

**NEW YORK STATE  
PUBLIC SERVICE COMMISSION**

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**Proceeding on Motion of the Commission as to the  
Rates, Charges, Rules and Regulations of Consolidated  
Edison Company of New York, Inc. for Electric Service.**

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**Case 25-E-0072**

**Proceeding on Motion of the Commission as to the  
Rates, Charges, Rules and Regulations of Consolidated  
Edison Company of New York, Inc. for Gas Service.**

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**Case 25-G-0073**

**UTILISAVE, LLC  
POST-EVIDENTIARY HEARING REPLY BRIEF  
IN OPPOSITION TO JOINT PROPOSAL**

**December 12, 2025**

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## **PRELIMINARY STATEMENT**

UtiliSave, LLC (“UtiliSave”) hereby submits this Post-Evidentiary Hearing Reply Brief (the “Reply Brief”) in Opposition to the Joint Proposal (“JP”) that Consolidated Edison Company of New York (“Con Edison” or the “Company”) filed with the New York State Public Service Commission (“PSC” or the “Commission”) on November 5, 2025.

As discussed herein, 16 NYCRR § 13.11 requires utilities, such as the Company, to include on all bills an explanation of the calculations and factors used to determine the customers’ costs of service. Contrary to the Company’s testimony that they comply with all PSC regulations, Con Edison *does not* currently appear to comply with 16 NYCRR § 13.11. Upon cross examination at the Evidentiary Hearing, Con Edison’s witnesses confirmed that there are billing inputs that are available to them but not provided to customers, even upon inquiry.<sup>1</sup> Further, and more importantly, the JP does nothing to remedy this omission. Finally, UtiliSave is not the only party who has noted the JP’s need for provisions which increase bill transparency.<sup>2</sup>

UtiliSave seeks to hold the utilities to a standard that is the norm in all of typical commerce: when the Company renders a bill to a customer, this bill should explicitly list all the billing inputs or provide a link to an informational site, managed by the Company, which contains these inputs. No customer should be expected to pay a bill in which all the components of the bill are not available for review and confirmation.

UtiliSave, therefore, respectfully requests that the JP be modified and/or rejected.

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<sup>1</sup> See generally Exhibit A, Case No. 25-E-0072, Proceeding on Motion of the Commission as to the Rates, Charges, Rules, and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service and Case No. 25-G-0073, Proceeding on Motion of the Commission as to the Rates, Charges, Rules, and Regulations of Consolidated Edison Company of New York, Inc. for Gas Service, (collectively, the “2025 Rate Cases”), Transcript of December 3, 2025 Evidentiary Hearing (the “EH Transcript”) at p. 176, l. 10-13; p. 177, l. 19 through 178, 1-6. See *id.* at p. 176, 10-13.

<sup>2</sup> See 2025 Rate Cases, Sen. Jackson’s Opposition Statement (dated November 26, 2025) at p. 4.

## **PROCEDURAL HISTORY**

Con Edison initiated the instant proceedings on January 31, 2025. Since then, UtiliSave and the other parties have engaged in discovery, participated in settlement negotiations, and submitted Statements on the proposed JP. Most recently, on December 9, 2025, the ALJs presided over an Evidentiary Hearing, at which UtiliSave cross-examined the Company on their current and proposed bill transparency practices.<sup>3</sup>

UtiliSave now submits this Reply Brief.

## **ARGUMENT**

### **THE JP IS NOT IN THE PUBLIC INTEREST BECAUSE IT IS NOT CONSISTENT WITH THE REGULATORY POLICIES OF THE COMMISSION OR THE SOCIAL POLICIES OF THE STATE**

“All Commission decisions, including those pertaining to proposed settlements,” such as this JP, “must be, and appear to be, just, reasonable, and in the public interest.”<sup>4</sup> Importantly, “[t]he threshold requirement for any such decision is that it be reached in accordance with applicable procedures.”<sup>5</sup> If the PSC fails to follow these procedures, “the decision [is] less likely to be in the public interest and ... will not be perceived as being in the public interest.”<sup>6</sup> Procedural soundness includes “the settlement’s consistency with ... the regulatory ... [and] social ... policies of the Commission and the State.”<sup>7</sup>

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<sup>3</sup> See generally Exhibit A, Case No. 25-E-0072, Proceeding on Motion of the Commission as to the Rates, Charges, Rules, and Regulations of Consolidated Edison Company of New York, Inc. for Electric Service and Case No. 25-G-0073, Proceeding on Motion of the Commission as to the Rates, Charges, Rules, and Regulations of Consolidated Edison Company of New York, Inc. for Gas Service, (collectively, the “2025 Rate Cases”), Transcript of December 3, 2025 Evidentiary Hearing (the “EH Transcript”).

<sup>4</sup> Case No. 92-M-0138, In the Matter of the Rules and Regulations of the Public Service Commission Contained in 16 NYCRR, Chapter I, Rules of Procedure --- Proposed Amendments to Subchapter A, General, Part 2, Hearings and Rehearings by the Addition of a New Section 2.6, Settlement Procedures, filed in C 11175, Opinion, Order and Resolution Adopting Settlement Procedures and Guidelines (Issued and Effective March 24, 1992) (the “Settlement Procedures and Guidelines”) at p. 30.

<sup>5</sup> See id.

<sup>6</sup> See id.

<sup>7</sup> See id.

As discussed herein, the JP does not meet the above requirements for being procedurally sound.

### Regulatory Policy of the Commission

The Commission’s regulatory policy on bill transparency is mainly codified in 16 NYCRR § 13.11. According to this regulation:

[e]very utility bill shall state on the portion retained by the customer ... the quantity of service billed, the unit of measurement used, *an explanation of any calculations or factors used to determine the cost of service*, a description and the cost of any other tariff charges, and the total of the current charges....”<sup>8</sup>

An explanation is “a statement about how or why something is the way it is.”<sup>9</sup> Therefore, read plainly, the regulation requires Con Edison to state how or why certain calculations and factors are used to determine the cost of a customer’s service. In order to adequately explain how the calculations are used, the Company must make the following information available for each charge contained on a customer’s bill:

- The granular data, numbers or variables used to compute the charge, or any component of a charge;
- The mathematical formulas, actions, rules, or equations performed (including a sequential breakdown of each step of the process;
- Final answers derived from the steps.

An explanation of the calculations or factors used to determine the cost of service would be incomplete without all of the above information.<sup>10</sup>

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<sup>8</sup> 16 NYCRR § 13.11(b)(6) (emphasis supplied).

<sup>9</sup> See <https://www.vocabulary.com/dictionary/explanation> (last accessed December 10, 2025).

<sup>10</sup> See 24-M-0099, Tariff Filings by Orange and Rockland Utilities, Inc. to Amend Its Electric Tariff Schedule, P.S.C. No. 3, and Gas Tariff Schedule, P.S.C. No. 4, to Clarify the Acceptable Methods of Payment from Customers, Order Denying Tariff Amendments (Issued and Effective July 22, 2024) at p. \*4 (“The Commission’s regulations pertaining to the contents of bills in 16 NYCRR § 11.16 and 16 NYCRR § 13.11, among other things, specifies that a utility is required to explain on its bill, how and where payments can be made and states that a utility has the ability to provide

Despite this mandate, and contrary to the Company's testimony acknowledging that customers' bills should be understandable in compliance with regulations,<sup>11</sup> the Company's current rate schedules do not require bills to contain the granular data, numbers, or variables used to compute the customers' charges and components of a customer charge, or the mathematical formulas, actions, rules, or equations performed, and an explanation of this data. More importantly for these proceedings, *the JP* does not require bills to contain these calculations and factors, to maintain the standards established by 16 NYCRR § 13.11.

UtiliSave testified that the Company fails to provide ratepayers with the following calculations and/or factors which are used to determine customers' costs of service:

- The calculations used to determine the subcomponents of the customers' gas cost factors;
- The granular forecast or real-time hedging data for the customers' market supply charges;
- The calculations used to determine the customers' market supply charges; and
- As it relates to Btu:
  - The calculation used to obtain the Gas Therm for each city gate, as taken hourly throughout the year on each day;
  - The calculation used to quantify the gas being passed through each city gate as taken hourly throughout the year on each day; and
  - The calculation used to quantify the gas that is being taken from each city gate into each thermal zone as taken hourly throughout the year on each day.<sup>12</sup>

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other pertinent information on its bills beyond what is specified in these sections.”) See *id.* at fn. 3 (“16 NYCRR § 11.16(d) and 16 NYCRR § 13.11(a)(2) state, ‘[n]othing in this section prevents a utility from providing pertinent messages and information on the bill, as long as such information does not interfere with the presentation of the information required by this section.’”).

<sup>11</sup> See Exhibit A at p. 157, l. 25.

<sup>12</sup> See Exhibit A at p. 119-121.

The Company did not cross-examine UtiliSave on this testimony and therefore concurred with UtiliSave's conclusions, itself testifying that granular information and calculations are not provided to customers.<sup>13</sup>

In fact, not only has the Company failed to provide this information on their bills, but the Company will not even provide this information to an individual customer if requested. Indeed, the Company testified that they consider much of this information to be confidential because it is "related to the Company's forecasting, hedging practices, and ... contracts...."<sup>14</sup> Yet the information the Company doesn't consider to be confidential is *still* withheld from customers – with the rationale that their current systems are unable to produce the information.<sup>15</sup>

This, of course, is inaccurate. As the Company uses this information for billing purposes and provides it to DPS,<sup>16</sup> it follows that the same information can be provided to customers. Typically, such data schemas can be easily transmitted in excel spreadsheets. Con Edison gave a broad reply concerning technical difficulties but provided no details to support this position.<sup>17</sup> If the Company can convey any of the data in a simple format such as an excel spreadsheet, that should be the start of such informational transparency. Con Edison's failure to do so seems to violate 16 NYCRR § 13.11(b)(6) and goes against the Commission's regulatory policy on bill transparency. It also goes against typical expectations of the marketplace for merchants to fully detail and explain their bills. Consequently, there are grounds for modifying and/or rejecting the JP in the name of public interest.

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<sup>13</sup> See *id.* at p. 175, l. 16-18; p. 176, l. 10-13.

<sup>14</sup> See *id.* at p. 177, l. 19 through p. 178, l-6.

<sup>15</sup> See *id.* at p. 184, l. 9-25.

<sup>16</sup> See *id.* at p. 176, l. 10-13.

<sup>17</sup> See *id.*

## Social Policy of the State

UtiliSave has already submitted extensive testimony on the State's policy on bill transparency.<sup>18</sup> These State policies are reflected in both proposed and passed legislation.<sup>19</sup>

At the Evidentiary Hearing, the ALJs advised that pending legislation is not relevant to these proceedings.<sup>20</sup> UtiliSave respectfully disagrees.

In his Opposition Statement, Sen. Jackson states that:

Independent audits, machine-readable filings, and public disclosure windows are essential to ensure accountability and protect ratepayers. Rates and tariff calculations must be provided in machine-readable form, with full customer data pools accessible regardless of size. Customers should not need a rate engineer or advanced accounting expertise to understand how their bills are calculated. *Bill transparency is a bipartisan issue in both chambers of the Legislature, and Con Edison should proactively provide this level of access before state law compels them to do so.*<sup>21</sup>

UtiliSave supports Sen. Jackson's Statement as it relates to bill transparency, generally. Indeed, neither ratepayers *nor* sophisticated parties, such as rate engineers, can understand how the Company calculates a customer's bill without access to the information that UtiliSave is requesting. However, this Statement is also important because it sheds light on the State's policy related to bill transparency.

## **CONCLUSION**

For the reasons set forth above, the ALJ should recommend that the PSC (1) modify and/reject the JP, and (2) render an order remanding the cases to establish temporary rates pending litigation, which incorporate the practices and policies UtiliSave advanced in its Statement in Opposition to the JP.

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<sup>18</sup> See *id.* at p. 122, l. 13 through p. 124, l. 22.

<sup>19</sup> See *id.*

<sup>20</sup> See *id.* at p. 154, l. 14-22.

<sup>21</sup> See 2025 Rate Cases, Sen. Jackson's Opposition Statement (dated November 26, 2025) at p. 4.

Respectfully submitted,

/s/ Michael Steifman, Esq.  
UtiliSave, LLC

Date: December 12, 2025