

THE STATE OF NEW HAMPSHIRE



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PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH
1-800-735-2964

Website:
www.puc.nh.gov

June 25, 2008

Ms. Annette Mass
Manager of Regulatory Affairs
20 Greenway Plaza, Suite 600
Houston, Texas 77046

Re: DM 08-082 Gexa Energy New Hampshire, LLC
Application for Registration as a Competitive Electric Power Supplier
First Deficiency Letter

Dear Ms. Mass:

On June 9, 2008, the New Hampshire Public Utilities Commission (Commission) received an application from Gexa Energy New Hampshire, LLC (Gexa) for registration as a competitive electric power supplier (CEPS). Staff has reviewed your application and has noted the following items which must be addressed before Gexa can be registered as a CEPS:

- (1) Puc 2003.01 (a) requires that the filing be accompanied "with an electronic copy on diskette, pursuant to Puc 202". No diskette was included with the filing. Please submit a copy of the filing on diskette.
- (2) Puc 2003.01 (c) (4) requires the "names, titles, business addresses, telephone numbers and facsimile numbers of the applicant's principal officers". Attachment 4 includes this information except for the business addresses and facsimile numbers. Please submit that information.
- (3) Puc 2003.01 (c) (6) (b) requires that each applicant provide a "description of the business purpose of the entity". This information is not included in the written response nor in the graphic organization chart attached as Attachment 6. Please submit that information.
- (4) Puc 2003.01 (c) (6) (c) requires, "regarding any agreements with any affiliated New Hampshire jurisdictional electric distribution company," that each applicant provide a "description of the nature of the agreement". This information is not included in the written response nor in the graphic organization chart attached as Attachment 6.

Please submit that information.

- (5) Puc 2003.01 (c) (9) requires the “name, title, business address, and telephone number of the applicant’s registered agent in New Hampshire for service of process”. The information submitted in the filing was only for CT Corporation System. Please submit the required information for the registered agent.
- (6) Puc 2003.01 (c) (12) requires a “description of the types of customers the applicant intends to serve, and the customer classes as identified in the applicable utility’s tariff within which those customers are served.” Although the filing states Gexa’s intent to serve small commercial and industrial customer classes, it does not identify the customer classes as identified in the tariffs. Please submit that information.
- (7) Puc 2003.01 (d) requires that the applicant provide the following:
 - (1) Demonstration of technical ability to provide for the efficient and reliable transfer of data and electronic information between regulated distribution companies and CEPS in the form of:
 - (a) A statement from each electric distribution company with which the CEPS intends to do business indicating that the applicant has complied with the training and testing requirements for electronic data interchange; and
 - (b) A statement from each electric distribution company with which the CEPS intends to do business indicating that the applicant has successfully demonstrated electronic transaction capability.

It appears the only statement provided was a “Certificate of Completion” from National Grid stating that Gexa has completed EDI system testing. Please supply all the required statements.

- (8) Puc 2003.01 (l) requires that the “CEPS shall notify any transmission and distribution utility doing business in an area where the CEPS intends to compete of its registration application at the time it files such application with the commission and confirm with the transmission and distribution utility that it has successfully completed its registration”. It does not appear that any notification of Gexa’s application to become registered as a CEPS was communicated to the utilities in whose areas Gexa intends to serve customers, namely, Public Service Company of New Hampshire, Granite State Electric Company d/b/a National Grid, New Hampshire Electric Cooperative, and Unitil Energy Systems, Inc. Please submit copies of the notification served upon the respective utilities. After Gexa is registered as a CEPS, please submit copies of the notification sent to the utilities apprising them of Gexa’s successful completion of its registration.

Please address these discrepancies within 30 days so that Staff may proceed with your request to register as a CEPS. Failure to respond in a timely manner may result in the Commission dismissing, without prejudice, Gexa’s application. Also, please be advised that you

should reference the docket number, DM 08-082, in all future correspondence with the Commission. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, reading "Henry J. Bergeron". The signature is written in a cursive style with a large, stylized "H" and "B".

Henry J. Bergeron
Utility Analyst III

cc: Suzanne Amidon
Staff Attorney