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Hon. Jaclyn A. Brillling, Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223

**Re: Case 98-M-0667 – In the Matter of Electronic Data Exchange  
(98M0667 SA 57)  
Case 98-M-1343 – In the Matter of Retail Access Business Rules  
(98M1343 SA14)**

Dear Secretary Brillling:

On August 17, 2006, the U. S. Energy Savings Corp. (“USEnergy”) submitted a petition to the Commission requesting amendments to Section 5.D.4 and 5.E.1 of the Uniform Business Practices (“UBP”), together with attendant changes to the EDI Procedures to accommodate the proposed revisions to the UBP. Upon review of these proposals, the Small Customer Market Coalition (“SCMC”) does not oppose implementation of the changes proposed by USEnergy, but does request consideration of the following matters of concern and relevance to implementation of these new proposals.

The proposed revisions focus on the a situation where a customer currently being served by an existing ESCO is marketed to by another ESCO and the customer has at least initially indicated a desire to take service from the new ESCO. Currently, upon receipt of an enrollment request from the new ESCO, the utility is not obligated to inform the new ESCO whether the customer is currently receiving service from an ESCO. In the Petition USEnergy attempts to modify this current state of affairs by requiring the utility after receipt of an enrollment request from a new ESCO to indicate to the new ESCO that the customer is currently being served by another ESCO. SCMC believes this is a prudent change because it is advantageous to all parties including the ESCOs currently marketing to customers to be apprised as soon as possible that the customer is being served by another ESCO and therefore some complications may arise.

SCMC further proposes that rather than delaying this conveyance of this information until after an enrollment request has been received from the new ESCO, the utilities should develop procedures whereby ESCOs could obtain information concerning the customer’s current status with respect to a commodity provider even before the marketing process has been completed. Currently, ESCOs through websites are

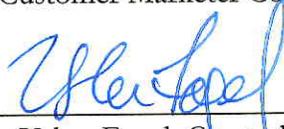
able to obtain information regarding the customer's usage profile by accessing an authorized website. It will be helpful if on that website information was provided regarding the current status of the customer's commodity provider and therefore ESCOs would know whether a customer is currently being served by an ESCO even before instituting its marketing activities.

Currently, under the UBP a pending enrollment to new ESCO can be cancelled by the customer so notifying the utility within the prescribed period (UBP § 5.E.2). In its Petition USEnergy seeks to modify this process by revising UBP § 5.E.1 to require that the notice sent by the utility should advise the customer that if the enrollment was unauthorized or if the customer seeks to cancel the enrollment, the customer should notify the distribution utility, the incumbent ESCO or the pending ESCO and that upon written authorization from the customer the incumbent ESCO may cancel the pending enrollment by notifying the distribution utility. Currently in practice only the customer, it is our understanding, may effect a cancellation of the enrollment with the new ESCO.

SCMC generally does not object to these modifications so long as that the authorization obtained by the incumbent ESCO for the cancellation uses the acceptance methods of written, telephonic or electronic as authorized under the UBP and that records are retained for the time period consistent with the UBP. There is one modification, however, that SCMC would seek to have implemented. It should be clarified that in the customer notice sent by the utility pursuant to UBP Section 5.E.1, the customer should be advised to contact both the incumbent and pending ESCOs of the decision to cancel service with the pending ESCO. It is imperative that both ESCOs be informed as soon as possible of the customer's decision. It makes no sense to leave either the incumbent ESCO or the pending ESCO in doubt until the last possible moment.

Respectfully submitted,

Small Customer Marketer Coalition

By: 

Usher Fogel, Counsel

Cc: Frances Hart (by electronic mail)