



December 7, 2011

Mr. Robert Corke, Attorney at Law
11 Lakeview RD
Ossining, NY 10562

RE: Constance Nininger - PSC Case # 002371
NYSEG Account #: [REDACTED]

Dear Mr. Corke:

This correspondence is in response to your letter dated 12/07/2011.

The attached billing history confirms that the current balance of \$1635.49 on Ms. Nininger's account is correct and collectible by NYSEG. The billing history confirms that the company has credited the \$1000.00 to Ms. Nininger's account as was directed by the PSC in the Informal Hearing decision letter dated 06/23/2011. The billing history also confirms that NYSEG removed the current PSC disputed amount of \$1834.00 from the customer's account.

NYSEG is allowed to pursue collection on the current outstanding balance. If Ms. Nininger or [REDACTED] would like to set up a deferred payment agreement on the \$1635.49, please ask one of them to contact me.

As the customer's account is coded to reflect her use of [REDACTED] equipment, the company would not shut-off the electric service as long as this equipment remains in use in the home.

I can be reached Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. at 1.800.231.2888.

Sincerely,

Nancy Elwood
Appeals Department - NYSEG Executive Office

Encs.

cc: Emily Feldman, NYS Department of Public Service

ROBERT CORKE
Attorney at Law
11 Lakeview Road
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(914) 980-8280
Facsimile (914) 476-2421
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December 7, 2011

Via Facsimile (607) 762-4598 & regular mail

Ms. Nancy Elwood, Appeals Department
NYSEG Executive Office
Customer Relations Center
PO Box 5240
Binghamton, New York 13902-5240

RE: Public Service Commission Case # 002371
Account # [REDACTED] Constance Nininger
[REDACTED]
My File # 686.001

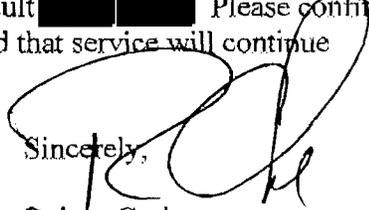
Dear Ms. Elwood:

You may recall that I represent Ms. Constance Nininger regarding the above captioned matter. I filed an appeal in behalf of Ms. Nininger of the June 23, 2011 decision in this matter. As of this date, I have not received a decision.

In July of this year, I requested that there be a stay in any further activity in this matter pending a decision on the appeal. My client reports to me that she has received several shut off notices from NYSEG, the last being a November 30, 2011 shut off.

Ms. Nininger is [REDACTED] and requires [REDACTED] equipment available at all times which requires electrical power. Please ask that whatever department is involved with the "shut off notices" to discontinue sending the notices. They notices cause [REDACTED] to my client and if an actual shut off were to occur, it could result [REDACTED]. Please confirm that the matter is stayed pending resolution of the appeal and that service will continue uninterrupted during that period.

Sincerely,


Robert Corke

Cc: Mrs. Nininger
Ms. Jaclyn A. Brillling, Secretary, Public Service Commission

| <u>Energy Charges</u> | | <u>Misc. Charges/Credits</u> | | |
|-------------------------|-----------------------|----------------------------------|--------------------|--|
| <i>Date</i> | <i>Energy Charges</i> | <i>Date</i> | <i>Amount</i> | <i>Reason</i> |
| 01/28/2010 - 02/25/2010 | \$359.04 | 3/29/2010 | \$2.70 | Late Payment Charge (LPC) Bill Issuance Charge |
| 02/26/2010 - 03/25/2010 | \$295.73 | 9/30/2010 | \$0.05 | (BIC) |
| 03/26/2010 - 05/26/2010 | \$160.46 | 10/29/2010 | \$0.77 | BIC |
| 05/27/2010 - 07/27/2010 | \$68.03 | 11/29/2010 | \$0.77 | BIC |
| 07/28/2010 - 09/27/2010 | \$227.80 | 2/1/2011 | \$0.77 | BIC |
| 09/28/2010 - 10/26/2010 | \$129.78 | 3/2/2011 | \$0.77 | BIC |
| 10/27/2010 - 11/23/2010 | \$110.49 | 3/29/2011 | \$0.77 | BIC |
| 11/24/2010 - 01/28/2011 | \$563.01 | 5/2/2011 | \$3.04 | LPC |
| 01/29/2011 - 02/25/2011 | \$287.07 | 5/2/2011 | \$0.77 | BIC |
| 02/26/2011 - 03/25/2011 | \$403.58 | 5/26/2011 | \$0.77 | BIC |
| 03/26/2011 - 04/27/2011 | \$70.20 | 6/30/2011 | \$0.77 | BIC |
| 04/28/2011 - 05/25/2011 | \$319.14 | 7/8/2011 | -\$1,000.00 | Credit Directed by PSC PSC Disputed |
| 05/26/2011 - 06/27/2011 | \$37.23 | 7/25/2011 | -\$1,834.00 | Amount |
| 06/28/2011 - 07/27/2011 | \$168.20 | 7/28/2011 | \$0.77 | BIC |
| 07/28/2011 - 08/26/2011 | \$94.42 | 8/31/2011 | \$0.77 | BIC |
| 08/27/2011 - 09/26/2011 | \$78.80 | 9/28/2011 | \$0.77 | BIC |
| 09/27/2011 - 11/28/2011 | \$122.70 | 11/30/2011 | \$0.77 | BIC |
| Total: | \$3,495.68 | Total: | -\$2,818.97 | |
| <u>Payments</u> | | | | |
| <i>Date</i> | <i>Payment</i> | | | |
| 2/23/2010 | \$186.16 | | | |
| 3/19/2010 | \$93.08 | <u>SUMMARY</u> | | |
| 4/19/2010 | \$148.00 | | | |
| 5/19/2010 | \$131.12 | Balance as of 01/27/2010: | \$3,815.23 | |
| 9/21/2010 | \$286.58 | Energy Charges: | \$3,495.68 | |
| 11/19/2010 | \$225.00 | Misc. Charges/Credits: | -\$2,818.97 | |
| 1/18/2011 | \$150.00 | Payments: | -\$2,856.45 | |
| 2/8/2011 | \$424.74 | | | |
| 3/24/2011 | \$184.33 | Total Balance 12/07/2011 | \$1,635.49 | |
| 4/21/2011 | \$202.18 | | | |
| 5/11/2011 | \$73.38 | | | |
| 6/15/2011 | \$86.17 | | | |
| 7/22/2011 | \$38.00 | | | |
| 8/23/2011 | \$168.20 | | | |
| 9/1/2011 | \$168.20 | | | |
| 9/23/2011 | \$94.42 | | | |
| 10/21/2011 | \$78.80 | | | |
| 11/22/2011 | \$118.09 | | | |
| Total: | \$2,856.45 | | | |



CONSTANCE M NININGER

Account Number: [REDACTED]
Statement Date: November 30, 2011
Amount Due: \$1,635.49

Service Address: [REDACTED]
Next Scheduled Read Date: On or about January 26, 2012

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Account Summary

Table with 2 columns: Description and Amount. Rows include Previous invoice (\$1,748.97), Total adjustments (-118.86), Payments received as of 11/29/11 (-118.09), Balance forward (\$1,512.02), Energy charges (122.70), Miscellaneous charges (0.77), and Payment due upon receipt (\$1,635.49).

Residential

Residential consumer discount \$ 6.21

See details beginning on page 3

See messages on page 2

To avoid a 1.5% late payment charge, please ensure payment is received by the date displayed below.

Add \$1, \$2 or \$5 to your payment and make a tax-deductible donation to Project SHARE.

Need to make a payment fast? Make an electronic payment anytime using our e-Payment service at nyseg.com or by calling 1.800.600.2275. There is no charge for this service.

Save time and money by enrolling in electronic funds transfer — simply complete the form on the back of the payment stub below and, once enrolled, we'll deduct the amount due from your checking account 23 days after mailing your bill.

Go completely paper free and enroll in our free e-Bill service at nyseg.com.

Please return bottom portion with your payment. Make checks payable to NYSEG.



Barcode
NYSEG
P.O. BOX 11745
NEWARK, NJ 07101-4745

Form with fields: Account Number, Late Fee After (12/23/11), Due Upon Receipt (\$1,635.49), Amount Paid, \$

CONSTANCE M NININGER
C/O [REDACTED]

Please do not write below this line.



Messages

A review of your account indicates you have an overdue balance. Please pay this balance today to avoid a late payment charge and possible collection action.

The NYSEG price for providing electricity supply during this billing period was \$0.05569790/kwh which includes a Merchant Function Charge of \$0.0036/kwh. If you decide to shop for electricity supply, you can compare this information with prices offered by energy services companies (ESCOs). You could achieve some tax savings if you switch to an ESCO. Additionally, if the ESCO includes its charges on your NYSEG bill, you would not have to pay NYSEG's bill issuance charge. If you buy electricity from an ESCO, NYSEG will continue to deliver the electricity to you and you will continue to pay NYSEG for delivery, transition and basic service charges.

Sign up for NYSEG's electronic funds transfer (EFT) from November 1 through December 12 and you could win a \$750 gift card. Combine EFT with our e-Bill for paper-free billing. To enroll or to enter to win and for complete contest details, visit nyseg.com or call 1.800.572.1111.

Some customers may see a new line item on their bill, a revenue decoupling mechanism. This item can be either a charge or credit that reflects the difference between forecast and actual delivery service revenues by service classification. It is designed to allow utilities to encourage energy efficiency and promote renewable energy technologies.

NYSEG's Energy Assistance Program (EAP) is designed to help eligible customers gain control of their energy bills. If you are eligible for HEAP, you can also get the benefits of EAP. For more information, visit nyseg.com, click on "Your Account" and then on "Energy Assistance: EAP and HEAP Can Help."

Contact Information

Service or billing questions:
1.800.572.1111, 7 a.m. to 7 p.m., (M-F)
Payment arrangements:
1.888.315.1755, 7 a.m. to 7 p.m., (M-F)
Self service line:
1.800.600.2275, 24 hours a day
Power interruptions or emergencies
1.800.572.1131, 24 hours a day
Natural gas emergencies or if you smell gas:
1.800.572.1121, 24 hours a day
Hearing/speech impaired (TTY):
Dial 711 (New York Relay Service)

Electronically:
Use our "Write to NYSEG" form at nyseg.com

By mail:
NYSEG Customer Service
P.O. Box 5240
Binghamton, NY 13902-5240

Payment address:
NYSEG
P.O. Box 11745
Newark, NJ 07101-4745

Mailing Address Changes

Please mark with an "X" for address and telephone changes.

Street: _____
_____ Apt: _____
City: _____
State: _____ ZIP: _____
Home Phone: _____
Alternate Phone: _____

Electronic Funds Transfer (EFT)

To sign up for EFT, where we deduct your bill amount from your checking account 23 days after we mail your bill, please mark with an "X" and provide the following:

Name: _____
(as it appears on bank statement)
9-Digit Routing Number: _____
Bank Account Number: _____
Name of Bank: _____
Signature: _____ Date: _____

For program terms and details, visit nyseg.com/efterms.html



Service Address: [REDACTED]
 NYSEG DETAILED ACCOUNT ACTIVITY

Electricity Service - Residential
Electricity Rate - 12001 NYSEG Supply Service

Service from: 09/27/11 - 11/28/11
 PoD ID: [REDACTED]

| Meter Number | Current Meter Read Date | Current Meter Read Reading | Previous Meter Read Date | Previous Meter Read Reading | Reading Difference | Billed Usage | Billing Period |
|--------------|-------------------------|----------------------------|--------------------------|-----------------------------|--------------------|--------------|----------------|
| 00668135 | 10/26/11 | 20232 E | 09/27/11 | 19830 A | 402 | 402 kwh | 30 days |
| 00668135 | 11/28/11 | 20876 A | 10/27/11 | 20232 E | 644 | 644 kwh | 33 days |

Type of read: A - Actual, E - Estimate, C - Customer and N - No read

Service from : 09/27/11 - 10/26/11

Electricity Delivery Charges

| | | | | | | | |
|--------------------------------------|-----|-----|---|-------------|--|--|----------------|
| Basic service charge | | | | | | | 15.11 |
| Delivery charge | 402 | kwh | @ | 0.0318 | | | 12.78 |
| Transition charge | 402 | kwh | @ | -0.00908787 | | | -3.65 |
| NY state assessment | 402 | kwh | @ | 0.002446 | | | 0.98 |
| SBC/RPS charge - Sep | 31 | kwh | @ | 0.003101 | | | 0.10 |
| SBC/RPS charge - Oct | 371 | kwh | @ | 0.003248 | | | 1.21 |
| Subtotal Electricity Delivery | | | | | | | \$26.53 |

Electricity Supply Charges

| | | | | | | | |
|------------------------------------|-----|-----|---|------------|--|--|----------------|
| Supply charge | 402 | kwh | @ | 0.06028083 | | | 24.23 |
| Merchant function charge - Sep | 31 | kwh | @ | 0.003346 | | | 0.10 |
| Merchant function charge - Oct | 371 | kwh | @ | 0.00357 | | | 1.32 |
| Subtotal Electricity Supply | | | | | | | \$25.65 |

Electricity Taxes and Surcharges

| | | | | | | | |
|--|--|--|---|---------|--|--|---------------|
| Taxes on delivery charges | | | @ | 2.1502% | | | 0.57 |
| Taxes on supply charges | | | @ | 0.1072% | | | 0.03 |
| County sales tax | | | @ | 3.0000% | | | 1.58 |
| Subtotal Electricity Taxes and Surcharges | | | | | | | \$2.18 |

Service from : 10/27/11 - 11/28/11

Electricity Delivery Charges

| | | | | | | | |
|--------------------------------------|-----|-----|---|-------------|--|--|----------------|
| Basic service charge | | | | | | | 15.11 |
| Delivery charge | 644 | kwh | @ | 0.0318 | | | 20.48 |
| Transition charge | 644 | kwh | @ | -0.00802794 | | | -5.17 |
| Revenue decoupling mech | 534 | kwh | @ | -0.002045 | | | -1.09 |
| NY state assessment | 644 | kwh | @ | 0.002446 | | | 1.58 |
| SBC/RPS charge | 644 | kwh | @ | 0.003248 | | | 2.09 |
| Subtotal Electricity Delivery | | | | | | | \$33.00 |

Electricity Supply Charges

| | | | | | | | |
|------------------------------------|-----|-----|---|------------|--|--|----------------|
| Supply charge | 644 | kwh | @ | 0.04700872 | | | 30.27 |
| Merchant function charge - Oct | 110 | kwh | @ | 0.00357 | | | 0.39 |
| Merchant function charge - Nov | 534 | kwh | @ | 0.003656 | | | 1.95 |
| Subtotal Electricity Supply | | | | | | | \$32.61 |

Electricity Taxes and Surcharges

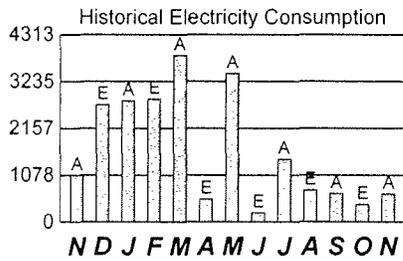
| | | | | | | | |
|--|--|--|---|---------|--|--|---------------|
| Taxes on delivery charges | | | @ | 2.1502% | | | 0.71 |
| Taxes on supply charges | | | @ | 0.1072% | | | 0.03 |
| County sales tax | | | @ | 3.0000% | | | 1.99 |
| Subtotal Electricity Taxes and Surcharges | | | | | | | \$2.73 |



Service Address: [REDACTED]

| | |
|-----------------------------|-----------------|
| Total Electricity Cost | \$122.70 |
| Total Energy Charges | \$122.70 |

Usage Chart Information



Electricity Daily Average Comparisons

| Billing Period | Average Daily Use | Average Daily Temp |
|----------------|-------------------|--------------------|
| Nov-11 | 20 kwh | 43° F |
| Nov-10 | 39 kwh | 43° F |

Miscellaneous Charges

| | | |
|----------|---|------|
| 11/30/11 | Payment & billing svcs charge | 0.73 |
| 11/30/11 | Payment & billing svcs charge sales tax | 0.02 |
| 11/30/11 | Payment & billing svcs GRT | 0.02 |

| | |
|------------------------------------|---------------|
| Total Miscellaneous Charges | \$0.77 |
|------------------------------------|---------------|

Detailed Adjustments

| | | |
|----------|---|---------|
| 10/31/11 | Canceled Consumption Billing Receivable | -118.09 |
| 10/31/11 | Canceled Payment & billing svcs GRT | -0.02 |
| 10/31/11 | Canceled Payment & billing svcs charge | -0.75 |

| | |
|--------------------------|------------------|
| Total Adjustments | \$-118.86 |
|--------------------------|------------------|

Service Address: [REDACTED]

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Terms and Definitions

Delivery charge: what you pay NYSEG to transport energy to your home or business.

Supply charge: what you pay for the energy purchased for you by NYSEG or a supplier other than NYSEG.

Payment & billing services charge: the cost to produce and send you (electronically or paper) a bill and process payments. Customers who use an energy supplier (also known as an energy services company or ESCO) other than NYSEG will not be assessed this charge by NYSEG if their ESCO's supply charges appear on their NYSEG bill, however, their energy supplier may charge a similar fee.

Competitive meter charge, Competitive meter service charge, and Competitive meter data service: apply to customers billed under service classes 2, 3, and 7 whose metering services are provided by NYSEG. These meter services charges, previously included in the customer charge, are now broken out in the electricity section of the bill. Customers with a demand of 50 kilowatts or more for two consecutive months who use a meter service provider and a meter data service provider other than NYSEG are not assessed these charges.

Basic service charge: includes a portion of the cost of the meter, meter reading, billing and part of the cost for delivery service. Appears on your bill whether or not you use any electricity or natural gas during the billing period.

Kilowatt-hours (kwh): measure of electricity use.

Residential consumer discount: monthly payment received from the New York Power Authority (NYPA) to be used for the benefit of residential customers. It is included in the Transition Charge.

ccf (hundreds of cubic feet): measure of volume of natural gas used. You are charged based on therms, the energy (heat) content of natural gas.

Merchant function charge: reflects the administrative costs of obtaining electricity and natural gas supply. Customers with a supplier other than NYSEG are not charged by NYSEG for this service.

New York State Assessment: As required by state law, effective July 1, 2009, utilities must collect a special state assessment from all customers for the state's general fund. Utilities are required to collect this assessment through March 2014.

Renewable Portfolio Standard (RPS) charge: a state-mandated charge that funds renewable energy projects to achieve targets established by the Public Service Commission.

System Benefits Charge (SBC): a state-mandated charge for all electricity and natural gas customers. The electricity SBC is used to fund energy efficiency programs to meet state energy use reduction targets, provide assistance for low-income customers and conduct energy research. The natural gas SBC is used to fund initiatives focused on reducing natural gas use in the state as part of the Energy Efficiency Portfolio Standard. These charges were required by the Public Service Commission.

Revenue Decoupling Mechanism: a charge or credit on your bill that reflects the difference between forecast and actual delivery service revenues by service classification to encourage the promotion of energy efficiency and renewable technologies.

Weather adjustment: moderates natural gas bills during any extreme weather between October 1 and May 31. If temperatures during the billing period are colder than normal, customers typically receive a credit; if temperatures are warmer than normal, customers receive a charge.

Meter Mult (Meter Multiplier): when the actual amount of energy you use is more than can be registered on the meter, the meter displays a fraction of your actual use. A multiplier is then applied to determine your actual energy use. When a multiplier is used, it will be shown in the "Meter Mult" box under the "NYSEG Detailed Account Activity" section of your bill.

Transition charge/surcharge: reflects the costs of making the electricity and/or natural gas industry more competitive; includes associated credits and/or charges.

Prorated bills: calculated by determining your average daily energy cost and multiplying it by the number of days in your billing period. Prorated bills are used only when your billing period is shorter or longer than usual.

Pay your bill by mail, at nyseg.com or at any of NYSEG's authorized pay agents. If you pay in person, please bring your entire bill.

Payment is due when you receive your bill. Your payment must be postmarked by the "Late Fee After" date shown on page 1. If paying in person, payment must be made by the "Late Fee After" date. Payments received after the "Late Fee After" date will be subject to a 1.5% late payment charge per month.