



NEW YORK STATE Public Service Commission



# Retail Access and Consumer Protections

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## **What is Retail Access?**

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- Since 1994 the Commission has encouraged the development of a competitive market for gas and electricity.
- Customers can purchase their gas and/or electric supply from an Energy Service Company (ESCO).
- ESCOs must be deemed eligible to serve customers by the Department of Public Service.
- Today there are over 100 gas and electric ESCOs serving over 1.3 million electric and 830 thousand gas customers throughout the state.



## **Uniform Business Practices**

### **Case 98-M-1343**

- In 1999 the Commission adopted the Uniform Business Practices (UBP) which prescribe procedures for the relationship between the distribution utilities and ESCOs and between ESCOs and customers.
- The most recent UBP modifications in October 2008 define ESCO marketing standards.
- The marketing standards:
  - require ESCOs to train their marketing representatives so that the information they provide to customers accurately describes the ESCO offer;
  - define behaviors that representatives must adopt to properly identify themselves and clearly communicate with all customers, including non-English speaking customers;
  - require that ESCOs maintain an internal process for handling customer complaints.
- ESCOs must:
  - not engage in misleading or deceptive conduct;
  - not make misleading representations including misrepresenting rates or savings offered;
  - provide the customer with written information, upon request;
  - provide accurate/timely information about services and products including information about: rates, contract terms, early termination fees and right of cancellation; and,
  - cooperate with the PSC and with local law enforcement in investigations concerning deceptive marketing practices.



## **Chapter 686 of the Laws of 2002**

- Since 2003 ESCOs have been required to comply with the Home Energy Fair Practices Act (HEFPA) and therefore have the same statutory protections provided to customers who purchase gas, electricity, and delivery service from distribution utilities.
- Most distribution utilities have implemented “Purchase of Receivable” (POR) programs where the ESCO and the utility have an agreement which provides for the ESCO to receive payment from the utility on behalf of a customer when the utility bills the customer via a utility consolidated bill which includes the delivery and energy charges. In a POR situation, the distribution utility is responsible for ensuring that a customer who is terminated for non-payment of energy charges receives the required HEFPA protections.



## **Price Reporting Case 06-M-0647**

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- Beginning in October 2004, ESCOs serving residential customers were listed at the DPS website.
- In October 2005, the Web site's capabilities were enhanced by adding a "Power to Choose" function that enables customers to determine which ESCOs are serving in their zip code.
- In mid-June 2010 a new Power to Choose website went live. The new website allows ESCOs to submit updated pricing information as often as they like so customers will have the most up to date pricing information available.