

..DID: 19226
..TXT:

May 23, 2002

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

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

Re: Case No. 96-E-0897

Dear Secretary Deixler:

Consolidated Edison Company of New York, Inc. ("Con Edison" or "the Company") is filing today with the Public Service Commission ("the Commission") amendments to its Schedule for Gas Service -PSC No. 9 - Gas.

Fourth Revised Leaf No. 118 and Third Revised Leaf No. 397.2 are issued May 23, 2002 to become effective September 1, 2002.

Reason for Filing

The Company is filing a tariff amendment to conform its gas tariff for changes recently made to the Company's electricity schedule pursuant to orders issued by the Commission on April 29, 2002 in Case 96-E-0897 (the "Phase 5 Order") and on July 23, 2001 in Case 98-M-0667 (the "EDI Order"). The Company is incorporating tariff language similar to that incorporated in the electricity schedule regarding consolidated billing practices and historical billing information requests. The Company's filing to amend the

Company's Schedule for Retail Access, PSC No. 2 - Retail Access
provided that such amendments would become effective May 1, 2002.

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The Company is currently offering consolidated billing services to its Marketers as part of a joint electric and gas pilot program.

Summary of the Proposed Changes

Pursuant to the Phase 5 Order, the Company is filing a tariff amendment offering Consolidated Utility Billing to its gas Marketers by agreement in advance of implementation of Electronic Data Interchange ("EDI"). When EDI standards are approved by the Commission and operational for Consolidated Billing by utilities, the Company's consolidated billing service will be modified to conform to the Commission's requirements.

The tariff amendments also reduce the number of months of customer information the Company will provide to a Marketer without charge from 24 months to 12 months pursuant to the EDI Order.

Conclusion

Since this is essentially a conformance filing, the Company respectfully requests that the procedural requirements pursuant to the State Administrative Procedures Act and newspaper publication requirements be waived, and that the leaves be put into effect on short notice.

Respectfully submitted,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

By: _____
Joel H. Charkow

NYS DEPARTMENT OF STATE
Notice of Proposed Rule Making

Public Service Commission
(SUBMITTING AGENCY)

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

1. Proposed action:

The Public Service Commission is considering whether to approve, reject, in whole or in part, a proposal filed by Consolidated Edison Company of New York, Inc. to make various changes in the charges, rules, and regulations contained in its tariff schedule, P.S.C. No. 9 – Gas, effective September 1, 2002.

2. Statutory authority under which rule is proposed:

Public Service Law, Section 66(12).

3. Subject of rule:

The Company proposes to change the tariff language pertaining to consolidated billing practices and historic billing information requests.

4. Purpose of rule:

The Company proposes to offer consolidated billing services in advance of EDI to its Marketers as part of a joint electric and gas pilot program and to reduce the number of months of customer information the Company will provide free of charge to a Marketer from 24 months to 12 months.

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 § 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 and any required statements or analyses may be obtained from:

Name of agency contact Jeffrey Mills, Clerk II
Office address Three Empire State Plaza
Albany, New York 12223
Telephone number (518) 474-3204

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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:
- ☐ the rule is one of a series of closely related and simultaneously proposed rules.
- ☐ the rule is one of a series of virtually identical rules proposed during the same year.
- ☐ An RIS is not submitted because this rule is a technical amendment and, therefore, exempt from SAPA § 202-a. Attached to this notice is a statement of the reason(s) for claiming this exemption.
- ☐ An RIS is not submitted because this rule is subject to a consolidated RIS printed in the Register under a notice of proposed rule making ID No. PSC-_____; Register date: _____.
- ☒ An RIS is not submitted with this notice because this rule is a "rate making" as defined in SAPA § 102(2)(a)(ii).

8. Regulatory Flexibility Analysis for Small Businesses (RFASB) (check applicable box):

- ☐ 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.
- ☐ An 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 rule making, ID No. _____; Register date: _____.
- ☒ An RFASB is not submitted with this notice because this rule is a "rate making" as defined in SAPA § 102(2)(a)(ii).

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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 rule making, ID No. _____; Register date: _____.
- ☒ An RAFA is not submitted because this rule is a "rate making" as defined in SAPA § 102(2)(a)(ii).

10. Job Impact Statement (JIS) (check applicable box):

- ☐ A JIS of 2,000 words or less is submitted with this notice.
- ☐ A summary JIS is submitted with this notice because the full text exceeds 2,000 words.
- ☐ A JIS/Request for Assistance is submitted with this notice.
- ☐ A consolidated JIS is submitted with this notice because this rule is the first of a series of closely related rules that will be subject to the same analysis.
- ☐ A JIS is not submitted because it is apparent from the nature and purpose of the rule that it will not have a substantial adverse impact on jobs and employment opportunities. A statement is attached setting forth this agency's finding that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.
- ☐ A JIS is not submitted because this rule is subject to a consolidated JIS printed in the **Register** in a notice of proposed rule making ID No. _____; Register date: _____.
- ☒ A JIS is not submitted with this notice because this rule is a "rate making" as defined in SAPA § 102(2)(a)(ii).
- ☐ A JIS is not submitted because this rule is proposed by the State Comptroller or Attorney General.

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11. Prior emergency rule making for this action was previously published in the _____ issue of the Register, I.D. No. _____.
12. 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 § 102(2)(a)(ii).
13. 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 _____

14. Interpreter Service (check only if a public hearing is scheduled):
- ☐ Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within a reasonable time prior to the scheduled hearing. Requests must be addressed to the agency contact designated in this notice.
15. Accessibility (check appropriate box only if a public hearing is 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.

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

Name of agency contact Janet Hand Deixler, Secretary
Office address Three Empire State Plaza
Albany, New York 12223
Telephone number (518) 474-6530

17. Additional matter required by statute

[X] Check box if NOT applicable.

18. 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) _____.

19. Regulatory Agenda: **(The Division of Housing and Community Renewal; Workers Compensation Board; and the departments of Agriculture and Markets, Banking, Education, Environmental Conservation, Health, Insurance, Labor and Social Services** and any other department specified by the governor or his designee must complete this item. If your agency had an optional agenda published, that should also be indicated below):

- [] This action was listed as a Regulatory Agenda item in the first January issue of the Register, 19__.
[] This action was listed as a Regulatory Agenda item in the last June issue of the Register, 19__.
[] This action was not under consideration at the time this agency's Regulatory Agenda was submitted for publication in the Register.

AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

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I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name _____ Signature _____
Address _____
Date _____ Telephone _____

Please read before submitting this notice:

1. Except for this form itself, all text must be typed in scannable format as described in the Department of State's "NYS Register Procedures Manual."
2. Submit the **original notice and scanner copy** collated as (1) form; (2) text or summary of rule; and if any, (3) regulatory impact statement, (4) regulatory flexibility analysis for small businesses, (5) rural area flexibility analysis, (6) job impact statement - **and ONE copy of that set.**
3. **Hand deliver to:** DOS Office of Information Services, 41 State Street (3rd Floor), Albany
Address mail to: Register/NYCRR unit, Department of State, Albany, NY 12231