

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: January 20, 2015

AT (OFFICE): NHPUC

David
FROM: David Goyette, Utility Analyst III

SUBJECT: DM 14-298 Agera Energy LLC
Application for Registration as a Competitive Electric Power Supplier

TO: Commissioners
Debra A. Howland, Executive Director

[Signature]
NHPUC 20 JAN 15 AM 11:21

Executive Summary

Agera Energy has applied to become a competitive electric power supplier. Agera submitted samples of a residential and of a small commercial customer contract, certificates demonstrating it completed EDI testing with Liberty and PSNH, a one-year letter of credit in the amount of \$100,000, and a request for a waiver of the five-year and 150-day term requirement for financial security. If the Commission were to grant the waiver, Staff believes the filing is acceptable. Staff recommends the Commission grant the waiver and approve the application, for service only in the Liberty and PSNH franchise areas, for an initial registration period ending on the termination date of the letter of credit.

Background and Analysis

On October 29, 2014, Agera Energy LLC (Agera) filed an application to register as a competitive electric power supplier (CEPS). On November 26, 2014, Agera filed a sample residential contract. On December 15, 2014, Agera filed evidence that it is a participant in NEPOOL, to demonstrate that it is able to obtain supply in the New England energy market. On December 30, 2014, Agera filed a letter of credit (LOC) and on January 2, 2015 it filed an amendment to the LOC. The LOC is in the amount of 100,000, with a one-year term that expires on January 8, 2016, naming the Commission as beneficiary. On January 7, 2015, Agera filed certificates demonstrating that it has completed EDI testing with Liberty Utilities (Liberty) and Public Service Company of New Hampshire (PSNH). On January 13, 2015, Agera filed a request with the Commission for a waiver of Puc 2003.03(5)(a), which requires that the financial security for an initial registration have a minimum term of five years and 150 days. On January 16, 2015, Agera filed a sample small commercial contract.

Staff has reviewed the information in Agera's application and, if the Commission were to grant a waiver of Puc 2003.03(5), Staff believes the application 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 LOC does not meet the 5-year

and 150-day requirement and because it expires on January 8, 2016, that the Commission approve an initial registration period with a term concurrent with the LOC, beginning on the date of the Commission's approval letter and ending on January 8, 2016. Staff also recommends that, if the Commission grants the waiver request, the Commission notify Agera that the financial security rules are likely to change during 2015 and that Agera should monitor the rulemaking process in Docket No. DRM 13-151 and plan accordingly with respect to future operations in New Hampshire. Finally, because Agera filed documentation that demonstrates it has completed EDI testing only with Liberty and PSNH, Staff recommends that the Commission approve Agera's application to register as a CEPS authorized to operate only in the Liberty and PSNH franchise areas.

If Agera seeks to operate in the franchise areas of other distribution utilities, it can do so by filing a request with the Commission to extend its service area and by providing proof that it has completed EDI testing with each distribution utility in whose franchise area it requests authority to operate. Staff will then review the request and make a recommendation to the Commission.

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.**