

..DID: 13694
..TXT:

November 7, 2000

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

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

Dear Secretary Deixler:

Consolidated Edison Company of New York, Inc. ("Con Edison" or "The Company") is filing amendments to its General Information Section in its gas tariff to clarify Company policy regarding the installation of outdoor meters. These changes are outlined in First Revised Leaf No. 43 of PSC No. 9 - Gas which is issued November 7, 2000 to become effective February 7, 2001.

Under Con Edison's Schedule for Gas Service, two- and three-family homes that use gas for heating may not take service for redistributed cooking gas under the same service classification. Service Classification ("SC") No. 3 states that gas is available in such premises only "for the operation of building equipment for the common benefit of the occupants." Redistribution of gas in cooking stoves within tenant's apartments is not permitted under that service classification. However, the tariff provisions relating to metering do not clearly reflect this limitation. This filing reflects the fact that the metering requirements have always been aligned with the service requirements.

Very truly yours,

Joel H. Charkow
Director
Rate Engineering Department

NYS DEPARTMENT OF STATE

Notice of Proposed Rule Making

(SUBMITTING AGENCY)

NOTE: Typing and submission instructions are at the end of this form. Please be sure to **COMPLETE ALL ITEMS.**

Incomplete forms and nonscannable text attachments will be cause for rejection of this notice.

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, PSC No. 9 - Gas, effective March 1, 1999.

2. Statutory authority under which rule is proposed:

Public Service Law, Section 66(12).

3. Subject of rule:

The Company proposes to modify the General Information Section of its Gas Tariff by clarifying language pertaining to the installation of outside meters.

4. Purpose of rule:

By this tariff filing, the Company proposes to clarify tariff language related to outside meters for all new or completely renovated one-, two- and three-family homes.

In two- and three family homes, where gas is used for heating, the Company proposes changes to its Gas Tariff to clarify that there must be at least two gas meters - one for the gas heating service and at least one for cooking gas and other miscellaneous usage.

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.

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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

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 this register under a notice of proposed rule making ID No. ____; 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.
☐ 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.

11. Prior emergency rule making for this action was previously published in the _____ issue of the Register, I.D. No. _____.

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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.

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

Name of agency contact Janet Deixler, Secretary

Office address Three Empire State Plaza
Albany, New York 12223
Telephone number (518) 474-6530

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17. Additional matter required by statute:

☒ 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, 20__.

☐ This action was listed as a Regulatory Agenda item in the last June issue of the Register, 20__.

☐ 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.

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 **organelle 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