

Consent Agenda Report for 09/17/2015



The following is a preliminary and informal summary of actions the Commission took at its public session on September 17, 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

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

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| 15-G-0424 | MONTESANO BROTHERS, INC./ORANGE AND ROCKLAND UTILITIES, INC. |
| 15-G-0472 | FRANK'S LAWN SERVICE, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION. |
| 15-G-0473 | PRECISION FENCE, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0474 | ASPLUNDH CONSTRUCTION, CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0475 | J & V HOME IMPROVEMENT CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0476 | HAYDEN BROWN CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0477 | CARRY LANDSCAPING DESIGN & MASONRY LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0478 | INTERCOUNTY PAVING ASSOCIATES, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0479 | HHJR CONSTRUCTION LTD./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0480 | J & G EMPIRE CONTRACTING INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |
| 15-G-0481 | FORT HILL INDUSTRIES, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID. |

ITEM 161 (Cont'd)

- 15-G-0482 GOSEL TRENCHING & GRADING, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 15-G-0483 DANA DARLING CONTRACTING, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 15-G-0484 F. RIZZO CONSTRUCTION, INC./NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 15-G-0485 VIN SID & SONS CONST. LLC/NIAGARA MOHAWK POWER COMPANY D/B/A NATIONAL GRID.
- 15-G-0486 HELDERBERG EXCAVATING & TRUCKING, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 15-G-0487 LIAM DESIGN + BUILD/ORANGE AND ROCKLAND UTILITIES, INC.
- 15-G-0488 MASTRO ENTERPRISES INC./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 15-G-0489 HEAVY CONSTRUCTION CO., INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0490 ACCURATE PRECAST CONCRETE COMPANY/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.

The Commission decided to grant Consent Orders in Cases 15-G-0424, 15-G-0474, and 15-G-0485; determined a \$12,500 penalty in Case 15-G-0484; a \$10,000 penalty in Case 15-G-0488; and \$2,500 penalties in Cases 15-G-0472, 15-G-0473, 15-G-0475, 15-G-0476, 15-G-0477, 15-G-0478, 15-G-0479, 15-G-0480, 15-G-0481, 15-G-0482, 15-G-0483, 15-G-0486, 15-G-0487, 15-G-0489, and 15-G-0490.

ITEM 162

There is no Item 162

ITEM 163

- 12-G-0450 Rehearing of Commission Designee Determination
MR. JOHN LANZONE/MS. KRISTIN SPIROWS AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 6/27/12 decision since Mr. Lanzone's statement does not provide a basis for canceling the shared area charges and the 12-month assessment has already been reduced by 75%. Correction of a shared meter condition does not eliminate an owner's responsibility for shared meter charges.

- ITEM 164
12-G-0023 Rehearing of Commission Designee Determination
MR. ORLY KASHAN/MR. JORGE MONTALVAN
AND NATIONAL GRID-LONG ISLAND - The
Commission decided to deny the request for
rehearing. However, upon review of the case an
error in the shared use calculation was discovered
resulting in a reduction of the shared usage from
8934 ccf to 3074 ccf. This reduction also qualified
the 12-month assessment to be revised to the
maximum reduction of 25% of the original amount
billed.

General

- ITEM 261
12-M-0476, 98-M-1343, 06-M-0647 & 98-M-0667 - The Commission
decided to adopt proposals for changes to the
Electronic Data Interchange Standards filed on
April 7, 2015 in the "Report on EDI Standards
Development".

- ITEM 262
15-M-0251 CENTRAL HUDSON GAS & ELECTRIC
CORPORATION - The Commission decided to
approve the company's petition for authority through
December 31, 2018 to issue \$350 million of new
unsecured debt and to enter into or continue
revolving credit agreements not to exceed \$200
million.

Power

- ITEM 361
15-E-0403 CONSOLIDATED EDISON COMPANY OF NEW
YORK, INC. - The Commission decided to approve
the company's tariff filing of a housekeeping nature to
remove duplicate language under Rider U Distribution
Load Relief Program contained in P.S.C. No. 10 -
Electricity.

- ITEM 362
15-E-0052 315 EAST 68TH STREET CORPORATION - The
Commission decided to approve the notice of intent to
submeter electricity, in the cooperative units, at 315
East 68th Street, New York, New York, located in the
territory of Consolidated Edison Company of New
York, Inc.

- ITEM 363
14-E-0179 1 JOHN STREET LLC - The Commission decided to approve the notice of intent to submeter electricity at 1 John Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364
11-E-0400 56 7TH AVENUE LLC - The Commission decided to approve the notice of intent to submeter electricity at 56 7th Ave. New York, New York, in the territory of Consolidated Edison Company of New York Inc.
- ITEM 365
15-M-0297 SITHE/INDEPENDENCE POWER PARTNERS, L.P. - The Commission decided to approve the company's proposed financing plan increasing its authorized financing limit from \$2.175 billion to \$8.28 billion.
- ITEM 366
15-T-0305 NIAGARA MOHAWK POWER CORPORATION - The Commission decided to approve the company's motion for a waiver of the requirements set forth in 16 NYCRR § 86.3(b)(2) relating to its pending Article VII Application.
- ITEM 367
15-T-0384 NIAGARA MOHAWK POWER CORPORATION d/b/a NATIONAL GRID - The Commission decided to approve the Amendment to the Certificate for the construction and operation of the Cody Road Station, the 115 kV Loop Taps, and the ADSS fiber optic cable connecting the Cody Road Station and the existing Fenner Substation (collectively the "Project") by National Grid.
- ITEM 368
15-E-0446 Rehearing of Commission Designee Determination
MR. JONATHAN M. GARCIA AND MS. MARIA CABRERA/MR. ARACELI ROSALES AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 5/20/15 decision since Mr. Garcia failed to support his claim that he did not own the property at the time that the shared meter condition was discovered. The 12-month assessment has already been reduced by 43%.

- ITEM 369
12-E-0454
Rehearing of Commission Designee Determination
MS. MARIA TROTT/MS. PORTIA STEWARD AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 8/23/12 decision since Ms. Trott's agreement contained no provision for reimbursing her tenant for the minimal shared usage charges. Ms. Trott's remaining assertion that she was not notified of her tenant's complaint was not supported since Staff's records indicate its 5/11/12 notification sent to her was not returned by the Post Office.
- ITEM 370
13-E-0034
Rehearing of Commission Designee Determination
MS. KAREN BRISCOE-REED/MR. CARMELO RIVERA, JR. AND CENTRAL HUDSON GAS AND ELECTRIC CORPORATION - The Commission decided to uphold the SMD's 8/29/12 decision since Ms. Briscoe-Reed provided no new evidence to support her claim that the shared meter condition found on 3/2/11 did not exist and the 12-month assessment has already been reduced by 75%.
- ITEM 371
12-E-0453
Rehearing of Commission Designee Determination
MR. JOSE MOROCHO AND MR. SERGIO HERRERA/MR. JOSE MOROCHO AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 6/5/12 decision since Mr. Morocho's documentation does not provide a basis for canceling the shared area charges and the 12-month assessment has already been reduced by 60%. Mr. Herrera's assertion that he was not fully compensated was not supported. Making payment on the owner's account is not a basis for adjusting shared meter charges.
- ITEM 372
12-E-0451
Rehearing of Commission Designee Determination
MR. MARCEL BUCHOLZ/MR. SAMSON SEGEDIN AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the SMD's 6/19/12 decision since Mr. Bucholz's assertion does not provide a basis for canceling the shared area charges and the 12-month assessment has already been reduced by 75%. As a landlord Mr. Bucholz is ultimately responsible for the wiring conditions within his property.

Water

- ITEM 461
 14-W-0307 FOREVER WILD WATER COMPANY, INC. - The Commission decided to grant the company's request for reconsideration and modifies its April 17, 2015 Order to 1) grant the company's request to remove the requirement that the escrow account be interest-bearing and to 2) grant the company's request to allow it to continue using the escrow account funds to cover the cost of extraordinary repairs and/or plant replacements.
- ITEM 462
 15-W-0209 HUDSON VALLEY WATER COMPANIES, INC. - The Commission decided to authorize the Company to increase its annual revenues by \$33,815 or 21.8%, to become effective October 1, 2015.

Cable

- ITEM 661
 15-V-0231 EMPIRE VIDEO SERVICES CORPORATION - The Commission decided to approve the Certificate of Confirmation franchise agreement between the company and the Village of North Hornell (Steuben County)
- ITEM 662
 15-V-0232 COMMUNITY CABLE CORPORATION D/B/A NORTH PENN VIDEO - The Commission decided to approve the Certificate of Confirmation franchise agreement between the company and the Village of North Hornell (Steuben County)
- ITEM 663
 15-V-0237 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CAMPBELL, STEUBEN COUNTY.
 15-V-0201 TIME WARNER CABLE NORTHEAST LLC/TOWN OF HOPEWELL, ONTARIO COUNTY.
 15-V-0203 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF HAVERSTRAW, ROCKLAND COUNTY.
 15-V-0212 CABLEVISION OF WAPPINGERS FALLS, INC./TOWN OF EAST FISHKILL, DUTCHESS COUNTY.

ITEM 663 (Cont'd.)

- 15-V-0242 CABLEVISION SYSTEMS DUTCHESS CORPORATION/VILLAGE OF MILLERTON, DUTCHESS COUNTY.
- 15-V-0253 CABLEVISION SYSTEMS DUTCHESS CORPORATION/TOWN OF NORTH EAST, DUTCHESS COUNTY.
- 15-V-0265 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF HERKIMER, HERKIMER COUNTY.
- 15-V-0268 ADAMS CATV, INC./VILLAGE OF WINDSOR, BROOME COUNTY.
- 15-V-0238 TIME WARNER CABLE NORTHEAST LLC/TOWN OF CINCINNATUS, CORTLAND COUNTY.

The Commission decided to approve the respective franchise agreement renewals for each of the listed cases.