

THE STATE OF NEW HAMPSHIRE

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NH-PUC NOV16PM4:01

November 1, 2016

Dan Kern, CEO  
SmartEnergy Holdings, LLC  
575 Lexington Ave, 4<sup>th</sup> Floor  
New York, NY 10022

Re: DM 16-839, SmartEnergy Holdings, LLC  
Competitive Electric Power Supplier Application  
Deficiency Letter – Request for Additional Information

Dear Mr. Kern:

On October 31, 2016, SmartEnergy Holdings, LLC (SmartEnergy) submitted an application to the Commission for registration as a competitive electric power supplier (CEPS). Commission Staff has reviewed the application and determined it is incomplete and, therefore, does not comply with the requirements of N.H. Code Admin. Rules Puc 2003. In particular, Staff identified the following requirements that have not been met and the related items which are missing from the application:

- 1) Proof of completion of EDI training and testing with Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty), New Hampshire Electric Cooperative, Inc. (NHEC), and Unitol Energy Systems, Inc. (UES).

*Puc 2003.01(d)(1) Demonstration of technical ability to provide for the efficient and reliable transfer of data and electronic information between utilities and the CEPS in the form of:*

*(a) A statement from each utility with which the CEPS intends to do business indicating that the applicant has complied with the training and testing requirements for electronic data interchange.*

*(c) A statement from each utility with which the CEPS does or intends to do business indicating that the applicant has successfully demonstrated electronic transaction capability.*

- 2) Request for waiver of five-year and 150 day financial surety term.

*Puc 2003.03 (a) The security required by Puc 2003.01(d)(4) shall:  
(5) Have an expiration date not less than: a. 5 years and 150 days after the date the applicant's application is filed, for an initial application;*

- 3) A listing, by state, of the number and type of customer complaints.

*Puc 2001.01(a)(13) A listing disclosing the number and type of customer complaints concerning the applicant or its principals, if any, filed with a state licensing/registration agency, attorney general's office or other governmental consumer protection agency for the most recent calendar year in every state in which the applicant has conducted business relating to the sale of electricity.*

Regarding item #1, the application states that SmartEnergy intends to operate in the franchise areas of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty, NHEC, and UES. Because SmartEnergy provided evidence that it has completed EDI training and testing with Eversource, if the Commission were to approve the application, SmartEnergy could serve in the Eversource franchise area. However, in order to operate in the franchise areas of the other three electric distribution companies (EDCs), Liberty, NHEC, and UES, pursuant to Puc 2003.01(d)(1), you must demonstrate that SmartEnergy has completed EDI training and testing with each of those EDCs. Please note that you could fulfill the requirement of Puc 2003.01(d)(1) by filing, for each of these franchise areas, either a) evidence that SmartEnergy has completed EDI training and testing in the franchise area or b) a statement that SmartEnergy does not intend to serve in the franchise area.

Regarding item #2, if SmartEnergy seeks to provide a financial surety instrument with a term of less than five years and 150 days, it should file a request for a waiver of the term requirement contained in Puc 2003.03(1)(5).

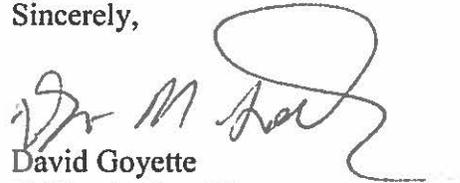
Regarding item #3, SmartEnergy provided a list of customer complaints with its application. However, the list does not include a summary, by state, with a count of each complaint type. In order to meet this requirement, please add a summary section that contains this information to the list you provided.

In order to complete your application, you should respond accordingly to the items listed above. When responding, please address your letter to Debra A. Howland, Executive Director, and reference the docket number listed on the subject line of this letter.

Pursuant to Puc 2003.01(h), please provide all information requested within 60 days of the date of this letter, on or before **December 31, 2016**. Puc 2003.01(h) is copied below:

*Puc 2003.01(h) If the commission has requested information or clarification to complete an application for registration, and such information or clarification is not provided within 60 days of the request, the commission shall suspend the application. If, after 120 days of the date of the request, the applicant has not provided the requested information or clarification, the commission shall reject the application. If an application is rejected, the application fee shall be forfeited and the applicant shall be required to submit a new application and fee prior to acting as a CEPS in New Hampshire.*

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. M. Goyette", with a large, stylized flourish extending to the right.

David Goyette  
Utility Analyst III

cc: Service List  
Docket File

**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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Docket #: 16-839-1      Printed: November 01, 2016

**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.**