

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 14, 2012

AT (OFFICE): NHPUC

FROM: Jan Quint, Utility Analyst

SUBJECT: DM 12-094 Devonshire Energy, LLC Request for a waiver of the requirement to provide a disclosure label to its customers

TO: Amy Ignatius
Michael Harrington
Robert Scott
Debra Howland

CC: Marcia Thunberg



Senate Bill 327, 2010 N.H. Laws 336:1, signed into law on July 20, 2010, amended N.H. R.S.A. Chapter 378 by adding section 49 and establishing requirements for disclosure of electric service energy sources and environmental characteristics to customers by providers of electricity. The enactment directed the Commission to approve a standard format and methodology for electricity providers to use in providing this information to their customers. Docket DE 10-226 was opened on September 28, 2010.

On September 1, 2011 the New Hampshire Public Utilities Commission issued Order No. 25,264 in Docket DE 10-226, approving the content and dissemination of the customer disclosure label of electric service energy sources and their environmental characteristics. The order required providers of electricity to provide this disclosure label to all customers no less than once a year.

On April 13, 2012, Devonshire Energy, LLC asked for a waiver from the Commission's Order No. 25,264 in Docket DE 10-226, specifically the provision requiring each provider of electricity to provide a disclosure label to all its customers no less than once a year. In its request, Devonshire Energy, LLC stated it was created in 2009 to operate as a competitive electricity retail supplier for the purpose of serving the electricity needs of FMR LLC, or Fidelity Investments, and affiliated companies. Devonshire Energy, LLC is a wholly-owned subsidiary of Devonshire Investor, LLC, which is in turn a wholly-owned subsidiary of FMR LLC which provides services to a number of Fidelity companies. In its request, Devonshire Energy, LLC stated it does not currently nor does it have future plans to provide retail electricity service to any non-Fidelity third parties or any residential or small business users in New Hampshire. Devonshire Energy, LLC stated that since its sole customers are its parent and its parent's affiliate, tht the rule

places conditions on internal communications only and that it has no impact on any retail market customers. Because of the relationship between Devonshire Energy, LLC and its parent and ultimate parent, FMR LLC and the affiliated companies, and the company's stated intent to not provide retail electricity service to any non-Fidelity third parties, Devonshire Energy, LLC believes it should be granted a waiver from the requirement to prepare and distribute a disclosure label to its customers.

Staff has reviewed the waiver request. Inasmuch as the only customers of Devonshire Energy, LLC are its ultimate parent company and affiliates, Staff recommends waiving the requirement for Devonshire to produce an environmental disclosure label that meets the content and format described in Order No. 25,264.