

# Consumer Power Advocates

Columbia University Medical Center  
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Filed electronically

March 7, 2017

Honorable Kathleen Burgess  
Secretary  
New York Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

RE: Case 16-E-0060. – Con Edison Electric Rates

Dear Secretary Burgess,

On January 25, 2017, the Public Service Commission (“Commission”) issued an “Order Approving Electric and Gas Rate Plans” for Consolidated Edison Company of New York, Inc.’s (“Con Edison”) electric and gas businesses (“Rate Order”). In that Order, the Commission directed Con Edison to file tariff amendments effectuating its terms. On January 31, 2017 and February 16, 2017, Con Edison filed tariff amendments in response. Consumer Power Advocates (CPA) acknowledges that the Rate Order set a 10-day comment period on the tariff amendments, but CPA was not able to complete its review and analysis of the extensive tariff filing within that time period. Accordingly, CPA respectfully requests that the Commission accept these comments notwithstanding their submission beyond the 10-day period.

Con Edison’s compliance filing in the above captioned case includes tariff amendments to implement a Standby Rate Pilot program applicable to certain distributed generation (DG) customers who meet certain requirements. The compliance tariff correctly states these new requirements, but incorrectly applies them to customers with defined designated technologies, regardless of whether they participate in the pilot program. The exemption allowed by Rule 20.3.2(c) was required by the Commission order issued April 16, 2015 in case 09-E-0109, et al.

Rule 20.3.2 (leaf 162) provides for an exemption from standby rates for certain designated technologies. The definitions of “designated technologies” includes the requirement (20.3.2(c)) that the customer “(c)

*uses efficient CHP with an aggregated capacity greater than 1 MW, but no more than 15 MW, commences operation of its CHP generation facility between May 31, 2015 and May 31, 2019, and **meets additional requirements specified in General Rule 20.3.4; ...***” (emphasis added).

Rule 20.3.4 (beginning at leaf 162.2) includes additional requirements:

*20.3.4 Additional Requirements*

*The following requirements are applicable to **Customers exempt from Standby Service rates pursuant to General Rule 20.3.2(c) and General Rule 20.3.3: (a) Customers With Designated Technologies who use Efficient CHP with an aggregated capacity greater than 1 MW and Customers With Targeted Exemptions **must comply with the following additional requirements...*****”(emphasis added).

Of particular concern is that these rules, as written, appear to apply to customers who may have already commenced service.

The additional requirements are extensive, unnecessary and burdensome, particularly for existing customers. The rule imposes additional costs for metering that was not previously required, includes new reporting requirements and allows the Company to revoke the standby rate exemption if the customer does not meet these requirements. Most importantly, Rule 20.3.4 includes new, lower NOx emission limits that existing customers were not required to meet. All these requirements were negotiated in the DG Air Quality Collaborative to be applied only to the Standby Rate Pilot program. Their application to customers qualifying for the Rule 20.3.2(c) exemption was never discussed in the Air Quality Collaborative. That exemption is required by the Commission order issued April 16, 2015 in case 09-E-0109, et al. Thus, the application of these new requirements to all customers with designated technologies is incorrect and must be reversed.

Finally, by including the word “and” at the end of 20.3.2.d, the tariff implies that the requirements of 20.3.4 would also apply to sections 20.3.2.a, b, and d. The same arguments apply to these programs which existed prior to the new changes.

Thanks for your consideration of these comments.

Respectfully Submitted,

**Catherine Luthin**

Executive Director