

# STATE OF NEW HAMPSHIRE

Inter-Department Communication

NHPUC 14FEB'17@11:22

DATE: February 14, 2017

AT (OFFICE): NHPUC

*David*

FROM: David Goyette, Utility Analyst III

*18*

SUBJECT: DM 17-<sup>026</sup>~~024~~, Texas Retail Energy, LLC  
Renewal of Registration as Competitive Electric Power Supplier

TO: Commissioners  
Debra Howland, Executive Director

### Executive Summary

Texas Retail Energy has applied to renew its registration as a competitive electric power supplier. TRE's current registration expires on April 1, 2017. TRE is a self-supply CEPS which only serves affiliates of Wal-Mart Stores, Inc., its affiliate, and does not serve any customers other than its own affiliates. TRE submitted certificates demonstrating it completed EDI testing with Eversource, Liberty, and Unitil. TRE's currently effective parent guaranty is in the amount of \$250,000. Staff recommends the Commission approve the application, for service in the franchise areas of Eversource, Liberty, and Unitil, for a five year registration period.

### Background and Analysis

On February 9, 2017, Texas Retail Energy LLC (TRE) filed an application to renew its registration as a competitive electric power supplier (CEPS). TRE's currently active registration, which the Commission approved in Docket DM 12-086, expires on April 1, 2017. TRE's application included certificates demonstrating that it has completed EDI testing with Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. (Liberty), and Unitil Energy Systems, Inc. (Unitil), as well as evidence that it is able to obtain supply in the New England energy market. The Commission has on file TRE's currently effective parent guaranty, which is in the amount of \$250,000 and names the Commission as the guaranteed party.

TRE is an affiliate of Wal-Mart Stores, Inc., and only serves companies affiliated with Wal-Mart Stores, Inc. and does not serve any customers other than its own affiliates. Staff recommends approval of the registration with the same conditions required with its previously approved application, as follows:

1. TRE will not serve entities other than its affiliates and subsidiaries listed in its application pursuant to Puc 2006.01 (a)(5).

2. Neither its affiliates nor its subsidiaries will be involved in any activities covered under Puc 2000.
3. TRE must notify the Commission if it adds any new affiliates or subsidiaries.

TRE informed Staff that its renewal application would be submitted after the filing deadline of January 31, 2017 due to a medical emergency. Staff recommends that the Commission waive the filing deadline requirements of Puc 2003.02(a) on its own motion.

Staff has reviewed the information in the application and, if the Commission were to grant approval of the waiver of the filing deadline requirement, believes the application meets the requirements of Puc 2003 and 2006.01. Staff recommends that the Commission grant approval of the waiver and approve a renewal registration period with a term beginning on the expiration date of the currently active registration, April 1, 2017, and ending at the close of business on March 31, 2022. Staff also recommends that, if the Commission grants the waiver and approves the registration, the Commission notify TRE that the Puc 2000 rules are likely to change during 2017 and that TRE should monitor the rulemaking process in Docket No. DRM 16-853 and plan accordingly with respect to future operations in New Hampshire.

TRE filed documentation that demonstrates it has completed EDI testing with Eversource, Liberty, and Unitil. Staff therefore recommends that the Commission approve TRE's application to renew its registration as a CEPS, and that it permit TRE to serve only its affiliates and to operate in the service areas of Eversource, Liberty, and Unitil.

**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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**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.**