



Consolidated Edison Company  
of New York, Inc.  
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April 8, 2014

Honorable Kathleen H. Burgess  
Secretary  
New York State Public Service Commission  
3 Empire State Plaza, 19<sup>th</sup> Floor  
Albany, New York 12223

**RE: Cases 13-G-0031 and 13-G-0186, Temperature Control Amended Filing**

Dear Secretary Burgess:

Enclosed for filing with the Public Service Commission (the "Commission") are the following amended tariff leaves issued by Consolidated Edison Company of New York, Inc. ("Con Edison" or the "Company") to the Company's Schedule for Gas Service, P.S.C. No. 9 - Gas ("Gas Tariff"), applicable to its customers in the City of New York and the County of Westchester.

Leaf 68	Revision 4	Superseding	3
Leaf 87	Revision 6	Superseding	5
Leaf 98	Revision 4	Superseding	3
Leaf 264	Revision 10	Superseding	9
Leaf 329	Revision 6	Superseding	4
Leaf 330	Revision 6	Superseding	4
Leaf 337	Revision 8	Superseding	7

These tariff leaves are issued April 8, 2014 with an effective date of June 1, 2014.

The Company is also submitting Supplement No. 58 to cancel several tariff leaves filed in this Case on April 25, 2013. The Supplement is issued to become effective May 30, 2014, one business day prior to June 1, 2014.

**Reason for Filing**

The Commission's Order Approving Electric, Gas and Steam Rate Plans in Accord With Joint Proposal, issued and effective February 21, 2014, in Cases 13-E-0030 et al. (the "Rate Order") adopted the Joint Proposal ("JP") as set forth in Appendix A of the Order, with certain

modifications. The JP requires the Company to amend its pending filing in Case 13-G-0186, which proposed to eliminate the Temperature Control (“TC”) option for all interruptible customers. In accordance with the JP, the Company hereby amends its filing to eliminate the TC option for new interruptible customers and allow existing TC customers to continue to utilize the TC option.

In addition, the Company is making certain housekeeping changes related to the TC option.

### **Discussion**

On December 14, 2011, the Commission issued a Notice Soliciting Comments to New York’s gas utilities about the then-current state of their interruptible service, in the form of twelve questions that addressed current interruptible service practices and potential improvements to interruptible services.<sup>1</sup> As a result of the comments received, the Commission issued on May 23, 2012, an *Order Directing Certain Utilities to Submit Tariff Amendments* (“May 2012 Order”). In the May 2012 Order, the Commission found that New York’s gas utilities were generally in compliance with existing rules for interruptible service. However, in Ordering Clause 2 of the May 2012 Order, the Commission stated that:

Each gas utility listed in the body of this Order is directed to review its current communications with interruptible customers and file needed tariff amendments and Operating Procedures changes...that will ensure a uniform protocol is used that employs multiple sources of contact and various media outlets to distribute its messages to customers, NYSERDA, Energy Service Companies and the Oil Associations.

Pursuant to the May 2012 Order, the Company made a compliance filing on July 2, 2012, with an effective date of August 1, 2012. As part of the Company’s proposed actions to meet the uniform communication protocol, the Company proposed eliminating the TC Option as a means of initiating interruptions for SC 9 gas transportation and SC 12 gas sales Rate 1 customers. In light of feedback the Company received from customer representatives in response to that proposal, and after further consideration, the Company requested on August 31, 2012, that the effective date for eliminating the TC Option be postponed from November 2012 to April 2013. The Company explained that this postponement would give the Company the opportunity to better educate its TC customers about notification as a means for interrupting gas service and give customers more time to adjust to the new requirements. By memorandum order issued and effective October 18, 2012, the Commission accepted, among other things, Con Edison’s request to re-file its proposal to eliminate the TC option at a later date.

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<sup>1</sup> Case 11-G-0543, In the Matter of the Commission’s Examination of the Criteria for Interruptible Gas Service, *Notice Soliciting Comments* (issued December 14, 2011).

On April 25, 2013, after further exploration and consideration, the Company re-filed its request to eliminate the TC option with an effective date of August 1, 2013. At that time, the Company published notice of this filing in the New York Post for four consecutive weeks to give customers an opportunity to comment. The only party to comment on this filing was the City of New York. On July 1, 2013, the Company complied with the Department of Public Service Staff request for a postponement of the effective date of the proposed tariff amendments to October 1, 2013, in order to allow more time for further review of the proposed changes. On August 30, 2013, the Company requested a further postponement to April 1, 2014 to allow sufficient time to conduct outreach and education to those customers affected by the tariff changes.

On February 18, 2014, the Company requested a postponement of the effective date to June 1, 2014, pending the Commission's decision regarding the Joint Proposal in Case 13-G-0031. The Rate Order adopts the JP, which requires the Company to amend its tariff filing in Case 13-G-0186 to allow existing temperature control customers to continue to utilize the temperature control option.

### **Conclusion and Notice**

Pursuant to the Rate Order, the Company has filed its tariff amendments with a proposed effective date of June 1, 2014. In addition, the Company has filed Supplement No. 58, which cancels several pending leaves reflecting changes that are no longer necessary because the TC option will remain available for existing customers.

The Company respectfully requests a waiver of notice requirements of § 66 (12)(b) of the Public Service Law and 16 NYCRR Section 720-8.1 as to newspaper publication of the tariff changes. This waiver is requested given that the City of New York was the only party to comment to the April 25, 2013 filing and as part of the JP in Case 13-G-0031, they have agreed to withdraw their opposition to the filing once the Company amends its tariff filing. The Company will provide copies of this amended filing to all parties in Case 13-G-0031.

Sincerely,

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

CC: Active Parties in Case 13-G-0031 (via email).