

Appendix A



Public Service Commission
John B. Howard
Interim Chair and
Interim Chief Executive Officer

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

Diane X. Burman
James S. Alesi
Tracey A. Edwards
Commissioners

April 15, 2021

Angela Schorr
804 Carnegie Center
Princeton, NJ 08540

RE: Direct Energy Services, LLC– Revised Eligibility with
Pending Contracts

Dear Ms. Schorr:

Thank you for submitting the recent updates to your ESCO Retail Access Application Package pursuant to the Public Service Commission’s December 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (Dec 2019 Order) and the its September 18, 2020 Order on Rehearing, Reconsideration, and Providing Clarification (Rehearing Order). The new rules directed in the Dec 2019 Order and the Rehearing Order, including product restrictions, will go into effect on April 16, 2021. This letter is to inform you that the following documentation submitted has been reviewed by Staff and determined to be in compliance with the Uniform Business Practices and the requirements set forth in the Commission’s orders: Variable Rate Guaranteed Savings Product for electric only in Con Edison territory, Electric Renewable Product, and a Fixed Price Product with a Cap to gas and electric residential and small non-residential customers (mass market customers) in New York State.

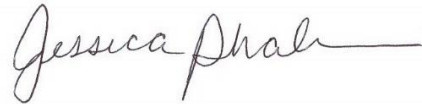
Staff has requested revisions to the following contract(s) submitted as part of your Retail Access Application Package: Variable Guaranteed Savings Product electric and gas supporting calculations for Consolidated Edison, Inc., Central Hudson Gas and Electric Corp., Brooklyn Union Gas Company d/b/a as National Grid, KeySpan Gas East Corp. dba National Grid, Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas (NYSEG), Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation territories. Once the revisions are received, reviewed, and approved, Staff will send a revised eligibility letter including these products. You are not approved to market these products until you receive a revised eligibility letter.

Be advised that to maintain your ESCO eligibility, you must notify Staff of any substantive legal, financial, or business-related changes to your company as they occur. If your business plan changes and you decide to expand your service, you must immediately submit

the appropriate documentation for Staff review and determination of how it affects your current eligibility.

Please do not hesitate to contact me if you have any further questions or concerns at 518-273-2047 or jessica.phalen@dps.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Jessica Phalen" followed by a horizontal flourish.

Jessica Phalen
Office of Consumer Services