

**Retail Access Rate Schedule**

**General Information**

This Retail Access Rate Schedule (the "Rate Schedule") governs delivery service to Retail Access Customers and participation of Energy Service Companies ("ESCOs") in the Company's Retail Access Program. It also governs delivery service to economic development customers of governmental agencies that have entered into a delivery service agreement with the Company on or after July 1, 2003 identified as follows:

- Delivery service to the County of Westchester Public Utility Service Agency for delivery of economic development power under the "Agreement for the Delivery of Power & Energy to Economic Development Customers of the County Of Westchester Public Utility Service Agency" between the County of Westchester, acting through the Westchester Public Utility Service Agency, and the Company, made July 15, 2003.

The rates contained herein include both rates filed with the Public Service Commission ("PSC") and transmission service charges which are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC") and are set forth in the ESCO Operating Agreement and Retail Transmission Service Agreement, the Direct Customer Operating and Transmission Service Agreement, and the Economic Development Operating Agreement and Retail Transmission Service Agreement as supplements to the Company's Open Access Transmission Tariff ("OATT"). Those supplements to the Company's OATT are in effect, pursuant to the New York Independent System Operator OATT, with respect to the PSC-approved Retail Access Program.

All references to the Company's Schedule for Electricity Service, PSC No. 9- Electricity ("Full Service Schedule") or to any leaves, terms and conditions or Service Classifications therein shall be understood to refer to the Full Service Schedule now on file with the Public Service Commission and its leaves, terms and conditions and Service Classifications, as the same may be modified or superseded from time to time.

All references to the Company's EDDS Rate Schedule, or to any leaves, terms and conditions or Rates therein, shall be understood to refer to the Company's Schedule for Economic Development Delivery Service No. 2, now on file with the Public Service Commission and its leaves, terms and conditions and Service Classifications, as the same may be modified or superseded from time to time.

**A. Provisions Applicable to Delivery Service to Retail Access Customers and Participation by ESCOs**

This Rate Schedule incorporates by reference the Company's Schedule for Electricity Service, PSC No. 9 - Electricity ("Full Service Schedule"), including the General Information section thereof, under which Con Edison provides bundled sales of generation capacity, energy and delivery service to retail Customers in Con Edison's service territory, except as expressly modified herein and except for the rates, terms, and conditions of service expressly stated herein. In the event of any inconsistency between this Rate Schedule and the Full Service Schedule, this Rate Schedule will govern.

Delivery service to retail Customers will be provided under Service Classification Nos. 1-RA through 14-RA, as applicable. All rates and charges hereunder will be subject to the provisions of Section VIII-(A), "Increase in Rates Relating to Taxes and Other Charges and Adjustments," of the Full Service Schedule in the same manner and to the same extent as those provisions are applicable to the rates and charges under the Full Service Schedule.

Customers served under this Rate Schedule will be subject to Delivery Charges, including: (a) the Billing and Payment Processing Charge to the extent specified in General Information Section VIII(B) of the Full Service Schedule; (b) for Customers eligible for competitive metering services pursuant to General Rule III-8(A) of the Full Service Schedule, Charges for Metering Services for each metering service that is not taken competitively; (c) the Monthly Adjustment Clause and Adjustment Factor MAC; (d) the System Benefits Charge; and (e) the Renewable Portfolio Standard Charge. The Minimum Monthly Charge is a distribution-based charge, and Customers served under this Rider will be subject to the Minimum Monthly Charge, as required, under General Rule III-11(U) of the Full Service Schedule.

Customers served under demand-billed Service Classifications of this Rate Schedule are subject to the Reactive Power Demand Charge to the extent applicable under General Rule III-11(X) of the Full Service Schedule.

Customers served under this Rate Schedule are subject to the following additional Delivery Charges: the Revenue Decoupling Mechanism Adjustment, as described in General Information Section VIII(B)(8) of the Full Service Schedule; the Delivery Revenue Surcharge, as described in General Information Section VIII(B)(9) of the Full Service Schedule; and the Surcharge to Collect Assessments Under Section 18-a of the Public Service Law, as described in General Information Section VIII(B)(10) of the Full Service Schedule.

**Date of Issue: October 22, 2009**

**Date Effective: March 1, 2010**

**A. Provisions Applicable to Delivery Service to Retail Access Customers and Participation by ESCOs - Continued**

As described in General Information Section VIII(B) of the Full Service Schedule, the Monthly Adjustment Clause and Adjustment Factor - MAC are not applicable to certain Customers who previously received service under the Delivery Service Rate Schedule - PASNY No. 4.

The Rate Adjustment Clause, as described in General Information Section VIII(B) of the Full Service Schedule, applies to service under this Rate Schedule.

**Operating Procedure**

Service under the Rate Schedule will be provided in accordance with the Con Edison Retail Access Implementation Plan and Operating Procedure (referred to herein as the "Operating Procedure"), as the same may be amended, modified, or superseded from time to time. Changes to the Operating Procedure will be effective on the first day of the second calendar month following their submission to the Staff of the Commission unless subject to approval by the Commission under such schedule as the Commission may establish. In the event of any inconsistency between the Operating Procedure and this Rate Schedule, the Rate Schedule will govern. The Operating Procedure can be viewed on the Internet and is available for examination at all customer service centers.

**Date of Issue: April 30, 2009**

**Date Effective: May 1, 2009**

Effective under authority of PSC order in Case 08-E-0539 made April 24, 2009.

**Definitions and Abbreviations of Terms Used in this Rate Schedule**

Terms defined or used in the Full Service Schedule in a manner that is inconsistent with Retail Access Service are modified, and new terms are defined, as follows:

1. The term “Customer” does not include an Energy Service Company (“ESCO”). As provided in 16 NYCRR Parts 11 and 13, “Customer” refers to a single account and means the same person or entity for the purposes of this Rate Schedule as for the Full Service Schedule.
2. The term “delivery service” means the transmission and distribution of electric energy and capacity to a Customer under this Rate Schedule.
3. The term “Direct Customer” means a Retail Access Customer with an aggregate load of 1 megawatt or more that acts on its own behalf to obtain energy supply and capacity from a Supplier. A Direct Customer purchases and schedules delivery of electricity for its own consumption and not for resale. Customers served under Service Classifications that permit redistribution are not precluded from being served as Direct Customers. A Direct Customer must comply with applicable provisions of the UBP and with operating requirements established by the New York Independent System Operator (“NYISO”). A Direct Customer may aggregate and schedule load for itself and other Direct Customers, each of which would continue to be responsible individually for meeting requirements placed on Direct Customers.
4. The term “Electric energy supplied by the Company” for the purposes of General Rule III-13 (D), “Segregated Service,” is deemed to refer to electric energy supplied by an ESCO or a Supplier.
5. The term “Energy Service Company” (“ESCO”) means a nonutility entity determined to be eligible by the Department of Public Service to provide energy supply and associated customer service functions for retail access.

**Date of Issue: February 18, 2004**

**Date Effective: February 19, 2004**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003  
Iss'd under authority of 12/19/03 order of the Public Service Commission in Cases 98-M-1343, 99-M-0631 & 03-M-0017**

**Definitions and Abbreviations of Terms Used in this Rate Schedule - Continued**

6. The term "on-site meter reading" means a service provided to obtain an actual reading at the Customer's premises on the regularly scheduled meter reading date in the event that the Customer's phone line used for remote communications is not operational.
7. The term "Retail Access Program" refers to the Company's program under which participating Customers (otherwise referred to as "Retail Access Customers") purchase energy from ESCOs or Generators and delivery service from the Company.
8. The term "Retail Access Service" refers to the delivery service provided under this Rate Schedule.
9. The term "special meter reading" means a service provided to obtain an actual meter reading on a date that is different from the regularly scheduled meter reading date.
10. The term "Supplier" means one or more entities, including the NYISO, selling capacity or energy to a Direct Customer.
11. The term "supply" or "furnish" as used in the Full Service Schedule in reference to electric energy means "deliver, inclusive of all transmission and distribution service (irrespective of the tariff or agreement under which it is rendered)," for purposes of this Rate Schedule.
12. The terms "suspend service" or "suspension of service" refers to the disconnection of delivery service at the request of an ESCO, pursuant to Section 32, subdivision 5, of the Public Service Law.
13. The term "Uniform Business Practices" and the abbreviation "UBP" refer to the Uniform Business Practices applicable to retail access adopted by the Public Service Commission in Case 98-M-1343, as may be amended from time to time by the Commission, and as set out in Addendum-UBP to this Rate Schedule.

**Date of Issue: February 18, 2004**

**Date Effective: February 19, 2004**

### **Exceptions to Riders**

All Riders in the Full Service Schedule apply to service under this Rate Schedule, except that under this Rate Schedule, eligibility for the following Riders is modified as follows:

Rider B: Customers other than Direct Customers taking service under Rider B are eligible for service under this Rate Schedule only if all buildings or parts of buildings which are included in the Customer's Rider agreement take service under this Rate Schedule and all energy supply is obtained from the same ESCO.

Rider C: Customers other than Direct Customers taking service under Rider C are eligible for service under this Rate Schedule only if all buildings or parts of buildings which are included in the Customer's Rider agreement take service under this Rate Schedule and all energy supply is obtained from the same ESCO.

A Direct Customer taking service under Rider B or Rider C must schedule energy on an aggregated basis for the total energy requirements of all buildings or parts of buildings included in the Rider.

Rider E: An owner or lessor taking service under Rider E is eligible for service under this Rate Schedule only if all tenants receiving service under Rider F take service under this Rate Schedule and all energy supply is obtained from the same ESCO or Supplier.

Rider F: A tenant taking service under Rider F is eligible for service under this Rate Schedule only if all tenants receiving service under Rider F and the owner or lessor taking service under Rider E all take service under this Rate Schedule and all energy supply is obtained from the same ESCO or Supplier.

Rider H: Customers taking service under Rider H will be subject to off-peak energy charges as shown under "Rider H" in the rates section of this Rate Schedule.

Rider W is not applicable to this Rate Schedule. Riders M and V are applicable to this Rate Schedule only for customers served under Special Provision C of SC 14-RA.

**Date of Issue: November 3, 2003**

**Date Effective: February 1, 2004**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Exceptions to Riders - Continued**

Rider Q:

When a Customer receives an allocation under the Power for Jobs Program, the Customer may elect the "energy service company option" (ESCO Option) in accordance with Article 6 of the New York State Economic Development Law and Section 1005 of the Public Authorities Law.

Applications for service will be accepted as described under Rider Q. The applicability, rate, term, and special provisions of Rider Q will apply under the ESCO Option except as modified below:

- a) Eligibility: A Power for Jobs allocation is power and energy made available by the Power Authority of the State of New York (PASNY) to the Customer's ESCO for resale to designated Customers in accordance with the above laws.

- b) Rate:

Demand Charge: For Customers otherwise eligible to take service under Rate I or III of SC 4 or SC 9, the demand charge per kw per month will be equal to the demand charge set forth in Rate I of the Economic Development Delivery Service Rate Schedule. For Customers otherwise eligible to take service under Rate II of SC 4 or SC 9, the demand charge per kw per month will be equal to the demand charge set forth in Rate II of the Economic Development Delivery Service Rate Schedule.

The Energy Charge shown in Rider Q is not applicable. The Minimum Demand Charge and the Customer Charge are applicable.

**Date of Issue: October 3, 2005**

**Date Effective: ~~November 10, 2005~~ January 1, 2006**

See Supplement No. 18

**Consolidated Edison Company  
of New York, Inc.**

**PSC No. 2 - Retail Access  
Eighth Revised Leaf No. 4-B  
Superseding Sixth Revised Leaf No. 4-B  
(Seventh Revised Leaf No. 4-B – Canceled)**

**Exceptions to Special Provisions**

All special provisions in the Full Service Schedule apply to service under this Rate Schedule except that Special Provision I of Service Classification No. 4 is not applicable to service under this Rate Schedule.

**Other Exceptions**

The Market Supply ("MSC") and Adjustment Factors - MSC described in General Information Section VII and the Merchant Function Charge described in General Information Section VIII(B) of the Full Service Schedule are not applicable to service under this Rate Schedule, except as provided under Special Provision C of Service Classification No. 14-RA.

**Date of Issue: March 31, 2008**

**Date Effective: April 1, 2008**

Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.

**Issued by Robert N. Hogle, Senior Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 - Retail Access  
Third Revised Leaf No. 5  
Superseding Second Revised Leaf No. 5**

[RESERVED FOR FUTURE USE]

**Date of Issue: September 23, 2003**

**Date Effective: December 22, 2003**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 - Retail Access  
First Revised Leaf No. 5-A  
Superseding Original Leaf No. 5-A**

[RESERVED FOR FUTURE USE]

**Date of Issue: September 23, 2003**

**Date Effective: December 22, 2003**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Special Provisions under this Rate Schedule**

If a Customer occupying residential premises is determined to have a shared meter and an account is established in an owner's name in accordance with General Rule III-11(A) of the Full Service Schedule, the owner's account will be established under the Full Service Schedule unless the owner has authorized an ESCO or Supplier to provide the energy supply.

If service to a residential Customer is suspended at an ESCO's request, the Customer shall pay the reconnection charge specified in General Rule III-19(B) of the Full Service Schedule if service is re-established to the same Customer at the same meter location within 12 months of the service suspension.

**PowerMove Program**

PowerMove is the Company's ESCO referral program implemented in accordance with Public Service Commission orders in Case 05-M-0858. Under PowerMove, a Customer selects or is assigned to a participating ESCO by the Company, at the Customer's request.

All provisions of this Rate Schedule remain in effect for PowerMove except as follows:

1. The Company will obtain the Customer's consent to enroll the Customer in PowerMove, select an ESCO for the Customer unless the Customer designates a specific ESCO, retain for six months evidence of Customer authorization of enrollment, and notify the ESCO of Customer authorization. The ESCO is not required to provide notification to the Company that it has been authorized by the Customer to provide electric supply or to submit enrollment information to the Company.
2. UBP provisions are not applicable to PowerMove to the extent waived by the Public Service Commission.
3. By enrolling in PowerMove with a particular ESCO, the Customer authorizes that ESCO to request and obtain historical usage and billing information, appoints the ESCO as the Customer's agent to contract on the Customer's behalf for transmission service and to schedule transmission services on Con Edison's system, and agrees to receive Company-issued Consolidated Bills.
4. Within three days of the Customer enrolling in PowerMove, the Company will send a confirmation letter to the Customer.

**Date of Issue: April 24, 2006**

**Date Effective: May 23, 2006**

**Issued by: Robert N. Hoglund, Senior Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Energy Service Company (“ESCO”) Participation**

To provide services to Customers taking delivery service under the Retail Access Program, an ESCO must (1) have received a determination of eligibility from the State of New York Department of Public Service, (2) execute an Operating Agreement and Retail Transmission Service Agreement with Con Edison, and (3) provide financial security as may be required.

An ESCO providing services to Customers hereunder must comply with the Operating Procedure, including:

1. providing Con Edison with the Customer's name and account number to establish that it has authorization from the Customer to supply electric service to the Customer under the Retail Access Program;
2. planning to and meeting the full electric capacity and energy requirements of such Customer;
3. scheduling energy deliveries each hour to meet such Customer's actual requirements;
4. notifying Con Edison regarding customer enrollment and termination of service to such Customer;
5. retaining evidence of Customer authorization for six years, but no less than one year after termination of service to such Customer;
6. if the Company permits Billing Agency on or after June 1, 1999, acting as the Customer's Billing Agent in all aspects of the Customer's relationship with Con Edison if authorized by the Customer, and retaining evidence of such authorization for one year after termination of the agency authorization. However, an ESCO that fails to bill its customers or transmit Customer payments to Con Edison on a timely basis will be precluded from acting as a Billing Agent; and

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**Energy Service Company (“ESCO”) Participation - Continued**

7. providing evidence to Con Edison of creditworthiness before the ESCO may require deposits or prepayments from small non-residential customers, as required by order of the Public Service Commission in Case 00-M-0504, issued and effective May 9, 2002.

Con Edison may cease to provide services to an ESCO in accordance with the Operating Procedure and for any reason specified in the UBP.

An ESCO must comply with the UBP for all Customers it serves. An ESCO providing services to residential Customers must comply with Public Service Commission orders issued in Case Nos. 99-M-0631 and 03-M-0117 implementing Chapter 686 of the Laws of 2002.

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Historical Information

An ESCO that is authorized by a Customer to receive usage and billing information may request and will be provided a statement of the account's usage and billing information as provided in the UBP, which states the period to be covered by the statement that will be provided without charge.

An ESCO which affirms electronically or in writing that it has received written authorization from a Customer to receive credit information may request and will be provided such information in accordance with the UBP, which states the period for which information will be provided without charge.

The Company will charge \$15.00 per account per year of information when usage and billing information and/or credit information is requested beyond that provided at no charge.

The Company will not disclose customer information to an ESCO if the Customer has given advance notification to the Company in writing that such information should not be disclosed.

If requested by an ESCO, the Company will provide up to 24 months of interval data, if available, for the account of a Customer that has provided its account number for this purpose, at the charges specified in General Information Section IV(D) of the Full Service Schedule.

Interval Information

Except for meters served by Meter Data Service Providers, the Company will provide through the Internet interval information to ESCOs and Direct Customers for Customer accounts having interval meters with operating telemetry capability. Information for the current billing cycle will be provided without a charge at the end of the billing cycle. The Company will provide, on an ESCO's request, access to such information on a more frequent basis for a fee, payable in advance.

Daily access fee: \$241.00 per year

Weekly access fee: \$ 27.00 per year

**Date of Issue: April 30, 2009**

**Date Effective: May 1, 2009**

Effective under authority of PSC order in Case 08-E-0539 made April 24, 2009.

Special Meter Reading

The Company will charge \$19.00 per Customer account per visit to obtain a meter reading at an ESCO's request at the Customer's premises, for meters other than those served by Meter Data Service Providers.

Account Separation

A Customer's combined electric and gas account must be separated into electric-only and gas-only accounts when: (a) the Company or an ESCO issues Consolidated Bills that include the ESCO's charges for one service and a second ESCO desires to issue Consolidated Bills for the other service, or (b) an ESCO desires to issue Consolidated Bills for a single service and does not agree to bill the Company's charges for the second service. The Company will charge \$34.50 to an ESCO to separate a combined electric and gas account into two accounts. If a Customer authorizes one ESCO for electric service and another ESCO for gas service before the Company has taken action at the request of one ESCO to separate the combined account, the Company will charge each ESCO one-half of the applicable charge.

Suspension of Service

The Company shall charge the following charges to an ESCO that requests suspension of residential service, as applicable:

- (a) \$26.00 if the electricity service to an electricity or electricity and gas account is suspended at the meter; provided, however, that the charge is \$13.00 to the ESCO if the electricity service is disconnected on behalf of both the ESCO and the Company;
- (b) \$34.50 if the electricity and gas services to an account are suspended at the same time at the meter; provided, however, that the charge is \$17.25 to the ESCO if one service is disconnected on behalf of the ESCO and the other, on behalf of the Company or another ESCO; and
- (c) \$114.00 if the electricity service is suspended through disconnection of service in the street.

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Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.

Information About the Company's Charges

To enable an ESCO to determine the lowest amount that a Customer must pay to end a suspension of service, the Company shall charge \$8.00 to an ESCO per bill per service for each account on which the ESCO requests that the Company calculate what it would have charged the Customer had the Customer purchased commodity from the Company. The Company will calculate a bundled bill under its Full Service Schedule; subtract the amount of the bill issued under this Rate Schedule for the same period; and provide the difference to the ESCO. The Company will accept ESCO requests by electronic mail only. The Company will cease to provide this service once its self-service bill calculation facility becomes available.

ESCO Customers' Information

An ESCO may obtain a list of its enrolled Customers at no charge.

An ESCO may request and will be provided summary customer data (that is, the number of accounts enrolled with the ESCO and total sales), as provided in the UBP, which states the frequency with which such information will be provided at no charge. The Company will charge \$16.00 per request for summary customer data in excess of that provided at no charge.

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**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 – Retail Access  
Fifth Revised Leaf No. 8-B  
Superseding Fourth Leaf No. 8-B  
(Third Revised Leaf No. 8-B – Canceled)**

Consolidated Billing and Payment Processing Services

The term “Consolidated Bill” means a bill that combines the Company’s charges and an ESCO’s charges. A Consolidated Bill shall include a bill issued under the Company’s Billing Agency Agreement, until Electronic Data Interchange (“EDI”) is operational for bill-ready ESCO consolidated billing. When EDI is operational for ESCO consolidated billing, as established in Case 99-M-0667, all provisions of this Rate Schedule relating to Billing Agency are terminated.

Subject to limitations set forth below, an ESCO and the Company may agree for one party to perform consolidated billing and payment processing services on behalf of the other. Billing and payment processing services are governed by the terms and provisions of retail access billing and payment processing practices, as specified in the UBP, and by such other terms and conditions not inconsistent with otherwise applicable laws, regulations, and Commission orders.

If an ESCO and the Company agree for one party to perform consolidated billing and payment processing services on behalf of the other, the Company and ESCO will execute a Billing Services Agreement. Consolidated Bills for residential Customers are limited to Company-issued Consolidated Bills. The Company will provide Consolidated Bills under the purchase of receivables program and the billing services agreement between the Company and the ESCO. An ESCO may provide Consolidated Bills for its Customers who are not billed under residential rates.

If the Company determines, in its sole discretion, that an ESCO is not in compliance with the dispute resolution procedure specified in the billing services agreement, the Company will assess a charge to the ESCO equal to the amount disputed by the Customer.

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**Issued by Robert N. Heglund, Senior Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

Consolidated Billing and Payment Processing Services - Continued

The Company will charge the following fee per bill per account to an ESCO if the Company provides Consolidated Bills to the ESCO's customer(s):

- (a) \$0.94 if the Company issues a Consolidated Bill on an electric-only account; or
- (b) \$0.94 if the Company issues a Consolidated Bill for electricity and/or gas service on a combined electric and gas account; provided, however, that if a Consolidated Bill is issued for two separate ESCOs, the charge to each ESCO will be \$0.47 per bill per account.

On a combined electric and gas account, if an ESCO issues Consolidated Bills that include its charges for one service, and a second ESCO desires Company-issued Consolidated Bills that include its charges for the other service, the second ESCO must request account separation.

If an ESCO requests that a Company-issued Consolidated Bill include an insert required by statute, regulation, or Public Service Commission order, and such insert exceeds one-half ounce, the Company will charge the ESCO for incremental postage.

**Date of Issue: March 31, 2008**

**Date Effective: April 1, 2008**

Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.

**General Rules of Delivery Service**

**General Information**

1. A Customer requesting delivery service under Service Classification Nos. 1-RA through 14-RA of this Rate Schedule must satisfy the requirements to be a customer under the Full Service Schedule, General Rule III-1. In addition:

- a) Except for Direct Customers and Customers purchasing energy supply from the Company under Special Provision C of Service Classification No. 14-RA, a Customer must have a contract for energy supply with an ESCO. A Customer may authorize only a single ESCO to provide capacity and energy to the Customer's account.

By providing an ESCO with the Customer's name and account number (and such other information as Con Edison may require if the Company is unable to verify the Customer's account based on the information provided), a Customer authorizes the ESCO to request and receive from Con Edison historical usage and billing information and, upon the Customer's request, to enroll the Customer in the Retail Access Program. A Customer may also provide an ESCO with written authorization to request and receive from Con Edison historical credit information. By authorizing the ESCO to enroll the Customer in the Retail Access Program, the Customer appoints the ESCO as the Customer's agent to contract on the Customer's behalf for transmission service and to schedule transmission services on Con Edison's system. The Company may rely on the information submitted by the ESCO as a Customer's representation that the ESCO is authorized to act on the Customer's behalf.

- b) A Direct Customer must have a contract with one or more suppliers to provide capacity and energy to the Direct Customer's account(s).
- c) If a Customer's account is served under economic development programs specified under General Rule III-11(W) of the Full Service Schedule, the Customer's remaining requirements, as determined under that General Rule, may be served by the Customer's ESCO or the Direct Customer's Supplier.

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**General Information - Continued**

2. Billing Agency is an arrangement between a Customer and an ESCO in which the Customer authorizes the ESCO to act as its Billing Agent for all account activities, including, but not limited to, the receipt of Con Edison bills. Provided that the Company permits Billing Agency and the Customer's ESCO and the Company have elected a Billing Agency arrangement, a Customer may authorize the ESCO to act as its Billing Agent. The Company may rely on the information submitted by the ESCO as the Customer's representation that the ESCO is authorized by the Customer to act as the Billing Agent. The Customer is responsible for all account transactions and payment of all bills for Con Edison services, except the Company will not attempt to collect payment directly from a Customer for any amount that the Customer already paid to the Billing Agent. For a Customer receiving bills for charges under the Rate Schedule from its Billing Agent, a late payment charge will be applied to all amounts billed, including arrears, and unpaid late payment charges which are not received by the Customer's Billing Agent within at least 25 days of the date the Billing Agent received the Customer's billing information from the Company. Con Edison may terminate its Billing Agency program at any time on reasonable notice and will terminate its Billing Agency program upon the implementation of Public Service Commission-approved EDI transaction sets for bill-ready ESCO consolidated billing.
3. Con Edison will provide delivery service to a Customer under this Rate Schedule provided that the Customer and, if applicable, the Customer's ESCO meet the requirements of this Rate Schedule, the Operating Procedure, all terms and conditions of the Full Service Schedule to the extent not inconsistent with this Rate Schedule, and any applicable tariffs on file with the Federal Energy Regulatory Commission, until (i) the Company receives notice from the ESCO or the Customer that the Customer-ESCO arrangement is terminated and no ESCO provides new enrollment information for the Customer, (ii) the ESCO's eligibility is suspended or revoked by the Department of Public Service or by the Company, (iii) the Customer informs the Company that the Customer desires to take service under the Full Service Schedule, (iv) the Customer terminates service with the Company, (v) the Company disconnects service in accordance with the Full Service Schedule, or (vi) the Company suspends delivery service pursuant to an ESCO request.

**Date of Issue: February 18, 2004**

**Date Effective: February 19, 2004**

**Applications for Service**

Except for Direct Customers and Customers under Service Classification No. 14-RA purchasing energy and capacity from the Company, a Customer desiring to take service under this Rate Schedule must select an eligible ESCO and provide the ESCO with any necessary enrollment information. The ESCO will submit the Customer's enrollment information to the Company using the form and process prescribed by the Company. A Direct Customer must submit directly to the Company such information as the Company may require under the Operating Procedure and, in addition, enter into an Operating and Transmission Service Agreement with Con Edison. A Customer requesting service under Service Classification No. 14-RA must apply directly to the Company using the form and process prescribed by the Company.

**Meter Readings and Estimated Bills**

The Company will attempt to obtain an actual reading for all meters, except for meters served by Meter Data Service Providers, on the scheduled reading date either by a visit to the premises or by remote communications. The Company will not be required to attempt a reading at the premises for a meter having remote communications capabilities.

Under this Rate Schedule, an estimated meter reading is the approved billing method when the equipment required to obtain a meter reading by remote communications is not operational and an on-site reading is not obtained, or when service hereunder is commenced or terminated or the Customer changes ESCOs on a date other than the Customer's scheduled meter reading date.

**Date of Issue: May 6, 2009**

**Date Effective: ~~August 26, 2009~~ October 20, 2009  
See Supplement No. 32**

**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 - Retail Access  
Third Revised Leaf No. 11  
Superseding First Revised Leaf No. 11  
(Second Revised Leaf No. 11- Cancelled)**

**(RESERVED FOR FUTURE USE)**

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**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 - Retail Access  
Fourth Revised Leaf No. 12  
Superseding Second Revised Leaf No. 12  
(Third Revised Leaf No. 12 – Cancelled)**

**(RESERVED FOR FUTURE USE)**

**Date of Issue: March 20, 2001**

**Date Effective: March 21, 2001**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003  
Iss'd under authority of order of the Public Service Commission, 1/31/01 & 2/26/01, in Cases 00-E-0165 & 94-E--0952**

**Billing**

Billing options are as follows:

1. **Dual Billing:** Except when Consolidated Bills are issued, the Company issues bills to the Customer for rates and charges contained in any Company Rate Schedule and for charges for other Company services, and the ESCO issues separate bills for its charges.
2. **Consolidated Billing:** If the Company and an ESCO agree that one party will perform consolidated billing and payment processing services on behalf of the other, the billing party will issue Consolidated Bills to the Customer.

Commencing April 1, 2008, a Customer who takes electric delivery service under this Rate Schedule may be charged for Billing and Payment Processing, based on the billing option selected, at the rate specified in General Information Section VIII(B) of the Full Service Schedule.

Customer payments shall be allocated and prorated in accordance with the Uniform Business Practices, the Home Energy Fair Practices Act (“HEFPA”) (Public Service Law, Article 2), and applicable orders of the Commission for Consolidated Bills issued on or after February 3, 2004, except for bills issued under the purchase of receivables program.

**Date of Issue: March 31, 2008**

**Date Effective: April 1, 2008**

Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.

**Termination and Suspension of Service**

An ESCO may not physically disconnect a Customer's electric service. Con Edison may disconnect service in accordance with the provisions of the General Information Section of the Full Service Schedule and HEFPA. The Company may disconnect delivery service and ESCO commodity service for non-payment of amounts billed on Company-issued Consolidated Bills under which the Company has purchased the ESCO's receivables.

An ESCO may request the Company to suspend delivery service to a residential Customer or two-family dwelling that receives Consolidated Bills and to a multiple dwelling. By submitting a request for suspension of service to the Company in the authorized form, an ESCO represents that it has complied with all statutory and regulatory requirements for termination of the commodity service and suspension of the delivery service. No ESCO may request service suspension during the time that the Company's purchase of receivables program is in effect.

Suspension will end at the request of the ESCO that requested the suspension. However, if the ESCO has not requested an end to the suspension one year after it terminated commodity service, the Company will restore delivery service at the Customer's request provided the Customer meets tariff and HEFPA requirements for service restoration. If service to a residential Customer is disconnected for non-payment of amounts billed on Company-issued Consolidated Bills under the purchase of receivables program, the Customer may have service reconnected by paying the lesser of the amount billed and the amount that would have been billed if the Customer had taken service under the Full Service Schedule.

**Date of Issue: March 31, 2005**

**Effective April 1, 2005**

Effective under authority of PSC Order in Case 04-E-0572 made March 24, 2005

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Term**

The Company reserves the right to establish a minimum term of service for Customers under this Rate Schedule or under the Full Service Schedule in connection with transfers from bundled service to Retail Access Service or from Retail Access Service to bundled service.

Service taken under this Rate Schedule will be counted toward the minimum “term” requirements of any Service Classification in the Full Service Schedule having a minimum term.

**Commencement of Service**

A Customer who the Company determines to be eligible for service under this Rate Schedule will commence such service in accordance with the Operating Procedure after notice by the ESCO or directly by the Direct Customer to the Company.

After a Customer’s first transfer to service under this Rate Schedule, transfers between ESCOs, and transfers to service under the Full Service Schedule (whether due to a voluntary or an involuntary switch) will be effective according to the provisions of the Operating Procedure. For any periods of time described in the Operating Procedure during which the Customer is not served by an ESCO but desires to resume service under this Rate Schedule, the Customer will be billed under the Full Service Schedule as if the Customer were taking service thereunder.

**Date of Issue: May 31, 2001**

**Date Effective: June 1, 2001**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003  
Issued in compliance with order of the Public Service Commission dated 5/18/01 in Cases 99-M-0631 and 98-M-1343**

**Commencement of Service - Continued**

At least five calendar days before a Customer is transferred to service under this Rate Schedule or switched from one ESCO to another, the Company will send a confirmation letter to the Customer. The Customer must notify the Company if the change is incorrect.

When a Customer is enrolled in the Company's levelized payment plan and transfers from the Full Service Schedule to this Rate Schedule, the Customer's future levelized payment bills will reflect the change.

**Change of Location**

A Customer who moves to another location in the service territory must notify the Company. The Customer may either apply for service at the new location under the applicable Service Classification of the Company's Full Service Schedule or authorize the ESCO at the former location or another ESCO to supply electricity service under the Retail Access Program. In the case of a Customer who owned property served under the Retail Access Program, if the Customer does not re-enroll in the Retail Access Program within 15 days of closing the account at the former location, the successor Customer who is the new property owner may enroll in the program assuming that the load of the new Customer is lower than or about the same as that of the prior Customer.

**ESCOs No Longer Serving Retail Access Customers**

If the Company is notified by the Department of Public Service that an ESCO is no longer eligible to provide energy supply to Retail Access Customers, if an ESCO withdraws from participation in the Company's Retail Access Program, or if the Company terminates service to the ESCO, the Company will notify the ESCO's Retail Access Customers in accordance with the Operating Procedure.

**Date of Issue: August 1, 2001**

**Date Effective: October 26, 2001**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Consolidated Edison Company  
of New York, Inc.**

**P.S.C. No. 2 – Retail Access  
Seventeenth Revised Leaf No. 16  
Superseding Fifteenth Revised Leaf No. 16  
(Sixteenth Revised Leaf No. 16 – Canceled)**

**Competitive Supply-related Credits**

Competitive supply-related credits are applicable through March 31, 2008 for Customers taking service under this Rate Schedule. Such Customers will receive a bill reduction of 0.06 cent per kilowatthour for service under this Rate Schedule, unless they take service under Service Classifications (“SC”s) 1-RA, 2-RA, or 7-RA or under Special Provision C of SC 14-RA.

**Competitive Supply Collections-related Credits**

Competitive supply collections-related credits are applicable through March 31, 2008 for Customers taking service under this Rate Schedule. Such Customers will receive a bill reduction of 0.04 cent per kilowatthour for service under this Rate Schedule unless they receive Company-issued Consolidated Bills, take service under SC 1-RA, 2-RA, or 7-RA, or take service under Special Provision C of SC 14-RA.

**Date of Issue: March 31, 2008**

**Date Effective: April 1, 2008**

Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.

**Issued by Robert N. Hogle, Senior Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**Section III-14(A) is amended for the purpose of Delivery Service under this Rate Schedule by the addition of the following provisions, which are in addition to and not in lieu of the provisions of Section III-14:**

**Limitation of liability and indemnification**

The Company will endeavor at all times to provide services rendered in connection with the provision of retail access service (including the transmission and distribution of electricity) in a regular and uninterrupted manner, but in case any such service shall be interrupted or irregular or fail from causes beyond its control or through ordinary negligence of its employees, servants or agents, the Company will not be liable therefor.

In accordance with operating policies established by the Company or the New York Independent System Operator or the reliability rules established by the New York State Reliability Council, conditions on the electric transmission or distribution system could require remedial actions, including voltage reduction or load shedding, in the interests of preserving system safety and reliability. Such actions constitute a circumstance beyond the control of the Company for which the Company shall not be liable.

For the purposes of this Rate Schedule, "damages" shall mean and include all losses, (including, but not limited to, economic loss), damages (including, but not limited to, direct, indirect, incidental, punitive, special and consequential damages), costs, expenses, judgments, claims, and attorneys' fees,

1. The Company shall not be liable to a Retail Access Customer for any damages caused by the Company's conduct in compliance with, or as permitted by, the Company's rate schedules, the Operating Procedure, the Operating Agreement and Retail Transmission Service Agreement between the Company and the ESCO or any legal or regulatory requirements related to Retail Access Service.
2. The Company shall not be liable to a Retail Access Customer for any damages caused to the Customer by any failure of an ESCO to comply with the Company's rate schedules, the Operating Procedure, or the Operating Agreement and Retail Transmission Service Agreement between the Company and the ESCO or for any damages caused by equipment installed or actions taken by an ESCO.
3. The Company shall not be liable to a Retail Access Customer for any damages caused by an ESCO's failure to perform any commitment to the Customer, including, but not limited to the ESCO's obligation to provide energy to the Customer.

**Date of Issue: April 28, 2000**

**Date Effective: May 1, 2000**

4. The Company shall not be liable to any Retail Access Customers for any damages resulting from any acts, omissions, or representations made by an ESCO in connection with soliciting customers for Retail Access Service or performing any of its functions in rendering Retail Access Service.

**Date of Issue: September 11, 1998**

**Date Effective: April 1, 1999**

**Issued by: Joan S. Freilich, Executive Vice President and Chief Financial Officer, 4 Irving Place, NY, NY 10003**

**B. Provisions Applicable to Delivery Service to Governmental Agencies for Delivery of Economic Development Power**

Delivery service to governmental agencies for delivery of economic development power under this Rate Schedule incorporates by reference the EDDS Rate Schedule, including the Character of Service, Common Provisions, and Special Provisions sections thereof, except as expressly modified herein and except for the rates, terms, and conditions of service expressly stated herein. In the event of any inconsistency between this Rate Schedule and the EDDS Service Schedule, this Rate Schedule will govern.

Delivery service to the County of Westchester Public Utility Service Agency under this Rate Schedule will not exceed 10 megawatts in the aggregate. A total of no more than forty Customers will be served under this Rate Schedule plus the EDDS Rate Schedule.

Delivery service to the County of Westchester Public Utility Service Agency will be provided under Service Classification Nos. 15-RA. All rates and charges hereunder will be subject to the "Increase in Rates and Charges" contained in the EDDS Rate Schedule. The Monthly Adjustment Clause and Adjustment Factor – MAC will not apply to the extent such charges do not apply under the EDDS Rate Schedule.

The County of Westchester Public Utility Service Agency will make an allocation of power and associated energy for delivery to a Customer by the Company under Service Classification No. 15-RA. That portion of a Customer's total demand and energy usage that is served under Service Classification No. 15-RA is determined in accordance with General Rule III-11(W) of the Full Service Schedule. The balance of the Customer's total registered demand and the energy associated with such demand will be supplied and billed in accordance with that general rule.

**Date of Issue: March 31, 2008**

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Issued under authority of PSC order in Case 07-E-0523 made March 25, 2008.