

Filed Session of May 17, 2006
Approved as Recommended
and so Ordered
By the Commission

JACLYN A. BRILLING
Secretary
Issued and Effective May 17, 2006

STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

May 2, 2006

TO: THE COMMISSION

FROM: OFFICE OF ELECTRICITY AND ENVIRONMENT-RATES & TARIFFS
OFFICE OF RETAIL MARKET DEVELOPMENT – POLICY &
COMPETITION EDUCATION

SUBJECT: CASE 05-M-0858 – In the Matter of State-Wide Energy Services Company
Referral Programs.

Tariff filing by Consolidated Edison Company of New York, Inc. filed in compliance with Commission Order issued April 19, 2006, and request for clarification with regard to post introductory billing in the above proceeding regarding the company's ESCO Referral Program.

SUMMARY OF

RECOMMENDATION: Staff recommends that the tariff amendment listed in the Appendix be allowed to become effective and the clarification requested be granted.

SUMMARY

In compliance with the Commission's Order Adopting Consolidated Edison Company of New York, Inc.'s Plan for an ESCO Referral Program issued April 19, 2006 in Case 05-M-0858 (April 19 Order), Consolidated Edison Company of New York, Inc. (Con Edison) filed a tariff amendment to implement an ESCO (Energy Services Company) referral and discount program referred to as PowerMove. The PowerMove Program is designed to provide residential and small commercial customers with an

opportunity to try out competitive energy supply alternatives and receive a guaranteed discount during an introductory period. Customers participating in the PowerMove Program will be able to choose a participating ESCO and those that do not have a preference will be assigned an ESCO at random, on a rotating basis. Also, the company requested a clarification of the April 19 Order regarding post-introductory pricing under the program.

Staff has reviewed the company's filing and finds that the tariff amendment is in compliance with the April 19 Order. Therefore, Staff recommends that it be allowed to become effective. The clarification sought by the company is a reasonable interpretation of the April 19 Order and should be accepted.

BACKGROUND AND COMPLIANCE FILING

In December 2005 the Commission adopted ESCO referral guidelines applicable to utilities and ESCOs.¹ The December 22 Order directed Con Edison to conduct a collaborative process with interested parties and to make a filing regarding implementation of an ESCO referral program in conformance with the approved guidelines. On February 17, 2006, Con Edison filed its proposed ESCO referral program, PowerMove. On March 14, 2006, the company supplemented its filing to clarify, among other things, the provisions of the Uniform Business Practices that are inconsistent with the guidelines for the program. The Commission's April 19 Order approved Con Edison's PowerMove Program and waived application of certain provisions of the Uniform Business Practices. On April 24, 2006, Con Edison filed the tariff amendment identified in the Appendix to include the PowerMove Program description in its retail access tariff schedule.

¹ Case 05-M-0858, In the Matter of State-Wide Energy Services Company Referral Programs, Order Adopting ESCO Referral Program Guidelines and Approving an ESCO Referral Program Subject to Modifications (issued December 22, 2005) (December 22 Order).

CLARIFICATION OF ORDER

Con Edison also requested clarification of the portion of the April 19 Order describing pricing for the post-introductory period. If no price change is submitted by the ESCO, Con Edison proposes to apply the same formula, or 7% discount, not the same price, that was used during the introductory period. This interpretation appears to be consistent with the intent of the April 19 Order.

NEWSPAPER PUBLICATION

Con Edison has requested waiver of newspaper publication of its proposed filing because any customers expressing interest in the PowerMove Program would be in direct contact with a company representative. This alternate means of advising interested persons of the tariff amendment appears to be reasonable and equal, if not superior, to newspaper publication. The company is also individually notifying the parties on the service lists in Cases 05-M-0858 and 04-E-0572 of the proposed filing. Staff recommends that the request for waiver of newspaper publication be approved.

RECOMMENDATION

It is recommended that the tariff amendment listed in the Appendix be allowed to become effective and that the requirement of Section 66(12)(b) of the Public Service Law as to newspaper publication of the proposed changes be waived. It is further recommended that the clarification of the April 19 Order sought by Con Edison be accepted.

Respectfully submitted,

MARCO PADULA
Utility Engineer 3

ROSANNE E. MAIELLO
Utility Analyst 2

LEA ANN ROSENTHAL
Utility Consumer Program Specialist 4

Reviewed by:

KEVIN LANG
Assistant Counsel
Office of General Counsel

Approved by:

DOUGLAS E. LUTZY
Chief, Rates & Tariffs
Office of Electricity and Environment

ALICE MILLER
Chief, Policy and Competition Education
Office of Retail Market Development

APPENDIX

SUBJECT: Filing by CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Amendment to Schedule P.S.C. No. 2 - Retail Access

Fourth Revised Leaf No. 5-B

Issued: April 24, 2006

Effective: June 1, 2006

NEWSPAPER PUBLICATION: Waived