

Consent Agenda Report for 12/13/2018

The following is a preliminary and informal summary of actions the Commission took at its public session on December 13, 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	<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Penalty Determinations)</u>
18-G-0578	AMOSKEAG MAINTENANCE SERVICES LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
18-G-0689	MORAN LANDSCAPE/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
18-G-0690	BILOTTA CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
18-G-0691	TOM JENKINS EXCAVATING LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
18-G-0692	THE TORRENCE GROUP, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
18-G-0693	PARADISE CONSTRUCTION/THE BROOKLYN UNION GAS COMPANY, D/B/A NATIONAL GRID.
18-G-0694	ARBEN CONTRACTING OF NEW YORK/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
18-G-0695	ALLCON CONTRACTING/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
18-G-0696	BLACKTOP MAINTENANCE CORP./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
18-G-0697	NORTH VALLEY CONSTRUCTION/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
18-G-0699	SARDINA & SONS CONTRACTING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
18-G-0701	TREND 21 MANAGEMENT, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID.

ITEM 161-A Cont'd.

- 18-G-0703 PD QUALITY CONSTRUCTION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-E-0712 ZAMBITO & SON ENTERPRISES, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION

The Commission determined \$2,500 penalties in Cases 18-G-0578, 18-G-0689, 18-G-0690, 18-G-0691, 18-G-0692, 18-G-0693, 18-G-0694, 18-G-0695, 18-G-0696, 18-G-0697, 18-G-0699, 18-G-0701, 18-G-0703, and 18-E-712.

ITEM 161-B

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

- 18-G-0680 KENT'S LANDSCAPING/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 18-G-0681 RUSSO DEVELOPMENT ENTERPRISES INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0682 CASALE CONSTRUCTION SERVICES, INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0683 HOFSTRA UNIVERSITY/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 18-G-0684 MUSSUMECI ELECTRIC INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 18-G-0685 IZZO EXCAVATION INC./KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID.
- 18-G-0686 SCOTT PERRI LANDSCAPING INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 18-G-0687 A & BEE ELECTRIC COMPANY/KEYSPAN GAS EAST CORPORATION, D/B/A NATIONAL GRID
- 18-G-0688 DIAMOND LANDSCAPING AND PROPERTY MAINTENANCE, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.

The Commission decided to grant Consent Orders in Cases 18-G-0680, 18-G-0681, 18-G-0682, 18-G-0683, 18-G-0684, 18-G-0685, 18-G-0686, 18-G-0687, and 18-G-0688.

ITEM 162
 18-G-0607 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the company's cancellation supplement canceling proposed tariff amendments which would have modified gas tariff language regarding the BTU content of the gas it provides to certain service classifications.

ITEM 163
 18-G-0720 VALLEY ENERGY, INC. - The Commission decided to approve the company's tariff filing of a housekeeping nature correcting a typographical error to its lost and unaccounted for Factor of Adjustment.

ITEM 164
 There is no item 164

ITEM 165
 18-G-0491 The Commission received a report on the annual reconciliation of gas expenses and gas cost recoveries. No Commission action is required.

ITEM 166
 18-G-0716 383 WEST MAIN STREET, LITTLE FALLS - The Commission decided to issue an Order to Show Cause against Niagara Mohawk Power Corporation d/b/a National Grid ordering the company to show cause why a penalty action pursuant to PSL §25-a should not be commenced against it for violations of 16 NYCRR §§255.361(e)(3) and 255.604(a)(2)&(8).

General

ITEM 261
 17-M-0244 UTILISAVE, LLC- The Commission decided to deny the petition for a declaratory ruling and a hearing to direct Consolidated Edison Company of New York, Inc. to adopt and use an alternative proposed Methodology for bill estimations.

- ITEM 262
18-M-0626 Rehearing of Commission Determination
MS. KRISTINA GREY/MS. MONICA ROME, MS. PRECIOUS BAILEY AND CONSOLIDATED EDISON COMPANY OF NEW YORK INC. - The Commission decided to deny the requests for rehearing.
- ITEM 263
18-S-0313 Appeal of an Informal Review
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./ONE BEEKMAN PLACE INC. - The Commission decided to uphold the informal review decision.
- ITEM 264
18-S-0448 CONSOLIDATED EDISON COMPANY OF NEW YORK INC. - The Commission decided to authorize one-time electric, gas and steam credits and to waive all customer and minimum charge provisions of the company's tariff schedules P.S.C. No. 10 - Electricity, P.S.C. No. 9 - Gas, and P.S.C. No. 4 - Steam as well as 16 NYCRR Part 13, as may be necessary or appropriate to authorize the company to provide the relief requested for customers affected by the July 19 incident.
- ITEM 265
18-E-0067, 18-G-0068 - ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve an extension of the company's maximum suspension period for proposed electric and gas rate filings through and including January 24, 2019.
- ITEM 266
14-M-0196 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to deny in part the petitions for rehearing and reconsideration respectively filed by Stop Smart Meters New York and Stop Smart Meters Woodstock NY, of the Commission's Order Granting, in Part, and Denying, in Part, Requests for Modifications of Opt-Out Tariff Order, issued October 20, 2017.

Power

- ITEM 361
 18-E-0258 TOWER 195 LLC - The Commission decided to approve the company's petition to submeter electricity at 1 South Clinton Avenue, Rochester, New York, located in the territory of Rochester Gas and Electric Corporation.
- ITEM 362
 18-E-0328 WOOLWORTH 100 OWNER LLC - The Commission decided to approve the company's petition to submeter electricity at 2 Park Place, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 363
 18-E-0486 Shared Meter Rehearing
 MR. ROBERT ERVOLINA, ON BEHALF OF HIRISE PROPERTIES ELY AVE LLC/MR. BENJI ROMAN AND MS. CARMEN RIVERA BAEZ/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the initial designee determination.
- ITEM 364
 18-E-0540 Shared Meter Rehearing
 MR. ROBERT ERVOLINA ON BEHALF OF HIRISE PROPERTIES ELY AVE LLC/MS. CHIMENE ANTHONY AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the initial designee determination.
- ITEM 365
 18-T-0202 EIGHT POINT WIND, LLC - The Commission decided to grant a waiver of Commission Rule 86.3 (a) (1) that requires Article VII applications to include NYSDOT topographic maps at 1:24,000 scale showing (i) the proposed right-of-way; (ii) where construction would require permanent clearing or topographic changes; and (iii) environmentally sensitive areas within three miles of the right-of-way.
- ITEM 366
 18-E-0230 Appeal of Informal Review
 CHRISTINE YOUNG/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the informal review decision.

- ITEM 367
18-E-0653 AP CRICKET VALLEY HOLDINGS II, INC., SHOSEKI US CAPITAL INC., CRICKET VALLEY ENERGY CENTER LLC, AND CRICKET VALLEY ENERGY PARTNERS LLC - The Commission decided to rule that (i) Petitioners satisfied the Wallkill Presumption criteria and thus no further regulatory review of the proposed transfer under PSL Section 70 is needed; and (ii) Shoseki will not become an electric corporation when it acquires an indirect and passive economic interest in the Cricket Valley Energy Center.
- ITEM 368
18-E-0622 AMP ORATAM INVESTMENTS LLC - The Commission decided to rule that, consistent with its precedent, no further regulatory review under PSL Section 69 is needed for a financing proposed by the company, an indirect and passive owner of the Hudson Transmission Project, because the debt will not encumber the Hudson Transmission Project or the company that owns and operates it.
- ITEM 369
18-E-0662 ZEPHYR WIND ENERGY, LLC - The Commission decided to rule that financing approvals previously granted to the lightly-regulated Noble Wind Project Companies will continue after the transfer of indirect, upstream interests in those companies.
- ITEM 370
18-E-0397 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve Con Edison's electric tariff filing with modifications adding new Riders Z and AA Innovative Pricing Pilot and implementing rate structures for residential and small commercial customers.
- ITEM 371
17-E-0802 MOHAWK MUNICIPAL COMMISSION ELECTRIC DEPARTMENT - The Commission decided to authorize the Mohawk Municipal Commission Electric Department to increase its annual revenues by about \$122,568, or 10.2% of total annual revenues.

ITEM 372
 15-E-0302 Commissioner Diane X. Burman, concurring, in part and dissenting, in part
 The Commission decided to adopt the Clean Energy Standard Phase 3 Implementation Plan submitted by Staff and NYSERDA on July 30, 2018.

ITEM 373
 There is no item 373

ITEM 374
 18-E-0621 HUDSON TRANSMISSION PARTNERS, LLC, AEIF HUDSON HOLDINGS, LLC, STARWOOD ENERGY HUDSON INVESTORS HOLDCO, LLC, AND AMF ORATAM INVESTMENTS LLC - The Commission decided to rule that: (i) Petitioners satisfied the Wallkill Presumption criteria and no further regulatory review under PSL Section 70 is needed; and (ii) AMF Oratam will not be regulated as an electric corporation based on its ownership of indirect and passive economic interests in the Hudson Transmission Project.

Water

ITEM 461-A
 18-W-0554 Commissioner Diane X. Burman, concurring
 NEW YORK AMERICAN WATER COMPANY, INC. - The Commission decided to approve the allocation and disposition of a property tax refund totaling \$8,393,923, obtained by the company from the Town of Hempstead. The refund will be allocated such that NYAW ratepayers in the Lynbrook and Merrick districts will receive total net refunds, including interest, of \$7,135,641 from NYAW, while NYAW will be permitted to use \$1,010,088 of the total refund amount to fund a Conservation Study and Rebate Program for the benefit of customers and will be allowed to recover \$312,215, an amount which reflects its costs to achieve the refunds.

ITEM 461-B
 16-W-0259, 17-M-0815, 18-W-0554 Commissioner Diane X. Burman, concurring
 The Commission decided to approve a one-time sur-credit incorporating the sur-credits due to ratepayers as a result of the Tax Cuts and Jobs Act from January through September 2018, the property tax refund proceeding, and surcharges related to the company's annual revenue adjustment clause and property tax reconciliation mechanism.

ITEM 462
 18-W-0310 HUDSON VALLEY WATER COMPANIES, INC. -
 The Commission decided to authorize the company to increase its annual revenues by \$21,299 or 11.5%, effective January 1, 2019.

ITEM 463
 18-W-0560 CITY OF RYE - The Commission decided to approve the City's petition, Pursuant to Chapter 433 of 2013, to Distribute Public Safety Infrastructure Costs Across Water Rate Base.

Communications

ITEM 561
 15-M-0388 Commissioner Diane X. Burman, dissenting
 CHARTER ONE COMMUNICATIONS AND TIME WARNER CABLE - The Commission decided to confirm a one commissioner order signed by Chair Rhodes extending deadlines.

ITEM 562
 15-M-0742 The Commission decided to recommend that the Commission allow nine small Incumbent Local Exchange Carriers (ILECs) to recover revenue losses resulting from the FCC's mandated phase-out of terminating access charges. Eight 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 563
 18-C-0666 CONSOLIDATED COMMUNICATIONS HOLDINGS, INC., CONSOLIDATED COMMUNICATIONS INC., BERKSHIRE TELEPHONE CORPORATION, TACONIC TELEPHONE CORP., FAIRPOINT BUSINESS SERVICES LLC, AND CONSOLIDATED COMMUNICATIONS ENTERPRISE SERVICES –
 The Commission decided to approve the elimination of FairPoint and MJD Ventures, Inc. from the corporate ownership chain of Berkshire, C&E, and Taconic and the elimination of FairPoint from the corporate ownership chain of FBS and determines that the public interest requires further review of the remainder of the transaction pursuant to PSL §§99 and 100.

Cable

- ITEM 661
18-V-0452 VERIZON NEW YORK INC. - The Commission decided to approve a portion of the company's petition for Orders of Entry for 33 multiple-dwelling unit buildings in the City of New York.
- ITEM 662
17-V-0730 VERIZON NEW YORK INC. -The Commission decided to approve a portion of the company's Petition for Orders of Entry for 40 multiple-dwelling unit buildings in the City of New York.