

..DID: 16359

..TXT:

August 6, 2001

**CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.**  
**4 Irving Place**  
**New York, NY 10003**

Hon. Janet Deixler  
Secretary  
Public Service Commission  
State of New York  
Department of Public Service  
Three Empire State Plaza  
Albany, NY 12223

Re: Case 00-G-0996 – In the Matter of Criteria for Interruptible Gas Service

Dear Secretary Deixler:

Consolidated Edison Company of New York, Inc. ("Con Edison" or "the Company") hereby files changes to its Schedule for Gas Service, P.S.C. No. 9 – Gas, as they relate to service to interruptible and off-peak firm customers taking service under Service Classification ("SC") Nos. 9 and 12. Certain of the changes proposed herein are being made pursuant to the Commission's January 31, 2001 Order Adopting Permanent Rule ("January 31<sup>st</sup> Order") in the above-referenced proceeding. The January 31<sup>st</sup> Order modified and clarified many of the requirements included in the Commission's August 24, 2000 Order Directing Utilities to File Revised Interruptible Gas Service Tariffs ("August 24<sup>th</sup> Order"). Additional changes are being made to the charges applicable to Interruptible and Off-Peak Firm Customers that repeatedly violate the terms of the tariff.

Revisions to the Company's Sales and Transportation Operating Procedures Manual will also be submitted under separate cover to Commission Staff. The changes to the Company's Schedule for Gas Service are set forth in the following tariff leaves issued August 6, 2001, to become effective November 1, 2001:

Leaf 253 Revision 1  
Superseding Revision 0

Leaf 274 Revision 3  
Superseding Revision 2

Leaf 275 Revision 4  
Superseding Revision 3

Leaf 316 Revision 5  
Superseding Revision 3

Leaf 316.1 Revision 2  
Superseding Revision 1

Leaf 316.2 Revision 0

Leaf 322 Revision 1  
Superseding Revision 0

Leaf 332 Revision 5  
Superseding Revision 4

Leaf 333 Revision 1  
Superseding Revision 0

Leaf 341.1 Revision 2  
Superseding Revision 1

Leaf 341.2 Revision 2  
Superseding Revision 1

### **Summary of Tariff Changes**

The SC 9 and SC 12 tariffs have been modified in accordance with the January 31<sup>st</sup> Order as follows:

- E The charge for non-compliance with the reserve requirements has been increased to 130% from 110% and the applicable period for applying this charge has been changed to the billing period(s) in which there is non-compliance with the interruption and for any subsequent billing period(s) during which non-compliance continues.
- E As provided in the January 31<sup>st</sup> order, the Company has added language allowing it to make intra-month rate changes to the rates for Off-Peak Firm Sales Customers to avoid imposing costs on Firm Customers.

In addition, the Company is proposing the following changes to the SC 9 and SC 12 tariffs:

- E The Company will have the discretion to transfer a Customer to firm service after a Customer fails to comply with interruptions on two or more occasions, and to preclude the Customer from switching back to interruptible or off-peak firm service for the succeeding 12-month period. A concomitant provision has been added to the Firm Sales Services tariff precluding Interruptible or Off-Peak Firm Customers, who switch to Firm Service, from switching back to interruptible or off-peak firm service during the succeeding twelve-month period.

- E A Customer that is found at any time to have inoperable dual fuel facilities or an inoperable customer-installed telephone line will be given a ten-day grace period to correct such condition or be subject to the proposed charge for non-compliance with the tariff's reserve requirements. The charge will be applicable for the billing period(s) in which there is non-compliance with the interruption and for any subsequent billing period(s) during which non-compliance continues.
- E Any new Interruptible or Off-Peak Firm Customer with alternate fuel capability commencing service on or after November 1, 2001, will be required, as part of their reserve requirement, to have three days or more of on-site inventory based upon the Customer's peak winter period requirements.

The Company's tariff currently contains provisions that allow it the flexibility to establish monthly rates for Interruptible Sales and Transportation Service as long as the rates established do not exceed what the Customer would pay under the applicable firm rate over an annual period ("annual rate cap"). The Company has modified these tariff provisions to clarify the parameters of this annual reconciliation. Specifically, the annual reconciliation would be calculated based upon Service Classification No.2 or No.3 rates, exclusive of air conditioning rates, Riders E, F, and G rates and other Riders and Reductions to the otherwise applicable rates. The reconciliation would apply only to those Customers who have been Interruptible Customers for all twelve months of the annual period ending April 30. In addition, tariff provisions have been added to allow the Company to exclude from the reconciliation those months where the Company charges the minimum rate and the minimum rate is higher than the applicable firm rate.

Also included in this filing is a "housekeeping" change giving the Company the ability to make changes to its Sales and Transportation Operating Procedures effective either 30 days after providing notice of such changes to the Commission Staff, and all marketers and direct customers, or the first day of the second calendar month following submission to Commission Staff, or where necessary and appropriate, less than 30 days, upon consultation with Commission Staff.

Respectfully submitted,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Joel H. Charkow  
Director  
Rate Engineering Department

(SAPA No. )

**NYS DEPARTMENT OF STATE  
NOTICE OF PROPOSED RULE MAKING**

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PUBLIC SERVICE

COMMISSION

Pursuant to the provisions of the State Administrative Procedure Act, (SAPA), NOTICE is hereby given of the following agency section:

1. Proposed action:

The Public Service Commission is considering whether to approve or reject, in whole or in part, a proposal filed by Consolidated Edison Company of New York, Inc. to make various changes in the rates, charges, rules and regulations contained in its tariff schedules, PSC No. 9 - Gas effective November 1, 2001.

2. Statutory authority under which rule is proposed:  
Public Service Law, Section 66(12)

3. Subject of rule:

The Company proposes to modify Service Classification No.9 and 12 as it relates to service to interruptible, off-peak firm and power generation Customers.

4. Purpose of rule:

By this filing, the Company proposes tariff changes to Service Classification No.9 and 12 interruptible, off-peak firm and power generation service. The proposed changes revise the charges applicable to customers for failure to comply with alternate fuel or energy reserve requirements, including maintaining operable dual fuel equipment. Other changes are also being made to: clarify the parameters of the annual firm rate cap and associated reconciliation

applicable to interruptible rates; and to allow the Company the discretion to preclude a customer, who switches to Firm Service, from switching back to Interruptible or Off-Peak Firm Service during the succeeding twelve-month period.

5. Terms of rule: (Check applicable box):

- ☐ The rule contains 2,000 words or less. An original copy of the text in scannable format is attached to this form.
- ☐ The rule contains more than 2,000 words. Therefore, an original copy of a summary the text (in scannable format) is attached to this form.
- ☒ Pursuant to SAPA Section 202(7)(b), the agency elects to print a description of the subject, purpose and substance of the rule containing less than 2,000 words. The original text in scannable format is attached to this form.

6. The text of the rule, regulatory impact statement and regulatory flexibility analysis may be obtained from:

Jeffrey Mills, Clerk II  
Three Empire State Plaza  
Albany, New York 12223  
(518) 474-3204

7. Regulatory impact statement (RIS) (Check applicable box):

- ☐ A RIS of 2,000 words or less is submitted with this notice.
- ☐ A summary of the RIS is submitted with this notice because the full text exceeds 2,000 words.
- ☐ A consolidated RIS is submitted with this notice because:
  - ☐ this rule is one of a series of closely related and simultaneously proposed rules.
  - ☐ this rule is one of a series of virtually identical rules proposed during the same year.

- [ ] A RIS is not submitted because this rule is a technical amendment and, therefore, exempt from SAPA Section 202-a. Attached to this notice is a statement of the reason(s) for claiming this exemption.
- [ ] A RIS is not submitted because this rule is subject to a consolidated RIS printed in the Register under a notice of proposed rulemaking, ID No. PSC-; Register date:                     .
- [X] A RIS is not submitted with this notice because this rule is a "rate making" as defined in SAPA Section 102(2)(a)(ii).

8. Regulatory flexibility analysis for small businesses (RFASB)

- [ ] An RFASB of 2,000 words or less is submitted with this notice.
- [ ] A summary RFASB is submitted with this notice because the full text exceed 2,000 words.
- [ ] A consolidated RFASB is submitted with this notice because this rule is the first of a series of closely related rules that will be the subject of the same analysis.
- [ ] A RFASB is not submitted because this rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses. A statement is attached setting forth this agency's finding and the reasons upon which the finding was made, including what measures were used by this agency to ascertain that this rule will not impose such adverse economic impact or compliance requirements on small businesses.
- [ ] An RFASB is not submitted because this rule is subject to a consolidated RFASB printed in the Register under a notice of proposed rulemaking, ID No. PSC-; Register date:                     .
- [X] An RFASB is not submitted with this notice because this rule is a "rate making" as defined in SAPA Section 102(2)(a)(ii).

9. Rural area flexibility analysis (RAFA) (Check applicable box):

- ☐ An RAFA of 2,000 words or less is submitted with this notice.
- ☐ A summary RAFA is submitted with this notice because the full text exceeds 2,000 words.
- ☐ A consolidated RAFA is submitted with this notice because this rule is the first of a series of closely related rules that will be the subject to the same analysis.
- ☐ An RAFA is not submitted because this rule will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. A statement is attached setting forth this agency's finding and the reasons upon which the finding was made, including what measures were used by this agency to ascertain that this rule will not impose such adverse impact or compliance requirements on rural areas.
- ☐ An RAFA is not submitted because this rule is subject to a consolidated RAFA printed in the Register under a notice of proposed rulemaking, ID No. PSC-\_\_\_\_\_; Register date: \_\_\_\_\_.
- ☒ An RAFA is not submitted because this rule is a "rate making" as defined in SAPA Section 102(2)(a)(ii).

10. Expiration Date: (Check only if applicable):

- ☒ This proposal will not expire in 180 days because it is for a "rate making" as defined in SAPA Section 102(2)(a)(ii).

11. Public Hearings (Check box and complete as applicable)

- ☐ A public hearing is required by law and will be held at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 19\_\_, at \_\_\_\_\_.

- [ ] A public hearing is not required by law, and has not been scheduled.
- [ ] A public hearing is not required by law, but will be held at:  
\_\_\_\_\_, a.m./p.m. on \_\_\_\_\_, 19\_\_, at \_\_\_\_\_.  
\_\_\_\_\_.

**12. Interpreter Service** (Check only if a public hearing has been scheduled):

- [ ] Interpreter services will be made available to deaf persons, at no charge, upon written request submitted within a reasonable time prior to the scheduled public hearing. Requests must be addressed to the agency contact designated in this notice.

**13. Accessibility** (Check appropriate box only if a public hearing has been scheduled):

- [ ] All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.
- [ ] All public hearings except the following have been scheduled at places reasonably accessible to persons with a mobility impairment:  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_
- [ ] None of the scheduled public hearings are at places that are reasonably accessible to persons with a mobility impairment.
- [ ] An optional explanation is being submitted regarding the nonaccessibility of one or more hearing sites.

**14. Submit data, views or arguments to** (complete only if different than previously named agency contact):



Janet Deixler, Secretary  
Three Empire State Plaza  
Albany, NY 12223  
(518) 474-6530

15. Additional matter required by statute:

☒ Check box if NOT applicable.

16. Public comment will be received until:

☐ 45 days after publication of this notice (MINIMUM public comment period).

☐ 5 days after the last scheduled public hearing required by statute (MINIMUM, with required hearing).

☐ Other: (specify) \_\_\_\_\_.

17. Regulatory Agenda: (**ONLY** the departments of **Health, Education, Insurance, Environmental Conservation and Social Services** must complete this item. If your agency had an optional agenda published, that should also be indicated below.)

☐ This action was a Regulatory Agenda item in the first January issue of the Register.

☐ This action was not under consideration at the time this agency's Regulatory Agenda was submitted.