

Consent Agenda Report for 06/22/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on June 22, 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-A	<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Penalty Orders)</u>
22-G-0141	DULSKI CONSTRUCTION LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
22-G-0146	BURKE HOMES, LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0061	BLANCO DRILLING INC. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
23-G-0254	LUMOS ELECTRIC LLC / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
23-G-0255	AQUA WORKS / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0256	JOHN FALVELLA, INC. / CENTRAL HUDSON GAS & ELECTRIC CORPORATION
23-G-0257	WESTCHESTER PAVERS LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0258	DARCON CONSTRUCTION, INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0259	NC & SONS CONSTRUCTION, LLC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0260	NC & SONS CONSTRUCTION, LLC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0261	PRESTON NYC LLC D/B/A S&S DEMOLITION / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
23-G-0262	SUMMIT HILL LANDSCAPING, INC. / CENTRAL HUDSON GAS & ELECTRIC CORPORATION
23-G-0263	EAST HAMPTON FENCE & GATE, INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0264	NENNI CONSTRUCTION & EXCAVATING INC / CENTRAL HUDSON GAS & ELECTRIC CORPORATION

ITEM 161-A CONT'D

23-G-0265 SCOTT LAWN YARD, INC. / ROCHESTER GAS AND ELECTRIC CORPORATION

The Commission decided to determine a penalty of \$12,500 in Cases 23-G-0259 and 23-G-0260; a \$10,000 penalty in Case 23-G-0061; \$2,500 penalties in Cases 22-G-0141, 22-G-0146, 23-G-0255, 23-G-0256, 23-G-0257, 23-G-0258, 23-G-0261, 23-G-0263, and 23-G-0265; and \$2,000 penalties in Cases 23-G-0254, 23-G-0262, and 23-G-0264.

ITEM 161-B

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

23-G-0241 TURNBULL NURSERY, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION

23-G-0242 BANCKER CONSTRUCTION CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

23-G-0243 PAY DIRT ENTERPRISES / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

23-G-0244 GALUSHA & SONS, LLC / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

The Commission decided to approve consent orders in Cases 23-G-0241, 23-G-0242, 23-G-0243, and 23-G-0244.

ITEM 161-C

22-G-0616 MM INTERSTATE CONCRETE CORP. - The Commission decided to grant the petition for rehearing, vacate the Order Determining Penalty and Directing Payment, and close the case.

ITEM 162

19-G-0309 & 19-G-0310 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY and KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to approve, on a permanent basis, the Companies' compliance tariff filings effectuating the terms of the Stay Out period, subject to conditions.

ITEM 163 Rehearing of Commission Determination
 21-G-0474, CONSOLIDATED EDISON COMPANY OF NEW
 21-G-0495, YORK, INC. - The Commission decided to deny the
 21-G-0496, Company’s rehearing petitions.
 22-G-0063,
 22-G-0080 &
 22-G-0135

ITEM 164 23-G-0141 LIBERTY UTILITIES (ST. LAWRENCE GAS)
 CORPORATION - The Commission decided to grant
 a Certificate of Public Convenience and Necessity to
 exercise the revised and renewed gas franchise
 granted by the Town of Fowler.

ITEM 165
 There is no item 165.

ITEM 166 22-G-0259 CENTRAL HUDSON GAS & ELECTRIC
 CORPORATION - The Commission decided to
 approve the tariff filings to modify its gas tariff
 schedule, P.S.C. No. 12, to implement the non-pipe
 alternative factor to recover the costs of approved
 non-pipe alternative projects.

ITEM 167 23-G-0077 FILLMORE GAS COMPANY, INC. - The Commission
 decided to confirm the One Commissioner Order by
 Chair Rory Christian that adopts the March 17, 2023
 Order Approving Recovery of Interest Payments
 Through the Gas Supply Charge With Modifications
 on a permanent basis.

General

ITEM 261 20-E-0380 &
 20-G-0381 NIAGARA MOHAWK POWER CORPORATION
 D/B/A NATIONAL GRID - The Commission decided to
 approve the petition to allow adjustments to its
 third-party job order billing loading factors on a
 quarterly basis.

- ITEM 262
14-M-0565
The Commission decided to approve, on a permanent basis, the Utilities' Tariff Amendments and Statements to Effectuate the Recovery of the Phase 2 Utility Arrears Relief Program, with exceptions.
- ITEM 263
22-M-0313
The Commission decided to authorize the release of the second Report and Interactive Map to the Governor, the Temporary President of the Senate, and the Speaker of the Assembly in accordance with Public Service Law §224-c(3).
- ITEM 264
22-E-0317,
22-E-0319,
22-G-0318 &
22-G-0320
Commissioner Diane X. Burman, concurring
NEW YORK STATE ELECTRIC & GAS
CORPORATION / ROCHESTER GAS AND
ELECTRIC CORPORATION - The Commission
decided to approve an extension to the maximum
suspension periods through and including October 18,
2023, subject to a make-whole provision.
- ITEM 265
15-M-0180,
23-M-0106 &
98-M-1343
Commissioner Diane X. Burman, dissenting
The Commission decided to approve, with
modifications, the registration process and
enforcement procedures for energy brokers and
consultants.
- ITEM 266
21-M-0238
Commissioner John B. Maggiore, dissenting
FORTISTAR NORTH TONAWANDA LLC AND
DIGIHOST INTERNATIONAL INC. - The Commission
decided to deny reconsideration of its September 15,
2022 Declaratory Ruling on Upstream Transfer
Transaction.
- ITEM 267
18-M-0084
Commissioner Diane X. Burman, concurring
CENTRAL HUDSON GAS & ELECTRIC
CORPORATION - The Commission decided to
approve the additional funding proposed by the
company for its Clean Heat program, modify its
Earnings Adjustment Mechanisms calculation and
minimum threshold, and establish a new target
related to heat pumps.

Power

- ITEM 361
17-F-0597 HIGH RIVER ENERGY CENTER, LLC - The Commission decided to approve High River Energy Center LLC's Compliance Filing 75.
- ITEM 362
22-E-0712 JOHNSON PARK GREEN LIVING LLC - The Commission decided to grant waiver of the metering requirements for individual living units in multi-family buildings under 16 NYCRR Part 96 at Johnson Park Green Community Apartments, Utica, New York.
- ITEM 363
22-E-0710 PARK SLOPE HOMES, INC. - The Commission decided to grant authority to Park Slope Homes, Inc. to submeter electricity at 521-531 41st Street, Brooklyn, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364
18-E-0138 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve the changes to the company's Active Managed Charging Program.
- ITEM 365
23-E-0154 FC ENERGY SERVICES COMPANY, LLC - The Commission decided to order the Company to show cause within 30 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 366
22-E-0665 2080 BOSTON ROAD HOUSING DEVELOPMENT FUND CORPORATION - The Commission decided to grant authority to 2080 Boston Road Housing Development Fund Corporation to submeter electricity at 2080 Boston Road, Bronx, New York, located in the territory of Consolidated Edison Company of New York, Inc. and grant the Owner's request for a waiver of 16 NYCRR §96.5(k)(3).

- ITEM 367 15-E-0302 Commissioner Diane X. Burman, concurring
NEW YORK STATE RESEARCH AND
DEVELOPMENT AUTHORITY - The Commission
decided to approve with modifications the proposed
Clean Energy Standard backstop collection
mechanism.
- ITEM 368 22-E-0545 FIFTH AVENUE OWNERS GROUP LLC - The
Commission decided to grant authority to Fifth
Avenue Owners Group LLC to submeter electricity at
16 Fifth Avenue, New York, New York, located in the
territory of Consolidated Edison Company of New
York, Inc.
- ITEM 369 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 8
and 9 Environmental Management and Construction
Plans filed by Champlain Hudson Power Express, Inc.
and CHPE Properties, Inc. (collectively, the Certificate
Holder), to construct and operate overland
transmission cable in the Town of Rotterdam
(Schenectady County), and the Towns of Guilderland,
New Scotland, and Bethlehem, and the Village of
Voorheesville (Albany County), subject to conditions.
- ITEM 370 21-E-0104 LAFAYETTE MORRISON H.D.F.C. - The
Commission decided to grant authority to Lafayette
Morrison H.D.F.C. to submeter electricity at 820
Boynton Avenue, 880 Boynton Avenue, 825 Morrison
Avenue, and 875 Morrison Avenue, Bronx, New York,
located in the territory of Consolidated Edison
Company of New York, Inc.
- ITEM 371 20-T-0617 SUNRISE WIND LLC - The Commission decided to
approve the Environmental Management and
Construction Plan filed by the Company to commence
construction of Phase 1 of the Sunrise Wind New
York Cable Project, subject to conditions.

- ITEM 372 21-E-0202 Appeal of Commission Determination
CHRISTOPHER COURT HOUSING
CO/WAVECREST MANAGEMENT B#466 - The
Commission decided to deny the appeal.
- ITEM 373 17-F-0617 HECATE ENERGY ALBANY 1 LLC AND HECATE
ENERGY ALBANY 2 LLC - The Commission decided
to approve Compliance Filing 50.
- ITEM 374 There is no item 374
- ITEM 375 21-E-0297 Appeal of Commission Determination
125 METROPOLITAN OWNER LLC - The
Commission decided to deny the appeal.
- ITEM 376 21-E-0629 Commissioner Diane X. Burman, concurring
The Commission decided to approve the
recommendations set forth in the NY-Sun Mid-Point
Review, with modifications.
- ITEM 377 22-E-0668 PENNSYLVANIA ELECTRIC COMPANY - The
Commission decided to grant, with modifications, the
Company’s request to increase its total annual electric
revenues by \$300,000, effective July 1, 2023.

Water

- ITEM 461 23-W-0105 SYLVAN GLADES WATER CO., INC. - The
Commission decided to confirm the One
Commissioner Order by Chair Rory Christian that
adopts the March 17, 2023 Order Appointing Liberty
Utilities as the Temporary Operator of Sylvan Glades
Water Co., Inc. on a Permanent Basis.
- ITEM 462 23-W-0125 HOGAN BUILDERS, LLC - The Commission decided
to determine a penalty of \$2,500.

- ITEM 463
 23-W-0111 VEOLIA WATER NEW YORK, INC. - The Commission decided to grant the Company's waiver request.
- ITEM 464
 22-W-0499 BLOOMINGBURG WATER TRANSPORTATION COMPANY, INC. - The Commission decided to approve Bloomingburg Water Transportation Company, Inc.'s cancellation supplement to withdraw the proposed new tariff schedule effective June 30, 2023, and to grant the waiver of newspaper publication requirements for the supplement.
- ITEM 465
 23-W-0113 SARATOGA WATER SERVICES, INC./HALFMOON COMMONS LLC - The Commission decided to approve the petition and waive certain tariff provisions and provisions of Title 16 of the New York Codes, Rules and Regulations Part 501 and Part 502.

Communications

- ITEM 561
 22-C-0705 WINDSTREAM NEW YORK, INC. - The Commission decided to approve the petition for a waiver of 16 NYCRR §602.10(b) which allows the Company to discontinue the blanket distribution of printed directories to all customers.
- ITEM 562
 There is no item 562.
- ITEM 563
 07-C-1486 & 16-C-0297 VERIZON NEW YORK INC. - The Commission decided to grant the request of the company to clarify that the permanent intercept message requirement in two Commission Orders regarding area code overlays, Case 07-C-1486, Order Directing Overlay of the 315 Area Code Region (issued July 17, 2015) and Case 16-C-0297, Order Directing Overlay of the 518 Area Code Region (issued September 15, 2016), is no longer needed.

Cable

ITEM 661

- 23-V-0203 SPECTRUM NORTHEAST, LLC / CITY OF ROCHESTER, MONROE COUNTY
- 23-V-0205 CABLEVISION OF WARWICK, LLC / TOWN OF MINISINK, ORANGE COUNTY
- 23-V-0209 SPECTRUM NORTHEAST, LLC / VILLAGE OF ELLICOTTVILLE, CATTARAUGUS COUNTY
- 23-V-0211 SPECTRUM NORTHEAST, LLC / TOWN OF ELLICOTTVILLE, CATTARAUGUS COUNTY
- 23-V-0215 CABLEVISION SYSTEMS LONG ISLAND CORPORATION / VILLAGE OF ISLAND PARK, NASSAU COUNTY
- 23-V-0234 SPECTRUM NORTHEAST, LLC / TOWN OF SENECA, ONTARIO COUNTY

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