



For Immediate Release: 10/11/2023

Rory M. Christian, Chair

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COMMISSION ISSUES FINAL OCTOBER 12, 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, October 12, 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/october-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	
		GENERAL
201	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.
- 202 23-M-0230 Report on the New York State Electric & Gas Supply Readiness for 2023-2024 Winter.
- 203 Renumbered to Item No. 267.

POWER

- 301 15-E-0302 Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard.
- 18-E-0071 In the Matter of Offshore Wind Energy.

No items will be considered on the Regular Agenda for GAS, 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).
- 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.
- 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
- 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-0508 N. MATHEWS ENTERPRISES, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 23-G-0509 D'AMORIE CONSTRUCTION, LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- 162 22-G-0655 WYCOFF HEIGHTS MEDICAL CENTER - 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 The Brooklyn Union Gas Company d/b/a National Grid NY (837452).
- 163 23-G-0054 DIANE WRIGHT - 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 The Brooklyn Union Gas Company d/b/a National Grid NY (949598).
- 164 23-G-0352 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - 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 Karp Associates, Inc (014228).

- 165 20-G-0086 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - Tariff filing to Modify its Gas Tariff Schedule, P.S.C. No. 12 - Gas, to Establish a Firm Demand Response Program.
- 20-G-0087 KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID - Tariff filing to Modify its Gas Tariff Schedule, P.S.C. No. 1 - Gas, to Establish a Firm Demand Response Program.
- 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.
- 166 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.
- 167 23-G-0227 VALLEY ENERGY, INC. - Minor Rate Filing to Increase Its Total Annual Revenues by about \$300,000 or 11.2 Percent.

GENERAL

- 261 22-S-0659 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Steam Service.
- 262 21-M-0193 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. and ORANGE AND ROCKLAND UTILITIES, INC. - In the Matter of a Comprehensive Management and Operations Audit.
- 263 There is no Item 263.
- 264 14-M-0224 Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs.
- 265 20-M-0082 Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data.
- 266 21-M-0523 BARBERA HOMES, INC. - Petition for a 150-Day Extension of the Five-Year Agreement Concerning Builder Development Funds.
- 22-E-0291 BELMONTE PROPERTIES, LLC - Petition for a Year Extension of the Five-Year Agreement Concerning Builder Development Funds for Morgan Meadows Subdivision.
- 22-E-0632 BEACH RIDGE MEADOWS - Petition for Extension on the Five-Year Agreement Concerning Builder Development Funds.
- 22-E-0638 PINEBROOKE FALLS, LLC - Petition for a Two-Year Extension of the Five-Year Agreement Concerning Builder Development Funds.
- 22-M-0040 BELMONTE PROPERTIES, LLC - Petition for a Year Extension of the Five-Year Agreement Concerning Builder Development Funds for Princeton Heights Subdivision.

- 22-M-0203 GARRISON PROJECTS, LLC - Petition for a Year Extension of the Five-Year Agreement Concerning Builder Development Funds for Kensington Woods Subdivision Phase 1.
- 22-M-0292 BELMONTE PROPERTIES, LLC - Petition for a Year Extension of the Five-Year Agreement Concerning Builder Development Funds for City Square Subdivision.
- 22-M-0639 PEET HOMES LLC - Petition for a Year Extension on the Five-Year Agreement Concerning Builder Development Funds.
- 22-M-0697 KEYSTONE HOMES, INC. - Petition for a Year Extension of the Five-Year Agreement Concerning Builder Development Funds for Maxwell Road Senior Housing.
- 23-M-0057 CABBAGE PATCH PARTNERS, LLC - Petition for a Two-Year Extension of the Five-Year Agreement Concerning Builder Development Funds for Whispering Oaks Section 4, Phase 1.
- 23-M-0080 In the Matter of a Proposal for a Waiver of Requirements Regarding the Five-Year Development Period for Developments Impacted by the COVID-19 Pandemic Construction Moratorium.
- 23-M-0150 GARRISON PROJECTS, LLC - Petition for a Year Extension of the 5-Year Agreement Concerning Builder Development Funds.
- 23-M-0392 BLITMAN SARATOGA LLC - Petition for a Year Extension on the Five-Year Agreement Concerning Builder Development Funds for Beaver Pond Village Phase 4 and 5.
- 23-M-0393 J. ALBERICI & SONS INC. - Petition for an Extension through May 1, 2025 of the Five-Year Agreement Concerning Builder Development Funds.
- 267 23-M-0229 In the Matter of the Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR - Proposed Amendment to Part 11 to Implement Public Service Law Section 53-a the Prohibition of Utilities Engaging in Detrimental Conduct Towards a Residential Customer.

POWER

- 361 21-E-0561 ARCHDIOCESE OF NEW YORK - 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. (022398).
- 362 23-E-0388 GENON BOWLINE HOLDINGS, LLC AND BOWLINE POINT POWER, LLC - Joint Petition for a Declaratory Ruling Eschewing Further Review of the Transaction, or Alternatively, an Order Authorizing the Transaction Pursuant to Section 70 of the New York Public Service Law.
- 363 23-E-0158 BSDC NEIGHBORHOOD/WAVECREST MANAGEMENT - 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 Corporation of New York, Inc. (018968).

- 364 23-E-0526 SOLANTA - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 365 23-E-0518 ENTERSOLAR, LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 366 23-E-0515 ASTRAL POWER, INC. - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 367 23-E-0521 GREEN VISIONS SOLAR LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 368 23-E-0527 NY SOLAR DOCTORS, LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 369 23-E-0519 GO SOLAR/GREEN NY LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 370 23-E-0523 MAX SOLAR INC. - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 371 23-E-0528 TRUE ENERGY SOLUTIONS, INC. - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 372 23-E-0525 SOL SUPPLIERS - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 373 22-E-0368 LENOX INVESTORS LLC - Petition to Submeter Electricity at 340 Lenox Road, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 374 23-E-0517 BULLROCK GPS, LLC - In the Matter to Seek Consequences for Violations of the Uniform Business Practices for Distributed Energy Resource Suppliers.
- 375 23-E-0308 ROCHESTER GAS AND ELECTRIC CORPORATION - Petition for Authority, Pursuant to Public Service Law Section 70, to Transfer Street Lighting Facilities to the Town of Henrietta with an Original Cost of Over \$100,000.
- 376 23-E-0266 156-166 BOWERY L. P./KALED MGMT - 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 Corporation of New York, Inc. (148362).

- 377 22-E-0584 SELMA DE OLIVEIRA - 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. (942997).
- 378 23-E-0231 505 STATE OPERATOR, LLC - Petition to Submeter Electricity at 100 Flatbush Avenue, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 379 23-E-0095 76 ELEVENTH AVENUE PROPERTY OWNER LLC - Notice of Intent to Submeter Electricity at 76-11th Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 380 23-E-0214 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition Pursuant to Section 70 of the New York State Public Service Law Regarding the Transfer of Certain Property to the City of Hudson. (SAPA)
- 381 23-E-0109 SPRING STREET OWNER, LLC - Petition to Submeter Electricity at 83 Thompson Street, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 382 23-E-0156 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition for Approval to Transfer Certain Property to Sunset Aviation LLC, Pursuant to Section 70 of the New York State Public Service Law, with an Original Cost of Over \$100,000.
- 383 22-E-0666 WEST 38 RES LLC - Petition to Submeter Electricity at 555 W. 38th St., New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 384 15-E-0751 In the Matter of the Value of Distributed Energy Resources
- 385 23-E-0142 HOLTSMVILLE ENERGY STORAGE, LLC - Petition for a Certificate of Public Convenience and Necessity, Granting a Lightened Regulatory Regime, and Expedited Proceeding.
- 386 23-T-0447 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - Petition to Amend its Certificate of Environmental Compatibility and Public Need Granted by Order issued April 18, 1980.
- 387 There is no Item 387.
- 388 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. (Certificate Condition 162(i) Amendment Petition)
- 389 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. (EM&CP Petition for Segments 13, 14, and 15)

- 390 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. (EM&CP Petition for Segment 19a)
- 391 23-E-0148 ANTHONY RESIDENCE LLC - Petition to Submeter Electricity at 2063-2067 Anthony Avenue, Bronx, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 392 23-E-0045 ATLANTIC TOWERS ASSOCIATES, L.P. - Notice of Intent 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.
- 393 23-E-0145 WEST DEVELOPMENT B, LLC - Petition for a Declaratory Ruling Concerning Whether Use of the Daikin VRV IV Heat Recovery System at 60 Wharf Drive, Brooklyn, Would Constitute Electric Submetering and Require Approval Pursuant to Part 96.
- 394 23-E-0204 83RD STREET OWNERS CORP. - Petition to Submeter Electricity at 46 West 83rd Street, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.

WATER

- 461 23-W-0343 WEST BEEKMAN WATER CO., INC. AND FERNANDO DONGO - Joint Petition for Approval of the Purchase of All Issued and Outstanding Stock.
- 462 23-W-0155 SARATOGA WATER SERVICES, INC. - Tariff Filing to Clarify Terms that Water Service May Be Discontinued for Failure to Provide Access to or for Damaging the Company's Water Supply Equipment, Including Meters.

COMMUNICATIONS

- 561 23-C-0349 TEMPO TELECOM, LLC - Petition for Designation as an Eligible Telecommunications Carrier.

CABLE

- 661 Petitions for Cable Franchise Renewals.
- 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.
- 662 Petitions for Orders of Entry.
- 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.
- 23-V-0481 SPECTRUM NEW YORK METRO, LLC / 85-15 120TH STREET, QUEENS.
- 663 23-V-0098 AMANDA AND SALVATORE ANNARINO - 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 Spectrum Northeast LLC (984162).

Instructions to Listen to the Webcast of Meeting

The Internet webcast can be accessed at <https://dps.ny.gov/calendar>.

The listening quality of a live webcast can be adversely affected by various factors including, but not limited to, Internet bandwidth limitations, Internet network congestion, and the configurations and settings on a computer used to access the webcast. If you experience problems listening to a live webcast, you may view it at a later time by accessing an archived copy of the webcast. Archives are available on the Department Web site within two business days after the meeting.

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, November 16, 2023**, in New York City.