

REQUEST FOR A WAIVER UNDER CHAPTER Puc 200 RULES OF PRACTICE AND PROCEDURE OF NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Puc 201. GENERAL REQUIREMENTS

Puc 201.05 WAIVER OF RULES

As part of my initial application for an Aggregator's registration to sell natural gas in New Hampshire, I wish to apply for a waiver of the rules regarding having sold natural gas in New Hampshire prior to applying for, or being registered to do so. However, I believe that there are mitigating circumstances to my situation which, I hope, will produce a favorable decision towards this waiver request and application.

Firstly, my knowledge of the requirement to become a registered aggregator for natural gas was only when the supplier, Hess Energy, requested a copy of my aggregator registration for natural gas. It was only then that I realized I had been selling natural gas without the applicable registration to do so. But my activity in this regard had been selling natural gas **indirectly** in this state, while unintentionally and without knowledge of this requirement. Importantly, my reference to **indirectly** is fundamental to my selling activity, because I do not, nor have I ever, contacted end-user customers directly in the state of New Hampshire for this purpose. For this reason, it should be considered that I have not been actively engaged in contacting prospective customers **directly** within New Hampshire to gain business accounts there. My main focus is to work with commercial customers who own or manage multiple facilities which invariably can be located in more than one state, where the customer's main office would be located in any one of those states. In the case of my activity in New Hampshire, my accounts are two Fairfield Inns by Marriott hotels, one each located in Portsmouth and Manchester, where these hotels are part of a broader portfolio of seven hotels which I service, located in CT, MA, NH and NY, and which are owned by a large hedge fund in New York City. Further, these hotels are managed by a hotel management company in Pittsburgh, PA, Prospera Hospitality, which is my direct customer contact. Because all energy activities are managed through Prospera Hospitality in Pittsburgh, I have no direct contact at all with the two hotels, or any of the local staff, located in New Hampshire, and I never have. Therefore, my actual **direct** selling activities are based outside the state of New Hampshire. The annual natural gas usages are quite small for each hotel: Portsmouth (~1,110 dekatherms) and Manchester (~740 dekatherms), where this is the total volume of all my natural gas activities in New Hampshire. The natural gas supply services for these two hotels started in January, 2009, with my role as the broker, and with Hess Energy as the supplier.

I wish to mention also that I handle the electric portfolio for these hotels, through Hess Energy, but where I am, and always have been, appropriately registered to sell electricity in New Hampshire (please see attached registration letter), even though my actual activities for electricity generation with the customer are also directly with Prospera Hospitality in Pittsburgh, PA.

For the reasons I have stated above, I request a favorable decision for a waiver to my application for an aggregator registration to sell natural gas in New Hampshire.