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Via Electronic Delivery

October 31, 2016

Hon. Kathleen H. Burgess Secretary to the Commission New York State Public Service Commission Empire State Plaza Agency Building 3 Albany, New York 12223

RE: Case 16-E-____, New Tariff Schedule PSC No. 1 (Concurrence Tariff Containing Rates and Charges for Electric Service), Filed by the Village of Solvay

Dear Secretary Burgess:

In accordance with Article 4 of the Public Service Law ("PSL"), the Village of Solvay Electric Department ("Solvay") hereby files and requests approval of its Concurrence Tariff to the New York Municipal Power Agency ("NYMPA") Generic Tariff. As discussed below, the rates and charges in the attached Concurrence Tariff are the same as those currently in effect; therefore, Solvay respectfully requests a waiver from the newspaper publication requirements of PSL § 66(12)(b) and Section 720-8.1 of the New York State Public Service Commission's ("Commission") Rules and Regulations.

BACKGROUND

Solvay, a municipal electric utility, supplies and distributes electricity in the Village of Solvay, Onondaga County, New York. Solvay currently fulfills all of its electricity requirements through the New York Power Authority ("NYPA)—*i.e.*, Solvay is a full-requirements NYPA customer. Thus, Solvay's current rates and charges are subject to NYPA, rather than Commission, regulatory jurisdiction.

NYMPA is an organization comprised of 35 municipal electric utilities. NYMPA supplies its members with electricity requirements that are not met through NYPA Its members became partial-requirements NYPA customers in 1998. When NYMPA members shifted to partial-requirements NYPA customers their rates and charges became subject to Commission Hon. Kathleen H. Burgess

jurisdiction. "To ease the transition from NYPA to [Commission] jurisdiction, NYMPA developed, with the collaborative assistance of [New York State Department of Public Service Staff ("Staff")], a generic tariff that can be used by each of the member municipal electric systems in concurrence with a system-specific tariff schedule." (Cases 98-E-0490 et al., *New York Municipal Power Agency*, Staff Recommendation and Order Approving New Tariff Schedule (Apr. 29, 1998), at 2 ("NYMPA Tariff Order").)

PURPOSE OF FILING

Solvay is joining NYMPA and becoming a partial-requirements NYPA customer. Municipal electric utilities that purchase less than 100% of their electricity from NYPA are subject to Commission jurisdiction and must seek Commission approval of rates and charges pursuant to PSL Article 4. Therefore, like other NYMPA members before it, Solvay respectfully requests that the Commission approve the attached Concurrence Tariff, with an effective date of January 1, 2017.

Solvay's Concurrence Tariff describes the applicable territory. It also expresses concurrence with the NYMPA Generic Tariff. Finally, it describes the various service classifications and the rates and charges applicable thereto.

The rates and charges in the Concurrence Tariff have been approved by NYPA and are currently effective. The currently effective NYPA-approved tariff is attached hereto. In its review of past NYMPA concurrence tariff filings, the Commission has restricted its review of rates to ensuring that the proposed rates are in fact those currently administered; therefore, Solvay respectfully requests similar treatment here. (Cases 07-E-1446 et al., *Village of Westfield*, One-Commissioner Order Approving New Electric Tariff Schedules (Dec. 27, 2007), at 2, *order confirmed*, Confirming Order (Jan. 16, 2008).) Solvay respectfully requests that the Commission waive the newspaper publication requirements of PSL § 66(12)(b) and 16 NYCRR § 720-8.1 because its rates and charges are not changing. The Commission has granted the same request when other NYMPA members filed their concurrence tariffs. (*See id.*; NYMPA Tariff Order at 3, 5.). The currently effective, NYPA approved tariff is attached hereto as Attachment 1.

CONCLUSION

Pursuant to the foregoing, Solvay respectfully requests that the Commission approve the attached Concurrence Tariff and grant the waivers requested above.

Respectfully submitted,

READ AND LANIADO, LLP Attorneys for the New York Municipal Power Agency

By:

/s/ Konstantin Podolny