STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

May 2, 2006

TO: THE COMMISSION

FROM: OFFICE OF ELECTRICITY AND ENVIRONMENT-RATES & TARIFFS
OFFICE OF RETAIL MARKET DEVELOPMENT – POLICY &
COMPETITION EDUCATION

SUBJECT: CASE 05-M-0858 – In the Matter of State-Wide Energy Services Company
Referral Programs.

Tariff filing by Consolidated Edison Company of New York, Inc. filed in
compliance with Commission Order issued April 19, 2006, and request for
clarification with regard to post introductory billing in the above proceeding
regarding the company's ESCO Referral Program.

SUMMARY OF
RECOMMENDATION: Staff recommends that the tariff amendment listed in the
Appendix be allowed to become effective and the
clarification requested be granted.

SUMMARY

In compliance with the Commission's Order Adopting Consolidated Edison
Company of New York, Inc.'s Plan for an ESCO Referral Program issued April 19, 2006
in Case 05-M-0858 (April 19 Order), Consolidated Edison Company of New York, Inc.
(Con Edison) filed a tariff amendment to implement an ESCO (Energy Services
Company) referral and discount program referred to as PowerMove. The PowerMove
Program is designed to provide residential and small commercial customers with an
opportunity to try out competitive energy supply alternatives and receive a guaranteed
discount during an introductory period. Customers participating in the PowerMove
Program will be able to choose a participating ESCO and those that do not have a
preference will be assigned an ESCO at random, on a rotating basis. Also, the company
requested a clarification of the April 19 Order regarding post-introductory pricing under
the program.

Staff has reviewed the company's filing and finds that the tariff amendment
is in compliance with the April 19 Order. Therefore, Staff recommends that it be allowed
to become effective. The clarification sought by the company is a reasonable
interpretation of the April 19 Order and should be accepted.

BACKGROUND AND COMPLIANCE FILING

In December 2005 the Commission adopted ESCO referral guidelines
applicable to utilities and ESCOs. The December 22 Order directed Con Edison to
conduct a collaborative process with interested parties and to make a filing regarding
implementation of an ESCO referral program in conformance with the approved
guidelines. On February 17, 2006, Con Edison filed its proposed ESCO referral
program, PowerMove. On March 14, 2006, the company supplemented its filing to
clarify, among other things, the provisions of the Uniform Business Practices that are
inconsistent with the guidelines for the program. The Commission's April 19 Order
approved Con Edison's PowerMove Program and waived application of certain
provisions of the Uniform Business Practices. On April 24, 2006, Con Edison filed the
tariff amendment identified in the Appendix to include the PowerMove Program
description in its retail access tariff schedule.

1 Case 05-M-0858, In the Matter of State-Wide Energy Services Company Referral
Programs, Order Adopting ESCO Referral Program Guidelines and Approving an
ESCO Referral Program Subject to Modifications (issued December 22, 2005)
(December 22 Order).
CASE 05-M-0858

CLARIFICATION OF ORDER

Con Edison also requested clarification of the portion of the April 19 Order describing pricing for the post-introductory period. If no price change is submitted by the ESCO, Con Edison proposes to apply the same formula, or 7% discount, not the same price, that was used during the introductory period. This interpretation appears to be consistent with the intent of the April 19 Order.

NEWSPAPER PUBLICATION

Con Edison has requested waiver of newspaper publication of its proposed filing because any customers expressing interest in the PowerMove Program would be in direct contact with a company representative. This alternate means of advising interested persons of the tariff amendment appears to be reasonable and equal, if not superior, to newspaper publication. The company is also individually notifying the parties on the service lists in Cases 05-M-0858 and 04-E-0572 of the proposed filing. Staff recommends that the request for waiver of newspaper publication be approved.

RECOMMENDATION

It is recommended that the tariff amendment listed in the Appendix be allowed to become effective and that the requirement of Section 66(12)(b) of the Public Service Law as to newspaper publication of the proposed changes be waived. It is further recommended that the clarification of the April 19 Order sought by Con Edison be accepted.
CASE 05-M-0858

Respectfully submitted,

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APPENDIX

SUBJECT: Filing by CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

    Amendment to Schedule P.S.C. No. 2 - Retail Access

    Fourth Revised Leaf No. 5-B

    Issued: April 24, 2006          Effective: June 1, 2006

    NEWSPAPER PUBLICATION: Waived