

THE STATE OF NEW HAMPSHIRE



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February 5, 2018

Amy Klaviter
Legal Compliance Analyst
Constellation NewEnergy, Inc.
20 N. Wacker Drive
Chicago, IL 60606

Re: DM 16-869, Constellation Energy Services, Inc. Request to
Withdraw Registration as a Competitive Electric Power Supplier

Dear Ms. Klaviter:

By letter dated November 28, 2017, a request was filed on behalf of Constellation Energy Services, Inc. (CES) to voluntarily withdraw its registration as a competitive electric power supplier (CEPS). The request letter referenced the merger of CES with and into Constellation NewEnergy, Inc. (CNE), which became effective on September 1, 2017. The letter represented that the merger did not affect CES's customer contracts, rates, or services, as CNE continued to abide by the terms and conditions of customers' existing retail contracts.

Commission Staff (Staff) filed a memorandum on January 30, 2018, in which it recommended that CES's CEPS registration be withdrawn and terminated and its related financial security obligations released, referencing N.H. Code Admin. Rules Puc 2003.08. Staff stated that, following the merger, CES has served no customers for the past 120 days, and the Commission's Consumer Services Division has received no complaints from customers regarding CES, CNE, or the transfer of service resulting from their merger. Staff noted, however, that CES had failed to comply with the customer notification provisions of Puc 2004.05, as then in effect, prior to the merger transaction with CNE. Staff expressed concern regarding CES's failure to comply with the Commission's rules requiring notice to CEPS customers, but Staff recommended that the Commission take no action with respect to that non-compliance, based on the lack of customer complaints against either CES or CNE.

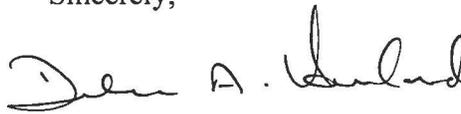
The Commission has reviewed the requested voluntary withdrawal of CES's CEPS registration and Staff's recommendation. The Commission approved the request to withdraw and terminate CES's registration as a CEPS and to release its related financial

security obligations, because CES no longer exists as a separate entity and there are no pending customer complaints against either CES or CNE.

The Commission is troubled by CES's failure to comply with the customer notification requirements of Puc 2004.05, as then in effect, prior to the merger with its affiliate, CNE. The Commission indicated it would separately determine whether to pursue an enforcement action and impose sanctions on CNE as successor to CES based on that non-compliance.

Accordingly, CES's registration as a CEPS is deemed to be withdrawn and terminated, and its related financial security obligations are released.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being the most prominent part.

Debra A. Howland
Executive Director

cc: Service List
Docket File

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

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 #: 16-869-1 Printed: February 05, 2018

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
EXEC 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.**