



David P. Warner
Associate Counsel

December 15, 2025

Via Electronic Delivery
Michelle Zaludek, Esq.
Records Access Officer
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350

Re: Case 25-E-0722 - In the Matter of the December 15, 2025 Electric Emergency Plan Review (2026 Plans): Request for Non-Disclosure pursuant to New York Public Officers Law §87.2 and 16 NYCRR §6-1.3

Dear Ms. Zaludek:

Consolidated Edison Company of New York, Inc. (“Con Edison” or the “Company”) is providing herewith and requesting non-disclosure pursuant to 16 NYCRR §6-1.3 for the 2026 Electric Emergency Response Plan (“2026 ERP”) that has been filed today, in redacted form, with the Secretary to the Public Service Commission (“Commission”):

Redacted Communications and Personnel Data

The information redacted from the 2026 ERP, in part, consists of names and telephone numbers of Company personnel who are assigned emergency response duties; telephone numbers of Company locations integral to emergency response, such as control centers; special purpose emergency telephone numbers for communicating with special needs and critical customers; and Company intranet site addresses (“the redacted communications and personnel data”). Con Edison requests that the Department of Public Service (“DPS”) exempt the redacted communications data from disclosure under New York Public Officers Law (“POL”) §87.2(b) and §87.2(f).

The redacted communications and personnel data relate to Con Edison’s internal communications functions during emergency conditions. The efficiency and effectiveness of internal communication are critical to the Company’s success in restoring service as quickly as possible following storms or other conditions that interrupt electric service. Knowledge of the redacted communications and personnel data could provide significant information to facilitate the activities of individuals or groups intent on impairing the Company’s response to an emergency including a potential terrorist attack on the Company’s infrastructure. For example, Telephony Denial of Service (TDoS) attacks can be used to flood phone systems of public sector groups to make the phone systems unusable by legitimate callers. If publicly available, the redacted communications and personnel data could be used to impair the Company’s communications supporting its emergency response and restoration activities,

which could endanger the life or safety of persons dependent on the prompt restoration of utility service following a service outage. Accordingly, the redacted communications and personnel data should be exempted from disclosure on the grounds stated in POL §87.2(f) (“if disclosed could endanger the life or safety of any person”).

In addition, the Public Service Commission’s rules recognize that the names and telephone numbers of utility company personnel need not be made available to the DPS in a manner that can result in availability to the public. Part 105(e) of the Commission’s rules, concerning the filing of an electric utility emergency plan, states:

(1) Each electric corporation may delete the names and phone numbers of its employees and outside contact persons from the copies of plans filed with the commission and available for public inspection at its corporate headquarters. Such deleted information shall be subject to inspection by the Commission or Department of Public Service employees.

Additional Confidential Information

In addition, Con Edison is providing the following documents/lists at the request of DPS Staff:

- Critical facilities
- Press/media contacts (*i.e.*, breaking news distribution list); and
- Mutual assistance contractors.

Con Edison requests that the information in the attached lists of critical facilities and press/media contacts be treated by the Commission and DPS Staff as confidential pursuant to POL §87.2 (b) and the Commission’s implementing regulation, 16 NYCRR § 6-1.3. The lists contain contact information that, if made publicly available, would constitute an unwarranted invasion of personal privacy.

POL §87.2 (b) authorizes an agency to deny disclosure of records which “if disclosed would constitute an unwarranted invasion of personal privacy under the provisions of subdivision two of section eighty-nine of this article.” The Commission has stated that utility customers have “reasonable expectations of privacy, security and control over access to personally identifiable information” held by utilities and that “protection of consumer information is a basic tenet of the Public Service Law and our policies.” In addition, from both a safety and security perspective, the customers on the critical facilities list likely do not want the fact that the Company categorizes their facilities as “critical facilities” to be disclosed publicly. Accordingly, the information contained in the attached documents should be exempted from disclosure on the grounds stated in POL §87.2(b) and §87.2(f).

Con Edison also requests that the information in the attached list of its mutual assistance contractors be treated by the Commission and the Department of Public Service as confidential pursuant to Public Officers Law §§ 87(2)(d) and 89(5), and the Commission’s implementing regulation, 16 NYCRR § 6-1.3. Con Edison has expended extensive effort in identifying and making arrangements with the mutual assistance contractors set forth in the

list. The information in this document, if made publicly available, would likely cause substantial injury to the competitive position of the Company.

To provide for the confidentiality of the personnel, customer, and communication information contained in the 2026 ERP and the additional information submitted to DPS Staff, Con Edison requests that the 2026 ERP and the critical customer, press/media contacts and mutual assistance lists be treated as confidential information and afforded all the protections against public disclosure available for such information, as provided by law. Con Edison also requests that the unredacted 2026 ERP and the additional lists be maintained in DPS's confidential files and be provided only to directly interested members of the Public Service Commission and the DPS Staff and not otherwise be disclosed or available within the Department.

Thank you for your assistance with this matter.

Sincerely,



Atts: