

## Consent Agenda Report for 12/17/2015



The following is a preliminary and informal summary of actions the Commission took at its public session on December 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  
14-G-0212 ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve the company's petition for clarification to revise the Order Requiring Local Distribution Companies to Follow and Complete Remediation Plans as Modified in this Order and to Implement New Inspection Protocols, issued May 15, 2015, to eliminate the words "Orange and Rockland Utilities, Inc." from Ordering Clause 5.
- ITEM 162  
15-G-0309 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to authorize the company to issue up to \$1.04 billion of new long-term debt to be utilized in capital programs and other corporate purposes for a period from the date of the order through March 31, 2019. In addition, the Commission authorized KEDNY to issue up to \$640.5 million of new long-term tax-exempt debt for the purpose of optionally refinancing existing long-term debt obligations prior to their maturity.
- ITEM 163  
15-G-0308 KEYSpan GAS EAST CORP. D/B/A NATIONAL GRID - The Commission decided to authorize the company to issue up to \$705 million of new long-term debt to be utilized in capital programs and other corporate purposes for a period from the date of the order through March 31, 2019. In addition, the Commission authorized KEDLI to issue up to \$500 million of new long-term debt for the purpose of optionally refinancing existing long-term debt obligations prior to their maturity.

ITEM 164

13-G-0465 CORNING NATURAL GAS CORPORATION - The Commission decided to allow the company to recover \$1,136,382 associated with the property tax and contract customer revenue deferrals through the Delivery Rate Adjustment beginning January 1, 2016.

ITEM 165

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

15-G-0473 PRECISION FENCE, LLC/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

15-G-0657 ADAMO PAVING CORP./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.

15-G-0658 FRANK G TOROK EXCAVATING/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.

15-G-0659 RNC INDUSTRIES, LLC/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

15-G-0660 P. MORRISSEY CONTRACTING, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

15-G-0661 PEDRO VILCA CONTRACTING/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

15-G-0662 ROCKS MASONRY AND EXCAVATION, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

15-G-0663 ISLAND COVE GENERAL CONTRACTING, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

15-G-0664 NETWORK INFRASTRUCTURE, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

15-G-0665 SYRACUSE CONSTRUCTORS, INC./NEW YORK ELECTRIC & GAS CORPORATION.

15-G-0668 MARIAVILLE CONSTRUCTION CO., INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

15-G-0669 JTS CONSTRUCTION INC./NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID.

15-G-0670 TWO BROTHERS MASONS INC./ORANGE AND ROCKLAND UTILITIES, INC.

ITEM 165 (Cont'd)

- 15-G-0672 DDS CONSTRUCTORS, LLC/ROCHESTER GAS AND ELECTRIC CORPORATION.
- 15-G-0674 CATCO ELECTRIC CONTRACTORS CORP./ROCHESTER GAS AND ELECTRIC CORPORATION.
- 15-G-0675 D L BENNETT CONSTRUCTION/ROCHESTER GAS AND ELECTRIC CORPORATION.
- 15-G-0676 VICTOR EXCAVATING, INC/ROCHESTER GAS AND ELECTRIC CORPORATION
- 15-G-0677 VPF GENERAL CONTRACTING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0678 ROCKAWAY BEACH BLVD. CONSTRUCTION CO., LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 15-G-0680 BREEZY POINT CO-OP, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.

The Commission decided to grant Consent Orders in Cases 15-G-0658, 15-G-0660, 15-G-0661, 15-G-0663, 15-G-0664, 15-G-0665, 15-G-0668, 15-G-0669, 15-G-0672, 15-G-0676, and 15-G-0680, determine \$2,500 penalties in Cases 15-G-0657, 15-G-0659, 15-G-0662, 15-G-0670, 15-G-0674, 15-G-0675, 15-G-0677, and 15-G-0678, and deny a petition for reconsideration in Case 15-G-0473.

ITEM 166

- 15-G-0653 KEYSpan GAS EAST CORP. D/B/A BROOKLYN UNION OF L.I. - The Commission decided to approve the company's tariff filing to extend the start date of the manual meter reading monthly fee to April 1, 2016.

ITEM 167

- 14-G-0124 Appeal of Informal Hearing Decision  
HARJAT REALTY/NATIONAL GRID-METRO NY - The Commission decided to uphold the informal hearing decision.

ITEM 168

- 15-G-0376 Report on annual reconciliation of gas costs for local gas distribution companies and municipal gas companies in New York State as required by 16 NYCRR §720-6.5.

- ITEM 169  
15-G-0241 BATH ELECTRIC, GAS & WATER SYSTEMS - The Commission decided to approve a portion of the company's petition to recover lost and unaccounted for gas costs from customers over a seven year period.
- ITEM 170  
15-G-0578 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the company's tariff amendments for SC 20 to include a new managed supply service and to make changes to the winter bundled sales service program to allow gas marketers additional flexibility to manage their supply and balancing needs.

### General

- ITEM 261  
09-M-0311 Commissioner Diane X. Burman, abstaining  
The Commission decided to approve, on a permanent basis, the Temporary State Assessment compliance tariff filings by all electric, gas, steam, and water corporations, municipal electric and gas corporations made pursuant to Commission Order Approving Tariff Amendments and Ordering Modifications issued April 17, 2015.
- ITEM 262  
01-M-1806 The Commission decided to issue a Notice of Continuation, as required by SAPA Section 207(4), for rules adopted in 2000, 2005 and 2010.
- ITEM 263  
15-M-0326 ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to authorize the company to issue up to \$509.85 million of new long-term securities to be utilized in capital programs and other corporate purposes for a period from the date of the order through December 31, 2020. In addition, the Commission authorized RG&E to issue up to \$118 million of new long-term tax-exempt debt for the purpose of optionally refinancing existing tax-exempt debt obligations prior to their maturity. The Commission authorized RG&E to enter into derivative instruments pursuant to a Global Financing Plan as long as such instruments are demonstrated to be a significant hedging tool.

- ITEM 264  
12-M-0476, 98-M-1343, 98-M-0667 - The Commission decided to adopt further modifications to the Uniform Business Practices (UBP) to reduce the on-cycle gas switching timeline from 15 calendar days to 10 business days.
- ITEM 265  
15-M-0272 VALLEY PARK SUBDIVISION - The Commission decided to deny the petitioner's request for waivers of 16 NYCRR Section 100.3(b) and National Grid tariff rules 10.4 and 16.6 are denied.
- ITEM 266  
15-E-0448 Rehearing of Designee Determination  
MR. CHAIM NUSBAUM AND MR. SHALOM KAJ/MS. CHRISTINA PRINGLE AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the request.
- ITEM 267  
15-G-0504 Rehearing of Designee Determination  
MR. JOSHUA K. RAMKISSOON/MS. KIMONA HIGGINS AND CON EDISON - The Commission decided to deny the request.
- ITEM 268  
14-E-0570 & 14-G-0571 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to adopt the tariff filing by the company, to establish automated meter reading/advanced metering infrastructure (AMR/AMI) opt-outs in its electric and gas tariffs.
- ITEM 269  
09-G-0230 Appeal of Informal Hearing Decision  
WESTERN SUFFOLK BOCES/NATIONAL GRID LI, INC. - The Commission decided to deny the company's appeal of the informal review decision. The decision properly found that the utility used the correct term of service in determining the minimum charge for complainant, pursuant to the terms of its tariff.

ITEM 270

15-M-0252 Commissioner Diane X. Burman, abstaining  
 The Commission decided to direct gas and electric utilities to file tariffs instituting electric and/or gas EE Trackers beginning on January 1, 2016 to recover costs associated with implementing utility-administered energy efficiency programs.

ITEM 271

14-M-0094, 10-M-0457, 07-M-0548, 03-E-0188 Commissioner Diane X. Burman, abstaining  
 The Commission decided to confirm a One Commissioner Order made in these proceedings by Audrey Zibelman, Chair extending clean energy programs.

**Power**

ITEM 361

14-E-0270 ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the company's request to extend the maximum suspension period for its Reliability Support Services Agreement through February 29, 2016.

ITEM 362

15-E-0444 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the company's tariff filing updating the rates in Rule No. 35 - Cable System Operator and Telecommunications Service Provider Wire Line Attachment Rates to Electric Distribution Poles contained in P.S.C. No. 220 - Electricity.

ITEM 363

15-E-0200 COTTAGE STREET APARTMENTS, LLC - The Commission decided to approve the company to submeter electricity at 31 Cottage Street, Troy, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.

ITEM 364

15-E-0181 325 LEX CONDOMINIUM - The Commission decided to approve the petition to submeter electricity at 325 Lexington Avenue, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 365

There is no item 365.

ITEM 366

15-E-0597

NOBLE ENVIRONMENTAL POWER, LLC, NOBLE ALTONA WINDPARK, LLC, NOBLE BLISS WINDPARK, LLC, NOBLE CLINTON WINDPARK I, LLC, NOBLE ELLENBURG WINDPARK, LLC, NOBLE CHATEAUGAY WINDPARK, LLC, NOBLE GREAT PLAINS WINDPARK, LLC, NOBLE WETHERSFIELD WINDPARK, LLC - The Commission decided to issue a declaratory ruling that the indirect upstream restructuring of the ownership interests in Noble Environmental Power, LLC will not be reviewed further under Section 70 of the Public Service Law.

ITEM 367

14-E-0561

SIEMENS INDUSTRY, INC. - The Commission decided to approve the company's petition for the Siemens Incorporated SEM3 electric submeter for use in residential electric submetering applications.

ITEM 368

15-E-0592

ASTORIA GENERATING COMPANY, L.P., TPF II POWER HOLDINGS, LLC, TPF II POWER MIDCO, LLC, and EASTERN GENERATION, LLC - The Commission decided to grant declaratory ruling that Wallkill Presumption applies to proposed transaction, and to continue lightened regulatory regime.

ITEM 369

12-M-0479

Rehearing of Designee Determination  
MRS. AISSATOU DIALLO/MS. MARIA THOMAS AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the request.

ITEM 370

10-E-0610

Appeal of Informal Hearing Decision  
CENTRAL SYNAGOGUE/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to deny the appeal and uphold the informal review determination.

- ITEM 371  
15-T-0384 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the petition for rehearing and provide for Limited Clarification.
- ITEM 372  
15-E-0229 Commissioner Diane X. Burman, abstaining  
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to implement with modifications, the Targeted Demand Management program and the cost recovery mechanism.
- ITEM 373  
15-E-0569 This item was removed from the agenda.
- Communications**
- ITEM 561  
15-C-0685 X5 OPCO LLC AND NOVATEL LTD., INC. - The Commission decided to approve the companies' joint petition for X5 OpCo to acquire New York assets, including customers, from NovaTel.
- ITEM 562  
15-C-0686 GARRISON TNCI LLC, TNCI OPERATING COMPANY LLC, IMPACT TELECOM, INC. AND MATRIX TELECOM, INC. - The Commission decided to approve the companies joint petition to transfer indirect control of Matrix Telecom, Inc. to Garrison TNCI LLC, and for TNCI Operating Company LLC and Matrix Telecom, Inc. to participate in certain financing arrangements.
- ITEM 563  
15-C-0453 DEPOSIT TELEPHONE COMPANY, INC. - The Commission decided to authorize the company to recover a revenue deficiency through various local rate increases, and authorized the company to withdraw from the State Universal Service Fund (SUSF) for the rate year ending December 2016.



ITEM 564  
 15-C-0370 PATTERSONVILLE TELEPHONE COMPANY - The Commission decided to authorize the company to withdraw from the SUSF for the rate year ending 2016 and authorized the company to recover additional revenue deficiency by various rate increases.

**Cable**

ITEM 661  
 15-V-0637 VERIZON NEW YORK INC. - The Commission decided to grant the company's petition Orders of Entry to enter the premises for the purpose of installing and upgrading its cable television facilities is granted, subject to the legal rights of the owner under Public Service Law Section 228 and 16 NYCRR Part 898.

ITEM 662  
 15-V-0638 VERIZON NEW YORK INC. - The Commission decided to approve the company's petitions for a portion of the petitions for Orders of Entry at 41 Multiple-Dwelling Unit Buildings in the City of New York because certain building owners/representatives failed to answer the petitions despite numerous attempts to obtain a response and therefore are in default.

ITEM 663  
 15-V-0648 CABLEVISION SYSTEMS LONG ISLAND CORPORATION/VILLAGE OF BAXTER ESTATES, NASSAU COUNTY.  
 15-V-0366 TIME WARNER CABLE NORTHEAST LLC/TOWN OF HALFMOON, SARATOGA COUNTY.  
 15-V-0367 TIME WARNER CABLE NORTHEAST LLC/TOWN OF MAYFIELD, FULTON COUNTY.  
 15-V-0390 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF CANAJOHARIE, MONTGOMERY COUNTY.  
 15-V-0391 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF DOLGEVILLE, HERKIMER COUNTY.  
 15-V-0401 TIME WARNER CABLE NORTHEAST LLC/TOWN OF LEWISTON, NIAGARA COUNTY.  
 15-V-0459 MID-HUDSON CABLEVISION, INC./TOWN OF CLAVERACK (INCLUDING THE VILLAGE OF PHILMONT), COLUMBIA COUNTY.

ITEM 663 (Cont'd)

- 15-V-0493 CHARTER COMMUNICATIONS ENTERTAINMENT, 1, LLC/TOWN OF GHENT, COLUMBIA COUNTY.
- 15-V-0507 TIME WARNER CABLE NORTHEAST LLC/ TOWN OF BRIDGEWATER, ONEIDA COUNTY.
- 15-V-0510 CHARTER COMMUNICATIONS ENTERTAINMENT, 1, LLC/TOWN OF COPAKE, COLUMBIA COUNTY.
- 15-V-0538 TIME WARNER CABLE NORTHEAST LLC/ VILLAGE OF FAIR HAVEN, CAYUGA COUNTY
- 15-V-0596 CHARTER COMMUNICATIONS ENTERTAINMENT, 1, LLC/TOWN OF BERLIN, RENSSELAER COUNTY.
- 15-V-0431 TIME WARNER CABLE NORTHEAST LLC/ VILLAGE OF WILSON, NIAGARA COUNTY.
- 15-V-0524 TIME WARNER CABLE NORTHEAST LLC/ TOWN OF CAMILLUS, ONONDAGA COUNTY
- 15-V-0461 MID-HUDSON CABLEVISION, INC./VILLAGE OF CATSKILL, GREENE COUNTY.
- 15-V-0517 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF BLOOMFIELD, ONTARIO COUNTY.
- 15-V-0455 TIME WARNER CABLE NORTHEAST LLC/TOWN OF AVON, LIVINGSTON COUNTY.
- 15-V-0550 TIME WARNER CABLE NORTHEAST LLC/VILLAGE OF PULASKI, OSWEGO COUNTY.

The Commission decided to approve the renewals because the franchise agreements will serve the public interest by continuing to offer cable television services and promote competition in the local municipalities.