

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire

Affiliate Transaction Rules - Puc Chapter 2100
Request for Waiver of Annual Compliance Certification

Pursuant to N.H. Code Admin. Rules Puc § 201.05, Public Service Company of New Hampshire (PSNH or the Company) hereby requests a waiver of the requirements of N.H. Code Admin Rule § 2106.03(a) requiring an annual certification of compliance. In support of its request for waiver, PSNH says the following:

Pursuant to N.H. Code Admin. Rule §2106.03(a), electric distribution companies must file an annual certification that the company's compliance plan is adequate for complying with the Affiliate Transaction Rules, that (a) shared officers or directors are not used to circumvent these rules, and that (b) the holding company or any of the distribution company's affiliates are not being used to circumvent these rules. On July 1, 2008, PSNH filed its 2008 Compliance Plan and certification. In the cover letter to that filing PSNH stated the following:

Currently there are approximately ten employees in the NU System of companies that are employed by competitive affiliates. These employees are managing the power supply arrangements that were entered into while NU had an active competitive side to its business. All of the competitive sectors of the NU System, absent the remaining power supply arrangements mentioned previously, have been sold or dismantled. PSNH therefore requests a waiver of the requirement to file a compliance plan in 2009 unless conditions change to the contrary. Please feel free to contact me if there are any questions.

Northeast Utilities (NU) currently has no competitive energy suppliers, except for the remaining power supply arrangements. PSNH continues to adhere to the requirements of the affiliate transaction rules governing confidentiality of competitive

supplier information provided in Puc § 2104.03. PSNH and the other NU operating companies focus much of their attention in the FERC Code of Conduct, FERC Order 2004. Although the FERC Code is not identical to Chapter 2100, the training for FERC Order 2004 emphasizes analogous policies such as separation and avoiding being a conduit of information from the regulated transmission service provider to the distribution and power supply entities. Training on the FERC Rules was conducted in the first quarter of 2009.

The Commission may waive one or more of its rules if “the waiver serves the public interest, and the waiver shall not disrupt the orderly proceeding of the commission.” Puc § 201.05 (a). The public interest is served if “compliance with the rule would be onerous given the circumstances of the affected person, and the purpose of the rule shall be satisfied by an alternative method proposed.” Puc § 201.05 (e).

There appears to be no continuing purpose to the annual compliance plan filing unless and until PSNH or NU returns to the competitive energy supply business. The FERC Code of Conduct is actively followed and reinforced with regular training so that NU’s transmission supply function does not provide any unfair advantage to other segments of NU’s operating companies.

WHEREFORE, PSNH respectfully requests the Commission waive the requirements of the annual compliance filing under Puc § 2106.03, and grant such other relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

July 1 2009
Date

By: Gerald M. Eaton
Gerald M. Eaton
Senior Counsel
780 No. Commercial Street, P.O. Box 330
Manchester, New Hampshire 03105-0330
(603) 634-2961

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached Request for Waiver of Annual Compliance Certification to be served pursuant to N.H. Code Admin. Rule Puc § 203.02 and Puc § 203.11.

July 1 2009
Date

Gerald M. Eaton
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