

December 20, 2023

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VIA ELECTRONIC FILING

Hon. Michelle L. Phillips
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

**RE: Case 23-M-0287: Mpower Energy LLC Request for Extension of Time
to Respond to Order to Show Cause**

Dear Secretary Phillips:

We represent Mpower Energy LLC (Mpower) in the above-referenced matter. On November 27, 2023, the New York State Public Service Commission (the Commission) issued an *Order Instituting Proceeding and to Show Cause* (the Order) alleging Mpower failed to comply with certain regulatory requirements and directing Mpower to “show cause within 30 days of the date of this order why the Commission should not revoke its eligibility to operate as an Energy Service Company in the State of New York, or impose other consequences.”¹

In connection with its planned response to the Order, on December 1, 2023, Mpower submitted a Freedom of Information Law request to the Department of Public Service’s Records Access Officer seeking certain information in connection with the allegations in the Order (the FOIL Request). To date, Mpower has not received a response to the FOIL Request. Accordingly, Mpower respectfully requests an extension of time, until 30 days after a response to the FOIL Request is issued, to respond to the Order. This extension will not impact the timely advancement of this proceeding and will otherwise promote the fair, orderly, and efficient conduct of this proceeding.²

Mpower discussed this request with Dennis DiBari from the Office of Investigations and Enforcement, and he was amenable to an extension of time on this basis. If you have any questions concerning this request, please contact me directly.

¹ Case 23-M-0287: *Proceeding on Motion of the Commission to Seek Consequences against Mpower Energy LLC for Violations of the Uniform Business Practices*, Order Instituting Proceeding and to Show Cause (Issued Nov. 27, 2023) at 13.

² Case 23-M-0166: *Proceeding on Motion of the Commission to Seek Consequences against Atlantic Energy, LLC for Violations of the Uniform Business Practices*, Ruling on Extension Request (Issued Sept. 21, 2023).

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Thank you for your attention to this matter.

Respectfully submitted,

/s/ Michelle K. Piasecki

Michelle K. Piasecki

Cc: Dennis DiBari, Esq., Chief, Investigations, DPS (via electronic mail)