

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through April 24, 2017.

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Selected Entity Name: AMERISTAR ENERGY LLC

Selected Entity Status Information

**Current Entity Name:** AMERISTAR ENERGY LLC

**DOS ID #:** 3505478

**Initial DOS Filing Date:** APRIL 19, 2007

**County:** SUFFOLK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

AMERISTAR ENERGY LLC

76 UNION AVE STE H

RONKONKOMA, NEW YORK, 11779

**Registered Agent**

REGISTERED AGENT REVOKED

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This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address

(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

#### \*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

\*Stock information is applicable to domestic business corporations.

#### Name History

Filing Date	Name Type	Entity Name
APR 19, 2007	Actual	AMERISTAR ENERGY LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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# Service of Process / Notice of Claim Cover Sheet

FOR DOS USE ONLY

(1) Indicate the name of the entity or person to be served. (See Note 1 below):

AMERISTAR ENERGY LLC 76 UNION AVE STE H RONKONKOMA, NEW YORK, 1177

(2) If serving process on a *domestic entity* or an *authorized foreign entity*, staple the DOS search page(s) (the "Current Status Information" and, if applicable, the "Filing History Information" for the entity to be served to this cover sheet. If serving a notice of claim on a public corporation that has filed a Certificate of Designation for Service of Notice of Claim, attach a copy of the first page of the filed Certificate of Designation.

(3) Indicate the Section of Law under which service is made. Check only one box. (See Note 2 below):

Domestic or Authorized Foreign Entities (Applicable fee: \$40.00)

- Business Corporation Law §306  
 Not-for-Profit Corporation Law §306  
 Limited Liability Company Law §303  
 Partnership Law §121-109(a) (LP's)  
 Partnership Law §121-1502 (foreign LLP's) (*must serve a Deputy Secretary of State*)  
 Partnership Law §121-1505 (LLP's)  
 Real Property Law §339-n  
 General Associations Law §19 (*must serve a Deputy Secretary of State*)

Unauthorized Foreign Entities (Applicable fee: \$40.00)

- Business Corporation Law §307  
 Not-for-Profit Corporation Law §307  
 Limited Liability Company Law §304  
 Partnership Law §121-109(b) (LP's)

Suspended Entities (Applicable fee: \$40.00)

- Business Corporation Law §306-A (suspended BC's)  
 Limited Liability Co. Law §301-A (suspended LLC's)  
 Partnership Law §121-104-A (suspended LP's)  
 Partnership Law §121-1506 (suspended LLP's)

Vehicle and Traffic Law (Applicable fee: \$10.00)

- Vehicle and Traffic Law §253 (non-resident)  
 Vehicle and Traffic Law §254 (former resident)

Notice of Claim on Public Corporations (Applicable fee: \$250.00)

- General Municipal Law §53  
(*Public corporation filed a certificate of designation*)  
 General Municipal Law §53  
(*Public corporation has not filed a certificate of designation*)  
 Other: Specify section of law: \_\_\_\_\_  
and applicable fee: ( \$40  Other \$ \_\_\_\_\_)

(4) Indicate the manner in which the applicable fee is paid:

- Drawdown Account (\_\_\_\_\_)  Check  Credit Card  Debit Card  Cash  Other  
 Exempt pursuant to Executive Law §96(10) - process served on behalf of a political subdivision of the State

(5) Indicate the name and address of the Process/Notice of Claim Server:

John Graham, Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350

(6) Staple this cover sheet (with the DOS search page(s), if serving a domestic entity or an authorized foreign entity) to the process/Notice of Claim.

(7) (a) If serving process on a domestic entity or an authorized foreign entity, deliver two (2) duplicate copies (with this cover sheet and the DOS search page(s) stapled thereto) and the applicable fee.

(b) If serving process on an unauthorized foreign entity or a suspended entity, or if serving under the Vehicle and Traffic Law, deliver one copy (with this cover sheet stapled thereto) and the applicable fee. (See Note 3 below)

(c) If serving a notice of claim on a public corporation, deliver two (2) duplicate copies (with this cover sheet and, if applicable, a copy of the first page of the filed Certificate of Designation stapled thereto) and the applicable fee.

Note 1: If you attach DOS search page(s), and there is a conflict between the name of the entity as indicated in space "(1)" above and the name on the attached DOS search page(s), **the name provided on the attached DOS search page(s) will control.** Additionally, if you attach DOS search page(s), and space "(1)" above is left blank, **the entity named in the attached DOS search page(s) will be served.**

Note 2: If you attach DOS search page(s), and there is a conflict between the section of law indicated in space "(3) above and the section of law applicable to the type of entity described in the attached DOS search page(s), **the section of law applicable to the entity will control.**

Note 3: If you are serving an unauthorized foreign entity or a suspended entity, or if you are serving under the Vehicle and Traffic Law, you, or the person on whose behalf service is being made, may also be required to mail notice of service and a copy of the process to the entity or person being served. **The Department of State does not make any such mailing.** See the applicable section of law for further information.

**FOR DOS USE ONLY**

Service of Process Unit Search Results:  Records Located  No Records Located  Entity Name has Changed  Merged Out  
 Other: \_\_\_\_\_

Reason for Rejection:  Copies do not Match  2 Copies Required  Court/Forum not within NYS  Payment not Received or Method not Indicated  
 Other: \_\_\_\_\_ Date of Rejection: \_\_\_\_\_ Rejected by: \_\_\_\_\_

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

In the Matter of Eligibility Criteria for Energy Service  
Companies.

Proceeding on Motion of the Commission to Assess  
Certain Aspects of the Residential and Small Non-  
residential Retail Energy Markets in New York State.

In the Matter of Retail Access Business Rules.

Case Numbers

15-M-0127

12-M-0476

98-M-1343

SUBPOENA

DUCES

TECUM

THE PEOPLE OF THE STATE OF NEW YORK

TO: AMERISTAR ENERGY LLC  
76 UNION AVE STE H  
RONKONKOMA, NEW YORK, 11779

**YOU ARE HEREBY COMMANDED** to produce to the New York State Department of Public Service, 3 Empire State Plaza, Albany, New York, all records, papers, documents, correspondence, and all other writings which you have in your custody or power responding to certain questions and information requests directed to you pursuant to the Interrogatory/Document Request issued February 2, 2017, February 16, 2017, March 16, 2017, and April 3, 2017 in these matters, as set forth herein. To the extent any of this information has already been provided to the New York State Department of Public Service, indicate to whom it was provided and on what date.

1. Provide separate audited financial statements at the New York State Energy Service Company (ESCO) business level for the years 2011 through 2016. Include an Income Statement, Balance Sheet, and Statement of Cash flows and related disclosure notes. In addition, provide the auditor's report regarding the ESCO's financial statements. If no separate audited financial statements are available, then provide the schedules & work-

papers supporting the New York State ESCO's financial results contained in the parent Company's consolidated tax return (Form 1120) for the years 2011 through 2016.

2. For each calendar year 2011 through 2016, provide description of each service plan offered by the ESCO in which customers were enrolled (a "Product") and include the dates the Product was offered. As part of the description identify each value added benefit (e.g., loyalty reward discounts, reward points, etc.) provided the customer under the service plan. From January 2011 through December 2016, provide all Products in chronological order based on the commencement date the Product was offered to customers.
3. For each month of each calendar year 2011 through 2016, provide the following information in as each corresponds to the Product provided in the list from Question 2:
  - a. Number of Customers – Total number of customers each month enrolled in the Product.
  - b. Aggregate Amount Billed to Utility – The total amount billed to the utility for all customers taking service under each Product. This should not include the Purchase of Receivables discount amount.
  - c. Aggregate Credit Amount Issued to all Customers – Total monthly dollar amount issued to all customers for each Product that is not accounted for in the "Aggregate Amount Billed to Utility" above. Any single credit issued that spans multiple months, like an annual customer credit, should be noticed in the month it was issued. Note - This does not include any value added services, e.g. a furnace cleaning. Value added services should be described in the Product description from question 2 and monetized in the bullet below.
  - d. Cost of Value Added Benefits - total monthly dollar amount of the cost incurred in providing the value added benefits to all customers for each product.
4. With reference to the response provided in Question 2, for each calendar year 2011 through 2016, provide a break down for each value added benefit and the monetized amount the ESCO recorded as an expense and or liability for providing that value added benefit. An average amount should be provided if a single value added benefit can be

monetized using multiple amounts (e.g. the ESCO may have multiple furnace cleaning companies that charge the ESCO different amounts to perform the same value added benefit).

5. Indicate which customer groups your firm currently serves as of January 1, 2017. Please make an affirmative indication, stating either yes or no, for each of the following customer groups: Residential Electric; Small Commercial (not demand metered) Electric; Larger Commercial and Industrial (demand metered) Electric; Residential Gas; Small Commercial (less than 750 dekatherms/year) Gas; and, Larger Commercial and Industrial (750 dekatherms/year or greater) Gas.
6. Provide filed copies of the ESCO's New York State General Business Corporation Franchise Tax Return form CT-3, and any required attachments, for the years 2011 through 2016.
7. For the period 2011 through 2016, provide total kWh sold for both Columns A and B that corresponds with the reported sales of electricity - as referenced in Form CT-3, Part 6, line 2 (Section 210-A.2). Provide the purchased cost of kWh sold for both Columns A and B for the period 2011 through 2016.
8. For the period 2011 through 2016, provide total MCF sold for both Columns A and B that corresponds with the reported sales of physical commodity (gas) – as referenced in Form CT-3, Part 6, line 27 (Section 210-A.5(a)(2)(I)). Provide the purchased cost of MCF sold for both Columns A and B for the period of 2011 through 2016.
9. With respect to customer surveys:
  - a. Related to ESCO services provided to mass-market customers in New York State (NYS), provide copies of any survey(s) and survey(s) results for which your company provided input information. Include any surveys performed of your Company's customers, or for ESCO customers in general. The focus of the requested surveys includes, but is not limited to customer satisfaction, customer churn or migration rate from Utility to ESCO, ESCO to Utility, or ESCO to ESCO, and desirable energy related products or services. For each survey,

indicate the name of the entity that conducted the survey and indicate the type of entity (ESCO, polling firm, academia, etc.). For each survey, indicate who provided funding for the survey, or any other pertinent information in order to provide clarity into the reason for the survey, how it was conducted, and for whom the survey was intended.

- b. Related to part a, above, provide any other NYS ESCO mass market customer related survey your Company has in its possession.
- c. As parts A & B request NYS surveys only, also provide customer satisfaction surveys performed in other states, regions, or the United States. Under the same considerations outlined in Parts a and b of this question, for each survey conducted in another state, clearly identify and discuss the similarities and differences between how that state operates the retail competition program and how NYS operates retail competition.

10. With respect to customer comparison tools:

- a. Related ESCO services provided to mass-market customers in NYS, provide copies of, and/or links to, any comparison shopping tool that your company maintains, or any comparison tool maintained by another entity to which your company provides input information. For each link and/or tool, clearly explain what type of services or prices are included. For example, if the link or tool includes average pricing for all customers, actual commodity offerings for which customers can sign up, or other clarification as to how to interpret the meaning of offered prices in order to remove any confusion. For each link or tool, indicate the name of the entity which maintains the link or tool and whether that entity is an ESCO, Government, academia, or etc. For each link or tool, indicate who provided funding for the link or tool, or any other pertinent information in order to provide clarity into the reason for the link or tool, how it is maintained, and for whom the link or tool was intended.
- b. As part a, above, requests NYS links or tools only, also provide links or tools done for comparison shopping in other states, regions, or the entire United States. Under the same considerations outlined in Part A of this question, for each link or

tool conducted in another state, clearly identify and discuss the similarities and difference between how that state operates the retail competition program and how NYS operates retail competition.

11. Indicate, for each state or jurisdiction in which you offer commodity service to residential and small commercial customers, if you participate in a POR system with recourse, without recourse, or both. For an answer in the affirmative indicate by stating “with recourse”, “without recourse”, or “both” for that state. For an answer in the negative indicate by stating “No” for that state.
  
12. Page seven of the *Notice of Evidentiary and Collaborative Tracks and Deadline for Initial Testimony and Exhibits* issued on December 2, 2016 in Cases 15-M-0127 et al. required that the profitability of ESCOs for a recent period of time be examined in this proceeding. Based on this provide the following information on a calendar basis for the period 2011 through 2016 for your New York operations:
  - a. Revenues earned from the sales of electricity.
  - b. Revenues earned from the sales of natural gas.
  - c. Cost of electricity sold.
  - d. Cost of natural gas sold.
  - e. Return to equity earned on sales of electricity. Show both the net income and equity capital components of the calculation and how these amounts were derived from the accounting records of the Energy Service Company.
  - f. Return to equity earned on sales of natural gas. Show both the net income and equity capital components of the calculation and how these amounts were derived from the accounting records of the Energy Service Company.
  
13. What would be the impact to your business if either or both of the following utility services were no longer available and each ESCO was responsible for billing and collection of its own accounts receivables?
  - a. Consolidated utility billing, and
  - b. Purchase of receivables.

14. Provide a copy of the New York State Income or Corporation Franchise Tax return or Information return where the ESCO's New York operations are reported, including all required schedules and attachments, filed for the years 2011-2016. If these tax returns were previously provided identify the interrogatory response under which they were provided.

Personal appearance is not required to respond to this subpoena. The requirements of this subpoena may be met by delivery of the material by mail, commercial courier service on or before June 16, 2017. Non-confidential responses can be provided to Collen Reynolds at [Collen.Reynolds@dps.ny.gov](mailto:Collen.Reynolds@dps.ny.gov), or mailed to:

Collen Reynolds  
New York State Department of Public Service  
3 Empire State Plaza – 18th floor  
Albany, NY 12223-1350

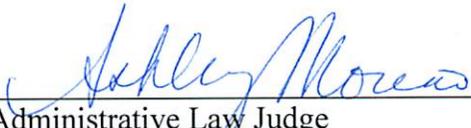
Confidential treatment may be requested for materials where appropriate pursuant to Public Officers Law §§87(2)(d) and 89(5)(a)(1). Confidential documents can be filed with the Records Access Officer (RAO) electronically at [recordsaccessofficer@dps.ny.gov](mailto:recordsaccessofficer@dps.ny.gov), or mailed to:

Records Access Officer  
New York State Department of Public Service  
3 Empire State Plaza – 18th floor  
Albany, NY 12223-1350

When submitting confidential responses to this subpoena with the RAO, include: (1) a letter addressed to the RAO requesting confidentiality and making a prima facie case therefor; (2) a copy of the confidential document; (3) a copy of the document, with information alleged as confidential redacted. Further instructions regarding how to file confidentially with the RAO can be found on the Department of Public Service webpage at [www.dps.ny.gov](http://www.dps.ny.gov). Questions for the RAO can be directed to (518) 486-2661.

This subpoena is authorized and issued pursuant to New York Public Service Law (PSL) §§19 and 66(10), and New York Civil Practice Law and Rules §2302(a). Failure to comply with this subpoena is punishable as a misdemeanor as provided for by PSL §19(2).

Dated: Albany, New York  
May 26, 2017

  
\_\_\_\_\_  
Administrative Law Judge  
New York State Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223