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Three Empire State Plaza, Albany, NY 12223-1350

www.dps.ny.gov

August 28, 2024

Hana Muriel Schilachter Setteboun

Digital Power USA, Inc.

1178 Broadway, 3<sup>rd</sup> Floor #3379

New York, NY 10001

Re: Digital Power USA, Inc. – ESCO Code: DIGI

Dear Hana Muriel:

This letter is to inform you that the Department of Public Service Staff has reviewed and approved your eligibility to be an Energy Services Company (ESCO) in New York State. Your Retail Access Application meets the requirements of the Uniform Business Practices (UBP), the Home Energy Fair Practices Act (HEFPA) and applicable Commission Orders.

**LISTED BELOW IS AN OVERVIEW OF YOUR CURRENT ELIGIBILITY:**

Service Class	Commodity	Products (Mass Market Only)
Large C&I	Electric	n/a

I am also pleased to notify you that your company has successfully met the Commission’s electronic data interchange (EDI) phase I certification requirements for all core and rate ready transactions effective 2/23/24. All requirements for this initial state of your eligibility determination have been satisfied.

Please be advised that you may now continue with the utility approval state of the eligibility process by contacting those companies in whose service territories you intend to participate. The utility stage normally consists of a creditworthiness determination, completion of EDI Phase III Testing and the execution of any operating or billing service agreements. Each utility’s eligibility requirements pertain to only their retail access programs.

Once you have satisfactorily completed the utility eligibility stage, Staff will be notified by the utility of your success. Please notify Staff of the actual production date in the utility service territories you intend to enroll customers. At that point Staff will confirm your final eligibility requirements have been satisfied.

Before you begin marketing to, and enrolling residential customers, you must post rates to the New York Power to Choose website: <https://documents.dps.ny.gov/PTC/home>. The UBP Section 2.D.4.d. requires that all ESCOs actively marketing to residential customers post offers with the Department on a monthly basis. Please visit the following link to register for an ESCO rates filer account: <https://dps.ny.gov/dmm-help-electronic-filing-registration-instructions>. We will only post your company's contact information on our website once you have completed the eligibility process and are ready to begin enrolling customers.

As an ESCO your organization may have an obligation for the purchase of Zero-Emissions Credits (ZECs) and Renewable Energy Credits (RECs) during the 2017 and future compliance years covered by the Public Service Commission's August 1, 2016 Order Adopting a Clean Energy Standard (CES). NYSERDA is the administrator of the CES and information about the CES and LSE obligations can be found on the NYSERDA website: <https://www.nyserda.ny.gov/en/All-Programs/Clean-Energy-Standard/LSE-Obligations>. Email questions about the CES and LSE obligations to NYSERDA: [ces@nyserda.ny.gov](mailto:ces@nyserda.ny.gov).

Be advised, that to maintain your ESCO eligibility, you must notify Staff of any material changes to your company as they occur. If your business plan changes and you decide to expand your service offerings, you must immediately submit the appropriate documentation for Staff review and determination of eligibility (UBP Section 2.D.4). Also, if you decide to withdraw your eligibility, an official letter should be sent to the Department.

In addition, every eligible ESCO must comply with all rules and regulations with the UBP. The UBP can be viewed on our website at the following link: <https://dps.ny.gov/uniform-business-practices>. Based on your eligibility, you may be required to submit compliance reports.

Please take note of the following compliance dates:

<b>Compliance</b>	<b>Due Date</b>	<b>Matter Number</b>
ESCO Annual Compliance	January 31 <sup>st</sup>	14-02554

ESCO Triennial Compliance	8/28/27	14-02554
ESCO Historic Pricing	April 30 <sup>th</sup> July 31 <sup>st</sup> , October 31 <sup>st</sup> , and January 31 <sup>st</sup>	14-02555
Annual GSP Reporting	November 30 <sup>th</sup>	TBD Annually
ESCO Annual Renewable Audit	June 15th	22-00900

<https://dps.ny.gov/energy-services-company-esco-competitive-market-information>

Please do not hesitate to contact me at (518) 473-2047 or [jessica.phalen@dps.ny.gov](mailto:jessica.phalen@dps.ny.gov) if you have any further questions or concerns.

Sincerely,



Jessica Phalen

Office of Consumer Services