

**VIA E-MAIL and HAND DELIVERY**

June 9, 2003

Hon. Janet H. Deixler  
Secretary  
New York State Public Service Commission  
3 Empire State Plaza  
Albany, New York 12233-1350

Re: Case 00-M-0095 – Consolidated Edison Report on the 2002 Results of the  
Electric Service Reliability Performance Mechanism

Dear Ms. Deixler:

Consumer Power Advocates (CPA) submits its Comments in response to the Commission's Notice issued on May 15, 2003 in Case 00-M-0095. The Notice refers to the April 1, 2003 Report filed by Consolidated Edison Company (Con Edison) concerning the Company's 2002 performance under the Electric Service Reliability Performance Mechanism (RPM).

In its report, the Company makes questionable claims for the exclusion of two serious outage events from the computation of penalties and benefits due as a result of the RPM. First, it suggests that the outage resulting from a transformer fire at its East River Plant be excluded under the Commission's emergency orders suspending the RPM as it applies to "Lower Manhattan." Unfortunately, the term "lower Manhattan" is left undefined in the Commission's orders, so it is necessary to make an affirmative judgment that this event occurred within the area the Commission intended to exclude from the RPM. That judgment should be based on the

geographic proximity to the disaster of September 11, and the damage to the facilities and systems involved in the July 20, 2002 outage. Our expectation is that an investigation into Con Edison's claim of exemption will show that the network systems on which customers experienced prolonged outages are separate from those systems affected by the disaster, and thus properly subject to the RPM.

Second, Con Edison has failed to prove its claim that the outages of July 29, 2002 related to a transformer fire at the Reliant plant in Astoria should be excluded. The Company's Report (Appendix A) notes four feeders which tripped "incorrectly," two cases where breakers delayed in tripping, and another case where a breaker tripped after being closed. In addition, the report states that the cause of the loss of the Astoria Generator No. 3 "has not been reported." These facts, as reported by Con Edison, raise questions which warrant further investigation before the Company is rewarded for this performance.

Very truly yours,

CONSUMER POWER ADVOCATES

Catherine Luthin  
Executive Director

cc: file