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November 18, 2025

Honorable Michelle L. Phillips
Secretary, Public Service Commission
Three Empire State Plaza
Albany, New York, 12223-1350

Re: Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of Consolidated Edison Company of New York, Inc. for Electric and Gas Service: Case 25-E-0072 and Case 25-G-0073

Dear Secretary Phillips:

I write to express my opposition to the Joint Proposal (hereafter 'JP') in Consolidated Edison Company of New York's (ConEd) pending rate case before the Commission. I urge the Commission to reject the JP which fails to adequately address the affordability crisis faced by my constituents and ratepayers in ConEd's service territory.

I represent a diverse set of communities in Westchester, the vast majority of which are in ConEd's service territory and whose residents are experiencing financial strain due to sizable rate increases the company has enjoyed in recent years. 20% of households in my district have incomes of less than $50,000 a year; another 20% make under $100,000. Almost 20% are seniors, many living on fixed incomes. Both low and middle income families have been calling for help for several years with their increasingly unaffordable utility bills. I have answered their calls by introducing several pieces of legislation to address structural challenges within the rate setting process that I believe are resulting in unaffordable utility bills. As my colleagues and I continue to pursue legislative reform, the Public Service Commission has a responsibility as well to ensure rate plans do not exacerbate the current crisis. The PSC must carefully scrutinize the JP before you, and reject it if it fails to serve the public interest, as I believe this proposal does.

The JP provides for $234M in new electric revenues for ConEd in the first year, $409.7M in additional revenues the second year, and $421.1M in the third year. According to the Department of Public Service's summary of the JP, those additional revenues will result in an increase for a typical residential customer using 600kWh per billing period of 3.5% in year one, 3.2% in year two, and 3.1% in year three.[1] (Using 600kWh as the number for typical usage may result in a lowball estimate of the size of the increase. According to the U.S. Energy Information Administration, in 2022, the average annual amount of electricity purchased by a U.S. residential electric-utility customer was 10,791 kilowatthours (kWh), an average of about 899 kWh per month.)[2] For gas, the JP provides $27.5M in new revenues in year one, $68.8M in additional revenues in year two, and $70.3M in year three. This translates to an increase for the typical gas customer using 100 Therms per billing period of 4.4% in year one, 5.7% in year two, and 5.6% in year three.[3] ConEd customers are currently in the third year of a rate plan which provided bill increases for the typical customer each year between 4.3% and 5.8% each year for electric, and between 5.8% and 7.2% for gas.

I recognize and appreciate the efforts of the many parties involved in settlement negotiations, including Westchester County and several of my colleagues in the Legislature. These bill impacts are undeniably an improvement over ConEd's original request. However, I must stress that given the depth of the affordability crisis faced by my constituents and many ratepayers in ConEd's service territory, even these increases are untenable. ConEd disconnected more than 88,000 households during the first 6 months of 2025, almost 2.5% of its total customer base. In the last five years, more than 40% of New Yorkers have fallen into utility arrears and 23% of households have experienced at least one shutoff.[4] These statistics represent New Yorkers most at risk under this proposal — but many more may be forced to go without other necessities in order to pay their utility bill or forced to accept dangerously hot or cold conditions in their home.

Further, the JP includes an approved rate of return on equity (ROE) of 9.4%, a meaningful increase over the 9.25% ROE granted in the current rate plan, and significantly higher than the 8.8% ROE granted in 2020. This ROE provides an unacceptable level of enrichment to ConEd shareholders at a time when ratepayers are in crisis. In January 2025, ConEd announced that it had provided stockholders with a record 51 consecutive annual dividend increases; the longest period of consecutive annual dividend increases of any utility in the S&P 500 index.[5] The company credits their continued emphasis "on providing a return to [their] investors." While Con

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[1] "Summary of Joint Proposal." Department of Public Service. Accessed via DMM November 13th, 2025.
[2]" How much electricity does an American home use?" U.S. Energy and Information Administration. Accessed November 13, 2025. https://www.eia.gov/tools/faqs/faq.php?id=97&t=3
[3] "Summary of Joint Proposal."
[4] Lakhani, Nina. "New York energy company ramps up disconnections as it seeks 11% price hike." The Guardian. Published August 8, 2025. Accessed November 13, 2025. https://www.theguardian.com/us-news/2025/aug/08/new-york-con-edison-disconnections-climate-crisis
[5]"Con Edison Declares Common Stock Dividend." ConEdison, inc. Published January 16, 2025. Accessed November 13, 2025. https://investor.conedison.com/news-releases/news-release-details/con-edison-declares-common-stock-dividend-66

Edison of New York is just one subsidiary of ConEd, it is clear that their shareholders have been the beneficiaries of tremendous financial gains over the last several years.

Moreover, the JP includes an especially inequitable Earnings Sharing Mechanism (ESM).[6] The proposed ESM includes a deadband of 0.5; that means ConEd is entitled to earn 9.9% in return before the ESM is initiated. Functionally, that entitles ConEd to earn an ROE up to 9.9%. If ConEd earns in excess of 9.9%, but less than 10.4% it is required to return 50% of earnings above 9.9% to customers, but is entitled to keep 50%. For earnings above 10.4% but less than 10.9% the company is required to return 75% and may keep 25%. For earnings above 10.9% the company must return 90% and may keep 10%. I would argue that this ESM provides undue preference to the company to begin with. Even worse, this JP introduces further inequity by assigning 100% of the “customer share” of the ESM to reduce undercollected Site Investigation and Remediation Costs in that rate year. At the same time, the JP assigns only half of the companies’ share of excess earnings above 9.9% to that purpose. If the amount of excess earnings available exceeds the amount of undercollection, ConEd will apply those excess earnings to reduce other interest-bearing costs. As a result, ratepayers will not see a penny of excess earnings that are assigned to them under the ESM. At the same time, ConEd, which is already entitled to keep 100% of excess earnings up to 9.9%, is required to assign only 50% of its earnings subject to the ESM to such costs. This is inherently unequal and denies ratepayers struggling to pay their bills a potential source of relief.

In January, Governor Hochul wrote to the Commission: “Right now, affordability is our greatest short-term challenge and the Department of Public Service must take all necessary steps to protect ratepayers from Con Edison’s unconscionable rate hike.”[7] Although this proposal represents significant progress from ConEd’s initial request, I believe it still falls short of the Governor’s mandate. I strongly urge the Commission to reject it.

Sincerely,

Shelley B. Mayer

Shelley Mayer
New York State Senator, District 37

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[6] See discussion beginning page 14 of JP

[7] Letter from Governor Hochul to PSC Chair Rory Christian. Sent February 11, 2025. Accessed November 13, 2025. https://www.governor.ny.gov/sites/default/files/2025-02/02.11.25_Governor_Kathy_Hochul_Letter_to_Rory_M_Christian.pdf