

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

- CASE 15-M-0127 - In the Matter of Eligibility Criteria for Energy Service Companies.
- 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.

NOTICE GRANTING EXTENSION REQUESTS

(Issued February 4, 2021)

On December 12, 2019, the Public Service Commission (Commission) issued an Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (the December 2019 Order) in the above-captioned proceedings. The December 2019 Order included a number of ordering clauses that implemented new rules regarding permissible ESCO products. The implementation of those clauses, among others, were stayed pending rehearing.

On September 18, 2020, the Commission issued the Order on Rehearing, Reconsideration, and Providing Clarification (Rehearing Order), rejecting numerous ESCO requests to alter the December 2019 Order and providing further clarification of the December 2019 Order. Ordering clauses 3, 4, and 5 of Rehearing Order established that the Commission's new rules regarding permissible ESCO products would go into effect 150 days after the Rehearing Order was issued. During the pendency of those clauses' implementation, Department of Public Service Staff (Staff) have been reviewing ESCO applications to serve mass-market customers with products compliant with the rules set to be implemented.

In a January 12, 2021 filing, CenStar Energy Corp.,

HIKO Energy, LLC, Major Energy Electric Services, LLC, Major Energy Services, LLC, Oasis Power, LLC d/b/a Oasis Energy, Spark Energy, LLC, Spark Energy Gas, LLC, and Verde Energy USA New York, LLC requested a 60-day extension of clauses 3, 4, and 5 of the Rehearing Order. The Spark Companies explained that, as of the date of the letter, Staff had not approved their eligibility applications and, that absent an extension or prompt application approval by Staff, there would be insufficient time to provide customer notice.

In a letter filed on January 20, 2021, Staff provided notice to interested parties that it had been diligently reviewing all applications submitted by ESCOs, but added that its review of at least some ESCO applications had been delayed by individual ESCOs' failure to attend to the requirements for applications and/or failure to promptly respond to Staff's requests for additional materials or information needed to complete the Staff review.

On January 29, 2021, Retail Energy Supply Association (RESA) also requested a 60-day extension of the aforementioned ordering clauses. RESA asserted that the extension would provide more time for Staff review and ESCO responses regarding submitted applications, and would permit more time for interaction between ESCOs and Staff regarding implementation issues.

On February 3, 2021, the New York Retail Choice Coalition (NYRCC) made a similar extension request, but sought a 75-day extension of the ordering clauses. NYRCC similarly contended that further time is needed for the application review process. NYRCC also contended that an extension is desirable to ensure that large numbers of ESCO mass-market customers are not simultaneously dropped to utility service.

Based upon the information that has been provided in the filings noted above, an extension of 60 days is granted to ESCOs eligible to operate in New York to comply with the requirements of Ordering Clauses 3, 4, and 5 of the Rehearing Order. The new compliance date for Ordering Clauses 3, 4, and 5 is April 16, 2021. No extension is provided by this Notice with respect to the remaining clauses of the December 2019 Order or the Rehearing Order. This extension is granted in order to promote the fair, orderly, and efficient conduct of this proceeding.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary