

THE STATE OF NEW HAMPSHIRE

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September 6, 2012

Donato Capobianco, Esq.
Senior Vice President and General Counsel
Ecova, Inc.
1313 N. Atlantic Street, Suite 5000
Spokane, WA 99201

Re: DM 11-154, MRDB Holdings d/b/a LPB Energy Consulting (aka LPB Energy Management), Withdrawal of Registration as a Natural Gas Aggregator
DM 12-108, Ecova, Inc., Notice of Past Violations of Commission Rules

Dear Mr. Capobianco:

On July 29, 2011, the Commission approved the application of MRDB Holdings d/b/a LPB Energy Consulting, aka LPB Energy Management (LPB) for renewal of its registration as a natural gas aggregator in New Hampshire in Docket No. DM 11-154. Subsequently, on April 26, 2012, Ecova, Inc. (Ecova) filed its application for initial registration as a natural gas aggregator in New Hampshire, in Docket No. 12-108. In its application, Ecova revealed that it had acquired LPB as of February 3, 2012, prior to Ecova being registered as a natural gas aggregator in New Hampshire. The Commission, as a condition of its approval of Ecova's registration in Docket No. DM 12-108 by secretarial letter dated June 8, 2012, required that Ecova provide complete information regarding LPB's current corporate status. This information was filed by Ecova to the Commission on August 7, 2012; Ecova certified that LPB's separate corporate existence had terminated as of February 3, 2012, with Ecova as the surviving entity as of that date.

On the basis of its review of this information, Commission Staff filed a recommendation to the Commission on August 24, 2012, requesting that the Commission withdraw the gas aggregator registration of LPB, and inform Ecova of its likely past violations of Commission rules governing gas aggregators in N.H. Code Admin. Rules Puc Chapter 3000.

Having reviewed Ecova's filings and Staff's recommendation, the Commission hereby withdraws LPB's registration as a natural gas aggregator in this State, due to the termination of LPB's corporate existence effective February 3, 2012. Furthermore, the Commission deems Ecova to have satisfied the conditions of approval of Ecova's initial registration as a natural gas aggregator in Docket No. DM 12-108.

However, the Commission notes that Ecova likely violated provisions of N.H. Code Admin. Rules Puc Chapter 3000 in connection with Ecova's acquisition of LPB in the following ways:

1.) N.H. Code Admin. Rule Puc 3003.04(i) requires that each aggregator shall notify the Commission of any changes to the information required in this section within 30 days following the effective date of the change. For the merger of LPB into Ecova, the Commission only became aware of the LPB transfer of ownership on April 26, 2012, when Ecova noted the acquisition in the cover letter to its separate gas aggregator registration application. The Commission was not fully informed of the changed LPB gas aggregator registration status until it received the merger-related details from Ecova on August 7, 2012.

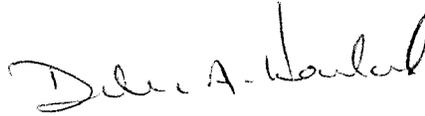
2.) N.H. Code Admin. Rule Puc 3003.04(a) requires that no aggregator shall enroll customers, or arrange to sell or contract with customers, or solicit specific customers for such purposes until such aggregator has completed all aspects of registration required by Puc 3003. In its August 7, 2012 filing as to the status of LPB, Ecova states that the merger was effective on February 3, 2012. Ecova also explained that by virtue of the Merger, LPB was dissolved and no longer exists. Based on this information, it would appear that Ecova had likely been operating as an unregistered gas aggregator in New Hampshire from February 3, 2012 through June 8, 2012.

3.) N.H. Code Admin. Rules Puc 3004.07 through Puc 3004.09 afford consumers important protections related to specific aggregator contact information, provisions assuring protection of confidential customer information, compliance with telemarketing provisions, and various other consumer protections. It is unclear if any of these consumer protection requirements have been violated by Ecova. However, on the basis of a review of Ecova's filings, it appears the transfer of LBP contracts and customer information to Ecova may have occurred without prior written authorization from these customers.

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Going forward, Ecova should familiarize itself with the reporting and registration requirements of N.H. Code Admin. Rules Puc Chapter 3000, and take care to avoid future violations, which, after Commission investigation, could lead to termination of Ecova's registration and other sanctions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

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 #: 12-108-1 Printed: September 11, 2012

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
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21 S. FRUIT ST, SUITE 10
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- 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.