

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

November 30, 2009

Hon. Jaclyn A. Brillling  
Secretary  
State of New York  
Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223

**Re: Case 07-M-0548 and Case 09-G-0363, Energy Efficiency Portfolio Standard**

Dear Secretary Brillling:

Consolidated Edison Company of New York, Inc. ("Con Edison or the Company") hereby submits for filing with the New York State Public Service Commission (the "Commission") revisions to its Schedule for Gas Service, PSC No. 9 Gas (the "Gas Tariff").

The tariff leaves reflecting the revisions are identified below:

P.S.C. No. 9-Gas

Leaf 5, Revision 13  
Superseding Revision 12

Leaf 177, Revision 7  
Superseding Revision 5

Leaf 183, Revision 9  
Superseding Revision 7

Leaf 183.1, Revision 14  
Superseding Revision 13

The leaves have an issue date of November 30, 2009, and an effective date of January 1, 2010

**Reason for the Proposed Filing**

Pursuant to the Commission's Order Establishing Energy Efficiency Portfolio Standard ("EEPS") and Approving Programs, issued and effective June 23, 2008, in Case 07-M-0548, the Company established a gas System Benefits Charge ("SBC") to collect EEPS amounts for the period October 1, 2008, through December 31, 2011. The Commission's Order Approving Certain Commercial and Industrial Customer Energy Efficiency Programs with Modifications, issued and effective October 23, 2009, in Case 07-M-0548 and Case 09-G-0363 ("October 23<sup>rd</sup> Order")

provided for additional EEPS funding through the SBC for the period January 1, 2010 to December 31, 2013, as follows: \$4,730,669, \$7,656,907, \$627,117 and \$91,550 to be collected in 2010, 2011, 2012, and 2013 respectively<sup>1</sup>.

In addition, Ordering Clause 13 of the October 23<sup>rd</sup> Order directs the Companies to collect through an SBC charge and not through some other revenue mechanism the costs of EEPS programs that are replacing rate plan energy efficiency programs.

### **Summary of Proposed Changes**

The Company is making the following tariff changes in compliance with the October 23<sup>rd</sup> Order:

- Leaf 5, Table of Contents, has been amended to include "Gas Energy Efficiency Adjustment," in the title of Special Adjustment 6.
- Leaf 177 has been amended to discontinue the Gas Energy Efficiency Surcharge, except that the Company has retained a provision to continue to include in the Monthly Rate Adjustment any under- or over- recovery of costs associated with prior period efficiency programs, including lost revenue associated with the programs, through a Gas Energy Efficiency Adjustment.
- Leaf 183, Section IX.16, has been amended to include a provision to collect additional amounts through the SBC, as shown in the October 23<sup>rd</sup> Order. The inclusion of this provision required that text currently appearing on this leaf had to be moved to leaf 183.1.

A revised Statement of System Benefits Charge applicable to firm sales and firm transportation customers ("SBC Statement") will be issued on December 29, 2009, to be effective January 1, 2010, after reconciliation of the SBC collection vs. target for the period January 1, 2009 to December 31, 2009. It should be noted that the Commission has granted an extension of time to file the SBC Statement, which, according to Ordering Clause 12 of the October 23<sup>rd</sup> Order, was required to be filed on not less than 30 days' notice.

### **Conclusion**

Pursuant to Ordering Clause 12 of the October 23<sup>rd</sup> Order, the Company is filing its tariff amendments on not less than 30 days' notice to become effective on January 1, 2010. Furthermore, because, by Ordering Clause 12, the Commission waived the requirements of Section 66(12)(b) of the Public Service Law as to newspaper publication of the changes proposed by the tariff amendments, no publication will be made.

Very truly yours,

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Christine Colletti  
Director  
Rate Engineering Department

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<sup>1</sup> In accordance with the Commission's Order issued and effective November 13, 2009, in the above subject cases, the Company will file tariff amendments and/or statements on not less than 30 days' notice to become effective April 1, 2010, to collect additional EEPS amounts of \$1,305,681 from April to December 2010 and \$1,740,907 in 2011.