

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

- CASE 15-M-0127 - In the Matter of Eligibility Criteria for Energy Service Companies.
- CASE 12-M-0476 - Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State.
- CASE 98-M-1343 - In the Matter of Retail Access Business Rules.

NOTICE GRANTING EXTENSION REQUESTS

(Issued April 7, 2020)

On December 12, 2019, the Public Service Commission (Commission) issued an Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (Order) in the above-captioned proceedings. In response to extension requests filed by several energy service companies (ESCOs), the due date for complying with Ordering Clauses 1, 2, 5, and 8 was extended to May 11, 2020, while the due date for complying with Ordering Clause 6 was extended to June 9, 2020.¹

On March 10, 2020, and, as supplemented on March 18, 2020, Family Energy, Inc. (Family) filed a request that the deadlines associated with Ordering Clauses 1, 2, 5, 6, and 8 be extended by an additional 90 days. The same request was filed on March 16, 2020, by Reliant Energy Northeast LLC d/b/a NRG Home and d/b/a NRG Business Solutions, Green Mountain Energy Company, Energy Plus Holdings LLC, Energy Plus Natural Gas LLC, Independence Energy Group LLC d/b/a Cirro Energy, XOOM Energy New York, LLC, and Stream Energy New York, LLC, all subsidiaries of NRG Energy, Inc. (NRG). On March 18, 2020, Direct Energy

¹ Notice Granting Extension Requests (issued January 22, 2020).

Services, LLC and Gateway Energy Services Corporation (Direct Energy) filed a letter supporting the extension requests made by Family and NRG. On March 20, 2020, the National Energy Marketers Association (NEM) and Vistra Energy Corp. (Vistra) both filed a request for an additional 90-day extension of the requirements of Ordering Clauses 1, 2, 5, and 6 of the Order.

In support of their requests, Family, NRG, Direct Energy, NEM, and Vistra assert that issues and questions raised by industry stakeholders with respect to the Order remain outstanding. Additionally, they note that the Commission has not yet issued an order addressing the petitions for rehearing that were filed by several ESCOs and that resolution of the issues raised in those petitions is essential prior to implementation of the Order. Finally, they assert that the COVID-19 pandemic and its impact justify an additional extension.

Upon consideration of all stakeholders' interests and given the importance of ensuring an orderly transition and implementation of the Order's requirements, an additional extension is warranted. Based on the information provided, and considering the justifications underlying the extension requests, an extension of 90 days is granted to ESCOs eligible to operate in New York to comply with the requirements of Ordering Clauses 1, 2, 5, 6, and 8 of the Order. The new compliance date for Ordering Clauses 1, 2, 5, and 8 is August 10, 2020, and the new compliance date for Ordering Clause 6 is September 9, 2020. No extension is provided by this Notice with respect to the remaining clauses of the Order. Nothing in this Notice should be construed as limiting the Commission's authority to establish different or more particular implementation deadlines, including in any order addressing the aforementioned petitions.

CASE 15-M-0127, et al.

This extension is granted in order to promote the fair, orderly and efficient conduct of this proceeding.

(SIGNED)

MICHELLE L. PHILLIPS
Secretary