

BEFORE THE STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

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In the Matter of Competitive Opportunities  
Regarding Electric Service.

Case No. 24-\_\_\_\_\_

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**PETITION OF THE JOINT UTILITIES FOR  
PERMANENT WAIVER OF ORDER REQUIREMENTS**

**I. INTRODUCTION**

In December 1998, the Commission directed “[e]very electric utility, energy service company (ESCO), jurisdictional municipal electric utility and jurisdictional cooperative electric utility, providing retail sales of electricity...to provide periodic environmental disclosure statements to their existing retail customers, and to enclose environmental disclosure statements with the other required information for prospective retail customers, in accordance with [Commission guidance].”<sup>1</sup> Among other things, the Commission specified the manner in which the utilities should present the environmental disclosure statements by stating that “the disclosure information may be printed on the bill or may be included with the bill as a bill insert, but must accompany the bill.”<sup>2</sup>

By this Petition, the Joint Utilities<sup>3</sup> request a permanent waiver of the requirement to provide the full environmental disclosure information for all ESCO-supplied customers with

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<sup>1</sup> Case 94-E-0952, In the Matter of Competitive Opportunities Regarding Electric Service, *Opinion and Order Adopting Environmental Disclosure Requirements and Establishing a Tracking Mechanism* (issued December 15, 1998), p. 23 (“Order”).

<sup>2</sup> *Id.*, Appendix p. 10.

<sup>3</sup> The Joint Utilities are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc, Keyspan Gas East Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corporation, and The Brooklyn Union Gas Company d/b/a National Grid NY.

consolidated billing exclusively by either printing that information on the bill or including it with the bill as a bill insert. In its place, the Joint Utilities seek formal approval of an alternative method of providing customers with the same information online, which will improve the customer experience and support New York State's Climate Leadership and Community Protection Act ("CLCPA") goals by reducing paper waste.

## **II. BACKGROUND**

Currently, the Joint Utilities provide customers with environmental disclosure labels twice a year, including energy service company ("ESCO") supply customers with consolidated billing. With the increasing variety of ESCO fuel sources across New York State, this process has resulted in higher costs for the Joint Utilities' customers and increased implementation challenges for the Joint Utilities.

For example, NYSEG and RG&E's environmental disclosure labels have become so large that they must be divided into two six-page bill inserts. To fit in a standard envelope with the customer's bill, NYSEG and RG&E must include those inserts in their bills for two months in a row. NYSEG and RG&E anticipate that the next time they need to print labels later in 2024, they may need to be split across three billing cycles, which would result in all ESCO-supplied customers receiving environmental disclosure labels with their bills six times a year going forward.

As another example, Con Edison currently provides labels directly on the bill itself twice a year, which requires a complex implementation process. First, the Company pulls the labels from the New York Generation Attribute Tracking System ("NYGATS") website and identifies those that match across multiple ESCOs so each label can be efficiently reproduced;

then, graphic designers create the labels as images that can be placed on bills; and finally, the bill design group modifies its code to insert the images onto the bills. O&R, meanwhile, provides this information as a bill insert that goes to every customer, which involves considerable preparation time and design effort, in addition to the costs for paper, printing, and mailing.

### **III. JOINT UTILITIES' PROPOSAL**

In place of the costly and cumbersome processes described above, the Joint Utilities propose that the Commission explicitly allow the utilities the option to provide the required environmental information on their websites, which will direct customers to paperless environmental disclosure labels available year-round via the NYGATS website. The Joint Utilities will inform ESCO-supplied customers that this information is available semiannually by including a link to their respective websites in ESCO-supplied customers' bill messages. The Joint Utilities will also print and mail labels to customers on request. This proposal gives the Joint Utilities an additional option to provide environmental disclosure labels to customers and may replace existing processes.

### **IV. POTENTIAL BENEFITS OF JOINT UTILITIES' PROPOSAL**

The Joint Utilities have identified the following potential benefits that would be realized by adoption of this proposal. These benefits include reduced costs, reduced risk of manual errors, an improved customer experience, and reduced paper waste.

### Reduced Costs

Currently, each utility incurs annual costs of up to \$62,000 to provide environmental disclosure labels as required by the Order. These costs continue to grow with the increased number of labels that must be provided each year due primarily to the increased variety in fuel mix available through ESCOs. In 2024, some of the Joint Utilities expect that they will need to include the environmental disclosure labels in additional months' bills, use larger size paper, or add additional pages. For instance, NYSEG and RG&E have seen costs double with an increase from 20 to 49 environmental disclosure labels since 2022, with more expected. As the number of labels continues to increase, the Joint Utilities will experience greater challenges and costs to include them with ESCO customers' bills. These costs could be reduced or reallocated to serve customers in other ways if the Joint Utilities instead provide paperless disclosures through a link via their websites and bill messages.

### Reduced Risk of Manual Errors

Printing of environmental disclosure labels requires meaningful manual effort, as illustrated via Con Edison's example in Section II of this petition, increasing the risk for errors. By providing these labels electronically, there will be a reduced risk of such errors, as the Joint Utilities will direct their customers to the NYGATS website rather than expend manual effort to prepare the labels for printing.

### Improved Customer Experience

There are numerous customer benefits to providing environmental disclosure labels online rather than on paper. For instance, providing labels for all ESCOs in one location

allows customers to readily compare labels between ESCOs, including comparing their ESCO's environmental impact to that of other ESCOs, similar to how customers can currently compare ESCO prices.<sup>4</sup> Customers will also be able to access this information on their own schedules without having to keep track of a hard copy sent in the mail. These enhancements further enable customer access to information and, ultimately, choice. Should the Commission later require the Joint Utilities to include additional labels for ESCO-supplied customers, such as a green label, it would be easier for utilities to accommodate such a request via paperless means by referring to either the NYGATS website or another URL for all ESCO green offerings.

### Waste Reduction

By promoting paperless environmental disclosures and reducing the amount of paper included with customer bills, the Joint Utilities will contribute to the CLCPA's waste reduction objectives, which aim to reduce greenhouse gas emissions by decreasing generation of solid waste, which in turn reduces truck traffic associated with waste transportation. According to the CLCPA Scoping Plan, 33 percent of all municipal solid waste ("MSW") in New York State consists of paper products, the largest percentage of all MSW categories.<sup>5</sup> The Joint Utilities are committed to supporting the achievement of the CLCPA's goals, and their proposal here will support those efforts.

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<sup>4</sup> Customers would be directed to the following link, which is available on the public reports page of the NYGATS Attribute Tracking System website. A secondary benefit of accessing this site is that customers will be further informed of the existence of this resource, which includes a number of other useful public reports.  
[https://nygats.ny.gov/ng/Report/getdto\\_view\\_Report\\_PublicEDPLabel](https://nygats.ny.gov/ng/Report/getdto_view_Report_PublicEDPLabel)

<sup>5</sup> Final CLCPA Scoping Plan issued December 2022: Chapter 16 - Waste

## V. THE COMMISSION'S ORIGINAL RATIONALE FOR REJECTING ONLINE ACCESS NO LONGER APPLIES

The Commission's original rationale for rejecting online access to environmental disclosure labels no longer applies, as there has been tremendous growth in internet access over the quarter-century since the Commission issued the Order.

In September 1998, RG&E filed comments in response to the DPS Staff white paper titled *Environmental Disclosure: Empowering New York Consumers to Make Informed Electricity Choices* issued on August 13, 1998, under Case No. 94-E-0952. In its comments, RG&E proposed to allow disclosure through a website instead of a bill insert. The Order deemed this proposal inadequate to ensure that customers have the information they need to make an informed choice.<sup>6</sup> In reaching that conclusion the Order noted that, at that time, less than half of the dwelling units in the United States contained personal computers, and even fewer had access to the internet.<sup>7</sup>

Much has changed over the last 26 years. According to the latest available U.S. Census data, more than 93% of households in New York State have a computer and more than 88% of New York State households have broadband internet access.<sup>8</sup> Additionally, the Pew Research Center finds that 90% of Americans now own a smartphone, with 15% of American adults only accessing the internet via smartphone.<sup>9</sup> These figures represent a significant increase in internet access since the Commission issued the Order in 1998, enabling the vast majority of customers to easily access web-based environmental disclosure labels. While the Joint Utilities recognize that not all New York State residents have internet access at home,

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<sup>6</sup> Case 94-E-0952, In the Matter of Competitive Opportunities Regarding Electric Service, *Opinion and Order Adopting Environmental Disclosure Requirements and Establishing a Tracking Mechanism* (issued December 15, 1998), p. 10.

<sup>7</sup> *Id.*

<sup>8</sup> <https://www.census.gov/quickfacts/fact/table>

<sup>9</sup> <https://www.pewresearch.org/internet/fact-sheet/mobile/>

customers may also have access to the internet at public locations, such as libraries. In the alternative, under the Joint Utilities' proposal here, any customer who lacks internet access or wishes to have a hard-copy environmental disclosure label for any reason at all could request that their utility provide a copy of the label by mail.

## **VI. CONCLUSION**

For the reasons set forth above, the Joint Utilities request approval of an alternative option to provide ESCO customers with environmental disclosure labels twice a year via a website link in bill messages. If the Commission accepts this alternative, the Joint Utilities request a permanent waiver of the requirements of Ordering Clause No. 1 of the Order.

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Respectfully submitted,

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