

THE STATE OF NEW HAMPSHIRE



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**PUBLIC UTILITIES COMMISSION**

21 S. Fruit Street, Suite 10  
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December 29, 2017

Colleen P. Kartychak  
Regulatory Compliance Analyst  
Constellation New Energy, Inc.  
1310 Point Street  
Baltimore, MD 21231

Re: DM 17-024, Constellation NewEnergy, Inc.  
Request for Waivers of Puc 2004.06(a)(2), Puc 2004.06(a)(7),  
and Puc 2004.05(a) Rules Provisions

Dear Ms. Kartychak:

On November 28, 2017, Constellation NewEnergy, Inc. (CNE) filed a request for waiver of certain specific provisions of the Puc 2000 rules applicable to competitive electric power suppliers (CEPS), as such rules were amended effective as of November 1, 2017. In particular, CNE requested waivers of the provisions of Puc 2004.06(a)(2), Puc 2004.06(a)(7), and Puc 2004.05(a).

Under Puc 2004.06(a)(2), a CEPS bill issued directly by the CEPS rather than through utility consolidated billing must include “[t]he starting meter reading and the ending meter reading for the billing period.” CNE stated it had confirmed with the electric distribution utilities that the starting and ending meter reads are not sent in electronic data interchange (EDI) transactions with CEPS; instead, only the total consumption for the billing period is sent through EDI. According to CNE, compliance with the rules provisions, therefore, would be onerous and would be nearly impossible for CNE to accomplish, given that the utilities performing the meter reads do not provide that information through EDI transactions. CNE represented that its customers would still receive the total consumption information for the billing period.

Under Puc 2004.06(a)(7), a CEPS bill issued directly by the CEPS rather than through utility consolidated billing must include “[t]he average price expressed per kWh billed by the CEPS to the customer during the billing period.” CNE represented that it currently averages each line item on the bill rather than the entire bill total divided by the total consumption of the customer. CNE indicated it could have that average kWh billing “functionality built out” if it were given additional time in which to achieve compliance

with the average kWh price disclosure requirement. CNE requested a waiver of the specific billing obligation under Puc 2004.06(a)(7) until at least March 1, 2018.

Under Puc 2004.05(a), each CEPS is required at least annually to “provide each of its customers with an environmental disclosure label identifying the sources of its electric energy service and the environmental characteristics of such sources using the customer’s preferred form of communication.” Under Puc 2004.02(e), a CEPS must request that each of its residential and small commercial customers specify the customer’s preferred form of communication for receipt of information by choosing either e-mail, U.S. mail, or text messaging if that is offered by the CEPS. CNE stated it had not requested its existing residential and small commercial customers, all of whom enrolled prior to November 1, 2017, to specify their preferred form of communication, because it was not required to do so under the limited grandfathering provisions applicable to existing customer contracts under Puc 2004.20(i). According to CNE, it will not be enrolling or renewing any more residential or small commercial customers, so it would be “onerous” to require it to obtain customers’ preferred form of communication solely for the purposes of sending them the environmental disclosure label. CNE therefore requested it be permitted to continue providing its existing customers with the required environmental disclosure label through the communication channel it has used previously rather than through a customer’s preferred form of communication.

Commission Staff (Staff) filed a memorandum on December 13, 2017, in which it recommended that the Commission grant the rules waivers requested by CNE and noted that the Puc 2004.06(a)(2) compliance constraints would apply to a significant number of other CEPS that directly bill customers as well.

The Commission has reviewed the CNE rules waiver requests and Staff’s recommendation and has determined that the requested waivers of Puc 2004.06(a)(2), Puc 2004.06(a)(7), and Puc 2004.05(a) would serve the public interest and would not disrupt the orderly and efficient resolution of matters before the Commission, as required under Puc 201.05.

Accordingly, CNE is granted a waiver from the relevant provisions of Puc 2004.06(a)(2), Puc 2004.06(a)(7) (until March 1, 2018), and Puc 2004.05(a).

Sincerely,



Debra A. Howland  
Executive Director

cc: Service List  
Docket File