

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 17-002**

**CLEARVIEW ELECTRIC, INC. d/b/a CLEARVIEW ENERGY**

**Investigation and Show Cause Hearing on Penalties and  
Suspension or Revocation of CEPS Registration**

**ORDER OF NOTICE**

On December 23, 2016, Commission Staff (Staff) filed a memorandum in Docket DE 16-837, regarding the complaint by Unitol Energy Systems, Inc. (UES) against Clearview Electric, Inc. d/b/a Clearview Energy (Clearview). Staff recommended that the Commission expand the scope of that docket to include a review of complaints received by the Commission, including those from customers of Public Service Company of New Hampshire, d/b/a Eversource Energy (Eversource), and Liberty Utilities (Granite State Electric) Corp., d/b/a Liberty Utilities (Liberty), as well as any other complaints received directly by Eversource and Liberty. Staff further recommended that, based on the findings of that expanded investigation, the Commission consider taking enforcement action against Clearview, potentially including the assessment of fines and/or the suspension or revocation of its registration as a competitive electric power supplier (CEPS), as warranted.

Staff's recommendation memorandum describes a number of complaints lodged by customers with UES personnel and/or with the Commission's Consumer Services and External Affairs Division regarding Clearview's marketing and sales activities. The complaints described include allegations that Clearview sales representatives, among other things, misrepresented themselves as employees or affiliates of the electric distribution company, switched customers without their authorization (i.e., "slamming"), failed to leave customers' premises when

requested or failed to abide by “no solicitation” signs, failed to identify themselves or to provide proof of identity, or failed to disclose to prospective customers that they would lose the applicable Electric Assistance Program (EAP) discount on energy costs if they switched electric supply service to Clearview. Staff’s memorandum also references customer complaints implicating the Commission’s rules regarding third party verification of customer enrollments.

The allegations described in the complaints summarized in Staff’s memorandum, if proven, represent violations of the Commission’s rules governing CEPS, in particular, N.H. Code Admin. Rules Puc 2004.04 (a) (in-person customer solicitation), Puc 2004.05(e) (verbal authorization of customer enrollment), and Puc 2004.10(b) (slamming complaints), and/or the applicable statutory provisions of RSA 374-F:7, I and III (covering, among other things, unfair or deceptive acts or practices by CEPS in the marketing, sale, or solicitation of electricity supply or related services), and RSA 374:28-a (prohibiting slamming of energy-related service customers).

The Commission finds that an expanded investigation of complaints against Clearview is warranted, it should be conducted in a new and separate proceeding, and the proceeding should include all of the electric distribution utilities in whose service territories Clearview is authorized to conduct business as a CEPS. Accordingly, participation by Eversource, Liberty, and UES is mandatory for this proceeding. The purpose of the proceeding will be to determine whether violations have occurred, whether sanctions are appropriate, and whether any reparations to customers should be made. The Commission will take administrative notice of the filings made in Docket DE 16-837.

In view of the serious nature of the violations alleged, the proceeding should be conducted expeditiously. The Commission therefore will hold a hearing on January 31, 2017, at

which time Clearview must show cause why it should not be subject to sanctions pursuant to N.H. Code Admin. Rules Puc 2005 and RSA 374-F:7, III. In preparation for that hearing, a technical session shall be conducted on January 24, 2017, in order to facilitate the exchange of witness lists and other information, engage in factual discovery, and address procedures to be followed during the hearing.

This Order of Notice and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at <http://www.puc.nh.gov/Regulatory/Docketbk/2017/17-002.html>.

This proceeding raises, *inter alia*, issues related to the obligations and liabilities of registered CEPS under applicable provisions of Puc 2004.04 (a), Puc 2004.05(e), and Puc 2004.10(b), RSA 374-F:7, I and III, and RSA 374:28-a, as well as the enforcement and sanctions authority of the Commission under Puc 2005 and RSA 374-F:7, III.

Each party has the right to have an attorney represent the party at the party's own expense.

**Based upon the foregoing, it is hereby**

**ORDERED**, that Clearview Electric, Inc. d/b/a Clearview Energy shall appear at a hearing on the merits to be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on January 31, 2017 at 10:00 a.m., to show cause why it should not be sanctioned under N.H. Code Admin. Rules Puc 2005 and RSA 374-F:7, III; and it is

**FURTHER ORDERED**, that, on January 24, 2017, at 10:00 a.m., the parties and Commission Staff shall hold a Technical Session at the Commission's offices in order to facilitate the exchange of witness lists and other information, engage in limited factual discovery, and address procedures to be followed during the hearing on the merits; and it is

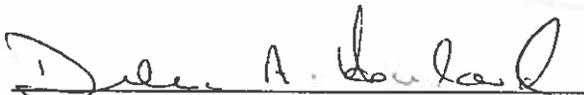
**FURTHER ORDERED**, that participation by Public Service Company of New Hampshire, d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities, and Unital Energy Systems, Inc., is mandatory for this proceeding; and it is

**FURTHER ORDERED**, that, pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website no later than January 9, 2017; and it is

**FURTHER ORDERED**, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a petition to intervene, with copies sent to the Office of the Consumer Advocate and all parties listed on the Commission's service list for this proceeding, on or before January 27, 2017, such petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, I (b); and it is

**FURTHER ORDERED**, that any party objecting to a petition to intervene make said objection on or before January 31, 2017.

By order of the Public Utilities Commission of New Hampshire this fifth day of January, 2017.



Debra A. Howland  
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.