

PSC NO: 10 – Electricity
Consolidated Edison Company of New York, Inc.
Initial Effective Date: 11/01/2011

Leaf: 174
Revision: 0
Superseding Revision:

GENERAL RULES

21. Liability - Continued

21.6 Competitive Metering Services

For the purposes of this provision, “damages” shall mean and include all losses (including, but not limited to, economic loss), damages (including, but not limited to, direct, indirect, incidental, punitive, special and consequential damages), costs, expenses, judgments, claims, and attorneys’ fees.

- a. The Company shall not be liable to a Customer taking Competitive Metering Services from an MSP or MDSP, or purchasing or owning the meter(s) used to measure the Company’s service, for any damages caused by the Company’s conduct in compliance with, or as permitted by, the Company’s rate schedules, the Operating Agreement between the Company and the MSP or MDSP or any legal or regulatory requirements related to Competitive Metering Services or customer ownership of meters.
- b. The Company shall not be liable to a Customer taking Competitive Metering Services from an MSP or MDSP for any damages caused to the Customer by any failure of the MSP or MDSP to comply with the Company’s rate schedules, the Operating Agreement between the Company and the MSP or MDSP or for any damages caused by equipment installed or actions taken by the MSP or MDSP.
- c. The Company shall not be liable to a Customer for any damages caused by an MSP’s or MDSP’s failure to perform any commitment to the Customer, including, but not limited to the MSP’s or MDSP’s obligation to provide metering services or meter data services to the Customer.
- d. The Company shall not be liable to any Customer for any damages resulting from any acts, omissions, or representations made by an MSP or MDSP in connection with soliciting customers for Competitive Metering Services or performing any of its functions in rendering Competitive Metering Services.

21.7 Emergency Limitation Upon Service

The Company’s offers or supply of electric service, including extensions of lines and of service laterals, are each subject to and modified by the provisions, conditions, and limitations from time to time imposed by governmental emergency statutes or by orders, rules, regulations or ordinances promulgated there under and are contingent upon the Company’s ability to obtain and use the necessary equipment, materials, facilities, and labor.

Issued by: Robert N. Hoglund, Senior Vice President & Chief Financial Officer, New York, NY