



Consolidated Edison Company
of New York, Inc.
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November 6, 2023

Honorable Michelle L. Phillips
Secretary to the Commission
New York State Public Service Commission
Empire State Plaza, Agency Building 3
Albany, New York 12223-1350

**RE: Proposal to Assess a Meter Reading Charge for Non-Residential Customers
Who Refuse to Permit the Company to Install an AMI Meter**

Dear Secretary Phillips:

Consolidated Edison Company of New York, Inc. (the “Company”) is filing with the Public Service Commission (the “Commission”) proposed amendments to its Schedule for Gas Service, P.S.C. No. 9 – Gas (the “Gas Tariff”)¹, applicable to its customers in the City of New York and the County of Westchester.

The revised Gas Tariff Leaves, which are identified below, are filed to become effective on March 1, 2024.

<u>Leaf No.</u>	<u>Revision No.</u>	<u>Superseding No.</u>
76.2	6	5
76.3	0	
77	8	7

Reason for Filing

For the last several years, under the Commission’s *Order Approving Advanced Metering Infrastructure Business Plan Subject to Conditions* (issued March 17, 2016) in Case 15-E-0050, the Company has been replacing its legacy metering equipment with Advanced Metering Infrastructure (“AMI”) enabled equipment. AMI metering provides substantial benefits to the public by, among other things, allowing for remote meter reading, faster service connection and disconnection, better outage reporting and restoration capabilities, and increased information to enable customers to better manage their energy usage.

Due to customer health, privacy, and security concerns, the Commission directed Con Edison to file tariff amendments permitting residential customers to opt out of receiving AMI

¹ The Company is also filing similar amendments to its Schedule for Electricity Service, P.S.C. No. 10 – Electricity under separate cover.

meters. Under the Company's existing tariffs, residential customers may complete a form to opt out of receiving AMI meters. If a customer affirmatively opts out of receiving AMI or otherwise refuses to permit the Company to install AMI metering, then the Company will attempt to read the remaining legacy meter bi-monthly and render bills monthly; those customers, however, are subject to a monthly manual reading fee equal to one half of the charge for customers who request a meter reading as specified in General Information Section IV.3(b).

The Company's Gas Tariff, however, does not allow non-residential customers to opt out of receiving AMI meters. Nevertheless, a small but significant number of non-residential customers have prevented the Company from replacing their legacy meters with AMI meters. In some cases, the customers have refused access to Company-approved installers. In other cases, the customers have prevented the Company from installing AMI meters by obstructing access to the legacy meter behind a wall or other fixtures, such as cabinetry, and refusing to remedy the obstruction. And in a third category of cases, the customers have prevented the Company from installing AMI equipment because defects or conditions in customer-owned equipment make the installation unsuitable or unsafe for receiving AMI equipment.

When a non-residential customer prevents the Company from replacing its legacy meters with AMI meters, in violation of the Gas Tariff, the Company still must read the meters, just as it does for residential customers who have opted out. Accordingly, it is reasonable for non-residential customers who prevent the Company from installing AMI meters to bear meter reading costs, consistent with residential customers who opt out or otherwise prevent the Company from installing AMI meters.

Proposed Tariff Changes

The Company proposes to add provisions to General Information Section III.8(W) – AMR/AMI Meter Opt-out and Refusal to Permit Installation of an AMR/AMI Meter² to include a meter reading charge for non-residential customers who refuse to permit the Company to install AMI meters. While the Company currently charges opt-out residential customers half of the standard monthly meter-reading fee because it attempts to read their meters bi-monthly, the Company proposes to charge non-residential customers (many with demand meters) the full standard monthly meter reading fee because it will attempt to read those customers' meters monthly.³ The Company also specified the circumstances under which a customer is considered to have refused to permit the Company to install a meter. Those conditions are when (1) the customer does not grant the Company or its duly authorized representative access to the customer's premises to install or replace a meter, (2) the Company is unable to access the location where a meter is to be installed or replaced due to an obstruction on the customer's property, or (3) a defect or condition in the customer's installation or equipment prevents the Company from installing or replacing a meter.

² The Company is revising the title of General Information Section III.8(W) to include customers who refuse to permit the Company to install AMR/AMI meters.

³ Non-residential customers will continue to be prohibited from opting out of AMR/AMI meters.

If the Company is scheduled to manually read a meter, but does not attempt to read the meter, the incremental charge will be waived.

Conclusion and Notice

The Company is filing changes to the Gas Tariff to become effective on March 1, 2024. The Company will provide public notice of the tariff changes in this filing by means of newspaper publication once a week for four consecutive weeks prior to the effective date of the proposed tariff changes pursuant to PSL §66(12) (b) and 16 NYCRR §720-8.1. Included is a proposed form of Notice of Proposed Rule Making for publication in the State Register pursuant to the State Administrative Procedures Act.

Questions regarding this filing can be directed to Lucy Villeta at (212) 460-4754.

Sincerely,

/s/ William A. Atzl, Jr.
Director
Rate Engineering Department