

## Consent Agenda Report for 7/18/2024

The following is a preliminary and informal summary of actions the Commission took at its public session on July 18, 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 (Consent Order)</u>
24-G-0346	RJ DILLABOUGH CONTRACTING / NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID
	The Commission decided to adopt the terms of a consent order agreement in Case 24-G-0346.
ITEM 161-B	<u>In the Matter of Enforcement Proceedings for Alleged Violations of 16 NYCRR Part 753: Protection of Underground Facilities (Penalty Orders)</u>
23-G-0504	ZURLA EXCAVATING, INC. / ORANGE AND ROCKLAND UTILITIES, INC.
23-G-0505	ZURLA EXCAVATING, INC. / ORANGE AND ROCKLAND UTILITIES, INC.
24-G-0333	ZURLA EXCAVATING, INC / ORANGE AND ROCKLAND UTILITIES, INC.
24-G-0334	D. REIS CONTRACTING CORP. / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0335	LG STONE WORKS INC / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
24-G-0336	SKANEATELES SCAPES, INC. / NEW YORK STATE ELECTRIC & GAS CORPORATION
24-G-0337	LANDMARK ENTERPRISES LLC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0338	A. CALVI INC / CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
24-G-0339	HERCULES BROTHERS CONSTRUCTION CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID
24-G-0340	VIELLE DEVELOPMENT AND CONSTRUCTION COMPANY, INC. / NATIONAL FUEL GAS DISTRIBUTION CORPORATION
24-G-0341	SUFFOLK PAVING CORP. / KEYSpan GAS EAST CORPORATION D/B/A NATIONAL GRID

ITEM 161-B CONT'D

- 24-G-0342 DELTA PHASE ELECTRICAL CORP. / KEYSpan  
GAS EAST CORPORATION D/B/A NATIONAL GRID
- 24-G-0343 SCHWARTZ EXCAVATING, LLC / ROCHESTER  
GAS AND ELECTRIC CORPORATION
- 24-G-0344 MSF CONSTRUCTION CORP D/B/A MENDOLA  
WATERPROOFING / THE BROOKLYN UNION GAS  
COMPANY D/B/A NATIONAL GRID NY
- 24-G-0345 LOPEZ STATE LANDSCAPING, CORP. / KEYSpan  
GAS EAST CORPORATION D/B/A NATIONAL GRID

The Commission decided to determine a \$10,000 penalty in Cases 23-G-0505, 24-G-0333, and 24-G-0339, a \$2,500 penalty in Cases 23-G-0504, 24-G-0334, 24-G-0335, 24-G-0336, 24-G-0337, 24-G-0338, 24-G-0341, 24-G-0342, 24-G-0343, 24-G-0344, and 24-G-0345, and a \$2,000 penalty in Case 24-G-0340.

ITEM 162

- 24-G-0033 NEW YORK STATE ELECTRIC & GAS  
CORPORATION - The Commission decided to  
authorize New York State Electric & Gas Corporation  
tariff filing in P.S.C. No. 90 - Gas, to extend the period  
of time used in the calculation of the loss factor for the  
lost and unaccounted for gas to a ten-year average  
instead of the current five-year average.

**General**

ITEM 261

- 23-M-0286 CENTRAL HUDSON GAS & ELECTRIC  
CORPORATION - The Commission decided to  
approve Central Hudson Gas & Electric Corporation's  
request for modification of its long-term indebtedness  
authority under Section 69 of the Public Service Law  
to include authorization to enter into derivative  
instruments such as 1-year to 3-year interest rate  
caps or similar hedging instruments for any new  
variable rate debt issued during the term of the Order  
Authorizing Issuance of Securities.

- ITEM 262                    24-M-0372                    RENEWABLE ACTION THROUGH PROJECT INTERCONNECTION AND DEPLOYMENT (RAPID) ACT - The Commission decided to confirm the One Commissioner Order by Chair Christian that approves the resolution adding a new 16 NYCRR Part 1100 of the Official Compilation of Codes, Rules and Regulations of the State of New York.
- ITEM 263                    24-M-0099                    ORANGE AND ROCKLAND UTILITIES, INC. - The Commission decided to deny the proposed tariff amendments and direct Orange and Rockland Utilities, Inc. to file cancellation supplements to cancel the proposed amendments.
- ITEM 264                    22-M-0101                    The Commission decided to adopt the modifications to its current pole attachment rules, including more concrete time frames to facilitate resolution of pole attachment disputes; the creation of a working group of relevant and interested stakeholders to meet regularly and facilitate the discussion and resolution of issues relating to pole attachments; to require pole owners to file annual reports detailing third-party attachments; to require consideration of alternative pole attachment methods; to adopt a new pole attachment process that includes "One Touch Make Ready" for simple attachments in the communications space provided it is not precluded by collective bargaining; and to require post-construction inspections.
- ITEM 265                    23-M-0106,                    Commissioner John B. Maggiore, recusing  
15-M-0180 &                    FAMILY ENERGY, INC. - The Commission decided to  
98-M-1343                    deny the petition for rehearing, reconsideration and/or  
clarification.

- ITEM 266  
24-M-0365 YSG SOLAR INSTALLERS, LLC - The Commission decided to order YSG Solar Installers, LLC to show cause within 30 days why its eligibility 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 Sections 2F.C.2.h and 3A.B.3, should not be imposed.
- ITEM 267  
24-M-0184 NEW YORK STATE ELECTRIC & GAS CORPORATION - The Commission decided to grant New York State Electric & Gas Corporation authority, through December 31, 2026, to issue and sell up to \$1.975 billion of new securities, to issue debt pursuant to rule 144A (unregistered public offering) or rule 4(a)(2) (private placement offering), and to defer and amortize the costs and expenses of the new securities over the life of the new securities and enter into derivative instruments to manage interest rate risk and other financial exposure.
- ITEM 268  
22-M-0429 The Commission decided to adopt initial Utility Thermal Energy Network rules as identified in the Staff White Paper, issued February 20, 2024, with modifications.
- Power**
- ITEM 361  
23-E-0722 BROOK NY RESIDENTIAL LLC - The Commission decided to grant authority to Brook NY Residential LLC to submeter electricity at 589 Fulton Street, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.

- ITEM 362  
24-E-0295 LONG ISLAND SOLAR SOLUTIONS - The Commission decided to order Long Island Solar Solutions 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 2.F.C, should not be imposed.
- ITEM 363  
23-E-0489 DUPONT STREET OWNER 2 LLC - The Commission decided to grant authority to Dupont Street Owner 2 LLC to submeter electricity at 75 Dupont Street, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 364  
24-E-0298 SOLTEC AMERICA LLC - The Commission decided to order Soltec America 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 2.F.C, should not be imposed.
- ITEM 365  
23-E-0673 FULTON PROPERTY OWNER LLC - The Commission decided to grant authority to Fulton Property Owner LLC to submeter electricity at 1215 Fulton Street, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 366  
24-E-0299 Y ENERGY SERVICES, LLC - The Commission decided to order Y Energy Services, LLC to show cause, within 30 days, why its authorization to act as a Distributed Energy Resource (DER) Provider should not be revoked or why other consequences, as set forth in the Commission's Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS) Section 2.F.C, should not be imposed.

- ITEM 367  
24-E-0296  
MONOLITH SOLAR ASSOCIATES, LLC - The Commission decided to order Monolith Solar Associates, 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 2.F.C, should not be imposed.
- ITEM 368  
24-T-0113  
LONG ISLAND LIGHTING COMPANY D/B/A LONG ISLAND POWER AUTHORITY - The Commission decided to grant the Applicant's motion for waiver of certain regulatory requirements involving maps, aerial photographs, and NYISO-related studies.
- ITEM 369  
24-E-0297  
PREMIER SOLAR SOLUTIONS, LLC - The Commission decided to order Premier Solar Solutions 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 2.F.C, should not be imposed.
- ITEM 370  
15-E-0302  
Commissioner Denise M. Sheehan, recusing  
NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY - The Commission decided to adopt the proposed Phase 6 Implementation Plan regarding the rolling backstop collection process.
- ITEM 371  
23-E-0549  
PACIFIC HICKS OWNER 1 LLC - The Commission decided to grant authority to Pacific Hicks Owner 1 LLC to submeter electricity at 350 Hicks Street, Brooklyn, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 372  
There is no Item 372

- ITEM 373  
23-E-0535 644 EAST 14TH STREET OWNER LLC - The Commission decided to grant authority to 644 East 14th Street Owner LLC to submeter electricity at 644 East 14th Street, New York, located in the territory of Consolidated Edison Company of New York, Inc.
- ITEM 374  
24-E-0213 EAST RIVER ESS, LLC - The Commission decided to grant East River ESS, LLC flexible construction financing pursuant to Public Service Law §69.
- ITEM 375  
10-T-0139 CHAMPLAIN HUDSON POWER EXPRESS, INC. - The Commission decided to approve the request for a major change to the approved Segments 8 and 9 Environmental Management & Construction Plan.
- ITEM 376  
23-E-0730 Commissioner Denise M. Sheehan, recusing NIAGARA MOHAWK POWER CORPORATION D/B/A NATIONAL GRID - The Commission decided to deny the petition by Niagara Mohawk Power Corporation d/b/a National Grid for a declaratory and limited relief regarding the Standardized Interconnection Requirements and Application Process for New Distributed Generators and/or Energy Storage Systems 5 MW or Less Connected in Parallel with Utility Distribution Systems.
- ITEM 377  
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 2B, subject to conditions.
- ITEM 378  
24-E-0106 HOLTEC INDIAN POINT 2, LLC; HOLTEC INDIAN POINT 3, LLC; and CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. - The Commission decided to approve the transfer of certain interconnection equipment from Holtec Indian Point 2, LLC and Holtec Indian Point 3, LLC to Consolidated Edison Company of New York, Inc., pursuant to Public Service Law §70(1).

ITEM 379

There is no Item 379

ITEM 380

24-E-0227

Appeal of Informal Hearing Decision

CHARLES ANDERSEN - The Commission decided to modify the Informal Hearing Officer's determination to require New York State Electric & Gas Corporation to test Complainant's demand meter to determine whether it is functioning within the limits established in the Part 92 Operating Manual.

Water

ITEM 461

23-W-0235

LIBERTY UTILITIES (NEW YORK WATER) CORPORATION - The Commission decided to extend the maximum suspension period through September 30, 2024, subject to a make-whole provision.

ITEM 462

23-W-0599 &  
23-W-0600

WINDEMERE HIGHLANDS, INC. and ROLLING MEADOWS WATER CORPORATION - The Commission decided to authorize an increase to Windemere Highlands, Inc.'s annual revenues by \$22,984, or 36.7%, and Rolling Meadows Water Corporation's annual revenues by \$128,281 or 22.5%, both effective August 1, 2024, and to direct both companies to file updated customer-facing materials that includes the Department's complaint procedures and a cost estimate for a study on how to reduce non-revenue water. The Commission further directs Rolling Meadows Water Corporation to file the annual notification of rights as required by 16 NYCRR 14.16; file revised tariff leaves to exclude terminations of customers for non-access; and file updated Purchased Water Surcharge Statement No. 1 to be applicable to all customers.



**Communications**

- ITEM 561  
 24-C-0243 AMERICAN BROADBAND AND TELECOMMUNICATIONS COMPANY LLC - The Commission decided to approve American Broadband and Telecommunications Company LLC's petition for designation as an Eligible Telecommunications Carrier.
- ITEM 562  
 24-C-0147 IRU NETWORKS, LLC AND USA DIGITAL COMMUNICATIONS, INC. - The Commission decided to approve the transaction, on a prospective basis only, whereby 100% of the ownership and control of IRU Networks, LLC is transferred to USA Digital Communications, Inc. pursuant to Public Service Law §99 and 100.
- ITEM 563  
 24-C-0149 CINCINNATI BELL EXTENDED TERRITORIES LLC D/B/A ALTA FIBER CONNECTED SERVICES AND CBTS TECHNOLOGY SOLUTIONS LLC - The Commission decided to approve, on a prospective basis only, a transfer of indirect control of competitive telecommunications providers.

**Cable**

- ITEM 661  
 24-V-0306 SPECTRUM NEW YORK METRO, LLC / 150 EAST 34TH STREET, NEW YORK, NEW YORK  
 24-V-0307 SPECTRUM NEW YORK METRO, LLC / 144-38 35TH AVENUE, QUEENS, NEW YORK
- The Commission decided to approve Spectrum New York Metro, LLC's petitions for Orders of Entry for the addresses listed above.

ITEM 662

- 24-V-0231 HEART OF THE CATSKILLS COMMUNICATIONS, INC. D/B/A MTC CABLE / TOWN OF ROXBURY, DELAWARE COUNTY
- 24-V-0304 CABLEVISION OF ROCKLAND/RAMAPO, LLC / TOWN OF TUXEDO, ORANGE COUNTY
- 24-V-0310 SPECTRUM NORTHEAST, LLC / TOWN OF CHERRY CREEK, CHAUTAUQUA COUNTY
- 24-V-0313 SPECTRUM NORTHEAST, LLC / TOWN OF GATES, MONROE COUNTY
- 24-V-0319 SPECTRUM NORTHEAST, LLC / TOWN OF CROGHAN, LEWIS COUNTY

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