

New York Training Reference Sheet



A training primer and reference guide

New York regulations require that you obey, and have a basic understanding of, the laws relating to the protection of customers. This document serves as a training primer/reference for you.

THE LAW. Stream Associates have a duty to follow all laws in the markets where they do business. There are two main laws in New York with which you should be familiar: The Uniform Business Practices Act (UBP) (in particular, Section 10), and the Home Energy Fair Practices Act (HEFPA).

NEW YORK UNIFORM BUSINESS PRACTICES ACT (UBP). Section 10 of the UBPA contains the requirements for marketing to New York customers in person. You can find a full text of the UBPA at www3.dps.ny.gov/W/PSCWeb.nsf/All/8DD2B96E91D7447E85257687006F3922. A copy of Section 10 of the UBPA is located on the 2nd page of this document. Stream Associates are expected to read Section 10 and be familiar with it.

HOME ENERGY FAIR PRACTICES ACT (HEFPA). For your convenience, Stream has created a HEFPA Fact Sheet. The fact sheet outlines some mandatory rules that Stream follows when providing energy supply to customers. Stream Associates are expected to read the sheet which is available in your Power Center and to follow provisions applicable to them.

INCREASE YOUR CHANCE OF SUCCESS IN NEW YORK. Familiarize yourself with Stream Terms and Conditions and Disclosure Statement, and ensure that your customers are fully informed of them, too. Your customers should also know how to contact the Stream toll-free number for any questions or concerns they have about billing, disputes, or complaints. The Disclosure Statement is a quick and easy reference sheet created for you so that your customers can get a high-level overview of our products. Have a copy of these documents with you when marketing Stream products.

KNOW THE DIFFERENCE BETWEEN STREAM (AN ESCO) AND THE UTILITY. It is important that you know the difference between a utility and an Energy Services Company (ESCO). In New York, Stream and other retailers are ESCOs. They provide the actual electricity or natural gas to the customer, but it is delivered to the customer's house via the utility's wires or pipes. In New York, if there is a leak, disruption, or emergency, the utility (such as Con Edison, National Grid, NYSEG or RG&E) will respond.

Stream does *not* sell Con Edison, National Grid, NYSEG or RG&E energy supply. *Never* mislead a customer in this regard. Stream is *not* affiliated with the utility, either. *Never* use the utility name or logos when marketing to customers. *Never* give the impression that Stream is related in any way as a partner or affiliate of any utility or other entity in the New York market. If you or your customers have any questions about the relationship between Stream and the utility, call Associate Support at 214-800-4500.

WHERE CUSTOMERS MAKE THEIR PAYMENTS. Customers will make their utility payments to the utility. Con Edison customers can call 1-800-75-CONED or pay on the web at www.coned.com. National Grid customers can call 1-800-642-4272 or visit www.nationalgridus.com to pay. NYSEG customers can call 1-800-572-1111 or visit www.nyseg.com to pay. Customers of Rochester Gas & Electric may pay their bills by calling 1-800-295-7323 or by visiting the RG&E web site at www.rge.com.

MARKETING MATERIALS. Use *only* marketing materials provided by Stream. To help you be successful, our marketing experts have created some materials for you. Remember that Stream requires that you only use materials approved by Stream. If you have created marketing material you want to use, submit it for approval at adapproval@streamenergy.net.

FOLLOW STREAM ETHICS. Take a moment to refresh yourself on the Stream Policies and Procedures. Remember, Stream Associates must always conduct themselves in an ethical manner. We do *not* deceive or mislead customers. Stream Associates may *not* market by telephone, mass email (i.e., email spam) or direct mail to solicit customers. Remember that this applies in *all* states, not just New York.

DON'T MAKE FALSE OR MISLEADING REPRESENTATIONS. When you quote Stream prices or talk about our products, do not mislead or embellish. Only quote the rate or savings disclosed in the Stream Disclosure Statement and Terms and Conditions. If the customer asks a question you cannot answer, it is okay to say you do not know, but that you will find out. Do *not* make up an answer. Just call Associate Support at 214-800-4500.

NEED HELP? CALL STREAM ASSOCIATE SUPPORT! Call us at 1-214-800-4500.

ADVERTISING APPROVAL or QUESTIONS? Email us at adapproval@streamenergy.net.

SECTION 10: MARKETING STANDARDS

A. Applicability

This Section describes the standards that ESCOs and ESCO marketing representatives must follow when marketing to customers in New York.

B. Training of Marketing Representatives

ESCOs shall ensure that the training of their marketing representatives includes:

1. Knowledge of this Section and awareness of the other Sections of the New York Uniform Business Practices;
2. Knowledge of the ESCO's products and services;
3. Knowledge of ESCO rates, payment options and the customers' right to cancel, including the applicability of an early termination fee;
4. Knowledge of the applicable provisions of the Home Energy Fair Practices Act that pertains to residential customers; and,
5. The ability to provide the customer with a toll-free number from which the customer may obtain information about the ESCO's mechanisms for handling billing questions, disputes, and complaints.

C. Contact with Customers

1. *In-Person Contact with Customers*

Including but not limited to marketing encompassed in the definition of door-to-door sales. ESCO marketing representatives who contact customers in person at a location other than the ESCO's place of business for the purpose of selling any product or service offered by the ESCO shall, as soon as possible and prior to describing any products or services offered for sale by the ESCO:

- a. Produce identification, to be visible at all times thereafter, which:
 1. Prominently displays in reasonable-size typeface the full name of the marketing representative;
 2. Displays a photograph of the marketing representative and depicts the legitimate trade name and logo of the ESCO he or she is representing;
 3. Provides the ESCO telephone number for inquires, verification and complaints.
- b. Identify the ESCO which he or she represents as an independent energy marketer, and identify him or her as a representative of that specific ESCO; explain that he or she does not represent the distribution utility; and, explain the purpose of the solicitation. During the sales presentation, the marketing representative must also state that if the customer purchases natural gas and/or electricity from the ESCO, that the customer's utility will continue to deliver his or her energy and will respond to any leaks or emergencies. This requirement may be fulfilled either (a) by an oral statement by the ESCO marketing representative, or (b) written material left by the ESCO marketing representative. Further, ESCOs that are affiliates of distribution utilities should not describe or disclose their relationship to the distribution utility unless such information is specifically requested by the customer.
- c. An ESCO marketing representative shall provide each prospective residential customer or customer that is marketed to via door-to-door marketing with a copy of the ESCO Consumers Bill of Rights before the marketer makes his or her sales presentation.
- d. An ESCO marketing representative will provide the customer with written information regarding ESCO products and services immediately upon request which shall include the ESCO's name and telephone number for inquires, verification and complaints. Any written materials, including contracts, sales agreements, marketing materials and the ESCO Consumers Bill of Rights, must be provided to the customer in the same language utilized to solicit the customer.

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- e. Where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the ESCO representative or where the customer or another third party informs the ESCO marketing representative of this circumstance, the ESCO marketing representative shall either find a representative in the area who is fluent in the customer's language to continue the marketing activity in his/her stead or terminate the in-person contact with the customer. The use of translation services and language identification cards is permitted.
 - f. An ESCO marketing representative shall leave the premises of a customer when requested to do so by the customer or the owner or occupant of the premises.
2. *Telephone Contact with Customers*
ESCO marketing representatives who contact customers by telephone for the purpose of selling any product or service offered by the ESCO shall:
- a. Provide the ESCO marketing representative's first name and, on request, the identification number;
 - b. State the name of the ESCO on whose behalf the call is being made;
 - c. Never represent that the ESCO marketing representative is an employee or representative or acting on behalf of a distribution utility. In addition, the ESCO marketing representative must clearly indicate that taking service from an ESCO will not affect the customer's distribution service and such service will continue to be provided by the customer's distribution utility;
 - d. State the purpose of the telephone call;
 - e. Where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the ESCO representative or where the customer or another third party informs the ESCO marketing representative of this circumstance, the ESCO marketing representative will immediately transfer the customer to a representative who speaks the customer's language, if such a representative is available, or terminate the call; and,
 - f. Remove Customers' names from the marketing database upon Customers' request.
 - g. When marketing to residential customers the marketer must also:
 - 1. Explain that he or she does not represent the distribution utility;
 - 2. Explain the purpose of the solicitation;
 - 3. Notify prospective customers of the ESCO Consumers Bill of Rights, where they can find it, and also provide a copy of the ESCO Consumers Bill of Rights with any written material sent to the customer including the sales agreement ; and,
 - 4. Provide any written materials, including contracts, sales agreements, marketing materials and the ESCO Consumers Bill of Rights, to the customer in the same language utilized to solicit the customer.
3. *Electronic Enrollments*
- a. When marketing to residential customers the ESCO Consumers Bill of Rights should be provided to prospective customers as a non-avoidable screen which a customer must affirmatively acknowledge to verify he or she has seen the document, prior to effecting an enrollment.
4. *Conduct*
ESCOs shall:
- a. Not engage in misleading or deceptive conduct as defined by State or federal law, or by Commission rule, regulation or Order;

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- b. Not make false or misleading representations including misrepresenting rates or savings offered by the ESCO;
 - c. Provide the customer with written information, upon request, or with a website address at which information can be obtained, if the customer requests such information via the internet;
 - d. Use reasonable efforts to provide accurate and timely information about services and products. Such information will include information about rates, contract terms, early termination fees and right of cancellation consistent with Section 2 of the UBP and any other relevant Section;
 - e. Ensure that any product or service offerings that are made by an ESCO contain information written in plain language that is designed to be understood by the customer. This shall include providing any written information to the customer in a language in which the ESCO representative has substantive discussions with the customer or in which a contract is negotiated;
 - f. Investigate customer inquiries and complaints concerning marketing practices within five days of receipt of the complaint; and,
 - g. Cooperate with the Department and PSC regarding marketing practices proscribed by the UBP and with local law enforcement in investigations concerning deceptive marketing practices.
5. *Dispute Resolution*
ESCOs will maintain an internal process for handling customer complaints and resolving disputes arising from marketing activities and shall respond promptly to complaints forwarded by the Department.