

Consumer Power Advocates

Columbia University
Continuum Health Partners
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Memorial Sloan Kettering Cancer Center

Mount Sinai Medical Center
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New York Presbyterian Hospital
NYU Downtown Hospital
NYU Medical Center

By E-mail & Fedex

April 28, 2006

Hon. Jaclyn A. Brillling
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12228

Re: Case 03-E-0641 Mandatory Hourly Pricing

Dear Ms. Brillling:

Consumer Power Advocates (CPA) requests that the Commission clarify the meaning of its April 25 Order in the above case with regard to the temporary exemption of certain economic development program customers from Mandatory Hourly Pricing (MHP).

The Order "permits(s) Con Edison and O&R to tariff the economic development customer exemptions they propose." These apparently refer the programs listed in P.S.C No.9, Rule III.11. (W) (1): SC15 15-RA service, EDDS, Power for Jobs and Special Provision No. 16 of NYPA service.

CPA requests that the Commission determine that all use under these programs be exempt from MHP, regardless of whether those customers chose to participate through accepting an allocation of power and energy, as the remainder of the above rule provides, or instead choose to participate through bill rebates administered through those programs, as in a PFJ rebate. This clarification serves the Commission's original intent to protect participating customers, as well as to protect the public policy objectives of those programs.

Further, CPA requests that the Commission further extend this exemption all the economic development programs available to Con Edison customers, including Business Incentive Rates (BIR) and Economic Development Zone (EDZ) rates. Similarly to the exempt programs listed above, these important programs have been developed to address serious economic issues affecting specific customers which - as the Commission has recognized- have not been adequately analyzed at the time of the Order.

Very truly yours,

Catherine M. Luthin
Director, Consumer Power Advocates

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