



IDT Energy, Inc.
520 Broad Street
Newark, New Jersey 07102

VIA OVERNIGHT MAIL

November 10, 2006

Hon. Jaelyn Brillling
Secretary
NYS Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

Re: Cases 98-M-0667 and 98-M-1343
Response of IDT Energy to
Petition of U.S. Energy Savings Corp. to Modify the UBPs and
Establish a "Contest Period"

Dear Secretary Brillling:

I am providing an original and 5 copies of IDT Energy's response to the above captioned petition, dated August 17, 2006. Petitioner has failed to comply with the Commission's rules and its request should be denied.

Petitioner seeks to modify Sections 5(D)(4)¹ and 5(E)(1) of the Uniform Business Practices ("UBPs"). Petitioner has not provided a scintilla of evidence (*e.g.*, instances of customer confusion, specific disputes between ESCOs regarding transfer of customer accounts, number of slamming complaints Petitioner has received from its existing customers, etc.), let alone the requisite "good cause,"² to support its request the UBPs be modified so that incumbent ESCOs may cancel a pending enrollment request by its customer. The customer authorization rules (Section 5, *passim*, of the UBPs) are detailed

¹ Petitioner's reference to Section 5(D)(4) should read Section 5(D)(5). *See* Case 98-M-1343, Uniform Business Practices, dated May 2006, page 24. The administrative notice published in the New York State Registrar tracks Petitioner's request and, accordingly, is incorrect.

² To modify provisions of the UBPs, a party must demonstrate "good cause" or show that the onset of competition would be "seriously impede[d]" absent the requested change. *See* Case 98-M-1343, *Opinion and Order Concerning Uniform Business Practices*, Opinion No. 99-3 (issued February 16, 1999), p. 9. Petitioner has not met this standard.

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and provide sufficient customer protections to ensure the customer receives commodity service from the ESCO of his or her choosing.

The existing rules are working smoothly and, absent any demonstrable proof to the contrary, should remain in place. Accordingly, Petitioner's request should be denied.

Please contact the undersigned counsel at (973) 438-3683 if you should require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew D. Fisher". The signature is fluid and cursive, with a large initial "A" and "F".

Andrew D. Fisher
Senior Regulatory Counsel

c: Distribution List attached to Intelligent Energy's submission, dated
November 7, 2006 (via email)