

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: February 24, 2021
AT (OFFICE): NHPUC

FROM:  Corrine Lemay, Management Analyst

SUBJECT: DM 20-193, Direct Energy Services, LLC d/b/a First Choice Power
Renewal of Registration as Competitive Electric Power Supplier
Staff Recommendation

TO: Debra A. Howland, Executive Director

Executive Summary

Direct Energy Services, LLC d/b/a First Choice Power (Direct) has applied to renew its registration as a competitive electric power supplier (CEPS). Direct's current registration term runs through February 5, 2021. Direct submitted a certificate demonstrating it had completed electronic data interchange (EDI) testing with Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), and a surety bond in the amount of \$500,000 with a term running through June 9, 2024. Staff recommends that Direct's registration renewal application be approved, pursuant to N.H. Admin. R., Puc 2003.02(c)(1), for service in the franchise area of Eversource for a renewal registration term of three years.

Background and Analysis

On December 4, 2020, Direct filed an application to renew its registration as a CEPS. Direct's current registration, which the Commission approved in Docket No. DM 15-513, runs through February 5, 2021. Direct's application included forms of contracts to be used with residential and small commercial customers. Direct also filed a certificate demonstrating that it had completed EDI testing with Eversource, and a surety bond in the amount of \$500,000, naming the Commission as obligee, which originally became effective on December 9, 2020 and ends on June 9, 2024. On February 17, 2021, Direct submitted updated terms and conditions of service for residential and small commercial customers.

Staff has reviewed the information in the application and believes it meets the requirements of Puc 2003 and Puc 2006.01. Staff has also reviewed the forms of residential and small commercial customer contracts to be used by Direct. Staff therefore recommends that Direct's registration renewal application be approved, pursuant to Puc 2003.02(c)(1), for a registration period of three years, beginning on the expiration date of the current registration, February 5, 2021, and ending at the close of business on February 5, 2024, with Direct permitted to serve residential and small commercial customers and operate in the service area of Eversource.

Staff further recommends that Direct be informed that, pursuant to Puc 2003.03(e), if a CEPS's financial security instrument will not be renewed or extended beyond its expiration date, it must (1) provide written notice to the Commission of such non-renewal or non-extension no less than 60 days prior to the expiration date, and (2) file with the Executive Director a replacement financial security instrument meeting the requirements of the rules no less than 30 days prior to the expiration date, and that, under Puc 2003.03(f), a CEPS that fails to comply with the requirement to file a replacement financial security instrument is subject to fines, suspension, or revocation pursuant to Puc 2005.

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