

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 15-M-0127 - In the Matter of Eligibility Criteria for Energy Service Companies.

CASE 12-M-0476 - Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.

CASE 98-M-1343 - In the Matter of Retail Access Business Rules.

NOTICE SEEKING COMMENTS ON RESETTING
RETAIL ENERGY MARKETS FOR MASS MARKET CUSTOMERS

(Issued February 23, 2016)

On February 23, 2016, an Order Resetting Retail Energy Markets and Establishing Further Process (February 2016 Order) was issued. That order stated that the Commission, based upon the existing record in the above-captioned proceedings, together with additional input from parties, will consider what long-term conditions should be implemented for energy service company (ESCO) eligibility and conditions of service to residential and small non-residential customers (mass market customers). To that end, interested parties should provide comments on the following issues:

1. Whether prospective ESCO sales to mass market customers, including renewal of expiring contracts, should be limited to products that include guaranteed savings or a defined energy-related value-added service. If not, precisely how should this requirement be broadened or narrowed?
2. What specific products or categories of products should constitute energy-related value-added services. For

- example, if energy efficiency products are to qualify, should a specific minimum energy savings be required and if so, of what amount? If certain commodity-only products are to qualify, such as fixed price products or green energy products, should any restrictions be placed on the prices for such products and, if so, how should those restrictions be determined?
3. Whether other requirements, in addition to those identified in question 1, above, should be imposed on ESCO marketing or sales to mass market customers.
 4. What changes, if any, should be made to the three-day period for residential customer rescission/cancellation of an agreement with an ESCO. Should this period be extended to 30 days?
 5. Whether a rescission/cancellation period should be applied to small non-residential customers. If so, what period is appropriate?
 6. Whether and under what circumstances ESCOs should be required to post performance bonds or other forms of demonstrated financial capability. If so, what magnitude is appropriate and how can this be administered most efficiently?
 7. Whether the Commission should reconsider the framework for ESCO oversight under the Public Service Law and, if so, what changes should be made.
 8. What penalties may apply to ESCOs that violate the UBP or other Commission Orders or provisions of the PSL (for example, the application of PSL §§ 25 and 25-a).

Parties are invited to submit initial comments by Monday, March 14, 2016 and reply comments by Monday, March 28, 2016. Parties are asked to submit comments by e-filing though

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DMM,¹ or by e-mail to the Secretary at secretary@dps.ny.gov. If unable to file electronically, parties may make submissions by post or hand delivery to the Hon. Kathleen H. Burgess, Secretary, Three Empire Plaza, Albany, New York 12223-1350.² All comments received will be posted to the Commission's website and become an official part of the case record.

Any questions may be directed to Theodore Kelly, Assistant Counsel, at (518) 473-4953 or Theodore.Kelly@dps.ny.gov.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

¹ To register with DMM, go to <http://www.dps.ny.gov/efile/registration.html>.

² Information and instructions related to becoming a party, subscribing to the service list, or otherwise monitoring the status of this proceeding can found on the Commission's Web site at: <http://documents.dps.ny.gov/public/MatterManagement/RequestAPStatus.aspx>.