

## Consent Agenda Report for 03/16/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on March 16, 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

There is no item 161.

ITEM 162

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

20-G-0221	THE ROAMING POOL GUY/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
20-G-0331	THOMPSON BUILDS, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
20-G-0332	NOSO DEVELOPMENT, LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
20-G-0336	MEZZACAPPA CONCRETE CONTRACTING, INC./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
20-G-0382	KINGSVIEW ENTERPRISES, INC./NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
23-G-0060	JRH CONSTRUCTION/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
23-G-0062	DREXLER CONSTRUCTION CORP./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
23-G-0063	ROBBINS & COWAN, INC./KEYSPAN GAS EAST CORPORATION D/B/A NATIONAL GRID.
23-G-0064	LUNDY CONSTRUCTION, LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
23-G-0065	CIVIL CONTRACTING CORP./THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY.
23-G-0066	TOWN OF LANCASTER HIGHWAY DEPARTMENT/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

ITEM 162 CONT'D

- 23-G-0067 NEW CASTLE PAVING, LLC/NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 23-G-0068 STEVE MEYERS CONSTRUCTION, INC./NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID.
- 23-G-0069 KAPS CONSTRUCTION/NATIONAL FUEL GAS DISTRIBUTION CORPORATION.

The Commission decided to determine a \$2,500 penalty in Cases 20-G-0221, 20-G-0331, 20-G-0332, 20-G-0336, 20-G-0382, 23-G-0060, 23-G-0062, 23-G-0063, 23-G-0064, 23-G-0065, 23-G-0066, 23-G-0067, 23-G-0068, and 23-G-0069.

ITEM 163

- 22-G-0703 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to approve the National Fuel Gas Distribution Corporation tariff amendments establishing a System Improvement Tracker Surcharge.

ITEM 164

There is no item 164.

ITEM 165

There is no item 165.

ITEM 166

- 23-G-0077 FILLMORE GAS COMPANY, INC. - The Commission decided to authorize Fillmore Gas Company, Inc. to recover the interest on a bank line of credit used to purchase natural gas for its customers.

**General**

ITEM 261

- 21-M-0254 The Commission decided to adopt the staff procedures with additional clarification and certify the amounts of waived customer debt contained in the applications filed by the Joint Utilities.

**Power**

- ITEM 362  
 21-E-0580 FISHERS ISLAND ELECTRIC CORPORATION - The Commission decided to approve Fishers Island Electric Corporation's tariff amendments, on a permanent basis, to implement the System Improvement Charge, a monthly non-Advanced Metering Infrastructure meter reading fee, and a meter replacement fee.
- ITEM 363  
 21-E-0122 EAST RIVER ESS, LLC - The Commission decided to grant the amendment of Petitioner's Certificate of Public Convenience and Necessity to reflect design Modifications, among other things.
- ITEM 364  
 17-F-0597 HIGH RIVER ENERGY CENTER, LLC - The Commission decided to approve High River Energy Center, LLC's Compliance Filings 55, 58, 61 and 62.
- ITEM 365  
 20-E-0380 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant the petition for a limited waiver of Tariff Rules 57.1.3 and 57.1.3.3 of P.S.C. No. 220 - Electricity.
- ITEM 366  
 10-T-0139 Commissioner John B. Howard, dissenting CHAMPLAIN HUDSON POWER EXPRESS, INC. - The Commission decided to approval the Segment 16 Horizontal Directional Drill Environmental Management and Construction Plan.
- ITEM 367  
 There is no item 367.

- ITEM 368  
22-E-0549      The Commission decided to approve the tariff amendments filed by the Joint Utilities.
- ITEM 369  
22-E-0500      9 DEKALB FEE OWNER LLC - The Commission decided to grant authority to 9 Dekalb Fee Owner LLC to submeter electricity at 55 Fleet Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 370  
05-E-1180 &  
07-E-0088      The Commission decided to adopt an Installed Reserve Margin (IRM) of 20.0% for the New York Control Area for the upcoming 2023-2024 Capability Year, beginning May 1, 2023, and ending April 30, 2024.
- ITEM 371  
22-E-0531      75 LEWIS AVENUE LLC - The Commission decided to grant authority to 75 Lewis Avenue LLC to submeter electricity at 75 Lewis Avenue, Brooklyn, New York 11201, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 372  
22-E-0660      Commissioner Diane X. Burman, dissenting  
NUMBER THREE WIND LLC - The Commission decided to issue an Order authorizing financing under Public Service Law (PSL) §69 and finding that a proposed internal reorganization and upstream transfers in ownership interests do not require further review pursuant to PSL §70.

ITEM 373  
 21-T-0340 NEW YORK POWER AUTHORITY - The Commission decided to approve the Environmental Management and Construction Plan (EM&CP) filed by the New York Power Authority (NYPA or the Company) to commence construction of Segment 2 of the transmission project known as Smart Path Connect (Project).

ITEM 374  
 22-E-0458 70 REMSEN STREET TENANTS CORP. - The Commission decided to grant authority to 70 Remsen Street Tenants Corp. to submeter electricity at 70 Remsen Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.

ITEM 375  
 23-E-0081 Commissioner John B. Maggiore, abstaining  
 NEW YORK TRANSCO LLC - The Commission decided to grant a Certificate of Public Convenience and Necessity to New York Transco LLC related to a new Phase Angle Regulator and related interconnection facilities in Dover, New York.

**Water**

ITEM 461  
 23-W-0072 LIBERTY UTILITIES (NEW YORK WATER) CORP. - The Commission decided to allow the housekeeping tariff revisions to become effective on April 1, 2023.

ITEM 462  
 23-W-0105 SYLVAN GLADES WATER CO., INC. - The Commission decided to appoint Liberty Utilities (New York Water) Corp. as the temporary operator for Sylvan Glades Water Co., Inc.

**Communications**

- ITEM 561  
 22-C-0540 The Commission decided to approve Customer Notification of Copper to Fiber Transition filings made by various Local Exchange Companies (LECs) pursuant to Public Service Law (PSL) §104-a.

**Cable**

- ITEM 661  
 22-V-0553 VERIZON NEW YORK INC. - The Commission decided to grant a petition by Verizon New York, Inc. (Verizon) and resolve in Verizon's favor a dispute related to the calculation of franchise fees payable by Verizon to the Town of Oyster Bay, Nassau County (Town) pursuant to the cable television Franchise Agreement between Verizon and the Town.

- ITEM 662
- 23-V-0011 VERIZON NEW YORK INC./429 WEST 154TH STREET, MANHATTAN.
  - 23-V-0013 VERIZON NEW YORK INC./1532 AMSTERDAM AVENUE, MANHATTAN.
  - 23-V-0014 VERIZON NEW YORK INC./805 ST. NICHOLAS AVENUE, MANHATTAN.
  - 23-V-0033 VERIZON NEW YORK INC./605 WEST 112TH STREET, MANHATTAN.
  - 23-V-0055 VERIZON NEW YORK INC./34 EAST BROADWAY, MANHATTAN.

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

ITEM 663

- 23-V-0036 CABLEVISION OF ROCKLAND/RAMAPO, LLC/TOWN OF CLARKSTOWN, ROCKLAND COUNTY.
- 23-V-0043 SPECTRUM NORTHEAST, LLC/TOWN OF BAINBRIDGE, CHENANGO COUNTY.
- 23-V-0044 SPECTRUM NORTHEAST, LLC/TOWN OF DEWITT, ONONDAGA COUNTY.
- 23-V-0051 SPECTRUM NORTHEAST, LLC/TOWN OF SANGERFIELD, ONEIDA COUNTY.
- 23-V-0052 SPECTRUM NORTHEAST, LLC/TOWN OF GARDINER, ULSTER COUNTY.

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