



**VIA ELECTRONIC MAIL**

May 27, 2016

Hon. Julia Smead Bielawski  
Administrative Law Judge  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY 12223

Hon. Ben Wiles  
Administrative Law Judge  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY 12223

Hon. Dakin Lecakes  
Administrative Law Judge  
NYS Department of Public Service  
3 Empire State Plaza  
Albany, NY 12223

Dear Judges Bielawski, Lecakes and Wiles:

The Public Utility Law Project of New York (PULP) respectfully submits this letter in response to your Honors' May 24 Ruling on Motion (Ruling) in the Consolidated Edison Company of New York's (Con Edison's) electric and gas rate cases, 16-E-0060 and 16-G-0061 respectively. This letter also considers the Public Service Commission's (PSC's) May 19, 2016 Order Adopting a Ratemaking and Utility Revenue Model Policy Framework (Track 2 Order) in case 14-M-0101, and the PSC's May 20, 2016 Order Adopting Low Income Program Modification and Directing Utility Filings in case 14-M-0565 (Low-Income Order), since those Orders are intricately intertwined with the considerations underlying expert testimony and rate design(s) in the Con Edison rate cases.

Earlier this week, SolarCity and the Utility Intervention Unit of the Department of State (UIU) sought an extension of today's filing deadline for testimony in Con Edison's gas and electric rate cases. Numerous reasons for an extension were cited including the small staff and limited resources of organizations like UIU, and most importantly, the significant complexity of the Track 2 Order and the Low-Income Order, both of which directly implicate the parties' testimony in the Con Edison rate cases, and also in the National Grid rate cases (16-G-0058 and 16-G-0059), whose deadline for testimony was last Friday, May 20, 2016.

As the City of New York (City) said very eloquently through its counsel earlier today, preparing testimony for a rate case is not an instantaneous exercise. Instead, it requires close examination of any factors that affect the parties' interests, and close study of the many hundreds of information requests issued by the parties and answered by the company. In the cases at hand, the parties sought two additional weeks to read, analyze, understand and produce expert testimony on the far-reaching effects of a 158-page Order – the Track 2 Order – which is a

culmination of years of proceedings, input from hundreds of parties and is part of a massive undertaking to completely alter utility ratemaking models, modernize New York's electric grid, and otherwise create new business models that will completely upend the century old utility business. Additionally, the parties during those same two weeks' extension, would have read, analyzed and produced expert testimony upon the Low-Income Order which completely altered the twenty-year old process by which low-income utility consumers in New York received rate reductions, roughly doubled the funding of said enterprise, and added 550,000 new program recipients immediately, and another 700,000 such recipients over the coming years.

As the City noted, the three days given in the Ruling to accomplish those tasks was both "unrealistic and unreasonable," and was tantamount to placing the parties in a position where they could not give "due and proper consideration to these matters." (See, letter from the City of New York to ALJs Bielawski, Lecakes and Wiles, dated May 27, 2016, at p. 2 (May 27 Letter). PULP agrees with the City's position on the Ruling as enunciated in the May 27 Letter and submitted in this proceeding in response to the Ruling.

Both the Track 2 and Low-Income Orders will reshape New York's energy markets for decades if not longer. It is unreasonable to expect the parties to the Con Edison rate cases to opine on how such complex Orders should be applied in Con Edison's service territories. Moreover, it is difficult to see how rushing to provide testimony on how the presumed interplay between a brand new uniform statewide low-income rate reduction program, and an Order that presumes to change the way rates are made, would be in the public interest.

Therefore, PULP respectfully requests Your Honors to set aside the Ruling and provide the parties with more time. PULP also joins the City in respectfully requesting a separate conference solely to consider the Track 2 and Low-Income Orders and how they will affect the Con Edison rate cases.

Thank you in advance for your prompt response to the requests and recommendations respectfully made in this letter.

Sincerely,

/s/

Richard Berkley, Esq.  
Executive Director