



Orange and Rockland Utilities, Inc.  
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September 18, 2007

Honorable Jaclyn A. Brilling,  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223-1350

RE: Case 02-G-1553

Dear Secretary Brilling:

Orange and Rockland Utilities, Inc. ("O&R" or "the Company") is filing electronically today with the Public Service Commission ("the Commission") Supplement No. 46 to its Schedule for Gas Service, PSC No. 4 – Gas ("Gas Tariff").

On January 23, 2004, the Company filed with the Commission proposed tariff leaves to provide the Company with the right to use or acquire firm, non-recallable, primary delivery point capacity obtained by gas marketers from third parties in a manner that would enable the Company to rely on such capacity for reliability purposes ("gas reliability filing"). The implementing tariffs were filed to become effective May 1, 2004.

By various Commission orders the effective date of the tariff leaves is now postponed to April 1, 2008.

By order dated August 30, 2007 in Case 07-G-0299 (the "Order"), the Commission directed the Company and the other New York gas companies to implement, on November 1, 2007, a mandatory capacity release program<sup>1</sup>. The Company discussed with Staff the status of the Company's gas reliability filing in light of the Order, which is based in part on the inability to establish workable marketer assignment programs. Moreover, since all gas marketers serving firm transportation customers under the Company's gas retail access program will be taking capacity released by the Company for 100 percent of their load for the upcoming winter period (i.e., there is no marketer to which the Order's grandfathering provision will apply), a marketer assignment program on the Company's system is now a moot issue. Accordingly, Staff has advised the Company to file a supplement canceling the gas reliability filing.

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<sup>1</sup> The Order directs that the implementing tariffs be put into effect on a temporary basis until approved by the Commission.

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Accordingly, the Company files today Supplement No. 46 to its Gas Tariff canceling, effective November 1, 2007, the tariff leaves and various supplements postponing and canceling the Company's gas reliability filing<sup>2</sup>. The Company respectfully requests that the requirement for newspaper publication of the change proposed by the supplement be waived.

Please direct any questions pertaining to this filing to me at (212) 460-3308.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William A. Atzl, Jr.", with a stylized flourish at the end.

William A. Atzl, Jr.  
Director – O&R Rates

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<sup>2</sup> Con Edison is also filing a supplement to cancel its April 2005 gas reliability filing that is postponed to April 1, 2008.