

STATE OF NEW YORK

Public Service Commission

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PSC EXPANDS CONSUMER PROTECTIONS

— Door-to-Door ESCO Sales to Include Consumers Bill of Rights —

Albany, NY—12/16/10—The New York State Public Service Commission (Commission) today, in a move designed to further protect energy consumers, adopted a new set of rights for residential customers who do business with energy service companies (ESCOs) and it also incorporated recent changes in state law into its uniform business practices related to ESCO marketing practices.

“Under the new statutory amendments, consumer rights are expanded in connection with door-to-door sales and residential sales, and avenues for enforcement of the statute’s provisions have been created,” said Commission Chairman Garry Brown. “While we welcome and encourage retail competition in the energy business, we must also ensure that residential consumers are treated fairly and reasonably.”

The Commission action implemented provisions of Section 349-d of the General Business Law (GBL) by adopting an ESCO Consumers Bill of Rights and incorporating certain provisions of GBL Section 349-d into the Commission’s uniform business practices related to energy service companies’ (ESCOs) marketing practices.

While Section 349-d of the GBL is self-executing, and provides for enforcement of its provisions by the State Attorney General, the Commission modified certain provisions of the uniform business practices to comport with the new provisions of the statute. The new components of the statute incorporated into the uniform business practices:

- Require ESCOs to provide each prospective customer a copy of the ESCO Consumers Bill of Rights developed by the Public Service Commission. (See attachment below).
- Prohibit ESCOs from requiring a prepayment for energy services.
- Limit the amount of early termination fees.
- Prohibit an ESCO from making certain changes to a customer agreement without express consent.

Modifications to the Commission's uniform business practices and enforcement actions by the Attorney General for violations of any provision of Section 349-d of the general business law are effective January 11, 2011.

Further information, when available, can be obtained by going to the Documents Search section of the Commission's Web site at www.dps.state.ny.us and entering Case 98-M-1343 in the input box labeled "Search for Case/Matter Number." Many libraries offer free Internet access. Copies of information in this case can also be obtained from the Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500).

Attachment: ESCO Customer Bill of Rights

Customers can purchase energy supply from an Energy Services Company (ESCO) or from a traditional utility. If you choose to purchase energy supply from an ESCO you are entitled to:

- A clear description of the services offered by the ESCO.
- Receive energy delivery and 24 hour emergency services from your utility company.
- Clear procedures for switching energy suppliers, including information about the enrollment process.
- Disclosure, in simple and clear language, of the terms and conditions of the agreement between you and the ESCO including:
 - price and all variable charges or fees;
 - length of the agreement;
 - terms for renewal of the agreement,
 - cancellation process and any early termination fees, which are limited by law; and
 - conditions, if any, under which the ESCO guarantees cost savings.
- Rescind an agreement with an ESCO within three days of receiving the agreement, if you are a residential customer.

- A description of how pre-payment agreements works, if offered.
- Notice from the ESCO, no less than thirty days prior to the contract renewal date, of the renewal terms and the options you have as a customer.
- A fair and timely complaint resolution process.
- Provision of any written documents (contracts, marketing materials, and this ESCO Consumer Bill of Rights, in the same language used to enroll you as a customer.

If you are a residential customer you are also entitled to the rights and protections of the Home Energy Fair Practices Act (HEFPA) which requires that all utility customers be treated fairly with regard to application for service, customer billing, and complaint procedures. For more information go to <http://www.dps.state.ny.us/resright.html>.

ESCOs that do not assure these consumer rights could lose their eligibility to provide service in New York. Please report any complaints to the Department of Public Service at 1-800-342-3377 (8:30 am – 4:00 pm), by mail at Office of Consumer Services, NYS Department of Public Service, 3 Empire State Plaza, Albany, NY 12223, or online at <http://www.dps.state.ny.us>.

You can find more information about your energy alternatives by visiting: www.askpsc.com