

Proposal Concerning Modifications to LIPA's Tariff for Electric Service

Requested Action:

The Long Island Power Authority (LIPA) staff (Staff) proposes to modify LIPA's Tariff for Electric Service (the Tariff) effective January 1, 2022, to make enhancement to the *Long Island Choice* retail choice program. This proposal for Long Island Choice will change the structure of the Power Supply Charge for all customers and eliminate program inefficiencies while ensuring fair recovery of power supply costs from all customers. Additionally, this proposal will implement statewide customer protections in the Long Island Choice program. Under the proposal, each Energy Service Company (ESCO) serving mass market customers in the Long Island Choice Program will be required to meet the same customer protection requirements established by the New York Public Service Commission (PSC or Commission) for ESCOs doing business in New York and maintain eligibility with the Department of Public Service (DPS) at all times during the ESCO's participation in Long Island Choice. Related to this proposal, LIPA's Service Provider, PSEG Long Island, is also committing to develop consolidated billing and purchase of receivables capability, which will give ESCOs and CCAs the option to have their customer charges billed and recovered by the utility.

Background:

The LIPA Board of Trustees originally approved the Long Island Choice Program in May 1998 to offer electric customers the opportunity to choose their supplier of electricity. Retail Choice was a key element of New York State Policy in the late 1990s to encourage the development of a competitive power markets as a means to provide consumers greater choice in selecting their energy supply for the commodity portion of electric service.

Long Island Choice is a voluntary program designed to give consumers greater choice in selecting their energy supplier. The goal of the program is to allow electric customers to choose their electricity supplier for the commodity portion of electric service.

LIPA serves approximately 1.1 million total customers. Over the last fifteen years, the average participation rate of the Long Island Choice program has been less than 1% of total customers, with commercial customers representing most of the participation. Over the last three years, participation levels have decreased as shown in the table below largely due to a change in State law that no longer exempted ESCO customers from paying local sales taxes, thereby reducing most of the savings from the program.

Year	Number of Commercial Customers	Number of Residential Customers
2018	3,760	38
2019	1,691	23
2020	116	8

ESCOs and stakeholders have cited concerns about the Long Island Choice Program and how it should be more closely aligned with statewide policies. Some of the concerns include the following:

- The current structure of the Long Island Choice tariff structure is too complicated and confusing.
- The need for a consolidated bill¹ option and purchase of receivables program.
- The desire to introduce procedures modeled after the Commission’s Uniform Business Practices (Case 98-M-1343) requirements for ESCOs operating in the rest of the State, ensuring consumer protections that align with State policy;
- Access to data sharing platforms and protocols that facilitate the customer enrollment process and create ESCO access to appropriate billing and smart meter load data consistent with State policies.
- Eliminating switching fees.

The DPS initiated its Long Island Choice proceeding in December 2015. DPS’ objective was to investigate potential benefits to consumers and examine what reforms, if any, were needed to achieve them. DPS extended the comment deadline in this proceeding until 30 days after the issues raised in the PSC’s February 2016 Order *Resetting Retail Energy Markets and Establishing Further Process in Case 15-M-0127, et al.* had been resolved, noting its intent to strengthen retail electric markets on Long Island, and also a desire to address market abuses and the need for consumer protections statewide.

In December 2016, the PSC commenced a generic proceeding to examine measures to ensure that ESCO customers in New York pay just and reasonable rates.² Multiple parties, including ESCOs and Non-ESCOs and the state’s investor-owned utilities participated in this proceeding. A substantial evidentiary record was developed including initial testimony, rebuttal testimony, cross-examination testimony and exhibits, initial briefs, reply briefs and public comments. The Commission concluded and described in the February 2016 Order *Resetting Retail Energy Markets and Establishing Further Process in Case 15-M-0127* that mass market (residential and small commercial) ESCO customers paid more than the utility’s prices for the commodity and that the complaint rate for ESCOs was unacceptably high.

On December 12, 2019, the Commission issued the *Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process in Case 15-M-0127, et al.* (the

¹ A billing option that provides customers with a Consolidated bill combining charges from more than one service provider that is issued by the distribution utility providing delivery service (utility consolidated bill).

² Case 15-M-0127, *In the Matter of Eligibility Criteria for Energy Service Companies.*

“December 2019 Order”). The Commission concluded that significant changes to the provisions governing retail access are necessary to provide adequate protections for all New Yorkers. The December 2019 Order was adopted to strengthen protections for mass market customers in the retail energy market by enhancing ESCO eligibility criteria and adopting limitations on the types and prices of products that may be offered to those customers by ESCOs to ensure that those customers receive value from the retail energy market.

In January 2020, several ESCOs filed petitions for rehearing, followed by several public comments. On September 18, 2020 the Commission issued the *Order on Rehearing, Reconsideration, and Providing Clarification* (the “September 2020 Order”). In this order, the petitions for rehearing and reconsideration were denied. At the same time, modifications were made to the Uniform Business Practices for ESCO’s and were to be implemented 150 days following the order.

Among the reforms adopted by the Commission in its September 2020 Order was that ESCOs shall enroll new residential and small non-residential customers (mass-market customers) or renew existing mass-market customer contracts if at least one of the following conditions is met:

- (A) enrollment includes a guaranteed savings over the utility price, as reconciled on an annual basis;
- (B) enrollment is for a fixed-rate commodity product that is priced at no more than 5% greater than the trailing 12-month average utility supply rate;
- (C) enrollment is for a renewably sourced electric commodity product; or
- (D) enrollment is for a product or service otherwise expressly authorized by the Commission.

The Commission also adopted revised Uniform Business Practices with enhanced consumer protections.

On October 16, 2020, DPS issued a notice soliciting comments in this proceeding (the “Notice”). DPS filed a new *Notice Requesting Comments* (“Notice”) in Matter No. 15-02754, to address the potential benefits of retail competition for the LIPA service territory. Many parties, including PSEG Long Island, on behalf of LIPA, submitted comments and reply comments. In its comments, PSEG Long Island included a tentative proposal on how to make enhancements to the Power Supply Charge. Other parties commented on the proposal and participated in technical conferences held on March 4, 2021, March 23, 2021, April 13, 2021 and May 5, 2021 to refine the proposal. Each conference facilitated a healthy conversation amongst stakeholders regarding the future of the Long Island Choice Program, including improvements to the way the Power Supply Charge is calculated and presented to Long Island Choice customers. The DPS expects to file a whitepaper summarizing the issues by the end of the third quarter of 2021, and will be soliciting public comments on the whitepaper, followed by recommendations to the LIPA Board of Trustees. This proposal may be amended to address any DPS recommendations.

Proposal:

The purpose of the amendments to the Long Island Choice program is to simplify and conform the rules and requirements in a manner consistent with the DPS final recommendation. The proposed changes will:

- (1) enhance the Long Island Choice Program by adopting structural rate changes that are more consistent with the programs of other electric utilities in New York State and
- (2) implement the statewide ESCO reforms and consumer protections in place through the above-described Commission Orders and to adopt Long Island Uniform Business Practices (“UBPs”) that are substantially similar to the DPS practices for the rest of the State.

Update ESCO Requirements:

Staff is proposing to require ESCOs serving mass market customers in the LIPA territory to receive a Finding of Eligibility from the DPS based on the rules adopted in the December 2019 Order and September 2020 Order. To be eligible to serve mass market customers, ESCOs would now be required to provide either guaranteed savings, a fixed-rate product with a price limit, or green energy. These requirements will provide customers with transparent pricing information. ESCOs will need to refrain from offering non-energy related valued-added products and services pending further Commission proceedings regarding such products and service; and must also refrain from the use of misleading marketing materials. The newly revised ESCO application and eligibility process will allow the DPS to review each ESCO’s plans to adhere to the new provisions outlined in the December 2019 Order and September 2020 Order.

Specifically, for an ESCO to be eligible, it must submit the following documentation to the DPS and receive a Finding of Eligibility:³

- A Retail Access Eligibility Form;
- A variety of sample forms, including sales agreements;
- Sample promotional materials;
- Internal procedures to prevent unauthorized and illegal conversion of accounts – practices known as “slamming”;
- The name and contact information for the applicant’s main office;
- The name and contact information for any entity holding an ownership interest of 10% or more in the ESCO; and
- An explanation of any regulatory or criminal sanctions imposed during the last 36 months against any senior officer of the ESCO or entity holding 10% or more ownership interest.

Staff is also proposing to create Long Island-specific UBPs that are substantially similar to the State’s UBP for the investor-owned utilities, which will have modifications where appropriate for

³ For more information on the eligibility requirements and a copy of the application form, see <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/753D3D35C877963485257687006F39DB?OpenDocument>.

the LIPA service territory. The Long Island UBP will provide clear and consistent business procedures for both ESCOs and Long Island customers.

Update Long Island Choice Operating Procedures:

As part of the request to make updates to the Long Island Choice Program, Staff is also presenting updates to the Long Island Choice Operating Procedures Manual to reflect current conditions and align with the Long Island UBP.

The purpose of the Long Island Choice Operating Procedures document is to outline procedures and requirements of the Long Island Choice Program within LIPA's Service Area. Updates will be made to the document as future modifications updates are made to the Long Island Choice Program or the State's UBP and will:

- Identify the responsibilities of participating customers, ESCOs, and Direct Retail Customers ("DRC"), LIPA and PSEG Long Island LLC ("the Manager"), the entity engaged by LIPA to operate, maintain, and manage LIPA's electric system.
- Set forth the procedures for enrollment of customers in the Program;
- Identify the requirements to become a Licensed ESCO or DRC;
- Set forth billing and payment procedures for LIPA, ESCOs and DRCs, and Long Island Choice Customers;
- Set forth consumer protection measures that must be followed by ESCOs; and
- Set forth procedures an ESCO or DRC must follow to schedule delivery of Electric Generation Service to retail load requirements.

Update the Long Island Choice Program

Restructure the Power Supply Charge

Staff is proposing to amend the Long Island Choice program to improve price transparency and relieve the ESCOs and Community Choice Aggregators (CCAs) of their obligation to recover LIPA's unavoidable power supply costs while continuing to assure that retail costs customers pay their share of supply costs that LIPA incurs for the benefit of all its customers.

Staff is proposing to separate the existing Power Supply Charge into a Local Supply Charge and a Market Supply Charge. The non-bypassable "Local Supply" charge will recover LIPA's unavoidable power supply costs on an equal cents per kWh basis from both LIPA's bundled (full service) customers and Long Island Choice participants. The Market Supply Charge will recover LIPA's avoidable costs from LIPA's bundled service customers only.

The Local Supply Charge portion of the overall total Power Supply Charge will appear directly on the bills of the Long Island Choice customers. Long Island Choice customers will pay this amount directly to LIPA, which will relieve ESCOs (and CCAs) from the obligation of recovering these costs on LIPA's behalf. The Local Supply Charge assures that Long Island Choice participants pay their share of the power supply costs that LIPA incurs for the benefit of all of its customers.

The rest of the State has adopted this separation of Power Supply Charge between bypassable and non-bypassable components, and the Staff proposal will mimic current State policy in this regard, while also reflecting LIPA's actual cost structure and existing contractual obligations, which is unique among the major electric utilities in the State.

Discontinue the Bill Credit Adjustment and Power Supply Charge to ESCOs

Currently, the Bill Credit Adjustment ("BCA") is a reconciliation between LIPA and the ESCO, which refunds LIPA's actual avoided costs for the annual Location Based Market Price ("LBMP"), ancillary services, Installed Capacity ("ICAP"), and New York Power Authority Transmission Access Charge ("NTAC") costs. The BCA is calculated as the difference between the amounts included in the Long Island Choice customer's bill credit and, the actual monthly LBMP, ancillary services, ICAP, and NTAC determined in the NYISO market.

Staff is proposing to discontinue charging ESCOs for the Power Supply Charge minus the Bill Credit Adjustment. ESCOs will no longer transact with PSEG Long Island; instead, PSEG Long Island will bill the Long Island Choice participants directly for these costs through the Local Supply Charge.

Remove the LIC Factor

Staff is proposing to remove the Long Island Choice ("LIC") factor from the calculation of applicable taxes that is calculated on all customers' bills. In the past, Power Supply costs were recovered in Delivery charges, and since the Power Supply tax rates and Delivery Charge tax rates are different, and the LIC factor was developed to correct the calculation of applicable taxes. As of 2017, PSEG Long Island had already removed all power supply costs out of delivery rates and therefore this adjustment to the tax calculation is no longer appropriate.

Introduce a Consolidated Bill Option with Purchase of Receivables:

Staff proposes to offer a Utility Consolidated Bill Option with Purchase of Receivables to make the Long Island Choice Program more consistent with the rest of the State and to provide greater convenience for our participating customers.

The Utility Consolidated Bill Option means that the ESCO charges for power supply will be included on the LIPA bill to the customer, based on the usage of that customer and the Market Supply Rate established by the ESCO for that customer. This eliminates the multiple bills that occurs when ESCOs are required to bill their own Market Supply charges directly to the customer, while the utility sends a separate bill for delivery service and other non-bypassable charges. The Utility Consolidated Bill Option will only be available in combination with Purchase of Receivables.

Staff also proposes to perform collection services for the ESCO charges on the Utility Consolidated Bill in the form of Purchase of Receivables. Purchase of Receivables is standard practice for the State's investor-owned utilities and has been approved by the Commission. Staff proposes to follow

the State procedures governing Purchase of Receivables. To implement Purchase of Receivables, LIPA will develop a percentage factor that reflects the likely amount of Market Supply Charges that will not be paid by customers and the administrative cost for performing the collection services, which is estimated to be approximately 5%⁴. PSEG Long Island would then enter into contracts with the ESCOs that enroll in the Utility Consolidated Bill with Purchase of Receivables option. Under the contract, PSEG Long Island would remit approximately 95% of the ESCO charges that were billed for that ESCO, and collect as much of the revenue from participating as allowed by the Home Energy Fair Practices Act (“HEFPA”). It should be noted that termination of service is the ultimate recourse under HEFPA for customers covered by Purchase of Receivables. Based on actual prior experience, LIPA will adjust the factor going forward, so that the amount remitted to ESCOs tracks LIPA’s actual recovery of those charges on an accurate and reasonably up-to-date basis.

The Consolidated Bill Option with Purchase of Receivables include items still under discussion between the DPS, LIPA, PSEG Long Island and the ESCOs, and the final parameters of the option have not been established. Also, a Consolidated Bill Option will require changes to PSEG Long Island’s billing system, and completion of those changes are dependent on the final outcome of the DPS recommendation to the LIPA Board. For that reason, Staff proposes that the effective implementation date for Consolidated Bill Option with Purchase of Receivables remain at the discretion of LIPA’s CEO, in consultation with the DPS.

Financial Impacts:

The Long Island Universal Business Practices and Long Island Choice Operating Procedures proposals should have no financial impact on LIPA. Currently, LIPA has few mass-market customers on Long Island Choice. The proposal will not affect the prices these customers pay to LIPA.

Restructuring of the Power Supply Charge proposal described above will be revenue neutral at the system level and will not result in cross-subsidies among customer classes or between Long Island Choice participants and non-Long Island Choice participants. Bundled service customers will experience no discernable difference as the sum of the Market Supply Charge and the Local Supply Charge will equal the Power Supply Charge based on the currently authorized calculation.

Removing the BCA plus Power Supply Charge to ESCOs and replacing it with the Local Power Supply Charge to customers should have an immaterial revenue impact for Long Island Choice customers. There are slight differences in the method of calculation, but both calculations were and are designed so that Long Island Choice participants would not create cost shifting to non-Long Island Choice participants.

The removal of the LIC Factor is a needed correction to the current tax calculation. This correction should have a minor change to the taxes paid by all customers.

⁴ The percentage amount will be determined in a future amendment.

The Information Technology expenditures to implement these changes are estimated at \$150,000 for capital costs to implement the proposed changes to the billing of the Market Supply and Local Supply components of the Power Supply Charge. Estimates for the cost of implementing the Consolidated Bill Option with Purchase of Receivables is \$1.8 million.

Affected Tariff Leaves:

Revised Leafs: 6B, 6C, 166, 167, 168, 169, 170, 182H, 182I, 209, 210, 217, 230, 230A, 231, 280, 280A, 282, 283, 285, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314 and 315.

Leafs Provided for Informational Purposes: 284, 286, 287, 288, 298, 300, 301, 302 and 303A.

Affected Addenda to the Tariff:

Statement of Power Supply Charge
Statement of Long Island Choice Parameters
Long Island Uniform Business Practices for ESCOs
Long Island Choice Operating Procedures Manual

Summary of Proposed Changes:

- 1) Staff is proposing to update the Tariff to require ESCOs serving mass market customers in the LIPA Territory to adhere to similar rules adopted by the Commission that strengthen protections for mass market customers in the retail energy market⁵.
- 2) Staff is proposing to update the Long Island Choice Operating Procedures to reflect current conditions and reflect the new Long Island UBP.
- 3) Staff is proposing to amend the Long Island Choice program to improve price transparency and help eliminate inefficiencies in the ESCO billing and collections processes, while continuing to fairly allocate costs for both retail competition and non-participating customers including:
 - a. Updating the Power Supply Charge into two categories, Market Supply and Local Supply. Long Island Choice customers will be required to pay the Local Supply Charge.
 - b. Discontinuing the Bill Credit Adjustment
 - c. Removing the Long Island Choice Factor when computing taxes for all customers as the delivery and power costs have been correctly separated and this allocation is no long necessary.

⁵ Case 15-M-0127, *In the Matter of Edibility Criteria for Energy Service Companies, Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process*, Issued and effective: December 12, 2020.

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Additional Documents

Feed-In Tariff Solar Power Purchase Agreement ("PPA")

Long Island Choice Operating Procedures ("Operating Procedures")

PSEG Long Island's Community Distributed Generated (CDG) Net Crediting Manual

Smart Grid Small Generator Standardized Interconnection Procedures ("Smart Grid SGIP")

Specifications and Requirements for Electrical Installations ("Red Book")

Submetering Procedures ("Requirements for Residential Submetering")

Uniform Business Practices for Distributed Energy Resource Suppliers in the LIPA Service Territory
(UBP-DERS-LIPA)

[Uniform Business Practices for Electric Energy Service Companies in the LIPA Service Territory
\(UBP-LI-ESCO\)](#)

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS:**A. Power Supply Charge:**1. Costs included in the Power Supply Charge

- a) The total actual cost of fossil and nuclear fuel purchased on behalf of the Authority to produce electricity, including nuclear fuel disposal costs and the Authority's share of the Nine Mile Point 2 nuclear generating plant decontamination and decommissioning costs paid to the operator, plus
- a) The total actual cost, including property taxes, of all electric power purchased by or on behalf of the Authority from the New York Power Authority (NYPA), National Grid Generation, other utilities, and independent power producers, including qualifying facilities and Customer-generators, net of revenues received from energy sold to other utilities, power marketers, or other brokers who are not agents for retail power supply customers of the Authority, plus
- b) The total actual cost of all transmission wheeling and other charges (including charges on any off-island transmission facilities which deliver power to the Authority's system), plus
- c) The total actual cost of payments by the Authority to Customers who shed load during times of high system demands at the request of the Authority including payments for participation in the Dynamic Load Management programs contained in Section XIII , plus
- d) The actual fuel costs and the value of foregone emissions credits that partially offset revenues credited from energy sold to other utilities, power marketers, or other brokers who are not agents for retail power supply customers of the Authority, plus
- e) The cost incurred under any system power supply management or fuel management services agreements, plus
- f) Charges for Capacity, Energy, Scheduling, System Control and Dispatch Service, and ancillary services paid by LIPA as a participant in any Independent System Operator (ISO) administered markets, plus
- g) Any other net charges (net of revenues) associated with TCCs, ancillary services and short term capacity received by the Authority as a participant in any Independent System Operator (ISO) administered markets, plus
- h) ~~(Cancelled) Bill Credit Adjustment (BCA) payments to ESCOs and DRCs under the LI Choice Program~~, plus
- i) Premiums and other costs associated with the Authority's fuel hedging program, including any gains or losses realized, plus
- j) Costs incurred to comply with the requirements of the New York State Renewable Portfolio Standards and costs incurred for the purchase of renewable energy credits (including the cost of any alternative compliance payments) and zero emission credits associated with the New York Clean Energy Standards programs.
- k) Costs incurred for the operation, maintenance, and property taxes of the Authority's share of the Nine Mile Point Unit 2 Generating Facility.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**A. Power Supply Charge (continued):**2. Average Cost of Power Supply

The average cost of the Power Supply Charge in cents per kWh for the month is calculated by dividing the projected month's costs included in the Power Supply Charge and the projected month's total LI Choice customer bill credits by the projected month's Energy Sales.

3. Energy Sales

Energy Sales is the amount of electricity required to meet the Authority's Bundled Service and LI Choice Customer needs, measured at the Customer's meter.

4. The Power Supply Charge, expressed in cents per kWh, is calculated as the sum of: (i) the average cost of the Power Supply Charge expressed in cents per kWh, plus (ii) a rate, expressed in cents per kWh calculated to refund or recover any overcollections or undercollections of the Power Supply Charge as of the end of the preceding period. The Power Supply Charge is rounded to the nearest .0001 cents per kWh.

a) The Power Supply Charge consists of a Market Supply Charge to be paid by Bundled Service Customers not on Long Island Choice and a Local Supply Charge to be paid by Bundled Service and LI Choice Customers.

b) The Market Supply Charge recovers the cost incurred by the Authority to provide power services to Customers not on Long Island Choice, calculated as the following costs divided by Energy Sales to Bundled Service Customers, rounded to the nearest .0001 cents per kWh:

- (1) The actual cost to purchase fuel for generation at power stations on Long Island and the actual cost of purchased power, plus
- (2) The total actual cost of electric power purchased by or on behalf of the Authority from the ISO energy markets, net of revenues received from energy sold to other utilities, power marketers, or other brokers who are not agents for retail power supply customers of the Authority, plus
- (3) The market value of energy purchased from the Nine Mile Point 2 and Fitzpatrick nuclear facilities, as well as renewable and resource recovery facilities under contract to the Authority, plus
- (4) The Long Island capacity market value of all Long Island capacity under contract to the Authority, as well as the Rest of State capacity market value associated with Nine Mile Point 2, plus
- (5) The cost of Long Island and Rest of State capacity that might be needed to fulfill Authority's capacity requirements, beyond what is under contract, plus
- (6) The variable (O&M) costs and the value of foregone emissions credits (RGGI) that partially offset revenues credited from energy sold to other utilities, power marketers, or other brokers who are not agents for retail power supply customers of the Authority, plus
- (7) Charges for Capacity, Energy, Scheduling, System Control and Dispatch Service, and ancillary services paid by LIPA as a participant in the New York Independent System Operator (ISO) administered markets, plus
- (8) Premiums associated with the Authority's fuel hedging program, including any gains or losses realized, plus
- (9) The value of Renewable Energy Credit (RECs) for Tier 1 eligible resources under contract to the Authority, costs incurred for the purchase of additional Renewable Energy Credits (including the cost of any alternative compliance payments), Zero Emission Credits (ZECs), and other existing and future costs that are allocated to the Authority as an Load Serving Entity (LSE),

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**A. Power Supply Charge (continued):**

a)c) The Local Supply Charge recovers all costs contained in the Power Supply Charge that are not recoverable through the Market Supply Charge, divided by Energy Sales to all applicable Customers, rounded to the nearest .0001 cents per kW

d) The Power Supply TOU Period Adjustment Factors are identified in the Statement of the Power Supply Charge and will be updated from time to time as follows:

- (1) The Power Supply TOU Period Adjustment Factors will be calculated using the most recent average hourly load research sample results for Rate 180 or Rate 280. The rate 180 load research sample is used to calculate the Power Supply TOU Period Adjustment Factors for rate codes 190, 191, 192 and 193. The rate 280 load research sample is used to calculate the Power Supply TOU Period Adjustment factor for Rate 292.
- (2) The average hourly load research samples for rate 180 or rate 280 will identify the kWh for both the super off-peak period and the peak period for each of the TOU rate codes (190, 191, 192, 193 and 292) for an annual period.
- (3) For all TOU rate codes the super off-peak Power Supply TOU Period Adjustment Factor is set to 60%.
- (4) For each TOU rate code, the kWh in the super off-peak period will be multiplied by the budgeted average annual Power Supply Charge multiplied by 40% (1-super off-peak Power Supply TOU Period Adjustment Factor). The subsequent dollars by TOU rate code is divided by the total kWh in the peak period to create the peak period adder by TOU Rate code. The peak period adder by TOU rate code is then added to the average annual power supply factor and divided by the average annual power supply factor, which will equal the peak Power Supply TOU period Adjustment Factor.

Formulas:

- 1) $(\text{kWh in Super Off-peak Period} \times \text{Annual Average Power Supply Charge} \times 40\%) / \text{Peak Period kWh} = \text{Peak Period Adder}$
 - 2) $(\text{Peak Period Adder} + \text{Annual Average Power Supply Rate}) / \text{Annual Average Power Supply Rate} = \text{the peak Power Supply TOU period Adjustment Factor.}$
- e) The Power Supply Charge for applicable TOU Rate codes will be calculated each month based on the actual Power Supply Charge (see Statement of Power Supply Charge) times the Power Supply TOU period Adjustment Factors as identified in the Statement of the Power Supply Charge.
- f) The Authority will prepare and retain on file a Statement of the Power Supply Charge. The Statement will be available at the Authority's business offices.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**A. Power Supply Charge (continued):**

- g) The Statement will be revised each time the Power Supply Charge is revised and will contain:
- (1) The identification of the Service Classifications affected, and
 - (2) The date the Power Supply Charge becomes effective, and
 - (3) The month used to obtain the average cost of the Power Supply Charge, and
 - ~~(4) The average cost of the Power Supply Charge in cents per kWh for the specified month, and~~
 - ~~(5) The Rate in cents per kWh to Refund/Recover Overcollections/Undercollections of fuel and purchased power costs for the preceding periods, and~~
 - ~~(6)~~(4) The Market Supply Charge, the Local Supply Charge, and the Power Supply Charge (Market Supply plus Local Supply) in cents per kWh.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**B. Increases In Rates and Charges To Recover PILOT Payments:**

1. Gross Receipts Tax (including the Temporary Metropolitan Transportation Business Tax Surcharge) PILOT Payments to a Governmental Authority

To recover gross receipts tax payments in lieu of taxes ("PILOT") to a governmental authority, the Authority will:

- a) Increase the rates and charges in the affected municipalities under all Service Classifications and rental charges, when they apply, by a percentage rate equal in amount to the PILOT Payments, and
- b) Prepare and retain on file a Statement of Adjustment in Rates and Charges summarizing the PILOT percentage rates. Statements will be available for review at the Authority's business offices.
- c) Calculation of the Gross Receipts Tax amount to be billed to Customers:
 - (1) Calculate the Customer's total bill including the Power Supply Charge component using the current tariff rates.
 - (2) Calculate the commodity portion of the Customer's bill by multiplying the Customer's energy usage (kWh) by the ~~sum of the commodity rate, the Municipal Distribution Agency (MDA) rate for residential customers, if any, and the Power Supply Charge (see Statement of Power Supply Charge) minus \$0.0392 per kWh. The commodity rate is the Long Island Choice bill credit (see Leaf Nos. 310-312) and is determined by the Customer's rate code.~~
 - (3) Calculate the Customer's transportation component by subtracting the Customer's commodity portion (see c)(2) above) from the Customer's bill.
 - (4) Adjust the commodity and transportation components (See paragraphs 2 and 3, above) by the Shoreham Property Tax Settlement Factor.
 - (5) Apply the appropriate PILOT percentage rate for residential or non-residential as shown on the Statement of Increase in Rates and Charges to Recover PILOT Payments to the commodity (see c)(2) above) and to the transportation components (See Paragraph 4).
 - (6) Exceptions:

In those instances where a Customer's commodity rate has not been classified under a rate code (see Leaf Nos. 310-312), the commodity rate will be based on the Customer's alternate rate and the appropriate Service Classification the commodity rate it is listed under.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**G. New York State Assessment:**1. Purpose

The purpose of the New York State (“NYS”) Assessment is to recover costs imposed on the Authority as a result of changes to Public Service Law (“PSL”) , Article 1 section 18-a(2) and 18-a(6), which was signed into law on April 7, 2009, and amended on July 29, 2013. The NYS Assessment is payable to the State of New York and has a stated intention to encourage conservation of energy and other resources on Long Island and to fund the Long Island office of the Department of Public Service. The NYS Assessment will be in effect for five (5) years or as long as the legislation remains in effect.

2. Who Is Eligible

All customers, including LI Choice customers, who are billed under the Authority’s Service Classifications, will be subject to the NYS Assessment factor. Energy Service Companies (ESCOs) participating in the Long Island Choice program are subject to the NYS Assessment for any miscellaneous charges billed to them, ~~but not for payments or credits related to the Bill Credit Adjustment or the Power Supply Charge.~~

3. Determination of the NYS Assessment Factor

- a) In each calendar year, the Authority staff will work with the Chairman of the New York State Public Service Commission to determine the amount of the NYS Assessment for that calendar year. For purposes of determining the NYS Assessment Factor on a calendar year basis, the Authority staff may estimate the amount owed to the State in that calendar year, subject to true-up at some later point in time for the actual amount owed to the State for that annual period.
- b) Beginning January 1, 2010, the NYS Assessment Factor will be calculated to collect the amount assessed to the Authority (including carrying charges) divided by the projected revenues subject to the NYS Assessment for the time period to be recovered.
- c) The amount of NYS Assessment for the nine months of 2009 that the Authority is required to pay shall be deferred and amortized with interest for recovery over the remaining four (4) calendar years starting January 1, 2010.
- d) Overrecovery or underrecovery of the NYS Assessment relative to the amount actually paid to the State will be surcharged or refunded in subsequent periods.
- e) The NYS Assessment factor will be expressed as a percentage increase to the applicable actual or estimated charges on the Customer’s bill.
- f) The NYS Assessment factor will be shown on a separate “Statement of NYS Assessment Factor” and will be updated at the beginning of each year, and from time to time within the year at the discretion of the Authority staff. The Statement will be available at the Authority’s business offices.

VII. ADJUSTMENTS TO RATES AND CHARGES OF SERVICE CLASSIFICATIONS (continued):**H. New York State Assessment:**

4. Application of the NYS Assessment Factor
 - a) The NYS Assessment factor will apply to the following customer bill components:
 - (1) Base Rates including the service and meter charges, energy charges (kWh),
 - (2) and demand charge (kW); and
 - (3) Power Supply Charge; and
 - (4) Visual Benefits Assessment (VBA), if applicable; and
 - (5) Distributed Energy Resources Cost Recovery Rate; and
 - (6) Shoreham Property Tax (SPT) Settlement factor if applicable; and
 - (7) Revenue Decoupling Mechanism; and
 - (8) Delivery Service Adjustment; and
 - (9) Securitization Offset Charge; and
 - (10) Securitization Charge; and
 - (11) Undergrounding Charge (UGC), if applicable; and
 - (12) Any "Charges for Miscellaneous Services".
 - b) Customers participating in the Long Island Choice program will be charged for the NYS Assessment as if they paid the Authority's charges for Bundled Service.
 - c) ESCOs participating in the LI Choice program will be charged for the NYS Assessment on any miscellaneous charges incurred under that program, ~~but not for payments made or received from the Bill Credit Adjustment or the Power Supply Charge.~~
 - d) The NYS Assessment factor does not apply to Increase in Rates and Charges to Recover PILOT Payments.
5. Annual Reconciliation
 - a) Each year, the Authority will perform a reconciliation based on twelve months to recover any amounts under or over collected in the prior time period. Any difference will be added to the amount to be recovered in the following year.
 - b) If the Commission determines that the amount assessed to the Authority under Section 18-a for a fiscal year is different from the amount used by the Authority to establish the revenue factor, the revenue factor will be updated as necessary to allow the Authority to recover the full amount of the assessment above the amount reflected in the Authority's base rates.

VIII. SERVICE CLASSIFICATIONS (continued):**F. SERVICE CLASSIFICATION NO. 2-L - General Service – Large (continued):****(Rate Codes: 281, 283, 291)****Special Provisions (continued):**

- (2) Customers will be transferred to Service Classification No. 2-MRP, Large General and Industrial Service with Multiple Rate Periods, when the monthly recorded demand:
 - (a) Was greater than 145 kW in any two consecutive months, in which case the transfer will take place within ninety (90) days after the summer billing period ends.
 - (b) The S.C. No. 2-MRP rate will go into effect on the day the meter is installed.
- d) Business Development Programs
 - (1) Empire Zone Program
 - (a) The Empire Zone Program expired on June 30, 2010. Customers on this program, prior to July 1, 2010, will continue to receive authorized rate discounts until their previously agreed upon term has expired.
 - (b) With the exception of the Calverton portion of the Suffolk County Empire Zone, Customers who qualify receive a 50% discount on their Base Rate Energy Charge per kWh and Winter (October through May) Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
 - (c) Qualifying customers within the Calverton portion of the Suffolk County Empire Zone receive a 6% discount on their Base Rate Energy Charge per kWh and Winter (October through May) Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
 - (2) Excelsior Jobs Program
 - (a) The Excelsior Jobs Program is intended to encourage business to expand or relocate to the Authority's Service Area.
 - (b) The Authority's discount is available to certified participants who increase their load by at least 25%, to a minimum of 7 kW within one year of Excelsior Jobs Program certification.
 - (c) Customers who qualify will pay \$0.0467 for their Base Rate Energy Charge per kWh for the additional energy associated with the incremental load subsequent to the ESD Approval Date. There will be no demand charges associated with the incremental load subsequent to the ESD Approval Date.

VIII. SERVICE CLASSIFICATIONS (continued):**F. SERVICE CLASSIFICATION NO. 2-L - General Service – Large (continued):****(Rate Codes: 281, 283, 291)****Special Provisions (continued):****(3) Manufacturing Competitiveness, and Business Incubation Programs**

(a) Customers who qualify after June 29, 2012 receive a 100% discount on their Base Rate Energy Charge per kWh. Participants that qualified before June 29, 2012 will continue to receive a 50% discount on their Base Rate Energy Charge per kWhs ~~plus the \$0.0392 per kWh of the Power Supply Charge~~, subject to pro-ration as noted in the next paragraph.

(b) The discounts apply to the first year of their participation in the Program and will decrease by one-fifth (1/5) each year after the first year until the Customers are billed at the rate's regular levels at the end of the fifth year.

e) Service for Religious Purposes, Supervised Community Residences, or Veteran's Organizations

Customers under this Service Classification who use electricity for religious purposes or for community residences, Veteran's Organizations as specified in Section 76 of the Public Service Law, may apply for a suitable residential service after a minimum term of one (1) year.

(1) The transferring Customer shall submit a new Application to the Authority before the transfer, and

(2) The transfer will take place at the time of the Customer's next meter reading.

VIII. SERVICE CLASSIFICATIONS (continued):**G. SERVICE CLASSIFICATION NO. 2L - VMRP****Voluntary Large Demand Metered Service With Multiple Rate Periods (continued):****(Rate Codes: 282 and M282)****Special Provisions (continued):**d) Business Development Programs(1) Empire Zone Program

- (a) The Empire Zone Program expired on June 30, 2010. Customers on this program, prior to July 1, 2010, will continue to receive rate discounts until their previously agreed upon term has expired.
- (b) With the exception of the Calverton portion of the Suffolk County Empire Zone, customers who qualify receive a 50% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
- (c) Qualifying customers within the Calverton portion of the Suffolk County Empire Zone receive a 6% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~

(2) Excelsior Jobs Program

- (a) The Excelsior Jobs Program is intended to encourage business to expand or relocate to the Authority's Service Area.
- (b) The Authority's discount is available to certified participants who increase their load by at least 25%, to a minimum of 7 kW within one year of Excelsior Jobs Program certification.
- (c) Customers who qualify will pay \$0.0467 for their Base Rate Energy Charge per kWh for the additional energy associated with the incremental load subsequent to the ESD Approval Date. There will be no demand charges associated with the incremental load subsequent to the ESD Approval Date.

(3) Manufacturing Competitiveness and Business Incubation Programs

- (a) Customers who qualify after June 29, 2012 receive a 100% discount on their Base Rate Energy Charges per kWh for Periods 1, 2, and 3 in the first year of their participation in the Program. Participants that qualified before June 29, 2012 will continue to receive a 50% discount on their Base Rate Energy Charge ~~plus \$0.0392 per kWh of the Power Supply Charge~~, subject to pro-ration as noted in the next paragraph.
- (b) The discounts will decrease by one-fifth (1/5) each year after the first year until the Customers are billed at the rate's regular levels at the end of the fifth year.

VIII. SERVICE CLASSIFICATIONS (continued):**I. SERVICE CLASSIFICATION NO. 2 - MRP****Large General and Industrial Service With Multiple Rate Periods (continued):**
(Rate Codes: 284, 285, M284, M285)1. Special Provisionsa) Corrective Equipment Requirements

When the installation includes welders, x-rays, or other apparatus having a highly fluctuating or large instantaneous demand, the Customer shall provide batteries, rotating equipment, or other corrective equipment to reduce the inrush current to an amount acceptable to the Authority.

b) Requirements for Service at 69,000 Volts or Higher

The Applicant shall provide and maintain voltage regulating equipment and circuit breakers complete with accessory equipment, using the procedures and schedules specified by the Authority.

c) Changes in Eligibility of Existing Accounts

If there is an Applicant for an existing account, but the Authority believes the Applicant's business activity will change the characteristics of the account's loads, the account will be considered a new account for Service Classification purposes.

d) Business Development Programs(1) Empire Zone Program

- (a) The Empire Zone Program expired on June 30, 2010. Customers on this program, prior to July 1, 2010, will continue to receive rate discounts until their previously agreed upon term has expired.
- (b) With the exception of the Calverton portion of the Suffolk County Empire Zone, Primary and Secondary Customers who qualify receive a 50% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
- (c) With the exception of the Calverton portion of the Suffolk County Empire Zone, Transmission Customers who qualify receive a 55% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
- (d) Qualifying Primary and Secondary customers within the Calverton portion of the Suffolk County Empire Zone receives a 6% discount on their Base Rate Energy Charge per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~

VIII. SERVICE CLASSIFICATIONS (continued):**I. SERVICE CLASSIFICATION NO. 2 - MRP****Large General and Industrial Service With Multiple Rate Periods (continued):****(Rate Codes: 284, 285, M284, M285)****Special Provisions (continued):**

- (e) Qualifying Transmission customers with the Calverton portion of the Suffolk County Empire Zone receive a 7% discount on their Energy Charges per kWh and Period 3 Demand Charges, but only for the additional energy and demand. ~~This discount for the additional energy also applies to \$0.0392 per kWh of the Power Supply Charge.~~
- (2) Excelsior Jobs Program
- (a) The Excelsior Jobs Program is intended to encourage business to expand or relocate the Authority's Service Area.
 - (b) The Authority's discount is available to certified participants who increase their load by at least 25%, to a minimum of 145 kW within one year of Excelsior program certification.
 - (c) Customers who qualify will pay \$0.0158 for their Base Rate Energy Charge per kWh for the additional energy associated with the incremental load subsequent to the ESD Approval Date. There will be no demand charges associated with the incremental load subsequent to the ESD Approval Date.

VIII. SERVICE CLASSIFICATIONS (continued):**I. SERVICE CLASSIFICATION NO. 2 - MRP****Large General and Industrial Service With Multiple Rate Periods (continued):****(Rate Codes: 284, 285, M284, M285)****Special Provisions (continued):**

- (3) Business Attraction/Expansion, Manufacturing Competitiveness, and Business Incubation Programs
 - (a) Customers who qualify after June 29, 2012 receive a 100% discount on their Base Rate Energy Charge per kWh for Periods 1, 2, and 3, in the first year of their participation in the Program. Participants that qualified before June 29, 2012 will continue to receive a 50% discount on their Base Rate Energy Charge ~~per kWh plus \$0.0392 per kWh of the Power Supply Charge~~, subject to pro-ration as noted in the paragraph below.
 - (b) The discounts will decrease by one-fifth (1/5) each year after the first year until the Customers are billed at the rate's regular levels at the end of the fifth year.
 - (c) Customers who qualify may apply for modified rate periods. The modified peak Period 2 hours are June through September, Monday through Friday, from 3 p.m. to 8 p.m., for Rate M284 and June through– September, Monday through Friday, from 3 p.m. to 10 p.m., for Rate M285. The hours June through September, Monday through Friday from 12 noon to 3 p.m., are included in the Intermediate period for Rate M284. The hours June through September, Monday through Friday, from 10 a.m. to 3 p.m. and Saturday from 10 a.m. to 10 p.m., are included in the Intermediate period for Rate M285.
- e) Choosing Rate Code 284 or Rate Code 285

New Customers shall choose either Rate Code 284 or Rate Code 285 at the time of qualification of service.

 - (1) Rate 284 Customers may choose to receive service under Rate 285.
 - (2) Rate 285 Customers will have one opportunity to transfer to Rate 284.
 - (3) Customers must request transfers between Rates 284 and 285 in writing, thirty (30) days before their Anniversary Date.
 - (4) Customers eligible for modified rating periods under Rate Code M284 and Rate Code M285 must follow the same rules as for Rate Code 284 and Rate Code 285 respectively.

VIII. Long Island Choice Program

A. General Provisions:

1. Description and Definitions

The Long Island Choice ("LI Choice") Program gives Eligible Customers a choice of suppliers for their electric power needs. The Authority will deliver the power received from the Eligible Customer's chosen supplier using the Authority's transmission and distribution system under this Tariff, and the NYISO Tariff. The Authority and ESCO are also governed by the requirements set forth in the Long Island Energy Service Company Uniform Business Practices ("UBP-LI-ESCO"), incorporated as an Addendum to this Tariff, which may be modified from time to time. For purposes of this Section IX of the Tariff, the following definitions apply:

- ~~a)~~ ~~Authority: The Long Island Power Authority, and not the subsidiary of the Authority which owns the transmission and distribution system.~~
- a) Bundled Service: The services offered by the Authority under Sections I-VIII of this Tariff. The Authority's Bundled Service includes the Authority-provided Electric Generation Service as part of the total service.
- b) Consolidated Bill Option: An option that provides Customers the capability of receiving a single bill from the Authority that combines the Authority's charges for delivery services and other services it provides and the charges from their ESCO for Electric Generation Service and any related services it provides.
- ~~b)c)~~ Direct Retail Customer ("DRC"): An Eligible Customer that is a direct customer of the ISO and that acts without an ESCO to contract for and supply Electric Generation Service and any related services solely for its own use.
- ~~e)d)~~ Electric Generation Service: The procurement and transmission of electric capacity and energy to the Authority system, but not including the transmission or distribution of electric capacity and energy across the Authority's receipt points or along the Authority's electrical system to the Customer meter.
- ~~d)e)~~ Energy Service Company ("ESCO"): An entity that performs electric supply, transmission and customer service functions in a competitive environment, including producing or contracting for and supplying Electric Generation Service and related services, and procuring and scheduling transmission and ancillary services to deliver the Electric Generation Service purchased by Participating Customers to the Authority system.
- ~~e)f)~~ Installed Capacity ("ICAP"): The installed capacity that must be maintained by Load Serving Entities (LSE's) in accordance with NYISO requirements. An LSE's total ICAP requirement is based on forecasted peak load at customers meters adjusted for line losses and reserve margin requirements.
- ~~f)~~ ~~The Authority: The subsidiary of the Authority which owns the transmission and distribution system. References to the Authority may also include the Authority's Manager which is responsible for providing services on behalf of the Authority under the terms of the Operations Services Agreement.~~
- g) Load Share Ratio: The ratio of the coincident peak demand of a Customer or Customers participating in the LI Choice Program divided by the total coincident peak load of LI Choice Customers. The calculation of coincident peak demand is defined in the LI Choice Operating Procedures.

~~h) Locational Based Marginal Pricing (LBMP): The marginal cost of serving the next increment of load at each location in the transmission network determined in the NYISO market.~~

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****Description and Definitions (continued):**

- ~~i)h) NYPA Transmission Adjustment Charge ("NTAC"): Charges assessed by the New York Independent System Operator (NYISO) on the load of all Load Serving Entities (LSE's). Operating Procedures: The LI Choice Operating Procedures.~~
- ~~i) Purchase of Receivables: An option provided in conjunction with the Single Consolidated Bill Option that makes the Authority responsible for collection of ESCO charges from participating Long Island Choice Customers.~~
- j) Two Bill Option: An option that provides Customers the capability of receiving one bill from the Authority for delivery services and other services it provides, and a separate bill from their ESCO for Electric Generation Service and any related services it provides.
- ~~k) Unavoidable Generation Capacity: Generating capacity included under the Authority's Power Supply Agreement with KeySpan Generation LLC, generating capacity of Nine Mile Point 2 power station, generating capacity of Fitzpatrick power station, generating capacity associated with on-island Independent Power Producers, generating capacity obtained from the municipal electric departments of the Villages of Rockville Centre and Freeport, and generating capacity obtained from NYPA from the Gilboa Plant and/or the Richard M. Flynn Plant.~~

IX. Long Island Choice Program (continued):**A. General Provisions (continued):**2. Who is Eligible

- a) In order to participate in the Long Island Choice Program, an Eligible Customer is a Customer who is eligible for service under Service Classification Nos. 1, 1-VMRP(L), 1-VMRP(S), 2, 2-VMRP, 2L, 2L-VMRP, or 2-MRP, 5, 7, 7A, 10 and:
- (1) Receives metered or authorized unmetered electric service from the Authority, and
 - (2) Receives all of their electric requirements from a single supplier except for the output from Solar or Wind Electric Generating Equipment that qualifies for net metering, and
 - (3) Is not explicitly excluded in 2.b), below, and
 - (4) ~~Is licensed by the Authority as a~~ Direct Retail Customer (DRC) or a customer who contracts with an ~~licensed-authorized~~ Energy Services Company (ESCO) to act as its agent for the scheduling and delivery of Electric Generation Service, and
 - (5) ~~During these phases of the Program where total participation is limited, has been accepted into the Program by the Authority.~~
- b) Customers who are not eligible to participate in the LI Choice Program are:
- (1) Customers who receive service under Service Classification Nos. 11, 12 and 13.
 - (2) Customers who sell power to the Authority as Qualifying Facilities or Solar, Farm Waste, Micro-Combined-Heat-and-Power, Fuel Cells and Wind Customer-Generators that do not qualify for net metering.
 - (3) Customers who receive a portion of their electric requirements from self-generation or on-site generation that does not qualify for net metering, and require supplemental, backup or maintenance service from the Authority.
 - (4) Customers who receive service under provisions related to Residential Off-Peak Energy Storage served under Service Classification No. 1.

IX. Long Island Choice Program (continued):**A. General Provisions (continued):**3. Character of Service

- a) Under the terms of this Program, the Authority will accept Customer-owned electricity delivered by the ESCO or DRC through the designated connection point(s) on the Authority's transmission or distribution system for delivery to the Customer's facilities.
- b) The Authority will perform transformation, control and dispatch on the Authority's system.
- c) Receipt of electricity from ESCOs under this Service Classification is limited to the electricity required to meet the designated loads of Participating Customers in the Long Island Choice Program.

4. General Provisions

~~a) The Long Island Choice Program will be implemented in three phases:~~

~~(1) Deliveries under Phase One of the Program began on August 1, 1999, and allowed Customers to obtain up to 400 MW of load from non-Authority sources for delivery to the Customers' facilities.~~

~~(2) Deliveries under Phase Two of the Program began on May 1, 2000, and increased the load Customers may obtain from non-Authority sources by 400 MW to 800 MW.~~

~~(3) Deliveries under Phase Three of the Program will begin on February 1, 2002.~~

~~(4) The Authority may modify the date for commencement of Phase Three.~~

~~b)a) ESCOs and DRCs that wish to participate in the Program must be licensed by the are required to follow the Eligibility Requirements Authority per Section 2 of the UBP-LI-ESCO The licensing application and supporting information are contained in the Operating Procedures available from the Authority at 333 Earle Ovington Blvd., Uniondale, NY 11553, or from the Authority's website.~~

IX. Long Island Choice Program (continued):**A. General Provisions (continued):**5. Provisions Applicable to Participating Customers

a) Eligible Customers may:

- (1) Designate only one ESCO to serve as the Customer's agent for an individual electric account. A DRC account cannot be served by an ESCO.
- (2) Switch ESCOs or return to Bundled Service from the Authority at the applicable Tariff rates.
- (3) Apply for licensing as a Direct Retail Customer responsible for the procurement, scheduling and delivery of Electric Generation Service.

~~b) Except in the circumstances discussed in (3) through (5) below, there is an administrative charge of \$10 for transferring to the LI Choice Program, for switching Electric Generation Service to a different ESCO, or for voluntarily returning to the Authority's Bundled Service.~~

~~(1) The administrative charge will be applied to the Customer's bill every time the Customer selects a different ESCO to act as its agent, or returns to LIPA service.~~

~~(2) For purposes of the administration charge, becoming a DRC is the same as choosing or switching an ESCO.~~

~~(3) The Authority will waive the administrative charge for the first time that a Customer enters the LI Choice Program.~~

~~(4) The Authority will waive the administrative charge for the first time that a Customer leaves the LI Choice Program and returns to Bundled Service.~~

~~(5) The Authority will waive the administrative charge for any Customer whose ESCO ceases to offer Electric Generation Service to that Service Classification under the Program or loses its License.~~

~~(6) The Authority will not waive the administrative charge for any customer whose ESCO discontinues service to that Customer, but continues to offer Electric Generation Service to that Service Classification under the LI Choice Program.~~

IX. Long Island Choice Program (continued):

A. General Provisions (continued):

[Canceled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):**6. Obligations of ESCOs and DRCs

a) Energy Service Companies (ESCOs) shall:

- (1) ~~Obtain a License from the Authority, and~~ Obtain a Letter of Eligibility from the Department of Public Service and comply with the Eligibility Requirements of Section 2 of the LI ESCO-UBP.
- (2) Comply with all applicable State, Federal and Authority requirements.
- (3) Enter into and abide by the terms of an Operating Agreement with the Authority and applicable tariff agreements with the NYISO.
- (4) Enter into an Agreement with Eligible Customers to meet their capacity, energy supply and related services needs.
- (5) Obtain Customers' authorizations to act as their agent for delivery of their Electric Generation Service.
- (6) Contract for and, as agent, arrange for the delivery of the Electric Generation Service needs of Customers purchasing their Electric Generation Service requirements from the ESCO, including installed capacity, energy, energy losses, transmission and ancillary services, as specified in the Operating Procedures and in Service Classification No. 14 of this Tariff.
- (7) Provide the Authority with information necessary for Customer enrollment in the Program and for termination of ESCO service to LI Choice Customers as described in the UBP-LI-ESCO Operating Procedures.
- (8) ~~With specific regard to unauthorized Customer transfers, also known as "slamming," and the inclusion of unauthorized charges on a Customer's bill, also known as "cramming," comply with the Authority's requirements described in the Operating Procedures. Violation of these requirements will result in~~ Comply with requirements of the UBP-LI-ESCO. If found in violation of the requirements, the ESCO may be subject to consequences as described in Section 2.D.6.b of the UBP-LI-ESCO.
 - ~~(a) Repayment of all costs and fees incurred by the Customer, the Authority and/or the Authority by the ESCO responsible for the request to transfer the Customer, and~~
 - ~~(b) Possible suspension or revocation of the License of the offending ESCO~~

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****Obligations of ESCOs and DRCs - ESCOs (continued):**

- (9) Act as agent of the LI Choice Customer to:
 - (a) Schedule deliveries of Electric Generation Service, and
 - (b) Settle any imbalances between the ESCO's deliveries and Customers' actual energy consumption as set forth in the Operating Procedures, and
 - (c) Obtain billing determinants on behalf of the Customer.
- (10) Be responsible for billing and collecting from Customers the charges for services rendered by the ESCO, if the ESCO elects the Two Bill Option.
- (11) Contract on behalf of Participating Customers, as agent, for installed generation capacity as provided by the applicable NYISO tariff(s). The minimum required percentage of local installed capacity is set forth in the "Statement of Installed Capacity and Local ICAP for the Long Island Choice Program".

IX. Long Island Choice Program (continued):

A. General Provisions (continued):

[Canceled]

IX. Long Island Choice Program (continued):

A. General Provisions (continued):

[Canceled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):
Obligations of ESCOs and DRCs (continued):**b) Direct Retail Customers (DRCs) shall:

- (1) ~~Comply with all requirements of the NYISO, Obtain a License from the Authority, and~~
- (2) Comply with all applicable State, Federal and Authority requirements.
- (3) Enter into and abide by the terms of an Operating Agreement with the Authority and applicable tariff agreements with the NYISO.
- (4) Contract for and arrange for the delivery of their Electric Generation Service needs, including installed capacity, energy, energy losses, transmission and ancillary services.
- (5) Provide the Authority with information necessary to enroll as a DRC or terminate service under Long Island Choice, as described in the Operating Procedures.
- (6) Satisfy installed generation capacity requirements as provided by the applicable NYISO tariff(s). The minimum required percentage of local installed capacity is set forth in the "Statement of Installed Capacity and Local ICAP for the Long Island Choice Program".

7. ESCO Eligibility Requirements, Suspension and Revocationa) An ESCO's status as an eligible supplier is continuous from the date of the Department eligibility letter, unless revoked or otherwise limited in accordance with the following sections of the UBP-LI-ESCO:

- (1) Section 2.F., "Discontinuance of an ESCO's and Direct Customer's Participation in a Retail Access Program" and
- (2) Section 2.D., "Maintaining ESCO Eligibility Status"

IX. Long Island Choice Program (continued):**A. General Provisions (continued):**~~7. ESCO or DRC License Application, Suspension and Revocation~~

~~a) The Authority may exchange information with, and use any information received from, the New York Public Service Commission as the Authority deems appropriate in considering the granting, suspension, or revocation of a License of an ESCO or DRC. The Authority will license an ESCO or DRC, when the following requirements have been met:~~

~~(1) The ESCO or DRC signs an Operating Agreement with the Authority, and~~

~~(2) The ESCO or DRC submits a completed Application form to the Authority, including all of the required documents listed on the Application form, and~~

~~(3) The Authority confirms that the Application is complete and consistent with the Authority's requirements, and~~

~~(4) The ESCO or DRC meets the Authority's security deposit requirements and all other requirements set forth in the Operating Procedures and this Tariff.also~~

[Cancelled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****ESCO or DRC License Application, Suspension and Revocation (continued):**

~~b) The Authority's requirements for ESCO or DRC licensing include:~~

- ~~(1) The ESCO or DRC must be registered with the New York State Department of State.~~
- ~~(2) The ESCO must clearly state its Terms and Conditions of Service, and identify the Customer's Rights and Obligations, in its Disclosure Statement.~~
- ~~(3) The ESCO must specify and comply with practices that adhere to the Authority's requirements for switching Customers between ESCOs, as set forth in the Operating Procedures.~~
- ~~(4) The ESCO's process for handling and resolving Participating Customer complaints must be reasonable and convenient for the Customers the ESCO intends to serve.~~
- ~~(5) The ESCO's billing procedures must provide, at a minimum, all of the information on bill content and format set forth in the Operating Procedures.~~
- ~~(6) The ESCO or DRC must meet the Authority's criteria for creditworthiness and maintain an adequate security deposit, as set forth in the Operating Procedures and this Tariff.~~
- ~~(7) The ESCO or DRC must meet all of the applicable requirements specified in the Operating Agreement, including compliance with the applicable requirements of the Operating Procedures and other Program documents referenced therein.~~

[Cancelled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****ESCO or DRC License Application, Suspension or Revocation (continued):**

- ~~c) Circumstances that may warrant the suspension or revocation of an ESCO's, or DRC's License by the President and Chief Executive Officer's designee of the Authority will be considered on a case-by-case basis. Factors to be considered when deciding to suspend or revoke a License include repetition of offenses, seriousness of the offenses, degree of harm imposed on LI Choice Customers or the Authority, and willfulness of the offenses. Criteria to be considered in determining whether a License should be suspended or revoked include, but are not limited to:~~
- ~~(1) Failure of an ESCO to adhere to the policies and procedures described in its Disclosure Statement as it may be properly amended, modified, supplemented or superseded from time to time;~~
 - ~~(2) Failure to adhere to the Authority's requirements regarding consumer protections, including "slamming" (the unauthorized change of an Eligible Customer's or LI Choice Customer's Electric Generation Service provider) or "cramming" (billing by an ESCO for services not requested or authorized by the LI Choice Customer);~~
 - ~~(3) An unacceptably high volume of customer complaints regarding the business practices of an ESCO;~~
 - ~~(4) Failure to comply with the requirements of the LI Choice Program, including the Operating Agreement, the Operating Procedures, applicable provisions of this Tariff, and applicable requirements of the NYISO;~~
 - ~~(5) Failure to comply with the LI Choice Program product disclosure requirements;~~
 - ~~(6) Failure to apprise the Authority of a material change in the information contained in the ESCO's or DRC's License application;~~
 - ~~(7) Failure to provide the Authority or LI Choice Customers with proper notice of discontinuance of service;~~
 - ~~(8) Failure to timely and properly pay invoices rendered by the Authority or timely post deposits or additional deposits required by the Authority;~~
 - ~~(9) Failure to schedule and deliver Electric Generation Service properly; and~~
 - ~~(10) A DRC enrolling an account other than its own in the LI Choice Program.~~

[Cancelled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****ESCO or DRC License Application, Suspension or Revocation (continued):**

- ~~d) The President and Chief Executive Officer's designee of the Authority will notify an ESCO or DRC of his or her intention to suspend or revoke its License as of a certain date together with any terms and conditions relating to such suspension or revocation. The notice shall state the cause for License suspension or revocation in reasonable detail. Unless a different time is specified by the President and Chief Executive Officer's designee, the ESCO or DRC shall file any response in opposition to the proposed License suspension or revocation within ten (10) business days of receipt of the President and Chief Executive Officer's designee notice. Such response may include a showing that remedial action responsive to the notice has been implemented. Thereafter, unless additional proceedings are directed by the President and Chief Executive Officer's designee, he or she may act to suspend or revoke the ESCO's or DRC's License or render such other decision as is fair and reasonable under the circumstances. The President and Chief Executive Officer's designee decision shall be in writing, set forth the basis for the President and Chief Executive Officer's designee action, and be provided to the ESCO or DRC.~~
- ~~e) Where, in the sole judgment of the President and Chief Executive Officer's designee, expedited action is necessary to protect the public welfare or safety, system reliability or system security, the President and Chief Executive Officer's designee shall have power to temporarily suspend or revoke an ESCO's or DRC's License, upon such terms and conditions he or she deems fair and reasonable under the circumstances, prior to the initiation or completion of the procedures set forth in d. above. Following such temporary suspension or revocation by the President and Chief Executive Officer's designee, the President and Chief Executive Officer's designee shall undertake and complete the procedures set forth in d. above.~~
- ~~f) If the President and Chief Executive Officer's designee suspends the License of an ESCO, DRC, that ESCO or DRC may not solicit or initiate service to new Customers or new accounts under the LI Choice Program until the suspension is lifted. In suspending any License, the President and Chief Executive Officer's designee may impose such terms and conditions as are fair and reasonable under the circumstances. The ESCO or DRC must continue to meet its existing obligations during suspension~~

[Cancelled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****ESCO or DRC License Application, Suspension or Revocation (continued):**

~~g)c)~~ Upon the effective date of the revocation of the ESCO's or DRC's eligibility to operate license, the Operating Agreement will be terminated and the following terms and conditions will apply: ~~In revoking any License, the President and Chief Executive Officer's designee may impose such terms and conditions as are fair and reasonable under the circumstances. Upon the effective date of such revocation:~~

- (1) ESCOs, as agent for Participating Customers, and DRCs may no longer supply Electric Generation Service and related services.
- (2) ESCOs may no longer receive services from the Authority, except as may be necessary to satisfy any requirements for final billing, billing adjustments, payments, dispositions of outstanding claims, and related matters.
- (3) DRCs must become Bundled Service customers. Such DRCs may then enroll in the LI Choice Program using an ESCO under normal procedures.
- (4) ESCOs and DRCs must abide by all applicable provisions of the Operating Agreement to the extent necessary to provide for final billing, billing adjustments, payments, dispositions of outstanding claims, and related matters.

~~h)d)~~ ~~If the President and Chief Executive Officer's designee of the Authority~~ Upon the revocation of ~~revokes~~ an ESCO's or DRC's License eligibility to operate, the Authority will notify the Customers that have agreements with the ESCO and DRC of such action, in accordance with the notification provisions of the Operating Procedures.

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****7.8. Complaint Procedures for Disputes between ESCOs or DRCs or Between an ESCO or DRC and the Authority**

The Authority will handle complaints between licensed ESCOs or DRCs that relate to the Program and complaints between an ESCO or DRC and the Authority (or the Manager) that relate to the Program. Section 8 of UBP-LI-ESCO describes the dispute resolution processes available at the Department of Public Service to resolve disputes relating to competitive energy markets involving the Authority, ESCO, or DRC including disputes alleging anti-competitive practices.

~~Disputes between Long Island Choice customers and the Authority will follow the consumer complaint procedures in Section VI A. The Authority will handle complaints between licensed ESCOs or DRCs that relate to the Program and complaints between an ESCO or DRC and the Authority (or the Manager) that relate to the Program.~~

~~How an ESCO, DRC or the Authority Files a Complaint~~

~~The Authority or any ESCO or DRC licensed by the Authority may initiate complaint procedures by presenting a written description of the complaint or dispute and a proposed resolution to the other parties involved in the dispute, sent in a manner that will verify its receipt. The other parties must, as soon as possible, but in no case more than ten (10) business days following receipt of the complaint, provide a written response to the complaining party, with an alternative resolution proposal, or with the results of any informal resolution that may have been reached with the other parties prior to the response date.~~

~~If the initial exchange of written material or verbal discussions do not resolve the complaint, any party may request a meeting to discuss the matter further. The other parties must agree to such a meeting to be held within ten (10) business days following the request. The Authority encourages, but does not require, the parties to use alternative dispute resolution techniques.~~

~~If a resolution is not obtained within thirty (30) business days after the initial letter, any party may request the Authority to resolve the complaint in accordance with the complaint procedures set forth in Section VI of this Tariff. The request must be in writing, and must include any written materials developed as a result of a) (1) and a) (2), above.~~

IX. Long Island Choice Program (continued):**~~A.—General Provisions (continued):~~****~~Complaint Procedures for Disputes between ESCOs or DRCs or Between an ESCO or DRC and the Authority (continued):~~**

- ~~(1) If an ESCO, DRC or the Authority believes that special circumstances, such as an emergency involving public safety, system reliability or significant financial risk, exist that would require more expeditious resolution of a complaint than might be expected under the Authority's complaint procedures, it may submit its complaint to the Authority's President and Chief Executive Officer's designee in the first instance, with a copy provided to the other parties involved in the complaint. The party that is subject of such a complaint shall file any response within the time specified by the President and Chief Executive Officer's designee. The President and Chief Executive Officer's designee will act upon such a complaint by expeditiously rendering a decision on the complaint or advising the parties that the Authority's standard complaint procedures described above must be followed.~~
 - ~~(2) All correspondence or documents to be delivered from one party to another during the complaint process shall be sent in a manner that provides verification of receipt within the time periods specified in this complaint process.~~
 - ~~(3) If a complaint involves the accuracy of invoiced charges by the Authority, the ESCO or DRC shall pay the invoiced charges, subject to refund with interest applied at the rate for Consumer Deposits specified in the Statement of Interest on Customer Deposits.~~
- ~~a) The failure of any ESCO or DRC to abide by the decision of the Authority's staff if no appeal has been filed, or the decision of the President and Chief Executive Officer's designee resulting from an appeal, may result in suspension or revocation of the ESCO's or DRC's License.~~

[Cancelled]

IX. Long Island Choice Program (continued):**A. General Provisions (continued):****8.9. Records Access, Audits, and Investigations**

The ~~Department and the~~ Authority ~~is-are~~ responsible for overseeing the LI Choice Program and ensuring compliance by ESCOs, and DRCs with the Program's requirements.

- a) Upon request by the ~~Department or the~~ Authority for records relating to the LI Choice Program, ESCOs and DRCs shall provide access to all records requested that are in their possession or under their control, including records relating to LI Choice Customers and Agreements, and records necessary to verify power supply, transmission, and ancillary services contractual arrangements and similar arrangements.
- b) Unless otherwise stated by the ~~Department or the~~ Authority, access to individual LI Choice Customer records, including Agreements, shall be provided by ESCOs and DRCs within five (5) business days of receipt of the Authority's verbal or written request. All other records shall be provided by ESCOs and DRCs to the ~~Department or the~~ Authority within ten (10) business days of receipt of the Authority's written request, unless otherwise stated ~~by the Authority~~.
- c) The ~~Department or the~~ Authority may request ESCOs and DRCs to provide records relating to LI Choice in connection with an audit or investigation undertaken by it, or in connection with any other activity undertaken by the ~~Department or the~~ Authority in the discharge of its responsibilities to oversee LI Choice and ensure compliance with the Program's requirements.
- d) Upon request by the ~~Department or the~~ Authority ~~or the Manager~~ for individual LI Choice Customer records (including Agreements), ESCOs and DRCs shall provide access to all such records requested that are in their possession or under their control, within five (5) business days of receipt of ~~the Authority's or the Manager's~~ verbal or written request.
- e) In providing records under this section A.9, an ESCO or DRC may request the Authority to exempt from disclosure records (or any portion thereof) that are described in Section 87(2)(g) of the Public Officers Law.
- f) For purposes of this section A.9, the term "records" includes documents, data, information, records, and papers, including those on electronic media, taped verbal contracts and electronic contracts.

9.10. Unmetered Service and Fast Service

The Authority will calculate an adjustment to the Customer's bill for unauthorized unmetered service and fast meters in accordance with this Tariff. ~~The Customer's bill will be adjusted using the Tariff rates for Bundled Service and applying the LI Choice bill credits, to reflect the change in electricity delivered to the customer.~~

- a) If applicable, the change in electricity deliveries will be applied to the ESCO's load and forwarded to the NYISO. Adjustments will be calculated according to the provisions of the applicable NYISO tariffs and the LI Choice Operating Procedures.
- b) If the period for NYISO adjustment has expired, the Authority will calculate an adjustment between the Authority and the ESCO, using the NYISO's real time hourly rate or similar rate.

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services
(Rate Codes: 390)**1. Who is Eligible

ESCOs or DRCs who receive and maintain a License.

2. Character of Service

Under the terms of this Service Classification, the Authority will provide information and other services to licensed ESCOs and DRCs. The types of information and services to be provided in accordance with this Tariff and the Operating Procedures include:

- a) Load and billing information for Customers served by each ESCO.
- b) Routine and special meter reading services.
- c) Special metering facilities as requested by the Customer or ESCO.

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)**~~3.1. Rates, Charges and Credits per Month~~~~a) Bill Credit Adjustment~~

~~Participating ESCOs and DRCs will receive a Bill Credit Adjustment.~~

- ~~(1) The Bill Credit Adjustment will reconcile the annual LBMP, ancillary services, ICAP, and NTAC costs included in the Long Island Choice customer's bill credit, with the actual monthly LBMP, ancillary services, ICAP, and NTAC determined in the NYISO market.~~
 - ~~(2) The Bill Credit Adjustment will be retained on file on a Statement of Bill Credit Adjustment for the Long Island Choice Program.~~
 - ~~(3) The Bill Credit Adjustment will be determined as follows:
 - ~~(a) The weighted average day-ahead zonal LBMP for each month will be calculated as the hourly day-ahead zonal LBMP prices, weighted by system hourly loads, minus~~
 - ~~(b) The LBMP credit of \$38.60 per MWh, plus~~
 - ~~(c) The Authority's avoided cost of ancillary services, minus~~
 - ~~(d) The ancillary services bill credit of \$2.10 per MWh, plus~~
 - ~~(e) The Authority's avoided cost of ICAP minus~~
 - ~~(f) The ICAP bill credit of \$1.10 per MWh, plus~~
 - ~~(g) The Authority's avoided cost of NTAC, minus~~
 - ~~(h) The NTAC bill credit of \$0.50 per MWh~~
 - ~~(i) The result of (a) through (h) is multiplied by the "BCA Loss Factor Multiplier" found in the "Statement of Energy and Peak Demand Losses" to obtain the Bill Credit Adjustment.~~~~
 - ~~(4) The Bill Credit Adjustment will be applied monthly to the aggregate consumption of the ESCO's customers, or to each DRC's consumption, and debited or credited to the ESCO's or DRC's account.~~
- ~~b) In addition to the Bill Credit Adjustments, Participating ESCOs and DRCs will receive reimbursement for direct NYISO charges for on-Long Island Capacity, ZECs and TOTs related to their participation in the Long Island Choice program.~~

[Cancelled]

IX. Long Island Choice Program (continued):

**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)**

[Canceled]

IX. Long Island Choice Program (continued):

**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)**

[Canceled]

IX. Long Island Choice Program (continued):

C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)

[Canceled]

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Rates, Charges and Credits per Month (continued):****3. Rates, Charges and Credits per Month****e)a) Miscellaneous and Other Charges**

ESCOs and DRCs will be billed monthly for miscellaneous services requested by the ESCO as agent for Participating Customers or DRC for its own purposes. Charges for these miscellaneous services that may be purchased by the ESCO and DRC are as follows:

- (1) **Special Metering:** ESCOs and DRCs may request the Authority to upgrade Participating Customers' meters from the standard meters used by the Authority to meters with capabilities for remote reading and for measuring load over shorter time intervals using AMI meters. ESCOs and DRCs who request the remote AMI meter reading data to be provided to them on a monthly basis will individually enter into a negotiated price agreement with the Authority. Customers can retrieve AMI data from the Manager's website at no charge
- (2) **Bilateral Contracts:** the Authority may offer bilateral contracts to ESCOs and DRCs from time to time as set forth in the Operating Procedures.
- (3) **Special Meter Reading:** ESCOs and DRCs may request a special meter read before the regularly scheduled read, providing the request is made seventy-two (72) hours before the date the read is needed.

IX. Long Island Choice Program (continued):

C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)

[Canceled]

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Rates, Charges and Credits per Month (continued):**

- ~~(4) Transitional Transmission Allocation Credit: ESCOs shall receive a monthly credit based on the Transitional Transmission Allocation as set forth in the Operating Procedures. Such credit shall not be negative. This allowance will be calculated as follows:~~
- ~~(a) The lesser of each ESCO's actual power imports in MW to the Authority's service territory area or the amount of Transitional Transmission Allowance in MW allocated to each ESCO during the month multiplied by~~
- ~~(b) The estimated amount of TGC revenues or charges in dollars per MW of TGC associated with the Con Edison/the Authority and the New England/the Authority interfaces for the month.~~
- ~~(5)(1) Bilateral Contracts: the Authority may offer bilateral contracts to ESCOs and DRCs from time to time as set forth in the Operating Procedures.~~

[Cancelled]

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Rates, Charges and Credits per Month (continued):**

~~(6)(4)~~ Special Meter Reading: If a customer does not have an AMI equipped smart meter and a special meter reading is necessary, then an ESCOs ~~and or~~ DRCs may request a special meter read before the regularly scheduled read, providing the request is made seventy-two (72) hours before the date the read is needed. The ESCO or DRC shall pay the following charges:

<u>Description</u>	<u>Charge</u>
(a) Site visits during the hours of 8:30 a.m. to 4:00 p.m., weekdays excluding PSEG Long Island Holidays	\$32.05
(b) Site visits during the hours of 4:00 p.m. through 7:00 p.m. on weekdays or 8:30 a.m through 4:00 p.m. on Saturday, when requested by the ESCO	\$37.75

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Rates, Charges and Credits per Month (continued):**

~~(7)~~(5) Meter Reading Historical Information: After obtaining appropriate authorization from the Customer, and subject to the availability of such data from the Authority, ESCOs or DRCs may request up to twenty-four (24) months of monthly or bi-monthly historical meter reading information without charge. Information for historical periods beyond the twenty-four (24) months, and for fifteen (15) minute interval data covering any historical period, will be provided, if available, at a charge of ten dollars (\$10.00) for each meter reading period's data request. (See Leaf No. 107B, C.10.a)

Meter Reading Historical Information available to ESCOs and DRCs will be made available directly to Customers upon their request on the same terms.

~~d)~~b) Adjustment to Rates and Charges

~~(1) Each ESCO's or DRC's bill from the Authority will be adjusted by: (1) the result of the Power Supply Charge, minus \$0.0392 per kWh, multiplied by the Customer's metered consumption, and (2) the Increase in Rates and Charges to Recover PILOT payments.~~

~~(2)~~(1) Miscellaneous Charges on each ESCO's or DRC's bill from the Authority will also be adjusted for the NYS Assessment, ~~except that the NYS Assessment does not apply to the Power Supply Charge or the Bill Credit Adjustment billed to ESCOs or DRCs.~~

~~(3)~~(2) The Distributed Energy Resources Cost Recovery Rate, and the Shoreham Property Tax Settlement Rider do not apply to the rates, charges or credits in this Service Classification.

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):
(Rate Codes: 390)**4. Terms of Payment

The ESCO or DRC shall pay the balance for service due via electronic transfers, within twenty (20) days of the electronic transmittal of the bill. Late payments shall be subject to Late Payment Charges. The Authority will remit any net credits due to ESCOs or DRCs in accordance with the Operating Procedures.

5. Special Provisionsa) ESCO and DRC Supply Requirements

ESCOs and DRCs shall meet installed capacity reserve requirements established by the NYISO.

- (1) From time to time, the Authority will prepare and retain on file a "Statement of Energy and Peak Demand Losses" and a "Statement of Installed Capacity and Local ICAP for the Long Island Choice Program".
- (2) The Energy Losses portion of the Statement will be calculated using average system losses weighted by the weather normalized seasonal energy requirement of the system.
- (3) The peak demand losses will be calculated using the average system losses at the time of summer peak.

~~(4) The loss factor multiplier applicable to the Bill Credit Adjustment (BCA) will reflect the weighted average of energy and demand loss (at all voltage levels) based on the respective energy and demand components of the BCA.~~

~~(5)~~(4) The Installed Capacity and Local ICAP requirements will be set equal to the levels established by the NYISO for ICAP and Local ICAP, respectively, and as changed by the NYISO from time to time.

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Special Provisions (continued):**b) Load Balancing

The requirements for load balancing at the wholesale and retail level, and the procedures for settling imbalances, are set forth in the Operating Procedures.

c) Financial Security

Each ESCO and DRC shall provide financial security in a form acceptable to the Authority.

(1) The required financial security, ~~if any,~~ will be determined in accordance with the Operating Procedures Section 3 of the UBP-LI-ESCO.

~~(2) Security arrangements will be reviewed quarterly by the Authority for adequacy and possible adjustment. The ESCO and DRC will be notified in writing of any required adjustments to its financial security and is required to post the additional security within ten (10) days.~~

~~(3)(2) Security requirements may be satisfied consistent with Section 3.E of the UBP-LI-ESCO.~~

~~(a) A letter of credit from a bank rated A or better by a major credit agency, or~~

~~(b) Surety bonds or cash payments, or~~

~~(c) Other forms acceptable to the Authority.~~

~~(4) The Authority will pay interest on financial security payments in cash at the Customer Deposit rate specified in the Statement of Interest on Customer Deposits. No interest will be paid on deposits satisfied with letters of credit, surety bonds or other non-cash forms.~~

IX. Long Island Choice Program (continued):**C. SERVICE CLASSIFICATION NO. 14 ESCO and DRC Services (continued):****(Rate Codes: 390)****Special Provisions (continued):**d) Customer Enrollment

Enrollment of an Eligible Customer with an ESCO is permitted only with the consent of the Eligible Customer.

- (1) The ESCO shall enter into an Agreement with the Eligible Customer setting forth the Customer's agreement to purchase Electric Generation Service and any related services from that ESCO. The Agreement shall specify the terms and conditions of service consistent with the procedures in the UBP-LI-ESCO.
- (2) The ESCO shall retain all Agreements consistent with Section 4 B.3 of the UBP-LI-ESCO, including taped third-party verification of Verbal Agreements, and Electronic Agreements with Eligible Customers, for a period of at least two (2) years following termination of the Agreement for the length of the sales agreement, whichever is longer.
- (3) The ESCO requesting to change an Eligible Customer's electric power supplier without appropriate authorization from the Customer shall pay all costs and fees incurred by the Eligible Customer as detailed in Section 5 K of UBP-LI-ESCO, the Authority and/or the Authority arising from or related to the unauthorized change.
- (4) An ESCO may have their license suspended or revoked in accordance with the consequences listed in the UBP-LI-ESCO Section 2.D.5. Any ESCO responsible for requesting a change of an Eligible Customer's electric power supplier without such Customer's authorization may have its License suspended or revoked by the President and Chief Executive Officer's designee of the Authority.

e) Other Provisions

Provisions on dispute resolution, record keeping, billing and payment, treatment of energy imbalances, and other situations are set forth in the Operating Procedures.

IX. Long Island Choice Program (continued):

D. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS

1. Bill Credits for Participating Customers

~~Customers who participate in the Long Island Choice Program will have their bills adjusted by the following amounts which reflect the Authority's energy and capacity savings, embedded ancillary services plus the removal of the Authority's embedded charges for open access transmission service which are priced separately as the transmission charge below.~~

~~Residential and Small Commercial Non-MRP
Rate Codes without Demand Meters
(180, 280, 580)~~

~~Energy Adjustment per kWh per month~~

	June to September	October to May
	Inclusive	Inclusive
Gen/Trans Service Credit	\$.0556	\$.0474
less Transmission Charge	\$.0044	\$.0044
Net Bill Credit	\$.0512	\$.0430

~~General Service Non-MRP Rate Codes
with Demand Meters (281, 283, 291)~~

~~Energy Adjustment per kWh per month~~

~~Secondary Voltage~~

Gen/Trans Service Credit	\$.0524	\$.0459
less Transmission Charge	\$.0044	\$.0044
Net Bill Credit	\$.0480	\$.0415

~~Primary Voltage~~

Gen/Trans Service Credit	\$.0510	\$.0446
less Transmission Charge	\$.0043	\$.0043
Net Bill Credit	\$.0467	\$.0403

~~Residential and Small Commercial
MRP Rate Codes (181, 182, 184, 188, 288)~~

~~Energy Adjustment per kWh per month~~

~~Daylight Savings Time, 8 p.m. to 10 a.m., and, Saturday and Sunday~~

	Period 1	Period 2
Gen/Trans Service Credit	\$.0474	\$.0430
less Transmission Charge	\$.0044	\$.0044
Net Bill Credit	\$.0430	\$.0386

~~Daylight Savings Time, 10 a.m. to 8 p.m., Weekdays~~

	Period 3	Period 4
Gen/Trans Service Credit	\$.0673	\$.0526
less Transmission Charge	\$.0044	\$.0044
Net Bill Credit	\$.0629	\$.0482

[Canceled]

IX. Long Island Choice Program (continued):

D. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS

(continued):

Bill Credits for Participating Customers (continued)

	<u>Rate Periods*</u>		
	<u>1</u>	<u>2</u>	<u>3</u>
<u>Commercial MRP Rate Code (285)</u>	<u>Off Peak</u>	<u>On Peak</u>	<u>Intermediate</u>
<u>Energy Adjustment per kWh</u>	<u>all year</u>	<u>June - Sept.</u>	<u>all</u>
<u>per month</u>	<u>midnight</u>	<u>except Sundays</u>	<u>other</u>
	<u>to 7 a.m.</u>	<u>10 a.m. to 10 p.m.</u>	<u>hours</u>
 <u>Secondary Voltage</u>			
<u>Gen/Trans Service Credit</u>	<u>\$.0348</u>	<u>\$.0589</u>	<u>\$.0485</u>
<u>less Transmission Charge</u>	<u>\$.0044</u>	<u>\$.0044</u>	<u>\$.0044</u>
<u>Net Bill Credit</u>	<u>\$.0304</u>	<u>\$.0545</u>	<u>\$.0441</u>
 <u>Primary Voltage</u>			
<u>Gen/Trans Service Credit</u>	<u>\$.0338</u>	<u>\$.0572</u>	<u>\$.0472</u>
<u>less Transmission Charge</u>	<u>\$.0043</u>	<u>\$.0043</u>	<u>\$.0043</u>
<u>Net Bill Credit</u>	<u>\$.0295</u>	<u>\$.0529</u>	<u>\$.0429</u>
 <u>Transmission Voltage</u>			
<u>Gen/Trans Service Credit</u>	<u>\$.0333</u>	<u>\$.0577</u>	<u>\$.0464</u>
<u>less Transmission Charge</u>	<u>\$.0042</u>	<u>\$.0042</u>	<u>\$.0042</u>
<u>Net Bill Credit</u>	<u>\$.0291</u>	<u>\$.0535</u>	<u>\$.0422</u>

* See Paragraph IV. A. 10, "Daylight Savings Time", on Leaf No. 99.

Outdoor Area Lighting and Street Lighting All Year
(Rate Code 780, 781, 782, 1580)

<u>Energy Adjustment per kWh per month</u>	
<u>Gen/Trans Service Credit</u>	<u>\$.0397</u>
<u>less Transmission Charge</u>	<u>\$.0044</u>
<u>Net Bill Credit</u>	<u>\$.0353</u>

[Canceled]

IX. Long Island Choice Program (continued):

D. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS

(continued):

Bill Credits for Participating Customers (continued)

	<u>Rate Periods*</u>		
	<u>1</u>	<u>2</u>	<u>3</u>
<u>Commercial MRP Rate Code</u> (282, 284)	<u>Off Peak</u> year	<u>On Peak</u> June - Sept.	<u>Intermediate</u> all
<u>Energy Adjustment per kWh</u> per month	<u>11 p.m.</u> to 7 a.m.	<u>weekdays</u> 12 noon to 8 p.m.	<u>other</u> hours
Secondary Voltage			
<u>Gen/Trans Service Credit</u>	<u>\$.0361</u>	<u>\$.0632</u>	<u>\$.0493</u>
<u>less Transmission Charge</u>	<u>\$.0044</u>	<u>\$.0044</u>	<u>\$.0044</u>
<u>Net Bill Credit</u>	<u>\$.0317</u>	<u>\$.0588</u>	<u>\$.0449</u>
Primary Voltage			
<u>Gen/Trans Service Credit</u>	<u>\$.0351</u>	<u>\$.0614</u>	<u>\$.0479</u>
<u>less Transmission Charge</u>	<u>\$.0043</u>	<u>\$.0043</u>	<u>\$.0043</u>
<u>Net Bill Credit</u>	<u>\$.0308</u>	<u>\$.0571</u>	<u>\$.0436</u>
Transmission Voltage			
<u>Gen/Trans Service Credit</u>	<u>\$.0345</u>	<u>\$.0603</u>	<u>\$.0471</u>
<u>less Transmission Charge</u>	<u>\$.0042</u>	<u>\$.0042</u>	<u>\$.0042</u>
<u>Net Bill Credit</u>	<u>\$.0303</u>	<u>\$.0561</u>	<u>\$.0429</u>

* See Paragraph IV.A.10, "Daylight Savings Time", on Leaf No. 99.

<u>Traffic Signal Lighting</u> (Rate Code 980)	<u>All Year</u>
<u>Energy Adjustment per kWh per month</u>	
<u>Gen/Trans Service Credit</u>	<u>\$.0449</u>
<u>less Transmission Charge</u>	<u>\$.0044</u>
<u>Net Bill Credit</u>	<u>\$.0405</u>

[Canceled]

X. Long Island Choice Program (continued):**D. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS
(continued):**

- ~~2.1.~~ The Increases in Rates and Charges to Recover PILOT Payments will be applied to all of the charges on the Participating Customer's bill.
- ~~3.2.~~ ~~\$0.0392 per kWh of~~ The Power Local Supply Charge will apply to the Participating Customers.
- ~~4.~~ ~~The Shoreham Property Tax Settlement Rider do not apply to the charges and credits contained in D.1 and D.2 above. The Shoreham Property Tax Settlement Rider will be calculated as if the Participating Customer was receiving Bundled Service from the Authority.~~
- ~~5.3.~~ For Participating Customers, the discounts under LIPA's Business Development programs will be calculated pursuant to the provisions and energy rates applicable to Bundled Service, as if the Customer were taking Bundled Service.
- ~~6.4.~~ Long Island Choice Customers are subject to the ~~Delivery Service Adjustment and the Revenue Decoupling Mechanism~~ all other adjustments to rates and charges according to their base rate Service Classification.
- ~~7.~~ ~~The NYS Assessment charge will be calculated as if the Participating Customer was receiving Bundled Service from the Authority. The New York State Assessment charge will be applied before the Increases in Rates and Charges to Recover PILOT payments to all of the actual or estimated charges on the Participating Customer's bill.~~
- ~~8.~~ ~~The Rates and Charges for Participating Customers will be increased by the Distributed Energy Resources Cost Recovery Rate to recover Distributed Energy Resource program costs, pursuant to their prevailing Rate Code for Bundled Service.~~
- ~~9.~~ ~~Each Customer's bill will be adjusted for the Securitization Offset Charge.~~
- ~~10.~~ ~~Each Customer's bill will be adjusted for the Securitization Charge.~~

41.5. Special Provisions**a) Choice of Suppliers**

Customers shall choose an ESCO to act as their agent from a list of ESCOs licensed by the Authority.

- 1) Customers shall select only one ESCO at a time unless the Customer has multiple eligible accounts, in which case the Customer may select a different ESCO for each account.
- 2) Customers may switch ESCOs or return to the Authority's Bundled Service on the first day of any month, after providing the Authority an electric enrollment request no later than 5 business days prior to the effective date of the enrollment with not less than ten (10) calendar days' notice before that date. ~~Customers shall pay the applicable administrative charge, as stated in A.5.b) above.~~
- 3) Customers who return to the Authority's Bundled Service shall pay the same rates that are applicable to Customers that never participated in the LI Choice Program. Any notification requirements or charges for terminating a contract between a Customer and an ESCO remain the responsibility of the Customer.

IX. Long Island Choice Program (continued):**D. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS**

(continued):

Special Provisions (continued):b) Customer Information

~~The Authority will provide a requesting ESCO or DRC with customer information Upon upon approval by the Customer, and in accordance with Section 4 of the UBP-LI-ESCO the Operating Procedures, the Authority will provide a requesting ESCO and DRC with:~~

(1) Approximately twenty-four (24) months of hourly or bi-monthly Customer usage information including kWh usage and kW demands if available for the particular Customer Service Classification, and information as to whether each meter reading value was actual or estimated.

~~(2) Additionally, if available, up to six (6) years of hourly, monthly or bi-monthly usage information electronically.~~

~~(3) Additionally, up to six (6) years of 15 minute interval load information, depending on availability, electronically.~~

~~(4)(2)~~ The customer information provided in 1. above will be provided at no charge. Customer information provided in excess of twenty-four (24) months or detailed interval data in items 2. and 3. above will be provided at a charge to the ESCO and DRC as provided in C.3.a.5B-3.b.5 above.

c) Special Meter Reads and Meter Equipment

(1) The Authority will perform special meter reads for ESCOs or Participating Customers and bill the requesting party. Requests for special meter readings shall be made not less than seventy-two (72) hours in advance of the requested read date, and are subject to the availability of the Authority personnel to perform the reading on the specified date. Charges for special meter reads are found in BC.3.ba.4 above.

(2) Metering equipment provided by the Authority is that which the Customer would have been provided under the appropriate Bundled Service Classification. If requested, the Authority will provide additional equipment and bill the ESCO or DRC as provided in BC.3.ba.1 above.

IX. Long Island Choice Program (continued):**E. ADJUSTMENTS TO RATES AND CHARGES FOR PARTICIPATING CUSTOMERS (continued):****Special Provisions (continued):**

d) Two Bill Option

If an ESCO elects the Two Bill Option:

(1) The Authority will render its bill in accordance with the provisions of this Tariff. The Authority's bill will not include charges for the Electric Generation Service provided by the ESCO, nor will it include charges or credits related to the Customer's account that are the responsibility of the ESCO or DRC under Service Classification No. 14.

(2) The ESCO shall render a bill to the Customer for its charges after the Customer's meter is read, and in accordance with the terms of the Agreement between the Customer and the ESCO.

(3) Where a Customer desires to make a single payment for electric service, ~~the ESCO must elect the Single Consolidated Bill Option with Purchase of Receivable as defined below. the Customer may arrange to have its ESCO pay the Authority's charges. If the ESCO agrees to offer this service to the Customer:~~

~~(a) The Authority will provide the ESCO with the amount due from the Customer.~~

~~(b) The Authority will withdraw that amount from the ESCO's designated bank account.~~

~~(c) The ESCO will recover its costs from the Customer in accordance with the terms of their Agreement.~~

~~(d) The Customer will remain responsible for the Authority's charges, including any applicable Late Payment Charges, until the Authority receives in full its charges for service to the Customer's account.~~

e) Consolidated Bill Option with Purchase of Receivables

The Consolidated Bill Option with Purchase of Receivables will be available to Long Island Choice ESCOs at the sole discretion of the Authority's CEO or designee, upon the completion of all necessary implementation steps in accordance with the recommendation provided by the Department of Public Service to the LIPA Board.

If an ESCO elects the Consolidated Bill Option with Purchase of Receivables:

(1) The ESCO will sign a Consolidated Bill Option with Purchase of Receivables Agreement with the Authority as defined in the Operating Procedures

(2) The ESCO will provide the supply rate to be charged each participating Customer for that Customer's energy usage as determined by the Authority from the Customer's meter.

(3) LIPA will remit to the ESCO the amount for supply service billed to each of that ESCO's participants determined at the supply rate provided by the ESCO, less an amount determined by the Purchase of Receivables Factor.

(a) The Purchase of Receivables Factor will be updated from time to time to reflect the Authority's recent experience with collections from participating Long Island Choice customers.

(b) The Purchase of Receivables Factor will appear on the Statement of Long Island Choice Parameters.

(4) The Authority will accept and assume all responsibility for collection of the charges billed under the Consolidated Bill Option with Purchase of Receivables, pursuant to the provisions of HEFPA and all other applicable law.

(5) The Authority will not provide the Consolidated Bill Option without the corresponding Purchase of

Receivables.

(6) The Authority will not participate in any ESCO-provided Consolidated Bill Option arrangement.

Long Island Power Authority

Statement Of Long Island Choice (LIC) Parameters

Installed Capacity Reserve Requirements; Locational Installed Capacity (Locational ICAP) Requirements

Applicable to all Load Serving Entities (LSE's) in accordance with NYISO requirements
As set forth in the Tariff for Electric Service

Installed Capacity Reserve Requirements

Each LSE will be required to provide Installed Reserve Capacity equal to 120.70% Installed Capacity (ICAP) or 110.11% Unforced Capacity (UCAP) of their customers' total base load plus Long Island line losses and off island line losses.

Locational Installed Capacity (Locational ICAP) Requirements

A portion of each LSE's total load requirements must be provided by resources that qualify as local to Long Island. The Locational Installed Capacity requirement is equal to 102.90% ICAP or 97.85% UCAP of each LSE's base load plus Long Island line losses.

Purchase of Receivables Factor

For ESCO supply charges billed under the Consolidated Bill Option with Purchase of Receivables, the Purchase of Receivables Factor of [5%] will be deducted from the amount remitted by the Authority to the participating ESCO.

Effective: [to be determined]

LIPA Statement No. [XX]-PSC

Long Island Power Authority

Statement of Power Supply Charge

Applicable to billings under all Service Classifications
As set forth in the Tariff for Electric Service

Applicable to billings under all Service Classifications other than Service Classifications No. 1-VTOU and No. 2-VMRP as set forth in the Tariff for Electric Service

Power Supply Charge as adjusted to Achieve Targeted Level of Revenues, cents/kWh (1) 11.1505

Market Supply Charge applicable to Bundled Sales, cents/kWh xx.xxxx

Local Supply Charge applicable to Bundled Sales and LI Choice Sales, cents/kWh xx.xxxx

Applicable to billings under Service Classification No. 1-VTOU and No. 2-VMRP Rate Code 292 as set forth in the Tariff for Electric Service Power Supply TOU Period

TOU Power Supply Charge

Adjustment Factors

cents/kWh (1)

Rate Code	Peak Hours	Off-Peak Hours / Day Time Hours	Super Off-Peak Hours	Peak Hours	Off-Peak Hours / Day Time Hours	Super Off-Peak Hours
190	198.72%	100%	60%	22.1583	11.1505	6.6903
191	169.44%	100%	60%	18.8934	11.1505	6.6903
192	176.89%	100%	60%	19.7241	11.1505	6.6903
193	n/a	111.57%	60%	n/a	12.4406	6.6903
292	161.08%	100%	60%	17.9612	11.1505	6.6903

(1) The Average Cost of the Power Supply Charge, as adjusted to Achieve Targeted Level of Revenues, is set pursuant to the Board of Trustees' March 27, 2003, April 27, 2006, June 22, 2006 and October 25, 2012 resolutions, which provide for recovery of approximately \$221 million of targeted revenues for the month of August 2021.

Effective: [to be determined]