STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on February 15, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
James S. Alesi
John B. Howard
David J. Valesky
John B. Maggiore

CASE 23-M-0661 – Tariff filing by Consolidated Edison Company of New York, Inc. to Modify Advanced Metering Infrastructure (AMI) Provisions, to Assess a Meter Reading Charge to Non-Residential Customers Preventing the Company from Installing an AMI Meter.

ORDER APPROVING TARIFF AMENDMENTS WITH MODIFICATIONS

(Issued and Effective February 20, 2024)

BY THE COMMISSION:

INTRODUCTION

On November 6, 2023, Consolidated Edison Company of New York, Inc. (Con Edison or the Company) filed amendments to its electric and gas tariff schedules, P.S.C. No. 10 – Electricity and P.S.C. No. 9 – Gas, to have a manual meter reading charge applicable to non-residential customers that refuse to allow the Company to install Advanced Metering Infrastructure (AMI) equipment at the customer's premise to allow for remote meter reading. These tariff amendments have an effective date of March 1, 2024.

By this Order, the Commission directs the Company to file further amendments to P.S.C. No. 10 – Electricity and

P.S.C. No. 9 – Gas to become effective on March 1, 2024, as discussed in this Order, and file a copy of a 30-day notice to be sent to non-residential customers regarding the commencement of the meter reading fee.

BACKGROUND

In 2016, the Company received authority from the Commission to replace legacy electric and gas metering equipment with AMI-enabled equipment.[1] Throughout the AMI Order, the Commission also discussed the requirement for Con Edison to create and implement a Customer Engagement Plan to notify and educate customers on the many benefits of AMI and on Con Edison's plans for AMI deployment. Remote meter reading is one of the benefits provided by AMI equipment, which produces savings to customers as costs for meter readers, vehicles, and other items needed to do manual meter reading are no longer incurred by the Company and are removed from the Company's revenue requirement.

In the AMI Order, the Commission recognized that some residential customers may not want Con Edison to install AMI equipment; therefore, the Commission directed the Company to file tariff amendments allowing residential electric and gas customers to opt out of receiving AMI equipment.[2] Because manual meter reading costs are removed from the Company's revenue requirement, the residential customers who opt out of receiving AMI equipment, or otherwise refuse to permit the Company to install such equipment, are subject to a fee of $19.00 to compensate the Company for manually reading the meter.

[1] Case 15-E-0050, et al., Con Edison – Electric and Gas Rates, Order Approving Advanced Metering Infrastructure Business Plan Subject to Conditions (issued March 17, 2016) (AMI Order).

[2] AMI Order, at 45-46.

To reduce the cost of manually reading meters for this subset of customers, the Company performs manual meter readings for residential customers on a bi-monthly basis and the meter reading charge is billed monthly at a rate equal to one half of the fee. The fee is charged per electric account, per gas account, or per combined electric and gas account. If the Company is scheduled to manually read a meter of a residential customer that opted out of AMI, but does not attempt to read the meter, the customer is not charged the manual meter reading fee. According to Con Edison's Customer Engagement Plan, residential customers were notified by direct mail prior to the onset of the manual meter reading charge.[3]

Non-residential electric and gas customers do not have the option to opt out of receiving AMI equipment. However, some non-residential customers have prevented the Company from installing AMI meters by refusing to give access to Company-approved installers, or by obstructing access to legacy meters. In other instances, non-residential customers have prevented the Company from installing AMI equipment because of customer-owned equipment with defects or conditions that prevent the Company from installing AMI equipment. As is the case for residential opt-out customers, the Company must still read meters for non-residential customers who have not received AMI equipment. Manual meter readings for non-residential customers are performed monthly.

TARIFF FILINGS

On November 6, 2023, Con Edison filed amendments to its electric and gas tariff schedules to institute a manual meter reading charge applicable to non-residential customers who

[3] Case 15-E-0050, et al., Con Edison – Electric and Gas Rates, AMI Customer Engagement Plan (filed July 29, 2016).

prevent the Company from installing AMI equipment at the customers' premises. In its tariff filing, the Company specified that the non-residential customers that would be subject to the manual meter reading charge are customers that either: (1) did not grant the Company or its duly authorized representative access to the customer's premises to install or replace a meter; (2) had an obstruction on their property which prevented the Company from gaining access to install or replace the meter; or (3) had a defect or condition in the customer's installation or equipment which prevented the Company from installing or replacing a meter.

Because manual meter readings for non-residential customers are performed monthly, the Company proposes to charge non-residential customers the manual meter reading fee of $19.00 each month. If the Company is scheduled to read a meter, but does not attempt to read the meter, the customer would not be charged the manual meter reading fee.

Con Edison complied with the requirements of newspaper publication pursuant to Public Service Law (PSL) §66(12)(b) and Title 16 of the New York Codes, Rules and Regulations §720-8.1 for its filing made on November 6, 2023. A notice was published in the State Register on December 6, 2023. The comment period expired on February 5, 2024. No comments were received.

LEGAL AUTHORITY

Pursuant to PSL §§5, 65(1), and 66(1) and (12), the Commission has the legal authority to review the proposed tariff leaves, as well as modify, reject or approve such filed tariffs to ensure that the rates and services governed by those tariffs are just and reasonable and otherwise consistent with law. As such, the Commission has the legal authority to review, approve,

and make effective the Company's filed tariff amendments, as prescribed in this Order.

DISCUSSION AND CONCLUSION

Con Edison's proposed tariff amendments addressing non-residential customers are consistent with the tariff language for residential AMI opt-out customers and will allow the Company to charge non-residential customers for the costs associated with manual meter readings without creating an undue burden on non-residential customers to whom the monthly meter reading charge is applicable. Levying the full meter reading charge, on a monthly basis, for non-residential customers is appropriate, as non-residential customer meters are read monthly, while the meters of residential customers who opt-out of AMI are read bi-monthly.

However, the Commission finds that further clarification is needed in Con Edison's tariffs to identify how many attempts the Company will make to install AMI equipment at the customer's premise before Con Edison may begin to charge customers the manual meter reading fee. Historically, Con Edison has stated it has contracted vendors to make five attempts to install AMI equipment. The Commission finds that this number of attempts provides sufficient opportunities for customers to be notified and to make the necessary arrangements to have the AMI equipment installed. Therefore, Con Edison is directed to file further tariff amendments to P.S.C. No. 10 – Electricity and P.S.C. No. 9 – Gas, on not less than five days' notice, that address this modification and to become effective on March 1, 2024. The Company shall work with Department of Public Service staff on such tariff language change prior to Con Edison's filing of the amendments to its tariffs. Newspaper publication requirements for the additional tariff amendments

directed in this Order are waived as such change provides clarity, is reasonable, and aligns with the existing practices of the Company.

Con Edison's Customer Engagement Plan included sample notification letters and called for advance notice to residential customers prior to the onset of the manual meter reading charge. Con Edison shall provide advance notice to the non-residential customers as well through direct mail (electronically or by courier mail). The Commission is aware that the Company has already made at least five attempts to install AMI equipment at the premises of some non-residential customers. Therefore, the Company may begin to charge the manual reading fee starting with the first billing cycle after the effective date of the amendments to these tariffs. However, the Company shall provide the non-residential customers 30 days' notice that the Company may begin charging the manual meter reading fee. A copy of such notice shall be filed with the Secretary to the Commission by March 1, 2024.

The Commission orders:

1. The tariff amendments filed by Consolidated Edison Company of New York, Inc. shall become effective provided the Company files modifications consistent with the discussion in the body of this Order, on not less than five days' notice, to become effective on March 1, 2024.

2. The requirements of Public Service Law §66(12)(b) and Title 16 of the New York Codes, Rules and Regulations §720-8.1 for newspaper publication of the tariff amendments directed in Ordering Clause No. 1 are waived.

3. Consolidated Edison Company of New York, Inc. is directed to file with the Secretary to the Commission, no later than March 1, 2024, a copy of the 30-day notification to non-

residential customers regarding the commencement of a manual meter reading charge, as discussed in the body of this Order.

4. 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.

5. This proceeding is closed pending completion of Ordering Clause Nos. 1 and 3.

By the Commission,

(SIGNED) MICHELLE L. PHILLIPS
Secretary

CASE 23-M-0661 APPENDIX

SUBJECT: Filings by CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Amendments to Schedule P.S.C. No. 10 – Electricity

Original Leaf No. 63.3
Second Revised Leaf No. 63.2
Fourth Revised Leaf No. 2
Eighth Revised Leaf No. 63.1

Issued: November 6, 2023 Effective: March 1, 2024

Amendments to Schedule P.S.C. No. 9 – Gas

Original Leaf No. 76.3
Sixth Revised 76.2
Eighth Revised Leaf No. 77

Issued: November 6, 2023 Effective: March 1, 2024

SAPA: 23-M-0661SP1 – State Register – December 6, 2023

NEWSPAPER PUBLICATION: November 22, 29, 2023, December 6, 13, 2023