

..DID: 10421

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THE BROOKLYN UNION GAS COMPANY

One MetroTech Center

Brooklyn, NY 11201

November 9, 1999

Ms. Debra Renner
Acting Secretary
Public Service Commission
Three Empire State Plaza
Albany, NY 12223

Re: Case No. 98-M-1343 - In the Matter of Retail Access Business Practices

Dear Acting Secretary Renner:

Attached for filing electronically with the Commission are the following tariff leaves, issued by The Brooklyn Union Gas Company ("the Company"), to become effective on December 9, 1999:

Second Revised Leaf No. 138.14

Second Revised Leaf No. 138.22

Third Revised Leaf No. 138.19

Second Revised Leaf No. 138.33

Third Revised Leaf No. 138.21

Second Revised Leaf No. 138.36

to Schedule for Gas Service, PSC No. 12-GAS..

On April 26, 1999 The Brooklyn Union Gas Company (the "Company") submitted a filing to comply with the Commission's January 22, 1999, February 16, 1999 and April 15, 1999 orders and its March 5, 1999 notice in Case 98-M-1343, In the Matter of Retail Access Business Rules. Within this filing the Company requested temporary waivers pursuant to the Commission's instructions in the January 22 order.¹

The Company for the most part was able to with comply the Commission's Uniform Business Practices for Retail Access (the "UBPs"); however there were six provisions that the Company could not comply with and therefore, requested a six month waiver from these requirements. In the May 13 Order, the Commission granted five of the six waivers requested by the Company and explained that the sixth waiver was unnecessary. The provisions for which the waivers were requested and granted are as follows:

¹. Order Adopting Uniform Business Practices and Required Tariff Amendments, Case 98-M-1343, In the Matter of Retail Business Rules, issued January 22, 1999.

1. Current Customer Information

The UBPs require that:

"Utilities must make available to ESCOs/Marketers/Direct Customers all data recorded by and currently retrieved from their customers' meters and all other information necessary to compute the customers most recent bill. All such information to be furnished by the utility must be provided electronically at no charge to ESCOs/Marketers/Direct Customers when the data is acceptable by the Company to bill its customers."

At the time of the filing the Company could only provide this information on a weekly basis via e-mail or facsimile. To provide the data sooner, as soon as it became acceptable, required enhancements to existing computer systems. The Company therefore, requested a waiver of this provision to allow the Company to continue to provide such information weekly until December 1, 1999. The requested waiver was granted.

The necessary enhancements were to be accomplished in two stages. Over the subsequent months the Company successfully improved its system and, with the completion of the first stage of enhancements, starting December 1, 1999 the Company will furnish all such information electronically at no charge to ESCOs/Marketers/Direct Customers when the data is acceptable by the Company to bill its customers.

2. New Delivery Customer Requirements

3. Switching Requirements

4. Discontinuance Notices to the Utility of Service

5. Slamming Prevention Process

Provision#2, #3 and #5 as set forth in Appendix A of the UBP order require utility notices within 10 calendar days as stated in the "New Delivery Customer Requirements" Section A.2, in the "Switching" Sections A.1 and "Slamming Requirements" Section A.1 of Appendix A. Provision #4 requires utility notices within 15 calendar days as stated in the "Discontinuance of Service" Section A.1, also of Appendix A.

At the time of the filing the Company was providing these services manually and could only provide them within 25 days. Compliance with the 10 calendar day requirement could not be met without extensive time consuming system enhancements. The Company therefore, requested a waiver of the 10-day requirement until December 1, 1999 and to be permitted to continue to require that such notices be provided by the ESCO/Marketer/ Direct Customer 25 days prior to the change date.

The Company has worked diligently on enhancing its electronic systems to be able to perform these requirements within the allotted time period. However, due to conflicting Y2K system requirements and EDI compliance issues, the Company was unable to complete the

necessary system enhancements for December 1, 1999 and do not anticipate completion prior to June 1, 2000. Therefore, the Company requests continuation of the previously granted waiver of the 10-day and 15-day requirements until June 1, 2000 and permission to continue to require that the ESCO/Marketer/Direct Customer continue to provide such notices to the utility 25 days prior to the change date.

Furthermore, in order to avoid the Company becoming out of compliance with the December 1, 1999 compliance date or the Company withdrawing resources from the implementation of other computer system changes, such as Y2K and EDI, which could be disruptive to customer service, the Company is seeking Commission action on this waiver extension request by December 1, 1999, and request that, because such expedited approval is necessary to preserve the general welfare, that the Commission approve this waiver extension request as an emergency measure under Section 202(6) of the State Administrative Procedure Act; that the associated revised tariff leaves go into effect on short notice on or before November 29, 1999; that the Company be granted a waiver from the Commission's regulations regarding newspaper publication; and that it grant the Company such other relief to which the Company may be entitled.

If you have any questions about this filing please call Najat Coye at (718) 403-2772.

Respectfully submitted,

THE BROOKLYN UNION GAS COMPANY

By: _____