

STATE OF NEW HAMPSHIRE**Inter-Department Communication**

DATE: April 15, 2016
AT (OFFICE): NHPUC

NHPUC 15APR'16PM4:03

FROM: *RF David*
David Goyette, Utility Analyst III

SUBJECT: DM 15-496, Nordic Energy Services, LLC
Confidential Treatment of Customer Contract Form Filed With
Application for Registration as Competitive Electric Power Supplier

TO: Commissioners
Debra Howland, Executive Director

CC: David K. Wiesner, Staff Attorney

Executive Summary

Nordic Energy Services, LLC, which is applying for registration as a competitive electric power supplier, has filed a request for confidential treatment of its residential and small commercial customer contract form. Staff objects to this request on a number of grounds, and recommends that the Commission deny the request for confidential treatment of the customer contract form and direct Nordic Energy to file a public, unredacted version of the contract form.

Background and Analysis

On December 10, 2015, Nordic Energy Services, LLC (Nordic Energy) filed an application to register as a competitive electric power supplier (CEPS). Nordic Energy's filing included a motion for confidential treatment of (1) its listing of the number and type of customer complaints during the most recent calendar year, and (2) its proposed form of residential and small commercial customer contract.

On March 4, 2016, in response to a Commission Staff request to make these two items public, Nordic Energy withdrew its request for confidential treatment of the listing of customer complaints, but maintained its request for confidential treatment of the proposed form of residential and small commercial customer contract. On April 14, 2016, Nordic Energy filed, under claim of confidentiality, proposed final revisions to its residential and small commercial customer contract form.

Staff does not believe that contracts intended for transactions with residential and small commercial customers should be afforded confidential treatment by the Commission. It is Staff's view that all residential and small commercial customer contracts filed by a CEPS and reviewed by the Commission should be publicly available for inspection, especially by potential customers of the CEPS, and not be limited to

review by only Staff and the Commission. Staff understands that, in many cases, CEPS will publish and market their proposed electricity supply pricing, but a customer will not receive the specific contract terms and conditions and related disclosures until the customer has made the decision to purchase service from the CEPS. A diligent customer may wish to compare and contrast the specific contract terms used by different CEPS prior to making a decision regarding electric supply. A customer also may wish to compare the contract terms received from the CEPS for consistency with those that were filed with and reviewed by the Commission.

Staff is unaware that any other CEPS has been granted or even requested confidential treatment for its residential and small commercial customer contract form(s). The contract forms used by Nordic Energy's CEPS competitors therefore are publicly reviewable by both prospective and current customers. This appears to be an area where public availability and government transparency are most important concerns.

Based on these considerations, Staff believes that Nordic Energy has little or no privacy interest in its proposed form of residential and small commercial customer contract, and whatever privacy interest it may have in the contract form is clearly outweighed by the public interest in its disclosure. Staff therefore recommends that the Commission deny confidential treatment of Nordic Energy's form of residential and small commercial customer contract, and direct Nordic Energy to file a public, unredacted version of the complete contract form within 30 days of such denial.

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 #: 15-496-1 Printed: April 15, 2016

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
EXEC 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.**