



Kara J. Krueger, Esq.  
Counsel  
NY Regulatory

November 16, 2016

**VIA ELECTRONIC FILING**

Honorable Kathleen H. Burgess, Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

**RE: Case 15-E-0560 – Complaint of Glenwyck Development, LLC Against  
Niagara Mohawk Power Corporation d/b/a National Grid Concerning  
Underground Residential Distribution Provisions Contained in Rule 16 of  
PSC Tariff No. 220.**

Dear Secretary Burgess:

The attached leaves, issued by Niagara Mohawk Power Corporation d/b/a National Grid (“the Company”), are being transmitted for filing in compliance with the Order of the Public Service Commission (“Commission”), dated October 17, 2016 in Case 15-E-0560 (the “Order”).

Second Revised Leaf No. 98  
Seventh Revised Leaf No. 99  
Tenth Revised Leaf No. 100  
Statement of Underground Residential Contribution Applicable  
To Rule 16 (“URD Statement”)

To P.S.C. No. 220 Electricity (the “Tariff”)

Effective: December 16, 2016

The purpose of this filing is to comply with the above Order, which directed the Company to revise its tariff, PSC No. 220 – Electricity (the “Tariff”), to comply with the requirements of Public Service Law §31(4) and Part 98 of the Commission’s regulations (16 NYCRR). During its review of affected Tariff rules, the Company identified three additional housekeeping revisions for which it is seeking approval. Attachment 1 included with this filing contains redlined leaves to show where the changes have occurred. A detailed explanation of all proposed revisions is provided below.

**Revisions in Accordance with the Order**

The Order directed the Company to fully reimburse developers for certain trench work performed for installation of underground residential distribution (“URD”). The Order’s discussion is limited to the reimbursement provided for trench work related to the “first 100 feet of services lines”<sup>1</sup> as set forth 16 NYCRR 98.2(e) and Tariff Rule 16.4.1.1. The Order does not, however, discuss or require reimbursement for developer trench work performed for footage outside of the required allowance. Under 16 NYCRR § 98.3(a) and Tariff Rule 16.4.3,

---

<sup>1</sup> Order, at 2.

developers are required to pay the costs of the footage required in excess of the allowance, inclusive of trench work. In a Company-dig situation, the cost of trenching related to the excess footage would be charged to the developers in its non-refundable contribution. However, in situations where the Company is not performing the trench work, the developer is not charged for that work in its non-refundable contribution. Rather, the non-refundable contribution for the excess footage only includes the cable and installation costs. This ensures that the developer appropriately bears the costs associated with the excess footage. Therefore, the Company proposes adding the clarifying language to Rules 16.4.3 and 16.4.4.1 to explicitly make clear that developers will not be charged or reimbursed for trench work performed outside of the 100 foot allowance. An illustrative example is provided as Attachment 2.

The URD Statement has also been revised consistent with the Order and the Company's proposed Tariff revisions. The URD Statement revisions remove any components related to proration and provides a per foot trench rate, which represents the Company's cost to perform trenching. For the trench reimbursement provided to developers, the trench rate will be multiplied by the allowed footage to determine the reimbursement amount owed if a developer elects to excavate the trench. With respect to the deposit collected, the trench rate will be added to the single phase distribution rate based on the electric share to determine the deposit and contribution. If the developer fills all lots within the five year energization period, the deposit will be fully refunded.

#### **Housekeeping Revisions**

Tariff Leaves 98 and 99 contain the headings "Outside a Subdivision" and "Within a Subdivision." The heading placement appears to indicate that the rules noted below the heading only apply within or outside of a subdivision; however, that is not the case. The corresponding rules on Leaves 98-99 apply to all URDs regardless of the location of installation, except as specifically noted within Rule 16.4.1.3. Therefore, the Company proposes to remove the headings as the distinction is erroneous and potentially serves to confuse developers as to the applicability of certain Tariff rules. Further, there is an extra period in Rule 16.4.1.1 that should be deleted as a typographical error.

The Company respectfully requests waiver of newspaper publication requirements of Public Service Law § 66(12)(b) and 16 NYCRR 720.8 for these revisions. The Company will submit a plan to reimburse all other applicants for service affected by the prorating of trenching reimbursement costs within thirty (30) days of this filing as directed by the Order.

A copy of this filing has also been filed in the Commission's electric tariff filing system. Please contact me if you have any questions regarding this filing. Thank you for your attention to this matter.

Respectfully Submitted,

/s/ Kara J. Krueger

Kara J. Krueger

Enc.

cc: Active Parties in Case 15-E-0560 (via DMM)

**EXAMPLE**

- 1-Phase Wire Price = \$20.00 per foot
- Trench Price = \$16.00 per foot
- 1200' Total Trench Feet Required (200' of excess trench footage)
- Four (4) Utilities in the Trench

Deposit						
Electric	1-Phase Wire	1000'	x	\$20.00	=	\$20,000
	Electric trench	1000'	x	\$16.00 ÷ 4	=	\$4,000
	Total Refundable Electric Deposit*					<b>\$24,000</b>

Non-Refundable Contribution						
Electric	1-phase wire	200'	x	\$20.00	=	\$4,000
	Total Non-Refundable Contribution					<b>\$4,000</b>

Trench Reimbursement to Developer				
1000'	X	\$16.00	=	<b>\$16,000</b>

\*If all the lots take service within five (5) years after energization, the developer will be fully refunded the deposit amount of \$24,000.00.