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October 24, 2006

Ms. Jaclyn A. Brillling
Secretary
Public Service Commission
3 Empire Plaza
Albany, New York 12223

Re: Case 04-E-0572- Consolidated Edison Company of New York, electric rates.

Dear Ms. Brillling,

On behalf of Consumer Power Advocates (CPA), I offer this response to the petition by NYSERDA to amend the Joint Proposal in the above captioned case.

CPA does not object to the changes proposed by NYSERDA. Demand management remains an important priority for customers, and the failure of NYSERDA to meet its forecast goals should not be allowed to disrupt funding of its continuing efforts. CPA believes that the possible disruption to NYSERDA program efforts because of the failure to meet forecast goals is an unintended consequence of making the availability of SWP funds conditional on achieving uncertain forecast results. Because this result was not intended, it is appropriate to modify the JP on this one point.

The increased recovery of lost revenue as proposed by Con Edison is different matter entirely. The lost revenue attributable to demand side programs is but one small part of a large number of forecast income issues, all of which were resolved in the JP. Re-opening revenue recovery necessarily requires re-opening all other revenue and expense issues, all of which were subject to the same irreducible forecast uncertainty as was the amount of lost revenue due to the results of the NYSERDA programs.

For all the above reasons, CPA urges the Commission to deny Con Edison's request to modify the revenue recovery provisions of the Joint Proposal.

Respectfully submitted,

//Catherine Luthin

Catherine Luthin
Executive Director
Consumer Power Advocates