

STATE OF NEW YORK

# Public Service Commission

Garry A. Brown, Chairman

Three Empire State Plaza, Albany, NY 12223

Further Details: James Denn

James.denn@dps.ny.gov | 518.474.7080

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

<http://twitter.com/NYSDPS>

13034

## COMMISSION TO MEET ON THURSDAY, JUNE 13, 2013

Albany, NY – 06/07/13 – The Public Service Commission announced today that it will hold its next regular session beginning at **10:00 a.m., Thursday, June 13, 2013, in the 19<sup>th</sup> Floor Board Room of its offices located at Three Empire State Plaza, Albany, New York.**

**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 Numbers 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**

**Item      PSC Case**

#### **GAS**

- |     |           |  |
|-----|-----------|--|
| 101 | 12-G-0544 | THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - In the Matter of the Commission's Examination Earnings Computation Provisions and Other Continuing Elements of the Applicable Rate Plan. |
| 102 | 13-G-0213 | In the Matter of Staff's Analysis of Local Distribution Company Performance and Performance Measures.  |

- 103 13-G-0136 NATIONAL FUEL GAS DISTRIBUTION CORPORATION -  
Proceeding on Motion of the Commission as to the Rates, Charges, Rules  
and Regulations for Gas Service.
- 104 12-G-0221 TALISMAN ENERGY USA, F/K/A FORTUNA ENERGY, INC. -  
Proceeding on Motion of the Commission to Investigate Whether a  
Penalty Should Be Imposed for Violations of an Order or Regulation  
adopted under the Authority of the Public Service Law Requiring that  
Natural Gas Be Odorized.

### GENERAL

- 201 10-M-0551 IBERDROLA, S.A., IBERDROLA, USA, NEW YORK STATE  
ELECTRIC AND GAS, AND ROCHESTER GAS AND ELECTRIC. -  
In the Matter of a Comprehensive Management Audit.
- 12-E-0065 IBERDROLA RENEWABLES HOLDINGS, INC. - Petition for a  
Declaratory Ruling Concerning the Application of Section 70 of the  
Public Service Law.
- 12-M-0066 NEW YORK STATE ELECTRIC & GAS CORPORATION,  
ROCHESTER GAS AND ELECTRIC CORPORATION, RGS  
ENERGY GROUP INC., IBERDROLA USA NETWORKS,  
IBERDROLA USA, INC., AND IBERDROLA FINANCE UK  
LIMITED - Petition for Approval of an Internal Reorganization Pursuant  
to Section 70 of the Public Service Law.
- 202 13-M-0211 In the Matter of Energy Utility Customer Service Quality.
- 203 12-M-0192 FORTIS INC. ET AL./CH ENERGY GROUP, INC. ET AL. - Joint  
Petition for Approval of the Acquisition of CH Energy Group, Inc. by  
Fortis Inc. and Related Transactions.

### POWER

- 301-A 13-E-0148 In the Matter of 2012 Electric Reliability Performance in New York  
State.
- 301-B 13-E-0096 2012 Compliance Report on Stray Voltage Testing and Inspections as  
Required by the Electric Safety Standards.

## COMMUNICATIONS

- 501 09-M-0527 Proceeding to Examine Issues Related to a Universal Service Fund. Joint Proposal.

No items will be considered on the Regular Agenda for **WATER** 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 | 11-G-0280 | CORNING NATURAL GAS CORPORATION - Amendments to PSC No. 7-Gas, eff. 5/1/13 - to implement Rate Year 2 of a three year rate plan in compliance with Commission Order issued April 20, 2012.            |
| 162 |           | In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities.   |
|     | 13-G-0214 | SAK STRUCTURES LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  |
|     | 13-G-0215 | ABSOLUTE ELECTRICAL SERVICE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.   |
|     | 13-G-0220 | AROUND THE CLOCK CESSPOOL INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.  |
|     | 13-G-0217 | FIELDS CONSTRUCTION & EXCAVATING, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.   |
|     | 13-G-0218 | DEMCO NEW YORK CORP./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.   |
|     | 13-G-0219 | B HAGEN LANDSCAPING INC./ORANGE AND ROCKLAND UTILITIES, INC.  |
| 163 | 13-G-0050 | LASER NORTHEAST GATHERING COMPANY, LLC, DMP NEW YORK, INC., LNGC HOLDINGS, LLC, and WILLIAMS FIELD SERVICES COMPANY, LLC - Joint Petition of for Approval Pursuant to Section 70 of the New York PSL. |
| 164 | 13-G-0104 | MS. PAULINE PHIPPS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Appeal of Informal Hearing Decision.   |
| 165 | 12-G-0557 | NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Petition for Approval of the Sale of Distribution Facilities Pursuant to Section 70 of the Public Service Law.   |

- 166 13-G-0009 NATIONAL GRID USA'S NEW YORK GAS COMPANIES - Comprehensive Management and Operations Audit.
- 167 12-G-0539 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - Petition for Approval of a Transfer or Lease of Property with an Original Cost of Over \$100,000.

### GENERAL

- 261 12-M-0506 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Petition Regarding Disposition of Property Tax Benefits from the Town of Pleasant Valley and Arlington Central School District.
- 262 13-M-0028 RED-ROCHESTER, LLC and EASTMAN KODAK COMPANY - Petition for Approval to Transfer Regulated Utility Assets at Eastman Kodak Park, Approval to Transfer Certificates of Public Convenience and Necessity, Providing for Continued Lightened and Incidental Regulation, Approval of Financing and Authorization, to the Extent Necessary, for Submetering. Confirming Order.
- 263 07-M-0548 Proceeding on Motion of the Commission Regarding an Energy Efficiency Portfolio Standard. Petitions by New York State Electric & Gas Corporation, Rochester Gas & Electric Corporation and Consolidated Edison Company of New York, Inc.
- 264 09-C-0113 WENDELL E. SHABAZZ/VERIZON NEW YORK INC. - Appeal of Informal Hearing Decision.
- 09-V-0736 PATRICIA WOODS/CABLEVISION - Appeal of Informal Hearing Decision.

### POWER

- 361 13-E-0101 VICTOR AT FIFTH, LLC - Petition to Submeter Electricity at 241 5th Avenue, New York, NY, Located in the Territory of Consolidated Edison.
- 362 13-E-0222 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Tariff filing to incorporate, on to one tariff leaf, language from two

previously approved filings.

- 363 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard. Petition by the New York State Energy Research and Development Authority to Modify the Customer Sited Tier, Competitive Photovoltaic Programs.
- 364 10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.
- 365 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard. Application by Azure Mountain Power Company.
- 366 13-E-0121 NIAGARA MOHAWK POWER CORPORATION - Amendments to PSC No. 220 - Elec. eff. 7/1/13, to Revise High Load Factor Power Delivery Rates and Billing Formula, and Related Tariff Amendments.
- 367 12-E-0310 4C RESCUE RANCH/NEW YORK STATE ELECTRIC AND GAS CORP. - Appeal of Informal Hearing Decision.
- 368 12-E-0487 NIAGARA MOHAWK POWER CORPORATION - In the Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-j and §66-l.
- 12-E-0488 ORANGE AND ROCKLAND UTILITIES, INC. - In the Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-j and §66-l.
- 12-E-0489 ROCHESTER GAS AND ELECTRIC CORPORATION - In the Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-j and §66-l.
- 12-E-0486 NEW YORK STATE ELECTRIC AND GAS CORPORATION - In the Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-j and §66-l.
- 12-E-0485 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - In the Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-j and §66-l.
- 12-E-0490 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - In the

Matter of Net Metering Limitations in Service Territory Pursuant to Public Service Law §66-1.

- 369 12-E-0402 PROGRESSIVE MANAGEMENT OF NY, CORP. - Petition to Allow Termination of Service for Non-Payment of Electric Charges after Full Compliance with the Commission's Home Energy Fair Practices Act Rules and Regulations.
- 370 12-E-0579 CONCERN FOR INDEPENDENT LIVING INC. - Petition for Waiver of Individual Residential Living Unit Metering Requirements at 3349 Webster Avenue, Bronx Located in the Territory of Consolidated Edison Company of New York, Inc.
- 371 13-T-0081 NIAGARA MOHAWK POWER CORPORATION - Petition for an Amendment of its Certificate of Environmental Compatibility and Public Need - Formerly Case 26465.

**WATER**

- 461 10-W-0594 ORCHARD HILL W. CO., INC. AND SCOTT ACRES WATER CO., INC. - Proceeding on Motion of the Commission as to the Acts, Practices and Adequacy of Service. Abandoned Water System.
- 462 13-W-0194 Petition for Emergency Approval of Easement by and Between New York American Water Company, Inc. and United States Navy under PSL 89-h of the Public Service Law.

**COMMUNICATIONS**

- 561 09-M-0527 VERIZON NEW YORK INC. - PSC No. 1 - Communications, eff. 7/1/13 - Proceeding to Examine Issues Related to a Universal Service Fund.
- 562 08-C-0673 SPRINT COMMUNICATIONS COMPANY, L.P. AGAINST VERIZON NEW YORK INC. - Complaint for Modification of Verizon New York Tariff PSC NY No. 8 to Establish Just and Reasonable Terms for Record Processing Charges and for Refund for Charges Improperly Collected.

- 563                    There is no item 563.
- 564    09-M-0527    BERKSHIRE TELEPHONE CORPORATION - PSC No. 1 -Telephone, eff. 6/1/13, Postponed to 7/1/13.  
                          CHAUTAUQUA & ERIE TELEPHONE CORPORATION - PSC No. 1 - Telephone, eff. 6/1/13, Postponed to 7/1/13.  
                          TACONIC TELEPHONE CORPORATION - PSC No. 1 - Tel., eff. 6/1/13, Postponed to 7/1/13.  
                          Tariff filings to add the New York State Universal Service Fund Surcharge to their tariffs.
- 565    07-C-0349    BERKSHIRE TELEPHONE CORPORATION - Amendments to PSC No. 1 - Tel. eff. 6/8/13.  
                          TACONIC TELEPHONE CORPORATION - Amendments to PSC No. 1 - Tel. eff. 6/8/13.  
                          CHAUTAUQUA & ERIE TELEPHONE CORPORATION - Amendments to PSC No.1 - Tel. eff. 6/8/13.  
                          Amendments to increase the basic residential local service rates.
- 566    13-C-0223    SPRINT COMMUNICATIONS COMPANY L.P. - Amendments to PSC No. 7 - Tel. eff. 7/1/13, to revise its Telecommunications Relay Service.
- 567    07-C-0349    FISHERS ISLAND TELEPHONE CORPORATION - Petition for Rehearing of the Commission's February 15, 2013 Order Approving Rate Increase and Directing Additional Filing.
- 568    13-C-0201    VERIZON NEW YORK INC. - Amendments to PSC NY No. 1 - Communications, eff. 5/18/13, Postponed to 6/18/13, to increase the non-recurring Service Charge and the Central Office Line or Port Charge for business customers.

### CABLE

- 661                    Petitions for Renewal of Cable Television Franchises.
- 13-V-0112    CHARTER COMMUNICATIONS/TOWN OF BLACK BROOK, COUNTY OF CLINTON.
- 13-V-0113    CHARTER COMMUNICATIONS/TOWN OF WILMINGTON, ESSEX

- COUNTY.
- 13-V-0152 TIME WARNER CABLE/TOWN OF NEW PALTZ IN ULSTER COUNTY.
- 13-V-0153 TIME WARNER CABLE/VILLAGE OF ELLENVILLE IN ULSTER COUNTY.
- 13-V-0164 TIME WARNER CABLE/VILLAGE OF TRUMANSBURG IN TOMPKINS COUNTY.
- 13-V-0181 CABLEVISION OF OSSINING, L.P/VILLAGE OF PLEASANTVILLE IN WESTCHESTER COUNTY.
- 13-V-0190 TIME WARNER CENTRAL NEW YORK DIVISION/VILLAGE OF YORKVILLE IN ONEIDA COUNTY.
- 662 13-V-0158 TOWN OF STARK - Petition for a Waiver of the Requirements of 16 NYCRR Part 894.1 through 891.4 to Allow Time Warner Cable to Install Cable Services.
- 663 13-V-0221 TIME WARNER CABLE - Petition for Internal Restructuring.
- 664 13-V-0175 SLIC NETWORK SOLUTIONS, INC. - Petition for a Certificate of Confirmation for its Franchise with the Town of Tupper Lake in Franklin County.

#### **Instructions to View Videocast at PSC's NYC Offices**

Individuals in New York City wishing to view the Commission's meeting may do so in the Board Room on the 4<sup>th</sup> floor of the Commission's offices at 90 Church Street, New York City. The videocasting will be for viewing and listening purposes only. Pursuant to procedures established by the building management, anyone planning to observe the meeting in the New York City Board Room must notify Jan Goorsky at 212-417-2378, 48 hours in advance of the meeting, and must be prepared to show valid photo identification upon arrival at 90 Church Street.

#### **Instructions to View Video Broadcast of Meeting**

In addition to the video broadcasting of the meeting in the Commission's New York City offices, the meeting will be broadcast live on the Internet. The Internet broadcast can be viewed by accessing <http://www.dps.ny.gov/Webcasts.html>

The viewing 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 view the webcast. If you experience problems viewing 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** or discussion items will be posted for public viewing, if feasible, by 5:00 p.m. the day before a Commission meeting. The draft orders will be made available at: [www.dps.ny.gov/DraftDocuments.html](http://www.dps.ny.gov/DraftDocuments.html)

The posted drafts will be removed by 5:00 p.m. on the day of the Commission meeting. The proposed 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 Commission's Web site at [www.dps.ny.gov](http://www.dps.ny.gov), click on "Search" then search using the appropriate PSC case number, or in the alternative documents may be viewed on monitors provided in the Files Unit on the 14<sup>th</sup> floor of the Albany offices or obtained by calling (518) 474- 2500.

#### **Next Meeting**

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, July 18, 2013, in Albany, New York.**

Individuals in Albany wishing to observe the Commission's meeting may do so in the Board Room on the 19<sup>th</sup> floor of the Commission's offices at Three Empire State Plaza. **Pursuant to procedures established by the building management, anyone planning to view the meeting in the New York City Office must notify Jan Goorsky at 212-417-2378, 48 hours in advance of the meeting, and must be prepared to show valid photo identification upon arrival at 90 Church Street.** The videocasting will be for viewing and listening purposes only.

In addition, the meeting will be broadcast live on the Internet. The Internet broadcast can be viewed by accessing <http://www.dps.ny.gov/Webcasts.html>.

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. TDD 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.