

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 10, 2014
AT (OFFICE): NHPUC


FROM: David Goyette, Utility Analyst III

SUBJECT: DM 14-153, First Point Power, LLC
Renewal of Registration as Competitive Electric Power Supplier

TO: Commission
Debra Howland, Executive Director

NHPUC 10JUN21PM1:25

Executive Summary

First Point Power has applied to renew its registration as a competitive electric power supplier. First Point Power submitted a sample residential customer contract, certificates demonstrating it completed EDI testing with Liberty Utilities, PSNH, and Unitil Energy Systems, a one-year surety bond in the amount of \$100,000, and a request for a waiver of the five-year and 150-day term requirement for financial security. If the Commission were to grant the waiver, Staff believes the filing is acceptable. Staff recommends the Commission grant the waiver and approve the application, for service only in the franchise areas of Liberty, PSNH, and UES, for a registration period ending on the termination date of the surety bond.

Background and Analysis

On June 4, 2014, First Point Power, LLC (First Point Power) filed a continuation certificate extending the term of its surety bond to June 4, 2015. On June 6, 2014, First Point Power filed an application to renew its registration as a competitive electric power supplier (CEPS). First Point Power's prior registration, which the Commission approved in Docket No. DM 13-066, expired on June 4, 2014. The surety bond is in the amount of \$100,000, with a term of one year, and names the Commission as beneficiary. Included with the application was a sample residential customer contract. On June 6, 2014, First Point Power submitted, under a separate filing, a request for a waiver of Puc 2003.03(a)(5), which requires the financial security filed with a CEPS application have a term of 5 years and 150 days. First Point Power explained that its insurance agent was unable to acquire a surety bond with a full, five-year term.

Staff has reviewed the information in the application, and, if the Commission were to grant approval of the waiver request, believes it meets the requirements of Puc 2003 and 2006.01. Staff recommends that the Commission grant the request for a waiver of Puc 2003.03(a)(5) and, because the surety bond does not meet the 5-year and 150-day requirement and because it expires on June 4, 2015, that the Commission approve a registration period with a term concurrent with the surety bond, beginning on the date of

the Commission's approval letter and ending on June 3, 2015. Staff also recommends that, if the Commission grants the requested waiver, the Commission notify First Point Power that the financial security rules are likely to change by December 2014 and that First Point Power should monitor the rulemaking process in Docket No. DRM 13-151 and plan accordingly with respect to future operations in New Hampshire.

Staff notes that, pursuant to Puc 2003.02(a), First Point Power's renewal application should have been filed at least 60 days prior to the expiration of the currently effective registration, on or before April 5, 2014. Because of the short term of its initial registration, eight months, which began October 9, 2013, and because this is the first time First Point Power has been late with its submission to renew its registration as a CEPS, Staff recommends that the Commission approve First Point Power's application as a renewal rather than an initial registration.

First Point Power filed documentation that demonstrates it has completed EDI testing with Liberty Utilities (Liberty), Public Service Company of New Hampshire (PSNH), and Unitil Energy Services (UES). Staff, therefore, recommends that the Commission approve First Point Power's application to register as a CEPS, and that it permit First Point Power to operate only in the service areas of Liberty, PSNH, and UES.

If First Point seeks to operate in the service areas of other distribution utilities it can do so by filing a request with the Commission to extend its service area, and by providing proof that it has completed EDI testing with each distribution utility in whose franchise area it requests authority to operate. Staff will then review the request and make a recommendation to the Commission.

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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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
EXECUTIVE 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.**