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September 28, 2006

By Overnight Mail

Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429



RE: Investigation of EPAct Standards, Docket No. DE 06-061

Dear Ms. Howland:

Enclosed for filing, please find the original and eight (8) copies of the Comments of Wal-Mart Stores East, L.P. and the Certificate of Service.

Kindly date stamp a copy of this cover letter and return to us in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Very truly yours,

Robert Shapiro (kjcl)

Robert Shapiro
Karla Doukas

Enclosures
cc: Service List



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New Hampshire Public Utilities Commission
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Concord, N.H. 03301-2429

**RE: Comments of Wal-Mart Stores East, L.P.,
Investigation of EPAct Standards, Docket No. DE 06-061**



Dear Ms. Howland:

Wal-Mart Stores East, L.P. ("Wal-Mart") appreciates the opportunity to submit these comments relative to the Commission's investigation into the implementation of Time Based Metering and Communications ("Smart Metering") and Interconnection of Distributed Resources standards pursuant to Sections 1252 and 1254 of the Energy Policy Act of 2005 ("EPAct"). Wal-Mart supports the implementation of standards that promote energy conservation and which do not penalize consumers for successfully reducing their electric loads through demand response actions. Wal-Mart believes that the standards developed by the Commission in this proceeding will play an important role in protecting our environment, and strengthening the New Hampshire economy, and will serve the interests of consumers, utilities and suppliers by allowing consumers to manage and reduce their energy costs, thereby reducing transmission system constraints and the need for high-cost peaking capacity.

Wal-Mart is one of the world's largest companies and major consumers of energy. Wal-Mart currently operates 32 locations in New Hampshire, including seven (7) Supercenters, nineteen (19) discount stores, four (4) Sam's Club locations and two (2) distribution centers, and continues to grow. As one of the world's largest retailers, Wal-Mart is committed to doing its part to conserve energy and to be a good steward of the environment. The majority of the world's generating resources use fossil fuels that emit tremendous amounts of carbon and greenhouse gases into the air, harming our environment. Utilities can help facilitate demand

response and thus, the standards developed in this proceeding will have a significant effect on the future of our environment.

The Commission's standards and policies also affect industry growth and the economy. Standards which promote energy conservation and management of energy costs can only serve to promote growth and strengthen New Hampshire's economy. For instance, in New Hampshire alone, Wal-Mart employs approximately 8,000 workers and supports another 13,643 supplier jobs. Wal-Mart also contributes to communities in other ways. In 2005, Wal-Mart contributed \$1,926,997 in cash and in-kind donations to various local causes and organizations in communities throughout New Hampshire as a result of its presence there. Electric rates are an important factor in attracting new businesses to a state; they also are a very important consideration in the decision whether to expand existing businesses and facilities in a state. Energy cost is an important factor when Wal-Mart decides where to expand and where to invest its resources. States which present the greatest opportunities for reducing energy consumption and which enable consumers to reduce their energy cost receive extra attention in the customer's assessment of potential locations.

Wal-Mart believes that a broad array of consumers can and will take advantage of and benefit from the offering of appropriate time-based rate schedules. Large commercial customers are major consumers of energy and are sensitive to energy costs and environmental considerations. Yet too often, state regulators develop energy policies designed primarily to attract large manufacturing companies to their states, not fully recognizing the benefits that large commercial customers add to the economy. Certainly, industrial customers with manufacturing operations often utilize and stand to benefit from time-based rates. However, they are not the only consumers who can participate and provide benefits to the electrical system and the utilities. Large commercial customers, such as Wal-Mart, can and do react to pricing signals. With the appropriate metering equipment, large commercial customers can respond to price signals simply by adjusting air conditioning thermostats and reducing lighting. For instance, an adjustment of only 2-3 degrees in one of Wal-Mart's Supercenters can reduce power consumption in each store by as much as 300-400 kW, with a total savings of approximately 2,800 kW for its seven New Hampshire Supercenter locations, alone. Implementing this adjustment for four (4) hours in a single day, these facilities can save 11,200 kWh of energy, enough energy to power 10 houses for a period of a whole month. Plainly, other measures, which go beyond adjusting thermostats and reducing lighting will lead to additional energy savings which, in turn, will yield even greater overall system benefits (*e.g.*, by reducing the cost of supplying peak energy and alleviating transmission congestion), especially as the commercial/retail industry grows. In fact, Wal-Mart expects to continue its robust growth at the same rate that it has grown in the last decade by adding and replacing more facilities in the future. Thus, Wal-Mart believes that the implementation of appropriate Smart Metering standards will have a significant impact on energy conservation and the improvement of the environment, which, in turn, benefits all residents of New Hampshire.

However, not every time-based pricing method promotes energy conservation. It has been Wal-Mart's experience that Real-Time Pricing ("RTP") models are superior to Critical Peak Pricing ("CPP") and other time-of-use pricing methods. RTP provides the transparency necessary for promoting a competitive energy market and furthering the Commission's goals of allowing consumers to see and pay prices that more accurately reflect the cost of providing them

service. In addition, RTP can provide accurate price signals to consumers which enable them to make decisions regarding when and whether to use electricity, which leads to reduced need for peaking capacity and potentially reduced transmission congestion.

To participate in and achieve the benefits of RTP programs, customers need access to Smart Meters. The Commission should clearly set out the responsibilities of customers and utilities with respect to the installation, funding, and maintenance of these meters. Wal-Mart believes that initially, utilities in New Hampshire should be required to fund and manage the installation of Smart Meters on an accelerated basis. However, customers should have the option to install their own Smart Meters to satisfy their needs, especially if utilities are unable to or are slow to procure or install these meters to meet the customers' Smart Metering needs. As discussed below, customers who elect to install their own Smart Meters, which are compatible with the utility's Smart Metering system, should not be required to pay for these meters twice.

When Wal-Mart sought to design and install an advanced metering system for all of its facilities, Wal-Mart had very few options. Wal-Mart's only options were to approach each of the local utilities or design and install its own advanced metering system. After many diligent efforts to procure an advanced metering system that is compatible with most, if not all, of the various utilities serving Wal-Mart facilities, Wal-Mart discovered that it was difficult to open discussions with metering companies, as the utilities were their only major customers. Wal-Mart ultimately had to procure its advanced metering system from a company outside of the United States who was willing to work with Wal-Mart to design its advanced metering system for Wal-Mart's particular needs. Wal-Mart since has installed advanced metering technologies in several of its locations across the country. These technologies have proven successful for Wal-Mart in managing and reducing its energy costs at those locations. Where, as here, advanced metering technologies which support customer needs indeed exist, it will take decisions by state commissions requiring smart metering and time-based rates to provide the incentive for domestic companies to manufacture and provide such meters. In this proceeding, the Commission has the opportunity to drive the marketplace for competitive metering and Wal-Mart urges the Commission to adopt requirements that promote the supply of and access to advanced metering equipment for both utilities and consumers.

To further foster competition, Wal-Mart urges the Commission to adopt standards that do not require customers that obtain their own advanced metering systems to subsidize the meter costs for other customers. In this regard, Wal-Mart supports adoption of either a separate, optional metering service charge in the utility's rates, or a meter credit to offset the cost of meter ownership for customers who opt not to obtain their meters from the utility. Without a separate, optional metering charge or a reasonable competitive metering credit, customers who choose to install their own competitive meters will pay for costs that are no longer incurred on their behalf by the utility and as such, those customers would be paying twice for their Smart Meters.

Wal-Mart also supports the adoption of interconnection standards that impose on all utilities reasonable minimum performance, maintenance, operation, testing and safety requirements, but which do not impose costly and unnecessary barriers to entry. Wal-Mart suggests that the Commission take advantage of information developed in the Federal Energy Regulatory Commission proceeding, Docket No. RM02-12-000: Standardization of Small

Generator Interconnection Agreements and Procedures (“FERC Order 2006”) in developing its own interconnection standards in this proceeding.

Wal-Mart also offers the following comments in response to specific scoping questions filed with the Commission on July 25, 2006.

Smart Metering Issues

Question

1. Has the state or the Commission already taken any action that may constitute “prior state action” under the Standard?

Response

It is Wal-Mart’s position that the Commission has not already taken sufficient action requiring all utilities to provide and install time-based meters and communications for customers requesting time-based rates. This proceeding presents an important opportunity for the Commission to establish standards which effectively promote the development and use of competitive metering systems as well as time-based rate structures which achieve maximum energy conservation opportunities for all customers.

Question

2. Qualitatively, what are the costs and benefits of time-based pricing for default service?

Response

The implementation of time-based pricing necessarily will involve some acquisition costs for the equipment, software and devices, and costs associated with installation and maintenance, but the benefits will outweigh these costs. Benefits will include: (1) reductions in the cost of providing peak energy to customers, (2) improved planning capability for new generation, (3) increased system reliability, and (4) enabling consumers to manage energy consumption, which enables them to realize savings on their energy bills

Question

3. Which costs are the responsibility of customers and which are the responsibility of competitive suppliers?

Response

Wal-Mart believes that competitive suppliers should bear the entire cost of implementing time-based metering, since suppliers will realize benefits that will offset these costs, such as lower costs in providing peak energy and substantial improvements to system reliability that

accrue due to the implementation of time-based pricing. The costs of installing energy management control systems (EMCS) should be borne by the entity who retains the control on the load. For instance, if the customer wants to retain the control on their load, the EMCS costs should be paid by the customer. However, if control on the customer's load is given to the competitive supplier and/or the ISO-NE, then the EMCS costs should not be paid for by the customer.

Question

4. What is the experience with “real-time” pricing as a means to encourage demand response and promote retail access? What are the implications of this experience for implementing “real-time” pricing in NH?

Response

Real-time pricing programs give customers such as Wal-Mart the opportunity to pay careful attention to the load they impose on the electric system. Customers may affect their consumption practices through the selection of energy consuming equipment and appliances and through their daily and even hourly operations. It can be expected that implementation of real-time pricing in New Hampshire will provide substantial system benefits, *e.g.* reduction in peak energy supply cost and improvements in system reliability to the entire electrical grid in New Hampshire. Real-time pricing also promotes retail access by encouraging transparency in the energy marketplace.

Question

5. Can the demand response benefits of “real-time” pricing be achieved without the installation of energy management control systems?

Response

Some level of demand response benefits can be achieved from the implementation of real-time pricing without the installation of EMCS. However, these benefits likely would be minimal when compared to the full potential benefits of demand response when EMCS are also installed, especially with very large customer facilities or customers with multiple facilities (load aggregation) within a system.

Question

6. What are the operational benefits (*e.g.*, fewer estimated readings, meter reading labor cost savings, load data for engineering analysis, more efficient outage management, remote connect and disconnect functionality, and improved customer service) and challenges associated with smart meters?

Response

The implementation of smart meters will provide all of these operational benefits, but challenges will result in balancing the benefits with increased system costs and issues associated with the redeployment of personnel that currently perform these operational tasks.

Question

7. Which time-based rate structure is appropriate for each customer class in each utility?

Response

Wal-Mart recommends an RTP rate structure for each customer class. RTP provides customers with maximum flexibility to manage their load based on their individual needs and operations, while also providing customers with energy cost savings opportunities. The RTP rate structure also could provide the maximum benefit to the system, both in terms of costs savings and improvement in system reliability.

Question

9. Should implementation of time-based pricing be mandatory, voluntary, or some combination of the two?

Response

In order to achieve the maximum potential benefits, Wal-Mart submits that the implementation of time-based pricing should be on a mandatory basis.

Questions

10. What are the available technology options for measuring energy and demand on an interval basis? What are the strengths and weaknesses of each? Which technologies make the most sense for each utility and each customer class?

11. What are the available technology options for communicating with interval meters and transmitting the price or cost information to utility and customer? What are the strengths and weaknesses of each? Which technologies make the most sense for each utility and each customer class?

Response (to Q. 10 and Q. 11)

In order to make the implementation of time-based pricing affordable and reasonable, utilities will need to investigate the use of smart meters without two-way communication capabilities for customers where the control on the load remains with the customer. Smart meters with two-way communications capability should only be installed when customers relinquish control of their load to the utility and/or ISO-NE.

Question

12. What is the current availability of interval meters and communications equipment and systems by customer class? What is the timeline for acquiring such capability if not currently available?

Response

At present, manufacturers of smart meters may not be able to handle the initial demand for meters arising from new regulatory requirements. However, as state regulators require the deployment of such technologies, it is expected that the market will respond to the level of demand accordingly. While some spot shortages can be expected to occur in the short-term, the laws of supply and demand would dictate that manufacturing capability will adjust to the market in the long-term.

Question

13. Does each utility currently have the capability to bill customers based on “real-time” pricing? If not, what is the timeline for acquiring such capability and what changes need to be made?

Response

To the extent that a utility needs to upgrade or replace its billing system, RTP could be implemented in phases to alleviate any billing system issues or challenges.

Question

14. What are the monetary costs and benefits of time-based pricing?

Response

Wal-Mart has experienced substantial savings in locations where interval meters have been installed and Wal-Mart can take advantage of demand response opportunities. Wal-Mart believes that all customers can achieve similar savings if RTP is implemented. In addition, demand response programs provide stability to the grid

Question

15. What implementation issues should be considered? For example, should utilities develop education and outreach plans, develop targeted technical assistance programs, and/or implement pilot programs? What would these efforts entail?

Response

One of the most important elements to the success of RTP programs is an effective education and outreach plan. After the Commission decides on a time-based rate structure, utilities immediately should begin educating customers, including offering some initial technical

assistance, so that customers can fully take advantage of the opportunities and begin developing their individual participation strategies.

Question

16. How should existing default service wholesale supply contracts be treated if time-based or “real time” default service is implemented and starts before the end of the existing contract(s)?

Response

To the extent possible, existing default service wholesale supply contract filings should be restructured to provide for pricing on a real-time basis. However, to the extent that existing wholesale contracts cannot be amended or restructured, implementation of real-time retail pricing should begin when each utility enters into new default service wholesale contracts. Many wholesale contracts are for short terms, one-year or less, and thus, implementation would not need to be delayed for a significant period of time.

Question

17. What “real-time” pricing information is available and how will it be communicated to customers? What adjustments do utilities expect to make to these “real-time” prices?

Response

At a minimum, utilities should be required to communicate real-time prices on a day-ahead and hour-ahead basis in order to enable customers to plan their operations on a day-to-day basis and confirm or re-evaluate their plans on an hour-by-hour basis. The real-time prices communicated to retail customers can be adjusted to include losses on a voltage level (service level) basis in order for the utility to recover the full cost of supplying energy to its customers.

Question

18. How will “real-time” prices be reconciled with actual supply prices? How should these cost differences be collected from customers? Can the utilities provide billing information on an hourly basis which reflects both real time price and eventual settlement price?

Response

The final bill should be based on the hour-ahead prices communicated through the smart meter to customers. If the utilities are given the opportunity to reconcile or adjust the real-time prices, after the fact, the value of the pricing structure will be substantially diminished. The purpose of providing time-based pricing is to allow utility customers to make changes in their consumption practices based on energy prices. If the Commission allows utilities later to adjust or reconcile their prices, then customers will not have accurate price signals, which in turn, may decrease the benefits of and willingness of customers to manage their loads on a real-time basis. Giving the utilities the opportunity to adjust their real-time price on an hour-ahead basis should

provide these utilities some level of confidence on their capability to estimate prices an hour ahead of time.

Question

19. How will this information be used? What control equipment is available on the customer end? If pricing information is provided, what technology exists to take this information and use it to control load based on pricing inputs?

Response

A multitude of technologies now are available which allow customers to control their loads either directly or remotely by the utility or the ISO-NE. Wal-Mart is confident that more technologies will be introduced by market participants once state regulators require implementation of smart metering programs. It is not necessary that all customers be able to implement automatic control of their load in order to benefit from real-time pricing. Making load control automatic based on pricing input can increase the cost of implementing time-based pricing substantially and make the payback much longer than necessary. Customers should be able to elect how they want to manage their participation in a real-time pricing program in order to provide maximum flexibility to the customers.

Interconnection Standards Issues

Question

2. Has the state or the Commission already taken any action that would constitute prior state action under the Standard? For example, do the interconnection provisions in PUC 900 Rules: Net Metering for Customer-Owned Renewable Energy Generation Resources of 25 Kilowatts or less qualify as a comparable standard?

Response

It is Wal-Mart's position that the Commission's existing interconnection requirements are insufficient, as they are much too limited and only apply to certain renewable resources and 25 kW generators. Accordingly, they do not meet the spirit and intent of Section 1254 of the Energy Policy Act of 2005.

Question

3. What is an appropriate definition of on-site generator under the Standard?

Response

The appropriate definition of on-site generator under the Standard is "any customer-owned distributed generating resource that is no larger than 20 MW in nameplate capacity."

Question

4. Should NH adopt a standard interconnection policy for all utilities? If not, why not? If so, what should the policy be and who should it apply to?

Response

Yes, Wal-Mart supports the adoption of a uniform standard for interconnection of customer-owned distributed resources with electric power systems. The Standard should provide requirements relevant to the performance, operation, testing, safety considerations, and maintenance of the interconnection.

Question

5. Should the standard apply to all new on-site generators regardless of size? If not, what are appropriate size limits under the standard? Should the standard apply to existing projects?

Response

Wal-Mart recommends limiting the standard to new small distributed generating facilities that are no larger than 20 MW in nameplate capacity. The Standard should not be retroactively applied to existing projects that are already interconnected to the host electric power system.

Question

6. What are the best practices for designing effective interconnection standards that balance the needs of utilities, owners of on-site generation and the public?

Response

The best practices for designing effective interconnection standards are well documented in the series of standards under the IEEE Standard 1547 and in the record developed under FERC Docket No. RM02-12-000: Standardization of Small Generator Interconnection Agreements and Procedures. To the extent possible, the Commission should rely on the information and evidence developed in these two proceedings.

Question

7. Review existing NH procedures and determine whether they encompass IEEE Standard 1547 and whether they are consistent with "best practices" and are "reasonable, and not unduly discriminatory or preferential."

Response

The existing procedures in New Hampshire pursuant to the interconnection provisions in PUC 900 Rules: Net Metering for Customer-Owned Renewable Energy Generation Resources of

25 kilowatts or less, are extremely limited and are not adequate when compared to the IEEE Standard 1547.

Question

8. What are the advantages and disadvantages of: (i) adopting the IEEE 1547 interconnection standard; (ii) adopting NARUC's "Model Interconnection Procedures Agreement for Small Distributed Generation Resources" or (iii) applying FERC's interconnection rules (FERC Order 2006) to NH on-site generators?

Response

One of the major advantages to adopting any one of these standards is that they were developed in an open and voluntary environment that solicited input from all stakeholders and experts. To the extent possible, the Commission should rely on the information developed by industry experts in these proceedings and "not reinvent the wheel".

Respectfully submitted,

WAL-MART STORES EAST, L.P.

By its attorneys,

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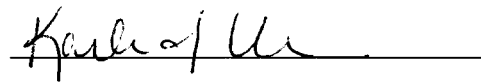
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Comments of Wal-Mart Stores East, L.P. were sent **via first class mail**, on the 28th day of September 2006 to all parties appearing on the attached service list:

SIGNED under the pains and penalties of perjury.

A handwritten signature in cursive script, appearing to read "Karla J. Doukas", is written over a horizontal line.

Karla J. Doukas, Esq.

Dated: September 28, 2006

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Docket #: 06-061-1 Printed: September 28, 2006

FILING INSTRUCTIONS:

WITH THE EXCEPTION OF DISCOVERY (SEE NEXT PAGE) FILE 1 ORIGINAL & COVER LETTER, PLUS 8 COPIES (INCLUDING COVER LETTER) TO:

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Printed: 9/28/2006