

Item 265, 4/18/13

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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*Acting Secretary*

April 22, 2013

Mr. Charles A. Freni  
Vice President of Customer Services  
Central Hudson Gas & Electric Corporation  
284 South Avenue  
Poughkeepsie NY 12601

Mr. David Rose  
Computel Consultants  
P.O. Box 35  
Earlville, NY 13332

Re: Case 10-E-0277 (926020)  
City of Kingston vs. Central Hudson

At its session of April 18, 2013, the Public Service Commission decided the appeal of the City of Kingston from an informal review decision dated May 25, 2010. Enclosed is a copy of the Commission's determination.

The applicable regulations (16 NYCRR Section 12.14[b]) provide that in deciding appeals of informal hearings or reviews, the Commission "may uphold, change, reject or return the decision to the informal hearing officer or reviewer for additional consideration." The Commission also has the discretion to order a formal evidentiary hearing if it finds this to be appropriate under the circumstances.

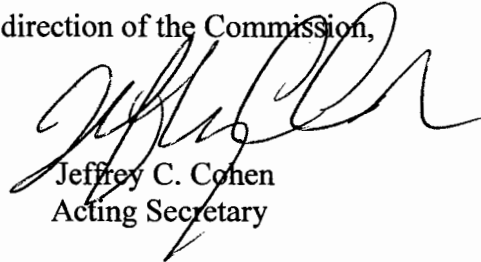
In this case, the Commission modified the informal review officer's decision for the reasons given in the attached determination.

The Commission's decision, effective the date of this letter, may be challenged through judicial review pursuant to Article 78 of the Civil Practice Law and Rules, or may be the subject of a petition for rehearing. A petition for rehearing must, pursuant to Section 22 of the Public Service Law, be sent to the Secretary to the Commission at the above address (or by electronic mail to [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)), and must be received at the Secretary's office no later than 30 days from the date of this letter. The Secretary may reject petitions that are untimely.

A petition for rehearing must also meet the requirements of the Commission's rule, 16 NYCRR §3.7(b), which says that, "Rehearing may be sought only on the grounds that the Commission committed an error of law or fact or that new circumstances warrant a different determination." This rule also requires that a rehearing petition "separately identify and specifically explain and support each alleged error or new circumstance said to warrant rehearing." A rehearing petition that does not meet the requirement for separate identification of each alleged error or new circumstance, and for explanation of how each error or new circumstance warrants rehearing, may be rejected.

Judicial review may be sought without first requesting rehearing by the Commission. The time limit under state law for commencing an Article 78 proceeding to obtain judicial review of a Commission determination is four months from the date that the Commission determination becomes final and binding on the party seeking review. Please note that a request for rehearing may not extend this four-month period to seek judicial review of the enclosed decision.

By direction of the Commission,



Jeffrey C. Cohen  
Acting Secretary

cc: Mr. John Tuey  
Comptroller  
City of Kingston  
420 Broadway  
Kingston, NY 12401