

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

RE: Request for Confidential Treatment  
ESCO Data Report

Dear Ms. Giliberto:

Staff has requested that Consolidated Edison Company of New York, Inc. submit current data on ESCOs and customers served in its retail access program. Con Edison 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) and Part 6-1.3 of the Rules of the Department of Public Service.

The data being submitted consists of electric customer enrollment by ESCO and customer usage by ESCO for the period **February 2012**. In addition, the number of electric customers with Con Edison and associated customer usage is provided.

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. When developing marketing strategies, ESCOs look at all available information concerning their competitors and the volume of competitive commodity sold to retail access customers. 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.

This month's submission also includes our monthly report (summary by ESCO and account detail) of customer slamming claims.

If you have any questions, please do not hesitate to contact me at (212) 780-6711.

Sincerely,

Raymond J. Lux  
Senior Specialist  
Customer Operations