February 14, 2012

Hon. Jaclyn A. Brilling  
Secretary to the Commission  
New York State Public Service Commission  
Agency Building 3, Empire State Plaza  
Albany, NY 12223-1350

By Electronic Delivery to: secretary@dps.ny.gov

Re: Case 09-E-0115 - Con Edison Tariff Filing on DR Issues – Reply Comment of the Joint Supporters to Con Edison’s Reply to Comments That It Labeled “Outside the Scope of the Proceeding”

Dear Secretary Brilling:

The Northeast Clean Heat and Power Initiative (NECHPI) and Energy Concepts Engineering, PC, (hereinafter, the “Joint Supporters”) offer these reply comments to Con Edison’s comment dated February 13, 2012.

In its reply comment Con Edison asserts that certain aspects of the comments due February 6, 2012, as filed by the Joint Supporters and others, were outside the scope of the instant proceeding. We disagree.

The Commission approved a SAPA notice to seek comment on the original Con Edison petition to:

- approve “changes to demand response programs to improve the design of” several programs;
- consider changes to improve the economic and operational potential of DR programs;
- consider applying aspects of its decision here to the requirements for tariffs of other utilities.¹

The Joint Supporters believe that our proposal improves both the design and (2) improves the economic and operational potential of the aforementioned programs. Furthermore, we believe that the Commission should not “apply aspects of its decision here to the requirements for tariffs of other utilities.”

The Company currently restricts the use of distributed generators (“DG”) as part of the design of their program. We feel that this is a flaw in the design of the programs. Consistent with the Commission’s overall desire to improve DR programs and the benefits derived there from, we submit our comments as a proposed improvement to Con Edison’s DR program.

¹ “Commission may apply aspects of its decision here to the requirements for tariffs of other utilities.” This additional condition was indicated in the SAPA notice but not quoted by Con Edison in the excerpt it submitted on February 13, 2012.
In our several filings, we stated that the Con Edison Tariff filing imposes a number of barriers and disincentives to DG. By rejecting the attempted creation of such barriers and disincentives, the Commission can deliver great benefit to the public by emphasizing the importance of DG.

We urge the Commission to address the substance of our opposition in this setting rather than deferring – as Con Edison proposes – to other unspecified proceedings.

Keeping base-load DG operating in a contingency event or a network test prevents the network from falling short. The solutions outlined in our proposal would provide an incentive to DG to remain operating during a contingency event.

Con Edison claims that allowing DG to participate in its DR programs requires a complex methodology that is yet to be developed. In response, we propose that whenever Con Ed has a network test or contingency event, that Con Edison provide a contract demand credit to those participating customers who refrained from drawing from the grid.

We believe that this simple and straightforward proposal is readily capable of being implemented by Summer 2012 and does not require a separate proceeding. We strongly urge the Commission to move forward now.

Thank you for the opportunity to offer these comments.

Respectfully submitted,

NORTHEAST CLEAN HEAT AND POWER INITIATIVE

Paul Lee
Executive Director
plee@nechpi.org
201-709-6755

Ruben S. Brown, M.A.L.D.
The E Cubed Company, LLC

William Cristofaro, P.E.
Energy Concepts Engineering, PC
On behalf of Joint Supporters, including:

- Advantage Energy, LLC
- Clinton Hill Apartment Owners Corp.,
- Energy Concepts Engineering, PC.
- Energy Spectrum, Inc.,
- E Cubed Development, LLC,
- GI Endurant LLC
- Pace Energy & Climate Center
- Redhook Green Power, LLC,
- SourceOne Inc.

Enclosures (1)