



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

February 21, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary  
State of New York  
Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

**RE: Case 09-M-0311, Temporary State Assessment Pursuant to PSL §18-a(6)**

Dear Acting Secretary Cohen:

Consolidated Edison Company of New York, Inc. (“Con Edison” or the “Company”) is filing with the Public Service Commission (the “Commission”) a revised Leaf to its Schedule for Electricity Service, P.S.C. No. 10 – Electricity, applicable to its customers in the City of New York and the County of Westchester. The Company is also filing a revised Leaf to its Schedule for Economic Development Delivery Service – P.S.C. No. 11 - Electricity,<sup>1</sup> applicable to delivery service to the New York Power Authority (“NYPA” or “PASNY”), the New York City Public Utility Service (“NYCPUS”) and the County of Westchester Public Utility Service Agency (“COWPUSA”), and a revised Leaf to its Schedule for PASNY Delivery Service – P.S.C. No. 12 - Electricity,<sup>2</sup> applicable to delivery by the Company of power and associated energy to customers of NYPA.

The Company is also filing revised Leaves to its Schedule for Gas Service, PSC No. 9 – Gas (“the Gas Tariff”), applicable to its customers in the City of New York and the County of Westchester, and to its Schedule for Steam Service, P.S.C. No. 4 – Steam, applicable to its steam customers in the Borough of Manhattan, New York City.

---

<sup>1</sup> This is the Delivery Service Rate Schedule Implementing and Part of: (1) the “Service Agreement for the Delivery of Power and Energy” between PASNY and the Company, dated March 10, 1989, for the delivery by the Company of Power and Associated Energy to Authority Economic Development Customers, (2) the “Agreement for the Delivery of Power and Energy from the James A. FitzPatrick Power Project” between the County of Westchester, acting through COWPUSA, and the Company, made April 24, 1987, and (3) the “Agreement between the City of New York and Consolidated Edison Company of New York, Inc., for the Delivery of Power and Energy from the James A. FitzPatrick Nuclear Power Project” between the City of New York, acting through NYCPUS, and the Company, made October 23, 1987.

<sup>2</sup> This is the Delivery Service Rate Schedule Implementing and Part of the Service Agreement between PASNY and the Company dated March 10, 1989.

The Company proposes to modify the following Leaves of P.S.C. Nos. 10, 11, and 12 – Electricity, P.S.C. No. 9 – Gas, and P.S.C. No. 4 – Steam, effective May 20, 2013, as they relate to the Surcharge to Collect Assessments Under Section 18-a of the Public Service Law:

<u>PSC No.</u>	<u>Leaf No.</u>	<u>Revision No.</u>	<u>Superseding Revision No.</u>
10 – Electricity	357	2	1
11 – Electricity	14	1	0
12 – Electricity	23	1	0
9 – Gas	183	13	12
9 – Gas	303.2	9	8
9 – Gas	338.0	4	3
4 – Steam	42	5	3 <sup>3</sup>

### **Reason for Filing**

The above Leaves address collection of the temporary surcharge under Public Service Law 18-a, which was directed by the Commission’s Order Implementing Temporary State Assessment (the “Order”), issued June 19, 2009, in Case 09-M-0311, “Implementation of Chapter 59 of the Laws of 2009 Establishing a Temporary Annual Assessment Pursuant to Public Service Law §18-a(6).”<sup>4</sup> Each Leaf indicates that the annual surcharge will collect amounts required to be collected for the State fiscal year above the amount in base rates plus uncollectible expenses and working capital costs, plus any reconciliation amount required to be collected for prior periods. Each Leaf currently indicates, “To the extent the amount of the surcharge decreases in any year due to a fluctuation in annual intrastate gross operating revenues, the Company will maintain the prior year’s surcharge to improve its cash flow position without increasing Customers’ bills.” *[underlining added for emphasis]*

The Order allows each utility to maintain the prior year’s surcharge, but does not require it.<sup>5</sup> The proposed change from “will” to “may” recognizes that the Company is able to reduce collections the subsequent year if warranted by lower prior period revenues or a large over-collected balance.

### **Conclusion and Notice**

This tariff filing has a proposed effective date of May 20, 2013.

On January 29, 2013, the Commission issued an order suspending the operation of the amendments submitted by the Company in Cases 13-E-0030, 13-G-0031, and 13-S-

<sup>3</sup> Revision No. 4 of Leaf 42 to P.S.C. No. 4 – Steam is pending in Case 13-S-0032.

<sup>4</sup> The Order directs collection of the temporary surcharge over 12-month periods from July 1, 2010 through June 30, 2014, to collect Section 18-a assessments to the Company above the amount reflected in base rates for the period April 1, 2009 through March 31, 2014.

<sup>5</sup> Order, p. 32.

0032. The Company makes this filing pursuant to 16 NYCRR Part 61.10(c)(5), or subject to the approval of the Commission pursuant to 16 NYCRR Part 61.10(a), as the Commission deems appropriate.

The Company requests waiver of newspaper publication, because this change will have either no effect or an insignificant effect on customers' bills when the annual surcharge is updated.<sup>6</sup>

Respectfully submitted,  
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

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

---

<sup>6</sup> Pursuant to each Tariff, the next change in the unit amount to be collected will be filed with the Commission on a revised Statement no less than 15 days prior to its July 1, 2013 effective date.