

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 28, 2001

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 00-M-0095 - Joint Petition of Consolidated Edison, Inc. and
Northeast Utilities for Approval of a
Certificate of Merger, with All Assets Being
Owned by a Single Holding Company.

CASE 96-E-0897 - In the Matter of Consolidated Edison Company
of New York, Inc.'s for Plans for (1) Electric
Rate/Restructuring Pursuant to Opinion No.
96-12; and (2) the Formation of a Holding
Company Pursuant to PSL, Sections 70, 108 and
110, and Certain Related Transactions.

CASE 99-E-1020 - Petition of Consolidated Edison Company of New
York, Inc. for Permission to Defer Certain
Capacity Costs Associated with the Divestiture
of Power Plants, filed in C 9187.

CASE 00-E-1208 - Proceeding on Motion of the Commission in the
Matter of Consolidated Edison Company of New
York, Inc.'s Plans for Electric Rate
Restructuring with Respect to Service Provided
in Westchester County.

CASE 00-E-1461 - Petition of the New York State Attorney General
to Examine the Electric Rates and Charges of the
Consolidated Edison Company of New York, Inc.

ORDER ADOPTING TERMS
OF JOINT PROPOSAL,
SUBJECT TO MODIFICATIONS

(Issued and Effective April 9, 2001)

BY THE COMMISSION:

BACKGROUND

On October 31, 2000, Consolidated Edison Company of New York, Inc. (Con Edison or the company) filed a revised Retail Access Implementation Plan and Operating Procedure (plan) to implement Phase 4 of its Retail Choice Program (Phase 4) on May 1, 2001. Preliminary details concerning Phase 4 were discussed in our recent opinion concerning a Con Edison rate plan and the proposed merger of Consolidated Edison Inc. and Northeast Utilities.¹ The Merger and Rate Order, however, left open all potential issues for future discussions.

Con Edison's Phase 4 plan included a proposed retail access incentive and cost based retail access reductions, as well as various minor wording changes.² Con Edison proposed a \$65 one-time payment for each new non-demand billed customer that participates in retail access, with \$25 passing directly to the customer. In addition, Con Edison proposed a cost based retail access reduction for demand billed customers of 0.008 cent/kWh for avoidable costs associated with its energy procurement function. Under Con Edison's filing, non-demand billed customers would receive a cost based reduction between

¹ Case 00-M-0095, et al, Joint Petition of Consolidated Edison, Inc. and Northeast Utilities for Approval of a Certificate of Merger, with All Assets Being Owned by a Single Holding Company, Opinion and Order Adopting Terms of Settlement, Subject to Modifications, Opinion No. 00-14, (issued November 30, 2000)(Merger and Rate Order).

² Some of these changes reflect the fact that on November 1, 2000, enrollment in Con Edison's Retail Choice program opened to all demand-billed customers. This alteration required the removal of terms and conditions relating to the time-limited enrollment process previously required.

0.06 cent/kWh and 0.11 cent/kWh for avoidable costs associated with uncollectibles and the energy procurement function.

On December 5, 2000, Con Edison submitted a Notice of Impending Negotiations to the Secretary of the Commission. Collaborative discussions on Con Edison's Phase 4 filing took place between the months of December 2000 and March 2001. During the course of discussions, the Marketer Coalition³ presented a Long Run Avoided Cost (LRAC) study of Con Edison's commodity supply and retailing operations. The LRAC study served as the catalyst for discussions regarding appropriate charges to be removed from delivery rates. The LRAC study and resulting discussions provided the foundation for an agreement by a majority of parties. On March 15, 2000, a Joint Proposal on the Design and Implementation of Phase 4 (Joint Proposal) was entered into by Staff of the Department of Public Service (Staff), Con Edison, the State Consumer Protection Board (CPB), Con Edison Solutions, Inc., KeySpan Energy Services, Inc. (KeySpan), Amerada Hess Corporation (AHC), Small Customer Marketer Coalition (SCMC), 1st Rochdale, and Association for Energy Affordability (AEA).

TERMS OF JOINT PROPOSAL

The Joint Proposal provides a \$65 one-time payment, which would be provided to Energy Service Companies (ESCO) for each new non-demand billed customer⁴ that signs up for retail

³ The Marketer Coalition includes 1st Rochdale, KeySpan Services, Inc., AES Energy, Inc., Small Customer Marketer Coalition, Amerada Hess Corporation, and the National Energy Marketers Association.

⁴ For Con Edison non-demand billed customers are those taking service under Service Classifications 1, 2, or 7. All other service classifications comprise demand-billed customers.

access and remains in the program for three consecutive billing cycles between May 1, 2001 and April 30, 2002.⁵ Under the Joint Proposal ESCOs receiving the \$65 one-time payment must pass on to its new non-demand billed customer at least \$25. All costs associated with the \$65 one-time payment would be fully recoverable by Con Edison.

The second component of the Joint Proposal provides a reduction to the transmission and distribution bill of every current and new non-demand billed and demand billed customer participating in retail access.⁶ Demand billed customers will receive a reduction of 2-mill/kWh from May 1, 2001 through August 31, 2001, and then 1-mill/kWh from September 1, 2001 through April 30, 2002. Under the Joint Proposal the parties agreed that 0.05-mill/kWh of the reduction represents working capital and electric supply procurement costs avoided by Con Edison when a demand billed customer moves to retail access. The Joint Proposal contemplates that Con Edison would defer and recover the remaining portion of the reduction.⁷

Non-demand billed customers would receive a reduction of 2-mill/kWh from May 1, 2001 through April 30, 2002. Under

⁵ See Attachment, Joint Proposal, II.5.

⁶ See Attachment, Joint Proposal, II.1-4. Although the Joint Proposal refers to these reductions as "adders," they are to be implemented as "reduction[s] from the retail access customer's delivery service bill before the application of any applicable sales tax." Therefore, to avoid confusion, the amounts are referred to as "reductions" or "credits" in this Order.

⁷ Under the Joint Proposal, for every demand billed customer that moves to retail access Con Edison would recover 1.5-mill/kWh for the period of May 1, 2001 through August 31, 2001 and then 0.5-mill/kWh for the period of September 1, 2001 through April 30, 2002.

the Joint Proposal, the parties agreed that 1-mill/kWh represented uncollectibles, working capital, and electric supply procurement costs avoided by Con Edison when a non-demand billed customer moves to retail access. Under the Joint Proposal Con Edison would be allowed to defer and recover the remaining portion of the reduction.⁸

COMMENTS

On March 20, 2001, fifteen parties submitted comments on the Joint Proposal, a majority of which supported the Joint Proposal as an interim step towards competition. The major points presented by the parties are summarized in the discussion below.

Process for the Development of Cost Based Backout Rates

All ESCOs participating in the collaborative discussions voice concern over the apparent piecemeal approach used to develop retail access reductions for Phase 4. The National Energy Marketers Association (NEMA), New York Energy Service Providers Association (NESPA), KeySpan, AHC, 1st Rochdale, AES New Energy, Inc. (AES), and SCMC all argue that dividing efforts between the Phase 4 collaborative and the billing proceeding in Case 99-M-0631 created a disadvantage. Specifically, ESCOs worry that some avoidable costs would not be properly reflected, given the fact that both proceedings are simultaneously occurring.

Both NESPA and AES assert that a comprehensive proceeding is necessary to review the costs associated with Con

⁸ For every non-demand billed customer that moves to retail access Con Edison would recover 1-mill/kWh for the period May 1, 2001 through April 30, 2002.

Edison exiting the merchant function for Phase 4. Further, NESPA and AES state that there are no clear standards and methodologies established by the Commission for the development of retail access reductions. All ESCOs argue that definitive, long-term, cost-based unbundling will be necessary if competition in Con Edison's service territory is to succeed.

One Time Payment

The Joint Proposal provides ESCOs with a \$65 one-time payment for each new non-demand billed customer that switches to an ESCO, with a mandatory \$25 going from the ESCO to the customer. The Department of Law (DOL), Westchester County (Westchester), AFL-CIO, Local 1-2 (Local 1-2) and Public Utility Law Project (PULP) object to the one-time payments as being a further subsidization of ESCOs at ratepayer expense. DOL believes that the \$65 one-time payment failed to foster competition in Phase 3. Westchester concurs stating that deregulation should be based on sound economic principles and not on subsidies.

While the City of New York (the City) supports "cost-based backout credits that enable marketers to compete on a level playing field with Con Edison,"⁹ it warns that any deferred amounts should be capped. Specifically, it requests that the Commission cap the deferrable costs associated with the \$65 one-time payment and the recoverable retail access credits at \$10 million. KeySpan, AHC, 1st Rochdale, and SCMC all support the use of the \$65 one-time payment as a means to promote competition and as a necessary interim step while more definite long-term costs are developed. SCMC believes that retail access

⁹ The City's Comments, at 4.

participation levels for non-demand billed customers in Phase 3 is partly due to the \$65 one-time payment.

Retail Access Credits

The Joint Proposal provides a retail access reduction comprising costs the parties believe Con Edison will avoid when a customer moves to an ESCO, as well as additional costs Con Edison will not avoid on a short run basis. They propose that the latter costs be fully recoverable by Con Edison.

DOL, Westchester, Local 1-2, and PULP argue that the portion of the reduction that is recoverable by Con Edison would be an unfair utilization of future ratepayer funds to subsidize ESCOs. PULP states that use of future ratepayer funds to provide retail access credits to one set of customers at the expense of another set of customers amounts to a violation of Public Service Law (PSL) §65(2). PULP further argues that by using future ratepayer funds in this manner, the Commission is in essence allowing residential retail wheeling, which it asserts is only permissible for industrial and commercial customers under the PSL §66(12-b)(b).

All parties, with the exception of Con Edison, support the cost based portion of the retail access reduction. Some parties, however, like NEMA and AES, argue that the entire retail access reduction in the Joint Proposal is cost based and, therefore, Con Edison should not be allowed to defer for later recovery any associated costs. NEMA and AES further argue that a higher retail access reduction should be utilized, given the results of the LRAC study of the company's commodity supply and retailing operations. Additionally, NEMA argues that the LRAC study demonstrates that Con Edison could avoid costs of up to \$130 million a year if it exited the merchant function.

Con Edison states that it is accepting the Joint Proposal and the costs assumed to be avoided as a means of reaching a resolution on Phase 4 issues. Con Edison, however, argues that costs associated with performing the merchant function will never truly be avoided due to its legal obligations to serve customers.

KeySpan, AHC, 1st Rochdale and SCMC support the retail access reductions in the Joint Proposal as a necessary interim step in order to maintain retail access penetration in Con Edison's service territory and promote retail access through Phase 4. All four parties believe that the LRAC study should be used in the billing proceeding to develop further cost based unbundled rates.

Not-For-Profits Corporations

The retail access reduction for demand metered customers in the Joint Proposal decreases to 1-mill/kWh after August 31, 2001, to reflect the phase-in of tax law changes that will benefit retail access customers. The New York Energy Buyers Forum (NYEBF), the City, AES, AHC and 1st Rochdale believe that not-for-profit corporations should continue at 2-mills/kWh after August 31, 2001. NYEBF argues that not-for-profit hospitals exhibit the same type of billing history and customer care needs as other non-demand billed customers. AES states that it is inappropriate to rely on the tax law as the basis for establishing a retail access program. AES requests that the Commission modify the Joint Proposal to include a provision allowing the Joint Proposal to be reopened if the legislature revokes or amends the tax law to the detriment of ESCOs.

DISCUSSION

The parties in this proceeding have had sufficient time to review Con Edison's Phase 4 plan, propose alternatives, including the Joint Proposal, and to submit comments on them.¹⁰ The Marketer Coalition's study was useful in developing the Joint Proposal and the parties' comments, but a full exploration of cost issues and unbundling could not be completed before the initiation of Phase 4 on May 1, 2001. Separately, we have begun a comprehensive examination of utility costs and unbundling, with the expectation of introducing utility-specific unbundled rates in the first half of 2002.¹¹ The decision here, therefore, addresses the retail access provisions for Con Edison's Phase 4, which is a transition period in the move toward cost-based unbundled rates.

Use of a \$65 one-time payment under the Joint Proposal is supported by a majority of the ESCOs, the City and Staff, and is a continuation of the \$65 one-time payment from Phase 3. This one time payment should not be viewed as a long term marketing tool, but rather an interim measure pending the more thorough analysis and development of cost-based unbundled rates in Case 00-M-0504. Like the City, we are concerned, however, about the potential size of the deferral under this program, especially given wholesale market price volatility and other

¹⁰ See, e.g., Case 00-M-0095 et al., Notice Extending Deadline (issued February 20, 2001).

¹¹ Case 00-M-0504, Proceeding on Motion of the Commission Regarding Provider of Last Resort Responsibilities, the Role of Utilities in Competitive Energy Markets, and Fostering the Development of Retail Competitive Opportunities, Order Directing Expedited Consideration of Rate Unbundling (issued March 29, 2001).

ratepayer funded programs.¹² The approximate number of new residential and small commercial customers that moved to retail access in Phase 3 was 40,000. Assuming the new participant level doubles for Phase 4, the total \$65 one-time payments would equal \$5.2 million. Accordingly, the amount to be deferred under the program will be capped at this level.

During collaborative discussions, the parties examined the LRAC study performed by the Marketer Coalition's consultant to determine whether there were any Short Run Avoided Costs (SRAC) and LRACs that could be used to develop cost-based retail access reductions. The Joint Proposal identifies three cost areas where Con Edison avoids certain costs when a customer moves to an ESCO. Costs associated with working capital, energy supply procurement and uncollectibles for non-demand metered customers were identified as being avoided by Con Edison on both a SRAC and LRAC basis. The Joint Proposal identifies the cost-based retail access reductions for these three categories as 1-mill/kWh for non-demand metered customers and 0.5-mill/kWh for demand metered customers.

According to the Joint Proposal, the remainder of the retail access reduction, for both non-demand billed and demand billed customers, represents unavoidable costs, which would be deferred and recovered by Con Edison. Rather than presume these amounts cannot be avoided, Con Edison will be required to demonstrate, in any request for recovery for Phase 4 costs, that it could not, in fact, avoid the costs associated with the 1.5-mill/kWh retail access reductions for demand billed customers (0.5-mill/kWh after September 1, 2001) and the 1-mill/kWh reduction for non-demand billed customers.

¹² Merger and Rate Order, at 29, 33-35.

PULP's arguments, concerning the legality of the \$65 one-time payment and the recoverable portion of the retail access reduction, is misplaced. The Commission has broad discretion to determine revenue allocations and rate design structures, and may base rates and charges on costs or other relevant factors. In the Matter of New York State Council of Retail Merchants, Inc. v. Public Service Commission of the State of New York, 45 NY2d 661 (1978); Matter of Multiple Intervenors v. Public Service Commission of the State of New York, 154 AD2d 76 (3rd Dept 1990) (finding that the Commission may validly set differential rates based upon considerations other than cost). Under our policy of developing an electric retail market in New York State, Phase 4 is a necessary interim step designed to help further the development of the residential and small commercial customer retail electricity market until cost-based unbundled rates can be established.

NYEBF, the City, AES, AHC, and 1st Rochdale believe that not-for-profits, specifically not-for-profit hospitals, should be allowed to maintain the 2-mill/kWh for the entire period of Phase 4. This idea was explored by both Staff and Con Edison and it was determined that separately identifying not-for-profit customers, or more specifically not-for-profit hospitals, from other demand billed customers on Con Edison's billing system would be difficult.¹³ Therefore, no special provisions will be made for not-for-profits.

¹³ Additionally, not-for-profits already receive a tax benefit that other demand billed customers do not.

CONCLUSION

The terms of the Joint Proposal, subject to the two modifications noted herein, are adopted.

The Commission orders:

1. The terms of the Joint Proposal, subject to the modifications stated within the body of this Order, are adopted and incorporated as part of this Order.

2. Consolidated Edison Company of New York, Inc. (Con Edison) is directed to file on not less than one day's notice, to become effective on May 1, 2001 on a temporary basis, revised tariff amendments in conformance with this Order. Con Edison shall serve copies of its revised filing upon all parties to this proceeding.

3. The requirements of the Public Service Law §66(12)(b) that newspaper publication be completed before the effective date of the amendments are waived.

4. Any comments on the revised tariff leaves must be received at the Commission's offices within ten business days of service of Con Edison's proposed amendments.

5. The revised tariff leaves shall not become effective on a permanent basis until approved by the Commission and will be subject to refund if any showing is made that revised rates are not in compliance with this Order.

6. Con Edison's request for approval of its Retail Access Implementation Plan and Operating Procedure is granted, provided that the modifications, discussed in this Order are incorporated into such Retail Access Implementation Plan and Operating Procedure. Ten (10) copies of the revised plan shall be filed with the Secretary and served on all active parties in

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the proceeding along with the revised tariff leaves directed in ordering clause 2.

7. These proceedings are continued.

By the Commission,

(SIGNED)

JANET HAND DEIXLER
Secretary

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

- CASE 00-M-0095 – Joint Petition of Consolidated Edison, Inc. and Northeast Utilities for Approval of a Certificate of Merger, with All Assets Being Owned by a Single Holding Company.**
- CASE 96-E-0897 - In the Matter of Consolidated Edison Company of New York, Inc.'s for Plans for (1) Electric Rate/Restructuring Pursuant to Opinion No. 96-12; and (2) the Formation of a Holding Company Pursuant to PSL, Sections 70, 108 and 110, and Certain Related Transactions.**
- CASE 99-E-1020 - Petition of Consolidated Edison Company of New York, Inc. for Permission to Defer Certain Capacity Costs Associated with the Divestiture of Power Plants, filed in C. 9187.**
- CASE 00-E-1208 - Proceeding on Motion of the Commission in the Matter of Consolidated Edison Company of New York, Inc.'s Plans for Electric Rate Restructuring With Respect to Service Provided in Westchester County.**
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**JOINT PROPOSAL
ON THE DESIGN AND IMPLEMENTATION OF PHASE 4
OF CONSOLIDATED EDSION COMPANY OF NEW YORK'S
RETAIL ACCESS PROGRAM**

Dated: March 15, 2001

THIS JOINT PROPOSAL (Proposal) is made the 15th day of March, 2001 by and among Consolidated Edison Company of New York, Inc. (Con Edison or the Company), the Staff of the Department of Public Service (Staff), and such other parties as have executed a signature page appended hereto (collectively referred to herein as the Signatory Parties).

I. BACKGROUND

As per the settlement agreement adopted by the Public Service Commission (Commission) in Opinion No. 00-14¹ (Merger and Rate Order), the Company filed its Phase 4 Retail Access Implementation Plan and Operating Procedure (Phase 4 plan) on October 31, 2000. The settlement agreement provides that :

[T]he Company will propose: (i) the continuation of at least the current one-time incentive payment to all residential (SC 1 and 7) and small commercial (SC 2) customers that switch for the first time to retail access, and (ii) in lieu of the current 2 mill/kWh credit applicable to demand-billed customers, crediting all existing and new retail access customers for costs avoided by reduction or elimination of the merchant supply function, e.g., avoided uncollectible costs associated with energy supply and avoided costs associated with electric supply procurement functions.²

The Merger and Rate Order contemplated that the level, duration, eligibility, allocation and calculation of such retail access adders and payments would be determined by the Commission following collaboration among the parties. The parties would attempt to reach consensus through a collaborative process on the Phase 4 issues by January 5, 2001, or report their positions to the Commission no later than February 10, 2001.

In its October 31, 2000 filing, Con Edison provided to all active parties a proposal for the design and implementation of Phase 4. Subsequently, on December 5, 2000, Con Edison issued a Notice of Impending Negotiations which was duly filed with the Secretary to the Commission.

¹ Case 96-E-0897, et al, In the Matter of Consolidated Edison Company of New York, Inc.'s Plans for (1) Electric Rate/Restructuring Pursuant to Opinion No. 96-12; and (2) the Formation of a Holding Company Pursuant to PSL Sections 70, 108 and 110, and Certain Related Transactions, Opinion and Order Adopting Terms of Settlement, Subject to Modifications, Opinion No. 00-14 (issued November 30, 2000)(Merger and Rate Order).

² Merger and Rate Order, Attachment, Section IV.11.

On February 16, 2001, at the request of the Marketer Coalition³, the Secretary to the Commission granted an extension of the deadline for filing a joint proposal on the design and implementation of Phase 4 with the Commission to March 16, 2001.⁴

Collaborative discussions were held bi-weekly or monthly in the months of November 2000 through March 2001. Parties discussed the Company's filing and the Long Run Avoided Cost (LRAC) study of the Company's costs associated with exiting the merchant and retailing functions prepared by the Marketer Coalition's consultant. The Signatory Parties believe that this Proposal is in the public interest in that it has the potential to further promote competition and submit this Proposal to the Commission along with a request that the Commission expeditiously adopt the terms of this Proposal as set forth herein.

II. RETAIL ACCESS ADDERS AND PAYMENTS

1. The retail access adders and payments will commence on May 1, 2001 and continue for a period of one year. During Phase 4 no adjustments will be made to the adders relating to working capital for commodity supply, electric supply procurement functions, and to uncollectibles associated with energy supply to non-demand-billed customers.

2. A 2-mill/kWh adder will be provided to all existing and new retail access customers from May 1, 2001 through August 31, 2001.

3. On September 1, 2001, the adder will be reduced to 1-mill/kWh for demand billed customers⁵ and will remain at 2-mill/kWh for non-demand billed customers.

4. The adders described in paragraphs 2 and 3 above will be implemented as a reduction from the retail access customer's delivery service bill before the application of any applicable sales tax.

³ The Marketer Coalition includes 1st Rochdale, KeySpan Energy, AES Energy, Inc., the Small Customer Marketer Coalition, Amerada Hess Corporation, and the National Energy Marketers Association.

⁴ The Marketer Coalition requested additional time to allow their expert to complete a long run avoided cost study of Con Edison's commodity supply and retailing operations.

⁵ For the purposes of this agreement, "non-demand billed customers" refers to customers taking service under SC 1, 2 or 7. "Demand-billed customers" includes customers taking service under any Service Classification (SC) other than SC 1, 2 or 7.

5. A one-time payment of \$65 will be provided to the marketer for each new non-demand billed customer whose first billing cycle as a retail access customer commences between May 1, 2001 and April 30, 2002 and remains in the program for three consecutive billing cycles. The marketer must pass on at least \$25 of the \$65 directly to the customer. An initial payment of \$25 will be made to the marketer after the first billing cycle of each new customer's participation, i.e., after the first delivery service bill is issued to the customer; the balance will be paid after the third billing cycle of the customer's participation.

III. COST RECOVERY

1. For purposes of this Proposal, portions of the retail access adder to be provided will be assumed to represent actual costs that could be avoided by the Company. A total of 0.5 mill/kWh of the adder to demand billed customers and 1 mill/kWh of the adder to non-demand billed customers is assumed to be avoidable. The components of the assumed avoided costs relate to the working capital for commodity supply, the costs associated with electric supply procurement functions, and, for non-demand- billed customers, uncollectibles associated with energy supply. Con Edison will not be allowed recovery of the assumed avoided costs referred to above. The Company will defer, for later recovery, the difference between the full cost of the retail access adders provided and the costs assumed to be avoided by the Company.

2. The full cost of the one-time payment of \$65 will be deferred for later recovery.

IV. MISCELLANEOUS PROVISIONS

Binding Effect

1. It is the intent of the Signatory Parties that the provisions of this Proposal be approved by the Commission as being in the public interest. The Signatory Parties further agree that the terms and provisions of this Proposal apply solely to and are binding only in the context of the purposes and results of this Proposal. None of the terms or provisions of this Proposal and none of the positions taken herein by any party may be referred to, cited, or relied upon by any other party in any fashion as precedent or otherwise in any other proceeding before this Commission or any other regulatory agency or before any court of law for any purpose, except in furtherance of ensuring the effectuation of the purposes and results of this Proposal.

2. It is understood that each provision of this Proposal is in consideration and support of all other provisions and expressly conditioned upon acceptance by the Commission of

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its terms and conditions and upon the Commission's approval of the Phase 4 plan modified in accordance with the Proposal. If the Commission fails to adopt this Proposal according to its terms, then the parties to the Proposal shall be free to pursue their respective positions in this proceeding without prejudice.

Execution

3. This Proposal is being executed in counterpart originals, and shall be binding on each Signatory Party when the counterparts have been executed.

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Agreed to as of this 15 day of March 2001

Staff of the State of New York Department of Public Service

By: _____

CASE 00-M-0095, et al.

Consolidated Edison Company of New York, Inc.

By: _____

CASE 00-M-0095, et al.

Consolidated Edison Solutions, Inc.

By: _____

CASE 00-M-0095, et al.

Consumer Protection Board (NYS)

By: _____

CASE 00-M-0095, et al.

SmartEnergy

By: _____

CASE 00-M-0095, et al.

Small Customer Marketer Coalition

By: _____

CASE 00-M-0095, et al.

1st Rochdale

By: _____

CASE 00-M-0095, et al.

KeySpan Energy, Inc.

By: _____

CASE 00-M-0095, et al.

Amerada Hess Corporation

By: _____

CASE 00-M-0095, et al.

Association for Energy Affordability (AEA)

By: _____