



For Immediate Release: 11/15/2023

Rory M. Christian, Chair

Contact:

James Denn | James.Denn@dps.ny.gov | (518) 474-7080

<https://dps.ny.gov>

<https://twitter.com/NYS DPS>

23115

COMMISSION ISSUES FINAL NOVEMBER 16, 2023 AGENDA

NEW YORK, NY – The Public Service Commission announced today that it will hold its next regular session beginning at **10:30 A.M.**, on **Thursday, November 16, 2023**. The session will be held in the Commission’s offices located at 90 Church Street, 4th Floor Boardroom, New York, New York, and Three Empire State Plaza, 19th Floor, Albany, New York.

MEETING WILL BE BROADCAST ON THE INTERNET AT:

<https://dps.ny.gov/event/november-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-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.
202	22-M-0314	Proceeding to Review Utilities' Diversity, Equity, and Inclusion Practices.
POWER		
301	18-E-0138	Proceeding on Motion of the Commission Regarding Electric Vehicle Supply Equipment and Infrastructure.

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-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 CORP. 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.
- 23-G-0573 A.J. CONTRACTING OF NY LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
- 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-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
- 162 22-G-0158 SARAH DAVIS - 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 Hearing Decision Rendered in Favor of Consolidated Edison Company of New York, Inc. (162994).
- 163 23-G-0309 ALBERT REALTY CORP. - 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. (167696).
- 164 23-G-0222 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Petition for a Declaratory Ruling Regarding the Transfer of Facilities or, in the Alternative, Approval of the Transfer Pursuant to Section 70 of the New York Public Service Law.
- 165 23-G-0342 THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY - Verified Petition for Approval, Pursuant to New York State Public Service Law Section 70, for the Transfer of Certain Property Located at 2731 West 12th Street, Brooklyn, New York to Prologis, L.P.
- 166 23-G-0378 NATIONAL FUEL GAS DISTRIBUTION CORPORATION - Petition for Authority to Issue Promissory Notes.

GENERAL

- 261 22-M-0552 THE PANDERING PIG RESTAURANT, INC. - 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. (011381 and 973100).
- 262 23-M-0554 ASTRAL ENERGY LLC - In the Matter of Notice of Apparent Violation.
- 263 23-M-0287 MPOWER ENERGY LLC - In the Matter of Notice of Apparent Violation.
- 264 22-E-0064 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service. (AARP Petition for Rehearing)
- 22-G-0065 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. (AARP Petition for Rehearing)
- 265 22-E-0064 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Electric Service. (Compliance Tariff Filings)
- 22-G-0065 CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations for Gas Service. (Compliance Tariff Filings)
- 266 23-M-0337 PEARL RIVER CAMPUS, LLC - Petition for a Declaratory Ruling that its Ownership and Operation of its Cogeneration Facility is not Regulated Under the New York Public Service Law and for an Order Providing for its Incidental Regulation as a Water-Works Corporation Pursuant to New York Public Service Law Section 89-c.
- 267 18-M-0013 In the Matter of a Focused Operations Audit to Investigate the Income Tax Accounting of Certain New York State Utilities.
- 268 23-M-0461 In the Matter of Rules and Regulations of the Public Service Commission, Contained in 16 NYCRR, Prescribing Interest Rates Applicable to Customer Deposits for 2024.
- 269 23-M-0286 CENTRAL HUDSON GAS & ELECTRIC CORPORATION - Petition for Approval to Enter into Multi-Year Committed Credit Agreements, and Approval to Issue and Sell Long-Term Debt Securities, from January 1, 2024 through December 31, 2026.

POWER

- 361 22-E-0700 MATTHEW SIEGEL - 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. (214017)

- 362 22-E-0656 JON SYLLMAN - 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. (973258).
- 363 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).
- 364 22-E-0649 311 WEST 42ND STREET ASSOCIATES LLC - Notice of Intent to Submeter Electricity at 312 West 43rd Street, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 365 23-E-0108 312 CONEY ISLAND AVE, LLC - Petition to Submeter Electricity at 312 Coney Island Avenue, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 366 23-E-0312 AMERICAN LION, LLC - Notice of Intent to Submeter Electricity at 27-01 Jackson Avenue, Long Island City, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 367 23-E-0137 TESLA, INC. - Petition for Approval of Meter Accessory Tesla Backup Switch.
- 368 23-E-0048 DRIGGS PARTNERS LLC - Petition to Submeter Electricity at 510 Driggs Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 369 22-E-0668 PENNSYLVANIA ELECTRIC COMPANY - Minor Rate Filing to Increase its Annual Revenues by About \$300,000 or 3.49 Percent.
- 370 23-E-0207 EMPIRE STATE DAIRY LLC - Notice of Intent to Submeter Electricity at 2840 Atlantic Avenue, Brooklyn, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 371 15-E-0302 Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard. (Compliance Tariff Filings)
- 15-E-0751 In the Matter of the Value of Distributed Energy Resources. (Compliance Tariff Filings)
- 22-E-0549 In the Matter of the Federal Energy Regulatory Commission (FERC) Order Nos. 2222 and 841, to Modify Rules Related to Distributed Energy Resources. (Compliance Tariff Filings)
- 372 23-E-0491 76 LOCUST HILL, L.P. C/O WESTHAB, INC. - Petition for a Declaratory Ruling Concerning Whether Use of the LG Multi V Heat Pump System Would Constitute Electric Submetering and Require Approval Pursuant to Part 96.

- 373 23-E-0118 PENNSYLVANIA ELECTRIC COMPANY - Petition for Authorizing the Proposed Intra-Corporate Merger Pursuant to Section 70 of the New York Public Service Law.
- 374 22-E-0603 NEW YORK TRANSCO LLC and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - Joint Petition for Approval to Transfer Certain Interconnection Facilities, Pursuant to Section 70 of the New York Public Service Law.
- 375 18-F-0087 FLINT MINE SOLAR LLC - Application for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Solar Electric Generating Facility Located in the Towns of Coxsackie and Athens, Greene County.
- 376 There is no Item No. 376.
- 377 18-E-0130 In the Matter of Energy Storage Deployment Program. (Compliance Tariff Filings)
- 378 23-E-0185 NEW YORK TRANSCO LLC and ORANGE AND ROCKLAND UTILITIES, INC. - Joint Petition for Approval to Transfer Certain Interconnection Facilities, Pursuant to Section 70 of the New York Public Service Law, with an Original Cost of Over \$100,000.
- 379 23-E-0390 NEW YORK TRANSCO LLC - Petition for an Order Approving Financing Pursuant to Section 69 of the Public Service Law and Lightened Regulation.
- 380 23-E-0153 495 11TH AVENUE OWNER REALTY LLC - Notice of Intent to Submeter Electricity at 495 11th Avenue, New York, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 381 23-E-0228 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. (019790).
- 382 22-E-0236 Proceeding to Establish Alternatives to Traditional Demand-Based Rate Structures for Commercial Electric Vehicle Charging.
- 383 23-E-0100 VALENTINE AVE. LLC - Petition to Submeter Electricity at 2829 Valentine Avenue, Bronx, Located in the Territory of Consolidated Edison Company of New York, Inc.
- 384 23-E-0299 JAMESTOWN BOARD OF PUBLIC UTILITIES - Petition for Approval to Reinstate a Dismantling Fund.
- 385 15-E-0302 Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program and a Clean Energy Standard. (NYSERDA Petition)
- 18-E-0071 In the Matter of Offshore Wind Energy. (NYSERDA Petition)

COMMUNICATIONS

- 561 23-C-0198 In the Matter of Quality of Service Provided by Local Exchange Companies in New York State.
- 562 23-C-0448 EDGE FIBERNET INC. - Petition for Designation as an Eligible Telecommunications Carrier.

CABLE

- 661 23-V-0541 VERIZON NEW YORK, INC. - Petition for an Order of Entry for 170 Norfolk Street, Manhattan.
- 662 Petitions for Cable Franchise Renewals.
- 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

No items will be considered on the Consent Agenda for WATER.

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, December 14, 2023,** in Albany, New York.