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December 27, 2012

Hon. Rudy Stegemoeller  
Hon. Paul Agresta  
Administrative Law Judges  
NYS Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

**Re: Case 12-E-0201 -Proceeding On Motion Of The Commission As To The Rates,  
Charges, Rules And Regulations Of Niagara Mohawk Power Corporation D/B/A  
National Grid For Electric Service**

**Case 12-G-0202-Proceeding On Motion Of The Commission As To The Rates,  
Charges, Rules And Regulations Of Niagara Mohawk Power Corporation D/B/A  
National Grid For Gas Service**

Dear Judge Stegmoeller and Judge Agresta:

On December 21, 2012, Niagara Mohawk Power Corporation (“Company” or National Grid”) filed its *Statement of Niagara Mohawk Power Corporation d/b/a National Grid In Support of Joint Proposal* (“Statement”). In Appendix A to the Statement, the Company provided responses to the “ALJ Questions Regarding the Joint Proposal filed December 7, 2012.” The Retail Energy Supply Association (“RESA”)<sup>1</sup> an active participant in the

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<sup>1</sup> RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; NRG, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

negotiations leading to the development of the Joint Proposal provides the following clarification of the Company's response to ALJ 40 that deals with Section 11.5 of the Joint Proposal.

With respect to ALJ 40, National Grid provided the following responses:

**(ALJ 40)**

JP 11.5S

a) Staff Retail Access panel testimony (pp 22-31) recommended that the bill comparisons should be included in monthly bills, and provided to payment troubled customers. Explain whether (and to what extent) these recommendations are included in the agreement that the Company will develop a bill calculator.

b) Does the \$0.298 cost cap encompass the measures described above?

**Response:**

a) Yes, the Company responded in testimony that it would develop a bill comparison to be displayed on the customer website and to be included in residential customer bills, deferred payment agreement (DPA) default notices, and disconnect notices. Testimony also addressed development of a one-time letter with a bill comparison for residential customers currently served by a consolidated bill ESCo and currently participating in a low-income assistance program or currently on a DPA.

b) Yes, the \$0.298 cost estimate includes all of the above.

This response may be interpreted incorrectly to mean that the signatory parties have agreed to the implementation of additional measures besides the web-based ESCO Price Calculator. Such an interpretation is not consistent with the language of the Joint Proposal and the understanding of RESA.

Section 11.5 of the JP which is entitled "ESCO Bill Calculator", states as follows:

**11.5 ESCO Bill Calculator**

The Company will develop a web-based historical utility bill calculator that provides information to residential consolidated bill ESCO customers regarding the amount these customers would have been billed had they purchased commodity from the Company.

The Company will convene a collaborative as soon as practicable but no later than 60 days following the Commission's Order adopting the Joint Proposal to develop the materials (including the bill calculator and other materials that may be discussed in the collaborative) to be provided to residential ESCO customers concerning the amount the customer would have been billed if they had purchased

commodity from the Company. The collaborative will also discuss what bill comparison tools could be provided to residential non-ESCO customers.

The incremental costs that the Company will incur to develop and provide the information, including the materials recommended by the collaborative, will not exceed \$0.298 million and will be recovered by offsetting the costs against the electric and gas deferral credits 83 percent and 17 percent, respectively.

Pursuant to this Section, the signatory parties have agreed that National Grid should develop a web-based historical bill calculator that will enable residential consolidated bill ESCO customers to calculate the amount the customers would have been billed had they retained utility commodity service. The elements, information and details associated with the ESCO Bill Calculator will be developed in the Collaborative to be commenced as soon as practicable but no later than 60 days following the issuance of the final Order in these proceedings. The Collaborative will also consider other information or materials, beyond those directly related to the ESCO Price Calculator that may be provided to residential ESCO customers concerning the amount the customers would have been billed if they had purchased commodity from the Company. However, no party by executing the JP has agreed at this time whether any such additional materials, including, but not limited to a monthly bill comparison, are necessary or what the contents thereof will be. All parties participating in the Collaborative reserve their rights to challenge or disagree with the implementation of any additional pricing information besides the ESCO Price Calculator, and retain the right to challenge or disagree with the materials that will be used in connection with the ESCO Price Calculator.<sup>2</sup>

This reflects RESA's understanding of Section 11.5, and what it agreed to by executing the Joint Proposal.

Thank you for your consideration of these comments.

Respectfully submitted,

Retail Energy Supply Association

By: *Usher Fogel, Counsel*  
Usher Fogel, Counsel

Cc: Hon. Jaclyn A. Brillings, Secretary (by electronic mail)

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<sup>22</sup> This position is consistent with the comments provided by RESA in its "Statement in Support of the Retail Energy Supply Association" dated December 21, 2012 at pp. 2-3.