

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Nonresidential Retail Energy Markets in New York State	Case 12-M-0476
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In the Matter of Retail Access Business Rules	Case 98-M-1343
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In the Matter of Energy Service Company Price Reporting Requirements	Case 06-M-0647
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In the Matter of Electronic Data Interchange	Case 98-M-0667
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**PETITION FOR EXTENSION OF THE WAIVER OF THE ORDER ADOPTING A
PROHIBITION ON SERVICE TO LOW-INCOME CUSTOMERS BY ENERGY
SERVICE COMPANIES**

I. INTRODUCTION

NOCO Electric, LLC and NOCO Natural Gas, LLC (the “NOCO Companies”) respectfully submit this petition (“Petition”) requesting an extension of the New York Public Service Commission’s (“Commission”) Order Approving Waiver of the ESCO Low-Income Prohibition for NOCO Electric, LLC and NOCO Natural Gas, LLC (the “Waiver”) issued on November 19, 2021. The Waiver was approved for 24 months, with an expiration date of November 18, 2023, and the NOCO Companies timely seek an extension to continue to serve Assistance Program Participants (“APPs”) with electric and gas commodity through a program that guarantees those customers will pay no more than what they would have paid as a full-service utility customer.

II. BACKGROUND

The NOCO Companies and their affiliates have provided full-service energy products and services to homes and businesses in New York State since 1933. In addition to providing electric and gas commodity as an Energy Service Company (“ESCO”), NOCO is a leader in the supply of energy products to the agricultural industry in Western and Central New York, and is actively

involved in commercial and residential energy services associated with the collection, transportation, and recycling of oil products, providing emergency generator fueling deliveries and tank monitoring services to commercial customers, and offering value-added clean energy products such as community solar subscriptions and home heating, cooling, and air quality repair and installation services.

On June 7, 2021, the NOCO Companies submitted a Petition for Waiver of the Order Adopting a Prohibition on Service to Low-Income Customers by Energy Service Companies issued on December 16, 2016 (the “December 2016 Order”). The Petition sought approval to provide electric and gas commodity service to APPs through the NOCO Companies’ “NOCO Guarantee Program.” In support of their Petition, the NOCO Companies provided detailed spreadsheet analysis and supporting calculations to demonstrate the method and manner by which they would calculate what an APP customer would have paid to their respective utility, how they would ensure that the customer would realize monetary savings compared to the utility, and how they would verify compliance with the Commission’s December 2016 Order. The Commission approved the NOCO Companies’ Petition for Waiver subject to specified conditions.

For the reasons set forth below, the Commission should respectfully grant this Petition for extension of the Waiver and permit the NOCO Companies to continue to provide electric and gas commodity service to APPs under the NOCO Guarantee Program.

III. STANDARD FOR EVALUATING LOW-INCOME SERVICE PROGRAMS

The December 2016 Order created a process through which an ESCO could petition for waiver of the prohibition on service to APPs by “demonstrat[ing] their willingness to develop a program” that provides the following three assurances:

1. an ability to calculate what the customer would have paid to the utility;

2. a willingness and ability to ensure that the customer will be paying no more than what they would have paid to the utility; and
3. appropriate reporting and ability to verify compliance with these assurances.

IV. NOCO GUARANTEE PROGRAM

The NOCO Companies have a demonstrated track record of exceptional customer service and brand reputation that makes them uniquely qualified to serve low-income customers with the NOCO Guarantee Program. Since the Commission issued the Waiver, the NOCO Companies have offered their NOCO Guarantee Program electric and gas product to APP customers. As required by the Waiver, the NOCO Companies have filed semi-annual reports with the Commission that includes the number of customers served, the monthly calculated amounts billed and the alternative amounts that the respective utility would have charged the customer, as well as the amount of any refunds issued to each customer to effectuate the savings guarantee. Collectively, the information contained in these reports demonstrates that each customer enrolled in the NOCO Guarantee Program has saved at least one percent compared to what the customer would have paid for full default utility service.

Upon extension of the Waiver, the NOCO Guarantee Program will continue to be priced at a variable rate calculated each month in a manner tracks the forecasted utility rate and minimizes the need for true-ups. The term length will continue to be month-to month, with the ability for the customer to terminate without imposition of an early termination fee, thereby providing the customer with maximum flexibility. The NOCO Companies will continue to guarantee that each customer enrolled in the NOCO Guarantee Program will save at least one percent compared to what the customer would have paid for full default utility service. On an annual basis, within sixty (60) days after the customer has been enrolled under NOCO' s Guaranteed Program for twelve (12) months, or within sixty (60) days of the date on which the relevant utility effectuated a

customer's service cancellation request, NOCO would issue either a bill credit through Electronic Data Interchange ("EDI") or a check made payable to the customer of record in an amount equal to the difference between what the customer would have paid to the utility for default supply service (minus one percent) and what the customer paid NOCO for commodity supply under the NOCO Guarantee Program during that same period. To verify that the NOCO Companies are providing customers with guaranteed savings and to ensure consistency with the Commission's requirements, semi-annual reports would continue to be filed to demonstrate a month-by-month customer-specific breakdown of what the customer would have paid under full utility service, what the customer actually paid as a NOCO customer, the percentage of savings in dollar figures, and the status of any applicable refund credit or check.

In compliance with the Waiver, the NOCO Companies have reported semi-annually on the status of the NOCO Guarantee Program product as it pertains to its low-income customers. Those semi-annual reports have demonstrated that customers of the NOCO Guarantee Program have achieved a savings of at least one percent over what they would have paid to their respective utility, demonstrating the NOCO Companies' commitment to the APP market in New York State.

V. CONCLUSION

The NOCO Companies (1) have demonstrated the ability to provide a meaningful benefit to low-income customers through the NOCO Guarantee Program, (2) have complied with the conditions of the Waiver, and (3) hereby commit to continuing to implement the NOCO Guarantee Program in accordance with past practice and Commission requirements. Accordingly, the NOCO Companies request that the Commission grant this Petition and extend the time period by which the NOCO Companies can serve APP customers pursuant to the NOCO Guarantee Program.

Dated: October 13, 2023

By: _____

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