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**NH PUBLIC  
UTILITIES COMMISSION**

Debra Howland  
Executive Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

RE: The AOBA Alliance, Inc.

Dear Ms. Howland:

On behalf of The AOBA Alliance Inc. ("AOBA Alliance"), I write to request a determination from the New Hampshire Public Utilities Commission that the AOBA Alliance is not an "Aggregator"<sup>1</sup> as defined by the New Hampshire Code of Administrative Rules and, therefore, is not required to submit a "Electric Load Aggregation Application Form."

The AOBA Alliance was formed on March 27, 2000 by the Apartment and Office Building Association of Metropolitan Washington, ("AOBA") for the specific purpose of helping AOBA members negotiate a favorable electric supply contract, tailored specifically for building owners and property managers in the nascent electric deregulation industry. AOBA Alliance prepared and negotiated the contract that would be used exclusively by its members with a single electric supplier in the Washington, D.C. Metropolitan Area.

The AOBA Alliance Board of Directors determines the single electric supplier, as well as the length of the contract with the supplier. As electric deregulation progressed to other states, AOBA members wanted the opportunity to purchase their energy supply using the AOBA Alliance contract where the members had additional properties outside of the Washington D.C. Metropolitan Area.

The AOBA Alliance single supplier, Constellation NewEnergy, Inc. ("Constellation") a licensed retail electric supplier in New Hampshire, is responsible for all marketing and sales and AOBA Alliance's involvement is strictly limited to the use of our supply contract. There is no membership fee to purchase energy supply through AOBA Alliance. AOBA Alliance is compensated by Constellation for use of the contract form. AOBA Alliance is not a party to the electric supply contract; that contract is solely between Constellation and the building owner or property manager. AOBA Alliance, Inc. does not have a separate supply

<sup>1</sup> New Hampshire Code of Administrative Rules, Puc 2002.03 "Aggregator" means any person or entity, other than a utility, that aggregates load or serves as a broker on behalf of a competitive electric power supplier, an individual customer, a group of customers, or any combination thereof.

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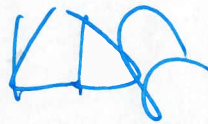
contract with the customer. AOBA Alliance Inc. has a Certificate of Authority to transact business in New Hampshire (Business ID: 837930).

Constellation provides electric supply service to certain commercial customers and properties located in New Hampshire, sometimes utilizing the AOBA Alliance supply contract form. AOBA Alliance is not and will not be a party to or otherwise participate in Constellation's efforts to market or sell electric supply service in New Hampshire. Any AOBA Alliance involvement, instead, will be limited to Constellation's use of the Constellation/Alliance contract form in New Hampshire.

Accordingly, and based on the foregoing explanation, AOBA Alliance respectfully requests a determination that it is not an Aggregator as defined by New Hampshire Code of Administrative Rules, therefore, need not seek certification as a competitive retail electric service provider in New Hampshire. If the Commission decides that a broker application is needed, AOBA Alliance will comply and file its application. Alternatively, AOBA Alliance respectfully requests a waiver of the rules governing aggregators.

If you have any questions or need additional information, please do not hesitate to contact the undersigned at (202) 296-3390 x767.

Very truly yours,



Kevin D. Carey  
Vice President of Operations  
AOBA Alliance, Inc.