TRIENNIAL COMPLIANCE INSTRUCTIONS:

Uniform Business Practices (UBP) Section 2.D.2 requires:

"An ESCO shall update all the information it submitted in its original application package to the Department every three years, starting from the date of its eligibility letter, consistent with the requirements of UBP Section 2.B. An ESCO's status as an eligible supplier is continuous from the date of the Department eligibility letter, unless revoked or otherwise limited in accordance with UBP Section 2.D.5. If the three year anniversary date falls within one month of January 31, the ESCO shall resubmit its application package in lieu of the January 31 statement."

Unlike the annual compliance filing, the triennial filing requires you to resubmit your entire application, regardless of whether there have been any updates. Items required in your original application are listed in **ATTACHMENT A** of this document.

FOR BOTH PUBLIC AND TRADE SECRET FILINGS:

ESCOs are directed to file this information with the Secretary by the due date listed above in **Matter Number**: **14-02554**. Directions on how to file with the Secretary can be found on our website:

http://www3.dps.ny.gov/W/PSCWeb.nsf/All/4BDF59B70BABE01585257687006F3A57?OpenDocument

Please note: If you are filing with Trade Secret Protection, you are required to submit a trade secret letter addressed to the Records Access Officer, a cover letter to the Secretary, the original document and a redacted document.

For help using DMM please contact the DMM Help Desk at 518-474-3204.

Questions can be sent to Robin.Taylor@dps.ny.gov

ATTACHMENT A

NEW YORK ESCO TRIENNIAL CHECKLIST

□ Completed RAAF (including listing of entities with ownership interests; sanctions; contact info)

□ NYS Dept of State Proof of Registration (if DBA: Assumed Name Certificate Required)

□ Sales Agreements with Terms and Conditions and Disclosure Statement

□ Sample Notices (UBP Section 5)

- □ Assignment
- □ Discontinuance
- □ Transfer

□ Sample ESCO Dual Bill (UBP Section 9)

□ Procedures to authorize access to customer historical information (UBP Section 4)

□ Sample copies of mass marketing promotional materials

□ Procedures for prevention of slamming and cramming (UBP Definitions)

□ A list of the entities, including contractors and sub contractors, that will market to customers on behalf of your ESCO.

□ Trade Secret request (if applicable)

□ Quality Assurance Program (must contain)

- □ Description of training program (Note whether In-person or Telephonic)
- □ Code of Conduct
- □ Marketing representative identification badge
- □ Monitoring program and quality assurance procedures
- □ Internal dispute resolution process

□ OCS Service Provider Contact Form

□ HEFPA Documents (Residential Only)

- □ Residential Payment Agreement
- □ Asset Evaluation
- □ Budget Billing Plan
- □ Quarterly Billing

- □ Past Due Reminder
- □ Notification to Social Services of Customers Inability to Pay
- □ Final Termination Notice
- □ Final Suspension Notice

□ Attestation to comply with the Environmental Disclosure Program (Electric Only)