

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on January 23, 2025

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
James S. Alesi  
David J. Valesky  
John B. Maggiore  
Uchenna S. Bright  
Denise M. Sheehan  
Radina R. Valova

CASE 24-E-0295 - Proceeding on Motion of the Commission to Seek  
Consequences against Long Island Solar  
Solutions for violations of the Uniform  
Business Practices for Distributed Energy  
Resource Suppliers.

ORDER REVOKING ELIGIBILITY

(Issued and Effective January 28, 2025)

BY THE COMMISSION:

INTRODUCTION

On July 31, 2024, the New York State Public Service Commission (Commission) issued an Order Instituting Proceeding and to Show Cause (OTSC) after the New York State Department of Public Service (Department or Staff) investigated Long Island Solar Solutions, Inc. (Long Island Solar Solutions) and identified sufficient credible evidence indicating that Long Island Solar Solutions had apparently failed to comply with the Uniform Business Practices for Distributed Energy Resource

Suppliers<sup>1</sup> (UBP-DERS) Sections 3F.B and 3A.D.1. In the OTSC, the Commission ordered Long Island Solar Solutions to show cause within thirty days why its eligibility should not be revoked, or, in the alternative, other consequences should not be imposed upon it, as described in UBP-DERS Section 2F.

Long Island Solar Solutions did not respond to any Staff requests or the April 26, 2024 Notice of Apparent Violation (NOAV) letter that preceded the OTSC. Long Island Solar Solutions also failed to respond to the OTSC. Accordingly, by this Order, the Commission revokes Long Island Solar Solutions' eligibility to serve energy customers in New York State.

#### BACKGROUND AND LEGAL AUTHORITY

The Commission's Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS) established a framework in 2017 that governs the integration of DER Suppliers/DER Providers into New York State's electric system, and provides the rights and responsibilities of DER Suppliers and customers. The UBP-DERS provisions regarding reporting and responding to information requests "are necessary to ensure that Department of Public Service Staff and the Commission have the tools needed to monitor these growing markets and identify and resolve potential issues."<sup>2</sup>

The UBP-DERS Section 3A.D.1 requires each DER Provider

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<sup>1</sup> Case 15-M-0180, In the Matter of Regulation and Oversight of Distributed Energy Resource Providers and Products, Order Establishing Oversight Framework and Uniform Business Practices for Distributed Energy Resource Suppliers (2017 UBP-DERS Order), Appendix A (issued October 19, 2017).

<sup>2</sup> Case 15-M-0180, supra, Order Establishing Oversight Framework and Uniform Business Practices for Distributed Energy Resource Suppliers, p. 2.

to submit an Annual Compliance Statement by March 31 of each year, verifying that the information and attachments in the DER Provider's initial registration form are still current and accurate. The UBP-DERS Section 3F.B also requires each DER Provider to file an Annual Compliance Report by March 31 containing customer information from the previous calendar year, including the "aggregate number of customers served, a summary of services provided, and information on the number and classification of complaints received[.]"<sup>3</sup> The Annual Compliance Statement and the Annual Compliance Report are collectively known as the Annual Compliance Filing(s).

The Commission has authority to enforce the requirements of the UBP-DERS by imposing consequences on DER Providers, including the revocation of eligibility to operate in New York State.<sup>4</sup> A DER Provider may be subject to consequences for a "failure to comply with relevant reporting requirements or Department oversight requirements" and/or a "failure to comply with the UBP-DERS."<sup>5</sup> The UBP-DERS Section 2F.C.2.h also authorizes the Commission to take "[a]ny other measures that the Commission may deem appropriate" as a consequence of violating the UBP-DERS.

As detailed below by Department Staff, it appears that Long Island Solar Solutions, a DER Provider, failed to file its 2023 Annual Compliance Filing, consisting of: (1) a 2023 Annual Compliance Statement verifying that the information and attachments in Long Island Solar Solutions' initial registration

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<sup>3</sup> UBP-DERS §3F.B. See also Case 15-M-0180, supra, Order Establishing Oversight Framework and Uniform Business Practices for Distributed Energy Resource Suppliers, Appendix B: DER Oversight Requirements Table, p. B-3.

<sup>4</sup> See UBP-DERS §2F.

<sup>5</sup> UBP-DERS §§2F.5 and 2F.7.

form are still current and accurate; and (2) a 2023 Annual Compliance Report, which is the required annual compliance spreadsheet that Staff developed. Consistent with the UBP-DERS, Long Island Solar Solutions was obligated to submit these documents by March 31, 2024.

THE DEPARTMENT'S INVESTIGATION AND FINDINGS

Department Staff contacted Long Island Solar Solutions via email on several occasions to notify Long Island Solar Solutions of the March 31, 2024 deadline for the 2023 Annual Compliance Filing and of its apparent failure to submit the required information by that date. Specifically, Department Staff sent an e-mail on March 1, 2024, to remind Long Island Solar Solutions that the filing was due March 31, 2024. On April 5, 2024, Department Staff sent Long Island Solar Solutions an overdue notice via email. Department Staff subsequently attempted to call Long Island Solar Solutions between Thursday, April 18, 2024, and Monday, April 22, 2024, and left a message with the regulatory contact on record, informing Long Island Solar Solutions that Department Staff had not received its filing and directing Long Island Solar Solutions to submit its Annual Compliance Filing.

The requirements of the UBP-DERS, contained in Section 3, provide that in determining an appropriate consequence when a DER Provider fails to comply with the UBP-DERS, the Department shall first notify the DER Provider of such failure(s) and request that the DER Provider take corrective action within a prescribed "cure" period, as stated in Section 2F.C.1.a. The "cure period" in this provision is "based on a reasonable amount of time given the nature of the issue to be cured." Department Staff contends that Long Island Solar Solutions failed to submit its Annual Compliance Filing by March 31, 2024, and subsequently

failed to respond to any of Department Staff's requests to cure.

On April 26, 2024, Department Staff sent an NOAV letter via e-mail and U.S. Mail to Long Island Solar Solutions and instructed the Company once again to file its required Annual Compliance Filing, and to do so by May 10, 2024.<sup>6</sup> The NOAV letter made clear that, if the Department did not receive the filing by May 10, 2024, Department Staff would request that the Commission issue an Order to Show Cause to find Long Island Solar Solutions in violation of UBP-DERS Sections 3A.D.1 and 3F.B and seek further remedies, including the possible revocation of Long Island Solar Solutions' authorization to operate as a DER Provider in the State of New York. On July 31, 2024, the Commission issued the OTSC, ordering Long Island Solar Solutions to show cause within 30 days why its authorization to act as a DER Provider should not be revoked or why other consequences, as set forth in UBP-DERS Section 2F.C, should not be imposed. Long Island Solar Solutions did not respond to the Commission's July 2024 OTSC.

#### DISCUSSION AND CONCLUSION

Every DER Provider in New York State must comply with the UBP-DERS and with all applicable Commission Orders to maintain eligibility to operate.

The Commission finds that Long Island Solar Solutions did not submit its 2023 Annual Compliance Filing, in violation of UBP-DERS Sections 3A.D.1 and 3F.B. The UBP-DERS Section 2F.C identifies potential consequences that the Commission may impose upon a DER Provider for non-compliance, including "[a]ny other measures that the Commission may deem appropriate," for one or more of the categories set forth in UBP-DERS Section 2F.B.

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<sup>6</sup> See April 26, 2024 NOAV letter to Long Island Solar Solutions, Inc., filed under Matter 24-00865.

Consistent with the findings discussed in this Order and given the above violations of the UBP-DERS, the Commission hereby revokes Long Island Solar Solutions' eligibility to serve energy customers as a DER Provider in New York State.

The Commission orders:

1. The eligibility of Long Island Solar Solutions, Inc. to operate as a DER Provider in the State of New York is hereby revoked.
2. This proceeding is closed.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary