

Statement of Principles for Marketing  
Retail Energy to Residential and Small Business Customers in  
New York State

**1. Introduction**

This is a voluntary Statement of Principles (“Principles”) for marketing retail energy (natural gas and electricity) to residential and small business customers in New York (“Customers”). The Energy Services Companies (“ESCOs”) adopting these Principles do so to reflect their desire to provide fair disclosure in marketing energy to Customers. The Principles are not a substitute for the mandatory provisions of the New York Uniform Business Practices (“UBP”) or any law or order by which ESCOs are bound. Instead, it is intended that these Principles will help:

- protect Customers participating in the deregulated energy market;
- build and maintain Customer confidence in the retail energy industry;
- promote the effective transition to full retail energy competition;
- enhance efficient retail market operation by clarifying standards and promoting reliable service;
- facilitate ongoing cooperation between the retail energy industry, regulators and Customers;
- raise awareness of and promoting compliance with the provisions applicable to the marketing of retail energy in the UBP; and,
- ESCOs remain flexible and responsive to changing patterns of Customer behavior and the changing nature of the energy industry.

**2. Living Document**

This Statement of Principles is designed to remain an “organic” document that may be voluntarily modified by the ESCOs to address changes in marketing practices and conditions.

**3. Training of Marketing Representatives**

ESCOs shall take reasonable steps to ensure that their training of marketing representatives includes:

- awareness of these Principles;
- awareness of the New York UBP;
- awareness of the Customer’s right to choose a retailer;
- knowledge of the ESCOs’ products and services; and,
- the ability to explain product and service offers being made by the marketing representative.

## **4. Personal Contact with Customers**

### **4.1 In person contact with Customers**

Representatives of ESCOs adopting these Principles who engage in in-person negotiations with Customers held somewhere other than the ESCO's place of business, which may lead to a contract for the sale of energy, will:

- on first entering into negotiations and upon request:
  - produce identification which:
    - indicates the full name of the marketing representative;
    - shows a photograph of the marketing representative;
    - does not depict the utility name or logo;
    - states the name of the ESCO represented by the marketing representative;
    - includes the business address of the ESCO;
    - provides the ESCO telephone number for inquiries, verification and complaints.
  - Leave the premises upon the request of the occupant or owner of the premises or any person with whom the negotiation is conducted.

### **4.2 Telephone contact with Customers**

Representatives of ESCOs adopting these Principles who engage in negotiations with a Customer by telephone, which may lead to a Customer entering a contract, will:

- provide the first name and, on request, the operator identification number of the marketing representative making the telephone call;
- state the name of the ESCO on whose behalf the call is being made and will not represent that the ESCO is acting on behalf of the utility; and,
- state the purpose of the telephone call.

## **5. Conduct**

Recognizing that it is in the interests of both Customers and ESCOs that the Customers understand and consent to the terms on which they are being offered services, ESCOs adopting these Principles shall:

- not engage in misleading or deceptive conduct;
- not make false or misleading representations;
- use words and images that facilitate Customer understanding of ESCO products and services;
- use reasonable efforts to provide accurate and timely information about services and products; and,
- insure that any product or service offerings that are made by an ESCO contain information that is designed to be understood by the Customer.

## **6. Dispute Resolution**

ESCOs adopting these Principles shall maintain an internal process for handling Customer complaints and resolving disputes arising from marketing activities.