



NHPUC 20MAY'16PM4:21

May 20, 2016

BY Hand Delivery and E-Mail

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429

Re: DE 15-491: Comments of Unitil Energy Systems, Inc.

Dear Secretary Howland:

On behalf of Unitil Energy Systems, Inc. ("Unitil" or the "Company"), I submit Unitil's comments regarding issues raised in the above-referenced docket. As an initial matter, the Superior Court has asked the Commission to answer a question arising out of specific and unique circumstances, and Unitil requests that any ruling in this docket be limited to apply only to the parties and the alleged facts giving rise to their dispute. Notwithstanding the narrow scope of the Commission's inquiry and determination, Unitil offers the following comments.

Both parties have briefed the issue of whether a utility has an obligation to perform a "one-time, off-cycle transfer" of customer accounts from one competitive electric power supplier (CEPS) to another under the circumstances presented. More specifically, the parties have addressed the question of whether Puc 2004.07 requires a utility to immediately, or within a short period of time, perform thousands of off-cycle meter readings upon the request of a CEPS to facilitate the transfer of its customers. Unitil does not believe that the rule contemplates or imposes such an obligation.

Puc 2004.07 is titled "Notice of Termination of Service." The rule governs circumstances in which a CEPS terminates electric service to its customers, either because the customer has failed to meet the terms of its agreement with the CEPS or because the CEPS intends to cease selling electricity within the state, and prescribes the form and amount of advance notice that must be given to customers, the Commission, or a utility in such circumstances. Puc 2004.07(b), which states that "nothing shall prevent a CEPS from requesting an off-cycle meter reading," subject to certain conditions, must be

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interpreted within the full context of Puc 2004.07; it should not be read in isolation to create an absolute right for a CEPS to demand any number of off-cycle meter readings at any time, for any reason, including the transfer of the CEPS's entire customer base to another supplier. *See, e.g., Lyme Timber Co. v. N.H. Dep't of Revenue Admin.*, 162 N.H. 98, 101 (2011) (stating that the language of a regulation must be interpreted "in the context of the overall . . . regulatory scheme and not in isolation."). Moreover, Puc 2004.07(b) references "an" off-cycle meter reading for "a" customer, indicating that the Commission intended the rule to apply to a request for an off-cycle read relative to a single, specific customer.

The Commission's rules, including Puc 2004.07, should not be interpreted to require that a utility perform, immediately or within a very short period of time, a "one-time, off-cycle" transfer of thousands of customers upon the request of a CEPS, a process that would include but not be limited to mass off-cycle meter readings and the manual transfer of customers. Such an interpretation would create the possibility that the state's electric utilities could be subject to significant and potentially impossible administrative burdens with little or no advance notice. Consider, for example, a situation in which multiple CEPS demand the off-cycle transfer of their customers at or around the same time. Unitil does not believe that the Commission's rules are intended to impose such a burden upon utilities.

As Liberty noted in its comments, the Puc 2000 rules are undergoing revision, and Unitil expects that issues identified in this docket may be considered and clarified in the course of that process. To the extent that the Commission determines that an off-cycle transfer or meter reading was required in this docket, Unitil requests that the ruling be specific to the unique circumstances of the underlying dispute, and not one of general applicability.

Thank you for your attention to this matter.

Sincerely,



Patrick H. Taylor

Enclosures

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