

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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October 18, 2010

Mr. Douglas DiCeglio
President
URAC
156 Scranton Avenue
Lynbrook, NY 11563

Ms. Rebecca Lynch
General Manager, Specialized Activities
Consolidated Edison Company of New York, Inc.
4 Irving Place, 9th Floor South
New York, NY 10003

Re: Case 07-G-1417 (216870)
Church of Saint Gabriel vs. Con Edison

Case 08-G-0240 (627656)
St. John's Prep School vs. Con Edison

Case 08-G-0360 (628008)
St. John's Prep School vs. Con Edison

At its session of October 14, 2010, the Public Service Commission decided an appeal of the Church of St. Gabriel from an informal review decision dated November 13, 2007, and appeals by St. John's Prep School from two separate informal review decisions (in separate cases) dated, respectively, February 19, 2008, and March 25, 2008. (The determination also resolves a fourth appeal by another customer in Case 06-G-0845.) Enclosed is a copy of the Commission's determination.

The applicable regulations (16 NYCRR Section 12.14(b)) provide that in deciding appeals of informal hearings or reviews, the Commission "may uphold, change, reject or return the decision to the informal hearing officer or reviewer for additional consideration." The

Commission also has the discretion to order a formal evidentiary hearing if it finds this to be appropriate under the circumstances.

In this case, the Commission upheld the informal review officers' decisions for the reasons given in the attached determination.

The Commission's decision, effective the date of this letter, may be challenged through judicial review pursuant to Article 78 of the Civil Practice Law and Rules, or may be the subject of a petition for rehearing. A petition for rehearing must, pursuant to Section 22 of the Public Service Law, be sent to the Secretary to the Commission at the above address, and must be received at the Secretary's office no later than 30 days from the date of this letter. The Secretary may reject petitions that are untimely.

A petition for rehearing must also meet the requirements of the Commission's rule, 16 NYCRR §3.7(b), which says that, "Rehearing may be sought only on the grounds that the Commission committed an error of law or fact or that new circumstances warrant a different determination." This rule also requires that a rehearing petition "separately identify and specifically explain and support each alleged error or new circumstance said to warrant rehearing." A rehearing petition that does not meet the requirement for separate identification of each alleged error or new circumstance, and for explanation of how each error or new circumstance warrants rehearing, may be rejected.

Judicial review may be sought without first requesting rehearing by the Commission. The time limit under state law for commencing an Article 78 proceeding to obtain judicial review of a Commission determination is four months from the date that the Commission determination becomes final and binding on the party seeking review. Please note that a request for rehearing may not extend this four-month period to seek judicial review of the enclosed decision.

By direction of the Commission,

Jaclyn A. Brillling
Secretary

cc: Rev. Thomas Kelly
Church of St. Gabriel
3250 Arlington Avenue
Bronx, NY 10463

St. John's Prep
Mr. William Higgins
21-21 Crescent Street
Astoria, NY 11105