

NEW YORK STATE ENERGY BROKER AND ENERGY CONSULTANT SURETY BOND

Bond Number: _____

Effective Date: _____

This agreement and any communications regarding it shall be submitted to:

Department of Public Service
Attn: Finance and Budget Section
New York State Department of Public Service
3 Empire State Plaza, 16th Floor
Albany, NY 12223-1350

KNOW ALL PERSONS BY THESE PRESENTS, that

(Principal),
having his/her/its principal place of business at

_____, as Principal, and

(Surety),

authorized to transact business as a surety in the State of New York by the Superintendent of Insurance of New York State and having its principal place of business at

_____, as
surety, are held and firmly bound unto the New York State Department of Public Service in the sum of
_____ Dollars (\$ _____) for the payment of which, well and truly to be made,
we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS the Principal has applied to the New York State Department of Public Service for registration as an energy broker and/or energy consultant pursuant to Public Service Law Section 66-t;

NOW, THEREFORE, the conditions of this bond are that:

1. The Principal and its employees shall comply with all applicable provisions of the laws of the State of New York and the rules, regulations, and orders of the New York State Public Service Commission and of the New York State Department of Public Service, including, but not limited to, the Uniform Business Practices (UBP) and the Uniform Business Practices for Distributed Energy Resource Suppliers (UBP-DERS);
2. If the Principal breaches the bond’s conditions, the New York State Department of Public Service may recover against the bond for the reimbursement of fees or other charges that the New York State Department of Public Service has determined were improperly collected by the Principal from its customers; for the payment of past due fees or other charges owed by the Principal to the New York State Department of Public Service, including any unpaid penalties; and for any customer reimbursements or other remedial or financial obligations of the Principal in the event of the Principal’s insolvency, liquidation, or bankruptcy or the expiration, surrender, or revocation of the Principal’s registration;
3. The bond shall be continuous and shall remain in force until the Surety is released from liability by the New York State Department of Public Service or until the bond is canceled by the Surety. Without prejudice to any liability accrued prior to the cancellation, the Surety may cancel the bond on ninety days’ advance notice in writing sent by mail to the Principal and to the New York State Department of Public Service;

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4. The bond's termination shall not terminate or otherwise affect any liability of the Principal or its employees to its customers or to the New York State Department of Public Service;
5. The Surety will give prompt notice to the Principal and to the New York State Department of Public Service of any notice received or action filed alleging the insolvency or bankruptcy of the Surety or alleging any violations of regulatory requirements which could result in suspension or revocation of the Surety's authority to do business. In the event the Surety becomes unable to fulfill its obligation under the bond for any reason, notice shall be given immediately to the Principal and to the New York State Department of Public Service; and
6. All commissions, fees, and other charges with respect to the surety bond shall be paid by the Principal.

IN WITNESS WHEREOF, the Principal; and Surety have hereunto set their hands and seals on this

_____ day of _____, 20_____.

Signature of Principal

If Principal is a person, complete this part:

(Signature of Principal)

(Type or Print Name of Principal)

If Principal is a business entity, complete this part:

(Print Name of Principal)

By: _____
(Signature of Authorized Representative of Principal)

Name: _____
(Type or Print Name of Authorized Representative of Principal)

Title: _____
(Type or Print Title of Authorized Representative of Principal)

Signature of Surety

(Print Name of Surety)

By: _____
(Signature of Authorized Representative of Surety)

Name: _____
(Type or Print Name of Authorized Representative of Surety)

Title: _____
(Type or Print Title of Authorized Representative of Surety)

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Acknowledgment of Principal

If Principal is a person or a business entity other than a corporation, complete this part:

STATE OF _____)
) S.S.:
COUNTY OF _____)

On this _____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

If Principal is a corporation, complete this part:

STATE OF _____)
) S.S.:
COUNTY OF _____)

On this _____ day of _____, 20____, before me, personally came _____, to me known, who, being by me duly sworn, did depose and say that he/she resides in _____; that he/she is the _____ of _____, the corporation described in and which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he/she signed his/her name thereto by like authority.

Notary Public

