CORPORATION - The Commission decided to issue a Declaratory Ruling stating that the proposed corporate reorganization does not require Commission authorization pursuant to PSL §70.

ITEM 264

15-G-0589, 17-G-0423, 17-E-0429 BATH ELECTRIC, GAS & WATER SYSTEMS - The Commission decided to authorize the company to increase its annual electric base revenues by \$613,904 or 14.3%, and its annual gas delivery revenues by \$142,197, or 6.1%. The Commission decided to authorize Bath to establish a System Improvement Plan surcharge effective January 1, 2019.

ITEM 265

14-M-0101, 16-M-0411 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ORANGE AND ROCKLAND UTILITIES, INC., CENTRAL HUDSON GAS & ELECTRIC CORPORATION, NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, NEW YORK STATE ELECTRIC & GAS CORPORATION, and ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to adopt the proposed 4/50 whole-building benchmarking standard.

ITEM 266

14-M-0224, 16-M-0411, 17-M-0315 The Commission decided to direct full implementation of the Utility Energy Registry (UER) by the New York State Energy Research and Development Authority and the energy utilities and adopt a less restrictive aggregation privacy screen for inclusion of certain datasets in the UER.

ITEM 267
 18-M-0013 The Commission decided to select Schumaker & Company to investigate the income tax accounting of certain New York State Utilities. Furthermore, the Commission required the Utilities to execute multi-party contracts with the recommended Consultant and the Department of Public Service.

Power

ITEM 361
 17-E-0431 MIDTOWN TOWER LLC - The Commission decided to approve the company's petition to submeter electricity at 280 East Broad Street, Rochester, New York, located in the territory of Rochester Gas and Electric Corporation.

ITEM 362
 17-E-0347 MURRAY HILL MARQUIS LLC - The Commission decided to approve the company's petition to submeter electricity at 140 and 150 East 34th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 363
 17-E-0703 20 BROAD STREET OWNER LLC - The Commission decided to approve the company's petition to submeter electricity at 20 Broad Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 364
 18-E-0082 BRENDAN BANNIGAN/NATIONAL GRID – UPSTATE – The Commission decided to recommend that the complainant’s appeal be denied because complainant failed to state sufficient grounds for an appeal.

ITEM 365 There is no Item 365.

- ITEM 366
 15-T-0305 NIAGARA MOHAWK POWER CORPORATION - The Commission decided to grant a certificate of environmental compatibility and public need to National Grid to reconstruct and reconductor transmission lines and to construct a substation. This Certificate authorizes National Grid to construct and operate a new substation in the Town of Cicero and relocate and selectively reconductor and reconstruct two existing 115kV transmission lines, the Clay to Teall Line 10 (Line 10) and the Clay to DeWitt Line 3 (Line 3) in the Towns of Clay, Cicero, DeWitt, and Salina, in Onondaga County.
- ITEM 367
 15-E-0500, 15-E-0700 INTERGROW GREENHOUSES, INC., LAKEWOOD PRODUCTS, INC. and TIASHOKE FARM - The Commission finds that Niagara Mohawk's calculations for CIACs towards upgraded facilities should be based on a 10-year period. Niagara Mohawk is required to recalculate the CIACs for the Petitioners, and issue refunds if warranted. Additionally, Niagara Mohawk is required to provide the Petitioners a pro-rated refund of their CIACs should additional customers take service from the upgraded facilities within 10 years of being energized.
- ITEM 368
 17-E-0737 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the company's request to transfer of street lighting facilities to the City of Geneva.
- ITEM 369
 15-E-0751, 15-E-0082 - Commissioner Diane X. Burman, concurred DAIRY FARMERS OF AMERICA, AGRI-MARK DAIRY COOPERATIVE and VANGUARD RENEWABLES - The Commission decided to grant the request of the companies for a waiver of the Community Distributed Generation 10-member minimum and consumption limit for projects serving only farm customers and deny the request for the creation of a technology-specific Farm Distributed Generation program.

- ITEM 370
17-E-0370
NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the company's electric tariff filing implementing electric rate options on a pilot basis for the Energy Smart Community Project, P.S.C. No. 120.
- ITEM 371
14-E-0423, 15-E-0186, 15-E-0188, 15-E-0189, 15-E-0190, 15-E-0191
Commissioner Diane X. Burman, concurred
CENTRAL HUDSON GAS & ELECTRIC CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK INC., NEW YORK STATE ELECTRIC & GAS CORPORATION, NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, ORANGE AND ROCKLAND UTILITIES, INC., and ROCHESTER GAS AND ELECTRIC CORPORATION – The Commission decided to direct the companies to file tariff amendments to improve their present Dynamic Load Management (DLM) Program cost allocation and recovery methodology. The Commission denied NYC's request to delay changes to Consolidated Edison's DLM cost recovery methodology. Finally, the Commission approved Central Hudson's proposal to recover its deferred DLM program costs through the newly adopted recovery mechanism.
- ITEM 372
18-E-0032
FORTISTAR NORTH TONAWANDA INC. - The Commission decided to approve the proposed financing under PSL Sections 69 and 82, and rule that no review under PSL Sections 70 and 83 is needed for intra-corporate transfers proposed to effectuate a corporate restructuring.
- ITEM 373
17-E-0758
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ORANGE AND ROCKLAND UTILITIES, INC., CENTRAL HUDSON GAS AND ELECTRIC CORPORATION, NEW YORK STATE ELECTRIC AND GAS CORPORATION, ROCHESTER GAS AND ELECTRIC CORPORATION and NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID. The Commission decided to approve the amended Electric Emergency Response Plans.

ITEM 378
 17-E-0741 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve with modifications the company's petition with associated tariff amendments to its electric tariff schedule, P.S.C. No. 10 to revise its Commercial Demand Response Programs Rider T.

ITEM 379
 17-E-0656 DYNAMIC ENERGY SOLUTIONS, LLC - The Commission decided to grant the company's request for an extension in the compensation term for two solar photovoltaic community distributed generation projects from 20 to 25 years.

Water

ITEM 461
 16-W-0130 SUEZ WATER NEW YORK INC. - The Commission decided to approve, on a permanent basis, the company's compliance filing effectuating Rate Year 2 pursuant to Commission Order issued January 24, 2017.

ITEM 462
 17-W-0616 ARROW PARK, INC. - The Commission decided to authorize the company to increase its annual revenues by \$8,471 or 50.37%, effective May 1, 2018; to establish the Emergency Repair Surcharge Statement No. 2 to collect \$4,310 from its customers to repay a debt to Arrow Park Lake and Lodge, effective May 1, 2019; and to establish the Escrow Account Statement No. 2, effective May 1, 2019.

Communications

ITEM 561
 17-C-0757 TIME WARNER CABLE INFORMATION SERVICES (NEW YORK), LLC. - The Commission decided to select a consultant to conduct a focused management and operations audit of the company.

ITEM 562
 16-C-0532 NICHOLVILLE TELEPHONE COMPANY, INC., ATLAS CONNECTIVITY, INC., SLIC NETWORK SOLUTIONS, INC., NICHOLVILLE CELLULAR, INC., NICHOLVILLE NETWORK, INC., AND NICHOLVILLE COMMUNICATIONS, INC. - The Commission decided to approve the proposed restructuring plan and the related transactions of the companies, subject to the conditions described in the Order and finds the transaction to be in the public interest.

ITEM 563
 17-C-0171 The Commission decided to direct all Commission approved Eligible Telecommunications Carriers (ETCs) to continue to provide subsidized basic local telephone service to Lifeline customers who would otherwise lose or be unable to obtain Lifeline service pursuant to the changes to Lifeline eligibility set forth by the Federal Communications Commission (FCC) in its April 2016 Lifeline Modernization Order. The Commission should continue to authorize state support via the New York Targeted Accessibility Fund (TAF) for customers who are only eligible under programs that have been eliminated by the FCC. The Commission should also authorize additional funding from the TAF to offset the loss in federal funding (currently \$9.25) that the ETCs would no longer receive due to such subscribers' loss of Federal Lifeline eligibility.

Cable

ITEM 661
 18-V-0008 SUFFOLK CABLE CORPORATION - The Commission decided to approve the company's petition for approval of the renewal of its franchise with the Village of Shoreham, Suffolk County.

ITEM 662
 17-V-0447 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 40 multiple-dwelling unit buildings in the City of New York.

ITEM 663

17-V-0448 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 32 multiple-dwelling unit buildings in the City of New York.

ITEM 664

17-V-0660 HILLTOP COMMUNICATIONS, INC. - The Commission decided to approve the Certificate of Confirmation for a franchise with the Town of Gallatin, Columbia County.

ITEM 665

17-V-0537 HILLTOP COMMUNICATIONS, INC. - The Commission decided to approve the Certificate of Confirmation for a franchise with the Town of Taghkanic, Columbia County.

ITEM 666

18-V-0002 HILLTOP COMMUNICATIONS, INC. - The Commission decided to approve the Certificate of Confirmation for a Franchise with the Town of Livingston, Columbia County.

ITEM 667

18-V-0020 MID-HUDSON CABLEVISION HOLDINGS, INC., MID-HUDSON CABLEVISION, INC., HOME ENTERTAINMENT COMPANY (ALSO KNOWN AS CATSKILL MOUNTAIN CABLEVISION), THE MID-HUDSON CABLEVISION HOLDINGS, INC. EMPLOYEE STOCK OWNERSHIP TRUST AND THE MID-HUDSON CABLEVISION HOLDINGS, INC. - The Commission decided to approve the holding company level transfer of control of the MH Cable Entities, resulting in the Mid-Hudson ESOP acquiring 100% of the issued and outstanding shares of Mid-Hudson Cablevision Holdings, Inc. under Public Service Law Section 222.