

## Consent Agenda Report for 02/07/2019

The following is a preliminary and informal summary of actions the Commission took at its public session on February 7, 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

18-G-0706 &  
18-G-0713 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to approve the company's tariff filings of a housekeeping nature to update a title and add currently effective charges to three tables under General Information Section II.38.B Miscellaneous Surcharges, Refunds or Adjustments.

#### ITEM 162-A

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

19-G-0014 LIBERTY MASON/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
19-G-0015 PCI INDUSTRIES CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
19-G-0016 LCJ ELECTRICAL CONTRACTORS. INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID  
19-G-0017 AMEDORE HOMES, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID  
19-G-0018 AVF DEVELOPMENT CORP./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID  
19-G-0019 VILLAGE OF BAYVILLE/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID  
19-G-0020 KINGS WORLD CONSTRUCTION CORP./THE BROOKLYN UNION GAS COMPANY, D/B/A NATIONAL GRID NY  
19-G-0021 L.I. LANDSCAPING, MASONRY & CONTRACTOR, INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID  
19-G-0022 STASI INDUSTRIES, INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID  
19-G-0023 SYRACUSE LIGHTSCAPES, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION

ITEM 162-A (Cont'd)  
19-G-0025

COLD SPRING HARBOR CONSTRUCTION  
CORP./KEYSPAN GAS EAST CORPORATION  
D/B/A NATIONAL GRID

The Commission determined \$2,500 penalties in  
Cases 19-G-0014, 19-G-0015, 19-G-0016,  
19-G-0017, 19-G-0018, 19-G-0019, 19-G-0020,  
19-G-0021, 19-G-0022, 19-G-0023, and 19-G-0025.

ITEM 162-B

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

- 18-G-0584 RAY MAYONE CONSTRUCTION, INC./NIAGARA  
MOHAWK POWER CORPORATION, D/B/A  
NATIONAL GRID
- 19-G-0026 POOLS BY PAUL GUILLO, INC./KEYSPAN GAS  
EAST CORPORATION D/B/A NATIONAL GRID
- 19-G-0027 MFM CONTRACTING CORP./CONSOLIDATED  
EDISON COMPANY OF NEW YORK, INC.
- 19-G-0028 L.M.S. EXCAVATING/KEYSPAN GAS EAST  
CORPORATION D/B/A NATIONAL GRID
- 19-G-0029 RUSTON PAVING CO., INC./NIAGARA MOHAWK  
POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0030 VICTOR EXCAVATING, INC./ROCHESTER GAS  
AND ELECTRIC CORPORATION
- 19-G-0031 OLYMPIC ELECTRIC OF HUDSON VALLEY,  
LLC/CENTRAL HUDSON GAS & ELECTRIC  
CORPORATION
- 19-G-0032 AGI CONSTRUCTION, INC./NIAGARA MOHAWK  
POWER CORPORATION, D/B/A NATIONAL GRID
- 19-G-0035 FRANCIS S. GABRESKI AIRPORT/KEYSPAN GAS  
EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to approve Consent  
Orders in Cases 18-G-0584, 19-G-0026, 19-G-0027,  
19-G-0028, 19-G-0029, 19-G-0030, 19-G-0031,  
19-G-0032, and 19-G-0035.

ITEM 162-C

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

18-G-0224 GILLESPIE ENTERPRISES, INC./CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - The Commission decided to deny the company's petition for rehearing.

ITEM 163

18-G-0559 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to approve the company's request to issue up to \$1.4 billion of new long-term debt securities through March 31, 2022.

ITEM 164

There is no Item 164

ITEM 165

18-G-0394 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to select NorthStar Consulting Group to perform a management and operations audit of the company.

ITEM 166

18-G-0558 KEYSpan GAS EAST CORP. D/B/A NATIONAL GRID - The Commission decided to approve KeySpan Gas East Corporation d/b/a National Grid NY's request to issue up to \$400 million of new long-term debt securities through March 31, 2022.

**General**

ITEM 261

18-M-0775 Rehearing of Commission Determination  
MS. SHARI COUNCIL/MR. JIM MCMAHON/  
NIAGARA MOHAWK POWER CORPORATION  
D/B/A NATIONAL GRID – The Commission decided to uphold the designee's determination.

**Power**

ITEM 361

18-E-0185 RED APPLE SURF REALTY III -The Commission decided to approve the company's petition to submeter electricity at 3514 Surf Avenue, Brooklyn, New York located in the service territory of Consolidated Edison Company of New York, Inc.

- ITEM 362  
 18-E-0479 LANDING A ASSOCIATES LLC - The Commission decided to approve the company’s petition to submeter electricity at 50 Bridge Park Drive, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 363  
 18-E-0192 BOP GREENPOINT F LLC -The Commission decided to approve the company’s petition to submeter electricity at 41 Blue Slip, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364  
 18-E-0733 JPM CAPITAL CORPORATION - The Commission ruled that no further regulatory review of the proposed transaction is needed under PSL Section 70 because Petitioners satisfied the Walkill Presumption criteria by demonstrating that the indirect transfer of interests in a jurisdictional facility does not pose a risk of market power or harm to captive ratepayers.
- ITEM 365  
 18-E-0602 Appeal of an Informal Hearing Decision  
 LEAH KENT/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal hearing decision.
- ITEM 366  
 05-E-1180 The Commission decided to adopt the New York State Reliability Council’s modified rules and measures (Reliability Rules), as contained in Version 43 of its New York State Reliability Rules.
- ITEM 367  
 18-E-0548 &  
 18-E-0549 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the tariff amendments with modifications to establish a Smart Home Rate.
- ITEM 368  
 17-E-0603 Commissioner Diane X. Burman, concurring  
 AMPERSAND CRANBERRY LAKE HYDRO LLC – The Commission decided to approve the company's application for Maintenance Tier Relief.

- ITEM 369  
 18-E-0595,  
 00-E-0165 &  
 94-E-0952
- The Commission decided to terminate the Meter Service Programs and Meter Data Service Provider Programs, and revoke any certifications granted through these programs.

**Water**

- ITEM 461  
 17-W-0528
- SUEZ WATER OWEGO-NICHOLS INC. - The Commission decided to approve, on a permanent basis, the company's compliance tariff amendments and statements effectuating the terms of Rate Year 1.

- ITEM 462  
 16-W-0191
- SARATOGA WATER SERVICES, INC. AND KRUNIM, 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 463  
 18-W-0492
- Appeal of an Informal Hearing Decision  
 KRISTY LUCCA/SUEZ WATER NEW YORK - The Commission decided to uphold the informal hearing decision.

- ITEM 464  
 18-W-0567
- SUEZ WATER NEW YORK INC., SUEZ WATER WESTCHESTER INC., SUEZ WATER OWEGO-NICHOLS INC., SUEZ WATER RESOURCES INC., AND STICHTING DEPOSITARY PGGM INFRASTRUCTURE FUNDS - The Commission decided to approve the Petitioners' request under New York State Public Service Law Section 89-h, to implement an internal reorganization, including the insertion of a new holding company over the three New York Suez Water operating companies, and the transfer of a 20% interest in NewCo to PGGM. In addition, a determination was made that PGGM is not a water-works corporation, nor will it be treated as one.

ITEM 465  
 18-W-0566 FISHERS ISLAND WATER WORKS CORP. - The Commission decided to approve the company's request for authority to enter into a 20-year loan agreement with CoBank, ACB of Colorado for an amount of up to \$980,000 for the purpose of financing its system improvement plan and repaying in full the remaining balance of a 2016 Credit Facility.

**Communications**

ITEM 561  
 There is no item 561

ITEM 562  
 18-C-0396 Commissioner Diane X. Burman, concurring  
 T-MOBILE USA, INC. AND SPRINT COMMUNICATIONS COMPANY L.P. - The Commission decided to approve the transaction, whereby Sprint Communications Company L.P. will become an indirect wholly owned subsidiary of T-Mobile USA.

ITEM 563  
 15-M-0388 Commissioner Diane X. Burman, dissenting  
 CHARTER COMMUNICATIONS AND TIME WARNER CABLE - The Commission decided to confirm a one commissioner order by Chair Rhodes, that further extended deadlines.

**Cable**

ITEM 661  
 18-V-0603 MID-HUDSON CABLEVISION, INC. - The Commission decided to approve the cable franchise Renewal with the Town of Gallatan, Columbia County.

ITEM 662  
 18-V-0672 HEART OF THE CATSKILLS COMMUNICATIONS, INC. DBA MTC CABLE - The Commission decided to approve a Certificate of Confirmation for a cable television franchise agreement to provide video service in the Town of Jewett, Greene County.

ITEM 663

18-V-0630

CITIZENS TELECOMMUNICATIONS COMPANY OF NEW YORK, INC. DBA FRONTIER COMMUNICATIONS OF NEW YORK - The Commission decided to approve the issuance of a Certificate of Confirmation for a cable television franchise agreement to provide video service in the Town of Crawford, Orange County, and approved the request for waivers of certain Commission rules.