

Consent Agenda Report for 11/16/2023

The following is a preliminary and informal summary of actions the Commission took at its public session on November 16, 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-0558	DOUBLE A SERVICES LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0559	FITZPATRICK ENTERPRISES INC. / ROCHESTER GAS AND ELECTRIC CORPORATION
23-G-0560	EDWIN & SONS HOME IMPROVEMENT CORP / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0561	FERNANDO'S HOME IMPROVEMENT 2 INC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0562	HAMPTONS TENNIS COMPANY, INC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0563	VRD NY CONSTRUCTION INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0564	MAURO CONTRACTING CORP. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
23-G-0565	ROCK HARD EXCAVATING LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0566	J & K TRUCKING AND EXCAVATING, INC. / NIAGARA MOHAWK POWER CORPORATION, D/B/A NATIONAL GRID
23-G-0567	WILLIAM A. GROSS CONSTRUCTION ASSOCIATES, INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0568	CAPO DESIGN BUILD / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
23-G-0569	DOUBLE A SERVICES / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0571	RYAN WATERPROOFING CO. LLC / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
23-G-0572	KT CONTRACTING INC / LIBERTY UTILITIES (ST. LAWRENCE GAS) CORP.

ITEM 161-A CONT'D

23-G-0573 A.J. CONTRACTING OF NY LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

The Commission decided to determine a penalty of \$2,500 in Cases 23-G-0558, 23-G-0559, 23-G-0560, 23-G-0561, 23-G-0562, 23-G-0563, 23-G-0564, 23-G-0565, 23-G-0566, 23-G-0567, 23-G-0568, 23-G-0569, 23-G-0571, 23-G-0572, and 23-G-0573.

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-0574 DRULYK CONSTRUCTION, INC. / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

23-G-0577 TOWN OF BABYLON / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

23-G-0578 B D S BUILDERS LLC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

23-G-0579 CITY OF LONG BEACH PUBLIC WORKS / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

23-G-0580 ST. ONGE LANDSCAPING / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

23-G-0581 TOWN OF WIRT HIGHWAYS / NATIONAL FUEL GAS DISTRIBUTION CORPORATION

The Commission decided to adopt the terms of the consent order agreement in Cases 23-G-0574, 23-G-0577, 23-G-0578, 23-G-0579, 23-G-0580, and 23-G-0581.

ITEM 162

22-G-0158 Appeal of Commission Determination
SARAH DAVIS - The Commission decided to deny the Complainant's appeal.

ITEM 163

23-G-0309 Appeal of Commission Determination
ALBERT REALTY CORP. - The Commission decided to deny the Complainant's appeal.

ITEM 164
 23-G-0222
 Commissioner Diane X. Burman, concurring
 Commissioner John B. Maggiore, dissenting
 NATIONAL FUEL GAS DISTRIBUTION
 CORPORATION - The Commission decided to
 authorize National Fuel Gas Distribution Corporation
 to transfer distribution facilities within the Seneca
 Nation of Indians to the Seneca Nation of Indians
 pursuant to Section 70 of the New York Public
 Service Law.

ITEM 165
 23-G-0342
 THE BROOKLYN UNION GAS COMPANY D/B/A
 NATIONAL GRID NY - The Commission decided to
 authorize the Company to sell certain real property
 located at 2731 West 12th Street, Brooklyn, New York
 to Prologis, L.P.

ITEM 166
 23-G-0378
 NATIONAL FUEL GAS DISTRIBUTION
 CORPORATION - The Commission decided to
 approve National Fuel Gas Distribution Corporation's
 request for authority to issue up to \$300 million in
 promissory notes through December 31, 2026,
 subject to conditions.

General

ITEM 261
 22-M-0552
 Commissioner Diane X. Burman, concurring
Appeal of Commission Determination
 THE PANDERING PIG RESTAURANT, INC. - The
 Commission decided to deny the Complainant's
 appeal.

ITEM 262
 23-M-0554
 ASTRAL ENERGY LLC - The Commission decided to
 order Astral Energy LLC to show cause, within 15
 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 263
23-M-0287 MPOWER ENERGY LLC - The Commission decided to order Mpower Energy LLC, to show cause with 30 days, why its eligibility to act as an Energy Service 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 264
22-E-0064 & 22-G-0065 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC./AARP - The Commission decided to deny AARP's Petition for Rehearing of the Commission's July 2023 Order Adopting the Terms of a Joint Proposal.
- ITEM 265
22-E-0064 & 22-G-0065 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve, on a permanent basis, Consolidated Edison Company of New York's electric and gas compliance tariff filings effectuating the terms of Rate Year 1, with exceptions.
- ITEM 266
23-M-0337 PEARL RIVER CAMPUS, LLC - The Commission decided to declare that Pearl River Campus, LLC is not an electric or steam corporation under the Public Service Law, and grant an exemption from water reporting and recordkeeping under Public Service Law §89-c(11).
- ITEM 267
18-M-0013 NEW YORK STATE ELECTRIC & GAS CORPORATION/ROCHESTER GAS AND ELECTRIC CORPORATION - The Commission decided to accept and make public Schumaker & Company's audit report and New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation's comments regarding the report and require the Companies to file their implementation plan within 30 days of such issuance.

ITEM 268
 23-M-0461 The Commission decided to update the customer deposits rate for investor-owned utilities and municipal utilities to 4.20 percent and 2.20 percent, respectively, and the other customer provided capital rate for investor-owned utilities and municipal utilities to 5.95 percent and 3.95 percent, respectively, effective January 1, 2024.

ITEM 269
 23-M-0286 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to authorize Central Hudson Gas & Electric Corporation to issue and sell up to \$380 million of long-term debt securities through December 31, 2026, and to enter into or continue one or more multi-year credit agreement(s) not to exceed \$350 million.

Power

ITEM 361
 22-E-0700 Commissioner Diane X. Burman, concurring
Appeal of Commission Determination
 MATTHEW SIEGEL - The Commission decided to deny the Complainant's appeal.

ITEM 362
 22-E-0656 Appeal of Commission Determination
 JON SYLLMAN - The Commission decided to deny the Complainant's appeal.

ITEM 363
 21-E-0202 Rehearing of Commission Determination
 CHRISTOPHER COURT HOUSING
 CO/WAVECREST MANAGEMENT B#466 - The Commission decided to deny the Complainant's petition for rehearing.

ITEM 364
 22-E-0649 311 WEST 42ND STREET ASSOCIATES LLC - The Commission decided to grant authority to 311 West 42nd Street Associates LLC to submeter electricity at 312 West 43rd Street, New York, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 365
 23-E-0108 312 CONEY ISLAND AVE, LLC - The Commission decided to grant authority to 312 Coney Island Ave, LLC to submeter electricity at 312 Coney Island Avenue, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 366
 23-E-0312 AMERICAN LION, LLC - The Commission decided to grant authority to American Lion, LLC to submeter electricity at 27-01 Jackson Avenue, Long Island City, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 367
 23-E-0137 TESLA INC. - The Commission decided to approve the use of the Tesla Backup Switch in electric metering applications in New York State.
- ITEM 368
 23-E-0048 DRIGGS PARTNERS LLC - The Commission decided to grant authority to Driggs Partners LLC to submeter electricity at 510 Driggs Avenue, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 369
 22-E-0668 Rehearing of Commission Determination
 PENNSYLVANIA ELECTRIC COMPANY - The Commission decided to grant Pennsylvania Electric Company's petition for rehearing, and to Direct the Company to file tariff revisions.
- ITEM 370
 23-E-0207 EMPIRE STATE DAIRY LLC - The Commission decided to grant authority to Empire State Dairy LLC to submeter electricity and waive the requirement of an energy audit pursuant to 16 NYCRR §96.5(k)(3) at 2840 Atlantic Avenue, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 371
 15-E-0302,
 15-E-0751 &
 22-E-0549 JOINT UTILITIES - The Commission decided to authorize the tariff amendments of the Joint Utilities to become effective on a permanent basis.

- ITEM 372
23-E-0491 76 LOCUST HILL, L.P. C/O WESTHAB, INC. - The Commission issued a Declaratory Ruling finding that the use of the LG Multi V Heat Pump System does not constitute residential electric submetering pursuant to 16 NYCRR Part 96.
- ITEM 373
23-E-0118 PENNSYLVANIA ELECTRIC COMPANY - The Commission decided to authorize the intra-corporate reorganization of Pennsylvania Electric Company and three other subsidiaries of the four entities' parent company, FirstEnergy, into FirstEnergy Pennsylvania Electric Company.
- ITEM 374
22-E-0603 Commissioner John B. Maggiore, abstaining
NEW YORK TRANSCO LLC and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to authorize the transfer from New York Transco LLC to Consolidated Edison Company of New York, Inc. certain interconnection facilities.
- ITEM 375
18-F-0087 FLINT MINE SOLAR LLC - The Commission decided to approve Flint Mine Solar, LLC's Compliance Filings 29, 43, 44, 45, 46, 47, 49, 50, 52, 53, 54, 55, 56, 58, 59, and 60, subject to conditions.
- ITEM 376
There is no item 376
- ITEM 377
18-E-0130 JOINT UTILITIES - The Commission decided to authorize, on a permanent basis, the tariff amendments filed in compliance with the September 17, 2020 Order Establishing Term-Dynamic Load Management and Auto-Dynamic Load Management Program Procurements and Associated Cost Recovery.

- ITEM 378
23-E-0185
Commissioner John B. Maggiore, abstaining
NEW YORK TRANSCO LLC AND ORANGE AND
ROCKLAND UTILITIES, INC. - The Commission
decided to authorize the transfer from New York
Transco LLC to Orange and Rockland Utilities, Inc.
certain interconnection facilities.
- ITEM 379
23-E-0390
Commissioner John B. Maggiore, abstaining
NEW YORK TRANSCO LLC - The Commission
decided to authorize New York Transco LLC to enter
into certain financing arrangements, pursuant to
Public Service Law §69.
- ITEM 380
23-E-0153
495 11TH AVENUE OWNER REALTY LLC - The
Commission decided to grant authority to 495 11th
Avenue Owner Realty LLC to submeter electricity and
waive the requirement of an energy audit pursuant to
16 NYCRR §96.5(k)(3) at 495 11th Avenue, New
York, located in the territory of Consolidated Edison
Company of New York, Inc.
- ITEM 381
23-E-0228
WAVECREST MANAGEMENT - The Commission
decided to grant the Complainant's appeal in part,
modify the decision of the Informal Hearing Officer in
part, and deny the Complainant's appeal in part.
- ITEM 382
22-E-0236
Commissioner Diane X. Burman, concurring
JOINT UTILITIES - The Commission decided to
approve, with modifications, the Joint Utilities'
proposed Demand Charge Rebate Programs,
Commercial Managed Charging Programs,
termination of the Per-Plug Incentive program, and
data reporting requirements.
- ITEM 383
23-E-0100
VALENTINE AVE. LLC - The Commission decided to
grant authority to Valentine Ave. LLC to submeter
electricity at 2829 Valentine Avenue, Bronx, located in
the territory of Consolidated Edison Company of New
York, Inc.

ITEM 384
 23-E-0299 JAMESTOWN BOARD OF PUBLIC UTILITIES - The Commission decided to authorize the Jamestown Board of Public Utilities to reinstate a funding mechanism for the dismantling fund.

ITEM 385
 15-E-0302 &
 18-E-0071 Commissioner Diane X. Burman, concurring
 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - The Commission decided to approve in part and deny in part the petition of the New York State Energy Research and Development Authority to adjust the Reference Capacity Price formulas in index renewable energy certificate and offshore wind renewable energy certificate purchase and sales agreements.

Communications

ITEM 561
 23-C-0198 VERIZON NEW YORK INC. – Third Quarter 2023 Service Quality Report (No Commission Action is Required).

ITEM 562
 23-C-0448 EDGE FIBERNET INC. - The Commission decided to approve EDGE FiberNet Inc.'s petition for designation as an Eligible Telecommunications Carrier.

Cable

ITEM 661
 23-V-0541 VERIZON NEW YORK, INC. - The Commission decided to approve Verizon New York Inc.'s petition for an Order of Entry to 170 Norfolk Street, Manhattan.

ITEM 662

- 23-V-0482 CABLEVISION SYSTEMS LONG ISLAND CORPORATION / TOWN OF OYSTER BAY, NASSAU COUNTY
- 23-V-0524 SPECTRUM NORTHEAST, LLC / TOWN OF COLDEN, ERIE COUNTY
- 23-V-0531 SPECTRUM NORTHEAST, LLC / TOWN OF FALLSBURG, SULLIVAN COUNTY
- 23-V-0546 SPECTRUM NORTHEAST, LLC / CITY OF NORTH TONAWANDA, NIAGARA COUNTY

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