

Consent Agenda Report for 07/20/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on July 20, 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-0685	READY TO SWIM POOLS / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0318	KNUTSON MARINE, INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0319	RESTANI CONSTRUCTION CORP. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
23-G-0320	ADJO CONTRACTING CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0321	MID-HUDSON BUILDING CONTRACTORS / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0322	SAPPHIRE VENTURES LLC / ORANGE AND ROCKLAND UTILITIES, INC.
23-G-0323	MJM ASSOCIATES CONSTRUCTION LLC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0324	CAYUGA COUNTY HIGHWAY DEPARTMENT / NEW YORK STATE ELECTRIC & GAS CORPORATION
23-G-0325	MONTE SION LANDSCAPING, INC. / ORANGE AND ROCKLAND UTILITIES, INC.
23-G-0326	KNR CONSTRUCTION, LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0327	THE PLUMBER, HEATING & COOLING / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0328	ARMOR FENCE COMPANY OF W.N.Y., INC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0329	CAPITAL FENCE & CONSTRUCTION 1 INC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0330	CHARLESTON EXCAVATING, PLUMBING & HEATING, INC. / LIBERTY UTILITIES (ST. LAWRENCE GAS) CORPORATION

ITEM 161-A CONT'D

- 23-G-0331 TERRI ASSOCIATES LANDSCAPE CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0332 STEVEN DUBNER LANDSCAPING, INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0333 AMA MARINELLI CONSTRUCTION, INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 23-G-0334 LEVEL LINE GENERAL CONTRACTING LLC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0335 SJB CONSOLIDATED SERVICES, INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0336 PRESTIGE STONE & PAVERS CORP. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

The Commission decided to determine a penalty of \$10,000 in Case 23-G-0319, a \$2,500 penalty in Cases 22-G-0685, 23-G-0318, 23-G-0320, 23-G-0321, 23-G-0322, 23-G-0324, 23-G-0326, 23-G-0327, 23-G-0328, 23-G-0329, 23-G-0330, 23-G-0331, 23-G-0332, 23-G-0333, 23-G-0334, 23-G-0335, 23-G-0336, and \$2,000 penalties in Cases 23-G-0323 and 23-G-0325.

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-0313 TOMPKINS EXCAVATING / CENTRAL HUDSON GAS & ELECTRIC CORPORATION
- 23-G-0314 ATLANTIC WELLS INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0315 FORMATION CONCRETE & GENERAL CONSTRUCTION INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0316 GRACE MASONRY & CONCRETE / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 23-G-0317 CLAYMORE DEVELOPMENT LTD. / NEW YORK STATE ELECTRIC & GAS CORPORATION

The Commission decided to approve consent orders in Cases 23-G-0313, 23-G-0314, 23-G-0315, 23-G-0316, and 23-G-0317.

ITEM 162
 15-G-0387 SUPERIOR PLUS ENERGY SERVICES - The Commission decided to grant a waiver of Commission Pipeline Safety Rules, 16 NYCRR §258.9 requiring an automatic leak detection system, and revisions to the Company’s operating and maintenance procedures.

ITEM 163
 22-G-0699 Commissioner Diane X. Burman, dissenting
 Commissioner Tracey A. Edwards, dissenting
 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - The Commission decided to authorize the lease of certain real property located at 5 Bridge Street in the Village of Sag Harbor to 11 Bridge Street, LLC for a term of 99 years.

General

ITEM 261
 There is no Item 261

ITEM 262
 23-M-0197 UTILITY RATE ANALYSIS CONSULTANTS - The Commission decided to issue a statement declining to issue a declaratory ruling on the petition.

Power

ITEM 361
 23-E-0223 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to approve the tariff filing making a revision to the Company’s electric tariff schedule, P.S.C No. 120, to correct a section number referenced in the Solar Residential Electric Service Option Billing Section.

ITEM 362
 22-T-0654 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant the waivers associated with the Company's Application for a Certificate of Environmental Compatibility and Public Need pursuant to Public Service Law Article VII for its 35-mile long Lockport-Batavia Line 112 Rebuild Transmission Project located in Niagara and Genesee Counties.

- ITEM 363
18-T-0207
NEW YORK POWER AUTHORITY - The Commission decided to grant the petition to amend the Company's existing Article VII Certificate of Environmental Compatibility and Public Need for the rebuild of the existing Moses-Adirondack 1&2 230 kilovolt transmission facility and approve a change to the associated Environmental Management & Construction Plan.
- ITEM 364
23-E-0059
PARKER57, LLC - The Commission decided to grant authority to Parker57, LLC to Submeter Electricity at 119 West 56th Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 365
20-T-0103
ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to approve the Application to Amend the Certificate of Environmental Compatibility and Public Need for the construction, operation, and maintenance of the Rochester Transmission Project.
- ITEM 366
17-F-0282
ALLE-CATT WIND ENERGY LLC - The Commission decided to approve Compliance Filings 62 and 63 and Attachment A No. 24.
- ITEM 367
22-E-0472
299 3RD DEVELOPMENT, LLC - The Commission decided to grant authority to 299 3rd Development, LLC to submeter electricity at 202 East 23rd Street, New York, New York, located in the territory of Consolidated Edison Company of New York, Inc., and the request for a waiver of 16 NYCRR §96.5(k)(3).

ITEM 368
 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
 18A Environmental Management and Construction
 Plan filed by Champlain Hudson Power Express, Inc.
 and CHPE Properties, Inc. (collectively, the Certificate
 Holder), to install concrete mattresses to protect
 co-located submarine infrastructure in Lake
 Champlain in the Towns of Champlain and Chazy
 (Clinton County), and the Towns of Crown Point and
 Ticonderoga (Essex County), subject to conditions.

ITEM 369
 There is no Item 369

ITEM 370
 23-E-0039
 FLUSHING POINT PROPERTY LLC - The
 Commission decided to grant authority to Flushing
 Point Property LLC. to submeter electricity at
 131-02A, 131-02B, 40th Road, Flushing, New York,
 located in the territory of Consolidated Edison
 Company of New York, Inc.

Communications

ITEM 561
 22-M-0492
 ATLAS CONNECTIVITY, LLC, NICHOLVILLE TELCO
 LLC D/B/A NICHOLVILLE TELEPHONE COMPANY,
 SLIC NETWORK SOLUTIONS, INC., KEENE
 VALLEY VIDEO, INC., HCCI LLC, AND SDC ATLAS
 ACQUISITIONCO, LLC - The Commission decided to
 approve the Joint Petition and supplement, pursuant
 to Public Service Law (PSL) §§99, 100, 101 and 222
 to allow the transfer of indirect control, and complete
 related transactions, subject to conditions.

ITEM 562

22-M-0698 ARCHTOP FIBER LLC; GERMANTOWN TELEPHONE COMPANY, INC.; VALSTAR, INC.; HILLTOP COMMUNICATIONS, INC.; DONALD C. AND MADELINE S. BOHNSACK IRREVOCABLE TRUST I; CATHERINE B. BOHNSACK; CHRISTINA N. BOHNSACK; CORY A. BOHNSACK SMITH; LAUREL JURKOWSKI; AND LESLIE TOMPKINS - The Commission decided to approve the joint petition and supplement, pursuant to Public Service Law §99, 100 and 222 to allow for the transfer of ownership of Germantown Telephone Company, Inc., Valstar, Inc., and Hilltop Communications, Inc. to Archtop Fiber LLC, and complete related transactions, subject to conditions.

Cable

ITEM 661

23-V-0248 SPECTRUM NORTHEAST, LLC / TOWN OF GOSHEN, ORANGE COUNTY
 23-V-0251 SPECTRUM NORTHEAST, LLC / TOWN OF SAUGERTIES, ULSTER COUNTY
 23-V-0277 SPECTRUM NORTHEAST, LLC / TOWN OF POTSDAM, SAINT LAWRENCE COUNTY
 23-V-0280 SPECTRUM NORTHEAST, LLC / TOWN OF CHATHAM, COLUMBIA COUNTY
 23-V-0285 SPECTRUM NORTHEAST, LLC / TOWN OF VERNON, ONEIDA COUNTY
 23-V-0289 SPECTRUM NORTHEAST, LLC / TOWN OF HARTFORD, WASHINGTON COUNTY
 23-V-0296 SPECTRUM NORTHEAST, LLC / VILLAGE OF NEWPORT, HERKIMER COUNTY

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

ITEM 662

22-V-0534 VERIZON NEW YORK INC. - The Commission decided to grant Verizon New York Inc.'s petition for an Order of Entry at 267 Edgecombe Avenue, Manhattan, New York.