

Consent Agenda Report for 12/14/2017

The following is a preliminary and informal summary of actions the Commission took at its public session on December 14, 2017. 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	<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities.</u>
17-G-0079	TOWN OF ISLIP DEPARTMENT OF PUBLIC WORKS/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0081	THE INCORPORATED VILLAGE OF HEMPSTEAD DPW/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0207	CORNING NATURAL GAS CORPORATION/CORNING NATURAL GAS CORPORATION
17-G-0487	LLL INDUSTRIES INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0686	JORGE CONSTRUCTION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
17-G-0687	SHAWN'S LAWNS INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
17-G-0688	A&A STONE & MASONRY CORP/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
17-G-0689	LANDSCAPING BY RENNER INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0690	F.N.S. INDUSTRIES INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0691	JFM STRUCTURES INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0692	FMD UNDERGROUND CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0693	STASI BROTHERS ASPHALT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
17-G-0694	SCHODACK TRUCKING & SEPTIC, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
17-G-0695	H. LANGDON GARAGE BUILDERS & SUPPLY, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID

ITEM 161-A (Cont'd)

- 17-G-0696 HOLLISTER CONSTRUCTION SERVICES, LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0697 LUNATI PAVING & CONSTRUCTION OF NY, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0698 XOLLE DEMO LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0699 C.A.C. INDUSTRIES INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0700 DIFAZIO IND., LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 17-G-0702 STEEL TONE CONSTRUCTION INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission determined \$12,500 penalties in Cases 17-G-0079, 17-G-0693, and 17-G-0700, determined \$2,500 penalties in Cases 17-G-0207, 17-G-0686, 17-G-0687, 17-G-0688, 17-G-0689, 17-G-0690, 17-G-0691, 17-G-0692, 17-G-0694, 17-G-0695, 17-G-0696, 17-G-0697, 17-G-0698, 17-G-0699 and 17-G-0702, and granted Orders on Rehearing in Cases 17-G-0081 and 17-G-0487.

ITEM 161-B

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

- 17-G-0671 THE LANDTEK GROUP, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 17-G-0672 ELQ INDUSTRIES, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 17-G-0673 PRECISION EXCAVATING & DRAINAGE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0674 MILICIA ELECTRIC CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0675 JSJ CONSTRUCTION INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0676 M & A ASPHALT INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 17-G-0677 THOLIN TRUCKING AND EXCAVATION, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

ITEM 161-B (Cont'd)

- 17-G-0678 AMERICAN PETROLEUM EQUIPMENT & CONSTRUCTION COMPANY, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 17-G-0679 D.E. TAROLLI, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 17-G-0680 CITY OF UTICA DEPARTMENT OF PUBLIC WORKS/NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 17-G-0681 CHARLES FRIEDMAN EXCAVATING, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 17-G-0682 HENKELS & MCCOY, INC./ORANGE AND ROCKLAND UTILITIES, INC.
- 17-G-0683 RUBIN DEVELOPMENT AND CONSTRUCTION, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.

The Commission decided to grant Consent Orders in Cases 17-G-0671, 17-G-0672, 17-G-0673, 17-G-0674, 17-G-0675, 17-G-0676, 17-G-0677, 17-G-0678, 17-G-0679, 17-G-0680, 17-G-0681, 17-G-0682 and 17-G-0683.

ITEM 162

- 17-G-0006 Appeal for a Rehearing of Determination
BROWN HARRIS STEVENS/ CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to petition for rehearing of appeal determination.

ITEM 163

- 17-G-0454 The Commission received a report on the annual reconciliation of gas expenses and gas cost recoveries for local gas distribution companies and municipal gas companies.

General

ITEM 261

- 16-M-0231 ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to adopt the terms of the Joint Proposal executed by the company and Staff, regarding the disposition of a property tax refund.

- ITEM 262
17-M-0556 GOT GAS? LLC - The Commission decided to require the company to show cause within 30 days why its eligibility to act as an energy services company should not be revoked or why other consequences, as set forth in the Commission's Uniform Business Practices (UBP) Section 2.D.6 should not be imposed.
- ITEM 263
98-M-0667, 98-M-1343, 06-M-0647, 12-M-0476 ENERGY SERVICE COMPANIES - The Commission decided to confirm the order that revised the procedural deadlines in these proceedings.
- ITEM 264
17-M-0621 Rehearing of Shared Meter Determination
MR. YUNGE YIN/ MR. HO. S. KIM AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the rehearing.
- ITEM 265
13-M-0449 The Commission decided to approve the utilities' implementation plans for the recommendations in Liberty Consulting Group's operations audit titled "Operations Audit of Staffing Levels at the Major New York State Energy Utilities."
- ITEM 266
There is no item 266
- ITEM 267
17-M-0541 ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve the company's request for authority, through December 31, 2021, to issue new unsecured debt obligations with modification. Orange and Rockland Utilities, Inc. is authorized to issue not to exceed \$310 million of new unsecured debt obligations, to enter into or continue one or more revolving credit agreements not to exceed \$200 million, and to refund up to \$125 million of existing debt obligations provided it is economic to do so through December 31, 2021.

ITEM 268
 17-M-0363 FINANCIAL ACCOUNTING STANDARDS BOARD –
 The Commission decided to adopt the FASB Topic 715 Update related to pension and OPEB accounting for regulatory financial reporting and ratemaking purposes, with a modification for PSC reporting purposes to continue to allow these net periodic pension/OPEB non-service cost components to be booked above-the- line.

ITEM 269
 09-M-0311 The Commission decided to approve, on a permanent basis, the electric, gas and steam and municipal compliance tariff filings revising their Temporary State Assessments pursuant to Commission Orders issued June 18, 2014 and April 17, 2015 in this proceeding.

Power

ITEM 361
 There is no item 361

ITEM 362
 There is no item 362

ITEM 363
 17-E-0290 THE CHARLES CONDOMINIUMS, LLC - The Commission decided to approve the company’ petition to submeter electricity at 1355 First Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 364
 17-E-0234 412-14 EAST 10TH STREET HOUSING DEVELOPMENT FUND CORPORATION - The Commission decided to approve the company’s petition to submeter electricity at 412-14 East 10th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 365
 16-E-0479 ITRON INC. - The Commission decided to approve the company’s petition to use the Itron OpenWay CENTRON RIVA polyphase electric meter for use in electric metering applications in New York State.

- ITEM 366
16-E-0548 LANDIS+GYR INC. - The Commission decided to approve the company's petition to use the Landis+Gyr S4x Gridstream 5 series polyphase electric meter with wireless two way communications.
- ITEM 367
17-E-0467 BOWERY RESIDENTS' COMMITTEE - The Commission decided to approve the company's petition to submeter electricity at 233 Landing Road, Bronx, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 368
17-E-0248 HILLSIDE ASSOCIATION, INC. - The Commission decided to approve the company's petition to submeter electricity at 566 44th Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York Inc.
- ITEM 369
17-E-0468 1115 FIFTH AVENUE CORPORATION - The Commission decided to approve the company's petition to submeter electricity at 1115 Fifth Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 370
There is no Item 370
- ITEM 371
17-E-0533, 17-T-0512 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to issue a Negative Declaration with respect to the environmental impacts associated with the construction of two 115 kV Tap Lines in the Town of Stockport, a new 115/34.5 kV substation in the Town of Ghent; and two 34.5 kV feeder lines in the Town of Ghent; and to dismiss NYSEG's Section 68 request as being unnecessary.

- ITEM 372
17-E-0551 DANKAMMER HOLDINGS LLC, DANKAMMER ENERGY, LLC, MEREURIA ENERGY AMERICA, INC., AND MERCURIA INVESTMENTS US, INC. - The Commission decided to: (i) approve the proposed transfer of the company, which owns and operates the Danskammer Electric Generating Station (Danskammer Station), to Danskammer Holdings, LLC (Danskammer Holdings) under PSL §70; (ii) approve the proposed debt financing for Danskammer Holdings, LLC under PSL §69; and (iii) confirm continued lightened regulation of Danskammer Energy.
- ITEM 373
17-E-0620 AP CRICKET VALLEY HOLDINGS I INC., ROSE CAPITAL INVESTMENT INC., CRICKET VALLEY ENERGY CENTER LLC, AND CRICKET VALLEY ENERGY PARTNERS LLC - The Commission decided to rule that further review under PSL Section 70 is not needed for the proposed transfer of passive, upstream, indirect ownership interests in an electric generation facility.
- ITEM 374
17-E-0601 CALPINE CORPORATION AND ECP CONTROLCO, LLC - The Commission decided to rule that petitioners satisfied the Walkkill Presumption criteria and, therefore, no further regulatory review under PSL section 70 is needed with respect to the proposed transfer of indirect interests in jurisdictional electric generation facilities owned indirectly by Calpine Corporation. The Commission also confirmed that the existing lightened regulatory regimes and financing approvals previously granted for these facilities are continued.
Water
- ITEM 461
17-W-0434 STONE RIDGE ESTATES WATER CORPORATION - The Commission decided to authorize the company to establish initial revenues of \$24,398, as set forth under the approved tariff schedule, P.S.C. No. 1 - Water, and to establish an escrow account with a maximum balance of \$5,000 to be funded by a customer surcharge of not more than \$15 per quarter, to become effective January 1, 2018.

Communications

- ITEM 561
15-M-0742 The Commission decided to recommend that the Commission allow ten small Incumbent Local Exchange Carriers (ILECs) to recover revenue losses resulting from the FCC's mandated phase-out of terminating access charges. Nine companies will recover the revenue via additional State Universal Service Fund (SUSF) disbursements, while one company will accelerate the amortization of a deferred credit balance to recover its lost access charge revenue.
- ITEM 562
15-C-0029 INDEPENDENT PAYPHONE ASSOCIATION OF N.Y., INC. AND INDIVIDUAL INDEPENDENT PAYPHONE PROVIDERS - The Commission decided to deny rehearing and/or reconsideration of the Commission's March 13, 2017 Order requested by Independent Payphone Association of N.Y., Inc. (IPANY)
- ITEM 563
17-C-0757 TIME WARNER CABLE INFORMATION SERVICE (NEW YORK) LLC - The Commission decided to confirm the order to conduct a management and operations audit of Time Warner Cable Information Services (New York), LLC and engage an independent consultant consistent.
- ITEM 564
17-C-0759 FRONTIER COMMUNICATIONS OF ROCHESTER, INC. – The Commission decided to approve Frontier's request to withdraw its filing pursuant to PSL §92(2) and file a cancellation supplement.

Cable

- ITEM 661
17-V-0439 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 662
17-V-0440 VERIZON NEW YORK INC - The Commission decided to approve the company's petition of an Order of Entry for 1050 5th Avenue, New York, NY.

ITEM 663

17-V-0438 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 35 multiple-dwelling unit buildings in the City of New York.

ITEM 664

17-V-0531 TIME WARNER CABLE NORTHEAST LLC/CITY OF ROME, ONEIDA COUNTY
 17-V-0547 TIME WARNER CABLE NORTHEAST LLC/TOWN OF VARICK, SENECA COUNTY
 17-V-0549 TIME WARNER CABLE NORTHEAST LLC/TOWN OF OTEGO, OTSEGO COUNTY
 17-V-0550 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CANISTEO, STEUBEN COUNTY
 17-V-0553 VERIZON NEW YORK INC./VILLAGE OF SANDS POINT, NASSAU COUNTY
 17-V-0554 VERIZON NEW YORK INC. /VILLAGE OF LYNBROOK, NASSAU COUNTY
 17-V-0555 TIME WARNER CABLE NORTHEAST LLC/TOWN OF GROVELAND, LIVINGSTON COUNTY
 17-V-0614 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF WEST WINFIELD, HERKIMER COUNTY
 17-V-0661 TIME WARNER CABLE NORTHEAST LLC/TOWN OF WATERFORD, SARATOGA COUNTY
 17-V-0663 VERIZON NEW YORK INC. /VILLAGE OF LAUREL HOLLOW, NASSAU COUNTY

The Commission decided to grant approval of cable franchise renewals listed above.