

November 15<sup>th</sup>, 2017

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

**Request for Temporary Waiver of Rule Puc 2006.01 (k) - Electronic data interchange (EDI)**

Dear Executive Director Howland:

I am writing on behalf of CS Berlin Ops, Inc. pursuant to *Rule Puc 201.05 (Waiver of Rules)* to request a waiver of *Rule Puc 2006.01 (k)* (Electronic data interchange (EDI) (certification from each distribution utility in whose franchise area the applicant intends to operate). I have enclosed six (6) copies of this Request for Waiver.

Under *Rule Puc 201.05*:

(a) the commission shall waive the provisions of any of its rules, except where precluded by statute, upon request by an interested party if the commission finds that:

- (1) The waiver serves the public interest; and
- (2) The waiver will not disrupt the orderly and efficient resolution of matters before the commission.

(b) In determining the public interest, the commission shall waive a rule if:

- (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
- (2) The purpose of the rule would be satisfied by an alternative method proposed.

**The waiver serves the public interest**

CS Berlin Ops, Inc. is seeking approval from the Commission to market electric power manufactured at its affiliate, the Burgess biomass plant in Berlin, NH. This plant has been operational since 2013 and is a strong contributor to the economy of both Berlin and the North Country. It is important that the plant grow its markets and be able to offer competitively priced energy throughout New Hampshire<sup>1</sup>. With renewable energy – manufactured in New Hampshire – offered to commercial and industrial customers the Burgess biomass plant will be

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<sup>1</sup> Current plans are to offer retail power products only in the Eversource territory

one of very few viable renewable energy generators marketing directly to business end users. Customer choice will be expanded through the addition of a truly New Hampshire-brand enterprise. The waiver will not disrupt the orderly and efficient resolution of matters before the commission.

**The waiver will not disrupt the orderly and efficient resolution of matters before the commission.**

The rule in question, Puc 2006.01 (k) went into effect November 1, 2017 (14 days ago) and replaces a rule that permitted an applicant for a CEPs to undertake the EDI testing certification process coincident with its CEPs application. We do not foresee any circumstance under which the orderly and efficient work of the commission would be disrupted by a granting of this waiver. '

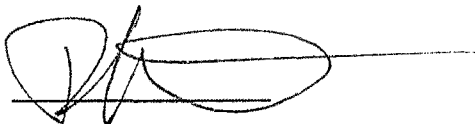
**Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person;**

The length of time to undertake EDI testing and gain approvals is substantial; if CS Berlin Ops were required to proceed down the path of obtaining EDI certification prior to submitting its CEPs application to the PUC it would be unable to participate in the retail energy markets in New Hampshire at a time of significant opportunity. There are numerous energy solicitations and RFPs that are issued in cycles coinciding with the new calendar year and the applicant is hopeful that it may clear all requisite hurdles in time to be an active participant in these energy contracting opportunities.

**The purpose of the rule would be satisfied by an alternative method proposed.**

Inasmuch as the rule once allowed for coincident pursuit of the EDI certification whilst the CEP application was reviewed by the PUC we believe an exception does not deviate grievously from the purpose of the rule; the applicant will not be cleared to operate in the New Hampshire retail energy markets until satisfying all the applicable rules. If this request is granted the applicant will be able to proceed under two, dual tracks and fulfill both the EDI requirements and the other elements of the application.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'R. Desrosiers', with a horizontal line extending to the right.

Robert Desrosiers  
Executive Vice President, Corporate Operations