

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
New York on November 22, 2017

COMMISSIONER PRESENT:

John B. Rhodes, Chair

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.

CASE 06-M-0647 - In the Matter of Energy Service Company Price  
Reporting Requirements.

CASE 98-M-0667 - In the Matter of Electronic Data Interchange.

PROCEDURAL ORDER REVISING IMPLEMENTATION DATES

(Issued and Effective November 22, 2017)

INTRODUCTION & CONCLUSION

In this procedural order, the deadlines originally set forth in the December 16, 2016 Order<sup>1</sup> in these proceedings, and as later extended by the Secretary and the Commission, are further revised to better ensure a deliberate but orderly implementation process.<sup>2</sup>

---

<sup>1</sup> Case 12-M-0476, et al., Proceeding to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets, Order Adopting a Prohibition on Service to Low-Income Customers by Energy Service Companies (issued December 16, 2016).

<sup>2</sup> See November 17, 2017 Order of the United States Court of Appeals, Second Circuit (Doe v. Rhodes et al., No. 17-3361 [2nd Cir. filed Nov. 17, 2017]).

It is ordered:

1. Electric and gas distribution utilities that have tariffed provisions providing for retail access are directed to, if they have not already done so, by November 29, 2017, place a block on all assistance program participant accounts, preventing those accounts from being enrolled with an energy service company.

2. Electric and gas distribution utilities that have tariffed provisions providing for retail access are directed to, by November 29, 2017, communicate to each energy service company serving assistance program participants which accounts the ESCO is no longer eligible to serve.

3. Energy service companies that participate in the ESCO Consolidated Billing Model in National Fuel Distribution Corporation's service territory are directed to, by December 6, 2017, communicate to National Fuel Distribution Corporation which accounts the ESCO, on behalf of the customer, is receiving a HEAP payment.

4. No change is necessary to the original deadline for filing with the Secretary drafts of the letters to be sent to energy service company customers that are assistance program participants informing them that they will be returned to utility service.

5. Electric and gas distribution utilities that have tariffed provisions providing for retail access and energy service companies that participate in the ESCO Consolidated Billing Model in National Fuel Distribution Corporation's service territory are directed to, if they have not already done so, by December 1, 2017, send the letters identified in Ordering Clause 4 to energy service company customers that are assistance program participants.

6. Electric and gas distribution utilities that have tariffed provisions providing for retail access are directed to, on a rolling basis, communicate to each energy service company serving customers who subsequently become assistance program participants which accounts the ESCO is no longer eligible to serve by sending an updated list of such accounts.

7. Energy service companies that participate in the ESCO Consolidated Billing Model in National Fuel Distribution Corporation's service territory are directed to, on a rolling basis, communicate to National Fuel Distribution Corporation which accounts the ESCO is receiving a HEAP payment on the customer's behalf.

8. Electric and gas distribution utilities that have tariffed provisions providing for retail access are directed to on a rolling basis, notify energy service company customers that subsequently become assistance program participants by sending such customers the letters identified in Ordering Clause 4.

9. Energy service companies that participate in the ESCO Consolidated Billing Model in National Fuel Distribution Corporation's service territory are directed to on a rolling basis, notify customers that subsequently become assistance program participants by sending such customers the letters developed pursuant to Ordering Clause 4.

10. Every energy service company eligible to serve customers in New York State shall, within 30 days of receiving the communication from the electric and gas distribution utilities pursuant to Ordering Clause 2 and 6 of this Order, de-enroll any customer accounts identified by the electric and gas distribution utilities, provided that existing contracts will continue until their expiration.

11. Energy service companies that participate in the ESCO Consolidated Billing Model in National Fuel Distribution Corporation's service territory shall, within 60 days of the effective date of this Order, de-enroll any customer accounts on whose behalf the energy service company receives a HEAP benefit, provided that existing contracts will continue until their expiration.

12. In the Secretary's sole discretion, the deadlines set forth in this order may be extended. Any request for an extension must be in writing, must include a justification for the extension and must be filed at least one day prior to the affected deadline.

13. These proceedings are continued.

(SIGNED)

---

Commissioner