

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on May 14, 2026

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
James S. Alesi
David J. Valesky
John B. Maggiore
Uchenna S. Bright
Denise M. Sheehan
Radina R. Valova

CASE 25-E-0375 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York State Electric & Gas Corporation for Electric Service.

CASE 25-G-0378 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of New York State Electric & Gas Corporation for Gas Service.

CASE 25-E-0379 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Rochester Gas and Electric Corporation for Electric Service.

CASE 25-G-0380 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Rochester Gas and Electric Corporation for Gas Service.

ORDER ESTABLISHING TEMPORARY RATES

(Issued and Effective May 14, 2026)

BY THE COMMISSION:

INTRODUCTION

On June 30, 2025, New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) (together, the Companies) jointly filed revised tariff

leaves with supporting testimony and exhibits seeking increases in their annual revenues for their four respective business units. Under Public Service Law (PSL) §66, the Public Service Commission (Commission) may suspend the effective date of the Companies' tariff filings for 11 months from the date of filing.¹ Failure to act on the filed tariffs prior to the effective date allows the tariff changes to become the operative provisions under which utility customers take service. Given the scope of these rate proceedings and developments that have occurred since the Commission motion initiating the proceedings, the time allowed for suspension has not proven to be sufficient for us to make a final determination. Thus, we adopt in this Order temporary rates providing an interim increase in revenues for the Companies to ensure the provision of safe, adequate and reliable service and to provide the Commission additional time to review the record. This Commission action serves to balance the interests of ratepayers and the utilities, acknowledging the affordability concerns of customers, and preventing harm that may occur should the maximum allowed suspension period expire without Commission action.

BACKGROUND

Under the Companies' proposed tariff changes filed on June 30, 2025, NYSEG sought an increase in annual electric revenues of approximately \$464.4 million (roughly equal to a 35.0 percent increase to delivery revenues or an 18.4 percent

¹ The reference to an "11-month suspension period" reflects the requirement of PSL §66(12)(b) that a utility filing for new rates must provide an effective date at least 30 days from the filing date, and the Commission's authority, provided in PSL §66(12)(f), to suspend that effective date first by 120 days (approximately four months) and then by an additional six months.

increase to total revenues) and in annual gas revenues of approximately \$93.0 million (39.4 percent increase to delivery revenues or 22.1 percent increase to total revenues). If NYSEG's proposed changes went into effect as filed, the requested increase in electric delivery revenues would result in a monthly bill increase of \$33.12 (a 23.7 percent increase to total bill) for a typical residential customer using 600 kilowatt-hours (kWh) and that the requested increase in gas delivery revenues would result in a monthly bill increase of \$33.57 (33.5 percent increase to total bill) for a typical residential heating customer using 83 therms.²

Likewise, RG&E sought an increase in annual electric revenues of approximately \$220.2 million (36.0 percent increase to delivery revenues or 19.8 percent increase to total revenues) and in annual gas revenues of approximately \$72.9 million (32.0 percent increase to delivery revenues or 17.1 percent increase to total revenues). If RG&E's proposed changes went into effect as filed, the requested increase in electric delivery revenues would result in a monthly bill increase of \$33.01 (26.0 percent increase to total bill) for a typical residential customer using 600 kWh and that the requested increase in gas delivery revenues would result in a monthly bill increase of \$18.87 (22.2 percent increase to total bill) for a typical residential heating customer using 83 therms.³

On receiving the filings, the joined matters were referred to the Office of Hearings and Dispute Resolution to initiate the Commission's legal process. Two Administrative Law

² Broadcast Memorandum Summarizing Rate Case Filing, p. 1, available at <https://dps.ny.gov/nyseg-rge-rate-case-staff-broadcast-memo-6-25>.

³ Ibid.

Judges (Judges) were assigned to manage the proceedings.⁴ The Judges issued an initial procedural ruling that, among other things, set a date of December 8, 2025, for the start of an evidentiary hearing to receive evidence consisting of pre-filed written direct testimony, in-person oral cross-examination, and accompanying exhibits on the Companies' annual revenue increase proposals.⁵ Thereafter, the Judges postponed the evidentiary hearing twice, first to accommodate requested procedural extensions of time,⁶ and later, the continuation of settlement discussions among the parties. The second postponement established February 9, 2026, as the date for commencing the evidentiary hearing.⁷ As initial settlement discussions were unsuccessful, the Secretary to the Commission (Secretary) issued a Notice of Evidentiary Hearing on January 28, 2026,⁸ and the Judges began evidentiary hearings, as scheduled, on February 9, 2026.⁹

The evidentiary hearings continued over 17 days for four consecutive weeks, with full-day sessions occurring on most of those days, ultimately concluding on Friday, March 6, 2026.¹⁰

⁴ See PSL §8; 16 NYCRR §1.2(f). The Judges serving as the Commission's presiding officers for these cases are the Honorable Ashley Moreno and the Honorable Tara Kersey.

⁵ See Ruling Concerning Party Status, Schedule, and Other Procedural Matters (issued July 23, 2025). By the Commission's count, 47 parties joined at least one of the four rate proceedings.

⁶ See Ruling Modifying Evidentiary Schedule (issued November 17, 2025).

⁷ See Ruling Granting Request to Delay Hearing (issued December 29, 2025).

⁸ See Notice of Evidentiary Hearing (issued January 28, 2026).

⁹ See Corrected Evidentiary Hearing Transcript, 25-E-0375 et al., Monday, February 9, 2026, 1030 a.m., Albany.

¹⁰ See Evidentiary Hearing Transcript, 25-E-0375 et al., Friday, March 6, 2026, 1030 a.m., Albany, REDACTED, p. 1989.

Over the course of the evidentiary hearings, Commissioners sat in attendance with the Judges on various days to observe the proceedings. Of the 47 parties in the four joined rate proceedings, approximately 34 were in attendance during the hearings for at least one day, and over 20 of those parties in attendance took part in the cross-examination of witnesses. Combined, the hearing transcripts contain over 10,300 pages and the exhibit list consists of at least 1,178 documents admitted into evidence.¹¹

PUBLIC NOTICE AND COMMENTS

Pursuant to the State Administrative Procedure Act (SAPA) §202(1), Notices of Proposed Rulemaking (Notices) were published in the State Register on September 17, 2025 (SAPA Nos. 25-E-0375SP1, 25-G-0378SP1, 25-E-0379SP1, and 25-G-0380SP1). The time for submission of comments pursuant to the Notices expired on November 17, 2025. In addition, in a Notice Soliciting Comments and Announcing In-Person and Virtual Public Statement Hearings on Rate Request and Customer Service Center Closures, comments were solicited with a request that such comments be filed by October 24, 2025.

Under Commission practice, the Judges, in addition to administering the legal process, also manage the public participation and comment proceedings with extensive support provided by the Department of Public Service's (Department or DPS) Office of Consumer Services (OCS) Outreach and Education staff. In these matters, the Judges, with the assistance of OCS, have presided over two public statement hearings held virtually over the internet and telephone, and nine in-person public statement hearings that took place in six municipalities

¹¹ See Ruling Moving SERP-13 Into Evidence and Providing Updated Exhibit List (issued March 31, 2026).

over four days.¹² Commissioners also attended several of the virtual and in-person public statement hearings. Through this extensive public outreach, the record on the Companies' rate filings includes a tremendous amount of public input. In addition to the speakers that attended the public statement hearings, the Commission has received over 14,000 public comments on the combined NYSEG Electric and Gas rate cases and over 12,700 public comments on the combined RG&E Electric and Gas rate cases, which are included in the case dockets on the DPS Document and Matter Management (DMM) system.

DISCUSSION

By law, the Commission has 11 months to take action on a utility rate filing.¹³ Failure to act by the effective date of the filed tariff leaves creates a situation where those leaves, as properly filed and noticed, become effective as a matter of

¹² Afternoon and evening in-person hearings were held in Rochester, Binghamton, and Ithaca. An afternoon session was held in Sodus with an evening hearing the same day in Auburn. An afternoon hearing was also held in Oneonta. Some selected hearing locations were required by law due to the Companies' proposal to close a walk-in customer service center in that municipality. See PSL §65(13)(b).

¹³ See PSL §66(12)(b) and (f).

law.¹⁴ Here, the Secretary has already issued the allowed two notices of suspension, on July 18, 2025, and November 4, 2025, respectively. Thus, the last day on which the Commission may take action requiring the utility to cancel the filed leaves used to begin these proceedings and submit new leaves in conformance with an order of the Commission is May 26, 2026.¹⁵ We have determined that, in the context of these particular major rate proceedings, setting temporary rates is the best tool available to provide the additional time necessary to make our final determination to establish just and reasonable rates.

Legal Analysis and Public Interest

The Companies' rate filings propose increases in their rates that constitute "major changes" pursuant to PSL §66(12)(c).¹⁶ Because the Companies' filings seek major changes, under PSL §66(12)(f), the Commission cannot take final action

¹⁴ See New York Tel. Co. v. Public Serv. Commn., 64 A.D.2d 232, 248 - 250 (3d Dep't 1977), appeal denied 46 N.Y.2d 710 (1979) (stating "[a]s we view the statutory scheme, petitioner was entitled to have its proposed rates go into effect at the end of the maximum 10-month suspension period unless a final determination had been made or unless temporary rates had been imposed pending a final determination"); Case 27100, et al., New York Telephone Company - Rates, Order Setting Temporary Rates in Accordance with Recommendations of the Administrative Law Judges (issued October 13, 1977) (New York Telephone Temporary Rate Order), p. 2. See also Purcell v. New York Cent. R.R. Co., 268 N.Y. 164 (1935); Porr v. NYNEX Corporation, 230 A.D.2d 564 (2d Dep't 1997). In both cases, the Court discusses the legal effect of a properly filed rate with the Commission in the context of the filed-rate doctrine.

¹⁵ See Notice of Further Suspension of the Effective Date of Major Rate Changes (issued November 4, 2025).

¹⁶ Under PSL §66(12)(c), a "major change" is defined as "an increase in the rates and charges which would increase the aggregate revenues of the applicant more than the greater of three hundred thousand dollars or two and one-half percent."

absent a full hearing on the merits of the requested tariff changes.¹⁷ To provide time to hold such hearing and consider all issues raised in the proceeding, PSL §66(12)(f) allows the Commission to suspend the effective date of the proposed changes on two successive occasions, first for 120 days and then for an additional six months.¹⁸

Where the Commission cannot reach a final determination within the allowed suspension period, it may pursue a few outcomes. The Commission may allow the rates to go into effect while it continues to consider its final determination on the established record.¹⁹ A challenge associated with this approach is that if the Commission subsequently determines that the filed rates are significantly in excess of what the hearing evidence demonstrates is necessary as just and reasonable, then the ratepayers are paying that greater rate until the final order is issued, with no possibility of refund.²⁰

The Commission also may request that the utility voluntarily consent to an extension of the suspension of the

¹⁷ PSL §66(12)(f) states that "[w]henver there shall be filed with the commission by any utility any schedule stating a new rate or charge ... the commission may ... upon reasonable notice, hold a hearing concerning the propriety of a change proposed by the filing. If such change is a major change, the commission shall hold such a hearing." See New York Tel. Co. v. Public Serv. Commn., 59 A.D.2d 17, 19 (3d Dep't 1977); appeal denied 42 N.Y.2d 810 (1977).

¹⁸ PSL §66(12)(f).

¹⁹ PSL §66(12)(f) (stating that "[a]fter full hearing, whether completed before or after the schedule goes into effect, the commission may make such order in reference thereto as would be proper in a proceeding begun after the rate, [or] charge, ... had become effective."). See Chenango & Unadilla Tel. Corp. v. Pub. Serv. Commn., 45 A.D.2d 409, 413 (3d Dep't 1974).

²⁰ See Wegoland Ltd. v. NYNEX Corp., 27 F.3d 17 (2d Cir. 1994).

effective date.²¹ The difficulty with that approach is that the utility's incentive to voluntarily consent to extend a suspension of filed tariff leaves, even with a guaranteed reconciliation mechanism, exists primarily where the utility finds such an extension in its own interests, such as where it is involved in ongoing settlement discussions and looking at an outcome likely involving a multi-year rate plan.²²

Another option is to institute temporary rates.²³ The Commission examined the timing of settlement negotiations and action on a joint proposal under the suspension period in Opinion 92-2. There the Commission, after considering several options proposed by stakeholders that included utilities and

²¹ See Cases 90-M-0255 and 92-M-0138, Commission Procedures for Settlement and Stipulation Agreements, Opinion, Order and Resolution Adopting Settlement Procedures and Guidelines (issued March 24, 1992) (Opinion 92-2), pp. 26 - 28.

²² See, e.g., Case 20-G-0101, Corning Natural Gas Corp. - Rates, Initial Brief of Corning Natural Gas Corporation (filed April 16, 2021), p. 5 (stating that "[h]aving already agreed to a four-month extension of the suspension period and corresponding postponement of rate relief, Corning concluded that the prospect of an acceptable settlement was insufficiently certain to warrant a further delay in rate relief. Accordingly, Corning notified the ALJs and the parties of that conclusion on March 18, 2021. A prehearing conference was held on March 19, 2021 and an evidentiary hearing was held on March 23, 2021."); Public Utility Law Project of New York Post Evidentiary Hearing Brief (filed April 16, 2021), pp. 1 - 2 (indicating that the Judges "constructed an unusually rapid schedule for hearing preparation, post-hearing briefs, and reply briefs due to concerns about the possible elapse of the suspension period before an Order could be issued in May 2021 by the [Commission]").

²³ See Opinion 92-2, pp. 26 - 28 (noting that several stakeholders participating in the Commission's proceeding on establishing settlement procedures urged the adoption of temporary rates as an alternative to seeking a utility's voluntary consent to extend a suspension period).

frequent rate case parties, noted that when additional development of a record cannot be completed within the normal suspension period temporary rates are available as one mechanism to provide time to complete its review.²⁴

The Commission's authority to establish temporary rates during the course of a rate proceeding for electric and gas utilities is found in PSL §66(12) (h).²⁵ Section 72 of the PSL provides that the Commission may establish temporary rates for electric or gas service pending a determination of the final just and reasonable rate. While PSL §§66(12) (h) and 72 authorize the Commission to adopt temporary rates, once adopted, PSL §§113 and 114 become operative, providing the rules for those temporary rates.²⁶ Public Service Law §114 establishes that before instituting a temporary rate, the Commission must hold a hearing²⁷ and make a finding that establishing temporary

²⁴ See Opinion 92-2, pp. 27 - 28. See also Consolidated Edison Co. of N.Y. Inc. v. Maltbie, 300 N.Y. 196, 202 - 203 (1949) (noting that under the Public Service Law, temporary rates are available after a proceeding on permanent rates has been initiated until the Commission's final determination and recognizing that the facts indicating that temporary rates are necessary "may not be adduced or brought to the commission's attention until the final stages of the proceeding" and further observing that "considerable time, even after the hearings are closed and the record made, may frequently be required for ultimate determination of the very complicated rate problem presented").

²⁵ PSL §66(12) (h) states that the Commission "may, as authorized by section seventy-two of [PSL Article 4], establish temporary rates or charges for any period of suspension under this section."

²⁶ See New Rochelle Water Co. v. Pub. Serv. Commn., 31 N.Y.2d 397 (1972).

²⁷ A full evidentiary hearing on the Companies' tariff filings was held in these proceedings between February 9, 2026, and March 6, 2026, meeting the hearing requirement of PSL §114. See New York Telephone Temporary Rate Order (adopting temporary rates after an evidentiary hearing on the merits).

rates is in the public interest.²⁸ Finally, while PSL §113 provides for permissive refunds or reparations to be made for temporary rates applicable only during the statutory suspension period, where the Commission establishes a temporary rate lower than the final determined rate beyond the maximum allowed suspension period, a utility is entitled to receive any revenue shortfalls.²⁹

²⁸ PSL §114 states that any temporary rate "so fixed, determined and prescribed under [§114] shall be effective until the rates to be charged, received and collected by said utility company shall finally have been fixed, determined and prescribed."

²⁹ See Bronx Gas and Elec. Co. v. Maltbie, 271 N.Y. 364, 370 - 375 (1936) (upholding the constitutionality of PSL §114's temporary rates specifically because of the statute's reconciliation to the utility in the event the temporary rate is lower than the final rate); New York Tel. Co. v. Public Serv. Commn., 64 A.D.2d 232, 248 - 250 (3d Dep't 1977), appeal denied 46 N.Y.2d 710 (1979) (stating "petitioner was entitled to have its proposed rates go into effect at the end of the maximum 10-month suspension period unless a final determination had been made or unless temporary rates had been imposed pending a final determination"); Case 06-E-1433 Orange and Rockland Utilities, Inc. - Electric Rates, Order Making Temporary Rates Subject to Refund (issued March 1, 2007), p. 11 (stating that the case law is clear that under PSL §114, a utility "must be compensated for any losses between what is ultimately determined to be an appropriate rate level and what the Company has actually received during the temporary rate period"). Compare Bronx Gas & Elec. Co. v. Maltbie, 271 N.Y. 364, 375 (1936) (stating that PSL §114 requires the Commission "to consider the returns from the temporary rate and to establish the permanent rate, or the final rate, accordingly; that is, if the temporary rate has proved to be too low the final rate must make it up to the company") with New Rochelle Water Co. v. Pub. Serv. Commn., 31 N.Y.2d 397 (1972) (explaining that PSL §113's provisions regarding reparations to the utility for temporary rates collected solely during the allowed suspension period are permissive as a matter of Commission discretion). As stated by the United States Supreme Court in Smyth v. Ames, a utility "may not be required to use its property for the benefit of the public without receiving just compensation for the services rendered by it." 169 U.S. 466, 546 (1898).

Establishing temporary rates when faced with an expiring suspension period is not new to the Commission. In Case 27100, New York Telephone Company filed for new rates on November 17, 1976. After receiving complaints from the parties as to the insufficiency of New York Telephone's supporting evidence and other documentation, the Commission directed cancellation of the tariffs on the grounds that the rate filing "was not 'reasonably complete' and did not provide even prima facie justification for the proposed rate changes."³⁰ On appeal, both at Special Term in Albany County Supreme Court and at the Third Department, Appellate Division, the Commission's Order was annulled and the case remanded to consider the initial filing that the Commission had ordered cancelled.³¹ Having lost a significant portion of the statutory suspension period during the interim court appeals, the Commission adopted temporary rates specifically to avoid the potential impact of the unaltered filed rates going into effect.³²

After its experience with New York Telephone and other rate proceedings, the Commission began exploring, in the late 1970s and early 1980s, the adoption of procedural guidelines for settlements in recognition of rate case participants' expressed

³⁰ New York Telephone Temporary Rate Order, pp. 1 - 2.

³¹ New York Telephone Temporary Rate Order, p. 2 (referencing New York Tel. Co. v. Public Serv. Commn., 59 A.D.2d 17, 19 (3d Dep't 1977); appeal denied 42 N.Y.2d 810 (1977) (determining that the Commission lacked authority to summarily dismiss a utility rate filing without first holding a required hearing)).

³² New York Telephone Temporary Rate Order, pp. 2 - 3 (justifying the adoption of temporary rates by observing that "[i]t is patently impossible for us to decide the many issues these extremely complex cases pose in the time remaining for the suspension date").

preference.³³ Prior to that, while settlement was not foreclosed, the Commission had not issued any policy statement or other direction on how to proceed through a rate case on a settlement track.³⁴

In those earlier times, the Commission used temporary rates more regularly in managing rate proceedings both for those initiated by utilities, as well as those initiated by the Commission. During the era of the Great Depression and through the aftermath of World War II, the Commission extensively employed temporary rates creating much of the appellate precedent³⁵ that guides Commission temporary rate action to the present.³⁶ Indeed, while not frequently used in a similar manner in the contemporary era, the Commission continues to consider and employ temporary rates when and where necessary to promote the public interest.³⁷ Moreover, all the Commission's final rate

³³ Opinion 92-2, pp. 1 - 2.

³⁴ Ibid.

³⁵ See Consolidated Edison Co. of N.Y. Inc. v. Maltbie, 300 N.Y. 196 (1949); Bronx Gas & Elec. Co. v. Maltbie, 271 N.Y. 364 (1936); County Transp. Co., Inc. v. Maltbie, 273 A.D. 437 (3d Dep't 1948); Staten Is. Edison Corp. v. Maltbie, 267 A.D. 72 (3d Dep't 1943); Brooklyn Union Gas Co. v. Maltbie, 245 A.D. 74 (3d Dep't 1935); Upstate Tel. Corp. of N.Y. v. Maltbie, 154 Misc. 512 (Supreme Ct., Albany County 1935).

³⁶ See, e.g., 100 Park Avenue Inc. v. Public Serv. Commn., 37 A.D.2d 404 (3d Dep't 1971).

³⁷ See Case 13-G-0136, National Fuel Gas Distribution Corp. - Rates, Order Setting Temporary Rates (issued June 14, 2013); Case 06-E-1433, Orange and Rockland Utilities, Inc. - Electric Rates, Order Making Temporary Rates Subject to Refund (issued March 1, 2007) and Order Denying Petition for Rehearing (issued May 16 2007); Case 01-E-0359, New York State Electric & Gas Corp. - Consideration of Electric Price Protection Plan, Order on Temporary Rates (issued January 10, 2002); Case 96-E-0132, Long Island Lighting Company - Opportunities to Reduce Electric Rates, Order Directing Temporary Rate Phase (issued July 18, 1996).

orders in major rate cases require the State's rate regulated utilities to file their resulting tariffs as temporary pending the Commission's compliance review, in essence making temporary rates a part of every major rate case.³⁸

Here, the public interest firmly rests in the establishment of temporary rates. The parties are not presently engaged in settlement negotiations. The four rate proceedings have produced a vast amount of material requiring due consideration and thorough party input should these cases continue on their current litigated path. While the parties have extensively briefed the cases,³⁹ if the parties do not return to settlement, the voluminous litigation record deserves to be fully appraised through the issuance of a Recommended Decision and allowing time both for Briefs on Exceptions and Briefs Opposing Exceptions to inform the Commission's deliberations.⁴⁰ Moreover, the record contains evidence of the extensive efforts expended by all parties to issue and receive discovery requests and responses. Notably, the Judges were obliged to postpone the filing dates for the responsive

³⁸ See, e.g., Cases 22-E-0317 et al., New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation - Rates, Order Adopting Terms of a Joint Proposal (issued October 12, 2023) (2023 Rate Order), pp. 77 - 78 (requiring NYSEG and RG&E to file tariff changes necessary to effectuate the terms of the rate order in ordering paragraphs 3 and 5); Cases 22-E-0317 et al., supra, Order Approving Tariff Amendments on a Permanent Basis (issued April 12, 2024).

³⁹ Notably the Companies' initial post hearing brief is 637 pages and its reply brief is 275 pages. Staff's initial brief is 445 pages and its reply brief is 128 pages. In addition to the Companies and Staff, 14 other parties filed initial post-hearing briefs and 8 parties filed reply briefs.

⁴⁰ See 16 NYCRR §§4.9 and 4.10.

testimony based on a motion by Trial Staff of the DPS (Staff).⁴¹ In its motion, Staff related its experience with delays in getting the Companies to respond to Staff's discovery inquiries as well as deficiencies in those responses leading to the need for both clarification and follow up inquiries.⁴²

While the Companies have consented to voluntarily extend the suspension period in these proceedings through July 31, 2026,⁴³ there is not enough time to give this matter the full attention and deliberation the ratepayers, the parties, and the Companies deserve. To meet such a deadline, the order resolving these cases would have to be drafted and properly vetted in time for a final decision two months from the Commission's May 2026 session at which the action adopting this Order was taken. Put another way, the Commission's schedule, reflecting the extension of the suspension period to which the Companies have consented, would have required the Judges essentially to have issued their Recommended Decision on or about April 17, 2026, the very same day post-hearing reply briefs were due. Even had that happened, there is insufficient time for two complete rounds of exceptions,⁴⁴ the development of a report on the Judges' recommendations considering all such exceptions, and a full and thorough briefing for the Commissioners to consider an order setting final rates by July 31, 2026. We do not believe that

⁴¹ See Corrected Ruling Granting Extension Request (issued October 27, 2025).

⁴² See Staff Request for Extension of Time to File Initial Testimony (filed October 21, 2025).

⁴³ See NYSEG-RGE Request for Extension of Time (filed November 14, 2025).

⁴⁴ See 16 NYCRR §4.10(b) (providing that briefs on exceptions are due 20 days after the recommended decision is issued with briefs opposing exceptions due 15 days later, establishing a post-recommended decision briefing period of 35 days).

such an accelerated schedule is in the public interest; nor does the law require it.

As the Third Department of the New York State Appellate Division has stated:

Although it might be desirable for the commission to complete hearings and finally render its determinations within the suspension period, we find nothing in the Public Service Law requiring it to do so. In our opinion, the suspension period was designed more as a vehicle to maintain the *status quo* pending examination of an industry prompted rate increase than as a procedural trap which would hasten the commission to a potentially faulty determination or force it to accept a utility's requested increase *in toto*.⁴⁵

We agree. However, before turning to the rates to be employed on a temporary basis, there are two additional considerations, the first is an observation and process suggestion to the rate case parties, and the second is guidance to the Judges.

Potential for Settlement

As explained, the Commission first provided guidance to rate case parties for settlement negotiations and process in the late 1970s early 1980s culminating in the 1983 issuance of the Commission's Procedural Guidelines for Settlements and

⁴⁵ Chenango & Unadilla Tel. Corp. v. Pub. Serv. Commn., 45 A.D.2d 409, 413 (3d Dep't 1974). See Opinion 92-2, p. 26 (reporting that representatives of the New York State Assembly in comments on the Commission's 1992 settlement guideline reform stated that "statutory time limits should neither force inadequate review and shortened hearing schedules nor impose pressure on the Commission" and that the Commission could avoid the expiration of the statutory suspension through either voluntary utility extensions or temporary rates). See also Consolidated Edison Co. of N.Y. Inc. v. Maltbie, 300 N.Y. 196, 202 (1949) (stating that the "legislature made it exceedingly clear that the commission is authorized to fix temporary rates 'pending ... final determination' of a permanent rate proceeding if the commission be 'of opinion that the public interest so requires'").

Stipulations.⁴⁶ The second Commission effort to provide guidance began in 1990, which the Commission expressly undertook in recognition of a then increasing preference for, and evolution of, settlements since its 1983 action.⁴⁷

In Opinion 92-2, the Commission discussed why many commentators believed rate case settlements provided benefits over fully litigated proceedings. The Commission spoke favorably of stakeholder comments that framed rate case settlement efforts as a means to save time, money, and effort; facilitating more meaningful participation by public interest groups lacking the resources for litigation; allowing for a better allocation of resources; providing opportunities to examine policy issues that may not arise or otherwise have sufficient time for development in a litigated proceeding; and even creating opportunities for more innovation in the regulation of utilities.⁴⁸

It is clear from the record developed at the evidentiary hearing, as well as from the public comments, that essential utility services continue to move into the public consciousness and discourse in unprecedented ways. In addition to concerns about annually rising rates at what are at least perceived to be levels unseen in decades, comments and witness testimony both continue to advocate for reducing the burden energy costs and utility rates place on household, business, and industry budgets.⁴⁹ At the same time, a seemingly equal number

⁴⁶ Opinion 92-2, pp. 1 - 2.

⁴⁷ See Opinion 92-2, p. 2.

⁴⁸ Opinion 92-2, pp. 4 - 5.

⁴⁹ See Initial Post-Hearing Brief of Ontario County Local Development Corporation; Initial Post Evidentiary Hearing of Utility Intervention Unit; Initial Post-Hearing Brief of the Public Utility Law Project; Initial Brief of Multiple Intervenors; Initial Hearing Brief of Tompkins County; Initial Brief of Walmart Inc.

of, and in some cases the very same, comments and witnesses, stress the importance of reliability and further diversity in energy sourcing to support the modern world of constant connectivity.⁵⁰ Other parties urge an increase in our response to climate change and an elimination of any reliance on fossil fuels as the utilities are regularly called upon to respond to more extreme weather events.⁵¹

These issues have not just been made known to us through the wave of public sentiment expressed in our proceedings, but also to the elected officials of this state, as well, manifesting in the increasing number of those officials seeking party status in these and other recent rate cases.⁵² In our view, the societal pressures present the ideal opportunity for all stakeholders to propose more innovation in not just the regulation of utilities, but the structure and delivery of the utility services we regulate.

In particular, Staff, in its initial post-hearing brief, notes that its own calculated revenue requirements "may not entirely address the fact that these are exceptional and uncertain times" and then observes that "the Commission may determine that setting just and reasonable rates that fully address impacts on customers may require yet further reductions

⁵⁰ See Initial Post-Hearing Brief of Ontario County Local Development Corporation; Initial Brief of Multiple Intervenors.

⁵¹ See Initial Brief of Tompkins County; Post-Hearing Brief of Alliance for a Green Economy and People United for Sustainable Housing Buffalo; Initial Post-Hearing Brief of Ratepayer and Community Intervenors; Post-hearing Brief of AES Clean Energy, et al.

⁵² See, e.g., Initial Brief of Consolidated Elected Officials.

to the Rate Year revenue requirements.”⁵³ Staff cites its direct testimony to further observe that “increases in household goods and services and reductions in some federal assistance program funding add pressure to ratepayers already facing high utility bills,” and that “[e]conomic uncertainty only continues to increase given [recent] world events”⁵⁴ We acknowledge these sentiments and assure the parties and the public that the Commission is prepared to employ all of its available tools as may be necessary to carry out the Public Service Law’s mandate that we ensure that the rates we adopt for the Companies are just and reasonable.⁵⁵

With that observation, and in the context of our review herein of past Commission action, we encourage the parties to consider resuming settlement negotiations and to consider innovative solutions to meet the challenges presented in the testimony and by the record of these proceedings developed to date.⁵⁶ In adopting temporary rates, we are taking

⁵³ Staff Initial Post-Hearing Brief, p. 9. See Cohalan v. Gioia, 88 A.D.2d 722 (3d Dep’t 1982) (discussing the Commission’s 1980 Statement of Policy Concerning Evidence of Economic Impact in Rate Cases).

⁵⁴ Staff Initial Post-Hearing Brief, pp. 9 - 10.

⁵⁵ See Statement of Policy Concerning Evidence of Economic Impact in Rate Cases (issued January 14, 1980), p. 3 (stating “it may make sense to moderate a rate increase . . . where, for example, there is persuasive testimony that higher rates, at a time of economic distress, would adversely affect the public—including the utility company—by precipitating or aggravating economic dislocations and problems such as unemployment, dependence on public assistance, and departure of industries.”).

⁵⁶ While this Order focuses on the challenges involving the record on revenue requirement increases in uncertain socioeconomic conditions, the Commission urges consideration of innovation for any topic in the record such as defining essential utility costs, identifying potential alternative funding sources, developing approaches that address environmental and climate concerns, etc.

action, after thoughtful consideration of all the Commission's procedural options, to provide some affirmative relief to the Companies to support their continued provision of safe, adequate and reliable service. In doing so, we recognize that the litigated record demonstrates the potential for some increase in annual revenues, while simultaneously relieving pressure on the parties, the Department, and the Commission to act before the record has been thoroughly and completely vetted and all final rate options have been considered.

Litigated proceedings

Our adoption of temporary rates will cause the proceedings to extend beyond the end of the suspension period and the anticipated effective date for permanent rates.⁵⁷ As such, we need to be clear as to our expectations, particularly if the parties either do not resume settlement negotiations or are ultimately unable to reach some agreement that meets the requirements of the Commission's Settlement Guidelines.⁵⁸

Mechanically, by installing temporary rates, the Companies are required to cancel the previously filed tariff leaves currently on suspension and replace them with new leaves that will go into effect as directed in this Order on June 1, 2026.⁵⁹ Consistent with the temporary nature of the rates, any amounts collected will be subject to refund or recoupment, often

⁵⁷ The Companies filed these proceedings on June 30, 2025. The suspension period extends until May 26, 2026, and at our direction the temporary rates authorized in this Order will become effective June 1, 2026. However, the Companies propose, and Staff also uses the period running from May 1, 2026, through April 30, 2027, as constituting the Companies' expected rate year. Initial Post-Hearing Brief of NYSEG and RG&E, p. 2; Staff Initial Post-Hearing Brief, p. 1.

⁵⁸ See Opinion 92-2, Appendix B, Procedural Guidelines for Settlements (1992).

⁵⁹ Subject to the notice requirements in this Order.

referred to as a "make whole," once final rates have been determined in these proceedings. While similar in effect to the make whole requested by the Companies in their filed consent to extend the suspension of a tariff filing's effective date, there is a significant legal difference.

Once the initially filed leaves are replaced and no longer under suspension, the Companies will no longer be subject to the Commission's regulations prohibiting the filing of another rate proceeding.⁶⁰ While the Commission can, and by this Order does, restrict the Companies from filing for new rates for the remainder of these proceedings, the Commission cannot legally deny the Companies of their right to just compensation for the use of private property dedicated to serve the public.⁶¹ Accordingly, the Commission must provide the Companies the opportunity to present additional information within the existing proceedings as to their anticipated revenue needs for two years.

In this case, the Companies have provided the starting point for this additional analysis. The Companies' policy panel witnesses testified that the Companies provided revenue requirement projections in their testimony and exhibits for five

⁶⁰ See 16 NYCRR §61.10(a) (stating that "[w]henver the effective date of any change to any public utility company's tariff schedule is suspended by order of the commission pending an investigation of that company's revenue requirement, no change of any other tariff schedule in force at the time of the commission's suspension order shall be accepted for filing without the approval of the commission") (emphasis added).

⁶¹ See Cohalan v. Gioia, 88 A.D.2d 722, 723 (3d Dep't 1982) (observing that "economic hardship upon customers may not justify reducing rates below the minimum necessary for a utility to recover its prudently incurred costs, including a reasonable rate of return on its investment"); New York Tel. Co. v. Public Serv. Commn., 64 A.D.2d 232, 240 (3d Dep't 1977); appeal denied 46 N.Y.2d 710 (1979).

years.⁶² This information provides a foundation, not just for settlement as the Companies' indicated was their intent, but also for Commission consideration of second stage rates, to become effective in 2027, should the record reveal that such an additional annual revenue increase is necessary to maintain just and reasonable rates and safe, adequate and reliable service.

We are concerned, however, that the rate case projections for rates expected to be effective in mid-2027, made in reliance on a historic test year collected over calendar year 2024, might ultimately be insufficient to meet the Commission's legal obligation.⁶³ Accordingly, we direct the Judges to provide the Companies with the opportunity to update their 2027 and 2028 projections with more recent actual cost experience should they so choose. The Judges retain their discretion on the process to be followed for getting any updated information into the record. However, we refer them to the Commission's Statement of Policy on Test Periods in Major Rate Proceedings and its discussion on revisions to originally filed forecasts being presented as adjustments to the original filing rather than as a revised presentation and to establish a verifiable link between the original presentation and the revised figures.⁶⁴

⁶² See Evidentiary Hearing Transcript 25-E-0375 et al. Wednesday, February 18, 2026, 9:30 a.m., Albany, Direct Testimony of Policy Panel, Tr. 256, ll. 8 - 12; Tr. 298, ll. 1 - 5; 15 - 20.

⁶³ See New York Tel. Co. v. Public Serv Commn., 29 N.Y.2d 164, 170 - 171 (1971); New York Tel. Co. v. Public Serv. Commn., 64 A.D.2d 232, 241 - 243 (3d Dep't 1977); appeal denied 46 N.Y.2d 710 (1979) Chenango & Unadilla Tel. Corp. v. Public Serv. Commn., 45 A.D.2d 409, 413 - 414 (3d Dep't 1974). See also Statement of Policy on Test Periods in Major Rate Proceedings (issued November 23, 1977) (Test Period Policy Statement).

⁶⁴ See Test Period Policy Statement, pp. 8 - 10.

Temporary Rates - Calculation

Turning to the rates that we are adopting as temporary pending our final determination, we first observe that the record appears to demonstrate a likely need for some increase in annual revenues for the Companies. Staff states that its final base delivery revenue requirement increase recommendation for NYSEG electric is approximately \$66.9 million (5.4 percent in total revenues), and for NYSEG gas is approximately \$26.4 million (8.7 percent in total revenues). Likewise, Staff's recommended base delivery revenue requirement increase for RG&E electric is approximately \$68.9 million (7.9 percent in total revenues), and for RG&E gas is approximately \$21.6 million (6.4 percent in total revenues).⁶⁵ Staff also indicates, however, that the base revenue requirement figures understate the Companies' potential revenue needs as the revenues necessary for the Companies' energy efficiency and clean heat programs are being moved to a surcharge per recent Commission orders.⁶⁶

Given the potential rate increases facing customers, we do not believe that waiting for a final determination for imposing the total rate impact including any make whole on customers is practical. Moreover, more time is necessary to assess the concerns regarding affordability and the socioeconomic conditions facing the Companies' ratepayers. In

⁶⁵ Staff Initial Post-Hearing Brief, p. 7.

⁶⁶ See Cases 25-M-0249 et al., 2026-2030 Low- to Moderate-Income Energy Efficiency and Building Electrification Portfolios, Order Authorizing Low-to Moderate Income Energy Efficiency and Building Electrification Portfolio for 2026-2030 (issued May 15, 2025); and Cases 25-M-0248 et al., 2026-2030 Non-Low-to Moderate-Income Energy Efficiency and Building Electrification Portfolios, Order Authorizing Non Low-to Moderate Income Energy Efficiency and Building Electrification Portfolio for 2026-2030 (issued May 15, 2025) (together the Energy Efficiency Orders).

public comments, customers frequently express their frustrations about living paycheck to paycheck and even sometimes having to choose between utility bills and other necessities that they can afford to pay each month. Ratepayers are also expressing these frustrations to their elected representatives as demonstrated by various municipal resolutions and other municipal correspondence filed in the public comment sections of these matters. Setting temporary rates now addresses these concerns through mitigating the rate shock caused by the effects of compressing any additional rate increase, if any, that may be included in a final rate determination. However, temporary rates also give the Commission time to thoroughly review the public comments and consider broader economic data and find the balance that the just and reasonable standard demands of the Commission. In addition, we want to address the demonstrated needs of the Companies to support cash flow and other financial metrics and to facilitate progress on reliability and critical infrastructure projects. Conversely, without the record adequately vetted and remaining cognizant of Staff's observation as to economic impacts and the potential need for further reductions, we do not want customers to be charged in excess of the final just and reasonable rate even if refunds would have to follow.

Because we are allowing some increase in the annual revenues to be received through temporary rates, pursuant PSL §113, we are requiring the Companies to maintain their accounting such that when the Commission issues its final determination any necessary reparations or refunds can be facilitated particularly with regard to cost responsibility. In setting temporary rates, the Commission is not prejudging final determinations. Moreover, this temporary rate order does not, for the most part, consider arguments in the existing record.

One exception to the foregoing is our consideration of the collection of Energy Efficiency and Building Electrification (EE/BE) costs.

1. Energy Efficiency and Building Electrification Funding

a. Removal of Base Rate Funding Levels

As an initial matter, we provide direction to the Companies as to the method for removing energy efficiency and clean heat program costs from base rates. Our direction includes issues associated with revenue allocation as well as the calculation of the costs for the budgets on which the surcharge should be set.

b. Implementation of a Surcharge

While consideration of most of the Companies' and parties' proposals is ongoing, the record on EE/BE predates the Companies' filing as the rate case proposals were based on the Commission's Energy Efficiency Orders. As explained in both the Companies' and Staff's initial post-hearing briefs, there is essentially no dispute here, particularly as to collection. The Companies proposed moving the collection of their respective EE/BE non-labor related costs out of base rates and into a surcharge. Staff agreed and specified that the Commission's Energy Efficiency Orders require utilities to recover the labor-related costs in the surcharge, as well. The Companies agreed.⁶⁷

As the record demonstrates that no dispute exists over the method of collection, and the proposed method is consistent with the Commission's Energy Efficiency Orders, we direct the Companies to implement surcharge collection of EE/BE costs as part of the temporary rate compliance filing as further described in the next section. Doing so will facilitate tracking of the collections and avoid later discussions, whether

⁶⁷ See Staff Initial Post-Hearing Brief, pp. 210 - 211; Initial Post-Hearing Brief of NYSEG and RG&E, pp. 297 - 298.

in settlement negotiations or in further litigated filings, as to the sourcing and amounts collected.

2. Rate Year 3 Levelization

An additional issue relates to the expiring rate plan's use of levelization. To reduce volatility of the allowed base rate increases over the three-year period of the Companies' expiring rate plan, the individual rate year amounts were adjusted so that some amount of revenue collections were shifted from the rate years with higher increases to the rate years with lower indicated increases. The result is that for NYSEG electric, RG&E electric and RG&E gas, RY3 rates are higher than they otherwise would have been to capture uncollected previous allowed revenues plus interest, and for NYSEG gas, RY3 rates are lower due to revenue collected in the prior rate years.

Pursuant to the expiring rate plan, absent the Commission setting new rates, the Companies were to continue the collection of rates in effect and defer the additional amount above or below the actual RY3 base rate amount for the benefit of customers or collection from customers.⁶⁸ However, because we are taking action today to adjust rates, the tariff amendments required pursuant to this Order shall specify temporary rates based on revenue requirements that remove the levelization amounts such that the increases detailed below are made to the unlevelized RY3 revenue requirements.

3. Temporary Base Rates

a. Revenue Requirements

The Commission is adopting temporary rates because of the time necessary to fully review and make a final decision on the evidence presented in these four inter-related rate matters. Accordingly, that evidence is not discussed beyond providing

⁶⁸ See 2023 Rate Order, Attachment 1 (Joint Proposal), Appendix AA.

some guidance to setting an appropriate temporary rate to achieve our purpose of providing some level of additional cost recovery for the utilities while reducing any eventual make-whole. Instead, our prescribed temporary rates rely on the context of the Companies' expiring rate plan adopted in the 2023 Rate Order, balanced by their forecasts in these matters.⁶⁹

We determine that the values the Commission used to conclude that the most recent rate plan established just and reasonable rates are the best evidence for establishing the Companies' revenue requirement for expense-related items during the temporary period. In other words, we assume the Companies' expense levels in their temporary rate tariff filing to remain at the expiring Rate Year 3 levels until we establish permanent rates. Similarly, all deferrals and amortizations built into current rates are to continue in the same manner as they were in Rate Year 3 of the expiring rate plan,⁷⁰ pending an order establishing permanent rates.⁷¹

However, establishing a revenue requirement for temporary rates that only maintains funding at such expense levels does not achieve our objective of finding a balance between providing the utility with increased revenue necessary for safe and reliable service and minimizing a potential make-

⁶⁹ The final year, Rate Year 3, of this three-year rate plan was May 1, 2025, through April 30, 2026.

⁷⁰ The Rate Year 3 amortizations shall continue even if the deferred debits/credits were scheduled to be fully amortized by the end of Rate Year 3.

⁷¹ The Commission notes that the provisions of the rate plan established by the 2023 Rate Order continue after Rate Year 3 "unless and until they are changed by Commission order and any targets would continue at [Rate Year 3] levels." 2023 Rate Order, p. 20. Accordingly, except as specified in this Order, the provisions of the expiring rate plan, including the performance metric targets and associated potential negative revenue adjustments shall continue in effect.

whole provision. Nor does it account for our concern that Staff's litigated position demonstrates the likelihood that some permanent increase in revenues may be necessary beyond June 1, 2026. Therefore, to ensure that the Companies maintain safe and reliable service, the Companies are instructed to continue to make all necessary investments in their systems. To that end, while the Commission is not prejudging any final determination on the Companies' capital expenditure budgets, temporary rates are to be set predicated on the Companies' net plant forecasts as contained in their rebuttal testimony for May 1, 2026, through April 30, 2027.

The incremental revenue requirement shall be calculated using the Rate Year 3 rate of return for each utility in the expiring rate plan, including that rate plan's 9.2 percent return of equity. Capital budget increases shall be calculated by adding the revenue requirement from the additional plant less the change in accumulated depreciation (i.e., the change in net plant) multiplied by current pre-tax rates of return. The resulting increases are \$119.717 million for NYSEG electric, \$10.645 million for NYSEG gas, \$43.702 million for RG&E electric, and \$8.552 million for RG&E gas. From this total, the Companies' EE and heat pump costs, inclusive of EE labor and benefits, currently in base rates shall be removed (\$67.145 million for NYSEG electric, \$9.446 million for NYSEG gas, \$17.796 million for RG&E electric and \$5.904 million for RG&E gas). The Companies shall also establish the surcharge necessary to recover EE/BE costs matching their respective 2026 budgets. Removing the EE/BE costs to a surcharge results in net base rate increases of \$52.572 million for NYSEG electric, \$1.199 million for NYSEG gas, \$25.906 million for RG&E electric, and \$2.648 million for RG&E gas.

As detailed here, this results in temporary rates that provide the equivalent annual total revenue increases of 3.7 percent for NYSEG Electric, 0.5 percent for NYSEG Gas, 4.0 percent for RG&E Electric, and 1.5 percent for RG&E Gas. By the Commission's calculations, the foregoing results in the following estimated total residential bill increases of approximately: 0.2 percent for NYSEG Electric, 1.7 percent for NYSEG Gas, 2.9 percent for RG&E Electric, and 1.2 percent for RG&E Gas.

b. Revenue Allocation, Rate Design and Revenue Decoupling Mechanism Targets

Below, we set forth revenue allocation and rate design to develop rates to implement the revenue requirement increases we adopt on a temporary basis in this Order. In doing so, the Commission does not pre-judge the final revenue allocation and rate design to be implemented in these proceedings. The revenue allocation and rate design set forth here are necessary at this time to address the shift in cost recovery for EE/BE from base rates to surcharges.

The increases in delivery revenues, inclusive of both base delivery revenue changes and the EE/BE surcharges as implemented by this Order, shall be constrained on a service classification basis. Under-contributing classifications, as identified in the Companies' cost of service studies, shall receive no more than 1.25 times the system average increase and over-contributing classifications shall receive no less than 0.75 times the system average delivery revenue increase, on a percentage basis. The forecasts underlying the Further Corrected Stipulation Regarding Base Delivery Revenue Forecasts Stipulation filed in these proceedings are to be used to determine rate year revenues at current rates.

For the gas businesses, the increases in base delivery revenues are to be recovered through volumetric rates such that

the current block structures are maintained. Specifically, the increases in base rate volumetric blocks, when considered in aggregate with the service classification specific energy efficiency surcharge, align with current block structures.

For the electric businesses, service classifications that have base delivery rates which are assessed on both demand and energy shall be modified such that the energy-based rates are eliminated. The increases in base delivery revenues authorized pursuant to this Order shall be recovered through energy rates for energy billed service classifications, and through demand rates for demand billed service classifications. Rates for streetlighting and area lighting service classifications shall be developed using the method presented in the Companies' initial filings.

Further, the Companies shall develop rates using the methodology contained in their initial filings for all service classifications, both gas and electric, for which rates are tied to otherwise applicable service classifications. Finally, the Companies shall modify revenue decoupling mechanism targets accordingly.

CONCLUSION

Given our stated goals for this Order, we find that the temporary rates provided in this Order are reasonable and consistent with the goals of providing some revenue increases to facilitate the Companies' provision of safe, adequate, and reliable service while balancing the compression effects on ratepayers that could result from any additional increases included in a final rate order. The Companies are directed to file tariffs as described herein. Such tariffs are to be expressly made temporary pending final determination in the proceedings underlying this Order. The temporary rate tariffs

are to be filed on not less than five days' notice. In this way, amounts that are to be collected via the temporary rate tariffs are subject to later revision through appropriate refund or reparation as will be directed in the Commission's final rate order.

The Commission orders:

1. New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation are directed to file cancellation supplements, effective on not less than one day's notice, on or before May 20, 2026, cancelling the tariff amendments and supplements listed in Attachment 1.

2. New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation are directed to file tariff amendments as are necessary to effectuate the temporary rates set forth in this Order, subject to refunds or reparations, if appropriate, pursuant to Public Service Law §§113 and 114, on not less than five days' notice, to become effective on June 1, 2026.

3. New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation are directed to file tariff amendments consistent with those contained in Attachment 1, on not less than 30 days' notice to become effective on July 1, 2026.

4. The requirements of Public Service Law §66(12)(b) and Title 16 of the New York Codes, Rules, and Regulations §720-8.1 that newspaper publication be completed prior to the effective date of the temporary rates set forth in this Order are waived; provided, however, that New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation file with the Secretary to the Commission, no later than six weeks following the effective date of amendments, proof that a notice

to the public of the changes set forth in the amendments and their effective date has been published once a week for four consecutive weeks in one or more newspapers having general circulation in their service territories.

5. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

6. These proceedings are continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

SUBJECT: Filings by NEW YORK STATE ELECTRIC & GAS CORPORATION

Amendments to Schedule P.S.C. 119 - Electricity

Second Revised Leaf No. 86
Seventh Revised Leaves Nos. 154, 155
Eighth Revised Leaf No. 53
Eleventh Revised Leaf No. 59

Suspension Supplements Nos. 33, 36

Amendments to Schedule P.S.C. 120 - Electricity

Original Leaves Nos. 117.81, 117.82, 117.83
First Revised Leaves Nos. 117.9.1, 117.46.24.1,
184.1, 193.5, 194.1, 194.2, 278.1, 287.0, 287.1.0.1,
287.1.1, 287.3, 287.4, 326.1, 327, 327.1
Second Revised Leaves Nos. 117.11.1, 117.46.26.3.0,
117.46.26.9, 117.63.1, 195.1, 287.1.0
Third Revised Leaf No. 210.1
Fourth Revised Leaves No. 117.46.24, 278
Fifth Revised Leaves Nos. 18.1, 117.53, 266.2
Sixth Revised Leaf No. 108.1
Seventh Revised Leaves Nos. 186, 198.1
Ninth Revised Leaf No. 178
Tenth Revised Leaves Nos. 243.3, 287.2
Eleventh Revised Leaves Nos. 2.2, 117.12, 154
Twelfth Revised Leaves Nos. 128, 243.4
Thirteenth Revised Leaf No. 164
Fifteenth Revised Leaves Nos. 108, 198.2
Sixteenth Revised Leaf No. 136
Seventeenth Revised Leaves Nos. 195, 207, 260, 271,
299
Eighteenth Revised Leaves Nos. 122, 185, 203, 252,
257, 268, 287.1, 296
Nineteenth Revised Leaves Nos. 119, 193.4, 213
Twentieth Revised Leaves Nos. 117.10, 150, 202
Twenty-First Revised Leaves Nos. 21, 155, 156, 184,
194, 212, 214
Twenty-Second Revised Leaves Nos. 117.11, 129
Twenty-Seventh Revised Leaf No. 18
Twenty-Eighth Revised Leaves Nos. 124, 201, 216
Twenty-Ninth Revised Leaves Nos. 131, 157, 158
Thirtieth Revised Leaves Nos. 215, 262
Thirty-Second Revised Leaves Nos. 198, 293
Thirty-Third Revised Leaves Nos. 287, 288

Suspension Supplements Nos. 69, 70

Amendments to Schedule P.S.C. No. 121 - Electricity

First Revised Leaf No. 14.2.1
Second Revised Leaf No. 14.6
Fifth Revised Leaf No. 2.1
Sixth Revised Leaf No. 67
Seventh Revised Leaves Nos. 14.0, 14.2, 17.1, 23,
Eighth Revised Leaves Nos. 18, 58.1, 58.2
Ninth Revised Leaves Nos. 62, 63
Twelfth Revised Leaf No. 16
Fifteenth Revised Leaves Nos. 36, 58
Seventeenth Revised Leaf No. 54.6
Nineteenth Revised Leaves Nos. 17, 22.2, 40
Twentieth Revised Leaves Nos. 27, 42
Twenty-First Revised Leaves Nos. 28, 35, 41, 56
Twenty-Second Revised Leaves Nos. 34.3, 55
Twenty-Fourth Revised Leaves Nos. 43, 57
Twenty-Sixth Revised Leaf No. 14

Suspension Supplements Nos. 43, 44

Amendments to Schedule P.S.C. No. 87 - Gas

First Revised Leaves Nos. 23.0, 52.3, 52.4, 52.5
Third Revised Leaf No. 11.3
Eighth Revised Leaves Nos. 12.1, 23
Ninth Revised Leaves Nos. 52.1, 52.2
Eleventh Revised Leaf No. 38
Sixteenth Revised Leaves Nos. 52, 55
Twentieth Revised Leaf No. 15
Twenty-Third Revised Leaf No. 12

Suspension Supplements Nos. 47, 48

Amendments to Schedule P.S.C. No. 88 - Gas

First Revised Leaves Nos. 58.1, 113.2.0, 113.2.1,
113.2.2
Seventh Revised Leaf No. 50.30
Ninth Revised Leaf No. 113.2
Eleventh Revised Leaf No. 108
Twelfth Revised Leaves Nos. 71, 106
Fourteenth Revised Leaves Nos. 78, 126
Fifteenth Revised Leaf No. 58
Seventeenth Revised Leaf No. 50.26
Nineteenth Revised Leaf No. 113
Twentieth Revised Leaves Nos. 52.1, 113.1
Twenty-Second Revised Leaf No. 68
Twenty-Third Revised Leaf No. 96

Twenty-Fifth Revised Leaves Nos. 51, 101, 103
Twenty-Sixth Revised Leaf No. 69

Suspension Supplements Nos. 65, 66

Amendments to Schedule P.S.C. No. 90 - Gas

First Revised Leaf No. 115
Second Revised Leaves Nos. 85, 86
Sixth Revised Leaf No. 90.7
Eighth Revised Leaf No. 20
Tenth Revised Leaf No. 23
Eleventh Revised Leaf No. 105.2
Fourteenth Revised Leaf No. 110
Twenty-Second Revised Leaf No. 3

Suspension Supplements Nos. 40, 41

SUBJECT: Filings by ROCHESTER GAS AND ELECTRIC CORPORATION

Amendments to Schedule P.S.C. No. 18 - Electricity

First Revised Leaves Nos. 11.0.2, 24.1.1, 26.5, 26.6,
27.1, 27.2, 28.1, 28.2, 29.0, 29.0.1, 29.2, 29.3
Third Revised Leaf No. 11.0.1
Fourth Revised Leaf No. 44
Fifth Revised Leaf No. 37.2
Seventh Revised Leaves Nos. 24.4, 29.1
Ninth Revised Leaves Nos. 24.1, 37.1
Twelfth Revised Leaf No. 26.4
Eighteenth Revised Leaf No. 28
Twenty-First Revised Leaves Nos. 26, 26.1.1, 27
Twenty-Third Revised Leaves Nos. 11, 29
Twenty-Fourth Revised Leaves Nos. 37, 37.1.1, 45.1.1
Twenty-Fifth Revised Leaf No. 45

Suspension Supplements Nos. 41, 42

Amendments to Schedule P.S.C. No. 19 - Electricity

Original Leaves Nos. 160.65, 160.66, 160.67
First Revised Leaves Nos. 160.39.19.1, 182.1, 187.5,
188.0, 195.3, 242.0, 242.3, 243.1.1, 256, 257, 257.1
Second Revised Leaves Nos. 69, 160.39.21.3.1
Third Revised Leaf No. 160.39.21.9
Fourth Revised Leaf No. 160.39.19
Fifth Revised Leaves Nos. 10.1, 70, 80.1.1, 178.3, 182
Sixth Revised Leaves Nos. 81.1.2, 175
Seventh Revised Leaves Nos. 10, 75, 160.25.1, 199.4
Eighth Revised Leaves Nos. 4.4, 160.26.1.1, 243.2

Ninth Revised Leaves Nos. 81.2, 242.1, 242.2
 Tenth Revised Leaf No. 174.1
 Eleventh Revised Leaf No. 2.0
 Twelfth Revised Leaves Nos. 160.26.3, 167, 211
 Thirteenth Revised Leaves Nos. 80.1, 160.27, 188,
 191
 Fourteenth Revised Leaves Nos. 161, 187.4, 199.3
 Fifteenth Revised Leaf No. 160.25
 Sixteenth Revised Leaves Nos. 160.26.2, 169.1.1,
 213.1.1, 243.1
 Seventeenth Revised Leaf No. 195
 Nineteenth Revised Leaf No. 193.1.1
 Twentieth Revised Leaves Nos. 80, 169.1
 Twenty-First Revised Leaves Nos. 187.3, 200, 242
 Twenty-Second Revised Leaves Nos. 194.2, 214
 Twenty-Third Revised Leaf No. 166.1.1
 Twenty-Fourth Revised Leaves Nos. 164.1.1, 187, 194
 Twenty-Fifth Revised Leaf No. 161.1
 Twenty-Sixth Revised Leaves Nos. 174.3, 190.3, 193.1,
 210.2
 Twenty-Seventh Revised Leaf No. 166
 Twenty-Eighth Revised Leaves Nos. 161.2, 164, 190, 210
 Twenty-Ninth Revised Leaf No. 81
 Thirtieth Revised Leaf No. 174

Suspension Supplements Nos. 84, 87

Amendments to Schedule P.S.C. No. 16 - Gas

First Revised Leaves Nos. 127.48.1, 134.4, 134.5,
 134.6, 146.1, 146.2, 146.3
 Second Revised Leaf No. 127.48
 Fourth Revised Leaf No. 29
 Sixth Revised Leaves Nos. 127.46.6, 152
 Seventh Revised Leaf No. 157
 Eighth Revised Leaves Nos. 74, 127.44, 134.2
 Ninth Revised Leaves Nos. 10, 53, 134.3, 145.1, 145.2
 Eleventh Revised Leaves Nos. 65, 130.6.1
 Twelfth Revised Leaf No. 147.8
 Thirteenth Revised Leaves Nos. 127.29, 134, 145, 147.1
 Fourteenth Revised Leaves Nos. 133.6, 146
 Fifteenth Revised Leaf No. 127.46.2
 Sixteenth Revised Leaf No. 134.1
 Nineteenth Revised Leaf No. 130.6
 Twenty-First Revised Leaf No. 4.1
 Twenty-Third Revised Leaf No. 2
 Twenty-Sixth Revised Leaf No. 128

Suspension Supplements Nos. 58, 59