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By Electronic Mail

Hon. Kathleen A. Burgess
Secretary
NYS Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: 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.

Re: Customer Notification Letter

Dear Secretary Burgess,

The Retail Energy Supply Association (“RESA”)¹ respectfully submits this letter in response to the “draft letter” submitted to the Commission on August 22, 2016 by the National Grid companies (“National Grid”) notifying Assistance Program Participant (“APP”) customers that they will be returned to utility service at the end of their ESCO contract pursuant to Ordering Clause 3 of the New York Public Service Commission’s (“Commission”) *Order*

¹The 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 more than twenty 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.

Regarding the Provision of Service to Low-Income Customers by Energy Service Companies d issued on July 15, 2016 (“Order”) in the above referenced cases.²

RESA takes this opportunity to reiterate its request, expressed in the August 10, 2016 “Petition and Request for Clarification,” to be able to review and comment on the form letter to be sent by each utility to APP customers currently served by ESCOs.³

Regarding National Grid’s APP customer letter, RESA takes issue with the following proposed language at page 1 of the draft letter

*“The New York State Public Service Commission has determined that low-income customers “have not benefited” from purchasing electricity and/or natural gas from energy services companies The Commission has therefore ordered that ESCOs may no longer supply energy to customers who are enrolled in their utility’s low income program.”*⁴

The same language is used for the letter sent to customers who subsequently apply for service. The objections set forth herein also apply to that letter

The Order does not give the utilities license to opine on public policy nor on the value of ESCO service to this particular group of customers or individual customers within the group, as National Grid has taken liberties with in its letter. Further, National Grid is painting a swath in the initial letter and the letter applied to customers who subsequently apply, with a wide brush, casting a negative light on all ESCOs, regardless of their level of service to customers, including customers with value-added services, or fixed pricing.⁵

The Order explicitly states the utilities shall send customers a letter informing them: (1) that they are enrolled in the utility’s low-income program; (2) of the moratorium directed in this Order; (3) the reason for and protections provided under the moratorium; and, (4) that they will be returned to utility service at the expiration of their existing ESCO agreement.⁶

² RESA takes this opportunity to reiterate its request, expressed in the August 10, 2016 “Petition and Request for Clarification,” (at p. 9) to be able to review and comment on the form letter to be sent by each utility to APP customers currently served by ESCOs.

³ RESA Petition and Request for Clarification at p. 9

⁴ The same language is used for the letter sent to customers who subsequently apply for service. The objections set forth herein also apply to that letter.

⁵ The need to be careful in terms of such language is present as the moratorium is not permanent.

⁶ Order at p.15

To fulfill directive (3) of the informational elements of the utility letter to AAP customers, RESA offers the following alternative language to that offered by National Grid:

“The NY State Public Service Commission ordered this action to ensure that financial assistance provided to Assistance Program Participants is spent most efficiently.”

This language succinctly expresses the reason for the moratorium and is taken directly from the “Introduction” section of the Order on page 1. It would be appropriate to use this language for for all the utilities.⁷

Further, the draft letter does not indicate that the moratorium is not permanent and implies that the movement of the customer will not require any action by the ESCO and can be accomplished solely by the utility. There may be notices and information that will still require action by the ESCO to finalize the switch back to the utility

Finally, RESA strongly recommends that whatever letter language including the associated format is approved by the Commission, that it be applied uniformly across all utilities.

Respectfully submitted,

Retail Energy Supply Association

By: *Usher Fogel, Counsel*
Usher Fogel, Counsel

⁷ The Commission should also consider using the draft letter prepared by National Fuel Gas Distribution Company filed with the Commission on August 22, 2016 as the model for all utilities.