

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: September 3, 2014**AT (OFFICE):** NHPUC*David TLF***FROM:** David Goyette, Utility Analyst III**SUBJECT:** DM 14-218 Summerview Energy, LLC
Registration to Provide Natural Gas Aggregation Service**TO:** Commission
Debra Howland, Executive Director

Staff recommends that Summerview Energy, LLC's application for registration as a natural gas aggregator be processed as a new application rather than a reinstatement or renewal, with the application fee waived in view of the circumstances of the filing.

On September 2, 2014, Summerview Energy, LLC (Summerview) filed an application to renew its registration as a provider of natural gas aggregation service. In its filing, Summerview requested that the Commission reinstate its registration to provide natural gas aggregation and waive any application fees. Summerview stated that it would not have requested the withdrawal of its previously active registration had it been aware that it could qualify for an exemption from the \$2,000 assessment under RSA 363-A:5.

Summerview was previously registered as a natural gas aggregator under Docket No. DM 14-111. On July 10, 2014, Summerview filed a request to withdraw its registration, effective as of June 30, 2014. Summerview stated it was making the withdrawal request in order to avoid imposition of the assessment.¹ On July 15, 2014, the Commission issued a secretarial letter in which it construed Summerview's July 10, 2014 filing as a request for waivers of Puc 3003.04 (f) and (h), gave its approval for those waiver requests, and deemed Summerview's registration to be withdrawn and terminated as of June 30, 2014.

Staff recommends that the Commission process Summerview's September 2, 2014 submission as an initial application and not as a renewal or reinstatement of its previously active registration, as Summerview has requested. Staff believes that, because Summerview's registration held under DM 14-111 was deemed by the Commission to have been withdrawn and terminated as of June 30, 2014, Summerview has not been authorized to offer or provide natural gas aggregation service in New Hampshire from and after that date. If Summerview's request were considered a renewal or a

¹ Senate Bill 324, which became effective July 1, 2014, amended N.H.RSA 363-A by adding a requirement for electric load and natural gas aggregators to pay an annual assessment of \$2,000 to the Commission.

reinstatement, this would imply that the term of the previously active registration has been continuous and uninterrupted, which is not the case.

Staff does recommend, however, that the Commission grant Summerview's request to waive the fee associated with its application. Staff believes that the potential imposition of the \$2,000 assessment amount, without knowledge of the potential to claim an exemption, provided a reasonable basis for Summerview to seek withdrawal of its registration. Summerview's request to withdraw its registration was approved on July 15, 2014. However, it was not until mid-August that the Commission sent an exemption form to electric load and natural gas aggregators, which, when completed and filed by a qualified aggregator, would exempt that aggregator from the assessment. Had Summerview been aware of the available exemption at the time it requested withdrawal, it would not have made the request to withdraw.

Staff has reviewed Summerview's application and has determined that it is complete. Staff therefore recommends that the Commission grant the request for a waiver of the fee associated with the application, and approve Summerview's application to register as a provider of natural gas aggregation service, effective on the date of the Commission's approval letter, for a term of two years.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429

- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**