



# Department of Public Service

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## ENERGY BROKER AND ENERGY CONSULTANT REGISTRATION FORM 23-01227

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Pursuant to the Public Service Commission's Order Adopting Energy Broker and Energy Consultant Registration Requirements in Case 23-M-0106 and the Uniform Business Practices edits adopted in that order, Energy Brokers<sup>1</sup> and Consultants<sup>2</sup> are required to submit this form.

COMPLETE THIS FORM AND SUBMIT IN MATTER 23-01227 IN THE MATTER OF  
REGISTRATION FOR ENERGY BROKERS AND CONSULTANTS

E-FILING INSTRUCTIONS CAN BE FOUND AT:

<https://dps.ny.gov/filing-documents-secretary>

### 1. **BUSINESS INFORMATION**

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Company Phone Number: \_\_\_\_\_ Website Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

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<sup>1</sup> Energy broker is defined within the UBP as "a non-utility entity that performs energy management or procurement functions on behalf of customers or ESCOs, and (1) that assumes the contractual and legal responsibility for the sale of electric supply service, transmission or other services to end-use retail customers, but does not take title to any of the electricity sold, and does not make retail energy sales to customers, or (2) that assumes the contractual and legal obligation to provide for the sale of natural gas supply service, transportation or other services to end-use retail customers, but does not take title to any of the natural gas sold, and does not make retail energy sales to customers."

<sup>2</sup> Energy consultant is defined within the UBP as "any person, firm, association or corporation who acts as a broker in soliciting, negotiating or advising any electric or natural gas contract, or acts as an agent in accepting any electric or natural gas contract on behalf of an ESCO."

**(BUSINESS INFORMATION CONTINUED)**

If you intend to market your services under a DBA, provide a copy of your certificate of assumed name and list the name(s) here:

\_\_\_\_\_

\_\_\_\_\_

Type of Provider: Energy Broker \_\_\_\_\_ Energy Consultant \_\_\_\_\_ Both \_\_\_\_\_

Nature of business being conducted:

Type of customers: (check all that apply)

Residential \_\_\_\_\_ Small Commercial \_\_\_\_\_ Large Commercial/Industrial \_\_\_\_\_

Provide the contact information for any affiliates conducting energy-related business (including subsidiaries and parent corporations) within New York State or elsewhere:

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Provide the contact information for any parent company or other corporate entity with an ownership interest of 10 percent or more of the registrant:

Business Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

During the previous 36 months, have any criminal or regulatory sanctions been imposed on the registrant, any senior officer of the registrant, any corporate entity with an ownership interest of 10 percent, or any energy affiliates listed above?

Yes \_\_\_\_\_ No \_\_\_\_\_

**(BUSINESS INFORMATION CONTINUED)**

If yes, identify the entities or individuals subject to sanctions and provide a detailed explanation of the sanctions:

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Disclose any decisions or pending escalated regulatory actions in other states that affect the registrant's ability to operate in that state, such as suspension, revocation, or limitation of operating authority:

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List and describe any current formal investigations involving the registrant being conducted by law enforcement or regulatory entities:

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List and explain any acquisitions, mergers, dissolutions, or bankruptcy involving the registrant that occurred in the previous 36 months:

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List and describe any security breaches associated with customer proprietary information in the last 36 months that involved the registrant, including a thorough description of the actions taken in response to any such instances:

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List all states in which the registrant has received authority to sell/broker services within the past 36 months. Indicate whether the registrant is actively providing services or not:

State: \_\_\_\_\_ Status: \_\_\_\_\_ Date Issued: \_\_\_\_\_

State: \_\_\_\_\_ Status: \_\_\_\_\_ Date Issued: \_\_\_\_\_

State: \_\_\_\_\_ Status: \_\_\_\_\_ Date Issued: \_\_\_\_\_

State: \_\_\_\_\_ Status: \_\_\_\_\_ Date Issued: \_\_\_\_\_

**(BUSINESS INFORMATION CONTINUED)**

List all states in which registrant or its affiliates has been denied approval and/or had authority revoked:

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List all municipalities in which the registrant will be performing door to door marketing activities in New York State. Further, provide an attachment including all municipality permits obtained by the registrant. If you do not market door to door, please indicate so in your response.

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**2. CONTACT INFORMATION**

THE CONTACTS LISTED BELOW MUST BE DIRECT CONTACTS FOR INDIVIDUALS, NOT FOR A SHARED MAILBOX OR GENERAL PHONE NUMBER.

EXECUTIVE CONTACT (OWNER, CEO, OR EXECUTIVE FOR NEW YORK SERVICE)

Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Direct Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Direct Email Address: \_\_\_\_\_

REGULATORY CONTACT (Individual(s) responsible for ensuring compliance with regulatory requirements, use additional sheets if necessary)

Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Direct Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Direct Email Address: \_\_\_\_\_

MARKETING CONTACT (Individual responsible for responding to consumer inquiries and complaints)

Name and Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Direct Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Direct Email Address: \_\_\_\_\_

### 3. ADDITIONAL REQUIREMENTS

A separate cover letter (addressed to Hon. Michelle L. Phillips, Secretary to the Commission, New York State Public Service Commission, Agency Building 3, Albany, NY 12223-1350) with a reference to matter 23-01227 should be submitted along with;

A. A sample standard Agreement between the Energy Broker or Energy Consultant and the customer (if the supplier handles on your behalf, please indicate so in your response);
B. Sample forms of the notices sent upon assignment of sales agreements, discontinuance of service, or transfer of customers to other providers (if the supplier handles on your behalf, please indicate so in your response);
C. Procedures used to obtain customer authorization for access to a customer's historic usage or credit information (if the supplier handles on your behalf, please indicate so in your response);
D. Sample disclosures of compensation (if the supplier handles on your behalf, please indicate so in your response);
E. Information on the methods by which the applicant intends to market energy products and services;
F. Sample copies of informational and promotional materials that the applicant uses for mass marketing purposes (if none, please indicate so in your response);
G. Proof of registration with the New York State Department of State or proof of an assumed name certificate (DBA) filed with the county clerk;
H. Proof of registration to act as a marketer in any municipality where such registration is required (if none, please indicate so in your response);
I. \$500 non-refundable check made payable to the Department of Public Service and mailed to the following address: 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 (Please include your contact information (Company Name, Contact Name, Address and Phone Number) with your check so the Department may contact you if there is an issue.)
J. A completed Service Provider Contact Form, identifying the Energy Broker or Energy Consultant's employee(s) responsible for resolving consumer complaints received by the Department and referred to the Energy Broker or Energy Consultant (form is found here: <a href="https://dps.ny.gov/energy-broker-and-energy-consultant-registration">https://dps.ny.gov/energy-broker-and-energy-consultant-registration</a> );

- K. A surety bond from an entity authorized to transact business as a surety in the State of New York the Superintendent of Insurance of New York State OR an irrevocable standby letter of credit from a reputable financial institution that identifies the Department of Public Service as the beneficiary in the amount of \$100,000 for Energy Brokers, \$50,000 for Energy Consultants.

#### 4. **SIGNATURE**

The person signing this application attests to the following:

That he/she is an owner, partner, or officer of the business name on this registration package;

The answers and materials contained in this registration package are true; and,

The registration package is complete and accurate.

An Energy Broker and/or Consultant that knowingly makes false statements in this registration package is subject to denial or revocation of eligibility.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_