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Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

March 18, 2015

Stanley W. Widger, Jr. Esq.

Nixon Peabody LLP

1300 Clinton Square

Rochester, NY 14604-1792

swidger@nixonpeabody.com

Re: Case 15-G-0098 - Petition of Leatherstocking Gas Company, LLC, for a Certificate of Public Convenience and Necessity and for Approval of, and Permission to Exercise, a New Gas Franchise and to Construct Gas Plant as Necessary in the Town of Windsor, Broome County.

Case 15-G-0099 - Petition of Leatherstocking Gas Company, LLC, for a Certificate of Public Convenience and Necessity and for Approval of, and Permission to Exercise, a New Gas Franchise and to Construct Gas Plant as Necessary in the Village of Windsor, Broome County.

Dear Mr. Widger:

In accordance with 16 NYCRR §21.1(h), please be advised of the following deficiencies in the petitions referenced above. The petitions must contain or be accompanied by:

A certified copy of the certificate of incorporation of every corporation directly interested in presenting the petition, together with a certified copy of each amendment to such certificate;¹

The information required by §68(1) of the Public Service Law and applicable Commission regulations and must set forth in detail that the petitions comply with such requirements;²

Pertinent books, papers, and documents;³

¹ 16 NYCRR §17.2. The petitioner must provide the certificates of incorporation and certificate amendments of its parents and affiliates.

² 16 NYCRR §17.3

Evidence of the manner in which the project cost is to be financed;⁴

The rates to be charged for the classes of service rendered and proof of the petitioner's ability to provide just and reasonable rates;⁵

An estimate made from an actual survey of the Town and Village of the number of prospective customers at the end of the first, second and third years of service, showing for each date the number of prospective customers in the residential, commercial and industrial classes of service;⁶

Evidence of the economic feasibility of the petitioner and of the enterprise;⁷

Proof of the petitioner's ability to finance the gas plant to be constructed;⁸

Proof of the petitioner's ability to render safe, adequate and reliable service;⁹ and

Proof that the Certificate of Public Convenience and Necessity should be granted because the petitioner's proposal is in the public interest.¹⁰

³ 16 NYCRR §17.5. The petitioner must provide financial statements; audited financial statements are preferable.

⁴ 16 NYCRR §21.3(c). The petitioner must provide documents such as bank guarantees, certified documents from the municipalities concerning financial backing, etc.

⁵ PSL §68(1) and 16 NYCRR §21.3(d)

⁶ 16 NYCRR §21.3(e). The petitioner must provide the customer survey and all back-up information and work papers.

⁷ PSL §68(1) and 16 NYCRR §21.3(f). The petitioner must provide any contracts or letter of commitment with Millennium Pipeline Company and documentation that the petitioner has both the pipeline capacity and storage capacity necessary to service its prospective load.

⁸ PSL §68(1) and 16 NYCRR §21.3(f). The petitioner must provide documents demonstrating that it will be able to finance the gas plant to be constructed.

⁹ PSL §68(1) and 16 NYCRR §21.3(f). The petitioner must explain whether it plans to perform normal operation and maintenance functions by hiring contractors, hiring local personnel as employees, or using employees of affiliates. It must also explain what personnel will be responsible to respond to emergency situations.

¹⁰ PSL §68(1) and 16 NYCRR §21.3(f). The franchises recite that one of the conditions mutually agreed upon by the petitioner and municipalities is that the petitioner "shall provide gas service piping and a meter and regulator to all properties within the [Municipalities] within 10 years of the execution of this franchise, provided that it is economically viable and in accordance with NYSPSC main and service extension rules, unless the property owner refuses to sign a commitment letter with the Company." The petitioner must explain any circumstances under which it would have to obtain and exercise the power of eminent domain in order to carry out this obligation, and how it would obtain such power.

Cases 15-G-0098 and 15-G-0099

Please feel free to contact me by telephone at (518) 474-6955 or by e-mail at steven.blow@dps.ny.gov or Andrea Cerbin by telephone at (518) 408-1441 or by e-mail at andrea.cerbin@dps.ny.gov.

Very truly yours,

Steven Blow
Assistant Counsel