

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: December 10, 2020

AT (OFFICE): NHPUC

FROM: *CL*
Corrine Lemay, Management Analyst

SUBJECT: DM 15-421, Shell Energy North America (US), L.P.
Motion of Shell Energy North America (US), L.P. for temporary
waiver
Staff Recommendation

TO: Commissioners
Debra A. Howland, Executive Director

CC: David K. Wiesner, Legal Division Director

On December 7, 2020, Shell Energy North America (US), L.P. (Shell), a registered competitive natural gas supplier (CNGS), filed a motion for a “temporary waiver” of N.H. Admin. R., Puc 3003.02. In its motion, Shell requested that it be permitted to file a renewal registration application by December 21, 2020 and that its current registration be extended so it can continue to provide competitive natural gas service to its commercial customers.

Shell’s currently-effective registration was approved with a term running through November 30, 2020. Under Puc 3003.02(b), Shell’s renewal application should have been filed at least 60 days prior to that date, on or before October 1, 2020. Shell cited workflow issues related to the ongoing COVID-19 pandemic as the primary cause for its delay in filing a registration renewal application.

Staff notes that Shell is effectively requesting waivers of both Puc 3003.02(b) (renewal application filing deadline) and Puc 3003.02(g) (renewed CNGS registration valid for five years), to extend both the deadline for filing its renewal application and the term of its current registration as a CNGS. Staff believes that the rule waivers associated with Shell’s motion meet the standard for rule waivers set forth in Puc 201.05. Under Puc 201.05, the Commission may waive a rule if it finds that the waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission.

In Staff’s view, Shell has stated an understandable basis for its failure to file a registration renewal application by the specified date and has expressed a desire that the administrative oversight not prevent it from continuing to serve customers during any otherwise ensuing “gap period.” Staff believes that avoidance of the potential disruption to customers’ natural gas supply arrangements militates in favor of extending both the filing deadline and the current CNGS registration term.

Staff therefore recommends that the Commission grant waivers of both Puc 3003.02(b) and Puc 3003.02(g) to permit Shell to submit its registration renewal application by December 21, 2020 and to extend Shell's current CNGS registration term until that application is either approved or rejected under Puc 3003.02.

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