BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Competitive Natural Gas Marketer Rules

Comments of Hess Corporation

February 12, 2010

Introduction

Hess appreciates this opportunity to provide comments on the Commission's Competitive Natural Gas Marketer Rules ("Proposed Rules"). Hess is a global energy company that supplies natural gas and electricity to large commercial and industrial ("C&I") customers throughout the northeast United States. In New Hampshire, Hess provides natural gas to commercial and industrial customers in the National Grid and Unitil service areas. Drawing upon our experience in the natural gas business, Hess supports the proposed regulations, although with two caveats described herein.

3004.03 Telephone Solicitation of Customers by or for CNGS

There are a number of sections that pertain to telemarketing in the proposed rules. Hess seeks clarification of Section 3004.03 in light of Section 3003.01(c)(17).

Under the Proposed Rules, Section 3003.01(c)(17) would require any natural gas license applicant that does not intend to telemarket to submit a statement to that effect. Furthermore, Section 3004.03(b) requires each Competitive Natural Gas Supplier ("CNGS") or its agent to implement procedures for telephone solicitation. These sections seem to conflict with one another.

If a CNGS has stated that it does not intend to telemarket, then it should not be required to implement the requirements listed under section 3004.03(b). However, the rules do not provide such relief. Nowhere in Section 3004.03 does it state that this section only applies to a CNGS that telemarkets. Hess respectfully requests that this section be revised to include a statement that Section 3004.03 only applies to a CNGS that has certified its intent to telemarket in New Hampshire. Otherwise, the regulations would be overly burdensome for a company that does not telemarket and has no plans to do so.

3003.01(m) Registration of CNGS

Under the Proposed Rules, Section 3003.01(m) would require that a CNGS notify the applicable Local Distribution Company ("LDC") that it has filed its application for registration or renewal. Once the CNGS has been approved, the CNGS must once again notify each LDC that its registration has been completed and notify the Commission as well.

Hess contends that this requirement is both overly burdensome and duplicative. Under the current regulations, a CNGS must notify the applicable LDC when it files its renewal application. This requirement notifies the LDC that the CNGS intends to continue doing business in its service territory and, if it so chooses, grants the LDC the opportunity to contest the renewal. However, Hess questions the reasoning for requiring the CNGS to notify the LDC once again after its registration has been approved. The LDC was already notified that the application had been submitted. If the LDC is interested in the outcome, it can follow the application on the Commission's website or contact the CNGS. Hess does not see the necessity of a CNGS notifying the LDC after its application has been approved. As a result, Hess respectfully requests that this second notification requirement be removed from the final regulations.

3004.04 Transfer of service by CNGS

Finally, Hess supports the requirement that a customer verify its intention to switch marketers. Requiring either verbal or written authorization ensures that the customer's intent will prevail. Moreover, this requirement will prevent disagreements between competing CNGSs. With these regulations, the customer's choice will be unmistakable.

Conclusion

Hess strongly supports the Commission's Proposed Rules with the modifications requested herein. We appreciate Staff's effort in revising the rules and look forward to final regulations that further competition, and thus benefit the natural gas market in New Hampshire, without being overly burdensome.

Respectfully Submitted,

Hess Corporation

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