

**STATE OF NEW HAMPSHIRE**

## Inter-Department Communication

**DATE:** September 27, 2013**AT (OFFICE):** NHPUC

  
**FROM:** David Goyette, Utility Analyst III

**SUBJECT:** DM 13-066 First Point Power, LLC  
Registration as Competitive Electric Power Supplier

**TO:** Commission  
Debra Howland, Executive Director

On March 1, 2013, First Point Power, LLC (First Point) filed an application to register as a competitive electric power supplier (CEPS). On July 1, 2013, First Point provided additional information required for its application, including a surety bond in the amount of \$100,000.00 with the Commission listed as obligee and a 1 year term, which expires June 4, 2014. Because it has a 1 year term, the bond does not meet the requirements of Puc 2003.03(a)(5), which requires a bond with a term of 5 years and 150 days. First Point requested a waiver of Puc 2003.03(a)(5) because it could not obtain a surety bond for a term longer than 1 year. On July 12, 2013, Commission Staff requested additional information regarding First Point's efforts to obtain a surety bond that complied with Puc 2003.03(a)(5), and on July 15, 2013, First Point responded to that request.

Staff has reviewed the information in the application, and, if the Commission were to grant approval of the waiver request, believes it meets the requirements of Puc 2003 and 2006.01. Staff recommends that the Commission grant the request for a waiver of Puc 2003.03(a)(5) and, because the surety bond does not meet the 5-year and 150-day requirement and because it expires on June 4, 2014, that the Commission grant the registration with a term concurrent with the surety bond, beginning on the date of the Commission's approval letter and ending on June 4, 2014. Staff also recommends, if the Commission grants the requested waiver, that the Commission notify First Point that the financial surety rules are likely to change by September 2014 and that First Point should monitor the rulemaking process and plan accordingly.

First Point filed documentation that demonstrates it has completed EDI testing with Liberty Utilities (Liberty), PSNH, and Unitil Energy Services (UES). Staff, therefore, recommends the Commission approve First Point's application to register as a CEPS, and that it permit the company to operate only in the service area of Liberty, PSNH, and UES.

If First Point seeks to operate in the service areas of other distribution utilities it can do so by filing a request, with the Commission, to extend its service territory, and by providing proof that it has completed EDI testing with each distribution utility in whose

service area it requests to operate. Staff will then review the request and make its recommendation to the Commission.