

*Via Electronic Filing*

December 15, 2020

Hon. Michelle L. Phillips, Secretary  
New York State Public Service Commission  
Three Empire State Plaza, 14th Floor  
Albany, NY 12223-1350

Re: **In the Matter of the 2019 Amendment to the Public Authorities Law, Section, 1005 (C. 58, L. 2019), Relating to Expanded Authority for the New York Power Authority to Contribute to Existing Economic Development Customers and Serve New Governmental Entities (Case 20-E-0376)**

**RESA Letter in Support of Joint Utilities' Tariff Revisions**

Dear Secretary Phillips:

The Retail Energy Supply Association (“RESA”)<sup>1</sup> hereby submits this letter in support of the tariff amendments submitted by Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation (collectively, the “Joint Utilities”) in the above-referenced proceeding.<sup>2</sup>

The Joint Utilities submitted the Tariff Revisions in order to comply with amendments to the Public Authorities Law (“PAL”) authorizing the New York Power Authority (“NYPA”) to

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<sup>1</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>2</sup> On August 31, 2020, each of the Joint Utilities filed separate tariff amendments applicable to their individual service territories to be effective on January 1, 2021 (“Revised Tariffs”).

# Robinson+Cole

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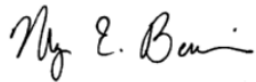
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contribute to existing economic development customers and serve new governmental customers (“Expanded Authority”).<sup>3</sup> Subsequently, NYPA and Multiple Intervenors/Power for Economic Prosperity filed comments opposing the provisions of the Tariff Revisions that would subject power supplied by NYPA under the Expanded Authority to certain delivery surcharges.<sup>4</sup>

As the Joint Utilities noted, authorizing surcharge exemptions for power supplied under the Expanded Authority “would provide NYPA with an unjustified competitive advantage over . . . energy services companies.”<sup>5</sup> Further, “such an exemption would create an unfair playing field in New York State between CCA [community choice aggregation] communities that have contracted with NYPA for supply and those that have not.”<sup>6</sup> RESA agrees. Thus, for these reasons as well as those set forth more fully in the cover letters accompanying the Tariff Revisions and the JU Reply Comments, RESA supports the Tariff Revisions and urges the Public Service Commission to adopt those revisions as filed.

Please feel free to contact me should you have any questions or require additional information. Thank you.

Sincerely,



Megan E. Baroni  
Attorney for Retail Energy Supply Association

Copy to: Party List

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<sup>3</sup> Section 2 of Part LL of Chapter 58 of the Laws of 2019, now codified in PAL § 1005(27).

<sup>4</sup> Comments of New York Power Authority (Nov. 30, 2020); Comments of Multiple Intervenors and Power for Economic Prosperity on Surcharge Exemptions for New NYPA Allocations (Nov. 30, 2020).

<sup>5</sup> Central Hudson Gas & Electric Corporation Tariff Revisions, Cover Letter (Aug. 31, 2020).

<sup>6</sup> Joint Utilities Response to the Comments of the New York Power Authority on the Joint Utilities’ Proposed Tariff Amendments (Dec. 7, 2020) (“JU Reply Comments”), at 4.