



Retail Energy Supply Association

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November 10, 2006

The Hon. Jaelyn A. Brillling
Secretary to the Commission
New York State Department of Public Service
3 Empire State Plaza
Albany, NY 12223-1350

Subject: Electronic Data Interchange (EDI) Standards by U.S. Energy Savings Corporation
(98-M-1343SA14)
Uniform Business Practices and Related Matters by U.S. Energy Savings Corporation
(98-M-0667SA57)

Dear Secretary Brillling:

The Retail Energy Supply Association (“RESA”)¹ submits this letter in support of U.S. Energy Savings Corp.’s petition to implement a “Contest Period” through modification of the Uniform Business Practices (“UBP”) and Electronic Data Interchange (“EDI”) Standards. RESA is a broad and diverse group of retail energy suppliers who share the common vision that competitive retail energy markets deliver a more efficient, customer-oriented outcome than regulated energy markets. We are devoted to working with all stakeholders to promote vibrant and sustainable competitive retail energy markets.

¹ RESA member companies include Consolidated Edison Solutions, Inc., Direct Energy Services, LLC, Hess Corporation, Reliant Energy Retail Services, LLC, Semptra Energy Solutions, Strategic Energy LLC, SUEZ Energy Resources NA, Inc., and U.S. Energy Savings Corp. The opinions expressed in this document may not represent the views of all members of RESA.

In New York's competitive energy market customers are being offered a wide variety of product and service options from multiple ESCOs. The Contest Period ensures the customer receives commodity service from the ESCO of its choosing. As of this month, 1.2 million New York customer accounts receive electricity and gas supply from alternate energy providers. With so many customers already taking supply from an ESCO, occasionally two or more ESCOs will dispute which one should be supplying the customer. This type of disagreement can lead to the Commission or a utility being forced to broker disputes between two ESCOs. The Contest Period will avoid this outcome.

The Contest Period maintains the current practice of providing notice of a pending change in service providers to the incumbent ESCO, in addition to the customer, but adds notification to the pending ESCO. In doing so, it continues to ensure that a change in service provider only occurs with the knowledge of all parties. In some instances, a customer may forget he or she is under contract with another ESCO or is unaware another member of the household or a business partner entered into an agreement with another ESCO. By informing the pending ESCO of such a situation at enrollment, the Contest Period will enable that ESCO to choose not to enroll the customer rather than bind the customer to another energy supply contract.

Finally, the Contest Period proposal adds the incumbent ESCO to the list of eligible parties that may cancel a pending enrollment using EDI. This change will give the incumbent ESCO the same authority to act on behalf of the customer now held by the utility and the pending ESCO. Under the current UBP, the customer wishing merely to keep service with the incumbent ESCO is burdened with having to contact both the utility and the pending ESCO. The Contest Period will decrease the number of parties the customer must contact and will provide a benefit to utilities and other ESCOs through fewer calls to their customer service centers.

In supporting the Contest Period petition, we believe it should be implemented without any changes to the UBP as proposed if it is possible to achieve the goals of the Contest Period simply by order of the Commission. RESA believes it is essential that an ESCO that cancels a pending enrollment must have verifiable written, telephonic, or electronic authorization from the customer to protect customers and a pending ESCO against the possibility of abuse. These records should be subject to periodic review and audit by the Commission to promote the integrity and confidence of the process.

Sincerely,



Tracy McCormack
Executive Director

c: Fran Hart (by e-mail)