

July 30, 2024

Via Electronic Mail

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Re: Case 23-M-0106 – In the Matter of Commission Registration of Energy Brokers and Energy Consultants Pursuant to Public Service Law Section 66-t.

Case 15-M-0180 – In the Matter of Regulation and Oversight of Distributed Energy Resource Providers and Products.

Case 98-M-1343 – In the Matter of Retail Access Business Rules.

Dear Natara Feller:

I received your July 29, 2024 letter (submitted at 3:30 PM) on behalf of the New York Retail Choice Coalition (NYRCC) requesting a further extension of time to comply with the directives set forth in Ordering Clauses 3, 4, 6, 7, and 9 of the Commission's *Declaratory Ruling and Order on Rehearing*, issued April 18, 2024, in the above-captioned proceedings. By the *Notice Extending Deadlines* issued on June 10, 2024, a previous extension until July 31, 2024, was granted. Additionally, by the *Ruling on Extension Request* issued July 12, 2024, a previous request for further extension filed by you on behalf of NYRCC was denied.

The New York State Legislature enacted Public Service Law (PSL) §66-t to provide consumer protections and transparency for New York customers interacting with energy service companies employing or acting as energy brokers, energy brokers, and energy consultants.<sup>1</sup> Governor Hochul signed Public Service Law §66-t into law on December 23, 2022. Thereafter, the Department of Public Service initiated an administrative proceeding consistent with this new law. The administrative proceeding spanned sixteen months and included various administrative rehearing requests presented by NYRCC and other entities. I am informed that as of mid-day

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<sup>1</sup> L. 2022, ch. 787.

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today, July 30, 2024, the Department has already approved 20 registrations and has received approximately 150 applications for registration that have accompanying letters of credit. The 20 entities that have achieved final registration status have, among other things, secured letters of credit from financial institutions. Letters from the Department have been placed in the mail to them, and they are ready to participate in the New York marketplace consistent with PSL §66-t and the program developed thereunder.

In your July 29, 2024 letter, you state that NYRCC and an energy service company, M&R Energy Resources Corp., have sought to commence a proceeding pursuant to Article 78 of the Civil Practice Law and Rules (CPLR) challenging the Commission's decisions in the *Declaratory Ruling and Order on Rehearing*, issued April 18, 2024, and the *Order Adopting Energy Broker and Energy Consultant Registration Requirements*, issued June 23, 2023. You write to request an extension of time to comply with the directives noted above until sixty days after the New York State Supreme Court has issued a ruling on the Article 78 petition. Your clients thus seek to stay the implementation of the Legislature's directives and the core provisions of the Commission's orders.

I decline to approve your request for an additional extension of time to come into compliance with PSL §66-t and the Legislature's directives. The Legislature determined that these consumer protections were necessary to protect New Yorkers. No new or persuasive justification is provided in your July 29, 2024, request that would warrant granting an additional extension with respect to complying with these directives or frustrating the clear intent of the Legislature. Any further across-the-board extension of the deadline to register and comply with PSL §66-t would harm entities that have worked diligently to comply with the requirements and have achieved a registration status. Accordingly, your request for an additional extension is denied.

This ruling will be posted on the Department's website.

Very truly yours,



Michelle L. Phillips  
Secretary