

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

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 12-M-0476

In the Matter of Retail Access Business Rules

Case 98-M-1343

In the Matter of Energy Service Company Price Reporting
Requirements

Case 06-M-0647

In the Matter of Electronic Data Interchange

Case 98-M-0667

**PETITION OF NEW WAVE ENERGY FOR AN EXTENSION OF THE WAIVER
OF THE ORDER ADOPTING A PROHIBITION ON SERVICE TO LOW-INCOME
CUSTOMERS BY ENERGY SERVICE COMPANIES**

Respectfully submitted,

New Wave Energy
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Dated: September 21, 2023

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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 12-M-0476

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I. PRELIMINARY STATEMENT

New Wave Energy (“Petitioner”) respectfully requests an extension of the New York State Public Service Commission’s (“Commission”) Order Approving New Wave Energy's Petition For Waiver of the Prohibition on Service to Low-Income Customers By Energy Service Companies (“the Waiver”), issued on March 16, 2018. The Waiver, which expires in February 2024, permits Petitioner to proudly serve low-income customers who participate in utility assistance programs (“Assistance Program Participants” or “APPs”). To date, APPs enrolled with Petitioner have saved more than 3% as compared to the default utility price. In light of such savings, an extension of the Waiver would benefit low-income consumers and serve the Commission’s ultimate goal of obtaining the lowest energy bill possible for APPs.

II. PETITIONER'S GUARANTEED SAVINGS PRODUCT

To serve Assistance Program Participants, Energy Service Companies (“ESCOs”) must receive a waiver of the Commission’s Order Adopting a Prohibition on Service to Low-Income Customers by Energy Service Companies (“Prohibition Order”), issued December 16, 2016. To obtain such waiver, ESCOs must offer a Guaranteed Savings Program (“GSP”) to APPs and develop a process to ensure that such savings are actually achieved. Prohibition Order, at 24. An ESCO seeking a waiver must demonstrate: (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 would have been paid to the utility; and (3) appropriate reporting and ability to verify compliance with these assurances. *Id.* at 25.

Petitioner applied for a waiver on December 13, 2017. In its application for such waiver, Petitioner outlined a Guaranteed Savings Program (“GSP”) that ensured APPs a minimum 1% savings as compared to the default utility price. Petitioner further stated that proof of customer savings would be demonstrated with regular compliance filings to the Commission. Petitioner demonstrated an ability and willingness to calculate and true-up APP customers to ensure each would pay no more than what they would have paid to the utility. Based on such evidence and assurances, the Commission granted Petitioner’s application and issued the Waiver. Since receiving the Waiver, Petitioner has timely submitted regular compliance filings, which demonstrate actual savings to Assistance Program Participants in great detail. As exemplified by the detailed spreadsheet analyses and supporting calculations included in the compliance filings, APPs enrolled in Petitioner’s GSP have realized an average savings of over 3% as compared to the default utility price.

These actual savings to APPs have outperformed Petitioner's baseline guarantee of 1% savings and further demonstrate Petitioner's willingness and ability to ensure that the APPs pay no more than they would have paid to the utility. It also demonstrates that Petitioner is effective and efficient at delivering stable and reliable benefits to APPs in New York. Moreover, the compliance filings demonstrate that Petitioner has appropriate reporting capabilities and is proficient in verifying its compliance to the Commission.

III. CONCLUSION

The Commission's March 16, 2018 Order Approving New Wave Energy's Petition For Waiver of the Prohibition on Service to Low-Income Customers By Energy Service Companies has led to demonstrable and significant savings to APPs in New York. New Wave has successfully implemented the Commission's policy objectives in an efficient and effective manner. For the reasons set forth above, the Commission should grant New Wave's Petition for An Extension of the Waiver of the Commission's Prohibition on Service to Low-Income Customers by Energy Service Companies, allowing Petitioner to continue to deliver substantiated and reliable benefits to low-income customers in the State of New York.

Dated: Buffalo, New York
September 21, 2023

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