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April 16, 2012

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

RE: Redistribution Provisions in Service Classification Nos. 8 and 9

Dear Secretary Brilling:

Consolidated Edison Company of New York, Inc. ("Con Edison" or the "Company") is filing with the Public Service Commission (the "Commission") proposed changes to its Schedule for Electricity Service, P.S.C. No. 10 – Electricity, applicable to its customers in the City of New York and the County of Westchester.

The tariff leaves reflecting the proposed changes to P.S.C. No. 10 – Electricity are identified below:

<u>Leaf No.</u>	<u>Revision No.</u>
332	1
363	1
442	2
456	2

The leaves, proposed to become effective on July 23, 2012, reflect a change to the redistribution criteria under Service Classification ("SC") 8 – Multiple Dwellings – Redistribution and SC 9 – General – Large for customers taking high-tension service and modify General Rules 25.21 and 30.2 to accommodate that change.

Reason for Filing

The Company's tariff specifies that high-tension service may be designated for service to a customer when warranted by the magnitude or location of the load, or other physical conditions, or when it would result in least cost to the Company. The Company received an application from a prospective customer for high tension service in April 2009. The Company agreed that high-tension service to this applicant was appropriate, because of the magnitude and location of the load at the applicant's premises and because providing high-tension service would result in least cost to the Company. However, under the Company's current tariff, this particular applicant is ineligible for service as a

single high-tension customer under all existing SCs because of the composition of mixed residential and non-residential uses planned at the location.

SC 8 is available for redistribution where uses are predominantly residential, and the non-residential space does not exceed 10 percent of the total square foot floor area supplied under that SC exclusive of halls and basement areas. SC 9 is available for redistribution to residential tenants occupying space that does not exceed 10 percent of the total square foot area supplied under that SC.

Tariff Changes Proposed

The Company proposes to amend the SC 8 and SC 9 redistribution provisions to specify new criteria for residential and non-residential redistribution where the customer receives high-tension service. Because of this change, the Company also proposes to modify General Rule 25.2.1 and General Rule 30.2, indicating that an SC 8 customer taking high-tension service may submit a New York State Department of Taxation Form TP-385 indicating the percentage of residential use for application of the Adjustment Factor – MSC and the Increase in Rates and Charges. The proposed tariff changes are described below.

Residential and Non-residential Redistribution

The Company proposes to establish in SC 8 and SC 9 new criteria for redistribution through high-tension facilities in order to provide service to the applicant (and future similarly-situated customers, if any) on a least-cost basis to the Company.¹ The Company proposes to establish a “connected load” criterion for high-tension service customers because the magnitude/density of the non-residential load under high-tension service is typically much more significant than under low-tension service. The Company also uses a “connected load” criterion in Special Provision D of SC 9 to determine billable kW for customers with space heating equipment. (See Leaf 458.)

Where high-tension service is supplied under SC 9, the Company proposes to allow redistribution to residential tenants or occupants if the residential connected load does not exceed 50 percent of the total connected load served under that SC,² based on information provided by the customer. Similarly, where high-tension service is supplied under SC 8, the Company proposes to allow redistribution if the non-residential connected load is less than 50 percent of the total connected load served under that SC, based on information provided by the customer.³ SC 8 is available to buildings used and

¹ The current “square foot” criterion would continue to apply for redistribution to premises served by low-tension facilities.

² “Connected load” is the customer's total load on the electrical system if all of the electrically powered equipment (such as lighting, air conditioning and motors) is operating at one time.

³ No change is proposed to the submetering provisions applicable to SC 8 and SC 9. Special Provision (A) of SC 8 permits a customer to redistribute to tenants or occupants if service is submetered pursuant to Rider G – Submetering or furnished to a residential building that is a qualified senior living facility. Special

occupied predominantly for residential purposes. (See Leaf 442.) Thus, the Company will require that the connected load on a high-tension account be at least 51 percent residential for the account to be served under SC 8. If the connected load is 50 percent or more non-residential, the Company will design its facilities assuming predominantly non-residential load. Assigning this type of account to SC 9 assures that SC 8 customers do not subsidize customers whose loads are predominantly non-residential.

“Residential Usage”

Currently, an SC 8 customer is assumed to have usage that is entirely or predominantly residential. Because of the changes described above, the Company has amended General Rule 25.2.1 (Adjustment Factor – MSC I) and General Rule 30.2 (Statement of Percentage Increase in Rates and Charges) to indicate that an SC 8 customer billed for high-tension service can submit a New York State Department of Taxation Form TP-385 indicating a percentage of residential use that is less than 100 percent of the total usage.⁴

Conclusion and Notice

Redlined tariff changes proposed to Special Provision C of SC 8, Special Provision A of SC 9,⁵ and General Rules 25.2.1 and 30.2 to effectuate the changes described above are shown in Appendix A.

This filing has a proposed effective date of July 23, 2012. The Company will publish newspaper notice of this filing on April 23 and 30 and May 7 and 14, 2012. Copies of this filing will be forwarded electronically to parties to Case 09-E-0428.

Respectfully submitted,
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

/s/ Christine Colletti
Director
Rate Engineering

Provision (B) of SC 9 permits a customer to resell, make a specific charge for, or remeter (or submeter) redistributed service in accordance with Rider G.

⁴ Pursuant to General Rule 25.2.1, customers who submit a Form TP-385 are billed at the residential Adjustment Factor – MSC I for the residential percentage of usage certified on the Form TP-385 and at the non-residential Adjustment Factor – MSC I for the balance of the usage. Pursuant to General Rule 30.2, customers who submit a Form TP-385 indicating less than 75 percentage residential usage are billed for the percentage Increase in Rates and Charges applicable to non-residential use.

⁵ In SC 9, the Company has also changed “electric energy” to “electric service” (since some customers receive third-party energy supply).

Additions to the text are underlined. Deletions are shown in strikethrough.

Service Classification No. 8 - Special Provision (C) - Leaf No. 442 of P.S.C. No. 10

Electric service will be furnished under this Service Classification only if, and as long as, each of the following conditions is satisfied:

- (1) The Company's Customer is the owner or building lessee of the multiple dwelling supplied hereunder.
- (2) The building is used and occupied predominantly for residential purposes.
- (3) Electric service is purchased hereunder to serve the electric requirements of substantially all of the residential tenants in the premises served.
- (4) If ~~the~~ low-tension service furnished under this Service Classification is used in non-residential portions of the building, such non-residential space shall not exceed 10 percent of the total square foot floor area served hereunder, exclusive of halls and basement areas.
- (5) If high-tension service furnished under this Service Classification serves non-residential connected load, such non-residential connected load shall be less than 50 percent of the total connected load, based on information provided by the Customer. For purposes of this provision, "connected load" is the Customer's total load on the electrical system if all of the electrically powered equipment (such as lighting, air conditioning and motors) is operating at one time.

Service Classification No. 9 – Special Provision (A) - Leaf No 456 of P.S.C. No. 10

The Company's electric service under this Service Classification will be metered and furnished directly to the Customer:

- (1) for redistribution or the furnishing of electric [energy] service by the Customer for use of the Customer's nonresidential tenants or nonresidential occupants in the building or premises at which the Customer is furnished with electric service under this Service Classification in the Company's territory in the Boroughs of Manhattan, The Bronx (except for City Island, Pelham Bay Park, Williamsbridge, Wakefield, and the territory north of Pelham Bay Park to the City line), Brooklyn, and Queens, and in other portions of the territory if authorized by the Public Service Commission; or
- (2) for redistribution or the furnishing of electric [energy] service by the Customer for use of the Customer's residential tenants or occupants in the building or premises at which the Customer is furnished with electric service under this Service Classification during the period between construction or substantial renovation of the building wiring and the installation of submetering authorized as specified in Rider G; or
- (3) directly to a Customer of the Company on condition that such electric service is for the Customer's own use, provided; however, that the Customer may redistribute or furnish electric [energy] service for use of tenants or occupants in the building or premises at which the Customer is furnished with electric service under this Service Classification where the electric energy so redistributed is to:
 - (a) Transient or non-transient occupants of a facility operated primarily for transients;
 - (b) Rooming houses, dormitories, hospitals, nursing homes, and other institutional care facilities, where the tenants or occupants do not occupy individual flats or apartments equipped with separate kitchen and bathroom facilities; ~~or~~
 - (c) Portions of the Customer's premises which are impractical to meter separately, such as: (i) concession stands in office building lobbies or amusement parks not completely separated from the areas surrounding them, (ii) individual offices in professional suites having facilities and office services shared by the occupants of such offices, and (iii) incidental storage space provided in connection with occupancy of other portions of the Customer's premises;
 - (d) Occupants of the Customer's premises who are primarily engaged in the business of supplying incidental goods or services to the Customer or the Customer's students or employees; ~~and~~
 - (e) Tenants occupying space which does not exceed 10 percent of the total square foot area under this Service Classification if low-tension service is furnished; or
 - (f) Residential connected load which does not exceed 50 percent of the total connected load supplied hereunder, based on information provided by the Customer, if high-tension service is furnished. For purposes of this provision, "connected load" is the

Customer's total load on the electrical system if all of the electrically powered equipment (such as lighting, air conditioning and motors) is operating at one time; or

- (4) to electrically-heated nursing homes, pursuant to order of the Public Service Commission in Case 91-E-0462.

Rule 25.2.1 (Leaf 332)

Separate Adjustment Factors – MSC I will be shown on the Statement of Adjustment Factors – MSC for residential and non-residential use in the New York City NYISO zone and for residential and nonresidential use in the combined Westchester NYISO zones. The Adjustment Factor – MSC I shown for residential use is applicable to: (a) all usage of Customers billed under SCs 1, 7, 8, and 12, or such lower usage if a Customer billed for high-tension service under SC 8 has certified a lower ~~and to Customers billed under other SCs for any~~ percentage of residential usage ~~certified on a New York State Department of Taxation and Finance Form TP-385; and (b) the percentage of residential usage certified on a Form TP-385 for Customers billed under other SCs.~~ Customers who submit a properly completed Form TP-385 to the Company will be billed in future billing periods for the percentage of residential usage certified on the Form TP-385. The Adjustment Factor – MSC I shown for nonresidential use is applicable to ~~Customers in SCs other than SCs 1, 7, 8, and 12, for all other usage that was not certified on a Form TP-385 as being residential.~~

Rule 30.2 (Leaf 363)

Separate percentage increases will be applicable to residential and non-residential service. For the purpose of applying the appropriate percentage increase in rates and charges, the term “residential service” will apply to the rates and charges billed to: (a) Customers served under SC 1 and SC 7, including community residences, veterans’ organizations, and religious organizations that have certified on New York State Department of Taxation and Finance Form TP-385 that at least 75 percent of the usage is for residential use; (b) Customers served under SC 8 and SC 12, unless a Customer billed for high-tension service under SC 8 has certified on a Form TP-385 that less than 75 percent of the usage is for residential use; and ~~(b)~~ Customers served under other SCs if they have certified on a Form TP-385 that at least 75 percent of the usage is for residential use. All other service is deemed to be non-residential for the purpose of General Rule 30; provided, however, that billing under SC 15 is subject to the Increase in Rates and Charges set forth in the EDDS Rate Schedule rather than this General Rule.