

**STATE OF NEW HAMPSHIRE****Inter-Department Communication****DATE:** January 30, 2018  
**AT (OFFICE):** NHPUC**FROM:** Amanda Noonan, Director, Consumer Services  
and External Affairs Division **SUBJECT:** DE 18-009, Competitive Electric Power Suppliers  
Recommended Waiver of Puc 2004.06(a)(2) Requirement for  
CEPS Direct Bill Inclusion of Starting and Ending Meter Reads**TO:** Commissioners  
Debra A. Howland, Executive Director**CC:** David K. Wiesner, Staff Attorney

On December 29, 2017, the Commission granted rules waivers requested by Constellation NewEnergy, Inc. (CNE) of certain specific provisions of the Puc 2000 rules applicable to competitive electric power suppliers (CEPS), as such rules were amended effective as of November 1, 2017. *See* N.H. Code Admin. Rules Chapter Puc 2000. The Commission's secretarial letter granting such waivers was issued in Docket DM 17-024.

One of the rules waivers granted to CNE addressed the requirement under Puc 2004.06(a)(2) that a CEPS bill issued directly by the CEPS rather than through utility consolidated billing must include "[t]he starting meter reading and the ending meter reading for the billing period." CNE had represented, and Commission Staff confirmed, that the starting and ending meter reads are not sent in electronic data interchange (EDI) transactions between the electric distribution utilities and the CEPS; instead, only the total consumption for the billing period is sent through EDI. Accordingly, the information required to comply with Puc 2004.06(a)(2) is not readily available to CEPS that directly bill their customers for electric energy service.

Staff noted in its memorandum filed on December 13, 2017 in Docket DM 17-024 that there are a number of other CEPS that directly bill their customers and therefore face similar compliance constraints as CNE. Staff has been informed by the electric distribution companies that many CEPS are directly billing certain of their residential and/or small commercial customers. For example, Eversource reported that 14 CEPS provide direct customer billing in its service territory to a total of over 6,000 residential or small commercial customers, while New Hampshire Electric Cooperative reported that 5 CEPS provide direct customer billing in its service territory to over 100 residential customers and over 850 small commercial customers.

Staff believes that those other CEPS also require a waiver of Puc 2004.06(a)(2), and Staff therefore recommends that a waiver of that requirement be granted to all CEPS

for a two-year period. Staff anticipates that a rulemaking proceeding will be initiated during that time period to delete or amend that particular rules provision.

Staff believes that the recommended rule waiver satisfies the standards set forth in Puc 201.05, which require a finding that the waiver will serve the public interest and not disrupt the orderly and efficient resolution of matters before the Commission, where compliance with the specific rules provision would be onerous given the circumstances of the affected persons and the purpose of the rule would be satisfied by the alternative method proposed.

gglyn@ageraenergy.com; llrving@ambitenergy.com; pricingteam@ambitenergy.com;  
Keith.Koltunowicz@DirectEnergy.com; hsheppard@sparkenergy.com; blapoint@criusenergy.com;  
bsansone@criusenergy.com; pdrake@megaenergylc.com; mbreton@mintenergy.net;  
custserv@mintenergy.net; cgelo@napower.com; kristi.walles@felpower.com; info@powerne.com;  
operations@smartenergy.com; Kyle.Keith@na.engie.com; mvanrijn@townsquareenergy.com;  
tponce@townsquareenergy.com; dordog@xoomenergy.com; Michael.sheehan@libertyutilities.com;  
epler@unitil.com; taylorp@unitil.com; mdean@mdeanlaw.net; clarkj@nhec.com; inmanb@nhec.com;  
matthew.fossum@eversource.com; robert.bersak@eversource.com

Amanda.Noonan@puc.nh.gov; David.Goyette@puc.nh.gov; David.Wiesner@puc.nh.gov;