
Consumer Power Advocates

Columbia University
Continuum Health Partners
Luthin Associates
Memorial Sloan Kettering Cancer Center
Mount Sinai Medical Center

New York University
New York Presbyterian Hospital
NYU Downtown Hospital
NYU Medical Center

March 3, 2005

Hon. Jaclyn A. Brillling
Secretary
Public service Commission
3 Empire Plaza
Albany, NY 12223

Re: 04-E-0572, Con Edison Electric Rates

Dear Ms. Brillling:

On behalf of Consumer Power Advocates (CPA), I am filing these comments on the revised draft tariff language attached to Con Edison's February 18 reply comments in the above case.

As CPA stated in its February 11, comments, it is settled Commission policy that the Company should neither over-recover or under-recover lost revenue. While the original language proposed by Con Edison does not explicitly state that the true-up of lost revenues may result in a credit to customers, the implication of the computation as originally proposed is that customers will receive a credit whenever the Lost Revenue is less than the amount stated in the tariff. This language is inadequate to the extent that it does not allow for the use of sales revenue in excess of the sales forecast to offset this so called Lost Revenue. The revised language attached to the Company's reply comments compounds this error, by excluding the possibility of a refund to customers under any circumstances.

CPA urges that Con Edison be required to file revisions which conform to the Commission policy as stated in the Commission's April 25 Order. That Order allowed Lost Revenue recovery "only to the extent that migration results in the receipt of total revenues below those assumed in rates."

Sincerely,

Catherine M. Luthin
Executive Director
Consumer Power Advocates

Cc: Service list CASE 04-E-0572 (by e-mail)
ALJ Gerard A. Lynch