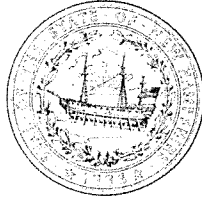


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THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10  
Concord, N.H. 03301-2429

Tel. (603) 271-2431

FAX (603) 271-3878

TDD Access: Relay NH  
1-800-735-2964

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

January 13, 2009

Besnik Islami  
304 Federal Rd Suite 314  
Brookfield, CT 06804

Re: DM 08-169 Public Power & Utility, Inc.  
Application for Registration as a Competitive Electric Power Supplier  
First Deficiency Letter

Dear Mr. Islami:

On December 31, 2009, the New Hampshire Public Utilities Commission (Commission) received an application from Public Power & Utility, Inc. (PP&U) for registration as a competitive electric power supplier (CEPS). Staff has reviewed your application and has noted the following items which must be addressed before PP&U can be registered as a CEPS:

- (1) Puc 2003.01 (c) (1) requires "the legal name of the applicant as well as any trade name(s) under which it intends to operate". It appears from the paperwork submitted with the application that the legal name is "Public Power & Utility, Inc." (emphasis added) and that the trade name is "Public Power & Utility". Please confirm the correct names to be used.
- (2) Puc 2003.01 (c) (2) requires the "applicant's business address, principal place of business, telephone number, facsimile number and email address". What is PP&U's principal place of business?
- (3) Puc 2003.01 (c) (5) requires a "copy of the applicant's most recent audited financial statement". Exhibit B states that it will not be available until February. Please be advised that the application cannot be fully processed until the Commission receives the audited financial statement.
- (4) Puc 2003.01 (c) (9) requires the "name, title, business address, and telephone number of the applicant's registered agent in New Hampshire for service of process". Please supply the name, title, and telephone number of your registered agent at Corporation Service Company to provide a New Hampshire contact person for the Commission as required by the rules.

- (5) Puc 2003.01 (c) (11) requires a “description of geographic areas of New Hampshire in which the applicant intends to provide service.” Please submit this information by supplying (a) the names of the utilities in whose franchise areas PP&U intends to operate, (b) the existing town boundaries, or (c) a map with the boundary limits delineated.
- (6) Puc 2003.01 (c) (12) requires a “description of the types of customers the applicant intends to serve, and the customer classes as identified in the applicable utility’s tariff within which those customers are served”. Although the filing states PP&U’s intent to service residential, small commercial, industrial and municipal customers, it does not identify the customer classes as identified in the tariffs. Please submit that information.
- (7) Puc 2003.01 (c) (19) requires a “sample of the bill form(s) that the applicant intends to use or a statement that the applicant intends to use the transmission/distribution company’s billing service”. It does not appear that this requirement was addressed.
- (8) Puc 2003.01 (d) requires that the applicant provide the following:
- (1) Demonstration of technical ability to provide for the efficient and reliable transfer of data and electronic information between regulated distribution companies and CEPS in the form of:
    - (a) A statement from each electric distribution company with which the CEPS intends to do business indicating that the applicant has complied with the training and testing requirements for electronic data interchange; and
    - (b) A statement from each electric distribution company with which the CEPS intends to do business indicating that the applicant has successfully demonstrated electronic transaction capability.


It does not appear that these requirements were addressed. Please submit the appropriate documentation from each of the distribution companies in whose franchise areas PP&U intends to do business.

- (8) Puc 2003.01 (d) (4) requires evidence of financial security. Please submit the proper evidence of financial security.
- (9) Puc 2003.01 (l) requires that the “CEPS shall notify any transmission and distribution utility doing business in an area where the CEPS intends to compete of its registration application at the time it files such application with the commission and confirm with the transmission and distribution utility that it has successfully completed its registration.” It does not appear that any notification of PP&U’s application to become registered as a CEPS was communicated to the utilities in whose franchise areas PP&U intends to serve customers. Please submit copies of the notification served upon the utilities in whose franchise areas PP&U intends to do business. After PP&U is registered as a CEPS, please submit copies of the

notification sent to the utilities apprising them of PP&U's successful completion of its registration.

Please address these discrepancies as soon as possible so that Staff may proceed with your request to register as a CEPS. Failure to respond in a timely manner may result in the Commission dismissing, without prejudice, PP&U's application. Also, please be advised that you should reference the docket number, DM 08-169, in all future correspondence with the Commission. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Henry J. Bergeron".

Henry J. Bergeron  
Utility Analyst III

cc: Suzanne Amidon  
Staff Attorney