

## Consent Agenda Report for 6/20/2024

The following is a preliminary and informal summary of actions the Commission took at its public session on June 20, 2024. 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>
24-G-0082	Commissioner James S. Alesi, recusing TEAM FSI / ROCHESTER GAS AND ELECTRIC CORPORATION
24-G-0273	GILBANE BUILDING COMPANY / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
24-G-0274	STONE WORK LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0275	ADM GARDENING LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0276	SAPOL CONSTRUCTION L.L.C. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
24-G-0277	BUILDERS JOSEPH AND SONS LLC / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
24-G-0281	ADAM'S EUROPEAN CONTRACTING INC. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
24-G-0282	AZCONA MASONRY INC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
24-G-0283	L & L CONSTRUCTION DEVELOPMENT INC. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0284	BUILDERS JOSEPH AND SONS LLC / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY
24-G-0285	MOUNTAIN VIEW PROPERTY MANAGEMENT, LLC / NEW YORK STATE ELECTRIC & GAS CORPORATION
24-G-0286	SCOTT LAWN YARD, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
24-G-0287	JFM RELIABLE CONTRACTING, INC. / ORANGE AND ROCKLAND UTILITIES, INC.
24-G-0288	J.A. LAND DEVELOPMENT INC. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

ITEM 161-A CONT'D

24-G-0289 PILON CONSTRUCTION COMPANY, INC. / NEW YORK STATE ELECTRIC & GAS CORPORATION

The Commission decided to determine a \$10,000 penalty in Case 24-G-0284, and determine a \$2,500 penalty in Cases 24-G-0082, 24-G-0273, 24-G-0274, 24-G-0275, 24-G-0276, 24-G-0277, 24-G-0281, 24-G-0282, 24-G-0283, 24-G-0285, 24-G-0286, 24-G-0287, 24-G-0288, and 24-G-0289.

ITEM 161-B

In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Consent Orders)

24-G-0267 HENNESSEY TRUCKING & EXCAVATING LLC / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

24-G-0268 DEL SIGNORE BLACKTOP PAVING INC. / CENTRAL HUDSON GAS & ELECTRIC CORPORATION

24-G-0269 A-TECH CONCRETE COMPANY, INC. / ORANGE AND ROCKLAND UTILITIES, INC.

24-G-0270 ALL ISLAND EXCAVATING CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

24-G-0271 JR CRUZ CORP. / THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

24-G-0272 CARVER COMPANIES, INC. D/B/A CARVER COMPANIES, ALTAMONT / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID

The Commission decided to adopt the terms of the consent order agreement in Cases 24-G-0267, 24-G-0268, 24-G-0269, 24-G-0270, 24-G-0271, and 24-G-0272.

ITEM 162

24-G-0170 Appeal of Informal Hearing Decision  
WFHA 1520 SEDGWICK LP - The Commission decided to deny the Complainant's appeal.

- ITEM 163                      23-G-0378                      NATIONAL FUEL GAS DISTRIBUTION CORPORATION - The Commission decided to approve National Fuel Gas Distribution Corporation’s request to amortize any upfront issuance costs associated with the existing debt over the life of the existing debt while amortizing any costs associated with the early redemption of the existing debt over the life of the new debt instrument and granted the Company's request to use the same accounting treatment for all debts regardless of whether they are redeemed within 12 months of maturity. The Commission also authorized the Company to optionally refinance debt that is due to mature in more than one year.
- ITEM 164                      24-G-0148                      CORNING NATURAL GAS CORPORATION - The Commission decided to authorize Corning Natural Gas Corporation to issue up to \$50 million of long-term debt in order to refinance all of its existing long-term debt on more favorable terms and modify Corning's ring-fencing measure to the extent necessary to allow the transaction. In the alternative, Corning is authorized to issue up to \$31,611,825 million of long-term debt in one or more transactions through December 31, 2028.
- ITEM 261                      23-E-0418 & 23-G-0419                      **General**  
Commissioner Denise M. Sheehan, recusing CENTRAL HUDSON GAS & ELECTRIC CORPORATION - The Commission decided to approve an extension to the maximum suspension period through July 31, 2024, subject to a make-whole provision.
- ITEM 262                      24-M-0175                      RELIEF ENERGY LLC - The Commission decided to order Relief Energy LLC to show cause within 30 days why its authorization to act as an ESCO should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices Section 2.D.6.b, should not be imposed.

ITEM 263  
 22-M-0313 The Commission decided to authorize the release of the 2024 Report on the Availability and Cost of High-Speed Broadband Services in New York State.

**Power**

ITEM 361  
 There is no Item 361

ITEM 362  
 24-E-0174 CLEAR GREEN ENERGY LLC - The Commission decided to order Clear Green Energy LLC to show cause within 30 days why its authorization to act as an ESCO should not be revoked, or why other consequences, as set forth in the Commission's Uniform Business Practices Section 2.D.6.b, should not be imposed.

ITEM 363  
 24-T-0120 NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to grant the applicant's motion for waiver of certain regulatory requirements.

ITEM 364  
 22-T-0547 ANBARIC DEVELOPMENT PARTNERS, LLC - The Commission decided to grant Anbaric's motion for waiver of certain regulatory requirements involving maps and aerial photographs.

ITEM 365  
 24-E-0036 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 transfer certain street lighting facilities, with an original cost over \$100,000, located within the Town of Cheektowaga, to the Town of Cheektowaga.

- ITEM 366                    24-E-0065                    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 transfer certain street lighting facilities, with an original cost over \$100,000, located within the City of Johnstown to the City of Johnstown.
- ITEM 367                    23-E-0677                    Rehearing Request Determination  
LANCE GALVIN - The Commission decided to uphold the designee's determination.
- ITEM 368                    23-E-0665                    2030 CROPSEY AVE LEASE HOLDER - The Commission decided to grant authority to 2030 Cropsey Ave Lease Holder to submeter electricity at 2230 Cropsey Avenue, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 369                    24-E-0001                    GO COVENANT LLC - The Commission decided to grant authority to GO Covenant LLC to submeter electricity at 550 10th Avenue, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 370                    24-T-0150                    NIAGARA MOHAWK POWER CORPORATION  
D/B/A NATIONAL GRID - The Commission decided to approve National Grid's petition to amend its Certificate of Environmental Compatibility and Public Need, subject to conditions.
- ITEM 371                    18-E-0138                    Commissioner Denise M. Sheehan, recusing  
The Commission decided to approve the modifications to the Electric Vehicle Managed Charging Programs operated by Niagara Mohawk Power Company d/b/a National Grid, New York State Electric and Gas Corporation, Rochester Gas and Electric Corporation, and Orange and Rockland Utilities, Inc.

- ITEM 372  
10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. - The Commission decided to approve Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holders) request for a major change to their approved Segment 4, 5, and 10 Environmental Management & Construction Plan to allow the Certificate Holders to shift the cable alignment outside the approved Deviation Zone, to relocate a horizontal directional drill entry pit, and to provide an offset from guy wires from a National Grid transmission pole.
- ITEM 373  
21-T-0366 EMPIRE OFFSHORE WIND LLC - The Commission decided to approve the Environmental Management and Construction Plan and supplemental filings submitted by Empire Offshore Wind LLC to commence construction of Part 1B of the Empire Offshore Wind 1 Interconnection Cable Project.
- ITEM 374  
16-F-0559 BLUESTONE WIND, LLC - The Commission decided to approve Bluestone Wind LLC's compliance filings 46 and 57 for the ADLS Tower Installation Phase.
- ITEM 375  
23-E-0728 PENN YAN MUNICIPAL UTILITIES BOARD - The Commission decided to authorize an increase to Penn Yan Municipal Utilities Board's annual electric base revenue by \$925,564, which is an increase of 29.27 percent of the base revenues or 20.19 percent of total revenues, and directed Penn Yan Municipal Utilities Board to file certain supporting documents with its monthly Purchased Power Adjustment statement' filings..
- ITEM 376  
21-T-0366 EMPIRE OFFSHORE WIND LLC - The Commission decided to approve the Environmental Management and Construction Plan and supplemental filings submitted by Empire Offshore Wind LLC to commence construction of Part 2A of the Empire Offshore Wind 1 Interconnection Cable Project, subject to conditions.

- ITEM 377                      24-E-0137                      Rehearing Request Determination  
DINDYAL SINGH - The Commission decided to uphold the designee's determination.
- ITEM 378                      15-E-0751                      Commissioner John B. Maggiore, concurring  
Commissioner Denise M. Sheehan, recusing  
JOINT UTILITIES - The Commission decided to direct the Joint Utilities to file tariff revisions applying the Customer Benefit Contribution (CBC) charge to Distributed Energy Resources (DER), in two ways. For DER systems placed in service prior to January 1, 2022, and expanded subsequently, only complete system replacements shall be charged the CBC on the entire project. Incremental expansions shall not be charged the CBC. DER systems placed in service on or after January 1, 2022, including any subsequent expansions, shall be charged the CBC on the entire system beginning September 1, 2024.
- ITEM 379                      24-E-0249                      EVERSOURCE INVESTMENT LLC; ORSTED  
DEVCO, LLC; ORSTED DEVCO II, LLC; AND  
SUNRISE WIND PROJECT HOLDINGS, LLC - The Commission decided to issue a declaratory ruling that proposed upstream transfers in ownership interests involving Sunrise Wind LLC do not require further review pursuant to Public Service Law §70.
- ITEM 380                      17-F-0282                      ALLE-CATT WIND ENERGY LLC - The Commission decided to approve Alle-Catt Wind Energy, LLC's compliance filings for the construction of an operation and maintenance building filing, including but not limited to Certificate Conditions 46, 49, and 56(b) and Attachment A Compliance Filings 8, 13, 17, 18, and 30(e) - (g).

- ITEM 381  
10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. - The Commission decided to amend the Certificate of Environmental Compatibility and Public Need (Certificate) issued to Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (collectively, the Certificate Holders) to amend Certificate Condition 95(a)(i) with respect to the burial depth requirement within the Maintained Federal Navigation Channel in the Hudson River (Amendment Petition) and approved the Segment 19B Environmental Management and Construction Plan for cable installation in the Hudson River.
- ITEM 382  
23-E-0692 ACLARA METERS, LLC - The Commission decided to approve Aclara Meters, LLC's petition to use the Aclara I-210+c L-Model electric meter in electric metering applications in New York State.
- ITEM 383  
23-E-0421 HECATE GRID SWIFTSURE LLC - The Commission decided to issue an order granting a Certificate of Public Convenience and Necessity (CPCN), pursuant to Public Service Law (PSL) §68, and providing for a lightened regulatory regime.
- ITEM 384  
23-E-0391 ALLE-CATT WIND ENERGY LLC - The Commission decided to issue an order granting a Certificate of Public Convenience and Necessity pursuant to Public Service Law (PSL) §68, providing for a lightened regulatory regime, and approved the requested financing under PSL §69.



**Water**

ITEM 461

23-W-0467

DOVER PLAINS WATER COMPANY - The Commission decided to authorize an increase to Dover Plains Water Company's annual revenues by \$68,696, or 51.8%, to become effective July 1, 2024; denied the implementation of an escrow account; directed the utility to file a Meter Implementation Plan and specified information for its other major capital projects by October 1, 2024; granted the utility's request for waiver of newspaper publication; and directed the utility to notify its customers of the Commission's decision in this order and file a copy of the notice by August 1, 2024.

ITEM 462

23-W-0183

DEBORA A. LAMBERT, D/B/A GREEN MEADOW PARK WATER COMPANY - The Commission decided to authorize Debora A. Lambert d/b/a Green Meadow to increase its annual revenues by \$51,326, or 154.7 percent, to become effective July 1, 2024; and to establish a replenishable escrow account for emergency and extraordinary repairs and capital improvements with a maximum balance of \$25,000, effective July 1, 2024. The Commission also decided to approve the transfer of assets from Debora A. Lambert to Christopher Lambert.

ITEM 463

24-W-0062

Appeal of Informal Hearing Decision  
 DAN MERRIMAN- The Commission decided to affirm, in part, and reverse, in part, the Informal Hearing Officer's determination.

**Communications**

ITEM 561

24-C-0172

PREPAID WIRELESS GROUP, LLC - The Commission decided to approve Prepaid Wireless Group LLC's petition for designation as an Eligible Telecommunications Carrier.

ITEM 562

23-C-0732 GC PIVOTAL LLC DBA GLOBAL CAPACITY - The Commission decided to approve certain transactions involving the merger of two intermediate holding companies within the indirect ownership structure of GC Pivotal LLC dba Global Capacity, a Competitive Local Exchange Company.

**Cable**

ITEM 661

24-V-0215 SPECTRUM NORTHEAST, LLC - The Commission decided to issue a Certificate of Confirmation for a cable television franchise agreement to provide video service between Spectrum Northeast, LLC d/b/a Charter Communications and the Town of Pinckney, Lewis County.

ITEM 662

24-V-0207 SPECTRUM NORTHEAST, LLC / VILLAGE OF ELBRIDGE, ONONDAGA COUNTY  
 24-V-0209 SPECTRUM NORTHEAST, LLC / TOWN OF CAROGA, FULTON COUNTY  
 24-V-0212 SPECTRUM NORTHEAST, LLC / TOWN OF PUTNAM, WASHINGTON COUNTY  
 24-V-0216 SPECTRUM NORTHEAST, LLC / VILLAGE OF MANLIUS, ONONDAGA COUNTY  
 24-V-0223 SPECTRUM NORTHEAST, LLC / TOWN OF DENMARK, LEWIS COUNTY  
 24-V-0247 SPECTRUM NORTHEAST, LLC / VILLAGE OF GOSHEN, ORANGE COUNTY  
 24-V-0254 CSC ACQUISITION-NY, INC. / VILLAGE OF GREENPORT, SUFFOLK COUNTY

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

ITEM 663

- 24-V-0251 SPECTRUM NEW YORK METRO, LLC / 302 EAST 96TH STREET, NEW YORK
- 24-V-0252 SPECTRUM NEW YORK METRO, LLC / 36-27 31ST STREET, QUEENS

The Commission decided to approve Spectrum New York Metro, LLC's petitions for Orders of Entry for the addresses listed above.