

November 21, 2016

NH-PUC 6DEC16-10:40

Public Utilities Commission
Attn: Debra A. Howland, Executive Director
21 S. Fruit St, Suite 10
Concord, NH 03301-2429

RE: DE 16-837 Unitil Energy Systems, Inc.
Complaint against Clearview Electric, Inc. d/b/a Clearview Energy

Executive Director Howland,

Clearview Electric, Inc. d/b/a Clearview Energy ("Clearview") received the above referenced complaint dated October 31, 2016 regarding Clearview's marketing practices in the Unitil service territory. The initial Commission complaint required a November 10, 2016 response deadline.

Unitil failed to provide Clearview with the information to respond to the allegations outlined in Unitil's complaint until directed to do so in the Commission letter dated November 9, 2016. That same letter extended Clearview's response deadline to today (11/21/16). Clearview hereby responds the Unitil's allegations.

I. Complaints Received from Unitil Customers Regarding Clearview

A response to each of the nine complaints Unitil referred to in its complaint are attached (2016.11.21 - Complaint Responses). The accusations that Clearview's agents are representing themselves as Unitil employees are baffling, as Clearview's agents are required to wear a uniform including several Clearview logos. These agents also wear a button that states "I am NOT with the local utility, Clearview Energy".

Unitil did not provide any supporting data regarding Clearview agent's hanging up on, or accusing Unitil representatives of lying, in its response to the Commission's direction to provide information to Clearview. However, this does not seem like a productive activity for agents who need the customer's account number to proceed with a sale.

Regarding the incorrect default service rate posted on Clearview's website as of Unitil's filing, Clearview removed the outdated rate as soon as it became aware of the error. The door-to-door agents were not referencing the outdated rate as posted on Clearview's website though, and no complaint information provided to Clearview by Unitil made such a claim. There was no willful misrepresentation of Unitil's rate.

II. Complaints Received in New Hampshire are Consistent with Complaints Filed on Other Jurisdictions Regarding Clearview.

Clearview is licensed in 14 jurisdictions¹, and did respond to similar complaints filed by CMP in Maine. The Maine PUC found that no investigation was necessary based on the steps Clearview undertook to further reduce complaints in Maine. These actions include all door-to-door agents wearing the "I am NOT with the local utility, Clearview Energy" button, and providing a flier with information about Clearview. These steps are being used in New Hampshire as well.

It seems to be common that consumers who have not previously been informed about deregulation are a little confused after their first time hearing about it. These sales agents do have to explain that the utility will continue to deliver the energy, and that the customer would still call the utility with billing or service outage issues. Out of all of the complaints referenced in Unitil's complaint, all of the consumers stated that they understood Clearview was not affiliated with the utility during a recorded Third Party Verification (TPV) call.

Clearview would be willing to confidentially provide data relating to the number of complaints Unitil referenced, as compared to the number of sales, in both: all of 2015, and in the Unitil services territory since marketing began. Less than 1% of consumers enrolled by Clearview agents file complaints, and many consumers are approached as compared to the number of those that enroll. Consumer confusion regarding this industry is not unique to Clearview, but Clearview is more than willing to work with the distribution utilities to address complaints unique to the utility's market.

III. The Commission May Review Clearview's Practices and Impose Sanctions if Clearview has Violated Commission Rules or State Law

As previously stated, none of the individual consumer complaints provided by Unitil in this matter support Unitil's allegation that unfair or deceptive acts have taken place. Clearview's door-to-door agents do:

- (1) Produce identification as required;
- (2) Explain the utility's role in continuing to deliver energy, respond to outages/emergencies, and facilitate billing;
- (3) Leave the premises when requested; and
- (4) Terminate a sales interaction when language barriers are identified.

¹ Clearview Electric, Inc. d/b/a Clearview Energy is licensed in: Connecticut, Delaware, Illinois, Massachusetts, Maryland, Maine, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and Washington, D.C.

No consumer who completed a TPV recording has noted any confusion when asked if they understand that Clearview is not affiliated with their local utility. Clearview agents are wearing appropriate ID, among at least two other articles of clothing with a Clearview logo. Agents also leave a flyer explaining Clearview's product, with contact information for consumers to call Clearview with any questions.

Lastly, Clearview reached out to Unitil regarding Clearview's entrance into the New Hampshire Unitil service territory proactively, with contact information for its sales department personnel, on September 27, 2016. Clearview continues to serve customers in Unitil's Fitchburg territory in Massachusetts without similar complaints, but wanted to provide a contact if customer confusion became an issue in the New Hampshire market, as it does not have the same saturation of door-to-door marketing as Unitil's FGE footprint. Unitil did not make an effort to address its concerns with Clearview prior to filing this complaint, but Clearview is more than willing to work with Unitil and/or the Commission to find ways to further reduce consumer confusion in the New Hampshire market.

Thank you,



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Encl.

CC: Patrick Taylor