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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 request by the Joint Utilities, dated August 15, 2016 seeking an extension of time to comply with 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 issued and effective on July 15, 2016 (“Order”) in the above referenced cases, as well as in response to the “draft letter” submitted to the Commission on August 12, 2016 by Central Hudson notifying Assistance Program Participant (“APP”) customers that they will be returned to utility service at the end of their ESCO contract.

RESA does not oppose the Joint Utilities’ request for an extension of one week to file each utility’s APP customer letter to the Commission. Rather, 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.²

Regarding Central Hudson’s APP customer letter, RESA takes issue at the following language at page 2 of the draft letter

“The PSC found that low-income customers have not benefitted from taking supply service from ESCOs. This moratorium will ensure that low- income customers are not paying any more than necessary for gas and electricity. This program change will help to keep your energy costs affordable.”

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 Central Hudson has taken liberties with in its letter. Further, Central Hudson is painting a swath 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.³

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.⁴

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 Central Hudson:

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

² RESA Petition and Request for Clarification at p. 9

³ The need to be careful in terms of such language is present as the moratorium is not permanent.

⁴ Order at p.15

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 all utilities.

Finally, RESA strongly recommends that whatever letter language 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