



Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York NY 10003  
www.conEd.com

July 23, 2021

Honorable Michelle L. Phillips  
Secretary to the Commission  
New York State Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, New York 12223-1350

**RE: Customer Consent to Contact**

Dear Secretary Phillips:

Consolidated Edison Company of New York, Inc. (“Company”) hereby submits for filing with the Public Service Commission (the “Commission”) amendments to its Schedule for Gas Service, P.S.C. No. 9 – Gas (the “Gas Tariff”), applicable to its customers in the City of New York and the County of Westchester.

The revised Tariff Leaves, which are identified below, are filed to become effective on December 1, 2021:

<u>Leaf No.</u>	<u>Revision No.</u>	<u>Superseding Revision No.</u>
16	2	1
17	1	0

**Reason for Filing**

The Company proposes to add language to its Gas Tariff<sup>1</sup> to include an explicit provision for customer consent to contact, similar to the Commission’s approval of language included in other utility tariffs.<sup>2</sup>

**Summary of Tariff Changes**

As noted by the Federal Communications Commission, consumers who provide their wireless telephone number to a utility company when they sign up to receive utility service (or subsequently update their contact information with such number), have given prior express consent to be contacted by their utility company at that number with messages that are closely related to

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<sup>1</sup> The Company is also separately filing similar changes to its Schedule for Electricity Service, P.S.C. No. 10 – Electricity and Schedule for Steam Service, P.S.C. No. 4 - Steam.

<sup>2</sup> Case 18-M-0756 - Tariff Filings by KeySpan Gas East Corporation d/b/a National Grid, Niagara Mohawk Power Corporation d/b/a National Grid, and The Brooklyn Union Gas Company d/b/a National Grid NY to Establish a New Provision, Customer Consent to Contact, in their Respective Electric and Gas Tariff Schedules.

the utility service, unless the customer has revoked such consent.<sup>3</sup> These proposed tariff changes clarify and memorialize the customer's consent to receive autodialed and prerecorded/automated calls and texts from the Company or its agents that are closely related to utility service, which includes communications that warn about planned or unplanned service outages; provide updates about service outages or service restoration; request confirmation of service restoration or information about lack of service; provide notification of meter work, or other field work that affects utility service; advise customers they may be eligible for subsidized or lower-cost services due to certain qualifiers such as, e.g., age, low income or disability; and other calls relating to handling, servicing, and billing for the customer's account. Calls and texts may include contact from companies working on the Company's behalf to service the customer's account. The proposed tariff changes provide several channels the customer can use to opt-out of receiving such communications.

Consistent with the Commission's approval of similar language added to other utility tariffs, the Company proposes to communicate: (1) the type of autodialed and prerecorded/automated calls and texts it anticipates it may send, that customers have consented to receive these calls and texts by taking service from the Company, and (2) information on the ways by which the customer can opt-out of receiving these calls and texts, through bill messages twice per year in 2022 and 2023, and once per year thereafter. Additionally, the Company will provide this information to new customers as a part of its welcome packet.

### **Conclusion and Notice**

The Company is filing changes to the Gas Tariff to become effective on December 1, 2021. These proposed tariff changes do not propose a change in any rate or charge for service. Because of the clarifying nature of this filing and the notices that will be provided to customers, waiver of the newspaper publication requirements of PSL §66-12 and 16NYCRR 720.8 is requested for this filing. Included is a proposed form of Notice of Proposed Rule Making for publication in the State Register pursuant to the State Administrative Procedures Act.

Any questions regarding this filing can be directed to Margaret Lenz at (212) 460-2217.

Respectfully submitted,

/s/  
William A. Atzl, Jr.  
Director  
Rate Engineering

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<sup>3</sup> See, 2016 Blackboard Edison Declaratory Ruling, CG Docket No. 02-278, FCC 16-88, para. 29 (2016).