



January 27, 2017

NHPUC 27 JAN 17 PM 2:09

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

**DRM 16-853, N.H. Code Admin. Rules Chapter 2000
Competitive Electric Power Supplier and Aggregator Rules**

Dear Ms. Howland:

I am writing on behalf of PNE Energy Supply, LLC ("PNE") in response to your Secretarial Letter dated January 20, 2017 in the above-captioned proceeding which established January 27, 2017 as the deadline for submission of written comments and other written materials in connection with the above-captioned rulemaking docket.

The focus of PNE's comments are the following proposed sub-sections contained in PUC 2004.03, *Price Disclosure*:

- (c) A CEPS charging a variable price or variable prices shall maintain a publicly available web site where residential and small commercial customers may readily obtain the applicable variable price per kWh no less than 5 calendar days in advance of the effective date of the price.
- (d) Residential and small commercial customers shall be notified 30 days prior to the effective date of any increase in a variable price projected to increase by 10 percent or more or one cent per kilowatt-hour, whichever is less, using the customer's preferred form of communication.
- (e) The notice required pursuant to (d) above shall confirm that the actual variable price per kWh shall be available on the CEPS website no less than 5 days in advance of the effective date of the price increase.

PNE's concern is that these provisions would preclude the use of time of use rate designs that would be applied to intermittent renewable customer-generators such as those that have been

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proposed in Docket No. DE 16-576¹. Accordingly, PNE recommends that, at a minimum, the foregoing subsections be eliminated from the final rule.

The Commission's Secretarial Letter dated January 20, 2017 also has requested that interested stakeholders also address in any such written comments and materials the criteria specified in paragraphs (3)(a)-(e) of the letter dated January 5, 2017 from Governor Sununu regarding regulatory review by Executive Branch agencies. PNE notes that Governor Sununu has ordered all State Agencies to provide "an evaluation as to whether the existing or proposed regulation is mandated by law or is essential to the public health, safety, or welfare."

PNE strongly suggests that the aforementioned subsections of proposed PUC 2004.03 are "not essential to the public health, safety, or welfare."

Sincerely,

A handwritten signature in black ink, appearing to read "Howard M. Plante". The signature is written in a cursive style and is positioned above a horizontal line.

Howard Plante

¹ *Development of New Alternative Net Metering Tariffs and/or Other Regulatory Mechanisms and Tariffs for Customer Generators*

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