

Consent Agenda Report for 08/13/2015



The following is a preliminary and informal summary of actions the Commission took at its public session on August 13, 2015. 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 10-G-0622 This item was removed from the agenda.

ITEM 162

Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753 – Protection of Underground Facilities

13-G-0511	UNION CONCRETE AND CONSTRUCTION CORP./NATIONAL FUEL GAS DISTRIBUTION CORPORATION
15-G-0228	CAMPOS TREE SERVICE CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0408	EAST END SOLUTIONS/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
15-G-0409	OUTER-COUNTY CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0410	I'LL GO INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0411	DAN PAZIENZA CESSPOOL SERVICE/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0412	ARRIAZA HOME IMPROVEMENT CORP./KEYSPAN S EAST CORPORATION D/B/A NATIONAL GRID
15-G-0413	FRANKLIN SQUARE WATER DISTRICT/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0414	RUTTURA & SONS CONSTRUCTION CO./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0415	J.B. GENERAL CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID
15-G-0416	A. MARINUCCI CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID

Item 162 (Cont'd.)

- 15-G-0417 MCCAREY LANDSCAPING, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION
- 15-G-0418 MCKENNA CONSTRUCTION & EXCAVATION, LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
- 15-G-0420 CIOFFI SERVICES INC./ORANGE & ROCKLAND UTILITIES, INC.
- 15-G-0421 J. FLETCHER CREAMER & SONS, INC./ORANGE & ROCKLAND UTILITIES, INC.
- 15-G-0422 STEVE'S LAWNS, INC./ORANGE & ROCKLAND UTILITIES, INC.
- 15-G-0423 CARBRO CONSTRUCTORS CORP./ORANGE & ROCKLAND UTILITIES, INC.
- 15-G-0425 VAN PUTTE GARDENS/ROCHESTER GAS AND ELECTRIC CORPORATION
- 15-G-0426 PATRICK PROPERTY SERVICES, INC./ROCHESTER GAS AND ELECTRIC
- 15-G-0427 THE HALLEN CONSTRUCTION CO./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY CORPORATION
- 15-G-0428 BTA BUILDING & DEVELOPMENT INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 15-G-0429 BUSY BEE SEPTIC AND EXCAVATING LLC/ORANGE & ROCKLAND UTILITIES, INC.
- 15-G-0430 KING & SON CONSTRUCTION INC./ORANGE & ROCKLAND UTILITIES, INC.

The Commission decided to grant Consent Orders in Cases 15-G-0409, 15-G-0413, 15-G-0414, 15-G-0415, 15-G-0416, 15-G-0418, 15-G-0421, 15-G-0422, 15-G-0423, 15-G-0425, 15-G-0426, 15-G-0427, and 15-G-0428, determined \$2,500 penalties in Cases 15-G-0408, 15-G-0410, 15-G-0411, 15-G-0412, 15-G-0417, 15-G-0420, 15-G-0429, and 15-G-0430, approve a Petition for Reconsideration in Case 15-G-0228, and deny a Petition for Reconsideration in Case 13-G-0511.

Power

ITEM 361

15-E-0282

ALBANY ENGINEERING CORPORATION - The Commission decided to deny the company's petition for a Declaratory Ruling, and reaffirm that a facility's nameplate capacity will be used to determine its rated capacity under Public Service Law Section 66-j. .

ITEM 362

There is No Item 362

ITEM 363

15-E-0243

CROSS-SOUND CABLE COMPANY (NEW YORK) LLC; CROSS-SOUND CABLE COMPANY, LLC, AND AIA ENERGY NORTH AMERICA LLC - The Commission decided to deny the request for a declaratory ruling, approved the transfer under Section 70 of the PSL, approved the financing under Section 69 of the PSL; confirmed that lightened regulation will continue and that upstream owners are not subject to regulation as electric corporations.

ITEM 364

15-E-0208

SARANAC POWER PARTNERS, L.P. - The Commission decided to deny the request for a declaratory ruling disclaiming the need to review an ownership transfer, but grant an order approving the transfer under Section 70 of the Public Service Law.

ITEM 365

12-E-0201

NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve, on a permanent basis, the company's compliance tariff filing to effectuate Rate Year Three pursuant to Commission Order issued March 15, 2013.

Water

ITEM 461

14-W-0489

NEW YORK AMERICAN WATER COMPANY, INC. - The Commission decided to approve a joint proposal that will extend the company's System Improvement Charge for its Lynbrook District for capital projects to enhance system reliability and service, while providing a rate freeze and other customer protections for each of the utilities other eight subsidiaries.

ITEM 462

14-W-0556

UNITED WATER NEW ROCHELLE INC./SABER DOBBS FERRY, LLC - The Commission decided that the petitioners' proposal is a reasonable alternative to Part 501's and UWW's tariff's requirements that satisfies the interests of the parties, and does not discriminate against ratepayers or potential ratepayers. UWW, and indirectly its ratepayers, avoid \$483,229 in costs that would otherwise be incurred while benefitting from the off-site improvements. Given this finding, the petitioners' request for a waiver under §501.10 is granted.

Cable

ITEM 661

15-V-0205

EMPIRE VIDEO SERVICES CORPORATION - The Commission decided to approve the company's petition for a Certificate of Confirmation for its franchise with the Village of Naples, Ontario County.

ITEM 662

15-V-0206

COMMUNITY CABLE CORPORATION D/B/A NORTH PENN VIDEO - The Commission decided to approve the company's petition for a Certificate of Confirmation for a franchise with the Village of Naples, Ontario County.

ITEM 663

15-V-0255

TIME WARNER CABLE NORTHEAST LLC - The Commission decided to approve the company's petition for a Certificate of Confirmation for a franchise with the Town of Grafton, Rensselaer County.