

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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July 5, 2012

Brian Daigle, Vice President  
Devonshire Energy, LLC  
82 Devonshire Street, R7A  
Boston, Massachusetts 02109-3605

Re: DM 12-094, Devonshire Energy LLC  
Request for Waiver of Commission Order No. 25,264

Dear Mr. Daigle:

On April 11, 2012, you filed on behalf of Devonshire Energy, LLC (Devonshire Energy) a request for waiver of Commission Order No. 25,264 (September 1, 2011). According to the request, Devonshire Energy is a "wholly-owned subsidiary of Devonshire Investors (Delaware) LLC, itself a wholly-owned subsidiary of FMR LLC which provides services to a number of Fidelity companies." The request indicates that Devonshire Energy was created in 2009 to operate as a competitive electricity retail supplier for the purpose of serving the electricity needs of FMR LLC (Fidelity Investments) and affiliated companies. The request states that Devonshire Energy is a licensed Competitive Electric Power Supplier in New Hampshire, and an approved NEPOOL Participant that has been operating as a Related Person Supplier serving the load of Fidelity Investments and affiliated companies (financial services and other). Finally, Devonshire Energy maintains that it "does not currently, and has no future plans to, provide retail electricity service to any non-Fidelity third parties or any residential or small business users in New Hampshire."

The substance of the request is that because of the relationship between Devonshire Energy and FMR LLC and affiliated companies, the requirement that Devonshire Energy prepare and distribute a disclosure label to its customers does not serve the purpose of the order. Since Devonshire Energy's sole customers are its parent and its parent's affiliates, the effect of the rule is to place conditions on internal communications that have no impact on the retail marketplace. Devonshire Energy is requesting that, unless and until such time as Devonshire Energy provides retail service in New Hampshire to a customer other than its parent or its parent's affiliates, the Company be granted a waiver from the requirement to prepare and provide a disclosure label.

DM 12-094  
Devonshire Energy, LLC  
July 5, 2012

On May 17, 2012, Staff filed its recommendation in support of Devonshire Energy's request. Staff noted in its recommendation that Order No. 25,264 approved a label format and content for providers of electricity to use when complying with the requirement of RSA 378:49, which requires providers to disclose electric service energy sources and environmental characteristics to its customers annually. Staff supports the waiver request inasmuch as the only customers of Devonshire Energy, LLC are its ultimate parent company and its affiliates.

The Commission has reviewed the waiver request as well as Staff's recommendation and has determined that a waiver of the requirements as to form and content of the disclosure label set out in Order No. 25,264 is in the public interest and has approved Devonshire Energy's request. The Commission's approval of the waiver request is as to form and content only, and does not relieve Devonshire Energy of its statutory disclosure obligation under RSA 378:49.

Sincerely,

A handwritten signature in dark ink, appearing to read "Debra A. Howland", is written over a faint, light-colored grid background.

Debra A. Howland  
Executive Director

cc: Service List

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SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

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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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Docket #: 12-094-1 Printed: July 06, 2012

**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  
EXEC 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.