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VIA ELECTRONIC

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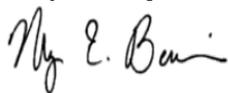
Hon. Michelle L. Phillips, Secretary
New York State Public Service Commission
Three Empire Plaza, 14th Floor
Albany, New York 12223-1350

Re: Case 22-E-0121, Petition of Agway Energy Services, LLC for a Declaratory Ruling Concerning Failure of Central Hudson Gas and Electric Corporation to Provide Accurate Electronic Data Interchange Information or Provide Accurate Client Bills

Dear Secretary Phillips:

Enclosed for filing with the New York Public Service Commission please find a Response to Petition for Declaratory Ruling and Corrective Action Plan on behalf of the Retail Energy Supply Association (“RESA”).

Respectfully submitted,



Megan E. Baroni

MEB/sj

cc: Service List

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of Agway Energy Services, LLC	:	
for a Declaratory Ruling Concerning	:	
Failure of Central Hudson Gas and	:	
Electric Corporation to Provide Accurate	:	Case 22-E-0121
Electronic Data Interchange Information	:	
or Provide Accurate Client Bills	:	

**RETAIL ENERGY SUPPLY ASSOCIATION’S RESPONSE TO PETITION FOR
DECLARATORY RULING AND CORRECTIVE ACTION PLAN**

The Retail Energy Supply Association (“RESA”)¹ hereby submits its Response to Agway Energy Services, LLC’s (“Agway’s”) February 25, 2022 Petition for Declaratory Ruling and Corrective Action Plan.²

I. PROCEDURAL BACKGROUND

On February 25, 2022, Agway, an energy services company (an “ESCO”), filed the Petition.³ In the Petition, Agway made various allegations about the failure of Central Hudson Gas & Electric Corporation (“Central Hudson”), a distribution utility providing gas and electric service, to provide accurate and timely customer information and data.⁴ Agway alleged that Central Hudson provides “routinely incorrect data” to Agway.⁵ In particular, and among other things, according to the Petition, Central Hudson’s electronic data interchange (“EDI”)

¹ 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.

² Petition for Declaratory Ruling and Corrective Action Plan (Feb. 25, 2022) (“Petition”).

³ Petition.

⁴ *See, generally*, Petition.

⁵ Petition, at 4.

information has contained thousands of errors since Central Hudson brought a new computer system on-line in September 2021.⁶ According to Agway, these errors

include EDI file formatting errors that prevent Agway processing EDI records without manual intervention; payment files that do not match the corresponding POR cash payments sent to Agway; cancel transactions without matching rebill transactions; invoice transactions without corresponding meter read transactions; incorrect dollar amounts or meter reads (often the amounts are double-charged on invoice transactions); doubled units on EDI invoices (EDI 810); and drop transactions that do not relate to Agway's customers.⁷

Agway further alleged that “most of the EDI 820 payment files that Central Hudson has sent to Agway since September 2021” have contained errors⁸ and that other information that Central Hudson transmitted to Agway contained errors.⁹ In addition, Agway alleged that Central Hudson's errors in providing information are not limited to EDI-related errors¹⁰ and include, among other things, the publication of an inaccurate list of low-income customers to whom ESCOs are not permitted to sell gas or electricity.¹¹ Based on its allegations, Agway sought various forms of relief from the Commission.¹² RESA now hereby responds to the Petition.

II. THE INTEREST OF RESA

RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings in the Mid-Atlantic, Great Lakes, New England, and New York regions. RESA members are active participants in the retail competitive markets for electricity and natural gas, including the New York markets. Several RESA member companies

⁶ See Petition, at 5.

⁷ Petition, at 5.

⁸ Petition, at 9 (“[M]ost of the EDI 820 payment files that Central Hudson has sent to Agway since September 2021 have not matched the amount of the corresponding payment to Agway.”).

⁹ See Petition, at 9 (“Agway has also experienced sporadic formatting errors with Central Hudson's EDI Files (867 Meter Read, 810 Invoice, 814 Change, and 820 Payment).”).

¹⁰ See Petition, at 10 (“Central Hudson's failures go far beyond its EDI system.”).

¹¹ See Petition, at 12, 13 (“Based on a challenge from Agway, Central Hudson confirmed in December 2021 that its November ‘Ineligible Customer List’ was inaccurate.”).

¹² See Petition, at 15-16.

are ESCOs eligible to serve customers in New York and are presently providing service to New York customers in the Central Hudson service territory. Although Agway is not a RESA member, RESA responds to the Petition because Agway's Petition raises issues and concerns affecting the broader New York retail competitive markets and RESA member ESCOs' participation in them.

III. ARGUMENT

Agway's allegations are serious and troubling. The issues with Central Hudson's provision of data that the Petition outlined affect fundamental aspects of ESCO retail supply operations and have the potential to cause significant disruptions for ESCOs and their customers alike. Moreover, Agway is not unique in experiencing problems with Central Hudson's provision of data. Multiple RESA member ESCOs have experienced, and are experiencing, comparable problems with Central Hudson's provision of data. As a result, RESA urges the Commission to investigate Agway's allegations specifically and utility failures more broadly to provide accurate and timely data and to take reasonable and appropriate corrective action to ensure that New York's regulated distribution utilities provide ESCOs with accurate and timely data.

A. RESA Member ESCOs Experience Comparable Problems With Central Hudson's Provision Of Data

RESA member companies have experienced, and continue to experience, issues with Central Hudson's provision of data that are comparable to those that Agway described in the Petition. Like the problems that Agway described, the problems that RESA member ESCOs experience affect such critical operational areas as billing, payment, and enrollment. For example:

- Central Hudson has failed to provide consumption data on hundreds of accounts for one RESA member ESCO since Central Hudson's SAP roll-out in July 2021. This issue has prevented the ESCO from billing customers. Some accounts were

not billed for in excess of two hundred days, and some accounts continue not to be able to be billed.

- One RESA member ESCO has received EDI 820 remittance data inconsistently. While the ESCO has received payments from Central Hudson, Central Hudson has not provided the corresponding remittance data consistently.
- Central Hudson does not always process EDI 814 tax exempt status update transactions.
- Central Hudson has failed to provide usage data consistently for one RESA member ESCO's customers. As a result, bills to affected customers have gone several months without including supply charges. When usage data are provided, affected customers' bills reflect several months of supply charges.
- Interval data that Central Hudson provides to one RESA member ESCO often has gaps, where there is an extended period of zero (0) values when the correct data should have positive, non-zero values.
- In various instances, an account number on an invoice does not match the account number for the customer on the Central Hudson portal.
- In various instances, data that Central Hudson provides contain rate code and load profile mismatches. For example, an account may have a non-demand rate code, but a load profile with demand. In other instances, data that Central Hudson provides lack the rate code.
- Within the last several weeks, Central Hudson's system has improperly rejected EDI requests of one RESA member ESCO and has affected this ESCO's ability to enroll customers and/or to change from dual billing to utility consolidated billing (rate ready). As a practical matter, this issue has required the RESA member to undertake significant amounts of manual work.
- The new Central Hudson website does not show the full data set that should be made available.¹³ For example, EDI historical usage files have more data history than what is available on the website. Further, the new Central Hudson portal only shows a portion of accounts' historical usage; subsequent information may only be available upon special email request to Central Hudson.

¹³ In addition, accounts participating in incentive programs/allocations (e.g., Recharge New York Power Program) do not have indicators online to identify that an allocation exists. There is no information provided for allocation size (kW), type (program, hydro only, hydro plus market), or effective dates available online or in EDI. Central Hudson does not provide breakdown of total load compared with serviceable load online; only the total is available. As a result, ESCOs do not know what Central Hudson is reporting to New York Independent System Operator, Inc. for accounts with allocations. In addition, with respect to Recharge New York Power Program ("RNY") specifically, billed data often reflect less than total load (which indicates that an RNY allocation is present), but the level of the allocation is not provided.

Together with the circumstances that Agway identified in the Petition, RESA members' experience shows Central Hudson's data provision problems are not limited to its interactions with a single ESCO, but are more widespread. Further, the effect of these problems is compounded because Central Hudson's responses to RESA member ESCOs' inquiries and concerns related to these issues are generally slow or untimely.

It is disconcerting that the data provision failures that Agway reported and that RESA member ESCOs experience exist, particularly because retail access is well-established in New York. Indeed, these failures affect provision of such fundamental data as billing and payment information. They frustrate not only the operations of ESCOs, but also customers' expectations. Moreover, in RESA members' recent experience, such issues are not limited to Central Hudson. Other New York utilities are similarly failing to provide timely and accurate data to ESCOs in a reliable and consistent manner.

The failure of multiple utilities to provide timely and accurate data to ESCOs reliably and consistently is especially troubling because of the effort that has been devoted to ensuring the accurate and timely provision of data and because of the importance of energy-related data to New York's goals. For instance, during 2014-2015, Staff, ESCOs, and the utilities engaged in a collaborative effort to evaluate existing data elements, formats, and access options available from the utilities. This collaborative effort led to the development of a matrix that identified why ESCOs needed access to certain key data elements, how each utility made those elements available, and a preferred and secondary preferred method for access to such data. Unfortunately, based on the allegations in the Petition and RESA members' experience, such efforts have been insufficient.

B. Utility Data Provision Issues Should be Corrected

The Commission should act to correct the problems identified in the Petition and through RESA members' experience. RESA appreciates that the Commission recognizes the importance of energy-related data and is taking steps to enhance the usefulness of this data. For example, in its February 11, 2021 Order Implementing an Integrated Energy Data Resource, the Commission "direct[ed] the implementation of an IEDR [Integrated Energy Data Resource] that securely collects, integrates, and provides useful access to a large and diverse set of energy-related information on one statewide data platform."¹⁴ In doing so, the Commission found that "the current state of energy stakeholders' access to energy information provided by New York State's utilities is inadequate and inefficient" and suffers from "serious shortcomings."¹⁵ Further, the Commission also recognized that "the utilities' existing and currently planned data access resources and practices will likely fall short of the State's needs."¹⁶ Consequently, the Commission concluded that an IEDR would "provide New York State's energy stakeholders with useful access to useful energy-related information and tools in a manner that will most efficiently accelerate progress toward achieving the State's clean energy and climate goals"¹⁷ and decided to move forward with an IEDR.¹⁸ Efforts are now underway to develop the IEDR.¹⁹

RESA is hopeful that the process of IEDR will lead New York's utilities to focus on ensuring the timely and accurate provision of data and to take appropriate measures to ensure that issues like those described in the Petition do not occur going forward. To that end, it would

¹⁴ Case 20-M-0082, *Proceeding on Motion of the Commission Regarding Strategic Use of Energy Related Data*, Order Implementing an Integrated Energy Data Resource (Feb. 11, 2021) ("IEDR Order"), at 2.

¹⁵ IEDR Order, at 9.

¹⁶ IEDR Order, at 9.

¹⁷ IEDR Order, at 9.

¹⁸ See IEDR Order, at 37-38 (directing the utilities to implement an IEDR).

¹⁹ See Integrated Energy Data Resource, <https://www.nyserda.ny.gov/All-Programs/Integrated-Energy-Data-Resource> (last visited Mar. 17, 2022).

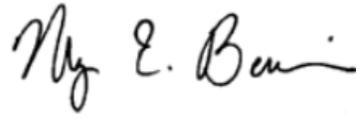
be particularly helpful for the utilities to commit to investigating and resolving whatever data provision problems they may have, to working toward the establishment (through the IEDR process) of uniform protocols for the provision and exchange of data, and to implementing those protocols fully once they have been established.

Data provision issues, such as those outlined in the Petition, show the inadequacy of current utility systems and also critical need for further efforts to enhance access to useful energy-related information. Indeed, because developing the IEDR is an ambitious and innovative endeavor, to ensure the success of the IEDR, it is especially important for utilities to strengthen their more fundamental data provision systems and processes (such as those related to billing and payments) in a uniform and consistent way. The IEDR development process offers meaningful opportunities for utilities to do so and to work with stakeholders to accomplish this important goal.

IV. CONCLUSION

The data provision issues outlined in the Petition and experienced by RESA members show the inadequacy of current utility data provision systems and/or practices and the critical need for further efforts to enhance access to useful energy-related information. While such efforts are underway through the development of the IEDR, the Commission should take such further reasonable and appropriate measures as are needed to investigate the allegations in the Petition and similar problems with Central Hudson's and other utilities' provision of data and to ensure that these problems do not persist.

Respectfully submitted,



By: _____

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