

April 22, 2026

Roger Xia
API Energy LLC
130-30 31st Avenue, Suite 707
Flushing, NY 11354
roger@accordpowerinc.com

NOTICE OF APPARENT VIOLATION – OVERDUE ANNUAL COMPLIANCE

Dear Roger Xia:

The New York State Public Service Commission's Uniform Business Practices (UBP), Section 2.D, requires each Energy Services Company (ESCO) to submit annually, by January 31st, a statement that the information and attachments in the ESCO's Retail Access Application Form (RAAF) are still current and accurate.¹ Alternatively, the ESCO shall provide a description of revisions to its RAAF as well as a copy of the revised portions or, at the ESCO's option, a copy of the revised portions identifying the revisions by highlighting or other means. In addition, an officer certification is required by UPB Section 2.B.1.²

As of today's date, Department of Public Service staff (Staff) has not received a statement from API Energy LLC (API or the Company) that the information and attachments in the Company's RAAF are current or require revisions, if any, nor has Staff received an officer certification. As discussed below, Staff is issuing this Notice of Apparent Violation (NOAV) and directing the Company to provide documentation to remedy the current non-compliance.

Staff sent communications to API to notify it of the UBP requirements and the Company's failure to submit the required information. Staff sent a reminder email to API's regulatory contact

¹ UBP Section 2.D states: "An ESCO shall submit by January 31 each year (January 31 Statement): a. a statement that the information and attachments in its Retail Access Eligibility Form and application package are current; or b. a description of revisions to the Retail Access Eligibility Form and application package and a copy of the revised portions or, at the ESCO's option, a copy of the revised portions identifying the revisions by highlighting or other means."

² UBP Section 2.B.1.i states: "An Officer Certification document sworn to by a high-level officer of the ESCO applicant, such as the Chief Executive Officer, President or the equivalent, in which the officer affirms that the ESCO is willing and able to comply with all applicable laws and regulations."

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Roger Xia on December 31, 2025, that the filing would be due no later than January 31, 2026. Staff sent overdue e-mails to Mr. Xia on February 12, 2026, and February 24, 2026. Staff also contacted Mr. Xia via telephone on March 3, 2026, and left a voicemail regarding the overdue filing. Staff has not received a response from API as of this date despite multiple attempts to contact the Company and the deadline having passed more than one month ago.

If Staff finds that API's reply to this NOAV is insufficient, or in any way evidences API's failure to comply with the UBP, Staff will seek an Order to Show Cause from the Commission to commence an enforcement proceeding. If Staff finds that API has in this, or any other manner, failed to abide by the UBP, Staff will proceed with further remedies, including recommending to the Commission revocation of API's eligibility to operate as an ESCO in the State of New York.

In sum, by May 13, 2026, Staff requires that API Energy LLC provide the following to the Secretary to the Public Service Commission by submitting it to the Department's Document and Matter Management (DMM) system under Matter Number 26-00468.

1. (a) A statement that the information and attachments in your RAAF are current and accurate, and an officer certification; or (b) a description of all revisions to your RAAF and a copy of the revised portions, or, at your option, a copy of the revised portion identifying the revisions by highlighting or other means and an officer certification; or
2. A letter from API or on its behalf, withdrawing its eligibility to operate as an ESCO in New York State.

Staff requests that you acknowledge receipt of this letter within five business days by contacting Retail Access Staff at ESCOAnnualCompliance@dps.ny.gov. Any specific questions should also be directed to Retail Access Staff at the email address provided.

Regards,



Office of Consumer Services
Retail Access Section

cc: Alison Wrynn, Senior Attorney, Office of Investigations and Enforcement