

Consent Agenda Report for 07/12/2018

The following is a preliminary and informal summary of actions the Commission took at its public session on July 12, 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-A In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities

18-G-0363	CAPITAL INDUSTRIES CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
18-G-0364	CROSS COUNTRY TELECOMMUNICATIONS & GENERAL CONSTRUCTION, LLC/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
18-G-0365	DONATO RUTIGLIANO LANDSCAPING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
18-G-0366	PRECISION DRILLING, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. D/B/A NATIONAL GRID.
18-G-0367	JFM CONCRETE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
18-G-0368	SOIL SOLUTIONS, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
18-G-0369	THE ATLAS BUILDERS/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
18-G-0370	PLUMBING TODAY INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
18-G-0371	JOHN MILANO PROPERTY CARE, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
18-G-0372	FRANK SUPPA LANDSCAPING CORPORATION/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
18-G-0373	MORGAN CONSTRUCTION SERVICES/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

The Commission determined \$10,000 penalties in Cases 18-G-0364, 18-G-0370, and 18-G-0373, and \$2,500 penalties in Cases 18-G-0363, 18-G-0365, 18-G-0366, 18-G-0367, 18-G-0368, 18-G-0369, 18-G-0371, and 18-G-0372.

ITEM 161-B

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

- 18-G-0349 JAMES J. SULLIVAN CORPORATION/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 18-G-0350 SCHENECTADY COUNTY DEPARTMENT OF PUBLIC WORKS/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0351 LYONS BUILDING CONSULTING /NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0352 CORAZZINI ASPHALT, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0353 RIFENBURG CONSTRUCTION INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0354 TOTE CONSTRUCTION SERVICE/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0355 LASER INDUSTRIES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0356 DANIEL A RIOZZI DBA D & M TRUCKING/CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 18-G-0357 ZUCARO CONSTRUCTION, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0358 ROMMEL FENCE, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 18-G-0360 NAVILLUS TILE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0361 W.J. MORRISON EXCAVATING, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0362 EAST COAST ELECTRIC ENTERPRISES CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0380 CITY OF GLOVERSVILLE DEPARTMENT OF PUBLIC WORKS /NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

The Commission decided to approve Consent Orders in Cases 18-G-0349, 18-G-0350, 18-G-0351, 18-G-0352, 18-G-0353, 18-G-0354, 18-G-0355, 18-G-0356, 18-G-0357, 18-G-0358, 18-G-0360, 18-G-0361, 18-G-0362, and 18-G-0380.

General

ITEM 261

18-M-0336 NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the companies' tariff filings of a housekeeping nature updating their electric and gas tariff schedules.

ITEM 262

18-S-0148 ORIENT OVERSEAS ASSOCIATES - CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the complainant's appeal and the result reached in the informal review decision is upheld.

ITEM 263

18-M-0276 AEIF BNY HOLDINGS, LLC; AXIUM BNY COGENERATION PARTNERS LLC; EIF BNY II, LLC; EIF BNY, LLC and BROOKLYN NAVY YARD COGENERATION PARTNERS L.P. - The Commission decided to apply the Wallkill Presumption and declare that no further regulatory review is needed under PSL Sections 70 and 83 because the proposed transfer of upstream, indirect interests in a jurisdictional generation facility does not present any risk of market power or harm to captive ratepayers. The Commission also confirmed that the existing lightened regulatory regime and financing approvals are continued.

ITEM 264

16-M-0001 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve the company's implementation plan for the recommendations in Overland Consulting's management and operations audit report titled "Comprehensive Management and Operations Audit of Central Hudson Gas & Electric Corporation."

Power

- ITEM 361
18-E-0211 MASSENA ELECTRIC DEPARTMENT - The Commission decided to approve, on a permanent basis, the company's proposed tariff amendments allowing High Density Load customers to qualify for service under S.C. 8 - Individual Service Agreements as part of a new High-Density Load Customer Program.
- ITEM 362
18-E-0135 ERY RETAIL PODIUM LLC - The Commission decided to approve the company's petition to submeter electricity at 560 West 33rd Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 363
18-E-0136 HARMONY MILLS SOUTH LLC - The Commission decided to approve the company's petition to submeter electricity at 90 State Street, Albany, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- ITEM 364
18-E-0130 The Commission decided to confirm a One Commissioner Order by Chair Rhodes accepting a draft generic Environmental Impact Statement as complete.
- ITEM 365
18-E-0001 HALLETTS BUILDING 1 SPE LLC - The Commission decided to approve the company's petition to submeter electricity at 1-02 26th Avenue, Queens, New York, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 366
15-E-0302 AP GAS AND ELECTRIC (NY), LLC and AP GAS AND ELECTRIC (TX), LLC - The Commission decided to: 1.Beginning with the payments due to the New York State Energy Research and Development Authority (NYSERDA) in July 2018, NYSEDA shall suspend 55% of AP Gas & Electric (NY), LLC's, and 16% of AP Gas & Electric (TX), LLC's, monthly Zero Emission Credit (ZEC) compliance obligation payments for the April 1, 2018 through March 31, 2019 ZEC compliance period, as discussed in the body of this Order. 2.The Commission denies the request by AP Gas & Electric (NY), LLC and AP Gas & Electric (TX), LLC for an accelerated refund of Zero Emission Credit payments for the 12-month compliance period ending March 31, 2018.
- ITEM 367
18-E-0197 VILLAGE OF SHERBURNE - The Commission decided to approve the Village's proposed tariff amendments increasing the energy charges and decreasing the demand charges for S.C. No. 3 - General Service - Demand Metered, and S.C. No. 4 - Large General Service, under P.S.C. No. 1 - Electricity.
- ITEM 368
18-E-0141, 18-E-0142 NEW YORK STATE ELECTRIC & GAS CORPORATION and ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the companies' proposed tariff revisions offering revised and additional Company-owned LED street lighting options for customers served under NYSEG's Service Classification (SC) No. 3 and RG&E's SC No. 1.
- ITEM 369
18-E-0333 CASSADAGA WIND LLC, TRIREME ENERGY DEVELOPMENT LLC, and INNOGY RENEWABLES US LLC - The Commission decided to apply the Walkill Presumption and rule that no further regulatory review under PSL Section 70 because the proposed transaction does not present a risk of market power or harm to captive ratepayers.

ITEM 370
 17-E-0653 LOST LAKE RESORT COMPANY - The Commission decided to deny the company's petition for exemption of the undergrounding requirements within new residential subdivisions.

ITEM 371
 18-E-0018 The Commission decided to adopt certain non-substantive clarifications to the Standardized Interconnection Requirements, and declined to accept others without further public input.

ITEM 372
 There is no Item 372

ITEM 373
 15-E-0302, 15-E-0751 The Commission decided 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 may bank an unlimited number of Generation Attribute Certificates acquired from projects compensated based on Phase One Net Energy Metering or Value Stack tariffs (VDER RECs) for use in compliance with the Clean Energy Standard in years 2018 through 2022, as discussed in the body of this Order. 2. The New York State Energy Research and Development Authority shall modify the New York Generation Attributes Tracking System to enable the Utilities listed above to bank VDER RECs in excess of the 60% banking cap through 2022.

Water

ITEM 461
 14-W-0220 SARATOGA WATER SERVICES, INC., and SARATOGA BLVD, APARTMENTS, INC. - The Commission decided that the agreement for the provision of water service between the companies' is in the public interest and granted the request of Saratoga Water Services, Inc. to waive its tariff provisions and certain Commission rules regarding main extensions to effectuate the agreement.

- ITEM 462
17-W-0049 BRISTOL WATER WORKS CORPORATION - The Commission decided to modify the revenue allocation to more closely match actual water usage.
- ITEM 463
17-W-0010, 17-W-0293 BRISTOL WATER WORKS CORPORATION - The Commission decided to authorize the company to increase its annual revenues by \$95,816, or 73.82%, effective August 1, 2018, and to establish the Deferred Repair Cost Surcharge to become effective August 1, 2019.
- ITEM 464
17-W-0754 SUEZ WATER OWEGO-NICHOLS INC. - The Commission decided to authorize the company to increase its annual revenues of the Forest Park Systems by \$265,145, or 38%, effective August 1, 2018.
- ITEM 465
16-W-0259, 17-W-0300 NEW YORK AMERICAN WATER COMPANY INC. - The Commission decided to direct Counsel to the Commission to commence a special proceeding or an action in the New York State Supreme Court in the name of the Commission and the People of the State of New York to stop and prevent future violations by New York American Water, Inc. of Commission regulations and orders.

Communications

- ITEM 561
18-C-0346 MITEL CLOUD SERVICES, INC., MITEL NETWORKS CORPORATION, MITEL US HOLDINGS, INC., MITEL (DELAWARE), INC. and MITEL NETWORKS, INC. - The Commission decided to find that the transaction executed on December 31, 2017, without Commission approval, by Mitel Cloud Services, Inc. (Mitel Cloud), Mitel Networks Corporation (Mitel Networks Corp.), Mitel US Holdings, Inc. (Mitel US), Mitel (Delaware), Inc. (Mitel DE), and Mitel Networks, Inc., formerly ShoreTel, Inc. (MNI) is void by operation of law, and decided to approve the transfer on a prospective basis only.

ITEM 562 17-C-0185 Report on Commendations of Local Telephone Companies for Excellent Service Quality During 2017 and 2017 Annual Service Quality Report for Independent Telephone Companies (including Frontier Communications)

ITEM 563 16-C-0122 VERIZON NEW YORK INC. - The Commission decided to approve the terms of the Joint Proposal executed by Verizon, Department of Public Service trial staff, the Communications Workers of America, District 1, and the Public Utilities Law Project.

ITEM 564 18-C-0191 ALTEVA OF WARWICK LLC, MBS HOLDINGS, INC., and CASTLE INTERMEDIATE HOLDINGS, INC. - The Commission decided to confirm a One Commissioner Order by Chair Rhodes approving the petition of the companies' to transfer indirect control of Alteva of Warwick, LLC to Castle Intermediate Holdings, Inc. pursuant to Public Service Law §§99 and 100.

Cable

ITEM 661 17-V-0669 COMCAST OF NEW YORK, LLC/TOWN OF PAWLING, DUTCHESS COUNTY
 18-V-0261 CABLEVISION OF SOUTHERN WESTCHESTER, INC./CITY OF WHITE PLAINS, WESTCHESTER COUNTY

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

ITEM 662 17-V-0716 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 45 multiple-dwelling unit buildings in the City of New York.

ITEM 663 17-V-0717 VERIZON NEW YORK INC. - The Commission decided to approve the company's petition for an Order of Entry for 170 West 81st Street, New York, New York.

ITEM 664

17-V-0731

VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 10 multiple-dwelling unit buildings in the City of New York.

ITEM 665

18-V-0078

HEART OF THE CATSKILLS COMMUNICATIONS, INC. D/B/A MTC CABLE - The Commission decided to issue a Certificate of Confirmation for a cable franchise agreement to provide video service between the company and the Town of Lexington, Greene County.