

STATE OF NEW HAMPSHIRE

Inter-Department Communication

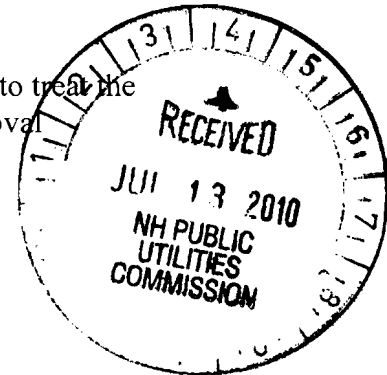
DATE: July 13, 2010
AT (OFFICE): NHPUC

FROM: Al-Azad Iqbal
Utility Analyst III



SUBJECT: DM 10-126 Request of Constellation NewEnergy, Inc.'s to treat the application as renewal; Staff's recommendation for approval

TO: Debra A. Howland
Executive Director



Constellation NewEnergy, Inc. was a registered Competitive Electric Power Supplier (CEPS) since April 9, 2004. They renewed their registration every two years until April 9, 2010. In 2009, Constellation applied for renewal of its registration as CEPS (DM 09-074). The Commission deemed the renewal application one year early and closed the docket. On March 12, 2010, Staff sent a reminder e-mail to the contact person listed in their previous renewal application. On April 29, 2010 Staff sent another e-mail informing Constellation that it failed to submit its renewal application by the due date. Constellation communicated its intention to continue to be a CEPS in New Hampshire. According to Puc Rule 2003.01(H), Constellation's registration expired, and Constellation now needs to submit a new registration application.

On May 5, 2010 Constellation submitted its application. On June 23, 2010 Constellation submitted an updated request to consider the application as a renewal, instead of as a new registration. Constellation explained the circumstances, particularly the confusion regarding its application in 2009, and recognized its mistakes. Constellation also mentioned that it took corrective measures to avoid the mistake in the future. Considering the records of timely renewals since its registration in 2004, and the time difference between registration due date and actual application date (April 9, and May 5, 2010 respectively) is considerably short, Staff recommends that the application be considered as a renewal for this instance only.

Staff also reviewed the application and believes that it meets the requirements of Puc 2003.01. It is Staff's recommendation that Constellation's application to its registration as a CEPS in New Hampshire be approved or renewed (subject to determination of above mentioned issue). In case of the Commission granting Constellation's request to consider the application as renewal, staff recommends that the difference between registration and renewal fees as per Puc Rule 2003.01(d)(d) and Puc Rule 2003.01(j) be reimbursed.

Should you have any questions, please do not hesitate to contact me.