



March 11, 2021

**BY MAIL**

Debra Howard  
Executive Director  
New Hampshire Public  
Utilities Commission  
21 South Fruit Street  
Suite 10  
Concord, NH 03301-2429

RE: Docket Number: DE 21-021  
Notice And Waiver Rule Request for  
AOBA Alliance, Inc.

Dear Ms. Howard:

By this letter, AOBA Alliance, Inc. (the "Alliance") hereby respectfully requests a waiver of the New Hampshire Code of Administrative Rules governing a "Buyer's aggregator." Puc 2002.06 defines a "Buyer's aggregator" as "an aggregator that receives no compensation or remuneration from an electric supplier." As explained below, because the Alliance receives only a small fee from electric supplier Constellation NewEnergy, Inc. ("Constellation") for use of a contract *form*, a waiver of Puc 2002.06 is warranted. The Alliance also respectfully provides notice of its operation as a "Buyer's aggregator" in the State of New Hampshire.

The Alliance was formed in 2000 by members of the Apartment and Office Building Association of Metropolitan Washington ("AOBA"). A primary purpose of the Alliance was – and is – to negotiate a contract specifically tailored to meet the electric supply requirements of buildings and properties owned or operated by Alliance participants in the Washington, D.C. metropolitan region. Pursuant to these negotiations, the Alliance entered into a contract with Constellation to act as a "single supplier" of electric supply service for Alliance participants. Alliance participants continue to receive electric supply service in the Washington, D.C. region from Constellation pursuant to this single supplier contract. The Alliance received a Certificate of Authority to transact business from the State of New Hampshire Department of State (Business ID 837930).

With the continued deregulation of the electric industry, Alliance participants sought to use the single supplier contract with Constellation to purchase electric supply for service to participant buildings and properties located outside the Washington, D.C. metropolitan region and Pennsylvania. Alliance participants have done so, using the single

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supplier contract with Constellation to secure electric supply in several states. In each instance, Constellation is responsible for all marketing, sales, supply, and customer contact. The contract for electric supply, moreover, is between Constellation and the local customer.

The Alliance's participation, in contrast, is limited to the use of the form of the supplier contract with Constellation. The Alliance is not a party to any contract between Constellation and a local customer seeking electric supply. There is no membership fee to purchase electric supply pursuant to the contract. The Alliance does receive compensation for use of the contract form by Constellation. The Alliance, however, will not undertake any marketing, sales, or related activity in New Hampshire.

The Alliance respectfully submits that a waiver of the specific provision in Puc 2002.06 precluding a Buyer's aggregator from receiving "compensation or remuneration" is warranted. Specifically, the small fee received by the Alliance in New Hampshire from Constellation for use of a contract form is not profitable and is simply an acknowledgement of the use of the contract form initially drafted and finally negotiated by the Alliance. In this respect, the fee complies with "no compensation or remuneration" requirement set out in Puc 2002.06. The requested waiver, accordingly, is appropriate. Thus, although the Alliance acknowledges that the compensation received for use of the contract form might disqualify the Alliance from being considered a buyer's aggregator, the incidental nature of this compensation would make application of the Commission's rules onerous and inapplicable. Accordingly, and pursuant to Puc 201.05, the requested waiver is in the public interest.


If the Commission disagrees and concludes that a waiver is inappropriate, the Alliance will, of course, comply with all applicable statutory and regulatory requirements. On behalf of AOBA Alliance, Inc. I thank you in advance for your time and assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'KDC', is written over a horizontal line.

Kevin D. Carey  
Vice President of Operations

# View Service Lists

 (../Regulatory/regulatory.htm)

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## Service List - Docket Related

Docket# : 21-021

Printed: 3/8/2021

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