

Consent Agenda Report for 05/18/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on May 18, 2023. 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 or other document issued in the case number(s) identified below.

Gas

- ITEM 161
19-G-0703 A. COLARUSSO AND SON, INC. -
The Commission decided to vacate its December 18, 2019 order.
- ITEM 162
21-G-0181 NIAGARA MOHAWK POWER CORPORATION
D/B/A NATIONAL GRID - The Commission decided to
approve the Company's petition to use the Dresser
D1000 rotary gas meter in gas metering applications
in New York State.
- ITEM 163-A
In the Matter of Enforcement Proceedings for Alleged
Violations of 16 NYCRR Part 753: Protection of
Underground Facilities (Penalty Orders)
22-G-0295 BUTCH PAYNE LANDSCAPING, INC./CENTRAL
HUDSON GAS & ELECTRIC CORPORATION.
23-G-0167 CANDID CONNECTION INC./THE BROOKLYN
UNION GAS COMPANY D/B/A NATIONAL GRID NY.
23-G-0168 DEBENEDITTIS MASONRY DESIGNS
INC./KEYSPAN GAS EAST CORPORATION D/B/A
NATIONAL GRID.
23-G-0169 NORTHEAST UTILITY CONSTRUCTION
LLC/NIAGARA MOHAWK POWER CORPORATION,
D/B/A NATIONAL GRID.
23-G-0171 PUSATERE LANDSCAPES INC./NIAGARA
MOHAWK POWER CORPORATION, D/B/A
NATIONAL GRID.
23-G-0172 CORTINAS CONSTRUCTION CORP/THE
BROOKLYN UNION GAS COMPANY D/B/A
NATIONAL GRID NY.
23-G-0173 TRUE VALOR CONSTRUCTION, INC./KEYSPAN
GAS EAST CORPORATION D/B/A NATIONAL GRID.

ITEM 163-A CONT'D

- 23-G-0174 SKYLARK CONSTRUCTION CORP./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 23-G-0175 KINGSTONE MASONRY & BRICK WORK, INC./CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 23-G-0176 HENKELS & MCCOY, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
- 23-G-0177 APEC CORP WATER MAIN & SEWER/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 23-G-0178 THP CONSULTING, LLC/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 23-G-0179 JOHN SPARROW LANDSCAPE CORP./KEYSPAN GAS EAST CORP. D/B/A NATIONAL GRID.
- 23-G-0180 PROFESSIONAL REMODELING BUILDERS, INC./CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 23-G-0181 HUDSON SEALCOATING AND LANDSCAPING CORP./CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 23-G-0182 OSLO PLUMBING CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 23-G-0184 LAZARUS INDUSTRIES, LLC/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

The Commission decided to determine a penalty of \$2,500 in Cases 22-G-0295, 23-G-0167, 23-G-0168, 23-G-0169, 23-G-0171, 23-G-0172, 23-G-0173, 23-G-0174, 23-G-0175, 23-G-0176, 23-G-0177, 23-G-0178, 23-G-0179, 23-G-0182, and 23-G-0184; and a \$2,000 penalty in Cases 23-G-0180 and 23-G-0181.

ITEM 163-B

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

- 23-G-0191 NYC DEPARTMENT OF TRANSPORTATION CITYWIDE CONCRETE/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
- 23-G-0192 TOWN OF ISLIP DEPARTMENT OF PARKS & RECREATION/KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

ITEM 163-B CONT'D

23-G-0193 V.D.M. MASON CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
 23-G-0194 TULLY CONSTRUCTION CO. INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.

The Commission decided to approve consent orders in Cases 23-G-0191, 23-G-0192, 23-G-0193, and 23-G-0194.

General

ITEM 261

21-G-0073 &
 21-E-0074

ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to approve, on a permanent basis, Orange and Rockland Utilities, Inc.'s gas and electric compliance tariff filings effectuating the terms of Rate Year 2.

ITEM 262

There is no item 262.

ITEM 263

23-M-0151

LIGHT POWER & GAS OF NY LLC. – The Commission decided to order Light Power & Gas of NY LLC to show cause within 28 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 Section 2.D.6, should not be imposed.

ITEM 264

01-M-1806

The Commission decided to issue a Memorandum and Resolution and Notice of Continuation, pursuant to the five-year cycle of agency regulation review mandated by SAPA Section 207, for amendments to 16 NYCRR that were enacted in 1998 and 2018.

ITEM 265

There is no item 265.

ITEM 266
 23-M-0103 NEW YORK STATE ELECTRIC & GAS CORPORATION AND ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to initiate a comprehensive management and operations audit of electric and gas operations at NYSEG and RG&E and directed the Department of Public Service Staff to issue a request for proposals seeking an independent auditor.

Power

ITEM 361
 23-E-0018 NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID - The Commission decided to grant Niagara Mohawk Power Corporation d/b/a National Grid's request for authorization to transfer certain street lighting facilities, with an original cost over \$100,000, located within the City of Batavia, to the City of Batavia, subject to conditions.

ITEM 362
 22-E-0417 30 WEST BROAD STREET, LLC - The Commission decided to grant authority to 30 West Broad Street LLC to submeter electricity at 30 West Broad Street, Rochester, New York, located in the territory of Rochester Gas and Electric Corporation.

ITEM 363
 22-E-0592 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to authorize NYSEG to sell a joint-ownership interest in certain utility poles to Deposit Telephone Company Port Byron Telephone Company and Vernon Telephone Company d/b/a TDS Telecom pursuant to Public Service Law Section 70.

ITEM 364
 There is no item 364.

- ITEM 365
 19-F-0366 TRELINA SOLAR ENERGY CENTER, LLC - The Commission decided to approve Trelina Solar Energy Center, LLC's (Certificate Holder) Compliance Filings 54, 61, 64, and 67, for the Interconnection Facilities Phase.
- ITEM 366
 22-E-0490 QBDK HURON LLC - The Commission decided to grant authority to QBDK Huron LLC to submeter electricity at 29 Huron Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 367
 22-E-0459 SKYLINE TOWER CONDOMINIUM - The Commission decided to grant authority to Skyline Tower Condominium to submeter electricity at 3 Court Square, Long Island City, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 368
 22-E-0542 HERALD TOWERS LLC - The Commission decided to grant authority to Herald Towers LLC to submeter electricity at 50 West 34th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 369
 19-E-0079 Commissioner Diane X. Burman, concurring
 The Commission decided to continue the Residential and Small Commercial Exemption, as well as the Energy Storage Exemption, and update the Designated Technologies Exemption.
- ITEM 370
 10-T-0139 Commissioner Tracey A. Edwards, recusing
 Commissioner John B. Howard, dissenting
 CHAMPLAIN HUDSON POWER EXPRESS, INC - The Commission decided to approve the Segment 22 Environmental Management and Construction Plan filed by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holder), to construct and operate the Astoria Converter Station and two associated laydown yards in the neighborhood of Astoria (Queens County), subject to conditions.

- ITEM 371
 22-E-0613 BUD SOUTH LLC - The Commission decided to grant authority to Bud South LLC to submeter electricity at 2-20 Malt Drive, Long Island City, New York, located in the Territory of Consolidated Edison Company of New York, Inc.
- ITEM 372
 22-E-0658 SUNRISE WIND LLC - The Commission decided to issue a Certificate of Public Convenience and Necessity and authorize a lightened regulatory regime.
- ITEM 373
 22-E-0643 FORTRESS PARTNERS, LLC - The Commission decided to grant authority to Fortress Partners, LLC to submeter electricity at 3a, 3b, and 3c Station Lane, Saratoga Springs, New York, located in the territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- ITEM 374
 22-E-0501 VILLAGE OF PHILADELPHIA - The Commission decided to authorize the Village of Philadelphia to increase its annual revenues by \$112,155, or 15.8 percent of total revenues, effective June 1, 2023, and for a second stage revenue increase of \$14,060, or 1.7 percent, to take effect once the Village of Philadelphia files in the necessary compliance to this Order, but not earlier than June 1, 2024.
- ITEM 375
 10-T-0139 Commissioner Tracey A. Edwards, recusing Commissioner John B. Howard, dissenting
 CHAMPLAIN HUDSON POWER EXPRESS, INC. – The Commission decided to approve the Segment 3 Environmental Management and Construction Plan submitted by Champlain Hudson Power Express, Inc. (CHPEI) and CHPE Properties, Inc. (CHPE) (collectively, the Certificate Holders), for Whitehall to Fort Ann, subject to conditions.
- ITEM 376
 There is no item 376.

Water

ITEM 461

23-W-0136 RAINBOW WATER COMPANY, INC. - The Commission decided to approve the cancellation of Capital Improvements Surcharge Statement No. 1, Emergency Well Repair Surcharge Statement No. 1, and the 2003 DWSRF Emergency Capital Improvement Surcharge Statement No. 4, effective June 1, 2023, but deny the cancellation of Source Capacity Improvement Surcharge Statement No. 2.

ITEM 462

22-W-0357 HUDSON VALLEY WATER COMPANIES, INC. - The Commission decided to authorize Hudson Valley Water Companies, Inc. to increase its annual revenues by \$5,662, or 2.8 percent, to become effective June 1, 2023.

Communications

ITEM 561

22-C-0342 ATLAS CONNECTIVITY, LLC, WESTELCOM COMMUNICATIONS, INC., AND WESTELCOM NETWORK, INC. - The Commission decided to approve the joint petition and supplement, pursuant to Public Service Law (PSL) §§99 and 100, to allow the transfer of ownership and control of Westelcom Network, Inc. to Atlas Connectivity, LLC, subject to conditions.

ITEM 562

23-C-0198 VERIZON NEW YORK INC. SERVICE QUALITY REPORT FIRST QUARTER 2023 - For informational purposes only. No Commission action is required.

ITEM 563

22-C-0188 LOCAL TELEPHONE COMPANIES SERVICE QUALITY REPORT - For informational purposes only. No Commission action is required.

Cable

ITEM 661

- 23-V-0112 SPECTRUM NORTHEAST, LLC/TOWN OF CHENANGO, BROOME COUNTY.
- 23-V-0120 SPECTRUM NORTHEAST, LLC/TOWN OF WADDINGTON, SAINT LAWRENCE COUNTY.
- 23-V-0138 SPECTRUM NORTHEAST, LLC/TOWN OF RED HOOK, DUTCHESS COUNTY.
- 23-V-0143 SPECTRUM NORTHEAST, LLC/VILLAGE OF FREDONIA, CHAUTAUQUA COUNTY.
- 23-V-0144 SPECTRUM NORTHEAST, LLC/TOWN OF MALONE, FRANKLIN COUNTY.
- 23-V-0146 SPECTRUM NORTHEAST, LLC/TOWN OF MADISON, MADISON COUNTY.
- 23-V-0152 SPECTRUM NORTHEAST, LLC/CITY OF NEWBURGH, ORANGE COUNTY.
- 23-V-0160 SPECTRUM NORTHEAST, LLC/CITY OF PORT JERVIS, ORANGE COUNTY.

The Commission decided to approve the certificates for renewal of cable television franchises for the above-named municipalities.

ITEM 662

- 22-V-0555 VERIZON NEW YORK INC. - The Commission decided to grant Verizon New York Inc.'s petition for an Order of Entry at 53 2nd Avenue, Manhattan.

ITEM 663

- 23-V-0157 VERIZON NEW YORK INC./24 EAST 7TH STREET, MANHATTAN.
- 23-V-0186 VERIZON NEW YORK INC./528 EAST 11TH STREET, MANHATTAN.
- 23-V-0187 VERIZON NEW YORK INC./190 AVENUE B, MANHATTAN.
- 23-V-0188 VERIZON NEW YORK INC./514 WEST 136TH STREET, MANHATTAN.
- 23-V-0189 VERIZON NEW YORK INC./36 CONVENT AVENUE, MANHATTAN.
- 23-V-0190 VERIZON NEW YORK INC./610 WEST 139TH STREET, MANHATTAN.

The Commission decided to grant Verizon's petitions for Orders of Entry for the addresses listed above.