

deadline to submit the complete Registration Package to July 31, 2024.

In response to numerous extension requests by applicants following the June 10, 2024 Order, the Commission issued its July Notice extending the deadline again for applicants who filed on or before July 29, 2024.¹ The Commission extended the deadline for such applicants to file their LOCs, supplemental to the rest of their timely-filed Registration Packages, to September 30, 2024. In the July Notice, the Commission also denied the extension requests of all other applicants who submitted such requests after July 29, 2024.

Prior to July 30, 2024, the Company was in the process of engaging new outside counsel with respect to its compliance filings with the Commission and in other jurisdictions where the Company transacts business. This transition led to the inadvertent and unfortunate delay in meeting the July 29, 2024 due date. On July 31, 2024, the Company filed its Registration Package and a request for an extension of time to provide the required LOC (the “Extension Request”). The Registration Package was complete except for the LOC and the Company’s Certificate of Authority from the New York Department of State (the “Certificate”). The Company continues to work diligently with its bank to obtain the LOC and expects to have it within the next few weeks at the latest. The Company is providing the Certificate as a supplemental submission in Matter 23-01227 concurrent with the filing of this Motion.

II. Discussion

The Company acknowledges the Commission’s direction in its April Order that extension requests must be filed “at least three days prior to the affected deadline,” as well as the Commission’s extended deadline of July 31, 2024. The Company does not claim an error of law or

¹ As set forth in the April Order, the Commission stated that extension requests “must be filed at least three days prior to the affected deadline,” making July 29, 2024 the deadline to file requests to extend the July 31, 2024 deadline. See Case 23-M-0106, *In the Matter of Commission Registration of Energy Brokers and Energy Consultants Pursuant to Public Service Law Section 66-t*, Declaratory Ruling and Order on Rehearing (issued Apr. 18, 2024) at 76.

fact in the Commission’s determined deadlines. Rather, the Company respectfully requests the Commission reconsider its denial of the Company’s Extension Request in the July Notice in light of the Company’s new circumstances, namely its transition to new compliance counsel during the time leading up to the due date and its continued efforts to obtain the required documents to complete the Registration Package.

The Company submitted its Registration Package (excluding the LOC and Certificate) and the Company’s Extension Request on July 31, 2024. The Company has continued to diligently pursue securing the required LOC and anticipates obtaining the LOC within the next few weeks—well before the September 30, 2024 deadline granted to applicants who filed extension requests on or before July 29, 2024. The Company will submit its LOC to the Commission promptly after receiving it from the bank.

As stated in the July Notice, the Commission granted its limited extension “to promote the fair, orderly, and efficient conduct of these proceedings.”² Reconsidering the Commission’s denial of the Company’s Extension Request and allowing the Company to submit its LOC by September 30, 2024, along with other applicants, is consistent with the principles espoused in the Commission’s July Notice. The Company recognizes the Commission’s purpose in maintaining a fair and regulated energy market for the benefit of New York residents, and the Company has diligently complied with the Commission’s requirements in timely submitting its Registration Package and working to secure its LOC for the Commission—a requirement the Company has not had to fulfill with similar registration procedures in other states.

Additionally, the Company encourages the Commission to recognize the need to promote efficient commerce in the energy marketplace and mitigate harm caused to energy consumers, brokers, and consultants. A blanket denial of registrations filed on or before July 31, 2024,

² Case 23-M-0106, *Notice Concerning Letter of Credit Extension Requests* (issued July 31, 2014) at 3.

including the Company's, will disrupt contractual relationships between consumers and their energy brokers and consultants, as well as between energy brokers and consultants on one hand and suppliers on the other. Given the Company's transition to new counsel and its diligence in obtaining the required LOC, the Company respectfully requests that the Commission reconsider its denial of the Company's Extension Request and allow the Company until September 30, 2024 to supplement its Registration Package with its LOC.³

III. Conclusion

For the foregoing reasons, the Company respectfully requests that the Commission issue an Order reconsidering its denial of the Company's Extension Request and allowing the Company to proceed with its Registration, consistent with the arguments set forth above.

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³ Lastly, the Company notes that it is filing this Motion not only to inform the Commission of its progress in obtaining the required LOC and request that the Commission alter its prior ruling, but also to preserve the Company's rights to potential appeals under Article 78 of the New York Civil Practice Law & Rules.

Additionally, the Company acknowledges that implementation of the Commission's program to regulate energy brokers and consultants, including the requirement to post the LOC, is currently stayed subject to a Temporary Restraining Order ("TRO") issued by the New York State Supreme Court, Albany County. The Company is also filing this petition to preserve its procedural rights to the extent that the TRO is lifted and the Company's pending application is adjudicated.

Respectfully submitted,

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