

Filed Session of September 13, 2012  
S.P.O. 11-E-0176SP  
Approved as Recommended  
and so Ordered  
By the Commission

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JACLYN A. BRILLING  
Secretary

Issued and Effective September 13, 2012

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

September 5, 2012

TO: THE COMMISSION

FROM: OFFICE OF ELECTRIC, GAS & WATER  
– Tariffs, Electric Supply and Small Utility Rates Section

SUBJECT: CASE 11-E-0176 – In the Matter of the Commission’s Implementation of  
Certain Provisions of the Recharge New York Power Program Act.

Tariff filing by Central Hudson Gas & Electric Corporation to revise the  
definition of Accepted Allocation under Section No. 40 – Recharge New  
York Power Program.

SUMMARY OF

RECOMMENDATION: Staff recommends that the filing be allowed to become  
effective.

PROPOSED TARIFF FILING

On June 28, 2012, Central Hudson Gas & Electric Corporation (Central  
Hudson or the Company) filed proposed revisions to P.S.C. No. 15 – Electricity, to revise  
the definition of Accepted Allocation under Section No. 40 – Recharge New York (RNY)  
Power Program. The Company proposes to revise the definition of Accepted Allocation  
by adding language to allow for an adjustment to the Awarded Allocation on a prorated  
basis for the purpose of the determination of energy and demand in situations when the

New York Power Authority (NYPA) is unable to supply the customer's entire Accepted Allocation or the customer voluntarily elects to accept an amount less than the Accepted Allocation. This change is required for the Company's RNY tariff language to be consistent with the terms of a contract that was recently entered into by Central Hudson and the NYPA for the delivery of RNY power. Central Hudson has also requested a waiver of the requirement of newspaper publication of its filing because the customers participating in the RNY Program will be in direct contact with the Company and NYPA.

#### NOTICE AND COMMENTS

Pursuant to State Administrative Procedures Act (SAPA) §202(1), a Notice of Proposed Rulemaking was published in the State Register on July 18, 2012. The public comment period in conformance with SAPA expired on September 4, 2012. No comments have been received.

#### DISCUSSION

On June 28, 2012, the Company filed proposed revisions to P.S.C. No. 15 – Electricity, to revise the definition of Accepted Allocation under Section No. 40 – Recharge New York (RNY) Power Program. Upon review of the final RNY agreement between the NYPA and the Company, Central Hudson determined that a modification to its tariff language is required to comply with the terms of the agreement. The Company has filed the proposed amendment to allow for the proration of the Awarded Allocation when the NYPA is unable to supply a participating customer's entire Accepted Allocation or when the customer voluntarily elects to accept an amount less than the Accepted Allocation.

Because the proposed amendment is necessary for the Company's tariff to meet the terms of the contract between the NYPA and the Company for the delivery of RNY power, Staff recommends the proposed tariff revisions be allowed to become effective and the waiver of newspaper publication be approved.

Recommendation

It is recommended that:

1. the amendment listed in the Appendix be allowed to become effective;
2. special permission be granted waiving the requirement of Public Service Law §66(12) and 16 NYCRR §720-8.1 regarding newspaper publication of the amendment listed in the Appendix; and
3. this case be continued.

Respectfully submitted,

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Utility Engineer 2

ROSANNE E. MAIELLO  
Utility Analyst 3

Reviewed by:

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Assistant Counsel  
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Office of Electric, Gas and Water

Approved by:

RAJ ADDEPALLI  
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APPENDIX

SUBJECT: Filing by CENTRAL HUDSON GAS & ELECTRIC CORPORATION

Amendment to Schedule P.S.C. No. 15 – Electricity

Second Revised Leaf No. 163.5.30

Received: June 28, 2012

Effective: October 1, 2012

SAPA: 11-E-0176SP8 – STATE REGISTER – July 18, 2012

SPECIAL PERMISSION APPLICATION: 11-E-0176SP

NEWSPAPER PUBLICATION: Waived.