



September 16, 2016

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

Re: Case 16-G-0058 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of KeySpan Gas East Corp. dba Brooklyn Union of L.I. for Gas Service.

RE: Case 16-G-0059 - Proceeding on Motion of the Commission as to the Rates, Charges, Rules and Regulations of The Brooklyn Union Gas Company dba National Grid NY for Gas Service.

Dear Secretary Burgess:

On September 7, 2016, a Gas Rates Joint Proposal ("JP") in the above-captioned proceedings was filed with the New York State Public Service Commission. The signatory parties included the Department of Public Service Staff; The City of New York; the Environmental Defense Fund; BBPC, LLC d/b/a Great Eastern Energy; Direct Energy Services, LLC; Consumer Power Advocates; Estates NY Real Estate Services LLC; and Spring Creek Towers. These represent a wide spectrum of interests including consumer, municipal and environmental representatives, as well as several ESCOs. Great Eastern Energy (GEE), an energy marketer serving over 30,000 customers in the Northeast, was an active participant in many aspects of the negotiations and is a signatory to the final JP filed with the Secretary. In GEE's opinion the JP constitutes a reasonable settlement of the issues raised in the proceeding and should be approved by the Commission especially considering the time that has elapsed since the Companies' last rate increase.

THE JP SHOULD BE ADOPTED BY THE COMMISSION

GEE believes the proposed settlement meets the following standards that the Commission generally considers when assessing the reasonableness of a settlement:

- It strives for a balance among (a) protection of the customers, (b) fairness to investors, and (c) the long term viability of the utility. This is consistent with sound environmental, social and economic policies of the Agency and the State. It also should produce results that are within the range of reasonable results that would likely have arisen from a Commission decision in a litigated proceeding.
- In judging a settlement, the Commission will ordinarily give weight to the fact that a settlement reflects agreement by normally adversarial parties.

In connection with issues related to retail access and the fostering of competitive energy markets, GEE has always taken the position that for ESCOs to achieve a level playing field with utilities, the "nuts and bolts" of retail access programs need to be given the appropriate attention. Without addressing these issues, ESCOs will not be able to evolve and stay in synch with current market conditions and regulatory policies. This is especially important given the steps the Commission is taking in Case Nos. 15-M-0127, 12-M-0476, 98-M-1343 "Resetting" the retail market, as well as implementing "apple-to-apples" comparisons. To this end, the JP incorporates a series of positive initiatives that directly affect the growth and development of the utility's retail access program, thereby

giving ESCOs the ability to compete and advance their role as envisioned by new Commission policies. These elements of the JP include the establishment of a collaborative to provide a forum for ESCOs to address inequities between sales and transportation customers, a TC collaborative, and changes on how the complaints of ESCO customers are managed.

In view of the foregoing, GEE supports adoption of the JP by the Commission.

Respectfully submitted,

Robyn Frank

Robyn Frank
General Counsel, Great Eastern Energy

cc: Administrative Law Judge David R. Van Ort
Party Lists

