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April 2, 2014

Kerri Kirschbaum, Esq.
Senior Staff Attorney
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-0987

Usher Fogel, Esq.
557 Central Avenue, Suite 4A
Cedarhurst, NY 11516

RE: Case 12-M-0476 – Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State.

Case 98-M-1343 – In the Matter of Retail Access Business Rules.

Case 06-M-0647 – In the Matter of Energy Service Company Price Reporting Requirements.

Case 98-M-0667 - In the Matter of Electronic Data Interchange.

Dear Ms. Kirschbaum and Mr. Fogel:

On March 26, 2014, the Joint Utilities¹ submitted a request for an extension of “the deadlines for utility implementation of changes established in” the Commission’s Order Taking Actions to Improve the Residential and Small Non-residential Retail Access Markets (February Order), issued on February 25, 2014 in the above captioned cases.

¹ The Joint Utilities include: Consolidated Edison Company of New York, Inc.; Orange and Rockland Utilities, Inc.; Central Hudson Gas & Electric Corporation; National Fuel Gas Distribution Corporation; The Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; and Rochester Gas and Electric Corporation.

In lieu of proposing specific new deadlines, the Joint Utilities stated that they:

[R]ecognize that the timeframe to complete the directives in the February Order should be considered through collaboration and technical conference and should not be an open-ended process. To that end, following approval of the extension requested herein, the Joint Utilities commit to working with Staff and other stakeholders to develop a scope of work plan, including schedules and due dates for various deliverables, so that Staff can provide an update in the near term.”

On March 28, 2014, the Retail Energy Supply Association (RESA) filed a letter in support of the Joint Utilities request. In addition, the RESA letter requested that the deadlines applicable to ESCO operations in New York should also be extended. On March 28, 2014, the New York State Energy Marketers Coalition (NYSEMC) filed a letter in support of the Joint Utilities and RESA letters.

Extensions of the deadlines set forth in the February Order will be considered, and this letter does not constitute a rejection of the Joint Utilities’ or RESA’s requests. However, the requests for plenary extensions made in the letters submitted by the Joint Utilities, RESA and NYSEMC do not provide a sufficient basis for granting an extension at this time. As noted by the Joint Utilities, a technical conference regarding implementation of the February Order and a collaborative on changes to the purchase of receivables program are scheduled for April 7th and 8th, 2014 respectively. After those meetings, if the Joint Utilities and RESA still seek an extension of deadlines in the February Order, they can then supplement their request.

The supplement should include the scope of work plan, including schedules and due dates for various deliverables, as described in the Joint Utilities letter. That scope of work plan should identify all current deadlines in the February Order. For each deadline, the scope of work plan should state whether or not the deadline can be met. For deadlines that cannot be met, the scope of work plan must identify: (1) a proposed extended deadline; (2) which other deadlines, if any, are related; (3) what collaborative must be completed, if any, before the Joint Utilities would be able to meet an implementation deadline; and (4) a justification for the requested extension.

Once this supplement has been provided, I will consider each of the deadline extensions proposed therein. Please notify all parties of this matter. This letter will be posted on the Commission’s Web site.

Very truly yours,

Kathleen H. Burgess
Secretary