

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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 Exchange.

NOTICE EXTENDING DEADLINE

(Issued August 12, 2016)

Requests were filed on August 5, 2016 by Family Energy, Inc. (Family Energy) Major Energy Services, LLC and Major Energy Electric, LLC (Major Energy), and August 11, 2016 by the National Energy Marketers Association (NEM), (collectively, Requestors) requesting an additional 90-day extension for compliance with the requirements of Ordering Clauses 1, 4, 5, 6, and 7 in the Commission's Order Regarding the Provision of Service to Low-Income Customers by Energy Service Companies (Order), issued July 15, 2016 in the above referenced proceedings.

The Requestors set forth several reasons for their extension request. First, the Requestors state that the implementation schedule is unreasonable and arbitrary, specifically noting that utilities are required to provide ESCOs with Assistance Program Participants (APP) customer data by September 13, 2016, which they contend is the same date that Energy Service Companies (ESCOs) may be required to immediately de-enroll listed APPs.

Second, the Requestors argue that it is premature and potentially unnecessary to de-enroll customers from their chosen

ESCO given that the Commission is expected to issue orders that may permit energy-related value-added services that meet the APP service requirements.

Finally, the Requestors state that the Commission's vision of REV should apply to all customers. However, they aver that this Order precludes ESCOs from offering renewable choices to a large group of customers, which they believe will chill the development of future markets and may cause undue customer confusion.

The request for an additional 90 day extension for compliance with Clauses 1, 4, 5, and 6 will not be granted. In these clauses, the Commission directs the electric and gas distribution utilities to, *inter alia*, place a block on all APP accounts (clause 1); send letters to ESCO customers that are APP customers (clause 4); communicate to each ESCO serving customers who later become assistance program participants which accounts the ESCO is no longer eligible to serve (clause 5); and notify ESCO customers who later become assistance program participants of the moratorium imposed by the Order and that they will be returned to utility service (clause 6). These clauses are not applicable to ESCOs and, in the absence of a request from an electric and gas distribution utility for an extension of time to comply with these clauses, there is no basis to warrant an extension.

With respect to Ordering Clause 7, the requested 90 day extension is unnecessary to comply with the requirements of Ordering Clause 7, which required ESCOs to "de-enroll any customer accounts identified by the electric and gas distribution utilities pursuant to Ordering Clause 2 and 5 of this Order, provided that existing contracts will continue until

their expiration."¹ Pursuant to the Order, ESCOs are not required to de-enroll customers on the same day that they receive the list of customers identified by utilities as ineligible to be served by an ESCO, but instead must honor existing agreements.² Therefore, de-enrollment would occur at the expiration of the existing agreement between the ESCO and the customer and not, as the Requestors contend, on the same day they are notified which customers are ineligible to be served. An extension of 30 days will be granted to afford additional time in the event that a customer agreement expires shortly after the list of customers identified by utilities is received by the ESCO.

This is to advise that an additional 30 days is granted to every energy service company eligible to serve in New York State to comply with Clause 7 of the Commission's Order. This extension is granted in order to promote the fair, orderly and efficient conduct of this proceeding. The request for an additional 90-day extension for compliance with the requirements of Clauses 1, 4, 5, and 6 is not granted.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

¹ Case 12-M-0476, Retail Access, Order Regarding the Provision of Service to Low-income Customers by Energy Service Companies, p. 19 (issued July 15, 2016) (emphasis added).

² Id. at 16.