

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

CASE 14-E-0423 - Proceeding on Motion of the Commission to  
Develop Dynamic Load Management Programs.

NOTICE SOLICITING COMMENTS AND  
ANNOUNCING STAKEHOLDER SESSION

(Issued November 27, 2023)

In its Order Directing Dynamic Load Management Program Changes (Order), issued on April 21, 2023, in this proceeding, the Public Service Commission (Commission) directed Department of Public Service Staff (Staff) to conduct a stakeholder session regarding residential customer participation in Dynamic Load Management (DLM) programs.<sup>1</sup>

**PLEASE TAKE NOTICE** that interested parties are invited to submit written comments regarding the development of policies and procedures concerning the participation of residential customers in residential and small business DLM Programs. Staff has developed an outline of areas in which oversight of aggregators may be appropriate, attached to this Notice. Comments regarding this topic are requested by **December 4, 2023**. Comments should be e-filed, using the Department's Document and Matter Management system (DMM).<sup>2</sup> Individuals unable to file electronically may mail their comments to the Hon. Michelle L. Phillips, Secretary to the New York State Public Service Commission, Three Empire State Plaza, Albany, New York, 12223-1350. All comments received will be posted to the Department's website and become an official part of the case record.

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<sup>1</sup> Order, p. 19.

<sup>2</sup> To register with DMM, go to <https://dps.ny.gov/dmm-login-document-and-matter-management-system>.

**PLEASE TAKE FURTHER NOTICE** that Staff will convene a Stakeholder Session, via WebEx, on **December 11, 2023**, that will start at 10:00 a.m. EST and will conclude by 1:30 p.m. EST.

The Stakeholder Session will be divided into two parts. First, the Joint Utilities will provide an overview of New York's six investor-owned electric utilities' annual reports concerning demand response programs.<sup>3</sup> The annual reports, filed in compliance with the Commission's directives, propose program changes and tariff modifications to improve the operations and cost-effectiveness of the DLM Programs.<sup>4</sup>

Second, Staff will moderate a roundtable discussion guided by questions from Staff and the comments received regarding specific requirements related to Aggregator interactions with residential customers and utility handling of customer enrollments, dis-enrollments, and other administrative procedures necessary for operating DLM Programs. The discussion will inform a Staff proposal for the establishment of rules for residential participation in DLM programs. A detailed agenda will be posted by Staff at a later date.

**Stakeholder Session**

**Monday, December 11, 2023**

**Event address for attendees:**

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<sup>3</sup> The six investor-owned electric utilities are: Central Hudson Electric & Gas Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas & Electric Corporation (collectively, the Joint Utilities).

<sup>4</sup> The Annual reports provided by the utilities may be viewed online in the Document and Matter Management system in this proceeding.

<https://meetny.webex.com/meetny/j.php?MTID=mf12140b2c23d4ce869044249a078ee3f>

**Event number:** 1693 00 5369 **Password:** DR2023

**Audio Conference:** 1-518-459-0500

**Access code:** 1693 00 5369

Information and instructions related to subscribing to the service list, or otherwise monitoring the status of this case are available on the Department of Public Service's website.

Questions may be directed to Kate Overacker at [Kate.Overacker@dps.ny.gov](mailto:Kate.Overacker@dps.ny.gov).

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary

## Questions for Stakeholders regarding Categories of Proposed Oversight

### I. Scope

- A. Should the rules and requirements discussed below apply to Aggregators<sup>1</sup> engaged in the following customer segments:
1. Single-family and small multi-family (2-4 unit) Residential customers;
  2. Multi-family (5 or more units) Residential customers;
  3. Master-metered Commercial customers with 1-4 tenant-occupied units;
  4. Master-metered Commercial customers with 5 or more tenant-occupied units;
  5. Non-demand billed small Commercial customers; and/or
  6. Demand billed Commercial and Industrial customers?
- B. A set of Uniform Business Practices for Distributed Energy Resource Suppliers, including for Community Distributed Generation and on-site mass market distributed generation, was approved by the Public Service Commission in Case 15-M-0180 (UBP-DERS).<sup>2</sup>
1. Should demand response Aggregators be subject to the Generally Applicable provisions of the UBP-DERS?
  2. Should demand response Aggregators be subject to sector-specific requirements not presently provided in the UBP-DERS?

### II. Eligibility

- A. What eligibility requirements should be imposed on participating Aggregators, if not already required under the Generally Applicable provisions of the UBP-DERS?
- B. Should entities seeking to become participating Aggregators be required to complete an application?

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<sup>1</sup> The term "Aggregator" refers to a commercial entity that provides services such as assisting customers participate in distribution utility or wholesale energy market (operated by the New York Independent System Operator) demand response programs. Customers may enroll in demand response programs through Aggregators, or directly through the utility if they meet certain criteria.

<sup>2</sup> <https://dps.ny.gov/distributed-energy-resource-der-regulation-and-oversight>

1. If yes, should demand response Aggregators be subject to the Registration Requirements provisions in Section 3A of the UBP-DERS?
2. If yes, is there a need for additional requirements for demand response Aggregators beyond those provided in Section 3A of the UBP-DERS?

III. Marketing and Advertising Standards

- A. Should demand response Aggregators be subject to marketing and advertising standards?

1. If yes, should demand response Aggregators be subject to the Enhanced Marketing and Advertising Standards (Generally Applicable) provisions in Section 2B of the UBP-DERS?

IV. Sales Agreements / Agreements between Aggregators and Customers

- A. Should demand response Aggregators be required to obtain and provide an agreement between themselves and participating customers?

1. If yes, should the agreements between demand response Aggregators and customers to be subject to the Minimum Standard for Sales Agreements provisions in Section 2A of the UBP-DER?
2. If yes, is there a need for additional requirements beyond those provided in Section 2A of the UBP-DER?

V. Customer Inquiries and Complaints and Dispute Resolution

- A. Section 2E of the UBP-DERS establishes a Customer Inquiries and Complaints process, with a more specific dispute resolution process established for certain DER Suppliers established in Section 3C.

1. Should demand response Aggregators be subject to the Customer Inquiries and Complaints (Generally Applicable) provisions of the UBP-DERS? If yes, is there a need for additional requirements or standards for demand response Aggregators?
2. Should the demand response Aggregators be subject to a dispute resolution process similar to that established in

Section 3C of the UBP-DERS? If yes, what criteria should be required demand response Aggregators?

VI. Customer Information

- A. Should demand response Aggregators be subject to the Customer Data (Generally Applicable) provisions in Section 2C of the UBP-DERS?
  - 1. If yes, is there a need for additional requirements or standards for demand response Aggregators?

VII. Consequences for Violations

- A. Should demand response Aggregators be subject to the Consequences for Violations (Generally Applicable) provisions in Section 2F of the UBP-DERS?
  - 1. If yes, is there a need for additional requirements or standards for demand response Aggregators?

VIII. Reporting Requirements

- A. Should demand response Aggregators be required to file annual reports as discussed in the Reporting Requirements provisions in Section 3F of the UBP-DERS?
  - 1. If yes, is there a need for additional requirements or standards for demand response Aggregators?