

**NEW YORK STATE
DEPARTMENT OF PUBLIC SERVICE**

**ELIGIBILITY REQUIREMENTS FOR NON-UTILITY METER SERVICE
PROVIDERS (MSP) AND METER DATA SERVICE PROVIDERS (MDSP) TO
PERFORM METER OR METER DATA SERVICES IN NEW YORK**

The Commission recently ordered that electric metering services become open to competition. Customers may procure meters and various metering services, such as meter installation, maintenance and meter reading from providers other than the utilities. A competitive metering practices and procedures manual entitled New York Practices and Procedures for the Provision of Electric Metering in a Competitive Environment (Manual) was approved by the Commission on January 24, 2001. Specific recommended meter and meter data service practices as well as standards and compliance requirements for non-utility providers are included in the Manual. The following information explains the requirements for MSPs and MDSPs to be deemed eligible to perform meter and meter data services in New York State. To be considered for eligibility, MSPs and MDSPs must submit the completed application form , which is attached to this document, in accordance with the following:

A. Filing Requirements

1. Written Application

MSPs and MDSPs are required to file a written application to the DPS requesting eligibility to provide meter and meter data services in New York. If an entity chooses to perform multiple functions, it may seek eligibility from the DPS for multiple functions through one application.

2. Information Required

- (a) Proof of eligibility to do business in New York State
- (b) A listing of the utilities in whose service territories the MSP/MDSP intends to provide metering services
- (c) A listing of services to be provided
 - (i) For MSPs, a listing of the varying voltage levels and complexity of metering services it intends to provide, including compensated metering, VAR and VA metering, transformer rated metering, on site totalization, and recording of profile, where

applicable, and an attestation that the MSP's employees are capable of performing such metering services;

- (ii) For MDSPs, a listing of the specific meter data services the MDSP intends to provide, including meter reading, meter data translation, and/or CAVEE, and an attestation that the MDSP's employees are capable of performing such meter data services
- (d) Attestation as to the MSP's/MDSP's commitment to maintain on-going training to ensure continued employee competence;
- (e) A description of the provider's facilities,
 - (i) for MSP's a description of the MSP's program for testing of meter devices, including attestation that the MSP's meter test program complies with the requirements set forth in 16 NYCRR Part 92, and the location of the test facilities that the MSP will use, which shall be located within New York State;
 - (ii) For MDSPs, as applicable, a description of the hardware and software systems the MDSP will utilize to obtain meter readings, perform validation and/or convey meter data to the appropriate parties in the format set forth in this document;
- (f) Attestation that the MSP/MDSP has a security system in place to protect meter equipment and/or meter data from unauthorized physical or electronic entry or tampering, including standards governing security and confidentiality for its employees;
- (g) A description of how and where records of meter installations and/or meter data will be kept, as well as plans for disaster recovery of those records and a means of insuring that those records will be available to the utility in event the MSP/MDSP leaves the market or suffers financial failure;
- (h) Attestation that the MSP/MDSP maintains worker's compensation insurance for its employees; and
- (i) An acknowledgment that the services of the MSP/MDSP will be subject to audits by Staff and/or the utilities.

3. Agreement to Comply with Commission Procedures and Regulations

The application shall state that by submitting its application, the MSP/MDSP agrees to abide by all of the applicable requirements contained in 16 NYCRR Parts 13, 92, 93, and 125, all applicable state, local, and federal regulations and code requirements including OSHA and other safety related regulations, electrical codes and environmental requirements, all consumer protections required by the Commission to be provided by ESCOs, and the provisions of this document for the supply of metering and/or meter data services.

4. Insurance Coverage

- (a) The application must be accompanied by evidence of insurance coverage that is sufficient to cover any claims that might be brought against the MSP, MDSP and/or utility/ESCO for metering-related activities and that meets the following specifications:
 - (i) The insurance shall be commercial general liability insurance with an aggregate limit not less than \$2 million
 - (ii) The aggregate coverage limit shall not be less than \$1 million for each occurrence for bodily injury, property damage and personal injury; and
 - (iii) Coverage shall be sufficient to cover claims that are filed for a period of 2 years after the MSP/MDSP ceases metering activities within the State, for acts that occur during the insured period.
- (b) MSPs/MDSPs acting as subcontractors for ESCOs or other MSPs/MDSPs may submit evidence that one or more of the other entities carries liability insurance adequate to provide the coverage specified above.
- (c) Any liability insurance policies shall include a statement that thirty (30) days written notice shall be provided to the Department of Public Service, customers who directly contract with the MSP/MDSP, any ESCO on whose behalf the MSP/MDSP will provide metering or meter data services, and any utility in whose territory the MSP/MDSP will provide such services, before the policy is canceled or there is any diminution in coverage.

5. Review Process

Upon receipt of the application and the other supporting documents, Staff will review the documents for compliance with these requirements. If the application is in compliance, Staff will issue a letter of eligibility within twenty (20) days of receipt. Upon receipt of the letter, the MSP/MDSP may offer metering or meter data services to the ESCOs, customers who directly contract with the MSP/MDSP, or to the utilities. If the application is rejected, the notification will include the reason(s) for rejection. If you have any questions about the eligibility determination process, call the Office of Electric Gas and Water 716-847-3418, or send an e-mail to paul_emerson@dps.state.ny.us. Completed applications should be sent to:

**Paul C. Emerson
NYS Department of Public Service
Office of Electric Gas and Water
Ellicott Square Building Suite 1050
295 Main Street
Buffalo, NY 14203**

6. Witnessing of MSP's First Ten Installations

After receiving its letter of eligibility, each MSP shall be required to submit a work schedule to each utility for the first 10 installations by the MSP in that utility's service area. The work schedule submitted by the MSP to the utility shall include the customer name, service point address, and the date and time of change. A copy of these work schedules shall also be provided to Staff.

7. Amendments to Application

An MSP/MDSP shall submit an amendment to its application for eligibility within five (5) days of the effective date of any changes to any of the information included on its application, or any subsequent amendment. Eligible MSPs/MDSPs filing amended applications will continue to be eligible unless otherwise notified by Staff.

B. Suspension or Revocation

Should it be determined that the MSP/MDSP is not in compliance with any of the conditions of eligibility, its eligibility may be suspended or revoked if timely corrective actions are not implemented. The specific facts and circumstances will be examined on a case by case basis.

C. Consumer Complaints

MSPs and MDSPs shall agree to cooperate fully with the investigation of any consumer complaints regarding competitive metering service, and provide any information required in response to a customer, Commission, Utility or ESCO inquiry and/or complaint.

D. Disclosure

Prospective customers shall be provided with a Disclosure Statement prior to their commitment to purchase services from an MSP or MDSP. It must contain terms of the offer to provide metering services with clear pricing schedules for any fees, and a plain language description for service associated with switching to and billing with competitive metering. MSPs and MDSPs must provide the following information as part of its disclosure statement to the customer:

1. Company identification with the business name, address, telephone number(s), e-mail address and website of regulatory contact;
2. A statement with a declaration that customers who want to purchase your services must sign a contract;
3. Statement that metering services will be supplied by the MSP/MDSP, a detailed description of each service option offered, and the price or fee associated with each service option;
4. Statement that the customer who requests a meter test for accuracy according to 16 NYCRR Part 92 may be responsible for the costs of the meter test, up to a maximum of \$50.
5. Complaint handling and billing resolution procedures.

**METER SERVICE PROVIDER/METER DATA SERVICE PROVIDER
ELIGIBILITY APPLICATION FORM**

A. General Information

1. Business Name:

2. Doing Business As (DBA) (Indicate If Same As Above):

3. Business Address

3. Telephone: (____) _____ ; Fax: (____) _____

4. Name, telephone number and address of the contact person who will respond to application questions:

B. Eligibility Filing Requirements

(See Eligibility Application Instructions for more details):

1. Have you included a copy, and proof of acceptance, of your registration with the NY Department of State? YES ___ NO ___

2. In which of the following service territories do you intend to provide service:

___ Central Hudson Gas and Electric Corporation

___ Consolidated Edison Company of New York, Inc.

___ New York State Electric & Gas Corporation

- Niagara Mohawk Power Corporation
- Orange and Rockland Utilities, Inc.
- Rochester Gas and Electric Corporation
- Other

3. What services do you intend to provide (include additional sheets if necessary)?:

4. Please provide a description of your facilities (i.e., the location of the test facilities that the MSP will use, which shall be located within New York State, etc) See Eligibility Application Instructions for more details.

5. Do you have a security system in place to protect meter equipment and/or meter data from unauthorized physical or electronic entry or tampering, including standards governing security and confidentiality for its employees? YES NO (Please provide details)

6. Describe how and where records of meter installations and/or meter data will be kept, and your disaster recovery plans.

7. Do you agree:
- to maintain an on-going employee training program to ensure continued employee competence? YES ___ NO ___
 - to maintain worker's compensation insurance for your employees? YES ___ NO ___
 - that the services of the MSP/MDSP will be subject to audits by Staff and/or the utilities? YES ___ NO ___
 - to abide by all of the applicable requirements contained in 16 NYCRR Parts 13, 92, 93, and 125, any applicable New York State Business Laws, all applicable state, local, and federal regulations and code requirements including OSHA and other safety related regulations, electrical codes and environmental requirements, all consumer protections and complaint handling procedures required by the Commission to be provided by ESCOs, and the provisions of this document for the supply of metering and/or meter data services and for complaint handling? YES ___ NO ___
8. Have you included with this application evidence of insurance coverage in compliance with the terms included in the Manual? YES ___ NO ___
9. Have you provided a copy of your customer Disclosure Statement? YES ___ NO ___

The person signing this application states that she or he is an owner, partner, or officer of the business names on this application and that the answers in this application are true.

Type or Print Name _____

Signature _____

Title _____

Date _____