

THE STATE OF NEW HAMPSHIRE

DE 15-303

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NH PUC 900715-10:58

October 9, 2015

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: DE 15-303 Vivint Solar, Inc. Petition for Declaratory Ruling Regarding
RSA 362:2, 362-A:2-a and Rule Puc 2002.05
Report of Technical Session**

Dear Ms. Howland:

On August 14, 2015, Vivint Solar, Inc. (Vivint) filed a Petition for Declaratory Ruling Regarding RSA 362:2, 362-A:2-a and Rule Puc 2002.05. The Petition seeks a ruling from the Commission declaring that, in offering solar power purchase agreements or solar leases to residential customers in New Hampshire, neither Vivint, nor its subsidiary or affiliates, will be regulated by the Commission as (1) a "public utility" under RSA 362:2, (2) a "competitive electric power supplier" under N.H. Code Admin. Rules Puc 2002.05, or (3) a "limited producer of electrical energy" under RSA 362-A:2-a.

The Commission issued an Order of Notice on September 3, 2015 scheduling a pre-hearing conference for October 8, 2015 and setting a deadline for petitions to intervene of October 6, 2015. Petitions for intervention were timely filed by The Alliance for Solar Choice (TASC) and by Freedom Logistics, LLC d/b/a Freedom Energy Logistics (FEL). There were no objections to the petitions for intervention, and the Commission granted the two interventions during the pre-hearing conference held on October 8, 2015.

Following the pre-hearing conference, representatives of Vivint, TASC, FEL, and Staff met in technical session to discuss issues regarding the scope of and procedure for the proceeding, including the conduct of discovery and the potential to develop factual stipulations for filing with the Commission.

The technical session participants agreed to recommend the following procedural schedule to the Commission:

Data Requests by Staff and Interveners to Vivint	Oct. 16, 2015
Vivint Responses to Data Requests	Oct. 26, 2015
Technical Session	Nov. 3, 2015 at 10:00 a.m.
Legal Brief of Petitioner Due	Nov. 6, 2015
Reply Briefs of Staff and Interveners	Nov. 20, 2015
Hearing on Merits	Dec. 3, 2015 at 1:00 p.m.

Staff, on behalf of the parties, respectfully requests that the Commission approve the proposed procedural schedule. I certify that a copy of this letter will be served electronically on the parties on the service list at the same time it is filed with the Commission.

Sincerely,



David K. Wiesner
Staff Attorney

cc: Docket File
Service List

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:

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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.