


# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** June 14, 2019  
**AT (OFFICE):** NHPUC

  
**FROM:** Amanda Noonan, Director, Consumer Services and External Affairs

**SUBJECT:** DM 16-841, Consolidated Edison Solutions, Inc.  
Withdrawal of Registration

NHPUC 14JUN'19PM12:02

**TO:** Commissioners  
Debra A. Howland, Executive Director

**CC:** David K. Wiesner, Director, Legal Division  
Corrine Lemay, Management Analyst

On June 6, 2018, Consolidated Edison Solutions, Inc. (ConEd Solutions) filed with the Commission a request to voluntarily withdraw its registration as a competitive electric power supplier (CEPS). In its request, ConEd Solutions referenced its September 9, 2016 notification to the Commission of the purchase by Exelon Generation Company, LLC (Exelon) of ConEd Solutions' retail commodity business effective as of September 1, 2016. In its request, ConEd Solutions stated all New Hampshire customers were being served by Constellation NewEnergy, Inc. (CNE), an Exelon affiliate, as of that time.

On June 8, 2018, ConEd Solutions provided supplemental information to support its request, including a statement that customers were "transitioned over" to CNE on November 17, 2017; a statement that no "mass market customers" [retail and small commercial customers] were served; a sample customer notification, dated January 17, 2017, informing customers in the ISO New England region that their contracts would be assigned to CNE in September 2017; and two sample customer letters, both with dates that read "November XX, 2017," and stating "We previously notified you that after September 29, 2017, ConEd Edison Solutions assigned your electricity supply service to Constellation." ConEd Solutions stated it was providing this supplemental information in order to be in compliance with N.H. Code Admin. Rules Puc 2003.08.

In a response to Commission Staff (Staff) inquiries, ConEd Solutions confirmed that the transition of its New Hampshire customers to CNE was completed on November 17, 2017, and that no residential or small commercial accounts, as defined by Puc 2002.08 of the amended Puc 2000 Rules, were served or affected as of that time. Staff in the Consumer Services Division has recently confirmed that there are no pending customer complaints against ConEd Solutions.

Staff has reviewed the filing and supplemental information provided and has determined that ConEd Solutions did not fully meet the registration withdrawal registration requirements, specifically Puc 2003.08(a)(2), which requires that a CEPS

comply with the applicable provisions of Puc 2004.13, Transfer of Customer Accounts Between Suppliers. Under Puc 2004.13(a)(7), a notice of account transfer must inform the customer of the option to select an alternate supplier or utility default service by a specified date in order for that selection to be effective on the customer's next meter read date. ConEd Solutions' notice did not include that information and, as a result, customers may not have been aware that, rather than being transferred to CNE, they could instead have chosen another CEPS or returned to default service.

Notwithstanding that technical deficiency in the account transfer notice, Staff believes that, under the specific circumstances, any potential customer harm was minimal. In effect, the option to switch suppliers or transfer to utility default service is available to customers at any time consistent with Puc 2004.02(d)(17), and not only when a transfer of accounts between suppliers occurs. Moreover, large commercial customers are not relieved of the obligation to pay any applicable early termination fee if they terminate service with their CEPS, even when the termination occurs in connection with a transfer of customer accounts from one supplier to another, under Puc 2004.13(a)(8). Staff notes that, as of the time the account transfer was completed, ConEd Solutions had no residential or small commercial customers who, under Puc 2004.13(a)(8), would have been entitled to switch suppliers without payment of any applicable early termination fees. Staff also emphasizes that no customer complaints related to ConEd Solutions' transfer of accounts were received, and no customer complaints against ConEd Solutions are pending.

Under these particular circumstances, Staff recommends the Commission grant a waiver of the specific notice requirement in Puc 2004.13(a)(7) and approve ConEd Solutions' request for withdrawal of its registration. Staff believes that waiver of that rule to permit withdrawal of registration for a supplier which has which has ceased operation in the state would serve the public interest in view of the absence of customer complaints, the minimal actual harm to customer interests, and the passage of time since operations ceased.

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