



ENERGY SERVICE COMPANY (ESCO) RETAIL ACCESS APPLICATION INSTRUCTIONS

1. Business Information: Please complete this section with your company name, address, telephone and fax number. The address should be the main address for your company. This information will appear on the NYS Power to Choose website (if you are required to post rates) and our ESCO Directory. A copy of the NYS Department of State proof of acceptance will be required.

DBA Name: Please list “Doing Business As” (DBA) names that your company will use. A copy of the certificate of assumed name from the Department of State will be required before the DBA name(s) will be accepted.

Energy Affiliates: If your company has any energy affiliates (including subsidiaries) located or operating within NYS with an ownership of 10% or more, please list the contact information. Use additional sheets if necessary.

Criminal or Regulatory Sanctions: If, during the previous 36 months, criminal or regulatory sanctions have been imposed for any senior officer of the ESCO application, its subsidiaries or energy affiliates, please list the contact information. Use additional sheets if necessary.

2. Contact Information: This section is used for Staff to contact individuals at the company. Please be advised that the regulatory contact will receive all correspondence regarding compliance. The information provided in the “Power to Choose Website Information” section will be published online for customers.

3. Additional Requirements:

- Copy and proof of acceptance of your registration with the NYS Dept of State and a copy of your certificate of assumed name (if applicable).

- Comprehensive copy of your standard sales agreement(s), including presentation of the customer disclosure statement. This should include agreements for each customer class you intend to market and for each commodity (natural gas/electric).
- Marketing representative ID badge.
- Marketing standards quality assurance plan.
- Third party verification script (TPV).
- Sample forms of notices for assignment, discontinuance and transfer of 5000 or more customers to other providers. Required per HEFPA regulations.
- Sample(s) of your billing format(s).
- Procedures you will use to obtain customer's authorization for historic usage and credit information.
- Copies of information and promotional materials used for mass marketing purposes. If you do not plan to use mass marketing, please advise in your application.
- HEFPA documents, if providing energy supply to residential customers. Not required for Non-Residential customers.
- Internal procedures for the prevention of slamming or cramming.
- A list of entities, including contractors and sub-contractors, that will market on behalf of your ESCO. The list must include the entities' names, addresses, phone numbers and owners, managers, and/or principals. If you do not plan to use third parties to market on behalf of you ESCO, please advise.
- Attestation that you will comply with the requirements of the New York State's Environmental Disclosure Program, if you intend to serve electric customers. Not required for natural gas service.
- NYS DPS Office of Consumer Services Service Provider Form. Please fax to the number listed on the first page of the form in addition to providing it in your application.

- Letter from a utility that you have successfully completed EDI Phase I Testing. The application is available on the Department Website at: <http://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/90172D773887F5A385257687006F391D?OpenDocument>. A list of utility contacts is provided here:

Central Hudson – retailaccess@cenhud.com

Con Edison – retailaccess@coned.com

National Fuel Gas - HoganB@natfuel.com

National Grid (KEDNY, KEDLI and NIMO) – Sergio.Smilley@nationalgrid.com

NYSEG – dmneira@nyseg.com

O&R – RetailChoice@oru.com

RG&E – dmneira@nyseg.com

4. Identify the types and locations of markets (For Eligible ESCOs who have completed Phase III Testing): Place an “√” in the applicable cells of the table below to 1) designate the individual utility retail access programs in which you participate, and the customer market(s) in each program you serve; 2) indicate the commodities you offer in each service territory, and 3) indicate the billing options you offer in each territory. **New ESCOs applying for eligibility should leave this section blank. If you are an ESCO that has eligibility but are not serving, leave this section blank.**
5. Signature: Sign and print your name, include your title the date and company name. The person signing this application attests to the following: that she or he is an owner, partner, or officer of the business named on this application, the answers and materials contained in this application package are true and the application package submitted is complete and accurate. An ESCO that knowingly makes false statements in this application package is subject to denial or revocation of eligibility.
6. Filing Information: In order to become an eligible ESCO in New York State to supply electricity and/or natural gas to residential or non-residential consumers, the applicant is required to file a retail access application package. Directions to register for e-filing through DMM is available on our website at: <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/CC256BE982C58CF785257687006F39CE?OpenDocument>

E-Filing: **For New ESCOs:** The retail access application package (RAAF) should be e-filed through the Department’s document matter management system (DMM) in matter number 15-00555. **For Existing ESCOs:** updates to the RAAF should be e-filed through DMM matter number 14-02554.

Process: Once the retail access application package has been completed and reviewed, including compliance requirements for EDI Phase I testing, environmental disclosure statements and HEFPA criteria for residential customers, a letter of eligibility will be issued to an ESCO from the NY Department of Public Service (DPS). The letter must be presented to the utility by the applicant prior to initiating contact with the utility to fulfill the requirements in its retail access program, which includes a financial creditworthiness review, completion of the EDI Phase III testing and execution of any operating and billing agreements.

Marketing and Power to Choose: The applicant may not actively market to or enroll customers in a utility service territory until both the DPS and utility filing requirements have been completed. At such time, the ESCO is required to post rates for residential customers to the NY Power to Choose website. Instructions to register and post rates will be listed in your initial eligibility letter.

Trade Secret/Confidentiality: If the application package contains information that is considered trade secret or sensitive for competitive market security reasons, the applicant may request the NYS DPS to withhold disclosure of the information, pursuant to the Freedom of Information Law (Public Officers Law, Article 6) and NYS Public Service Commission regulations (16 NYCRR §6-1.3). To file with trade secret status, you are required to submit a trade secret letter addressed to the Records Access Officer, a cover letter addressed to the Secretary, the entire application and a redacted application in DMM matter number 15-00555. Information on how to file confidential documents can be found on our website at:

<http://www3.dps.ny.gov/W/PSCWeb.nsf/All/2C2BF964121B6B2B85257B6B00675C5D?OpenDocument>