

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

October 31, 2008

Honorable Jaclyn A. Brillling  
Secretary  
NYS Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

Dear Secretary Brillling:

**Re: Case No. 98-M-1343, et al., "In the Matter of Retail Access Business Rules"**

Consolidated Edison Company of New York, Inc. ("Con Edison" or the "Company") is filing today with the Public Service Commission (the "Commission") an addendum, Addendum-UBP-5, to its Schedule for Gas Service, P.S.C. No. 9 – Gas.

Addendum-UBP-5 is being filed to incorporate the revised "Uniform Business Practices" ("UBP") as set forth in Appendix B of the Order Adopting Amendments to the Uniform Business Practices, Granting in Part Petition on Behalf of Customers and Rejecting National Fuel Gas Distribution Corporation's Tariff Filing (the "October 2008 Order"), issued and effective October 27, 2008, in Case Nos. 98-M-1343, 07-M-1514, and 08-G-0078, and adopted by Ordering Clause 1 of that Order.

Because the revised UBP that was approved by the Commission's October 2008 Order is applicable to ESCO-customer contracts entered into, or contract renewals, on or after November 1, 2008, the UBP that was issued in November 2006 remains in effect for ESCO-customer contracts entered into before November 1, 2008. As a result, Addendum UBP-5 has two parts: Part A is applicable to contracts entered into before November 1, 2008, and incorporates verbatim the text of Addendum-UBP-4 (which is the text of the UBP approved by the Order Adopting ESCO Price Reporting Requirements and Enforcement Mechanisms, issued and effective November 8, 2006, in Case Nos. 06-M-0647 and 98-M-1343, and adopted by Ordering Clause 2 of that order); and Part B is applicable to contracts entered into, or contract renewals, on or after November 1, 2008, and incorporates verbatim the UBP text approved by the October 2008 Order.

As directed by Ordering Clause 5 of the October 2008 Order, the Company is filing the updated UBP addendum to its tariff. As specified in Ordering Clause 6 of the October 2008 Order, the Commission has waived the requirement for newspaper publication.

Respectfully submitted,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Christine Colletti  
Director  
Rate Engineering