



Glacial Energy of New England
Toll Free 1-888-GLACIAL / 1-888-452-2425
www.glacialenergy.com

April 3, 2013



VIA FEDERAL EXPRESS

New Hampshire Public Utilities Commission
Debra Howland, Executive Director
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431

RE: DM 10-252, Glacial Energy of New England, Inc.

Dear Ms. Howland,

Glacial Energy of New England, Inc. ("Glacial Energy") hereby submits for the Commission's review and final approval copies of the proposed Terms of Service which have been approved by Staff for use with residential electricity customers in New Hampshire. See **Exhibit A** (standard) and **Exhibit B** (Liberty Plan). We believe that the Terms of Service comply with PUC Rule 2004 and all applicable consumer protection regulations; this view is supported by Staff's indication that their approval is recommended.

Upon review of its prior filings with the Commission, it appears that Glacial Energy, which has been licensed to serve New Hampshire commercial customers since 2009, did not notify the Commission of its intent to serve residential customers pursuant to PUC Rule 2003.02, prior to commencing its first residential campaign in July 2012. The PUC rule requires a competitive retail electric supplier to notify the Commission of any changes to the information submitted in its filings within 30 days following the effective date of the change. In its renewal application submitted to the Commission on September 18, 2010, as supplemented on November 4, 2010, Glacial Energy had referred to its intent to serve commercial customers only. Glacial Energy, which mistakenly believed that it had notified the Commission of its intent to serve residential customers, apologizes for the oversight.

Within a couple of weeks of first marketing to residential electricity customers in July 2012, Glacial Energy began a series of email correspondence with Commission Staff regarding its service offerings to residential customers. Over the months that followed, undersigned corresponded with several members of Staff, including Bob Rohnstock, Janet Quint, and

Amanda Noonan among others, regarding residential customers who were known by Staff to be served by Glacial. On February 4, 2013, Glacial Energy sent the Commission a letter regarding its intent to serve residential customers through a network marketing program, see **Exhibit C**, and was informed by Staff, specifically Utility Analyst Al-Azad Iqbal, of the need to have its residential Terms of Service approved by the Commission. In response, on February 7, 2013, Glacial Energy formally submitted its proposed Terms of Service to the Commission for review by Staff and approval. See **Exhibit D**. On February 14, 2013, Staff made some minor comments and revisions to Glacial Energy's Terms of Service, which revisions were incorporated immediately by Glacial Energy and emailed back to Staff the same day. See **Exhibit E**. The final version approved by Staff was substantially similar to the version that Glacial Energy had been using in the marketplace; a redline is attached as **Exhibit F** that compares the two substantially similar documents. On February 6 and 7, 2013, in correspondence with Mr. Iqbal it was revealed that Glacial Energy had not formally notified the Commission of its intent to serve residential customers prior to February 4, 2013.

Under these circumstances, where the Commission Staff was aware of Glacial Energy's serving residential customers, the Terms of Service initially used by Glacial Energy were substantially similar – almost identical – to the version approved by Staff, and no market participants have been harmed by Glacial's serving residential customers, Glacial Energy requests that the Commission grant a retroactive waiver of the formal notification that would be required by Rule 2003.02. Glacial Energy acknowledges its obligation to comply with Rule 2003.02 on a going forward basis and will notify the Commission in writing within 30 days of any change to information that was submitted in its September 2010 renewal application. Glacial Energy further requests that the Commission approve the proposed Terms of Service and disclosure statements which have been approved by Staff and are submitted herewith.

Please feel free to contact me at (202) 421-4855 if you require any further information regarding this filing.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Adam Gusman', with a long horizontal flourish extending to the right.

Adam Gusman

Chief Compliance Officer

cc: Al-Azad Iqbal