

STATE OF NEW HAMPSHIRE

Inter-Department Communication

NHPUC 11JUL'16PM3:32

DATE: July 11, 2016

AT (OFFICE): NHPUC



FROM: David Goyette, Utility Analyst III

SUBJECT: DM 16-628 EDF Energy Services, LLC
Application for Registration as Competitive Electric Power Supplier

TO: Commissioners
Debra Howland, Executive Director

Executive Summary

EDF Energy has applied to register as a competitive electric power supplier. EDF Energy submitted certificates demonstrating it completed EDI testing with Eversource, Liberty, and UES, a letter of credit in the amount of \$100,000, and a request for a waiver of the five-year and 150-day term requirement for financial security. EDF Energy stated that it intends to serve only large commercial and industrial customers. If the Commission were to grant the requested rule waiver, Staff believes the filing is acceptable. Staff recommends the Commission grant the waiver and approve the application for a registration period ending on the termination date of the LOC.

Background and Analysis

On June 3, 2016, EDF Energy Services, LLC (EDF Energy) filed an application to register as a competitive electric power supplier (CEPS). The application included a statement that EDF Energy plans to serve only large commercial and industrial customers. On June 9, 2016, EDF Energy filed documentation that demonstrates it has completed electronic data interchange (EDI) testing with Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty), and Unitil Energy Systems (UES), evidence that it is able to obtain supply in the New England energy market, and a request for a waiver of Puc 2003.03(a)(5), which requires the financial security filed with an initial CEPS application have a term of five years and 150 days. On June 10, 2016, EDF Energy filed a sample bill form. On July 7, 2016, EDF Energy filed a letter of credit (LOC) in the amount of 100,000, which names the Commission as beneficiary, and expires on June 30, 2017. On July 11, 2017 EDF Energy filed a statement that the LOC was not filed subject to a claim of confidentiality nor to a request for confidential treatment.

Staff has reviewed the information in the application and, if the Commission were to grant approval of the waiver request of the financial security term requirement, 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 LOC does not meet the five-year and 150-day requirement and because it expires on June 30, 2017, that the Commission approve a registration period beginning on the date of the Commission's letter and ending concurrently with the expiration of the LOC, at the close of business on June 30, 2017. Staff also recommends that, if the Commission grants the requested waiver, the Commission notify EDF Energy that the financial security rules are likely to change during 2016 and that EDF Energy should monitor the rulemaking process in Docket No. DRM 13-151 and plan accordingly with respect to future operations in New Hampshire.

EDF Energy filed documentation that demonstrates it has completed EDI testing with Eversource, Liberty, and UES. Staff, therefore, recommends that the Commission approve EDF Energy's application to register as a CEPS, and that it permit EDF Energy to serve only large commercial and industrial customers and operate only in the service areas of Eversource, Liberty, and UES. If EDF Energy seeks to operate in the service area of any other distribution utility, 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.**