



3333 K Street, NW, Suite 110
Washington, D.C. 20007
Tel: 202-333-3288
Fax: 202-333-3266

June 19, 2019

The Honorable Kathleen H. Burgess
Secretary
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350
secretary@dps.ny.gov

RE: Case 98-M-1343 – Order Adopting Revised Uniform Business Practices – Request for Additional Extension

Dear Secretary Burgess:

The National Energy Marketers Association (NEM)¹ hereby respectfully submits this filing to request a further extension for ESCO compliance with the Commission’s Order Adopting Revised Uniform Business Practices (UBP) in the above-referenced proceeding that was issued on January 19, 2018 [hereinafter “UBP Order”]. NEM respectfully requests a further extension of ninety (90) days for ESCO compliance with the UBP Order from the current extension date of July 5, 2019.

NEM filed a Petition for Clarification and/or Rehearing of the UBP Order on February 16th, 2018, as did other stakeholders.² A Commission decision on the Petitions for Rehearing has not yet been issued. Significant stakeholder resources are required for compliance with the obligations set forth in the UBP Order as well as any potential modifications to the UBP Order that the Commission may adopt. As such, an additional extension is warranted.

¹ The National Energy Marketers Association (NEM) is a non-profit trade association representing both leading suppliers and major consumers of natural gas and electricity as well as energy-related products, services, information and advanced technologies throughout the United States, Canada and the European Union. NEM's membership includes independent power producers, suppliers of distributed generation, energy brokers, power traders, global commodity exchanges and clearing solutions, demand side and load management firms, direct marketing organizations, billing, back office, customer service and related information technology providers. NEM members also include inventors, patent holders, systems integrators, and developers of advanced metering, solar, fuel cell, lighting, and power line technologies.

² NEM requested Commission clarification and/or rehearing related to the following areas: 1) changes to voluntary ESCO budget billing and levelized payment plans; 2) the definition of “small non-residential customer” and related third party verification (TPV) compliance obligations; 3) the TPV script question regarding a consumer’s participation in a low-income assistance program; 4) ESCO assignment of sales agreements; 5) consistent expression of the ESCO representative badge requirements in the UBP; and 6) creation of a compliance obligation at UBP Section 2.D.5.o. that incorporates the undefined term “value added services and products” that is the subject of the on-going Track I proceeding. Case 98-M-1343, Petition for Clarification and/or Rehearing of the National Energy Marketers Association, filed February 16, 2018.

NEM submitted multiple requests for an extension of time for ESCO compliance with the UBP Order. NEM first filed a request for extension on February 9, 2018, which was granted to April 6, 2018.³ In a Notice Further Extending Deadlines issued on March 28, 2018,⁴ the compliance deadline was extended to July 26, 2018. NEM then filed a request for extension on July 23, 2018, which was granted to September 24, 2018.⁵ The compliance deadline was then extended to January 4, 2019,⁶ upon consideration of a request from RESA. NEM filed an additional request for extension on December 27, 2018, which was granted to April 4, 2019.⁷ Most recently, NEM filed a request for extension on April 1, 2019, which was granted to July 5, 2019.⁸

An extension of time for ESCO compliance with the UBP Order is justified and reasonable due to the following factors: the significant nature of the UBP changes in the UBP Order; the resources that will be required for ESCOs to implement the changes; and uncertainty regarding certain terms in the UBP Order that will require Commission clarification in order to ensure ESCO compliance.

Moreover, the rationale stated in granting the prior extensions of the compliance deadline - the need for the Commission to consider the pending petitions for rehearing and the avoidance of the administrative burden of complying with an Order that the Commission may determine requires further revision - continues to justify an extension.

NEM respectfully submits that an additional extension of time of ninety (90) days from the current extension date of July 5, 2019, for ESCO compliance with the UBP Order, is justified and reasonable.

Thank you for your consideration of this request.

Respectfully submitted,

s/Craig G. Goodman
Craig G. Goodman, Esq.
President
Stacey Rantala
Director, Regulatory Services
National Energy Marketers Association
Email: cgoodman@energymarketers.com;
srantala@energymarketers.com

cc: service list

³ Case 98-M-1343, Notice Extending Deadlines, issued February 16, 2018. The extension was granted because “[t]o require ESCOs and the Joint Utilities to comply with the Commission’s order at this time would be an administrative burden on ESCOs and Joint Utilities should the Commission determine that further revisions are necessary, which would necessitate an additional compliance filing.”

⁴ Case 98-M-1343, Notice Further Extending Deadlines, issued March 28, 2018. The extension was granted because of “the additional [SAPA] comment period and in order to provide time for the Commission to consider the requests for rehearing.”

⁵ Case 98-M-1343, Notice Further Extending Deadline, issued July 23, 2018.

⁶ Case 98-M-1343, Notice Further Extending Deadlines, issued September 14, 2018.

⁷ Case 98-M-1343, Notice Further Extending Deadlines, issued December 27, 2018.

⁸ Case 98-M-1343, Notice Further Extending Deadlines, issued April 3, 2019.