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Approved as Recommended  
and so Ordered  
By the Commission

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KATHLEEN H. BURGESS  
Secretary  
Issued & Effective July 24, 2014

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

July 7, 2014

TO: THE COMMISSION

FROM: OFFICE OF ELECTRIC, GAS AND WATER  
– Electric Rates and Tariffs  
– Gas and Water Rates  
OFFICE OF CONSUMER POLICY

SUBJECT: CASE 13-M-0551 - Tariff filings by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation to modify their electric and gas tariff schedules to make the tariff language consistent where both Companies' processes are the same.

SUMMARY OF

RECOMMENDATION: Staff recommends that the tariff filings be allowed to become effective.

Summary

In the Order Establishing Rate Plan (Rate Plan Order) issued September 21, 2010 in Case 09-E-0715, et al., the Commission adopted a Joint Proposal (JP) setting rates for New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) (together, the Companies). Appendix S of the JP stated that “The Companies will meet with Staff after the Commission's Order in this Proceeding to determine whether there are instances where electric and gas service classifications can be made consistent between NYSEG and RG&E.” The Companies met with Staff on May

16, 2012 and July 18, 2012 regarding rate structure consolidation and tariff language consistency. Subsequent to those meetings, the Companies filed tariff modifications on July 30, 2012 and filed further revisions on October 15, 2012. The Commission approved electric and gas tariff modifications, which became effective December 1, 2012, that achieved greater consistency for certain terms and conditions where the Companies' processes were uniform.<sup>1</sup>

On October 29, 2013, Staff and the Companies met to discuss additional areas where the Companies were working to achieve consistency, including, among others, Application for Service, Obligation to Serve, and Dishonored Payment. As a result of these discussions, the Companies have proposed additional modifications to achieve greater consistency in their electric and gas tariff schedules where the Companies' processes are uniform. Staff has reviewed the Companies' filings and recommends that the proposed tariff amendments be allowed to become effective.

#### Proposed Tariff Filing

On December 12, 2013, the Companies filed proposed tariff modifications to their electric and gas tariff schedules proposing consistent tariff language among the NYSEG and RG&E tariff schedules for certain terms and conditions where the Companies' processes are the same. On April 28, 2014 and June 2, 2014, after discussions with Staff, the Companies filed further revisions to address Staff's concerns.

The Companies' proposed various modifications to their electric and gas tariffs. Some examples are: (1) RG&E proposed to change the name and format of their Revenue Tax Surcharge Statement to be similar to that of NYSEG's Tax Surcharge Percentages Statement; (2) the Companies' proposed revisions to the tariff structure and/or language for Application for Service, Compliance with New York Independent System Operator, Compliance with Department of Transportation, Discontinuance – No Customer, Former Indebtedness Paid, Metering, and Plurality of Service; (3) the

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<sup>1</sup> Case 12-M-0353, New York State Electric & Gas and Rochester Gas and Electric Corporation, Order Regarding Tariff Filing (issued November 27, 2012).

Companies' proposed revisions in Obligation to Serve-Residential and Obligation to Serve-Non-Residential provisions to make the tariff language consistent by inserting specific language in that section rather than referring only to 16 NYCRR; and, (4) the Companies' proposed to revise Residential Service-Special Procedures, Emergency Disconnection of Residences, and Shared Meters. All of the proposed revisions are outlined in Appendix A and are categorized as both gas and electric, electric only or gas only provisions.

### Notice and Comments

Pursuant to State Administrative Procedure Act (SAPA) §202(1), Notices of Proposed Rulemaking were published in the State Register on January 8, 2014. The minimum public comment period in conformance with SAPA expired on February 24, 2014. No comments were received.

### Discussion

The proposed tariff revisions are intended to provide more consistent information to customers and other interested parties without adversely affecting customers or disturbing internal procedures or processes. Revisions of the tariff schedules include housekeeping changes such as re-organization of content on tariff leaves, word choices that are minor in effect such as "Corporation" to "Company" or "will" to "shall," and revisions from a 16 NYCRR rule citation to including the full language of the rule. For example, PSC 19, Leaf 12, Section A(1)(c) reads:

"... for service except as provided under 16 NYCRR 11.3."

The proposed change, which would also align the Companies' tariff language (see PSC 119, Leaf 25), reads:

"... for service except:

- (i) Where prevented by labor strikes or precluded by law;

- (ii) where precluded by consideration of public safety;
- (iii) where the applicant fails to pay, or agree in writing to pay, reasonably chargeable material and installation costs relating to temporary or permanent line extensions or service laterals as required by this tariff or fails to comply with the Residential Insulation Standards contained herein;  
or
- (iv) where precluded by physical impediments including:
  - adverse weather conditions;
  - inability to gain access to premises in the possession of the applicant or others;
  - incomplete construction of necessary facilities by the applicant or inspection thereof by the appropriate authorities; or
  - incomplete construction of necessary facilities by the Company; or
- (v) where an applicant for seasonal or short- term service fails to post a lawfully required deposit.”

And continuing on PSC 19, Leaf 12.1, Revision 0:

“Obligation to Serve – Residential (Cont’d)

The Company shall make reasonable efforts to eliminate conditions preventing extension of service and will pursue completion of any facilities it must construct with due diligence.

The Company shall extend service to an applicant for residential service whose application for service has previously been denied within two business days (or such later time as may be specified by the applicant) after the elimination of all the conditions which resulted in the denial of service or by direction of the Public Service Commission or its authorized designee, who may require such extension of service to be made within 24 hours.”

The change to include the full language of 16 NYCRR 11.3 is an improvement for both NYSEG and RG&E representatives and their customers. Staff believes the proposed revisions are acceptable because they properly add clarity and the same level of detail as provided in 16 NYCRR.

The Companies’ also removed “written” from the required notice in the Term of Service for all Residential Service Classifications, which more accurately aligns with existing practice. Other proposed revisions, including deletion of out-dated information and re-wording of sections that are similar in nature among the tariffs to

better achieve consistency, are more substantive than those of a housekeeping nature but preserve the intent of the current tariff. For example, RG&E deleted language on 12 leaves ranging from Leaf 230-236 in PSC 19, SC 12 – Power for Jobs program, because the program had expired. The revised leaves now read “Reserved for Future Use”.

An example of re-wording language to achieve better consistency is PSC 16, Leaf 104 and PSC 90, Leaf 59. RG&E copied language from NYSEG’s tariff specifying the duration required of notices of discontinuation, and NYSEG re-worded its existing tariff language (except the language RG&E copied) to be consistent with RG&E. The effective leaves currently read, for PSC 16, Leaf 104:

**“TERMINATION OF SERVICE DUE TO CUSTOMER REQUEST**

Upon receipt of either oral or written notification from the customer that, the customer will not require or be responsible for the gas service, the Company will attempt to read the meter on or about the day the customer requests termination, render a final bill and at its option terminate the service. In the case where the Company was unable to obtain an actual final meter reading, the Company may estimate the customer's final billing according to the best available information.”

And for PSC 90, Leaf 59:

**“Transfers and Cut Offs:**

Customers intending to vacate premises supplied with gas, or to discontinue the use of gas, shall give written notice of such intention to the Company, that the gas may be shut off; and, in default thereof the Customer will remain liable for all gas which passes through the meter until such notice be given. The duration of the required written notice is stated in the term clause of each service classification.”

PSC 16, Leaf 104 and PSC 90, Leaf 59 are now consistent and each read:

**“Termination of Service Due to Customer Request:**

Upon receipt of either oral or written notification from the customer that, the customer will not require or be responsible for the gas service as of a certain date, the Company will attempt to read the meter on or about the day the customer requests termination, render a final bill and at its option terminate the service. In the case where the Company was unable to obtain an actual final meter reading on the requested date, the Company may estimate the customer's final billing

according to the best available information. The duration of the required notice is stated in the term clause of each service classification.”

The change in language for a customer requested termination of service does not materially change the intent or meaning of either Leaf, while making the leaves between the Companies’ tariffs consistent.

### Conclusion and Recommendation

The Companies’ proposed revisions result from a continued effort over the last several years to achieve consistency in tariff language for terms and conditions where the Companies’ processes are the same. These proposed changes will allow NYSEG and RG&E representatives to provide standardized information when communicating with customers, developers, Energy Service Companies, and others. Moreover, the proposed modifications add clarity and reflect the Companies’ current processes and procedures. Staff recommends that the tariff filings be allowed to become effective.

#### It is recommended that:

- 1) the amendments listed in Appendix B be allowed to become effective;
- 2) New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation be directed to file any tariff modifications incorporating previously-approved revisions from other cases onto any of the leaves listed in Appendix A, and updated Tax Surcharge Percentages Statements, on not less than one days notice, to become effective August 1, 2014;
- 3) the requirements of Public Service Law §66(12)(b) and 16 NYCRR §720-8.1 as to newspaper publication of the amendments listed in the Appendix and any compliance filings pursuant to Clause 2 be waived; and
- 4) this case be closed.

Respectfully submitted,

BRIAN D. FISHER  
Utility Engineer 1  
Office of Electric, Gas and Water

DAVIDE MAIORIELLO  
Utility Engineer 2  
Office of Electric, Gas and Water

LEANN J. AYER  
Utility Analyst Trainee 1  
Office of Electric, Gas and Water

KATHLEEN G. BLOOMINGDALE  
Utility Analyst Trainee 1  
Office of Electric, Gas and Water

MONICA FERRERI  
Utility Analyst 2  
Office of Consumer Policy

CASE 13-M-0551

Reviewed by:

LEONARD VAN RYN  
Assistant Counsel  
Office of General Counsel

Approved by:

BRUCE E. ALCH  
Chief, Gas and Water Rates  
Office of Electric, Gas and Water

MICHAEL M. TWERGO  
Chief, Electric Rates and Tariffs  
Office of Electric, Gas and Water

LUANN SCHERER  
Chief, Consumer Advocacy  
Office of Consumer Policy



PROPOSED TARIFF PROVISIONSElectric and Gas Provisions

The Companies propose to make the language consistent in the following electric and gas provisions: (1) change the name and format of RG&E's Revenue Tax Surcharge Statement to be similar to the name and format of NYSEG's Tax Surcharge Percentages Statement; (2) Application for Service; (3) Billing Period; (4) Combined Billing; (5) Customer Credit Data; (6) Dishonored Payment; (7) Increase in Rate and Charges Applicable Where Service is Supplied; (8) Liability; (9) Limitations of Service Office; (10) Metered; (11) Quarterly Payment Plan; (12) Selection and Change of Service Classification; (13) Shared Meters; (14) Temporary State Assessment Surcharge; (15) Termination of Service Due to Customer Request; and (16) Termination of Residential Service Special Services.

Electric Only Provisions

The Companies propose to make the language consistent in the following electric only provisions: (1) Application of Other Extension Plans; (2) Compliance with Directives of the New York Independent System Operator; (3) Compliance with Discontinuance Directives from the New York State Department of Transportation; (4) Discontinuance When There is No Customer; (5) Discontinuance of Service Due to Emergency Conditions; and (6) Power for Jobs (eliminated since the program is no longer offered).

Gas Only Provisions

The Companies proposed to make the language consistent in the following gas only provisions: (1) Discontinuance or Curtailment of Gas Service; (2) Emergency Electric Generation; (3) Exceptions; (4) Notice to Company of Escape of Gas; (5) Right to Shut Off Supply of Gas; (6) Temporary Service; and (7) Unusual Conditions and Increased Loads.





Amendments to Schedule PSC No. 88 – Gas

First Revised Leaf No. 17.1.3  
Sixth Revised Leaf No. 8.1  
Tenth Revised Leaf No. 8  
Tax Surcharge Percentages Statement No. 23

Received: December 12, 2013                      Effective: April 1, 2014\*  
\*Postponed to August 1, 2014

Second Revised Leaf No. 128

Received: April 28, 2014                      Effective: July 1, 2014\*  
\*Postponed to August 1, 2014

Amendments to Schedule PSC No. 90 – Gas

Original Leaves Nos. 11.2, 71.0.1  
First Revised Leaves Nos. 11.1, 12, 13, 15, 16, 18, 18.1, 59,  
75, 86  
Second Revised Leaves Nos. 12, 13, 14, 19, 35, 57, 87, 105.1  
Third Revised Leaves Nos. 11, 22, 23, 24, 25, 67  
Fifth Revised Leaves Nos. 17, 71  
Sixth Revised Leaf No. 2,  
Eleventh Revised Leaf No. 3

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First Revised Leaf No. 71.0.1  
Second Revised Leaves Nos. 12, 13, 15, 16, 59  
Third Revised Leaves Nos. 14, 87  
Fourth Revised Leaves Nos. 11, 24  
Sixth Revised Leaves Nos. 17, 71  
Twelfth Revised Leaf No. 3

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Third Revised Leaf No. 59

Received: June 2, 2014                      Effective: August 1, 2014

SAPA: 13-M-0551SP3 – STATE REGISTER – January 8, 2014

NEWSPAPER PUBLICATION: Waived

SUBJECT: Filings by ROCHESTER GAS AND ELECTRIC CORPORATION

Amendments to Schedule PSC No. 19 – Electricity

Original Leaves Nos. 12.1, 14.1, 160.39.14  
First Revised Leaves Nos. 11, 12, 13, 48, 49, 64, 101, 230, 231, 232, 235  
Second Revised Leaves Nos. 14, 36, 71, 78, 79, 103, 105, 234.2.1, 234.3  
Third Revised Leaves Nos. 27, 86.3, 104, 236  
Fourth Revised Leaf No. 233  
Fifth Revised Leaf No. 234.1  
Sixth Revised Leaves Nos. 80, 234.1.1, 234.2  
Eighth Revised Leaf No. 4.1  
Tenth Revised Leaf No. 234  
Eleventh Revised Leaf No. 3  
Fourteenth Revised Leaf No. 81  
Tax Surcharge Percentages Statement No. 1

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First Revised Leaves Nos. 12.1, 14.1  
Second Revised Leaves Nos. 11, 100, 101  
Third Revised Leaves Nos. 103, 183  
Fourth Revised Leaf No. 27  
Fifth Revised Leaf No. 168  
Sixth Revised Leaves Nos. 163, 191  
Seventh Revised Leaves Nos. 189, 212  
Eighth Revised Leaves Nos. 164.4, 197  
Eleventh Revised Leaf No. 176

Received: April 28, 2014

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Third Revised leaf No. 101

Received: June 2, 2014

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Amendments to Schedule PSC No. 16 – Gas

Original Leaves Nos. 12.1, 13.1, 13.2, 84.3  
First Revised Leaves Nos. 12, 13, 13.2, 41, 55  
Second Revised Leaves Nos. 11, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
38, 39, 40, 42, 44, 56, 62, 78, 84, 127.21  
Third Revised Leaves Nos. 53, 104, 110.2, 111, 127.21, 127.22,  
130  
Fourth Revised Leaf No. 127.46.2  
Fifth Revised Leaf No. 3  
Sixth Revised Leaf No. 4  
Tax Surcharge Percentages Statement No. 1

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First Revised Leaf No. 13.2  
Second Revised Leaf No. 13  
Third Revised Leaves Nos. 11, 29, 127.21, 130  
Fourth Revised Leaves Nos. 104, 111  
Fifth Revised Leaf No. 147.7  
Seventh Revised Leaf No. 4  
Ninth Revised Leaves Nos. 129, 147.2

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Fourth Revised Leaf No. 11  
Fifth Revised Leaf No. 104

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