

Filed Session of May 16, 2013
S.P.O. 09-M-0311SP
Approved as Recommended
and so Ordered
By the Commission

JEFFREY C. COHEN
Acting Secretary

Issued and Effective May 16, 2013

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

April 30, 2013

TO: THE COMMISSION

FROM: OFFICE OF ELECTRIC, GAS & WATER
– Major Utility Rates Section

SUBJECT: CASE 09-M-0311 – Implementation of Chapter 59 of the Laws of 2009
Establishing a Temporary Annual Assessment Pursuant to Public Service
Law §18-a (6).

Tariff filings by Consolidated Edison Company of New York, Inc. and
Orange and Rockland Utilities, Inc. to modify their tariff language
regarding the implementation of the Temporary State Assessment
Surcharge.

SUMMARY OF

RECOMMENDATION: Staff recommends that the tariff filings, listed in the Appendix,
be allowed to become effective

SUMMARY

Consolidated Edison Company of New York, Inc. (Con Edison) and
Orange and Rockland Utilities, Inc. (O&R) (collectively, the Utilities) filed tariff
amendments to modify their tariff language regarding the implementation of the
Temporary State Assessment Surcharge. The Utilities propose to change the word “will”
to “may” to recognize that they are able to reduce collections the subsequent year if
warranted. Staff recommends that the Utilities filings be approved.

BACKGROUND

On April 7, 2009, New York State enacted its budget for 2009-2010 which, in part, required the Department of Public Service to collect a Temporary State Energy and Utility Service Conservation Assessment (Temporary State Assessment) (Public Service Law 18-a (6)), effective from April 1, 2009 to March 31, 2014. The Temporary State Assessment is applicable to among others, electric, gas, and steam utilities.

On June 19, 2009, the Commission issued its Implementation Order in this proceeding authorizing the utilities to recover the necessary revenues required to pay the Temporary State Assessment. The Implementation Order established a separately stated surcharge as the preferred method of collection for electric, gas, steam and other authorized corporations to incorporate the charges in their adjustment clauses or through a delivery rate adjustment, if the costs associated with establishing a line item surcharge were prohibitive.

PUBLIC NOTICE

Pursuant to State Administrative Procedures Act (SAPA) §202(1), Notices of Proposed Rulemaking were published in the State Register on March 13, 2013. The public comment period in conformance with SAPA has expired and no comments were received.

The Utilities have requested waiver of newspaper publication because this change will have either no effect or an insignificant effect on customers' bills when the annual surcharge is updated. Staff recommends approval of the waivers.

TARIFF FILINGS

On February 21, 2013, Con Edison and O&R made tariff filings to modify the tariff language contained in their electric, gas and steam tariff schedules regarding the implementation of the Temporary State Assessment. The Commission's June 19, 2009 Implementation Order allows each utility to maintain the prior year's surcharge, but does not require it. The Utilities' current tariff language states that "...the Company *will*

maintain the prior year's surcharge..." The Utilities propose to change the word "will" to "may" to recognize that it is able to reduce collections the subsequent year if warranted and to better reflect the intent of the Implementation Order.

Con Edison also notes that on January 29, 2013, the Commission issued an order suspending the operation of the amendments submitted by Con Edison in Case 13-E-0030 and therefore it makes the current filing pursuant to 16 NYCRR § 61.10(c)(5), or subject to the approval of the Commission pursuant to 16 NYCRR §61.10(a), as the Commission deems appropriate.

RECOMMENDATION

Staff has reviewed the Company's filing and recommends that it be allowed to become effective. In addition, the Commission should permit Con Edison's tariff filing pursuant to 16 NYCRR § 61.10(c)(5), since the tariff changes proposed herein will not have substantial revenue or customer bill effects.

It is recommended that the tariff amendments listed in the Appendix be allowed to become effective and that special permission be granted waiving the requirement of Section 66(12)(b) of the Public Service Law and 16 NYCRR 720-8.1 as to newspaper publication of the amendments listed in the Appendix.

Respectfully submitted,

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Reviewed by:

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CASE 09-M-0311

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

Approved by:

RAJ ADDEPALLI
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Office of Electric, Gas and Water

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

Amendment to Schedule P.S.C. No. 10 - Electricity

Second Revised Leaf No. 357

Amendment to Schedule P.S.C. No. 11 – Electricity

First Revised Leave No. 14

Amendment to Schedule P.S.C. No. 12 – Electricity

First Revised Leaf No. 23

Amendments to Schedule P.S.C. No. 9 – Gas

Fourth Revised Leaf No. 338.0

Ninth Revised Leaf No. 303.2

Thirteenth Revised Leaf No. 183

Amendment to Schedule P.S.C. No. 4 – Steam

Fifth Revised Leaf No. 42

Received: February 21, 2013

Effective: May 20, 2013

SAPA: 09-M-0311SP4 – STATE REGISTER – March 13, 2013

SPECIAL PERMISSION APPLICATION: 09-M-0311SP

NEWSPAPER PUBLICATION: Waived

SUBJECT: Filing by ORANGE AND ROCKLAND UTILITIES, INC.

Amendment to Schedule P.S.C. No. 3 – Electricity

Second Revised Leaf No. 249

Amendment to Schedule P.S.C. No. 4 – Electricity

Sixth Revised Leaf No. 6

Received: February 21, 2013 Effective: May 20, 2013

SAPA: 09-M-0311SP5 – STATE REGISTER – March 13, 2013

SPECIAL PERMISSION APPLICATION: 09-M-0311SP

NEWSPAPER PUBLICATION: Waived