

Donna Giliberto,
Records Access Officer
State of New York Department of Public Service
Three Empire State Plaza
Albany, NY 12223-1350

October 10, 2013

RE: Request for Confidential Treatment
ESCO Data Report
Case Number 94-E-0952

Dear Ms. Giliberto:

Staff has requested that Orange and Rockland Utilities, Inc. submit current data on ESCOs and customers served in its retail access program. Orange and Rockland submits this information to you under the provisions of Public Officers Law section 89(5)(a) and requests that the information requested by Staff be excepted from disclosure under the provisions of Public Officers Law section 87(2)(d). The information included with this filing is the Orange and Rockland Electric Migration Report for September, 2013.

The disclosure of this information could cause substantial competitive injury, not only directly but also in terms of public perception, to the ESCOs participating in retail access programs. ESCOs look at all available information concerning their competitors and the volume of competitive commodity sold to retail access customers when developing their marketing strategies. The advantage accruing to some ESCOs from this information would be detrimental to others. Customers' selection of an ESCO may be inappropriately affected by customer assumptions based solely on market share and sales volumes. New ESCOs might be deterred from entering the market not only because of the presence of a few very strong players, but also because public perception of new entrants may be negatively affected by disclosure of small enrollments and low commodity sales volumes without regard to ESCO reliability or business considerations. These factors justify exception from disclosure of the information being provided.

If you have any questions, please do not hesitate to contact me at (845) 577-3064

Sincerely,



Donald E. Kennedy
Director, Retail Access and
Energy Services