

Consent Agenda Report for 04/18/2019

The following is a preliminary and informal summary of actions the Commission took at its public session on April 18, 2019. 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-0058 &
16-G-0059 KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID AND THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to approve, on a permanent basis, the Companies compliance tariff amendments and statements effectuating the terms of Rate Year 3.

ITEM 162

18-G-0768 Rehearing of Commission Determination
MS. IRENE LETSCHER/MS. FRANCES CASTAGNA AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the request for rehearing.

ITEM 163-A

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Penalty Determinations)

18-G-0409 HAMPTONS NURSERY AND LANDSCAPES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

18-G-0587 NY ASPHALT, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

18-G-0686 SCOTT PERRI LANDSCAPING INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION

19-G-0153 STASI BROTHERS ASPHALT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

19-G-0154 SILVA STAR MASONRY INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

19-G-0155 KRAMER CONTRACTING/NATIONAL FUEL GAS DISTRIBUTION CORPORATION

19-G-0156 KOWAL KONTRACTING INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION

19-G-0157 GAZEBO CONTRACTING, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

19-G-0158 EASY STREET PLUMBING, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

ITEM 163-A Cont'd.

- 19-G-0161 ORANGE LAKE CONSTRUCTION CORP./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0162 BROWNIE COMPANIES LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0163 SAVVEY INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID
- 19-G-0164 SCOTT PERRI LANDSCAPING INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0165 SCOTT PERRI LANDSCAPING INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION

The Commission determined \$10,000 penalties in Cases 19-G-0164, and 19-G-0165, and \$2,500 penalties in Cases 18-G-0409, 18-G-0587, 18-G-0686, 19-G-0153, 19-G-0154, 19-G-0155, 19-G-0156, 19-G-0157, 19-G-0158, 19-G-0161, 19-G-0162, and 19-G-0163.

ITEM 163-B

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Consent Order Approvals)

- 19-G-0115 POOL TECH, INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID
- 19-G-0116 STARK AND SONS, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0135 INDEPENDENT GENERAL CONTRACTING LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0136 ALL ISLAND EXCAVATING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0137 SUFFOLK ASPHALT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0138 NARDINI CONSTRUCTION & EXCAVATING, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0139 K.C. & SONS CONSTRUCTION, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0140 MAPLE SPRINGS TREE SERVICE, LLC/NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 19-G-0141 GVG CONTRACTING CORPORATION/ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

ITEM 163-B Cont'd.

- 19-G-0142 J.J. SISCA & ASSOCIATES BUILDING CORPORATION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 19-G-0143 D & R PAVING, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0144 BROUGHTON EXCAVATION, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0145 DU-BEN STEEL BUILDINGS/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0146 P.E. COLUCCI, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 19-G-0147 C M H CO., INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 19-G-0148 GARDEN TIME INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0149 THE INCORPORATED VILLAGE OF WILLINSTON PARK/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0150 E F MALONEY & SONS LICENSED ELECTRICAL CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID
- 19-G-0151 GALUSHA & SONS, LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0152 RIEFENBURG CONSTRUCTION INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

The Commission decided to grant consent orders in Cases 19-G-0115, 19-G-0116, 19-G-0135, 19-G-0136, 19-G-0137, 19-G-0138, 19-G-0139, 19-G-0140, 19-G-0141, 19-G-0142, 19-G-0143, 19-G-0144, 19-G-0145, 19-G-0146, 19-G-0147, 19-G-0148, 19-G-0149, 19-G-0150, 19-G-0151, and 19-G-0152.

ITEM 164

- 18-G-0738 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve National Grid's filing modifying its gas tariff schedule, P.S.C. No. 219, SC No. 11 - Load Aggregation, establishing minimum delivery requirements and making clarifying revisions to its Capacity Release Program.

ITEM 165

There is no item 165

ITEM 166

18-G-0553,
16-G-0257 &
13-G-0136

NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to deny National Fuel Gas Distribution Corporation's proposal to use unspent Conservation Incentive Program funds for a Safety Pilot Program and enhance its existing Low-Income Usage Reduction Program. The Commission also decided to extend the Company's existing System Modernization Tracker by one year and use remaining gas safety settlement funds for first responders training and equipment.

ITEM 167

15-G-0284

NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant the company's request to waive the expiration of the Community Development Fund Pilot Program.

General

ITEM 261

16-G-0061,
16-E-0060 &
14-M-0565

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve with modifications, on a permanent basis, the company's electric and gas compliance tariff filings effectuating the terms of Rate Year 3 and implementing tiered discount levels for customers enrolled in low income programs.

ITEM 262

19-M-0061

Rehearing of Commission Determination
MS. NADINE SHARIFF/MS. ROSEMARY STRUBBING AND CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to deny the request for rehearing.

- ITEM 263 18-M-0679 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID, NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID, CENTRAL HUDSON GAS & ELECTRIC CORPORATION, THE VILLAGE OF ROCKVILLE CENTRE, NEW YORK ELECTRIC & GAS CORPORATION, ROCHESTER GAS AND ELECTRIC CORPORATION, THE VILLAGE OF FREEPORT, THE CITY OF JAMESTOWN, NATIONAL FUEL GAS DISTRIBUTION CORPORATION, CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., AND ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve, with modifications, the Companies' tariff amendments conforming their respective electric and gas tariff schedules to the requirements of the amended Public Service Law §39.4. Relating to the Discontinuation of Utility Service to Residential Customers.
- ITEM 264 19-M-0012 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's request for authority, through December 31, 2022, to issue up to \$5.6 billion of unsecured debt obligations, the net proceeds of which will be used to reimburse the Company's treasury for moneys expended for capital purposes; to enter into or continue one or more revolving credit agreements not to exceed \$2.25 billion, and to issue up to \$2.5 billion of unsecured debt obligations solely to refund existing debt obligations, prior to their maturity, provided it is economic to do so.
- ITEM 265 16-M-0429 & 14-M-0101 Commissioner Diane X. Burman, dissenting
The Commission decided to terminate the interconnection earning adjustment mechanisms including those that were approved in electric utilities rate plans, with no reallocation of the basis points reserved.
- ITEM 266 17-M-0815 The Commission decided to approve the sur-credit tariff amendment filings made by the affected electric, gas, steam and water corporations pursuant to the Commission's Order Determining Rate Treatment of Tax Changes, issued August 9, 2018 (2018 Tax Act Order), to become effective on a permanent basis.

Power

- ITEM 361 18-E-0767 Rehearing of Commission Determination
 MS. ANNETTE MOHABIR/MR. CLETO JESUS SALAZAR AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the request for rehearing.
- ITEM 362 18-E-0769 W2005/HINES WEST FIFTY-THIRD REALTY, LLC - The Commission decided to approve the company's petition to submeter electricity at 53 West 53rd Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 363 18-E-0735 100 EAST 53RD STREET CONDOMINIUM - The Commission decided to approve the company's petition to submeter electricity at 100 East 53rd Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364 18-E-0763 VICTOR NOMAD LLC - The Commission decided to approve the company's petition to submeter electricity at 277 Fifth Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 365 18-E-0776 283 GREENE LLC - The Commission decided to approve the company's petition to submeter electricity at 283 Greene Avenue, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 366 18-E-0737 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant New York Electric & Gas Corporation approval to transfer certain street lighting facilities, with an original value over \$100,000, located in the Village of Newark to the Village of Newark, pursuant to PSL Section 70(1).

- ITEM 367
 18-E-0668 ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to grant Rochester Gas & Electric Corporation approval to transfer certain street lighting facilities, with an original value over \$100,000, located in the City of Canandaigua to the City of Canandaigua.
- ITEM 368
 17-E-0238 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the Company's petition and directed the Company to file tariff amendments modifying its electric supply reconciliation mechanism.
- ITEM 369
 15-M-0744 & 12-E-0201 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant the petition for a reduction in the negative revenue adjustment associated with the Project Estimating metric.
- ITEM 370
 18-E-0783 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the transfer of certain street lighting facilities from National Grid to the City of Cortland.
- ITEM 371
 18-E-0723 CROSS-SOUND CABLE COMPANY (NEW YORK) LLC AND CROSS-SOUND CABLE COMPANY, LLC - The Commission decided to approve the proposed debt financing for Cross-Sound Cable Company (New York) LLC and Cross-Sound Cable Company, LLC because the proposed financing is consistent with other debt issuances approved for lightly-regulated electric corporations that participate in competitive wholesale markets
- ITEM 372
 17-E-0238 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve all modifications proposed by National Grid to its economic development electric non-rate (grant) programs.

- ITEM 373
19-E-0045 CRICKET VALLEY ENERGY CENTER, LLC AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the proposed transfer of electric plant from Cricket Valley Energy Center LLC to Consolidated Edison Company of New York, Inc., and approve the ratemaking treatment proposed for those assets when they are owned by the utility.
- ITEM 374
18-E-0654 BALL HILL WIND ENERGY, LLC - The Commission decided to grant a Certificate of Public Convenience and Necessity under Public Service Law Section 68, subject to conditions, and approve a lightened ratemaking regulatory regime for the wholesale electric generator.
- ITEM 375
18-E-0707 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve National Grid's request to transfer street lighting facilities to the City of Albany.
- ITEM 376
16-E-0060 Commissioner Diane X. Burman, concurring
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the recommendations contained in the 2018 Outcome-based Earning Adjustment Mechanisms Collaborative Report submitted by the company.
- ITEM 377
19-E-0048 Appeal of an Informal Hearing Decision
GRETCHEN DANIELS/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the complainant's appeal and uphold the informal hearing decision.
- ITEM 378
19-E-0050 Appeal of an Informal Hearing Decision
PAULETTE WADSWORTH/AMBIT ENERGY - The Commission decided to deny the complainant's appeal and uphold the informal hearing decision.
- ITEM 379
18-E-0778 Appeal of an Informal Hearing Decision
MARC MITCHELL/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID-UPSTATE
The Commission decided to deny the complainant's appeal and uphold the informal hearing decision.

- ITEM 380
 19-E-0058 ESNY-205, LLC - The Commission decided to grant the Petition for a Declaratory Ruling filed by the company, and find that the proposed transfer of the host account for a monetary crediting remote net metered 432 kW (AC) solar PV project is permissible and shall not result in the loss of existing credits on that host account.
- ITEM 381
 18-E-0543 &
 11-E-0321 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant the company's petition seeking a limited waiver to the restriction that remote net metering credits only be applied to accounts in the same zone, thereby also resolving AES Distributed Energy's petition for similar relief.
- ITEM 382
 19-E-0258 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the Consent Agreement between the company and Department of Public Service Staff settling a potential dispute regarding an alleged violation of NYSEG's Right of Way Management Plan.

Water

- ITEM 461
 16-W-0030 SARATOGA WATER SERVICES, INC. AND RM DALRYMPLE COMPANY, INC. - The Commission decided the agreement for the provision of water service by and between the companies is in the public interest and to waive certain tariff provisions and certain Commission rules regarding main extensions to effectuate the agreement.
- ITEM 462
 18-W-0600 THE THREE BEARS WATER SUPPLY - The Commission decided to approve Three Bears Water Supply's initial tariff schedule, P.S.C. No. 1 - Water, to become effective May 1, 2019; waive its rate setting authority pursuant to Public Service Law (PSL) §5(4); and waive the requirements of PSL §89-c(10) and 16 NYCRR §720-8.1 for newspaper publication.

Communications

ITEM 561 19-C-0075 Appeal of an Informal Hearing Decision
 JOSEPH GIAMMICHELE/VERIZON
 COMMUNICATIONS - Commission decided to deny the complainant's appeal and uphold the informal hearing decision.

ITEM 562 15-M-0388 Commissioner Diane X. Burman, dissenting
 CHARTER COMMUNICATIONS AND TIME WARNER CABLE - The Commission decided to confirm the One Commissioner Order by Chair Rhodes that further extended the deadline for the filing of rehearing petitions by 14 days, until April 19, 2019 and the Six-Month Exit Plan by 14 days, until May 17, 2019.

Cable

ITEM 661 18-V-0462 VERIZON NEW YORK INC. -The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry for 2041 Holland Avenue, Bronx, NY.

ITEM 662 19-V-0036 VERIZON NEW YORK INC./TOWN OF ESOPUS, USLTER COUNTY
 19-V-0042 CABLEVISION OF WAPPINGERS FALLS, INC./ TOWN OF NORTH CASTLE, WESTCHESTER COUNTY

The Commission decided to approve the cable franchise renewals listed above.

ITEM 663 18-V-0460 VERIZON NEW YORK INC. - The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry for 3500 Snyder Avenue, Brooklyn, NY.

ITEM 664 18-V-0463 VERIZON NEW YORK INC. - The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry for 1455 Grand Concourse, Bronx, NY.

- ITEM 665

18-V-0459 VERIZON NEW YORK INC. - The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry for 425 East 79th Street, New York, NY.

- ITEM 666

18-V-0468 VERIZON NEW YORK INC. - The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry for 302 West 86th Street, New York, NY.

- ITEM 667

18-V-0470 VERIZON NEW YORK INC. - The Commission decided to approve a portion of Verizon New York Inc.'s petition for Orders of Entry for 44 multiple-dwelling unit buildings in the City of New York.

- ITEM 668

18-V-0725 FRONTIER COMMUNICATIONS OF NEW YORK, INC. - The Commission decided to issue a Certificate of Confirmation for a cable television franchise agreement to provide video service between Frontier Communications of New York, Inc. and the Town of Walkkill, Orange County.