

THE STATE OF NEW HAMPSHIRE



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**PUBLIC UTILITIES COMMISSION**  
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April 11, 2012

Shaun Pandit  
CEO Director  
Early Bird Power, LLC  
1 Adams Street  
Milton, MA 02186

Re: DM 12-053, Notification of EarlyBird Power LLC's Intent to Provide Electric Aggregation Service

Dear Mr. Pandit:

On February 29, 2012, the New Hampshire Public Utilities Commission (Commission) received EarlyBird Power LLC (EarlyBird)'s notice of intent to provide electric aggregation service in the State of New Hampshire, pursuant to New Hampshire Administrative Rules Puc 2003.05. In its application, EarlyBird requested a waiver of Puc 2003.05(a) requiring an application for renewal be filed no less than 60 days prior to the expiration of the currently effective registration. EarlyBird's renewal application was due 60 days prior to the expiration date of February 10, 2012. EarlyBird stated that the delay was due to an administrative oversight that failed to recognize the 60 day requirement contained in the updated rule.

On March 30, 2012, Staff filed a recommendation that EarlyBird's application for renewal of its registration be approved. Staff further recommends in light of the general confusion among aggregators regarding the adoption of amendments to Puc 2000 on August 25, 2010, the Commission grant the waiver request.

The Commission may waive a rule pursuant to Puc 201.05 if it finds the waiver serves the public interest and the waiver does not disrupt the orderly and efficient resolution of matters before the Commission. The Commission has determined that the applicable standards for a waiver are satisfied and that granting a waiver is consistent with the public good.

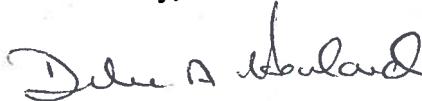
Based on Staff's recommendation and the Commission's review, the Commission will approve renewal of EarlyBird's registration as a provider of electric aggregation service in New Hampshire.

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Please note the following provision of Puc 2003.05 (f): “[E]ach approved aggregator shall re-notify the commission after the initial 2 year period, or after the 5 year renewal period as applicable, by filing with the commission an application for renewal at least 60 days prior to the expiration of the currently effective registration.” EarlyBird’s original notice anniversary date is February 10, 2010 and therefore it is required to refile an up-to-date written notice on or before **December 10, 2016** if it continues to offer and provide electric aggregation service. In addition, EarlyBird is subject to the provisions of Puc 2004.03, telephone solicitation of customers, and Puc 2004.08, customer protections provided by aggregators. Finally, aggregators must comply with the requirements set out in RSA 362-F relative to the renewable portfolio standard (RPS) and RSA 362-F relative to disclosure of electric service energy sources and environmental characteristics. Please refer to Puc 2500 for further details regarding RPS reporting requirements. Commission Order No. 25,264 provides guidance as to the appropriate format for environmental disclosure.

If you have any questions regarding these provisions, please contact the Commission. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and "H".

Debra A. Howland  
Executive Director

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND  
EXECUTIVE DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.