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Assistant General Counsel

November 9, 2006

Hon. Jaclyn A. Brilling,
Secretary
State of New York Public
Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

RE: Case 98-M-0667 - In the Matter of Electronic Data Interchange
Case 98-M-1343 - In the Matter of Retail Access Business Rules

Dear Secretary Brilling,

Enclosed please find an original and five copies of the Comments of Consolidated Edison Company of New York, Inc. in response to the Notices of Proposed Rulemaking 98-M-0667SA57 and 98-M-1343SA14 published in the New York State Register on September 27, 2006.

Sincerely,
/s/Sara Schoenwetter

c: Frances Hart, Department of Public Service (email)

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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case 98-M-0667 - In the Matter of Electronic Data Interchange

Case 98-M-1343 - In the Matter of Retail Access Business Rules

COMMENTS OF CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

By Notices of Proposed Rulemaking 98-M-0667SA57 and 98-M-1343SA14 published in the New York State Register on September 27, 2006, the Public Service Commission is considering changes to its Uniform Business Practices for retail access (the "UBP") and in several Electronic Data Interchange ("EDI") transactions. These proposed changes result from a petition dated August 17, 2006, filed by U.S. Energy Savings Corporation ("US Energy Savings") proposing a "Contest Period" "to cover the process by which an ESCO attempts to enroll a customer already receiving service from another ESCO ('incumbent ESCO')." (Petition, p. 1) Consolidated Edison Company of New York, Inc. ("Con Edison" or the "Company") supports the concept but proposes in these comments some changes in how it might be implemented.

US Energy Savings proposes to add new language in two UBP provisions. The first change would obligate the distribution utility to inform the ESCO enrolling the customer that the customer is already being served by another ESCO (UBP, Section 5(D)(5)).[1] The second change would permit the customer to notify the incumbent ESCO of its intent to cancel the pending enrollment with the new ESCO; the third change would permit the incumbent ESCO to cancel the pending enrollment provided that it had obtained "verifiable written, telephonic, or electronic authorization" from the customer to do so (UBP, Section 5(E)(1). US Energy Savings also proposes that the 814

[1] In its petition, US Energy Savings refers mistakenly to Section 5 (D)(4).

Reinstatement transaction be used in the process of cancelling the pending enrollment if the customer gives cancellation authority to the incumbent ESCO.

The US Energy Savings petition addresses the scenario where an ESCO markets to and enrolls a customer who is already receiving service from another ESCO. The Company would not support a change in the UBP that would facilitate ESCO efforts to retain customers who wish to move to another ESCO. However, the petition describing the “Contest Period” approach does not proffer a method of impeding customer choice in this scenario but instead articulates a process already in use by many ESCOs seeking to confirm a customer’s decision to switch from one supplier to another and provides an automated vehicle for effecting the customer’s choice of ESCO in this scenario.

Currently, customers can be switched from their incumbent ESCO without affirmatively ending their relationship with the incumbent ESCO. The enrollment of a customer by another ESCO serves to de-enroll the customer from the incumbent ESCO with no action by the customer, that is, the customer does not have to request to be dropped from the incumbent ESCO. The US Energy Savings proposal provides a method of confirming the customer’s choice of supplier in such instances, and does not deviate from processes that many ESCOs already have in place. Specifically, many ESCOs have a practice of contacting their customers when they receive drop notifications for them. This contact may result in the customer’s deciding to stay with the incumbent ESCO. In such instances, the customer must contact the utility to cancel their enrollment with the new ESCO. The process proposed by US Energy Savings eliminates the need for the customer to contact the utility should they decide to stay with their incumbent ESCO by permitting the incumbent ESCO to act on the customer’s stated supplier preference. The process proposed also provides for an automated vehicle to effect the cancellation of the pending enrollment.

Although Con Edison supports the effort of US Energy Savings to automate this activity, the Company does not fully agree with the process described in the petition, which provides for use of the EDI Reinstatement transaction. In addition, the Company sees no need to create a process whereby pending ESCOs are informed that a customer is already enrolled with an incumbent ESCO. This information is already provided to pending ESCOs via the 814 EDI enrollment transaction, which has a rate/rate subclass code indicating whether the customer is already a retail choice customer. Furthermore, the proposal does not address the retention of the "verifiable authorization" that US Energy Savings proposes to obtain.

The Company proposes a simpler transaction process than the one proposed in US Energy Savings' petition. Rather than have the incumbent ESCO send the TS814 Reinstatement transaction to the utility, Con Edison recommends instead that the incumbent ESCO send the utility a specially coded drop request to remove the new ESCO. Upon the utility's receipt of the drop request from the incumbent ESCO, the process currently in place for reinstatement would be initiated, that is, an EDI drop transaction would be sent by the utility to the pending ESCO to cancel the pending enrollment. Also, the incumbent ESCO would be reinstated in the utility system, and an 814 Reinstatement transaction would be sent to the incumbent ESCO.

The Company's support for the Contest Period concept is also contingent on the Commission's adoption of a requirement that the "verifiable authorization" obtained by the ESCO be retained for two years, the same retention period required by the UBP for enrollment authorizations.

With these changes, US Energy Savings' proposals should be adopted.

Dated: November 9, 2006
New York, New York

Respectfully submitted,
/s/Sara Schoenwetter

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