

Consent Agenda Report for 10/12/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on October 12, 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>
23-G-0493	HAMPTONS GROUND CARE / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0494	CAPUSON GENERAL CONTRACTING, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0495	NATHANIEL'S CONSTRUCTION / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0496	BAYMEN INDUSTRIES LTD. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0497	CEJA BROTHERS LANDSCAPING INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0498	DAVID AND SON'S CONSTRUCTION CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0499	JOHN LOPES CONSTRUCTION CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0500	KESSLER DEVELOPMENT LLC / CENTRAL HUDSON GAS & ELECTRIC CORPORATION
23-G-0501	POWERS IOT / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0502	SHAWN'S LAWNS INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0503	SIWANoy COUNTRY CLUB / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0506	AREK ENTERPRISES, INC. / ROCHESTER GAS AND ELECTRIC CORPORATION
23-G-0507	BARCELONA CONTRACTING CORP. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

ITEM 161-A CONT'D

- 23-G-0510 BLUE DOLPHIN IRRIGATION, LTD. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
- 23-G-0511 COASTAL ARBORCARE INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to determine a penalty of \$2,500 in Cases 23-G-0493, 23-G-0494, 23-G-0495, 23-G-0496, 23-G-0497, 23-G-0498, 23-G-0499, 23-G-0500, 23-G-0501, 23-G-0502, 23-G-0503, 23-G-0506, 23-G-0510, and 23-G-0511, and a penalty of \$2,000 in Case 23-G-0507.

ITEM 161-B

- 23-G-0508 In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Consent Orders)
N. MATHEWS ENTERPRISES, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 23-G-0509 D'AMORIE CONSTRUCTION, L.L.C. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION

The Commission decided to adopt the terms of the consent order agreement in Cases 23-G-0508 and 23-G-0509.

ITEM 162

- 22-G-0655 Appeal of Commission Determination
WYCOFF HEIGHTS MEDICAL CENTER - The Commission decided to deny the appeal.

ITEM 163

- 23-G-0054 Appeal of Commission Determination
DIANE WRIGHT - The Commission decided to deny the appeal.

ITEM 164

- 23-G-0352 Appeal of Commission Determination
NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the appeal and reverse the Informal Hearing Officer's decision regarding interest to the penalty.

ITEM 165
 20-G-0086,
 20-G-0087 &
 20-G-0381
 THE BROOKLYN UNION GAS COMPANY D/B/A
 NATIONAL GRID NY / KEYSpan GAS EAST
 CORPORATION D/B/A NATIONAL GRID / NIAGARA
 MOHAWK POWER CORPORATION D/B/A
 NATIONAL GRID - The Commission decided to
 approve tariff modifications regarding the
 Companies' Gas Demand Response Programs for
 firm customers.

ITEM 166
 21-G-0577
 LIBERTY UTILITIES (ST. LAWRENCE GAS)
 CORP. - The Commission decided to approve, on a
 permanent basis, the Company's compliance tariff
 filing effectuating the terms of Rate Year 1.

ITEM 167
 23-G-0227
 VALLEY ENERGY, INC. - The Commission decided
 to authorize an increase to Valley Energy, Inc.'s
 annual base revenues by \$213,627 or 17.98 percent,
 effective November 1, 2023.

General

ITEM 261
 22-S-0659
 CONSOLIDATED EDISON COMPANY OF NEW
 YORK, INC. - The Commission decided to approve an
 extension to the maximum suspension period through
 December 20, 2023, subject to a make-whole
 provision for the period of November 1, 2023, through
 December 20, 2023.

ITEM 262
 21-M-0193
 CONSOLIDATED EDISON COMPANY OF NEW
 YORK, INC. and ORANGE AND ROCKLAND
 UTILITIES, INC. - The Commission decided to
 approve Consolidated Edison Company of New York,
 Inc. and Orange and Rockland Utilities, Inc. plan to
 implement the recommendations made in the
 Management and Operations Audit, with
 modifications. The Commission also denied the
 request of Consolidated Edison Company of New
 York, Inc. for authority to defer certain costs related to
 implementation.

ITEM 263

There is no item 263

ITEM 264

14-M-0224

The Commission decided to authorize, with modifications, the tariff amendments filed by the individual utilities to become effective on November 1, 2023.

ITEM 265

20-M-0082

JOINT UTILITIES - The Commission decided to issue an Order clarifying its February 11, 2021 Order Implementing an Integrated Data Energy Resource and directed the Joint Utilities to file tariff revisions.

ITEM 266

23-M-0080
21-M-0523,
22-E-0291,
22-E-0632,
22-E-0638,
22-M-0040,
22-M-0203,
22-M-0292,
22-M-0639,
22-M-0697,
23-M-0057,
23-M-0150,
23-M-0392 &
23-M-0393

The Commission decided to waive 16 NYCRR §100.3(b) and related tariff provisions and extend the development period from five to six years to provide relief to developers of residential subdivisions impacted by the Construction Moratorium in response to the COVID-19 pandemic in Cases 21-M-0523, 22-M-0040, 22-M-0203, 22-E-0291, 22-M-0292, 22-E-0632, 22-E-0638, 22-M-0639, 22-M-0697, 23-M-0150, 23-M-0392, 23-M-0057, and 23-M-0393.

ITEM 267

23-M-0229

The Commission decided to adopt the final regulation amending the Home Energy Fair Practices Act, 16 NYCRR §11.33.

Power

ITEM 361

21-E-0561

Appeal of Commission Determination
ARCHDIOCESE OF NEW YORK - The Commission decided to deny the appeal of the Archdiocese of New York.

- ITEM 362
23-E-0388 GENON BOWLINE HOLDINGS, LLC AND BOWLINE POINT POWER, LLC - The Commission decided to issue a declaratory ruling that the proposed upstream transfers in ownership interests do not require further review pursuant to Public Service Law §70.
- ITEM 363
23-E-0158 Appeal of Commission Determination
BSDC NEIGHBORHOOD/WAVECREST MANAGEMENT - The Commission decided to deny the Complainant's appeal.
- ITEM 364
23-E-0526 SOLANTA - The Commission decided to order Solanta to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 365
23-E-0518 ENTERSOLAR, LLC - The Commission decided to order EnterSolar, LLC to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 366
23-E-0515 ASTRAL POWER, INC. - The Commission decided to order Astral Power, Inc. to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.

- ITEM 367
23-E-0521 GREEN VISIONS SOLAR LLC - The Commission decided to order Green Visions Solar LLC to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 368
23-E-0527 NY SOLAR DOCTORS, LLC - The Commission decided to order NY Solar Doctors, LLC to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 369
23-E-0519 GO SOLAR/GREEN NY LLC - The Commission decided to order Go Solar/Green NY LLC to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 370
23-E-0523 MAX SOLAR INC. - The Commission decided to order Max Solar Inc. to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.

- ITEM 371
23-E-0528 TRUE ENERGY SOLUTIONS, INC. - The Commission decided to order True Energy Solutions, Inc. to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 372
23-E-0525 SOL SUPPLIERS - The Commission decided to order Sol Suppliers to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 373
22-E-0368 LENOX INVESTORS LLC - The Commission decided to grant authority to Lenox Investors LLC to submeter electricity at 340 Lenox Road, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 374
23-E-0517 BULLROCK GPS, LLC - The Commission decided to order Bullrock GPS, LLC to show cause within 30 days why its authorization to act as a Distributed Energy Resource Provider should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers Section 2F.C, should not be imposed.
- ITEM 375
23-E-0308 ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to grant Rochester Gas and Electric Corporation's request for authorization to transfer certain street lighting facilities, with an original cost over \$100,000, located within the Town of Henrietta, to the Town of Henrietta, subject to conditions.

- ITEM 376 23-E-0266 Appeal of Commission Determination
 156-166 BOWERY L.P./KALED MGMT - The Commission decided to deny the Complainant's appeal.
- ITEM 377 22-E-0584 Appeal of Commission Determination
 SELMA DE OLIVEIRA - The Commission decided to deny the Complainant's appeal.
- ITEM 378 23-E-0231 505 STATE OPERATOR, LLC - The Commission decided to grant authority to 505 State Operator, LLC to submeter electricity at 100 Flatbush Avenue, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 379 23-E-0095 76 ELEVENTH AVENUE PROPERTY OWNER LLC - The Commission decided to grant authority to 76 Eleventh Avenue Property Owner LLC, to submeter electricity at 76-11th Avenue, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 380 23-E-0214 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant Niagara Mohawk Power Corporation d/b/a National Grid's request for authorization to sell certain street lighting facilities, with an original cost over \$100,000, located within the City of Hudson, to the City of Hudson, subject to conditions.
- ITEM 381 23-E-0109 SPRING STREET OWNER, LLC - The Commission decided to grant authority to Spring Street Owner, LLC to submeter electricity at 83 Thompson Street, New York, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 382 23-E-0156 NIAGARA MOHAWK POWER CORPORATION
D/B/A NATIONAL GRID - The Commission decided to grant Niagara Mohawk Power Corporation d/b/a National Grid's request for authorization to sell a passenger airplane, with an original cost over \$100,000, to Sunset Aviation LLC, subject to conditions.
- ITEM 383 22-E-0666 WEST 38 RES LLC - The Commission decided to grant authority to West 38 Res LLC to submeter electricity at 555 West 38th Street, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 384 15-E-0751 The Commission decided to approve, with modifications, and on a temporary basis, the Utilities' draft Standby and Buyback rate tariff filings.
- ITEM 385 23-E-0142 HOLTSMVILLE ENERGY STORAGE, LLC - The Commission decided to grant a Certificate of Public Convenience and Necessity, pursuant to Public Service Law §68(1), for Holtsville Energy Storage, LLC to construct, own and operate a proposed battery energy storage system with a capacity of approximately 110 megawatts, and grant a lightened ratemaking regulatory regime for Holtsville Energy Storage, LLC.
- ITEM 386 23-T-0447 NIAGARA MOHAWK POWER CORPORATION
D/B/A NATIONAL GRID - The Commission decided to approve the Company's request to amend its existing Article VII Certificate of Environmental Compatibility and Public Need and approved a change to the associated Environmental Management and Construction Plan.
- ITEM 387
- There is no item 387.

- ITEM 388
10-T-0139
Commissioner Tracey A. Edwards, recusing
Commissioner John B. Howard, dissenting
CHAMPLAIN HUDSON POWER EXPRESS, INC. -
The Commission decided to approve the petition, pursuant to Section 123(2) of the Public Service Law, to amend Certificate Condition 162(i) to address instances where Co-located Infrastructure owners, despite all commercially reasonable efforts, cannot be identified or are unresponsive.
- ITEM 389
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 13, 14, and 15 Environmental Management and Construction Plan filed by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holder), to construct and operate the overland transmission and associated facilities in Mott Haven (Bronx County), Randall's Island (New York County), and Astoria (Queens County), subject to conditions.
- ITEM 390
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 19a Environmental Management and Construction Plan filed by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holder), to allow the installation of concrete articulated mattresses on the bed of the Hudson River to protect co-located submarine infrastructure, subject to conditions.
- ITEM 391
23-E-0148
ANTHONY RESIDENCE LLC - The Commission decided to grant authority to Anthony Residence LLC to submeter electricity at 2063-2067 Anthony Avenue, Bronx, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 392
23-E-0045 ATLANTIC TOWERS ASSOCIATES, L.P. - The Commission decided to grant authority to Atlantic Towers Associates, L.P. to submeter electricity at 249 Thomas S. Boyland Street and 216 Rockaway Avenue, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc. and adopts the Owner's proposed master metered pass-through rate as the maximum submetering rate the Owner is allowed to charge tenants.
- ITEM 393
23-E-0145 WEST DEVELOPMENT B, LLC - The Commission decided to issue a Declaratory Ruling that the use of the Daikin VRV IV Heat Recovery System at 60 Wharf Drive, Brooklyn, would not constitute electric submetering and does not require approval from the Commission pursuant to 16 NYCRR Part 96.
- ITEM 394
23-E-0204 83RD STREET OWNERS CORP. - The Commission decided to grant authority to 83rd Street Owners Corp. to submeter electricity at 46 West 83rd Street, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- Water**
- ITEM 461
23-W-0343 WEST BEEKMAN WATER CO., INC. AND FERNANDO DONGO - The Commission decided to grant the joint petition for the transfer of 100 percent of West Beekman Water Company, Inc.'s stock to Fernando Dongo.
- ITEM 462
23-W-0155 SARATOGA WATER SERVICES, INC. - The Commission decided to suspend the effective date of Saratoga Water Services, Inc.'s pending tariff revisions to P.S.C. No. 4 - Water through February 28, 2024.

Communications

ITEM 561

23-C-0349 TEMPO TELECOM, LLC - The Commission decided to approve the Company's petition for designation as a Lifeline-only eligible telecommunications carrier for the purpose of receiving federal universal support for providing Lifeline service throughout New York State.

Cable

ITEM 661

23-V-0400 CABLEVISION SYSTEMS LONG ISLAND CORPORATION / VILLAGE OF WILLISTON PARK, NASSAU COUNTY
 23-V-0442 SPECTRUM NORTHEAST, LLC / TOWN OF NEVERSINK, SULLIVAN COUNTY
 23-V-0446 SPECTRUM NORTHEAST, LLC / TOWN OF LEICESTER, LIVINGSTON COUNTY
 23-V-0458 SPECTRUM NORTHEAST, LLC / TOWN OF CORINTH, SARATOGA COUNTY
 23-V-0465 SPECTRUM NORTHEAST, LLC / VILLAGE OF SCHAGHTICOKE, RENSSELAER COUNTY
 23-V-0473 SPECTRUM NORTHEAST, LLC / TOWN OF MAMAKATING, SULLIVAN COUNTY

The Commission decided to approve the certificates for renewal of cable franchises in Cases 23-V-0400, 23-V-0442, 23-V-0446, 23-V-0458, 23-V-0465, and 23-V-0473.

ITEM 662

23-V-0474 VERIZON NEW YORK INC. / 246 BROOME STREET, MANHATTAN
 23-V-0475 SPECTRUM NEW YORK METRO, LLC / 400 EAST 84TH STREET, NEW YORK
 23-V-0476 SPECTRUM NEW YORK METRO, LLC / 211 WEST 29TH STREET, NEW YORK
 23-V-0477 SPECTRUM NEW YORK METRO, LLC / 249 EAST 49TH STREET, NEW YORK
 23-V-0478 SPECTRUM NEW YORK METRO, LLC / 410 WEST 126TH STREET, NEW YORK
 23-V-0479 SPECTRUM NEW YORK METRO, LLC / 120 WEST 1ST STREET, MT. VERNON
 23-V-0480 SPECTRUM NEW YORK METRO, LLC / 830 8TH AVENUE, NEW YORK

ITEM 662 CONT'D

23-V-0481 SPECTRUM NEW YORK METRO, LLC / 85-15
120TH STREET, QUEENS

The Commission decided to approve Verizon New York Inc.'s and Spectrum New York Metro, LLC's petitions for Orders of Entry for cases 23-V-0474, 23-V-0475, 23-V-0476, 23-V-0477, 23-V-0478, 23-V-0479, 23-V-0480, and 23-V-0481.

ITEM 663

23-V-0098 Appeal of Commission Determination
AMANDA AND SALVATORE ANNARINO - The Commission decided to deny the Complainant's appeal.