



Budderfly Inc
2 Trap Falls Road
Suite 507 Shelton,
CT 06484

Via Electronic Mail and Certified U.S. Mail

June 15, 2020

Hon. Debra A. Howland
Executive Director
N.H. Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Notice of Intent to Act as a Buyers' Aggregator – Request for Reconsideration

Dear Executive Director Howland,

Budderfly, Inc. (“Budderfly”) appreciates the N.H. Public Utilities Commission (“Commission”) letter dated June 3, 2020 accepting Budderfly’s notification to conduct business as a buyer’s aggregator. However, Budderfly is concerned with the provision in the Commission’s letter making that acceptance subject to the condition that Budderfly only serve large commercial and industrial customers and not serve any small commercial customers.¹

As correctly noted in the Commission’s letter, Budderfly provides energy management services to commercial establishments, not residential customers, at various locations across New Hampshire, and becomes the customer of record with the local utility for each of its commercial clients under contract terms that economically result in a split of savings with its clients resulting from the energy efficiency measures implemented by Budderfly.

Budderfly understands and supports the efforts of many New England regulators to protect residential customers from unscrupulous energy marketers. As its application and the Commission’s letter both recognize, Budderfly does not and will not serve residential customers. Budderfly wishes to make clear that while its clients nominally fall into the category of small commercial customer, they are relatively sophisticated business owners. Moreover, Budderfly is not an energy marketer, nor does it receive any compensation or remuneration for placing any of its accounts with an energy marketer or supplier. Indeed, many of its accounts are on utility standard service. Budderfly is the customer and aggregates its own individual accounts in order to place them with suppliers in an effort to maximize savings which it then shares with its clients.

Budderfly is also concerned that the letter applies a standard that, to the best of its knowledge, does not exist in the Commission’s regulations. Budderfly believes that the following regulations are controlling:

- Puc 2002.10 “Customer” means any person or entity in this state, including any governmental unit, which **purchases electricity at retail, and is the customer of record on the utility account.**

Budderfly is the customer of record purchasing electricity at retail accounts.

¹ Budderfly recognizes that the acceptance letter states that Budderfly could not serve any residential or small commercial customers as a buyer’s aggregator. As noted herein, Budderfly will not serve residential customers but is concerned with not being able to serve aggregated small commercial customers as a buyer’s aggregator.

- Puc 2002.22 “Small commercial customer” means a non-residential customer that meets the availability criteria to take service under a non-residential utility tariff, and has a normal maximum demand threshold of less than 20 kilowatts. **The term does not include any customer eligible to take service under a utility’s small customer tariff for an individually metered account, but whose aggregated accounts in New Hampshire exceed the combined demand threshold of 20 kilowatts.**

Budderfly’s typical account has a normal maximum demand threshold of less than 20 kilowatts, however, because Butterfly is the customer of record on a number of accounts, its aggregated accounts in New Hampshire exceed the combined demand threshold of 20 kilowatts. Therefore, Budderfly should not be considered to be aggregating small commercial customers when it is aggregating its own accounts and such aggregation exceeds 20 kilowatts.

- Puc 2002.02 “Aggregate” means to combine the electricity loads of 2 or more customers **or a single customer with multiple meters or multiple locations.**

Budderfly is the customer of record for multiple accounts. Accordingly, Budderfly is a single customer with multiple meters or multiple locations aggregating its own accounts.

- Puc 2002.06 “Buyer’s aggregator” means an aggregator that **receives no compensation or remuneration from an electricity supplier**, such as a municipality that aggregates electric load or energy services for its citizens or an RSA 301-A consumer cooperative that aggregates electric load or energy for its members.

Budderfly receives no compensation or remuneration from an electricity supplier.

- Puc 2003.05 Registration of Aggregators. (a) Any person or entity that acts **solely as a buyer’s aggregator**, such as a municipality acting on behalf of its citizens, shall notify the commission of its intent to do business. (b) With the exception of (a) above, a **buyer’s aggregator shall not otherwise be subject to the provisions of this chapter.**

Budderfly is acting solely as a buyer’s aggregator.

Budderfly sees nothing in the regulations that limits buyer’s aggregators to any particular class of customer. According to Puc 2002.06 a buyers’ aggregator does not appear to have any customer class/size requirements that would support the condition limiting Budderfly’s activities solely as a buyer’s aggregator to large commercial and industrial customers. As noted above, Budderfly would not aggregate any residential customers. Moreover, Budderfly’s aggregated commercial accounts in New Hampshire would exceed the combined demand threshold of 20 kilowatts.

Therefore, Budderfly respectfully requests that the Commission modify its ruling to adopt one or more of the following:

1. Delete the reference to small commercial customers and change its letter to read: “Accordingly, Budderfly’s notification to conduct business as a buyer’s aggregator is accepted, subject to the condition that it not serve any residential customers.”
2. Clarify that, when Budderfly is the customer of record and is aggregating only its own loads which will exceed 20 kilowatts, Budderfly would be considered to be a buyer’s aggregator eligible to file a notice under Puc 2003.05(a) and (b).
3. Clarify that the prohibition against serving small commercial customers would not apply when Budderfly’s aggregation of its own accounts exceeds 20 kilowatts.

Based on the above, if necessary, and to the extent appropriate, Budderfly requests waiver of the Commission's regulations pursuant to Puc 2001.03.

We would be happy to answer any questions that you may have concerning this notice or Budderfly's operations in New Hampshire.

Please acknowledge receipt of this submission.

I certify that on this day I have caused an original and two paper copies to be mailed to the Executive Director at the above address and an electronic version of this document has been e-mailed to:

Executive.Director@puc.nh.gov

Thank you.

Respectfully submitted,

David Eldredge

David Eldredge VP of
Finance Budderfly, Inc.
2 Trap Falls Rd. Suite 310
Shelton, CT 06484