

Consent Agenda Report for 01/19/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on January 19, 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 22-G-0642 UTILITY RATE ANALYSIS CONSULTANTS - The Commission decided to rule that the current methods the Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) uses to accept tax exemption certificates are not contrary to Commission regulations or the Public Service Law (PSL).
- ITEM 162 19-G-0309 & Commissioner Diane X. Burman, concurring
19-G-0310 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID AND THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - The Commission decided to authorize the requests as proposed for the Incremental Demand-Side Management Programs.
- ITEM 163 In the Matter of Enforcement Proceedings for
Alleged Violations of 16 NYCRR Part 753: Protection
of Underground Facilities. (Penalty Orders)
- 22-G-0680 JOHNSON CITY WATER DEPARTMENT/NEW YORK STATE ELECTRIC & GAS CORPORATION.
- 22-G-0682 A SEPTIC SERVICE LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 22-G-0683 ALL PRO DEVELOPMENT LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 22-G-0684 ECO CRETE LLC/THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
- 22-G-0686 JENKINS HEATING AND COOLING, LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 22-G-0687 TOWN OF EVANS HIGHWAY DEPARTMENT/ NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

ITEM 163 COND'T.

- 22-G-0688 CURRAN CONSTRUCTION, LLC/ROCHESTER GAS & ELECTRIC CORPORATION.
- 22-G-0689 GMC CONSTRUCTION GROUP/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 22-G-0690 IMMACULATE CONCRETE/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 22-G-0691 COOPER CONTRACTING/CENTRAL HUDSON GAS & ELECTRIC CORPORATION.
- 22-G-0692 RE LANDSCAPING & TREE SERVICE INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 22-G-0693 GENKE CONSTRUCTION/CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 22-G-0694 J. D. NORTHRUP CONSTRUCTION INC./CHAUTAUQUA UTILITIES, INC.
- 22-G-0695 J.P. HOGAN CORING & SAWING, CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.

The Commission decided to determine a \$8,000 penalty in Case 22-G-0689; a \$2,500 penalty in Cases 22-G-0680, 22-G-0682, 22-G-0683, 22-G-0684, 22-G-0686, 22-G-0688, 22-G-0692, 22-G-0693, 22-G-0694, and 22-G-0695; and a \$2,000 penalty in Cases 22-G-0687, 22-G-0690 and 22-G-0691.

General

ITEM 261

- 14-M-0224 Commissioner Diane X. Burman, dissenting
Commissioner John B. Howard, dissenting
The Commission decided to adopt, with modifications, the recommendations of the 2021 Whitepaper on Community Choice Aggregation Programs.

ITEM 262

- 22-G-0699 KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided that the proposed transaction requires further review of KeySpan Gas East Corporation d/b/a National Grid's request to lease certain real property located in the Village of Sag Harbor, New York.

- ITEM 263
 12-M-0476,
 15-M-0127 &
 98-M-1343
 Commissioner Diane X. Burman, dissenting
 The Commission decided to deny the petition to approve certain green gas products to be offered by energy service companies (ESCOs) to mass market customers.
- ITEM 264
 22-M-0180
 The Commission decided to issue a Memorandum and Resolution adopting a hard rulemaking to 16 NYCRR, Chapter VI, Subchapter A, Part 603 (Telephone) and Chapter VIII, Subchapter B, Parts 890 and 896 (Cable).
- ITEM 265
 22-M-0481
Rehearing of Commission Determination
 MAKANI POST ST. INC./ELIZABETH LEZAMA AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the designee's determination and deny the request for rehearing.
- Power**
- ITEM 361
 22-E-0677
 EIGHT POINT WIND LLC - The Commission decided to confirm the One Commissioner Declaratory Ruling by Chair Christian that declares no further review pursuant to Public Service Law §70 will be conducted of the Proposed Transfer.
- ITEM 362
 15-F-0122
 BARON WINDS LLC - The Commission decided to confirm the One Commissioner Order by Chair Christian that approves Compliance Filing 68(a-e) for the Operation Phase of Baron Winds Phase I.
- ITEM 363
 22-E-0600
 BARON WINDS LLC - The Commission decided to confirm the One Commissioner Declaratory Ruling by Chair Christian that declares no further review pursuant to Public Service Law §70 will be conducted of the Proposed Transfer.

- ITEM 364
22-E-0535
ASTORIA GAS TURBINE POWER LLC AND BEACON WIND LAND LLC - The Commission decided to confirm the One Commissioner Order by Chair Christian that approves the transfers of ownership interests in real estate and other property.
- ITEM 365
21-T-0340
NEW YORK POWER AUTHORITY AND NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve the Environmental Management and Construction Plan (EM&CP) Part 2A filed by National Grid for the transmission project known as Smart Path Connect.
- ITEM 366
22-E-0415
RXR CHURCH DIVISION TOWER A HOLDINGS, LLC - The Commission decided to grant authority to RXR Church Division Tower A Holdings, LLC to submeter electricity at 55 Clinton Place, New Rochelle, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 367
22-E-0202
79TH OWNER LLC - The Commission decided to grant authority to 79th Owner LLC to submeter electricity at 109 East 79th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 368
22-E-0538
Rehearing of Commission Determination
CHRISTOPHER WHYTE/MICHAEL WILLIAMS AND CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to uphold the designee's determination and deny the request for rehearing.
- ITEM 369
22-E-0495
NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant New York State Electric & Gas Corporation authorization to transfer the street lighting facilities, with an original cost greater than \$100,000, located within the Town of Macedon to the Town, pursuant to Public Service Law Section 70.

- ITEM 370
22-T-0532 NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID - The Commission decided to grant National Grid's Petition to amend its existing Article VII Certificates of Environmental Compatibility and Public Need (CECPN) and approve a change to the associated Environmental Management & Construction Plan (EM&CP).
- ITEM 371
22-E-0663 EIGHT POINT WIND, LLC - The Commission decided to issue a declaratory ruling that the proposed internal reorganization and upstream transfer in ownership interests does not require further review pursuant to Public Service Law (PSL) §70.
- ITEM 372
22-E-0236 Commissioner Diane X. Burman, concurring
The Commission decided to approve the solutions proposed in the Department of Public Service Whitepaper Regarding Alternatives to the Traditional Demand Charge for Commercial Customer Electric Vehicle Charging (DPS Staff Whitepaper), with modifications.

Water

- ITEM 461
22-W-0504 SARATOGA WATER SERVICES, INC. AND JUNCTA, LLC - The Commission decided to approve the Agreement for the Provision of Water Service by and between Saratoga Water Services, Inc. and Juncta, LLC and to waive certain tariff provisions for Saratoga Water Services Inc. and waive provisions of Title 16 of the New York Codes, Rules and Regulations Part 501 and Part 502 as required to allow Saratoga Water Services, Inc. to extend water service outside its franchise area to fulfill the Agreement for the Provision of Water Service.

ITEM 462
 22-W-0681 In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities. (Penalty Order)
 JOHN WEBER DBA WEBER'S
 FARM/WHITEHALL VILLAGE WATER
 DEPARTMENT

The Commission decided to determine \$2,500 in Case 22-W-0681.

Communications

ITEM 561
 22-C-0585 ONEIDA COUNTY RURAL TELEPHONE COMPANY
 - The Commission decided to approve the petition of Oneida County Rural Telephone Company for a waiver of 16 NYCRR §602.10(b) that will allow the Company to discontinue the blanket distribution of printed directories to all customers, subject to conditions.

ITEM 562
 22-C-0661 IM TELECOM, LLC D/B/A INFINITI MOBILE - The Commission decided to approve IM Telecom, LLC d/b/a Infiniti Mobile's petition for designation as an Eligible Telecommunications Carrier for the purpose of receiving federal universal support for providing Lifeline service throughout all of New York State.

Cable

ITEM 661
 22-V-0671 VERIZON NEW YORK INC./129 RIDGE STREET,
 MANHATTAN.
 22-V-0672 VERIZON NEW YORK INC./6 ST. NICHOLAS
 PLACE, MANHATTAN.
 22-V-0673 VERIZON NEW YORK INC./85 AVENUE A,
 MANHATTAN.
 22-V-0674 VERIZON NEW YORK INC./42 MARKET STREET,
 MANHATTAN.
 22-V-0675 VERIZON NEW YORK INC./225 MADISON STREET,
 MANHATTAN.

ITEM 661 CONT'D.

22-V-0676 VERIZON NEW YORK INC./105 AVENUE B,
MANHATTAN.

VERIZON NEW YORK INC. - The Commission decided to approve Verizon New York Inc.'s petitions for Orders of Entry for the addresses listed above.

ITEM 662

22-V-0612 SPECTRUM NORTHEAST, LLC/TOWN OF IRA,
CAYUGA COUNTY.

22-V-0614 SPECTRUM NORTHEAST, LLC/TOWN OF CATO,
CAYUGA COUNTY.

22-V-0631 CABLEVISION SYSTEMS LONG ISLAND
CORPORATION/VILLAGE OF MATINECOCK,
NASSAU COUNTY.

22-V-0635 SAMSON CABLEVISION CORP./VILLAGE OF
ISLANDIA, SUFFOLK COUNTY.

22-V-0636 SUFFOLK CABLE OF SMITHTOWN, INC./VILLAGE
OF HEAD OF THE HARBOR, SUFFOLK COUNTY.

22-V-0637 CABLEVISION SYSTEMS DUTCHESS
CORPORATION/TOWN OF UNION VALE,
DUTCHESS COUNTY.

22-V-0640 CABLEVISION OF WARWICK, LLC/VILLAGE OF
WARWICK, ORANGE COUNTY.

22-V-0641 CABLEVISION OF WARWICK, LLC/VILLAGE OF
UNIONVILLE, ORANGE COUNTY.

22-V-0646 SPECTRUM NORTHEAST, LLC/TOWN OF
CLARKSVILLE, ALLEGANY COUNTY.

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