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January 4, 2024

BY eTARIFF FILING

Hon. Debbie-Anne A. Reese, Acting Secretary
Federal Energy Regulatory Commission
Dockets Room 1A
888 First Street, N.E.
Washington, DC 20426

**Re: Consolidated Edison Company of New York, Inc.
Revisions to OATT Rate Schedules 19 and 10
Docket Nos. ER23-2212-000, ER23-2212-001**

Dear Secretary Reese:

As directed by the October 31, 2023 Order issued by the Federal Energy Regulatory Commission (“Commission” or “FERC”) in this proceeding,¹ Consolidated Edison Company of New York, Inc. (“Con Edison”) submits via eTariff this compliance filing to revise the New York Independent System Operator, Inc. (“NYISO”) Open Access Transmission Tariff (“OATT”).² Consistent with the October 31 Order, the revisions proposed herein address ministerial corrections and clarifications, and remove the Construction Work In Progress (“CWIP”) Incentive and Abandoned Plant Incentive placeholders, in the formula rate template Con Edison had proposed, and FERC accepted subject to further compliance, suspended for a nominal period effective August 22, 2023, subject to refund, hearing and settlement judge procedures on proposed base and ceiling ROEs applicable to Con Edison’s Rate Schedule 10 and 19 projects, respectively, in this proceeding.

¹ *Order on Tariff Filing, and Establishing Hearing and Settlement Judge Proceedings*, 185 FERC ¶ 61,091 (“October 31 Order”).

² The NYISO is submitting this filing in FERC’s eTariff system on Con Edison’s behalf solely in the NYISO’s role as the tariff administrator of the NYISO OATT. The burden of demonstrating that the proposed tariff amendments are just and reasonable rests on Con Edison, as Applicant. The NYISO takes no position on any substantive aspect of this filing at this time. Unless otherwise defined herein, capitalized terms used in this transmittal letter shall have the meanings ascribed to them in the NYISO OATT, including Rate Schedules 10 and 19 thereto.

I. Background

On June 22, 2023, the NYISO filed on behalf of Con Edison³ and pursuant to Federal Power Act Section 205⁴ and Part 35.13⁵ of the Commission's regulations, proposed revisions to the NYISO OATT. Those revisions sought to establish Con Edison's formula rate template and associated implementation protocols (together "Formula Rate"), and make corresponding OATT amendments, to address the derivation and recovery of the costs of eligible transmission projects identified and designated under Rate Schedules 10 and 19 of the NYISO OATT.⁶

Following the Commission's issuance on August 18, 2023 of, and Con Edison's submittal on September 1, 2023 of a response to, a deficiency letter requesting additional information concerning Con Edison's Formula Rate filing, and the subsequent filing of a protest by New York Association of Public Power ("NYAPP") on September 29, 2023 and Answer thereto by Con Edison on October 16, 2023, the Commission issued the October 31 Order.

In the October 31 Order, the Commission, among other things,⁷ accepted Con Edison's proposed Formula Rate, subject to Con Edison making a further compliance filing to implement the ministerial corrections and clarifications Con Edison had proposed to make, as outlined in its Answer to the NYAPP protest,⁸ and to remove the CWIP and Abandoned Plant Incentives, as described in the body of the order. The enclosed compliance filing makes all such corrections, as outlined in Appendix A to this transmittal letter.

II. Correspondence and Communications

All correspondence and communications concerning the above-captioned proceeding should be addressed to the following persons:⁹

³ NYISO submitted the filing on Consolidated Edison's behalf solely in its role as the tariff administrator of the NYISO OATT.

⁴ 16 U.S.C. § 824d (2018).

⁵ 18 C.F.R Part 35.13 (2021).

⁶ NYISO, NYISO Tariffs, NYISO OATT, 6.10.10 OATT Schedule 10 – attach. 4 - Rate Mechanism for (0.0.0) (Attachment 4 to Rate Schedule 10); NYISO, NYISO Tariffs, NYISO OATT, 6.19.8-6.19.8.2.1 OATT Schedule 19 attach. 3 - Rate Mechanism (0.0.0) (Attachment 3 to Rate Schedule 19 and Protocols); NYISO, NYISO Tariffs, NYISO OATT, 6.19.8.2.2 OATT Rate Schedule 19 attach. 3 - Formula Rate Template (0.0.0) (Formula Rate Template).

⁷ The October 31 Order also (1) accepted Con Edison's proposed Attachment 3 to Rate Schedule 19 and Protocols, effective August 22, 2023 as requested, (2) accepted Con Edison's proposed Attachment 4 to Rate Schedule 10, effective August 22, 2023, as requested, (3) accepted but suspended the Formula Rate Template for a nominal period, effective August 22, 2023, as requested, subject to refund and to hearing and settlement judge procedures on the proposed based and ceiling ROEs; and (4) conditionally granted the request for a 50 basis point adder to the base ROE for Rate Schedule 10. October 31 Order at P. 2, Ordering Clauses A through H.

⁸ The October 31 Order directed all 29 ministerial corrections or explanations, except for item 9, which the Commission found to be correct as originally proposed. *Id.* at P. 47.

⁹ Con Edison requests waiver of Rule 203(b)(3) of the Commission's Rules of Practice and Procedure, 18 C.F.R § 385.203(b)(3) (2021), to the extent necessary to permit more than two persons to be included on the official service list on its behalf in this proceeding.

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III. Service

A complete copy of this filing will be posted on the NYISO's website at www.nyiso.com. The NYISO has confirmed to Con Edison that it will send an electronic link to this filing to the official representative of each its customers and each participant on its stakeholder committees.

IV. List of Documents

In accordance with the Commission's eTariff regulations and as Tariff Administrator, NYISO is submitting an eTariff XML filing package containing the following materials:

1. This Transmittal Letter, including Appendix A hereto (describing mostly ministerial corrections made);
2. Unpopulated Formula Rate Template - clean, revised per October 31 Order (in excel and .pdf file); and
3. Unpopulated Formula Rate Template - redlined, revised per October 31 Order (in excel and .pdf file).

V. Conclusion

Con Edison respectfully requests the Commission accept this filing as compliant with the October 31 Order.

Respectfully submitted,

/s/ Susan J. LoFrumento

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document and attachments on those parties on the official Service List compiled by the Secretary in this proceeding.

Dated at New York New York, this 4th day of January 2024.

/s/ Susan J. LoFrumento

**Appendix A to
Compliance Filing Transmittal Letter
Summary of Formula Rate Template Changes**

Con Edison Proposed Formula Rate Template Changes	Authority	Comments
<p>Added clarifying footnote to Line 35 of Appendix A to expressly state that any regulatory transmission expenses allocated to Schedule 19 or Schedule 10 Projects occurs only after deducting any directly assigned regulatory expenses.</p> <p>Remove CWIP Incentive and Abandoned Plant Incentive placeholders.</p> <p>Changed references to “Worksheet” to “Workpaper.”</p> <p>Made other minor, non-substantive clean-ups.</p>	<p>FERC Order dated October 31, 2023 (“Order”) at P 42.</p> <p>Order at P 62.</p>	<p>Not show in redlined version.</p>
<p>1. Changed Appendix A, line 2, col. 2 to reference Workpaper 1, line 14, Col. (d), (m) or (s).</p>	<p>Order at P 47.</p>	
<p>2. Appendix A, line 14, col. 2 should refer to Workpaper 1, line 14, Col. (d), (m) and (s).</p>	<p>The reference for Common Plant accumulated depreciation is correct: Workpaper 1, Line 28, Col. (g).</p>	<p>No change needed.</p>
<p>3. Changed Appendix A, line 28 (now 26), col. 5, to link to Workpaper 1-RB, cell I67, rather than J67.</p>	<p>Order at P 47.</p>	
<p>4. Changed Appendix A, line 30 (now 28), col. 2 to reference Workpaper 1, line 42, Col. t (now d)</p>	<p>Order at P 47.</p>	
<p>5. Changed Appendix A, line 31 (now 29), col. 2 to reference Workpaper 1, line 42, Col. u (now e).</p>	<p>Order at P 47.</p>	

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<p>6. Changed Appendix A, line 32 (now 30), col. 2 to reference Workpaper 1, line 42, Col. v (now f).</p> <p>Prepayments should be allocated between Common and Electric as well as the Wage and Salary (“W&S”) allocators, as noted in Dr. Dumais’ testimony (Exh. CECONY-001) at p. 22.</p>	<p>Order at P 47.</p> <p>Prepayments should be allocated using the gross plant allocator. Dr. Dumais’ testimony should not have stated that prepayments are allocated on the combination of the common plant allocator and the gross plant allocator.</p>	No change needed.
7. Changed Appendix A, line 33 (now 31), col. 2 to reference Workpaper 1, line 42, Col. y (now i).	Order at P 47.	
8. Did not make the following change: Appendix A, line 37, cols. 5 and 7 to include line 24 in the total (Abandoned Plant).	The item is no longer applicable as removed Abandoned Plant Incentive placeholder – Order at P 62.	
9. Appendix A, line 55, col. 2, even though an input, the source should read “262-263.35.g+262-263.36.g” (not col. l).	The reference to the FERC Form No. 1 (“FF1”) page, lines and columns is correct. Column l includes expenses charged to Account 408.1, Taxes Other Than Income Taxes. Order at P 47.	No change needed.
10. Corrected Appendix A, line 79 (now 76), col. 2, to state “Workpaper 9, Line 11, Col. (b) and (d).”	Order at P 47.	

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11. Did not make the following change: Appendix A, line 92, the estimation of the Schedule 19 and Schedule 10 W&S allocators is not necessary, as Con Edison is multiplying the Schedule 19 Projects and Schedule 10 Projects transmission plant allocators by total transmission wages, which results in the W&S allocators being the same as the plant allocators. Instead, line 93 could be Line 85 (Schedule Specific Plant Allocators) multiplied by line 91 (Transmission W&S Allocator). And line 94 (Schedule 19 Projects Transmission W&S Allocator) is the project specific plant allocator (S19P and S10P	Order at P 47. The calculation method in the formula rate template is accurate and provides for the ability to insert tracked labor for schedule specific projects if Con Edison decides to track such labor.	No change needed.
12. Renamed Appendix A, lines 92 through 94 (now 91-93), "Schedule Specific..." rather than ("Schedule 19...") as both Schedule 10 and Schedule 19 Project allocators are being calculated.	Order at P 47.	
13. Appendix A, Note N: The Schedule 19 and Schedule 10 Project revenue requirement amounts are to be estimates as noted by Dr. Dumais at Exh. CECONY-001, page 25.	The actual gross receipts tax rate and actual revenue will be used for the actual revenue requirement.	No change needed.

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14. Made the following correction: Workpaper 1-RB Items, column b, Electric Intangible accumulated depreciation: The calculation of Electric Intangible Accumulated Depreciation is equal to the total electric accumulated depreciation less line 28, columns d, e, f and g.	Order at P 47.	
15. Changed Workpaper 1-RB Items, lines 71 and 73 (now 57 and 58) to reference Appendix A line 50, rather than line 51.	Order at P 47.	
16. Did not make the following change: Change Workpaper 1-RB Items, lines 72 and 74 to reference Appendix A, line 53, rather than line 55.	Item no longer relevant as removed Abandoned Plant – Order at P 62.	
17. Did not make the following change: Change Workpaper 1-RB Items, lines 71-74, FF1 reference to footnotes.	Changed lines 71 and 73 (now 57 and 58) only as lines 72 and 74 no longer relevant as removed Abandoned Plant – Order at PP 47 and 62.	
18. Did not make the following change: Workpaper 1-RB Items, lines 72 and 74 have misspelled “Abandoned” as “Abandonned.”	Removed Abandoned Plant Incentive placeholder so this item no longer relevant – Order at P 62.	
19. Linked Workpaper 2a10-ADIT Current Year, line 25, col. D (cell E57) to Workpaper 2c10, rather than Workpaper 2c19. Changed Line 8, Col. C to reference Workpaper 2b10-ADIT Prior Year.	Order at P 47.	
20. Linked Workpaper 2b10-ADIT Prior Year, line 21, col. D (cell E51) to Workpaper 2d10, rather than Workpaper 2d19	Order at P 47.	
21. Workpaper 2d10-ADIT Actual Proration does not appear to be linking to any cell.	Order at P 47	No change needed.

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	When doing actual ATRR calculations, the ADIT Actual Proration Amount will be included on Workpaper 2a10-ADIT Current Year, line 10, col. g. and linked accordingly.	
22. Workpapers 2a19, 2a10, 2b19 and 2b10 (Current Year and Prior Year ADIT Workpapers) have inputs on lines 2, while 2a19 and 2a10 also have inputs on lines 8. Because the information appears to exist for these inputs, but zeros have been input instead, it is not clear exactly how the formula should work in the future.	Order at P 47. These lines are to include any account 282 items other than prorated ADIT from liberalized depreciation. Any such amounts would be included in lines 27-29. Changed the inputs to lines 27-29, col. d.	No change needed.

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<p>23. Made the following changes: Workpapers 2c19 and 2c10 are different calculations on line 1, columns g and h. For 2c19, column g sums columns i, m and q, while on 2c10, this is an input, albeit not highlighted. In column h for 2c19, the link is to Workpaper 2d19. For 2c10, column the link is to 2d19 (rather than 2d10).</p> <p>Col. g on 2c19 and 2c10 should be the beginning balance and the sum of Cols. i, l and p (all inputs). Line 1, Col. h. Col. j and Col. n amounts on both workpapers will be the prior year ending balances in account 282 related to accelerated depreciation. They will be provided in a footnote on FF1 page 274-275.</p>	<p>Order at P 47.</p>	
<p>24. As Workpaper 3a19-EADIT and Workpaper 3b10-EADIT do not link to Appendix A, and the inputs on Appendix A, line 26, appear to be inputs, it is unclear why these workpapers are being included currently.</p>	<p>Order at P 46.</p> <p>The workpapers are included for the possibility of changes in income tax rates in the future and to include in the formula rate the resulting EADIT that would result.</p>	<p>No change needed.</p>

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<p>25. Did not make the following change: Workpaper 5-Project Return, col. J, lines 1-3 could instead be populated separately from the project specific abandoned plant amounts on Workpaper 1, Line 42, instead of allocating the total over all projects. If the total is to be used and allocated, then the link should be changed to Workpaper 1-RB, col. n, line 42 (cell O67).</p>	<p>Item no longer relevant since removing Abandoned Plant Incentive placeholder – Order at P 62.</p>	

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<p>26. Made clarifying change: Workpaper 7a19 and 7b10 do not provide enough information as to the purpose of having both estimated and actual interest rate calculations in determining the annual true-up. The column headers before line 1, listed as “Estimated Interest Rate,” “Actual Interest Rate” and “Interest Rate True” are unclear, as lines 1-7 for the “Estimated Interest Rate” column appear to primarily be dollars attributed to the actual ATRR, the revenues received for that year, and the difference, with interest calculated upon that difference. It is unclear whether the true-up calculation will track correctly over time.</p> <p>The intent is that the interest amount, which initially is determined using estimated interest rates for some periods, will be trued-up to the actual interest amount once all interest rates needed to determine the interest amount are actual. Made changes to clarify.</p>	Order at P 47.	
27. Corrected Workpaper 10a19, columns 8, 10, 12, 13 and 16 references.	Order at P 47.	
28. Corrected Workpaper 10b10, columns 4, 8, 10, 12, 14, 15 and 18 references.	Order at P 47.	

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29. Corrected Workpaper 10b10, line 13, col. 1 to refer to Workpaper 11, not 12. Also corrected line numbering.	Order at P 47.	
30. Added sources to Col. I of Workpaper 9-Corrections. Also added Note C to clarify that Con Edison will provide corrected formula rate calculations to support any corrections on Workpaper 9.	Further clarifications	Con Edison proposes these additional clarifying revisions to Workpaper 9-Corrections in order to enhance transparency of its transmission formula rate.