

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

In the Matter of the Minor Rate Filing by the
Incorporated Village of Freeport to Increase Its Annual
Revenues by about \$7,131,260 or 18.79 Percent.

Case 25-E-0724

**PETITION FOR CLARIFICATION
OF THE
INCORPORATED VILLAGE OF FREEPORT**

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Dated: August 28, 2026
Freeport, New York

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

PETITION FOR CLARIFICATION

I. PRELIMINARY STATEMENT

1. The Incorporated Village of Freeport (the “Village” or “Freeport”), by its Superintendent of Electric Utilities, respectfully petitions the Public Service Commission (the “Commission”) for clarification of the *Order Determining Revenue Requirement and Rate Design* issued and effective August 14, 2026 in this proceeding (the “Order”).

2. The Village’s rate filing included two proposed tariff changes that the Order does not address. The first is a new Section XIV of P.S.C. No. 9 — Electricity establishing Pole Attachment Rental Rates at the proxy rate the Commission authorized for municipal electric utilities in Case 22-E-0435, filed as Original Leaf No. 56.3. The second is an increase in the monthly Facilities Charge under Service Classification No. 3 — Outdoor Area Lighting, which appears on Leaf No. 62 and has stood at \$9.68 since 2014. Neither proposal is discussed anywhere in the body of the Order, and neither appears in Appendix C. Appendix A to the Order directs the cancellation of Original Leaf No. 56.3 together with every other tariff amendment pending in this case.

3. Because the Order contains no discussion of either proposal and no determination as to either, the Village is unable to tell whether Ordering Clause 1 was intended to deny them or whether they were simply not addressed. The Village therefore seeks clarification, and asks the Commission to (a) clarify that the Order does not resolve either proposal on its merits and that the cancellation directed by Ordering Clause 1 was not a denial of either; (b) authorize the Village to file the tariff leaves attached as Appendices A through D, following such notice and

opportunity for comment as the Commission directs; and (c) waive the newspaper publication requirement of Public Service Law § 66(12)(b) and 16 NYCRR § 720-8.1 as to those leaves, the Village having committed to give direct written notice to every affected customer and attacher.

II. BACKGROUND

A. The Village's rate filing

4. On November 24 and 25, 2025, the Village filed proposed amendments to P.S.C. No. 9 — Electricity to increase its annual revenues, and amended that filing on April 2, 2026. Two of the proposed amendments are the subject of this Petition.

5. Pole attachment rental rates. Original Leaf No. 56.3 would add a new Section XIV to the tariff. Under it, the Village provides rental space on its wholly owned and jointly owned poles to cable television and competitive local exchange carrier companies operating in its service area, under a contract between the Village and each such company. The rental rate is \$16.75 per year for each wire attachment, and, for wireless equipment, \$16.75 per year for each foot of pole occupied — the occupied space being measured as the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot, and excluding conduits, risers and electrical meters. The leaf also preserves the Village's ability to file a new pole attachment charge periodically, to become effective on ninety days' notice and subject to Commission approval. The Village has one existing attacher, to which it gave direct written notice of the proposed Section XIV in February 2026. No party opposed the proposal at any point in this proceeding.

6. The \$16.75 rate is not a rate of the Village's own devising. It is the annual pole attachment proxy rate the Commission authorized for municipally owned electric utilities by its order issued November 18, 2022 in Case 22-E-0435, *Tariff Filing by the New York Municipal*

Power Agency to Modify Its Electric Tariff Schedule P.S.C. No. 1 — Electricity, to Update the Pole Attachment Proxy Rates Used by Its Municipal Utility Members, which raised the proxy rate from \$13.62 to \$16.75 (The Village is not a member of the New York Municipal Power Agency). That proxy rate approach originated in Case 06-E-1427, *Proceeding on Motion of the Commission to Determine Pole Attachment Rates for Municipal-Owned Poles*, in which the Commission held that a municipal electric utility may file a tariff amendment adopting the proxy rate and that the rate so filed is presumed just and reasonable, subject to rebuttal. Section XIV adopts the authorized proxy rate without modification. The Village’s proposal accordingly seeks nothing that the Commission has not already approved for municipal electric utilities generally, and it raises no rate-design question particular to this proceeding.

7. Facilities Charge. Leaf No. 62 sets out the rates and charges under Service Classification No. 3. Under the heading “Facilities Charge,” the leaf provides that where suitable poles are available in the Village’s existing distribution system no charge is made for the pole, but where the lighting a customer requests requires the Village to set an additional pole, the customer pays a one-time, non-refundable installation fee of \$200.00 per pole and a monthly Facilities Charge, currently \$9.68, in addition to the per-lamp charges. The Facilities Charge recovers the Village’s cost to install, operate and maintain a pole set at a customer’s request. The same charge appears a second time in the tariff, on Leaf No. 62’s companion form — Leaf No. 64, the Application and Contract for Outdoor Area Lighting Service under Service Classification No. 3 — which states the pole setting charge as “\$200 Installation Fee/Pole + \$9.68/Month.” The Village proposed to increase the monthly charge in the same proportion as the other charges in its filing.

B. The Order

8. The Order was issued and became effective on August 14, 2026. It authorizes the Village to increase its annual electric revenues by \$5,912,248, with rates effective September 1, 2026. Ordering Clause 1 directs the Village to cancel, on not less than one day's notice and on or before August 31, 2026, the fourteen tariff amendments listed in Appendix A to the Order — that is, every amendment pending in this case, including Original Leaf No. 56.3. Ordering Clause 2 authorizes the Village to file, on not less than five days' notice, tariff amendments effectuating the rates set forth in Appendix C “and any other tariff changes consistent with the discussion in the body of this Order.”

9. Neither pole attachment rental rates nor the Service Classification No. 3 Facilities Charge is discussed anywhere in the body of the Order. Appendix C contains no pole attachment rental rate and no Facilities Charge. Appendix C does revise every per-lamp charge under Service Classification No. 3 and adds charges for LED luminaires, and the body of the Order directs several changes to the Village's Service Classification No. 3 offerings; but as to the Facilities Charge for a Village-set pole, the Order is silent.

C. The Village's compliance filing

10. On August 24, 2026, the Village filed Supplement No. 13 to P.S.C. No. 9 — Electricity, cancelling the fourteen amendments listed in Appendix A to the Order as Ordering Clause 1 directs, and filed eleven compliance leaves to become effective September 1, 2026. Because Ordering Clause 2 authorizes only the rates set forth in Appendix C and other changes consistent with the discussion in the body of the Order, the Village did not include either item at issue here. Sixth Revised Leaf No. 62 carries the Facilities Charge forward unchanged at \$9.68, and no leaf implementing Section XIV was filed.

III. CLARIFICATION AND RELIEF REQUESTED

11. The Village asks the Commission to clarify that neither the pole attachment rental rate proposal nor the proposed increase to the Service Classification No. 3 Facilities Charge was reviewed or decided on its merits in the Order, and that the cancellation directed by Ordering Clause 1 does not constitute a denial of either proposal.

12. Pole attachment rental rates. The Village asks the Commission to authorize it to file the leaf attached as Appendix A, which establishes Section XIV at the proxy rates authorized in Case 22-E-0435. Because Original Leaf No. 56.3 was filed and has been cancelled, that leaf is designated 1st Revised Leaf No. 56.3, superseding Original Leaf No. 56.3.

13. Facilities Charge. The Village asks the Commission to authorize it to file the leaf attached as Appendix B, designated 7th Revised Leaf No. 62 and superseding 6th Revised Leaf No. 62, increasing the monthly Facilities Charge from \$9.68 to \$11.78. That figure applies to the Facilities Charge the same increase the Order approved for the per-lamp charges under the same service classification: the Appendix C charge for a 20,000-lumen, 250-watt metal halide luminaire rises from \$22.04 to \$26.81, a factor of 1.2164, which applied to \$9.68 yields \$11.78. The \$200.00 per-pole installation fee is unchanged, and no other provision of Leaf No. 62 is altered.

14. Application and contract form. Because the Facilities Charge is also stated on the Service Classification No. 3 application and contract form, that form must be conformed or the tariff will state two different charges for the same service. The Village asks the Commission to authorize it to file the leaf attached as Appendix C, designated 7th Revised Leaf No. 64 and superseding 6th Revised Leaf No. 64, which changes the pole setting line from “\$200 Installation Fee/Pole + \$9.68/Month” to “\$200 Installation Fee/Pole + \$11.78/Month” and makes no other change.

15. Conforming table of contents. Section XIV requires a corresponding entry in the tariff's table of contents. The leaf attached as Appendix D, designated 5th Revised Leaf No. 3, adds that entry and makes no other change. The Village would file it together with the leaves attached as Appendices A, B and C.

16. The revision designations and effective dates shown on the attached leaves are those the Village expects to use; the Village will conform them as necessary in the compliance filing it makes pursuant to the Commission's order on this Petition. The Village does not seek by this Petition any change to the revenue requirement determined in the Order or to the rates set forth in Appendix C.

IV. BASIS FOR THE REQUESTED CLARIFICATION

17. Both proposals were properly before the Commission. Each was part of the Village's filing from November 2025. Each was carried forward in the April 2026 amendment. Neither drew opposition from any party at any stage of this proceeding. The Order neither discusses nor decides either of them, the body of the Order does not mention them, Appendix C omits them, and the only place in which Original Leaf No. 56.3 appears at all is the list of pending amendments to be cancelled in Appendix A. A cancellation directed in that form is a housekeeping measure that clears the docket of pending leaves; it is not a determination on the merits of any particular proposal, and nothing in the Order suggests that the Commission intended it to operate as one here.

18. The pole attachment proposal in particular presents no question for the Commission to resolve anew. The rate it would establish is the Commission's own authorized proxy rate for municipal electric utilities, set in Case 22-E-0435 and presumed just and

reasonable under Case 06-E-1427. The Village asks only to place in its tariff a rate the Commission has already found appropriate for utilities in its position.

19. Left uncorrected, the Order's silence produces two results that the record does not support. As to pole attachments, an uncontested proposal that adopts a Commission-authorized rate would be denied by operation of a blanket cancellation clause, without discussion and without any finding as to the rate proposed. As to the Facilities Charge, every other charge under Service Classification No. 3 rises effective September 1, 2026 while the charge that recovers the cost of a pole set at a customer's request remains at a level set in 2014. The Village would continue to install, operate and maintain those poles at a charge that no longer reflects its cost of doing so, and the difference would be borne by its other ratepayers.

20. The relief requested is narrow. It asks the Commission to give effect to two uncontested proposals that were before it, on the same basis as the rest of the rate design the Order approves, and it leaves the revenue requirement and the Appendix C rates untouched.

V. WAIVER OF NEWSPAPER PUBLICATION AND PROPOSED DIRECT NOTICE

21. Public Service Law § 66(12)(b) and 16 NYCRR § 720-8.1 would ordinarily require the Village to publish notice of these tariff changes in a newspaper of general circulation. Ordering Clause 3 of the Order waived that requirement insofar as it would require publication to be completed before the effective date of the amendments authorized by Ordering Clause 2. The Commission has likewise waived newspaper publication for municipal pole attachment tariff amendments where the utility instead gives notice to its attachers. See Case 06-E-1427, *Order on Municipal Pole Attachment Rates* (issued and effective May 9, 2007). The Village requests the same relief here, and in support of it undertakes to give direct written notice to every person and entity affected by the proposed changes.

22. Facilities Charge. Approximately fifty customers take service under Service Classification No. 3 other than the Village itself. Of those, seven are billed the Facilities Charge. The Village will give direct written notice of the proposed change to those customers.

23. Pole attachment rental rates. The Village has one existing attacher on its poles. It gave that attacher direct written notice of the proposed Section XIV in February 2026, and will give it direct written notice of this Petition and of the proposed leaf attached as Appendix A.

24. The Village will file with the Secretary proof that it has effectuated those notices promptly after they are given. Direct written notice reaches each affected party individually, which newspaper publication would not, and the number of affected parties is small enough that the Village can accomplish it without delaying the Commission's consideration of this Petition.

VI. CONCLUSION

25. The Order does not address two uncontested proposals that were properly before the Commission, one of which does no more than adopt a rate the Commission has already authorized for municipal electric utilities. The Village asks the Commission to clarify that neither was decided, and to permit the two rate leaves and the two conforming leaves attached to this Petition to be filed and made effective following such notice and opportunity for comment as the Commission directs.

WHEREFORE, the Incorporated Village of Freeport respectfully requests that the Commission clarify that the *Order Determining Revenue Requirement and Rate Design* issued August 14, 2026 in this proceeding does not determine the merits of the Village's proposed Pole Attachment Rental Rates or its proposed increase to the Service Classification No. 3 Facilities Charge; authorize the Village to file the tariff leaves attached as Appendices A through D following such notice and opportunity for comment as the Commission directs; waive the

newspaper publication requirements of Public Service Law § 66(12)(b) and 16 NYCRR § 720-8.1 as to those leaves upon the direct notice described above; and grant such other and further relief as may be just and proper.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'ER Rosmarin', is positioned above a horizontal line.

Eric R. Rosmarin
Superintendent of Electric Utilities
Incorporated Village of Freeport

Dated: August 28, 2026
Freeport, New York

APPENDICES

Appendix A

Proposed 1st Revised Leaf No. 56.3 — Section XIV, Pole Attachment Rental Rates, superseding Original Leaf No. 56.3

Appendix B

Proposed 7th Revised Leaf No. 62 — Service Classification No. 3, Facilities Charge, superseding 6th Revised Leaf No. 62

Appendix C

Proposed 7th Revised Leaf No. 64 — Service Classification No. 3, Application and Contract, pole setting charge, superseding 6th Revised Leaf No. 64

Appendix D

Proposed 5th Revised Leaf No. 3 — Table of Contents, conforming entry for Section XIV

P.S.C. No. 9 Electricity

Village of Freeport

Initial Effective Date: 10/01/2026

Issued in compliance with order in Case 25-E-0724 dated [order date]

Leaf: 56.3

Revision: 1

Superseding Revision: 0

XIV. POLE ATTACHMENT RENTAL RATES

A. The Village shall provide rental space on its wholly-owned or jointly owned poles to cable television (CATV) and competitive local exchange carrier (CLEC) companies operating in the Village's service area for the purpose of installing equipment such as cables, wires, amplifiers, and wireless equipment. A contract shall be developed between the Village and each CATV or CLEC Company outlining the general rules and providing the applicable Pole Attachment Rental Rates for attaching CATV or CLEC equipment.

B. Pole Attachment Rental Rates (per year)

1. Rental Rate Per Wire Pole Attachment – \$16.75
2. Rental Rate Per Pole Attachment for Wireless Equipment – \$16.75 times the number of feet on the pole occupied by the wireless equipment. The number of feet occupied for wireless equipment shall exclude conduits, risers, and electrical meters. For each piece of wireless equipment attached, the occupied space measurement shall reflect the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot.
3. The Village may file, periodically, a new pole attachment charge, to become effective on 90 days notice and subject to approval by the PSC.

Issued by: Eric Rosmarin, Superintendent of Electric Utilities
Inc. 46 North Ocean Ave., Freeport, NY 11520

P.S.C. No. 9 Electricity
Village of Freeport
Initial Effective Date: 10/01/2026
Issued in compliance with order in Case 25-E-0724 dated [order date]

Leaf: 62
Revision: 7
Superseding Revision: 6

SERVICE CLASSIFICATION NO. 3 – OUTDOOR AREA LIGHTING

APPLICABLE TO USE OF SERVICE

Outdoor lighting of areas other than public streets, highways and roadways, for individuals, private organizations and institutional establishments where suitable electric service lines are available.

CHARACTER OF SERVICE

Unmetered service for limited period, dusk to dawn, of approximately 4,210 hours per year. Village will own, operate and maintain all facilities installed by it. Lamps and fixtures will be located as designated by Customer but will be located so as to be available to Village service vehicles.

RATE

The charge for service for each calendar month shall be the sum of the following:

Charges per Lamp per Month - Metal Halide*

20,000 Lumens, 250 Watts	\$26.81
36,000 Lumens, 400 Watts	\$33.52

Charge per Lamp per Month - High Pressure Sodium*

25,000 Lumens, 250 Watts	\$26.92
40,000 Lumens, 400 Watts	\$33.78

Charges per Lamp per Month - LED

29,750 Lumens, 250 Watts, Flood Light	\$28.47
4,800 Lumens, 30 Watts, Full Cutoff, Overhead	\$7.32
16,000 Lumens, 100 Watts, Full Cutoff, Overhead	\$10.93
16,000 Lumens, 100 Watts, Full Cutoff, Underground	\$23.98
25,000 Lumens, 170 Watts, Full Cutoff, Underground	\$27.81

* Effective September 1, 2026 these luminaires are no longer available for new installations or unit replacements.

Overhead applies where the luminaire is served from the Village's overhead secondary distribution system. Underground applies where the luminaire is served from the Village's underground secondary distribution system.

FACILITIES CHARGE

When suitable poles are available in Village's existing distribution system, no charge will be made for the pole. When additional pole or poles with necessary attachments is required for installation of the lamps requested by the Customer, the Village will install, operate and maintain such pole and attachments and the Customer shall pay \$11.78 per month in addition to charges per lamp per month. Customer shall pay a one-time, non-refundable installation fee of \$200.00 per pole.

Issued by: Eric Rosmarin, Superintendent of Electric Utilities
Inc. 46 North Ocean Ave., Freeport, NY 11520

P.S.C. No. 9 Electricity
Village of Freeport
Initial Effective Date: 10/01/2026
Issued in compliance with order in Case 25-E-0724 dated [order date]

Leaf: 64
Revision: 7
Superseding Revision: 6

FREEPORT ELECTRIC
APPLICATION AND CONTRACT FOR OUTDOOR AREA LIGHTING
SERVICE CLASSIFICATION No. 3

Account Name:			Account Number (s)		
Doing Business As (If Other than Account Name)					
Service Address Number		Street		Freeport	N.Y. 11520
Telephone Numbers: Home: _____ Work: _____					
If you prefer to have the bills as well as other information mailed to an address other than the service address, please provide your mailing address here:					
Mailing Address Number		Street	Town	State	Zip
Taxpayer Identification No.			A copy of your tax exempt certificate required if applicable		
Tax Exempt Status	☐ Taxable	☐ Non-Taxable		☐ Partial Tax Exempt	
Type of Business:					
Premises used for: ☐ Office ☐ Retail ☐ Warehouse ☐ Factory ☐ Other					
The applicant agrees to pay the applicable rates and charges for the electric outdoor lighting service herein requested and will be bound by and comply with the governing laws and rules and regulations of the company applicable thereto. The applicant agrees that this service shall continue for a minimum of two (2) years from the date of commencement of service.					
Signature of applicant or Authorized Agent			Date Signed		
Print Name and Title			Date Signed		
Signature of Village Representative			Date Signed		
Type of Fixture	Lumens (Approx.) / Service	Monthly Cost Per Fixture	# Installed	Total Cost per Month	
LED					
250 W Flood Light	29,750	\$28.47			
30 W Full Cutoff	4,800 / Overhead	\$7.32			
100 W Full Cutoff	16,000 / Overhead	\$10.93			
100 W Full Cutoff	16,000 / Underground	\$23.98			
170 W Full Cutoff	25,000 / Underground	\$27.81			
Pole Setting* (If Needed)	\$200 Installation Fee/Pole + \$11.78/Month				
Grand Total:					
See sketch on reverse side					
Affix Corporate Seal:					
Please do not write in this area					
Account Number				Category Code	
Deposit Amount		Receipt Number		Date Paid	

Issued by: Eric Rosmarin, Superintendent of Electric Utilities
Inc. 46 North Ocean Ave., Freeport, NY 11520

P.S.C. No. 9 Electricity
Village of Freeport
Initial Effective Date: 10/01/2026
Issued in compliance with order in Case 25-E-0724 dated [order date]

Leaf: 3
Revision: 5
Superseding Revision: 3

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