

Summary of Uniform Business Practices for DER Suppliers (UBP-DERS-LIPA)

Regulation and Oversight of DER Providers and Products

Webinar FAQ's

Registration

Q: If I am already registered with the DPS, do I need to register again?

A: No, if you are already registered, you do not need to register again.

Q: If we must register by 3/31, and we must be approved thereafter, must mass market providers stop selling until we've received approval?

A: No, you do not have to stop selling; any company that existed prior to Mar 31st and that submits a completed registration form by Mar 31st can continue selling their products and conducting other business activities without interruption. Any company that forms after Jan 1/19 or begins doing business in New York after Jan 1/19 and must submit a registration form and wait for notification from DPS that the registration is accepted as compliant before conducting sales or marketing activities. DPS will provide such notification within 30 days of submittal of the registration form.

Q: If we are not a CDG installer and do a few residential and commercial installs per year do we need to register?

A: Yes. If you do any residential or small commercial installs, you must register.

Q: For any sub-contracted marketing partners what must we provide in the registration?

A: The registration form asks for name, address, and basic contact information

Q: Do contractors that just provide EPC services (NO PPAs or sale of power) need to register?

A: Yes, all companies doing sales, PPAs or leases must register. A company that is only contracted to build systems for another company that does sales and marketing activity is not required to register; the company that does the sales and marketing activity would need register.

Q: Does a DER provider's third-party sales dealer or lead generators need to register?

A: Generally, no; only the primary company responsible for a project needs to register. The primary company is responsible for ensuring that their 3rd party sales partners comply with the DER Oversight rules.

Q: How broad is the definition of DER Suppliers? What about companies that just repair/maintain solar systems?

A: Supportive companies are not required to register or use standard disclosure forms if they do systems. Those companies would still be considered DER suppliers covered by the general provisions of the DER Oversight rules, such as those that bar fraud and inaccurate marketing.

Q: Do customers who own the installation directly need to register with on-site DG Forms?

A: No, only companies that sell/lease systems. Owners of their own systems on their own property aren't required to register.

Q: If you are a long-term owner operator of CDG projects nationally, but have not yet entered the NY market, are you still subject to the 3/31 registration deadline? If a company decided to acquire a project from a CDG developer 1 year from now, would it be able to if we are not registered?

A: If you are not doing any solicitation, you aren't required for the 3/31 deadline but are welcome to do so. Any companies who decide to do business in the New York DER market after 3/31 must register at that time and may not begin sales and marketing activities until DPS notifies them that their registration has been accepted as compliant.

Q: Whether it's a VDER, Volumetric, or Monetary project anyone who is selling a contract to mass market, or non-demand meters, must apply, correct?

A: Yes, it applies to any company selling to mass market customers (residential customers and non-demand commercial customers), regardless if compensation for the project is based on value stack, volumetric, or monetary crediting.

Q: If a company decides to enter the LIPA DER market later this year, will they be able to submit registration to DPS after March 31st?

A: Yes

Q: Will a former LIPA installer who never registered with the NYSERDA rebate program be grandfathered into the new DER tariff rules for PSEGLI if they submit an application prior to 3/31?

A: No. All installers must comply with both NYSERDA registration and DPS registration requirements

Q: Please confirm that the only requirement for an installer that has registered with DPS is that they will have to submit the annual report starting in March of 2020

A: Yes. Correct

Customer Disclosure Form

Q: What is the purpose of the customer disclosure form?

A: It gives customers a standard, understandable document that lists all of the information that is important to their decision to enter into a contract.

Q: Where does the customer-signed disclosure form get submitted?

A: You are not required to submit the disclosure form for each customer; however, you must keep the signed form on file for at least two years or the term of the contract, whichever is longer. You are required to submit a sample disclosure form with your registration application, as described in the application.

Q: What if a customer has demand and non-demand meters and your simply providing energy under Remote Net Energy Metering, are we required to use the customer disclosure form?

A: No. A single customer that has multiple meters is considered a large customer as long as at least one meter is a demand meter. A customer with multiple meter would only be considered a mass market customer if all meters are non-demand meters.

Conflict Resolution

Q: Are there any special considerations for LIPA under this Order?

A: If the DPS finds that a consequence for failure or non-compliance with the UBP-DERS-LIPA is warranted, the DER supplier fails to take corrective action, and enforcement of the consequence involves Authority programs, tariffs, or data, then the Department will provide a written recommendation to the Authority as to the appropriate consequence to be imposed by the Authority.

Q: If we already follow the UBP- DERS rules for other NY utilities, is it accurate to say we just follow those exact same rules for LIPA? Or is there anything different that is specific to LIPA?

A: Yes. See above

Q: Will customers be able to contact DPS to ask if a provider marketing to them has had any complaints filed?

A: DPS typically collects complaints on utilities and Energy Supply Companies (ESCOs) and publishes an annual report. Once other complaints come in, DPS may do something similar.

Q: How will DPS handle complaints and find fault with a timely resolution?

A: When a complaint is received, DPS will look at the entire issue and determine who, if anyone, is at fault. All relevant companies, including DER suppliers and utilities, will be invited to provide information.

Historical Utility Rates

Q: Is the 3% annual utility escalation the maximum amount allowed on a proposal?

A: yes, that is correct

Q: On the proposal we have to show the 3-year average for the utility kWh rate. Are we ALSO, able to show the current bill kWh rate? Or can we ONLY show the 3-year average as the current rate?

A: Yes, you can show the current rate.

Q: Does the three-year historical lookback apply to usage or just to determining the cost of electricity per kWh?

A: Just pertains to historic electric retail rates and not how many kWh they use.

Q: If a customer moves into a new home and wants to sign up for CDG project what data is the most appropriate to use for the new subscriber? Their prior usage on their utility account or the usage for the previous resident?

A: Based on their new home because the idea is to estimate the value of the credits based on what electricity costs at that location.

Contractual Obligations

Q: Do any adjustments need to be made to any community solar contracts that have already been signed?

A: If contracts are already signed there is no need to modify. DPS will accept complaints from customers who signed contracts in the past but will look at them in light of contract signed at the time.

Q: Any specifications related to a contract changing hands (i.e. solar company sells contracts)

A: No specific requirements, follow general requirements to disclose all appropriate information to customer.