March 22, 2013

Hon. Jeffrey Cohen
Acting Secretary to the Commission
New York State Public Service Commission
Agency Building 3, Empire State Plaza
Albany, NY 12223-1350

By Electronic Delivery to: secretary@dps.ny.gov


Dear Secretary Cohen:

We hereby request that these supplemental comments be accepted because of the new items raised by the March 13, 2013 filing. On March 4, 2013 Energy Spectrum, Inc., and ECS 2 offered comments on Con Edison’s recent tariff filing on proposed changes to the Con Edison’s DR programs. We continue to take notice of the Con Edison’s work to continually improve their DR programs, however the Con Edison’s reply on March 13, 2013 remains perplexing.

To address Energy Spectrum’s and ECS’ concerns about ambiguity and risks introduced by the Con Edison’s proposal, regarding determining and administering the baseline provisions, Con Edison now proposes that additional language be created for Rider S and Rider U. The language proposed by Con Edison would require Con Edison to publish their new baseline procedures on their website, require Con Edison to notify aggregators and DPS staff not less than 60 days prior to the proposed change(s) “applicability date”, and Con Edison could not make changes to during the applicable summer period.3

While this procedure might become appropriate in a future year and reduce uncertainties and risks for customers going forward, it does not deal with the uncertainties and risks that customers, and aggregators now face with the abrupt transition that would be effected if the Commission were to approve the timetable requested by the Con Edison without specifying in both Rider U and Rider S’s tariffs the baseline criteria and conditions. In short, a starting place and a clear articulation is needed. The 60 day notification period, as proposed by Con Edison, would put aggregators and customers well into the late May timeframe. Aggregators would have already enrolled customers

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1 Case 09-E-0115, Proceeding on Motion of the Commission to Consider Demand Response Initiatives, Reply to Comments on Notice to Proposed Rulemaking, March 13, 2013 (“Con Edison Reply”).
2 Case 09-E-0115, Proceeding on Motion of the Commission to Consider Demand Response Initiatives, Letter from David W. Neiburg, to Acting Secretary Cohen, March 1, 2013 (“Energy Spectrum Letter”).
3 Energy Spectrum acknowledges that the proposed arrangement follows precedent established in Case 97-G-1380 in 1999.
into Con Edison's DR programs without the knowledge of how customer reductions would be or could be measured.

In sum, customers and aggregators still need to understand why Con Edison needs the flexibility to quickly revise these programs, as changes to important program parameters only add additional risk to the programs, aggregators, and the end use customer.

As Energy Spectrum and ECS stated in their earlier comments, Con Edison should be directed to clarify exactly what the new proposed CBL methodology is, and provide examples of the proposed CBL method so that both aggregators and customers have a full understand of how the baseline will be calculated in advance of the beginning of program.

Thank you for the opportunity to offer these comments.

Respectfully submitted,

Energy Spectrum, Inc.
David Neiburg, President

Energy Curtailment Specialists, Inc.
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The E Cubed Company, LLC