



## STATEMENT IN SUPPORT OF THE PETITION

In February 1999, the Commission issued an order in Case 98-M-1343 adopting the UBPs to provide consistent business procedures for both ESCOs and electric and natural gas utilities across the state. As the competitive retail energy market has evolved in New York, the Commission has revisited the UBPs and modified the practices to reflect changes in the market while continuing to provide consumer protections and privacy.<sup>1</sup>

Section 10 of the UBPs describes the marketing standards that an ESCO marketing representative or agent must follow when contacting customers in person at a location other than the ESCO's place of business for the purposes of selling products or services offered by the ESCO. Specifically, Section 10 (C).1.b reads as follows:

*C. Contact with Customers*

*1. In-Person Contact with Customers*

- b. Produce identification, to be visible at all times thereafter, which:
1. Prominently displays in reasonable size type face the **full name** of the marketing representative;
  2. Displays a photograph of the marketing representative and depicts the legitimate trade name and logo of the ESCO they are representing;
  3. Provides the ESCO telephone number for inquires, verification and complaints.

The rationale behind this provision is to provide the customer appropriate identification information concerning the ESCO agent for purposes of follow-up inquiries, as well as tracking for complaints. However, Green Mountain believes that providing the representative's full name during an in-person contact may render the representative vulnerable to future inappropriate and unsolicited contact. Certain Green Mountain representatives have experienced instances where they have been disturbed by strangers they encountered in the course of performing their marketing activities. Because the badges display their full names, Green Mountain

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<sup>1</sup> The UBPs were last modified in February 2016. See Case 15-M-0127, *In the Matter of Eligibility Criteria for Energy Service Companies*, Order Resetting Retail Energy Markets and Establishing Further Process (Issued and Effective February 23, 2016).

representatives were easily identifiable through internet searches and were stalked and harassed through social media.

In order to protect the safety and privacy of the ESCO representatives, Green Mountain proposes to omit the current requirement that identification badges include both the agent's first and last name, and replace it with the agent's first name and an unique employee identification number. For follow-up inquiries and tracking purposes, displaying a unique employee identification number accompanied with the agent's first name will easily accomplish the consumer protection objective of the UBPs while also protecting the agent's privacy.

Requiring only the first name of the agent as well as the employee identification number will be also aligned with what is required by the UBPs for telephone marketing. Section 10 (C).2.a, which provides the standards to be followed during a telephone contact with customers, reads, in pertinent part, as follows:

*C. Contact with Customers*

*2. Telephone Contact with Customers*

ESCO marketing representatives who contact customers by telephone for the purpose of selling any product or service offered by the ESCO shall:

- a. Provide the ESCO marketing representative's first name and, on request, the identification number.

Therefore, Green Mountain respectfully offers the following revised Section 10(C)1.(b).1 of the UBPs for review and consideration by the Commission:<sup>2</sup>

*C. Contact with Customers*

*1. In-Person Contact with Customers*

- b. Produce identification, to be visible at all times thereafter, which:
  1. Prominently displays in reasonable size type face the ~~full~~ **first name and employee identification number** of the marketing representative;
  2. Displays a photograph of the marketing representative and depicts the legitimate trade name and logo of the ESCO they are representing;
  3. Provides the ESCO telephone number for inquires, verification and complaints.

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<sup>2</sup> Proposed changes are identified in bold and strikethrough.

In order to achieve consistency throughout the UBPs, Green Mountain further requests that Section 10(C)1.(d) should be revised to read as follows:<sup>3</sup>

An ESCO marketing representative must provide each prospective residential customer a business card or similar tangible object with the ESCO marketing representative's **first** name and **employee identification number**; ESCO's name, address, and phone number; date and time of visit and website information for inquires, verification and complaints.

Granting the relief requested would serve the public interest and it will protect the safety and privacy of ESCO representatives while continuing to ensure that the ESCO representatives meet the highest marketing standards.

**WHEREFORE**, it is respectfully requested that the Commission grant the relief requested in its entirety.

Dated: October 7, 2016

Respectfully submitted,



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<sup>3</sup> Proposed changes are identified in bold.