

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Martin P. Honigberg

COMMISSIONERS
Robert R. Scott
Kathryn M. Bailey

EXECUTIVE DIRECTOR
Debra A. Howland



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

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

Tel. (603) 271-2431

FAX (603) 271-3878

Website:
www.puc.nh.gov

December 6, 2016

Dan Kern, CEO
SmartEnergy
575 Lexington Avenue
New York, NY 10022

Re: DM 16-839, SmartEnergy Holdings, LLC
Application to Register as Competitive Electric Power Supplier

Dear Mr. Kern:

On October 31, 2016, SmartEnergy Holdings, LLC (SmartEnergy) filed an application to register as a competitive electric power supplier (CEPS). In connection with its application, SmartEnergy requested a waiver of Puc 2003.03(a)(5), which requires the financial security filed with an initial application have a term of five years and 150 days.

Commission Staff filed a memorandum on November 30, 2016 that summarizes the filings made by SmartEnergy in connection with its application and Staff's analysis of the completed application and rule waiver request. Staff noted that, if a waiver of the financial security term requirement is granted, the application complies with the requirements of Puc 2003 and Puc 2006.01. Staff recommended that the Commission grant the request for waiver of the financial security term requirement and approve the registration for a term concurrent with the surety bond, beginning on the date of the Commission's letter and ending at the close of business on October 17, 2017. In addition, Staff recommended that the Commission authorize SmartEnergy to operate in the franchise area of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource). Finally, Staff recommended that SmartEnergy be informed that the financial security rules are likely to change during 2017 and that it should monitor the rulemaking process in Docket No. DRM 16-853 and plan accordingly.

The Commission has reviewed SmartEnergy's application and Staff's recommendation, and has granted the requested rule waiver, having found the waiver is for good cause and in the public interest, and has approved the application as recommended. Accordingly, SmartEnergy's application to register as a CEPS,

authorized to operate in the franchise area of Eversource, is granted for a term beginning on December 6, 2016 and ending on October 18, 2017. Pursuant to N.H. Code Admin. Rules Puc 2003.02(a), SmartEnergy must submit a renewal application at least 60 days prior to the expiration of the approved registration period, on or before August 19, 2017.

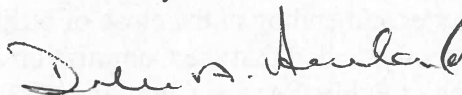
Please be aware that registered CEPS are subject to specific requirements contained in Puc 2000 – Competitive Electric Power Supplier and Aggregator Rules. These rules are available at: <http://www.puc.nh.gov/Regulatory/Rules/PUC2000.pdf>.

Each CEPS also must input into a shopping comparison website, maintained by the Commission, information regarding its standard pricing policies, charges, and key terms for residential and small commercial customers. This information must be updated whenever it changes, but no less frequently than once per month. These requirements are intended to comply with RSA 374-F:4-b, II. Following its initial registration, each CEPS will be sent by electronic mail a link to the website through which it must input the required information.

In addition, CEPS 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 362-F:2, XIV, which includes registered CEPS. Please also refer to the Puc 2500 rules for further details regarding RPS compliance and reporting requirements. RPS compliance is on a calendar year basis and must be reported to the Commission by July 1 of the subsequent calendar year. Pursuant to RSA 378:49, all CEPS also must comply with the requirement to disclose environmental characteristics of the electricity they sell to retail customers. Commission Order No. 25,264, in Docket No. DE 10-226, provides guidance as to the appropriate format for such disclosure. Order No. 25,264 can be viewed at: <http://puc.nh.gov/Regulatory/Orders/2011orders/25264e.pdf>.

Finally, as noted above, the financial security rules set forth in Puc 2003.05(a)(5) are likely to change. Please monitor the Commission’s website for notice of this rulemaking process in Docket No. DRM 16-853 and plan accordingly.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List
Docket File

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.

Executive.Director@puc.nh.gov
amanda.noonan@puc.nh.gov
Dan.Kern@smartenergy.com
david.goyette@puc.nh.gov
david.wiesner@puc.nh.gov
leszek.stachow@puc.nh.gov
margaret.raymond@puc.nh.gov
ocalitigation@oca.nh.gov
tom.frantz@puc.nh.gov

Docket #: 16-839-1 Printed: December 07, 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.**