

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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Debra A. Howland

January 31, 2012

Michael Fallquist
Viridian Energy MD LLC
64 North Main Street
Norwalk, CT 06584

Re: DM 11-175, Application of Viridian Energy MD LLC for Registration as a
Competitive Electric Power Supplier (CEPS)

Dear Mr. Fallquist:

On August 11, 2011, the New Hampshire Public Utilities Commission (Commission) received an application from Viridian Energy MD LLC (Viridian) for registration as a Competitive Electric Power Supplier (CEPS). In its letter, Viridian stated that it has completed the electric data transfer requirements (EDI Testing) with PSNH and was in the process of meeting the requirement with other utilities pursuant to Puc 2003.01(d)(1). On September 9, 2011, Staff sent a deficiency letter advising Viridian that its evidence of financial security did not meet the requirements set out in Puc 2003.03(a). In response, on September 22, 2011, Viridian filed a request for waiver of Puc 2003.03(a)(5) which requires the financial security have an expiration date not less than 5 years and 150 days after the date the applicant's application is filed. Viridian stated in its request that it is unable to obtain financial surety for more than one year in duration from the company providing its financial surety and proposed instead that Viridian will renew its registration annually "in accordance with the timing of the expiration of the bond." On November 28, 2011, Viridian submitted its financial surety with an expiration date of September 30, 2013.

The Commission may waive a rule pursuant to Puc 201.05 if it finds the waiver serves the public interest and the waiver does not disrupt the orderly and efficient resolution of matters before the Commission. The Commission has determined that the applicable standards for a waiver are satisfied and that granting a waiver, subject to the condition that Viridian re-register 60 days before the expiration of its registration, is consistent with the public good.

Staff has reviewed the application and supplemental information and recommends that Viridian's application for registration as a CEPS be approved effective January 31, 2012. Staff noted, however, that inasmuch as Viridian only submitted a statement from PSNH indicating that

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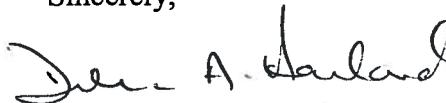
Viridian had complied with the training and testing requirements for electronic data interchange, Viridian's registration be approved only for PSNH's service territory. Staff also stated that Viridian can request extension of its service to the service territories of those utilities by updating its application with documentation demonstrating successful completion of the testing. Upon receipt of such submittal, Staff will review the information and make a recommendation to the Commission. It was recommended that Viridian consolidate the submittal of such updates to result in a more efficient review process.

Based on Staff's recommendation and the Commission's review, the Commission will approve Viridian's application to be registered as a competitive electric power supplier in the franchise area of the electric distribution company with which Viridian has completed EDI testing; namely, PSNH.

Please bear in mind the following provision of Puc 2003.02 (a) "Each registered CEPS shall re-register with the commission every 5 years by filing with the commission an application for renewal. Each application for renewal shall be filed no less than 60 days prior to the termination of the currently effective registration. If a CEPS fails to meet its re-filing obligation, its registration shall expire by its terms." The Commission granted the waiver for this provision, therefore, Viridian is required to re-register on or before 60 days from September 30, 2013, the expiration day of Viridian's financial surety. You are also advised that CEPS and aggregators must comply with the renewable portfolio standard (RPS) requirements of RSA 362-F. The RPS obligation applies to every "provider of electricity" as defined in RSA 374-F:2, II which includes CEPS and aggregators. See RSA 362-F:2, XIV. Please also refer to N.H. Code Admin. Rules Puc 2500 for further details regarding compliance and reporting requirements. Compliance is on a calendar year basis and must be reported to the Commission by July 1 of the subsequent calendar year. In addition, pursuant to RSA 378:49, all CEPS, electric service brokers and aggregators must comply with the requirement to disclose environmental characteristics of the electricity they sell to retail customers. Commission Order No. 25,264 provides guidance as to the appropriate format for such disclosure.

If you have any questions regarding this provision, please contact the Commission. Thank you for your cooperation in this matter.

Sincerely,



Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 11-175-1 Printed: February 01, 2012

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST. SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.