

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 15, 2021
AT (OFFICE): NHPUC

FROM: Amanda O. Noonan, Director, Consumer Services and External Affairs

SUBJECT: DE 21-021 AOBA Alliance, Inc., Request for Waiver of Puc 2002.06

TO: Commissioners
Debra A. Howland, Executive Director
David J. Shulock, General Counsel

CC: David K. Wiesner, Legal Division Director

AOBA Alliance, Inc. (AOBA), by letter dated December 16, 2020, filed notice of its intent to provide aggregation service in New Hampshire and requested that the Commission waive the registration and related requirements for aggregators under the rules applicable to competitive electric power suppliers and aggregators, N.H. Code of Administrative Rules Chapter Puc 2000. As the facts presented in AOBA's original request were not entirely clear, Staff engaged in discussions with AOBA following receipt of its waiver request. On March 11, 2021, AOBA filed a revised notice of intent clarifying that it was requesting waiver of Puc 2002.06 so it would be considered a "buyer's aggregator" not required to register with the Commission or be subject to other regulatory requirements applicable electric load aggregators.

According to AOBA, it was formed in 2000 to, among other things, negotiate a contract "specifically tailored to meet the electric supply requirements of buildings and properties owned or operated by" its members in the Washington, D.C. metropolitan region. AOBA developed a contract for use by competitive electric power suppliers when providing service to AOBA members. AOBA members now conduct business in several states, and the single contract continues to be used to negotiate for their electric supply requirements. Constellation NewEnergy, the competitive electric power supplier selected by AOBA members, compensates AOBA for the use of the contract form. In its waiver request, AOBA stated that its participation is limited to the use of the contract form, that it is not a party to the contract, and that there is no membership fee to purchase electric supply pursuant to the contracts using that form. AOBA further stated that it will not undertake any marketing, sales, or related activities in New Hampshire.

As defined in Puc 2002.06, a "buyer's aggregator" is "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." A buyer's aggregator is required to provide notice to the Commission of its intent to do business in

New Hampshire, but it is not otherwise subject to the provisions of the Puc 2000 rules. See Puc 2003.05(a) and (b).

Although AOBA does receive compensation from Constellation NewEnergy, a competitive electric power supplier, the compensation is for the use of the single contract form AOBA developed to meet the needs of its members. AOBA receives no compensation for the selection of Constellation as the electricity supplier and would likely be similarly compensated by any other electricity supplier for the use of the single contract form AOBA developed to meet the needs of its members.

Commission Staff believes that AOBA has met the standards for limited waiver of the compensation restriction under Puc 2002.06, as set forth in Puc 201.05. The requested waiver is in the public interest because it would not disrupt the orderly and efficient resolution of matters before the Commission and compliance with the rule would be inapplicable given the circumstances.

Staff therefore recommends that AOBA's request for waiver of Puc 2002.06 be granted so that it may be considered a buyer's aggregator not required to register with the Commission but only to provide notice of intent to conduct business in the state.

Executive.Director@puc.nh.gov

amanda.noonan@puc.nh.gov

Corrine.Lemay@puc.nh.gov

david.wiesner@puc.nh.gov

kcarey@aoba-metro.org

ocalitigation@oca.nh.gov

richard.chagnon@puc.nh.gov

tom.frantz@puc.nh.gov

KEVIN D CAREY
AOBA ALLIANCE INC
1025 CONNECTICUT AVE NW
SUITE 1005
WASHINGTON DC 20036
kcarey@aoba-metro.org

RICHARD CHAGNON
NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION
21 SOUTH FRUIT ST STE 10
CONCORD NH 03301
richard.chagnon@puc.nh.gov

THOMAS FRANTZ
NH PUBLIC UTILITIES COMMISSION
21 SOUTH FRUIT ST STE 10
CONCORD NH 03301
tom.frantz@puc.nh.gov

CORRINE LEMAY
NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION
corrine.lemay@puc.nh.gov

OCA LITIGATION
OCA LITIGATION
21 SOUTH FRUIT ST STE 18
CONCORD NH 03301
ocalitigation@oca.nh.gov

DAVID K WIESNER
NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION
21 SOUTH FRUIT ST STE 10
CONCORD NH 03301
david.wiesner@puc.nh.gov