

## 2. KEY PROVISIONS OF RETAIL ACCESS

### 2.1. For Participating Customers

Under the Power Your Way Program, as more fully described in this procedure and subject to Con Edison's rate schedules, a customer may:

- 2.1.1. Choose a provider of energy and related services from among eligible ESCOs and authorize the ESCO to act as customer's agent in connection with the transmission and balancing of energy on the customer's behalf. A customer may designate only one ESCO to serve an individual electric account, except that a customer who takes service under the "Power for Jobs" ("PFJ") program (Rider Q of the Schedule for Electricity Service), the World Trade Center program under Special Provision 16 of the Company's PASNY No. 4 rate schedule, Service Classification No. 15-RA of the Retail Access Schedule, or under the Economic Development Delivery Service ("EDDS") Schedule may take service under the Retail Access Schedule for the customer's requirements in excess of that served under such other service, as specified in the applicable rate schedules.
- 2.1.2. Act on its own behalf provided it meets the requirements prescribed herein. A customer acting on its own behalf (a "Direct Customer") shall have all the rights and the obligations of an ESCO except for obligations imposed by the Commission with respect to regulatory requirements.<sup>1</sup>
- 2.1.3. Authorize Con Edison to provide and ESCOs to receive information on customer's usage, billing and credit history from Con Edison and, if enrolled in the Power Your Way Program, current billing information.
- 2.1.4. Purchase energy from an ESCO and delivery services from Con Edison.
- 2.1.5. Switch ESCOs, or take bundled service from Con Edison.
- 2.1.6. Have billing questions and other inquiries resolved through its ESCO or Con Edison, depending on the nature of the question. For example, questions about energy supply billing would be directed to the ESCO.
- 2.1.7. If the Company permits ESCOs to offer Billing Agency, authorize an ESCO to act as the customer's Billing Agent, if that ESCO has a Billing Agency arrangement.
- 2.1.8. If the Company provides consolidated billing services to the customer's ESCO, receive a consolidated bill from Con Edison.

<sup>1</sup> The rights and obligations of ESCOs are generally set forth in Sections 4, 5, and 7. In each section, the term ESCO shall be understood to include Direct Customers except with respect to any regulatory requirement inapplicable to a Direct Customer.

2.2. For ESCOs

Under the Power Your Way Program, within the limitations specified herein and as more fully described in this procedure and subject to Con Edison's rate schedules, ESCOs shall:

- 2.2.1. Obtain a determination of eligibility from the Department of Public Service, register, if appropriate, with the Federal Energy Regulatory Commission ("FERC"), and sign service agreements with the New York Independent System Operator ("NYISO"), and comply with applicable regulatory and other legal requirements, including the requirements set forth in the UBP, which is an Addendum to the Retail Access Schedule, and any subsequently adopted regulatory requirements.
- 2.2.2. Enter into an Operating Agreement and a Retail Transmission Service Agreement with Con Edison in the forms approved by the PSC and the FERC.
- 2.2.3. Contract with retail access customers to meet their energy supply needs and obtain and retain customers' authorization to act as their agent for delivery of that energy on Con Edison's transmission system.
- 2.2.4. If the ESCO offers Billing Agency and the customer accepts, obtain and retain customer's authorization to act as a Billing Agent provided that the ESCO meets the requirements of Section 5.4.
- 2.2.5. Contract for and deliver to the appropriate Con Edison load sub-zone a supply of energy sufficient to meet the energy supply needs of customers purchasing their energy supply requirements from it.
- 2.2.6. Provide Con Edison with information necessary for customer enrollment and de-enrollment in the Power Your Way Program.
- 2.2.7. Comply with HEFPA with respect to termination and suspension of customers subject to HEFPA and provide notification as required to the Company.
- 2.2.8. Comply with the Public Service Commission's rules to prevent unauthorized customer transfers.
- 2.2.9. Comply with NYISO's requirements in acting as the agent of the retail access customer to schedule deliveries of energy to the appropriate Con Edison load sub-zones.
- 2.2.10. Settle any discrepancies in deliveries with customers' actual energy consumption in accordance with Con Edison and NYISO procedures.
- 2.2.11. Satisfy installed capacity and other requirements applicable to the Power Your Way Program as established by requirements imposed by the NYISO, the NYSRC; the North American Electric Reliability Council ("NERC"); and the Northeast Power Coordinating Council ("NPCC"), as the same may be applicable to the Power Your Way Program.
- 2.2.12. Be responsible for billing and collecting from its customers charges for services it rendered, provided, however, that under a Billing Services Agreement for agency or consolidated billing, the billing party is responsible for billing and payment processing but not for collection of the

non-billing party's charges except as may be agreed by the billing and non-billing parties.

- 2.2.13. For an ESCO having a Billing Agency arrangement, if permitted by Con Edison, fulfill the requirements of the Billing Services Agreement, including prompt issuance of bills and remittance of Con Edison's share of payments.

2.3. For Con Edison

Under the Power Your Way Program, as more fully described in this procedure and subject to Con Edison's rate schedules, Con Edison shall:

- 2.3.1. Assist customers to make the transition to retail access by providing educational materials on the Power Your Way Program and facilitate customer access to the names of ESCOs registered with the Department of Public Service and approved to do business in Con Edison's service area.
- 2.3.2. Assist ESCOs in their role in the market by providing information on the Power Your Way Program and, as required by the UBP, on historic customer usage, billing, and credit.
- 2.3.3. Provide information to ESCOs to bill and schedule for customers including consumption (unless supplied by an MDSP) and load shapes for customers without hourly metering.
- 2.3.4. Bill and collect from ESCOs charges for services rendered under the Operating Agreement. Bill and collect from Direct Customers for services rendered under the Operating Agreement.
- 2.3.5. Except under a Billing Agency arrangement, issue bills to and collect from retail access participants charges for services rendered under the Retail Access Rate Schedule and the Open Access Transmission Tariff ("OATT"). Under a Billing Agency arrangement, pursuant to a Billing Services Agreement, Con Edison will provide bill information to ESCO and receive remittance of customer payments from ESCO.
- 2.3.6. Respond to inquiries from customers and ESCOs regarding service provided by Con Edison.
- 2.3.7. Monitor the Power Your Way Program and, subject to appropriate regulatory oversight, make necessary adjustments.
- 2.3.8. Upon request and pursuant to a Billing Services Agreement, provide consolidated billing for ESCOs under the rate ready model, by which Con Edison calculates and includes the ESCO's charges on a consolidated bill.