



Public Service Commission

For Immediate Release: 06/16/2023

Rory M. Christian, Chair

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COMMISSION ISSUES PRELIMINARY JUNE 22, 2023 AGENDA

ALBANY, NY – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 A.M.**, on **Thursday, June 22, 2023**. The session will be held in the Commission’s offices located at Three Empire State Plaza, 19th Floor, Albany, New York, and 90 Church Street, 4th Floor Boardroom, New York, New York.

MEETING WILL BE BROADCAST ON THE INTERNET AT:

<https://dps.ny.gov/event/june-2023-public-service-commission-session>

**-VIDEOCASTING TO PSC’S NYC OFFICES AVAILABLE-
(See instructions on last page of Agenda)**

The session agenda is as follows:

To view documents related to PSC Cases below, visit:

<https://dps.ny.gov/file-search>

REGULAR AGENDA ITEMS Items To Be Resolved Through Discussion

Item	PSC Case	
		GAS
101	21-G-0577	LIBERTY UTILITIES (ST. LAWRENCE GAS) CORP. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service
102	23-G-0224	In the Matter of Staff’s Analysis of Local Distribution Company (LDC) Performance Related to the Pipeline Safety Measures.

GENERAL

- 201 There is no Item 201.
- 202 23-M-0040 In the Matter of Utility Customer Service Performance.

POWER

- 301 23-E-0119 In the Matter of 2022 Electric Reliability Performance in New York State.
- 302 23-E-0110 In the Matter of 2022 Compliance Report on Stray Voltage Testing and Inspections as Required by the Electric Safety Standards.
- 303 22-E-0633 NEW YORK INDEPENDENT SYSTEM OPERATOR, INC. - In the Matter of Proposed Public Policy Transmission Needs for Consideration for 2022.

No items will be considered on the Regular Agenda for WATER, COMMUNICATIONS and CABLE.

CONSENT AGENDA

This agenda consists of items that, by their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commissioners and do not require discussion at the Session.

Item PSC Case

GAS

- 161-A In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Penalty Determination Orders).
- 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.
- 23-G-0265 SCOTT LAWN YARD, INC. / ROCHESTER GAS AND ELECTRIC CORPORATION.
- 161-B In the Matter of an Enforcement Proceeding for Alleged Violation of 16 NYCRR Part 753 - Protection of Underground Facilities (Consent Order Approvals).
- 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.
- 161-C 22-G-0616 MM INTERSTATE CONCRETE CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID.
- 162 19-G-0309 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 19-G-0310 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 163 21-G-0474 DAVID HAUSEN - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to

- Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (154875).
- 21-G-0495 ANGIE KUAN - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (163486).
- 21-G-0496 MARK D. SCHEFFLER - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (163748).
- 22-G-0063 SAMUEL ARNOFF - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (166348).
- 22-G-0080 ALLA FISHKIN - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (174374).
- 22-G-0135 TAMEEKA ROBINSON - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (163090).
- 164 23-G-0141 LIBERTY UTILITIES (ST. LAWRENCE GAS) CORP. - Petition for Authorization, Pursuant to New York Public Service Law Section 68, to Renew the Gas Franchise with the Town of Fowler.
- 165 There is no Item 165.
- 166 22-G-0259 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Tariff Filing to Modify Its Gas Tariff Schedule P.S.C. No. 12, to Implement the Non-Pipe Alternative Factor to Recover the Cost of Approved Alternative Infrastructure Projects.
- 167 23-G-0077 FILLMORE GAS COMPANY, INC. - Petition for an Order Granting Recovery of Interest Payments on a Bank Line of Credit to be Used Exclusively for the Purchase of Natural Gas for its Customers.

GENERAL

- 261 20-E-0380 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 20-G-0381 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.

- 262 14-M-0565 Proceeding on Motion of the Commission to Examine Programs to Address Energy Affordability for Low Income Utility Customers.
- 263 22-M-0313 In the Matter of the Commission's Broadband Study and Mapping Pursuant to the Broadband Connectivity Act.
- 264 22-E-0317 NEW YORK STATE ELECTRIC & GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 22-E-0319 ROCHESTER GAS AND ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service.
- 22-G-0318 NEW YORK STATE ELECTRIC & GAS CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 22-G-0320 ROCHESTER GAS AND ELECTRIC CORPORATION - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service.
- 265 23-M-0106 In the Matter of Commission Registration of Energy Brokers and Energy Consultants Pursuant to Public Service Law Section 66-t.
- 15-M-0180 In the Matter of Regulation and Oversight of Distributed Energy Resource Providers and Products.
- 98-M-1343 In the Matter of Retail Access Business Rules.
- 266 21-M-0238 FORTISTAR NORTH TONAWANDA LLC AND DIGIHOST INTERNATIONAL INC. - Petition for a Declaratory Ruling Regarding Application of Section 70 and 83 of the New York State Public Service Law and the Alternative, Approval of the Proposed Transaction Pursuant to Sections 70 and 83.
- 267 18-M-0084 In the Matter of a Comprehensive Energy Efficiency Initiative.

POWER

- 361 17-F-0597 HIGH RIVER ENERGY CENTER, LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Florida, Montgomery County.
- 362 22-E-0712 JOHNSON PARK GREEN LIVING LLC - Petition for a Waiver Request to Allow Master Metering at Johnson Park Green Community Apartments, Utica, Located in the Service Territory of Niagara Mohawk Power Corporation d/b/a National Grid.
- 363 22-E-0710 PARK SLOPE HOMES, INC. - Petition to Submeter Electricity at 521-531 41st Street, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.

- 364 18-E-0138 Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure.
- 365 23-E-0154 FC ENERGY SERVICES COMPANY, LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices.
- 366 22-E-0665 2080 BOSTON ROAD HOUSING DEVELOPMENT FUND CORPORATION - Notice of Intent to Submeter Electricity at 2080 Boston Road, Bronx, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 367 15-E-0302 Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.
- 368 22-E-0545 FIFTH AVENUE OWNERS GROUP LLC - Petition to Submeter Electricity at 16 Fifth Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 369 10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII of the PSL for the Construction, Operation and Maintenance of a High Voltage Direct Current Circuit from the Canadian Border to New York City.
- 370 21-E-0104 LAFAYETTE MORRISON H.D.F.C. - Notice of Intent to Submeter Electricity at 820 Boynton Avenue, 880 Boynton Avenue, 825 Morrison Avenue, and 875 Morrison Avenue, Bronx, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 371 20-T-0617 SUNRISE WIND LLC - Application for a Certificate of Environmental Compatibility and Public Need for the Construction of Up to 6.2 Miles (320 kilovolt [kV]) of Direct Current (DC) Submarine Export Cable from the New York State Territorial Waters Boundary to the Smith Point County Park on Fire Island in the Town of Brookhaven in Suffolk County and Up to 17.5 Miles (320 kV) of Onshore Transmission Cable from the Landfall at Fire Island to a New Onshore Converter Station in the Town of Brookhaven and Up to 1 Mile (138 kV) of Alternating Current (AC) Onshore Interconnection Cable Connecting to the Existing Holbrook Substation in the Town of Brookhaven in Suffolk County.
- 372 21-E-0202 CHRISTOPHER COURT HOUSING CO/WAVECREST MANAGEMENT B#466 - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (019136).
- 373 17-F-0617 HECATE ENERGY ALBANY 1 LLC AND HECATE ENERGY ALBANY 2 LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Coeymans, Albany County.

- 374 There is no Item 374.
- 375 21-E-0297 125 METROPOLITAN OWNER LLC - In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR in Relation to Complaint Procedures - Appeal of the Informal Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (020640).
- 376 21-E-0629 In the Matter of the Advancement of Distributed Solar.
- 377 22-E-0668 PENNSYLVANIA ELECTRIC COMPANY - Minor Rate Filing to Increase its Annual Revenues by About \$300,000 or 3.49 Percent.

WATER

- 461 23-W-0105 SYLVAN GLADES WATER CO., INC. - In the Matter of Appointing a Temporary Operator.
- 462 23-W-0125 HOGAN BUILDERS, LLC - In the Matter of an Enforcement Proceeding for Alleged Violations of 16 NYCRR Part 753 - Protection of Underground Facilities, in the Service Territory of Town of Salem Water Department.
- 463 23-W-0111 VEOLIA WATER NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Water Service.
- 464 22-W-0499 BLOOMINGBURG WATER TRANSPORTATION COMPANY, INC. - New Tariff Schedule P.S.C. No. 2 - Water, Requesting an Extension of the Service Territory and Waiver of the Commission's Rate Setting Authority.
- 465 23-W-0113 SARATOGA WATER SERVICES, INC. / HALFMOON COMMONS LLC - Joint Petition for Approval of a Water Main Extension Agreement.

COMMUNICATIONS

- 561 22-C-0705 WINDSTREAM NEW YORK, INC. - Petition for a Waiver of 16 NYCRR §602.10(b) Regarding the Publishing and Annual Distribution of Telephone Directories.
- 562 There is no Item 562.
- 563 07-C-1486 Proceeding on Motion of the Commission, Pursuant to Section 97(2) of the Public Service Law, to Institute a Proceeding to Investigate and Evaluate Options for Making Additional Central Office Codes Available in the 315 Area Code Region.
- 16-C-0297 Petition of the North American Numbering Plan Administrator on Behalf of the New York Telecommunications Industry for Relief of the 518 NPA.

CABLE

Petitions for Cable Franchise Renewals.

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.

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Explanation of Agenda

The agenda is divided into two sections. The **Consent Agenda** consists of items that because of their nature, can be decided by the Commission on the basis of written reviews and analyses previously made available to the Commission and do not require discussion. Any item on the Consent Agenda can be transferred to the Regular Agenda if discussion is required.

The **Regular Agenda** consists of items that, by their nature, appear to be best resolved through discussion of matters covered by written reviews and analyses, also available to the Commissioners in advance of the meeting. All Commission meetings are open to the public. However, since adequate forums are available for public participation in cases before the Commission there will be no opportunity for the public to address the Commission. The agenda contained herein is complete at the time of issue, but other items may be added and some agenda items may be removed without further notice.

Proposed draft orders for **Regular Agenda items** will be posted for public viewing, if feasible, by 6:00 p.m. the day before a Commission meeting. The proposed draft orders will be made available at: <https://dps.ny.gov/documents-scheduled-discussion-session>.

The posted draft orders will be removed by 6:00 p.m. on the day of the Commission meeting, or when the final order is issued, whichever is earlier. (Clicking on this link at any other time than that noted above will result in “No Documents found.”) The proposed draft order is not the final Commission action, rather, the final determination is the issued order, posted by the Secretary, and available at <https://dps.ny.gov>, click on “File Search” under “Commission Files” then search the appropriate PSC case number.

Other Matters

If you have difficulty understanding English, please call us at 1-800-342-3377, where you can be connected to free language assistance services regarding this agenda. Persons with disabilities who require a sign language interpreter or other special accommodations should call the Department of Public Service's Human Resources Management office at 518-474-2520. TTD users may call this number through the New York Relay Service at 1-800-662-1220 or have a representative call directly to the office.

All public documents that have been filed or issued before today’s date may be obtained by accessing the Department of Public Service website at <https://dps.ny.gov>, click on “File Search” under “Commission Files” then search using the appropriate PSC case number.

Next Meeting

The next regularly scheduled meeting will begin at **10:30 A.M., Thursday, July 20, 2023**, in Albany.