

**STATE OF NEW YORK**  
**PUBLIC SERVICE COMMISSION**

<b>In the Matter of Eligibility Criteria for Energy Services Companies</b>	) )	<b>Case 15-M-0180</b>
<b>Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State</b>	) ) ) )	<b>Case 12-M-0476</b>
<b>In the Matter of Retail Access Business Rules</b>	)	<b>Case 98-M-1343</b>

**INITIAL TESTIMONY OF DANIEL SINGER**

Submitted By:  
Robison Energy, LLC d/b/a Original Energy  
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/s/ Natara G. Feller  
Natara G. Feller, Esq.  
Managing Member  
Feller Law Group, PLLC  
Phone: (212) 590-0145  
Email: [natarafeller@feller.law](mailto:natarafeller@feller.law)  
*Counsel for Robison Energy, LLC d/b/a  
Original Energy*

Case 15-M-0127  
Case 12-M-0476  
Case 98-M-1343

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1                   **I. INTRODUCTION**

2     Q.     Please state your name and business address?

3     A.     Daniel Singer, and my business address is 500 Executive Blvd. Elmsford,  
4             NY 10523

5     Q.     Mr. Singer, by whom are you employed and in what capacity?

6     A.     I am employed by Robison Energy, LLC (“Robison”) as Co-President.

7     Q.     How long have you been employed by Robison?

8     A.     I have been employed by Robison for 21 years.

9     Q.     Please generally describe your current responsibilities and professional  
10            experience.

11    A.     My responsibilities as Co-President include my duties include but are not  
12            limited to, oversight of finance, product supply (including power and  
13            natural gas), human resources, information technology, and logistics.

14    Q.     Have you previously submitted testimony on behalf of Robison before the  
15            New York Public Service Commission (“Commission”)?

16    A.     No.

17    Q.     Please describe Robison.

18    A.     Robison Energy is a New York-based, third-generation, family-owned  
19            energy company. Robison Energy has operated in New York for nearly  
20            ninety years, serving all grades of heating oil, biofuels, natural gas,  
21            electricity, renewable sources of energy, HVAC services, and energy

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1 performance services to both residential and commercial customers in  
2 New York since 1927.

3 **II. PURPOSE OF TESTIMONY**

4 Q. What is the primary purpose of your testimony?

5 A. The primary purpose of my testimony is offer the point of view of a local,  
6 family-run ESCO that has focused its service offerings to customers in the  
7 greater-NYC area since the ESCO market was first established in area  
8 since 1998.

9 Q. Why did Robison decide to participate in this proceeding as a party?

10 A. To protect our customer's choice to enroll with Robison. I think it is very  
11 important that customers are able to choose who they want to do business  
12 with, and what type of services they want to sign up for. Some of the  
13 changes being considered in this proceeding will severely limit retail  
14 customers options, and could even eliminate a retail customer's ability to  
15 choose a supplier other than their local utility

16 **III. TESTIMONY**

17 Q. Why did Robison enter the ESCO market?

18 A. In 1998, Robison assessed that, as a heating oil supplier and HVAC  
19 service company, the idea of selling natural gas supply in combination  
20 with HVAC service to homeowners made perfect sense. Homeowners that  
21 buy heating oil, have always participated in a free market and choose their

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1 suppliers freely based on their own individual needs. Some heating oil  
2 customers choose to pay a little more for their product, but prefer the full-  
3 service experience. Others shop for the lowest price. The market works  
4 perfectly; competition drives the price down and levels of service up. The  
5 notion that a natural gas customer could enjoy that same customer  
6 experience and choose a supplier based on their priorities greatly appealed  
7 to Robison's existing business model. Robison made the decision to  
8 pursue this opportunity and participated in the market deregulation since  
9 the debut of Phase I in 1998.

10 Q. Has Robison relied on programs developed by the Commission to  
11 incentivize development of the ESCO market?

12 A. By the end of 2006, Robison was involved in two referral programs,  
13 absorbing all the associated costs as a result. Robison relied on  
14 Commission approval of these programs concerning their validity and  
15 longevity in its decision to invest in them. The Con-Edison website and  
16 other marketing materials induced Robison to believe that this was going  
17 to be a viable business and would justify its redirection of funds and  
18 resources from our existing business as well as personally secured money  
19 to the growth of an energy services company. By 2008, Robison had  
20 assumed all the costs of marketing to residential and small commercial  
21 customers and through these efforts had attracted thousands of customers.

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1 Robison's choice to invest in the ESCO line of business was, in part, due  
2 to the infrastructure architecture designed by the Commission. Robison  
3 was induced to make investments and build its ESCO business in part by  
4 the incentives and structure supported by the Commission. Robison  
5 changed its business model over time to build commodity services into its  
6 other legacy services offerings and now the Commission is pulling away  
7 that very same foundation with its proposed restrictions. Robison invested  
8 millions of dollars in acquiring customers, and training and hiring staff to  
9 support these customers. Robison enjoys a strong relationship with its  
10 customers and employees, all of whom rely on the permanency of the  
11 deregulated markets.

12 Q. How does Robison's business model differ from that of the utility?

13 A. In several ways. Robison offers customers the option to enjoy a  
14 commodity service experience very different than that customers would  
15 receive from the utility. Whereas customers who receive service from the  
16 utility receive just that – nothing more, nothing less - Robison's customers  
17 have the option of receiving a full range of energy management, supply  
18 and other related Robison Services. In sum, commodity service is a  
19 component of the overall package of services Robison offers to customers.

20 Q. Why do you think customers choose Robison?

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- 1     A.     Because they know who we are, and are confident that we will deliver the  
2           high-quality service they sign up for. Robison is a local fixture in the  
3           Westchester County, NY community. We are a family owned company  
4           that has been around for 94 years. Our Company is deeply connected to  
5           the local community through Company programs that support local little  
6           league teams, community activities and local charitable events. Owners  
7           and officers of our Company sit on local non-profit boards, and are active  
8           participants in the community. People like doing business with people and  
9           companies that they know and trust.
- 10    Q.     What kinds of "customer experience" does Robison offer?
- 11    A.     Robison offers a variety of services that respond to multiple needs a  
12           customer has for managing their energy needs and maintaining a  
13           comfortable and healthy climate in their home. We bundle electricity  
14           and/or natural gas commodity service with a variety of service options  
15           aimed to meet a customer's home comfort needs, such as: a free one-year  
16           service contract on heating equipment when the customers sign for natural  
17           gas; a free home energy performance review; discounted air-conditioning  
18           and plumbing services; 24/7 live call center for heating emergencies with  
19           technicians scheduled 24 hours per day to respond within three hours, day  
20           or night; and a full web and mobile site for ease of communication and  
21           account review.

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1 Q. What do you think is the most effective way for the DPS to oversee  
2 ESCOs?

3 A. Robison supports the Commission's objective to "address the unfair  
4 business practices currently found in the energy services industry and to  
5 ensure residential customers are receiving value from the retail energy  
6 markets." However, any attempt by the Commission to address  
7 "unscrupulous" ESCOs should be narrowly tailored so as not to adversely  
8 impact companies with positive histories of compliance that are providing  
9 desired services to their local communities. We support the Commission's  
10 goals to increase transparency and customer education, and engage in  
11 those practices ourselves; but a customer's right to choose who they do  
12 business should not be impaired. Limiting the customer's access to  
13 products and their ability to make informed decisions on which products  
14 are most suited to their individual needs is detrimental to the customer,  
15 and flies in the face of the retail power and natural gas markets developed  
16 over the past (almost) twenty years.

17 Q. Do you think the way in which utilities and ESCOs work together could  
18 be improved?

19 A. Yes. There is a lack of communication within the utility regarding ESCO  
20 issues. For example, recently there was an issue with the Con Edison gas  
21 storage charge. At first, this charge was going to be passed on directly to

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1 the customer through the transportation charge. Then, it was decided that  
2 the cost would be passed on to the ESCO, which would then have to  
3 decide whether and how to pass this cost on to their customers. I do not  
4 think that ConEd informed its customer service representatives about this  
5 change. Educating the utilities' customer service representatives is key to  
6 ensuring transparency in the marketplace. Otherwise, customers could be  
7 confused as to why certain changes occurred in their bills.

8 Q. How can utilities communicate better?

9 A. Sometimes there is so much communication that it is difficult to determine  
10 what is important and what is not. As a small business, Robison has  
11 limited resources and cannot dedicate a team member to utility matters.  
12 We would have to hire an outside consultant, which would impact our  
13 ability to continue to do business.

14 Q. Have the utilities made changes that benefit ESCOs?

15 A. Yes, they have, but there is room for further collaboration and  
16 improvement.

17 Q. Do you agree with the Commission's approach to differentiating customer  
18 classes?

19 A. No. I feel strongly that all commercial customers should be treated as  
20 "sophisticated parties" as these are business people who routinely engage  
21 in business contracts, etc. I am concerned the consumer protection

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1 measures being considered for the commercial customers characterized

2 "mass market" will only serve to limit these customers' choices.

3 Q. The PSC defined natural gas small commercial customers as 750dTh/year

4 or less. Do you agree with this definition?

5 A. First off, I do not agree that commercial customers should be treated like

6 residential customers. However, if the Commission is going to establish a

7 threshold for small commercial natural gas customers, I find the suggested

8 threshold for the definition of small non-residential customer as at less

9 than or equal to 750 dekatherms per year, to be very high. 500dTh/year is

10 consistent with other states, such as Illinois, Kentucky, New Jersey, and

11 Ohio.

12 Q. Does this conclude your testimony?

13 A. Yes.