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VIA ELECTRONIC

December 23, 2021

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Three Empire Plaza, 14th Floor
Albany, New York 12223-1350

Re: Case 15-M-0127, In the Matter of Eligibility Criteria for Energy Service Companies

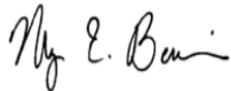
Case 12-M-0476, Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-residential Retail Energy Markets in New York State

Case 98-M-1343, In the Matter of Retail Access Business Rules

Dear Secretary Phillips:

Enclosed for filing with the New York Public Service Commission, please find the Retail Energy Supply Association's ("RESA") request for an extension of time of the January 25, 2022 expiration of the waiver established in Ordering Clause 4 of the Waiver Order.

Respectfully submitted,



Megan E. Baroni

MEB/sj

cc: Service List

December 23, 2021

Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350

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Extension Request

Dear Secretary Phillips:

Pursuant to Ordering Clause 7 of the Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services,¹ the Retail Energy Supply Association (“RESA”)² respectfully requests an extension of the January 25, 2022 expiration of the waiver established in Ordering Clause 4 of the Waiver Order.

On December 12, 2019, the Public Service Commission (“Commission”) issued an Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process in the

¹ Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services (Issued Jan. 25, 2021) (“Waiver Order”).

² The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

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above-referenced proceedings.³ The Reset Order directed Department of Public Service staff (“DPS Staff”) to convene a collaborative in Track II to consider, *inter alia*, “the development of ‘green gas’ products that could potentially be offered to customer[s] by ESCOs in the future.”⁴

On January 25, 2021, in response to petitions from various ESCOs, the Commission issued the Waiver Order, which, among other things, authorized a limited, one-year waiver during which ESCOs that had marketed bundled natural gas and carbon offset or renewable energy certificate products could continue to offer those products to customers who were purchasing them (the “Limited Waiver”).⁵ The Commission expressly designed the Limited Waiver “to minimize customer disruption *during the pendency of Track II . . . while* interested parties engage in discussions regarding ‘green gas’ product proposals.”⁶ The Limited Waiver is currently set to expire on January 25, 2022.⁷

Although nearly one (1) year has passed since the Commission issued the Waiver Order, substantive discussions regarding future green gas product offerings have only just begun.⁸ As a consequence, Track II has not yet progressed to the point of determining what green gas products could be offered to customers by ESCOs going forward. If the Limited Waiver expires, customers currently receiving service under existing green gas product offerings may not be able to continue receiving such service and, thus, experience disruptions.

The Commission, however, designed the Limited Waiver for the express purpose of avoiding such disruptions during the pendency of the Track II proceedings.⁹ Thus, to accomplish the Commission’s goal in creating the Limited Waiver and to ensure that customers enrolled in bundled green gas products do not experience disruptions, the Commission should extend the

³ Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process (Issued Dec. 12, 2019) (“Reset Order”).

⁴ See Notice Scheduling Stakeholder Meeting (Nov. 22, 2021); see also Waiver Order, at 17 (“Track II proceedings will provide the needed opportunity for engagement between interested parties and [DPS] Staff to permit a better understanding of proposals related to ‘green gas’ products.”).

⁵ Waiver Order, at 2-3; see also *id.* at 21 (Ordering Clause 4).

⁶ *Id.* at 18 (emphasis added).

⁷ See Waiver Order, at 21 (Ordering Clause 4) (authorizing the Limited waiver “in effect for one year from the date of issuance of [the Waiver] Order”).

⁸ See Notice Scheduling Stakeholder Meeting (Nov. 22, 2021); Track II – Stakeholder Meeting Presentation (Dec. 9, 2021) (“Presentation”).

⁹ See Waiver Order, at 18 (“[W]e offer limited procedural relief designed to minimize customer disruption *during the pendency of Track II*. We find it appropriate to issue a waiver limited by time and scope *while* interested parties engage in discussions regarding ‘green gas’ product proposals.”) (emphasis added).

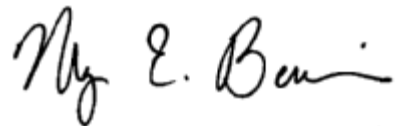
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expiration date of the Limited Waiver during the pendency of the Track II proceedings. Further, extending the Limited Waiver for this period will benefit the collaborative Track II process by ensuring that stakeholders have sufficient time to consider issues and proposals without the pressures that the expiration of the Limited Waiver on a date certain might create. For these reasons, RESA respectfully requests an extension of the expiration date of the Limited Waiver during the pendency of Track II.

Respectfully submitted,

A handwritten signature in cursive script, reading "Megan E. Baroni". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Megan E. Baroni