

Consent Agenda Report for 08/13/2020

The following is a preliminary and informal summary of actions the Commission took at its public session on August 13, 2020. 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-0394 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to accept and make public NorthStar Consulting Group's audit report and the Company's comments regarding the report, and directed the Company to file the implementation plan within 30 days of the issuance of the Order.
- ITEM 162
20-G-0206 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff filing amending P.S.C. No. 9 - Gas to increase the amount of Non-Firm Revenue Consolidated Edison Company of New York, Inc. shares with firm customers.
- ITEM 163
18-G-0565,
19-G-0191,
19-G-0370 &
19-G-0371 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.; 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 grant in part and deny in part a petition for rehearing, filed by the City of New York, of the Commission's November 15, 2019 orders issued in these cases.
- ITEM 164-A
In the Matter of Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Penalty Determinations)
- 20-G-0338 EAGLE CESSPOOL SERVICES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0339 AQUA WORKS INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

ITEM 164-A Cont'd

- 20-G-0340 M.L. CACCAMIS ELECTRIC CORP./ROCHESTER GAS AND ELECTRIC CORPORATION
- 20-G-0341 RJ GREEN CONSTRUCTION CORPORATION/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID
- 20-G-0342 RYBAK DEVELOPMENT AND CONSTRUCTION CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 20-G-0343 SCOTT MICHAEL DESIGN CONSTRUCTION CORP. D/B/A ISLAND DESIGN BUILD CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0344 WATER WORKS PIPING INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 20-G-0345 SUPREME BUILDERS CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 20-G-0348 STEVEN DUBNER LANDSCAPING, INC./KEYSPAN GAS EAST CORP. D/B/A NATIONAL GRID.
- 20-G-0349 JERRY'S TREE SERVICE/CORNING NATURAL GAS CORPORATION.
- 20-G-0350 CUNNINGHAM EXCAVATION, INC. /NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 20-G-0352 EAGLE LAWN SPRINKLERS, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
- 20-G-0353 NORTHEAST RESTORATION CORP. /THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission determined \$10,000 penalties be determined in Cases 20-G-0348 and 20-G-0350; and \$2,500 penalties in Cases 20-G-0338, 20-G-0339, 20-G-0340, 20-G-0341, 20-G-0342, 20-G-0343, 20-G-0344, 20-G-0345, 20-G-0349, 20-G-0352, and 20-G-0353.

- ITEM 164-B In the Matter of Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Consent Orders)
- 20-G-0329 VILLAGER CONSTRUCTION, INC. /NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
- 20-G-0330 DDS CONSTRUCTORS, LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- The Commission decided to approve consent orders in Cases 20-G-0329 and 20-G-0330.

General

- ITEM 261 19-E-0378, 19-E-0380, 19-G-0379 & 19-G-0381 NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve an extension to the maximum suspension period through and including October 31, 2020.
- ITEM 262 11-G-0580 & 13-M-0314 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to approve modifications to the audit implementation plans.
- ITEM 263 20-M-0029 CORNING NATURAL GAS CORPORATION – The Commission decided to approve Corning Natural Gas Corporation's gas tariff to conform with the new requirements of Public Service Law §66-p.

Power

- ITEM 361 19-E-0009 Rehearing of Commission Determination CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./ ECCLESIASTICAL ASSIST CORPORATION OF THE ARCHDIOCESE OF NEW YORK - The Commission decided to deny the request for rehearing.

- ITEM 362 19-E-0491 Appeal of Informal Decision
 DANIEL PINKOWSKI/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to uphold the denial of an informal review and deny the appeal.
- ITEM 363 20-E-0152 NEW YORK STATE ELECTRIC AND GAS CORPORATION - The Commission decided to grant New York Electric & Gas Corporation approval to transfer street lighting facilities, with an original value over \$100,000, located within the Village of Clyde to the Village, pursuant to PSL Section 70.
- ITEM 364 20-E-0199 NEW YORK ELECTRIC & GAS CORPORATION - The Commission decided to grant New York Electric & Gas Corporation approval to transfer street lighting facilities, with an original value over \$100,000, located within the Town of Thompson to the Town, pursuant to PSL Section 70.
- ITEM 365 20-E-0200 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant New York State Electric & Gas Corporation approval to transfer the street lighting facilities, with an original value over \$100,000, located within the Village of Dryden to the Village, pursuant to PSL Section 70(1).
- ITEM 366 17-T-0816 CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - The Commission decided to adopt, with exceptions, the terms of the Joint Proposal signed by Central Hudson, DPS Staff, DEC and Ag & Markets proposing conditions to be placed on a certificate of environmental compatibility and public need for the rebuild of certain transmission facilities in Ulster and Greene Counties.

- ITEM 367
20-E-0205 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve Consolidated Edison Company of New York, Inc.'s tariff amendments to P.S.C. No. 10 - Electricity, changing the methodology for determining the reactive power demand used to bill customers a Reactive Power Demand Charge.
- ITEM 368
20-E-0154 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff filing to amend P.S.C. No. 10 - Electricity to provide a credit to non-residential customers who allow the Company to install Advanced Metering Infrastructure communication equipment on the customer's side of the meter.
- ITEM 369
15-E-0302 Commissioner Diane X. Burman, dissenting
The Commission decided to approve the Clean Energy Standard Phase 4 Implementation Plan Proposal with modifications.
- ITEM 370
19-E-0738 BEDFORD 203, L.P. - The Commission decided to grant authority to Bedford 203, L.P., to submeter electricity at 211 East 203rd Street, Bronx, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 371
20-E-0005 304 MULBERRY STREET OPERATING COMPANY, L.L.C. - The Commission decided to approve the company's petition to submeter electricity at 40 Bleecker Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 372
20-E-0041 76 NORTH PEARL LLC - The Commission decided to approve the company's petition to submeter electricity at 76 North Pearl Street, Albany, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.

- ITEM 373
20-E-0071 45 COLUMBIA STREET ASSOC. LLC - The Commission decided to approve the company's petition to submeter electricity at 45 Columbia Street, Albany, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- ITEM 374
20-E-0240 BALL HILL WIND ENERGY, LLC, RES AMERICA DEVELOPMENTS INC., AND NORTHLAND POWER NEW YORK WIND LLC - The Commission decided to approve Petitioners' request, finding that the information provided by Petitioners satisfies the presumption established in the Wallkill Order, and accordingly, no further review of the proposed transfer transaction is warranted.
- ITEM 375
10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. – The Commission decided to approve the request to amend the Certificate of Environmental Compatibility and Public Need granted to Champlain Hudson Power Express, Inc. and CHPE Properties, Inc.
- ITEM 376
14-E-0423 The Commission decided to confirm the One Commissioner Order by Chair Rhodes that adopts the Order Directing Demand Response Program Modifications on an Expedited Basis, issued in this proceeding on May 14, 2020 as a permanent action.

Water

- ITEM 461
19-W-0778 SUEZ WATER WESTCHESTER INC. - The Commission decided to approve the company's proposed Amended Cost Allocation Methodology without modification, which is used to determine the allocation of the cost of water sold to SUEZ Water Westchester Inc. from Aquarion Water Company of Connecticut.

ITEM 462
 19-W-0783 EMERALD GREEN LAKE LOUISE MARIE WATER COMPANY, INC. - The Commission decided to authorize the company to defer for future recovery \$62,818 in extraordinary emergency repair costs and to establish two escrow accounts, one for expenses related to the Town of Thompson's sewer project and another for other emergency repairs, both to become effective September 1, 2020.

Communications

ITEM 561
 20-C-0193 VERIZON NEW YORK INC. - Second Quarter 2020 Service Quality Report - No Commission action is required.

ITEM 562
 20-C-0315 AIR VOICE WIRELESS, LLC d/b/a FEEL SAFE WIRELESS - The Commission decided to approve the Company's petition for designation as an Eligible Telecommunications Carrier for the sole purpose of receiving federal universal support for providing wireless Lifeline service throughout all of New York State.

ITEM 563
 20-C-0127 NICHOLVILLE TELCO LLC D/B/A NICHOLVILLE TELEPHONE COMPANY - The Commission decided to approve the petition of Nicholville Telco LLC d/b/a Nicholville Telephone Company for a waiver of 16 NYCRR §602.10(b) that will allow the Company to discontinue the blanket distribution of printed directories to all customers.

ITEM 564

20-C-0248

WINDSTREAM HOLDINGS, INC.; WINDSTREAM SERVICES, LLC; AND AMERICAN TELEPHONE COMPANY LLC; A.R.C. NETWORKS, INC.; ATX LICENSING, INC.; BRIDGECOM INTERNATIONAL, INC.; BROADVIEW NETWORKS, INC.; BROADVIEW NP ACQUISITION CORP.; BUSINESS TELECOM, LLC; CHOICE ONE COMMUNICATIONS OF NEW YORK, INC.; CONVERSENT COMMUNICATIONS OF NEW YORK, LLC; CTC COMMUNICATIONS CORP.; DELTACOM, LLC; EARTHLINK BUSINESS, LLC; EARTHLINK CARRIER, LLC; EUREKA TELECOM, INC.; INTELLIFIBER NETWORKS, LLC; LDMI TELECOMMUNICATIONS, LLC; LIGHTSHIP TELECOM, LLC; MASSCOMM, LLC; MCLEODUSA TELECOMMUNICATIONS SERVICES, LLC; PAETEC COMMUNICATIONS, LLC; TALK AMERICA, LLC; TRUCOM CORPORATION; US LEC COMMUNICATIONS, LLC; WINDSTREAM COMMUNICATIONS, LLC; WINDSTREAM NEW YORK, INC.; WINDSTREAM NORLIGHT, LLC AND WINDSTREAM NTI, LLC - The Commission decided to approve, subject to conditions, pursuant to Public Service Law (PSL) §§ 99 and 100, the Joint Petition of Windstream Holdings, Inc., Windstream Services, LLC and its New York operating subsidiaries, to implement a proposed Windstream restructuring plan, subject to the conditions described in the Order, which will permit the petitioners to emerge from bankruptcy and will result in the indirect transfer of control of the Windstream Licensees.

Cable

ITEM 661

19-V-0628

VERIZON NEW YORK INC. - The Commission decided to approve a portion of Verizon New York Inc.'s Petition for Orders of Entry for 43 multiple-dwelling unit buildings in the City of New York.

ITEM 662

19-V-0632

VERIZON NEW YORK INC. - The Commission decided to approve a portion of Verizon New York Inc.'s Petition for Orders of Entry for 39 multiple-dwelling unit buildings in the City of New York.

ITEM 663

- 20-V-0252 SPECTRUM NORTHEAST, LLC/TOWN OF HURLEY, ULSTER COUNTY.
- 20-V-0284 SPECTRUM NORTHEAST, LLC/VILLAGE OF BRUSHTON, FRANKLIN COUNTY.
- 20-V-0286 SPECTRUM NORTHEAST, LLC/TOWN OF NORTH ELBA, ESSEX COUNTY.
- 20-V-0303 SPECTRUM NORTHEAST, LLC/TOWN OF MARBLETOWN, ULSTER COUNTY.

The Commission decided to approve the certificates for renewal of cable franchises for the above-named municipalities.