

Energy Choice

Matters

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N.H. PUC Issues Proposed Electric, Gas Marketing and Licensing Rules for Comment

The New Hampshire PUC has proposed codifying standards for door-to-door marketing of electric service, but not gas service, in sending proposed licensing and customer protection rules to the Office of Legislative Services and publishing them for comment, building from an earlier Staff draft (DRM 10-014 (electric); DRM 10-015 (gas)).

In comments on the original proposal, National Grid had recommended adding door-to-door marketing standards for both commodities (see Matters, 2/16/10), but the PUC's proposed rules would only impose in-person marketing standards on electric suppliers.

Specifically, the proposed rules state that a competitive electric provider, or its representative, must perform the following actions prior to describing any product or service when contacting a customer in person at a location other than the supplier's place of business:

- Produce identification prominently displaying the "full name" of the supplier and representative as well as the supplier's phone number;
- Identify the supplier and the relationship the representative has with the supplier. The representative must also state that if the customer purchases electricity from the supplier, the customer's utility will continue to deliver the customer's energy and will respond to outages or emergencies. This requirement may be fulfilled by an oral statement or by written materials left with the customer;
- The supplier or its representative must leave the premises when requested to do so; and
- Where it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed, the supplier shall cease

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CACES/AReM Petition Calif. PUC to Direct Utilities to Report on NOI Results

The California Alliance for Choice in Energy Solutions and the Alliance for Retail Energy Markets have petitioned the California PUC to require the investor owned utilities to submit reports on the conduct of the initial Notice of Intent (NOI) process adopted in the limited re-opening of direct access (R. 07-05-025).

While anecdotally it is known that the direct access caps were hit immediately upon opening, CACES and AReM noted that only the utilities currently know the particulars of the administration of the initial NOI process and the results of that process. CACES and AReM said that such information should be made public "so that all parties can have the assurance that the process of management of the large number of requests was conducted in keeping with the first-come/first-service requirements of D.10-03-022."

The next NOI period for Year Two load begins July 16, 2010.

The reports, which CACES and AReM asked be submitted by June 30, should include, among other things:

1. The total number of NOIs received on April 16, 2010 (the first date for the open enrollment

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Direct Energy Begins Marketing to Residential Customers at BGE

Direct Energy said that it is immediately expanding its marketing to residential and small commercial electric customers at Baltimore Gas & Electric, with a product for Schedule R residential customers offering a guaranteed 15% savings off the BGE Standard Offer Service rate through September, and a 5% savings thereafter until May 2011.

The BGE summer Schedule R rate is \$0.1178 per kWh, and the winter rate (starting October 1) is \$0.0994 per kWh.

Though electric (and later gas) Purchase of Receivables are imminent in Maryland, they have still yet to be implemented. Direct has notified customers that it will not send enrollments to BGE until July 1, 2010, with actual enrollment occurring within 1-2 monthly billing periods thereafter depending on the customer's meter read.

There is no early cancellation fee if the customer cancels before the product's term ends in May 2011.

Direct is not currently offering a renewable energy product in Maryland.

Direct said that the new residential commodity offerings will complement its existing home services businesses in Maryland, which operate under the Chilltrol and Masters brand names.

"This would not have been possible without the dedicated efforts of many state leaders, including Governor Martin O'Malley's Administration, the Maryland General Assembly and the Maryland Public Service Commission. Everyone involved in this effort has acted with the best interests of the Maryland energy consumer in mind," said Direct Energy's new Residential President, Steven Murray.

PPL Electric Asks to Maintain Current Generation Rates Through October 1

PPL Electric Utilities has requested to maintain the current Generation Supply Charges (GCS)

through October 1, 2010 in lieu of the quarterly July 1 reconciliation, for similar reasons which prompted the Pennsylvania PUC to waive the April 1 reconciliation (M-2009-2145482).

As only reported in *Matters*, PPL customer bills issued in January 2010 were prorated for usage which occurred in December 2009, prior to the implementation of the Generation Supply Charge, thereby reducing revenues versus what would typically occur under the GSC (*Matters*, 3/15/10).

PPL reported that it still maintains an undercollection balance of approximately \$55.8 million in generation costs. The undercollected amount represents a decrease versus the \$93.9 million undercollection as of the March 2010 reconciliation filing.

PPL is deferring the January 2010 undercollected amounts until the January 1, 2011 reconciliation (at which time the undercollection is expected to more appreciably balance out versus the quarterly reconciliations), and PPL asked that the PUC accordingly grant an extension of the waiver of the GSC provision regarding the accrual of interest until January 1, 2011.

Briefly:

Integrys Energy Services Sells ERCOT Book
Integrys Energy Services said that it has sold its entire Texas retail electric marketing business to an undisclosed buyer for an undisclosed sum. Integrys' intention to sell the ERCOT book was first reported in *Matters* (Only in *Matters*, 5/7/10).

Hannaford Energy Applies for Maine Electric License

Hannaford Energy applied for a Maine competitive electric provider license to self-supply its affiliated Hannaford Bros. grocery stores and related loads. It will not make electricity sales to the general public. Hannaford's intent to self-supply its Maine load was first reported in *Matters* (Only in *Matters*, 1/11/10).

TNMP Suspends DNPs due to Weather

Texas-New Mexico Power is suspending disconnects for non-pay through Wednesday,

June 9 in five counties and eight municipalities covered by a National Weather Service heat advisory issued on June 7. Counties affected include Pecos, Reeves, Terrell, Ward, and Winkler, and municipalities affected include Barstow, Fort Stockton, Kermit, Pecos, Sanderson, Toyah, Wickett, and Wink.

CCMS, Inc. Seeks Texas Aggregator License

Condominium Consulting & Management Services (CCMS, Inc.) applied for a Texas electric aggregator certificate to pool residential and commercial customers. CCMS, Inc., which currently has an agency relationship with Reliant Energy to provide bulk commercial services to certain condominium properties, will focus on pooling condominiums and retail commercial business offices.

Prier Energy Adds New Trade Name

The PUCT granted Prier Energy, Inc.'s request to add the trade name Bubba Power to its REP certificate.

SRECTrade Reports June Auction Results

SRECTrade.com reported that its June auction for solar renewable energy credits produced the following results:

SREC Auction Prices

District of Columbia	\$290.00
Delaware	\$300.00
Maryland	\$326.50
New Jersey	\$665.00
Ohio	\$325.00
Pennsylvania	\$310.00

SRECTrade said that it has introduced a live prepaid and forwards exchange for SRECs. The prepaid exchange allows generators to sell from one month to 15 years of SREC generation forward for an upfront lump sum payment. The forwards exchange allows generators to lock in prices for up to 15 years, receiving payment each month at the contracted rate when SRECs are generated. Buyers can obtain a fixed priced SREC stream that is standardized and is fully tradable on the SRECTrade forwards exchange.

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in-person contact or find another representative fluent in the customer's language. The use of translation service is permitted.

These requirements would apply to all customer classes.

While the proposed gas revisions do not include an in-person marketing rule, they would add telephonic solicitation standards to gas suppliers and aggregators, largely mirroring the current telephonic solicitation rules in place for electric suppliers (and proposed to cover electric aggregators as well).

Among other things, the gas telephonic solicitation rules would prohibit sales calls to certain facilities (hospitals, fire stations, etc.) as well as a "telephone number assigned to ... any service for which the called party is charged for the call," which explicitly includes cellular telephone service.

Gas suppliers, aggregators, and their agents would also be prohibited from using any device to send an unsolicited advertisement to a telephone facsimile machine.

Telephonic solicitations would be prohibited before 8:00 a.m. or after 9:00 p.m. eastern time, and would be prohibited any time on a weekend or any state or federal holiday.

Gas suppliers and aggregators, as electric suppliers must do currently, would be required to develop procedures to ensure that they provide the called party with the name of the supplier on whose behalf the call is being made as well as a telephone number or address at which the supplier can be reached. Furthermore, suppliers and aggregators must develop procedures to ensure compliance with the federal Do Not Call registry, and a process for the customer to be placed on the supplier's internal Do Not Call list, with the internal list (i.e. reflecting customers informing the supplier directly they do not wish to receive calls) updated daily.

For both electric and gas suppliers and aggregators, the proposed rules would require a monthly scrubbing of their Do Not Call lists with the federal registry, versus the semi-annual scrubbing requirement contained in the current rules.

Authorizations and Terms of Service

For both electric and gas suppliers, the proposed rules would require that suppliers inform the PUC of the identity of their third party verifier for voice verifications.

For written gas supply authorizations, the proposed rules omit the currently present terms "electronic or faxed" in describing the written authorization form. Additionally, the proposed gas rule would require the written authorization to list the customer's service address (which is currently not required).

Similarly, for voice verifications for gas supply, the customer's service address and account or meter number would be required on the TPV. Such information is not currently required for gas telephonic authorizations (but is required for electric TPVs).

The proposed electric rule adds language stating that a supplier or aggregator, "shall be deemed authorized to obtain customer usage information when it has secured from the customer, in writing, the customer's name, account number(s), and the unique utility assigned authorization number(s)." Similar language is already contained in the gas rule.

Terms of service for gas customers must inform the customer that the supplier's price does not include other costs, including but not limited to, the price of transmission and distribution. Electric terms of service already contain a similar provision.

A new requirement would be imposed on electric terms of service for products which do not have a flat per kilowatt-hour rate. Specifically, the terms of service must provide all applicable billing determinants, broken down by time-of-use, and a historic average price per kWh for a typical load profile, described by at least hour of day and day of week, starting at a usage of 250 kWh per month and increasing in 250 kWh increments to 1000 kWh and in 500 kWh increments thereafter, for an identified 12 month period ending within 1 year and 1 month of the provision of the written statement, if the energy charge for the proposed service is based on determinants other than a fixed rate per kWh, such as time-of-use or real time rates.

The proposed electric rule also requires suppliers to list the average price per kW of demand or other billing determinants for

demand charges if other than a fixed rate per kW, if the terms of service include a demand charge.

The terms of service requirements listed above only apply to residential and small commercial customers.

Gas aggregators would be required to send customers a disclosure statement within five days of entering into an agreement with the customer containing the aggregator's name and contact information; relationship with any supplier or LDC; information on the PUC's consumer affairs division; and a statement on the confidentiality of customer information. Electric aggregators must already provide such information, though the proposed rule would apply a five-day requirement for electric aggregators to provide customers with the statement as well.

Registration Requirements

For gas license applications, the proposed rule would require a supplier to submit with its application proof that it has notified any LDC in whose service territory it intends to do business of the filing of its application for registration or renewal. However, the proposed rule deletes Staff's suggestion that, in addition to this requirement, suppliers be required to confirm with LDCs in writing that the supplier subsequently obtained a license from the Commission. Hess had opposed the post-licensing notification requirement as unnecessary and burdensome.

National Grid's request that suppliers list the zip codes in which they intend to market as part of their application was not adopted.

The proposed electric rule tweaks the current prohibition on solicitation activity prior to licensing to read, "No CEPS [supplier] shall sell, or offer to sell via mass media marketing or otherwise, electricity to any customer until it has completed all aspects of the registration process." Under the current electric rule, pre-licensing "marketing" is prohibited only to residential customers, while only legally binding offers made to non-residential customers are prohibited prior to licensing.

Electric and gas supplier licenses would be valid for five years under the proposed rule, instead of two. In their renewal applications, suppliers would be required to report to the PUC

any aggregators that they are using in New Hampshire, and the amount of customers obtained through each aggregator. Electric and gas aggregator licenses would initially be good for two years, but would be renewed for a term of five years.

Other Provisions

Each electric supplier would be subject to a new requirement to file, by January 31, April 30, July 31 and October 31 of each year, a confidential report for the sales activity which occurred during the quarterly period just ended. The report shall include sales of electricity made to customers in each utility's franchise area segregated by the same rate classes by which the particular utility reports its own sales, the total kilowatt hours (kWh) sold, the number of customers in each rate class to which sales were made, and the total number of customers purchasing electricity.

Gas suppliers would only be subject to an annual reporting requirement (by March 1) listing the number of New Hampshire customers, by rate class, by month, with annual totals; and sales volumes to New Hampshire customers, in dekatherm units, by rate class, by month, with annual totals.

Gas suppliers would be required to inform customers on their bills that the customer may contact the PUC with complaints. Such information is already required for electric bills.

The proposed rule allows electric utilities impose a "reasonable charge" for off-cycle meter reads, and mandates that suppliers shall provide at least five days' written notice in requesting an off-cycle read.

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window).

2. The number of NOIs that were rejected for being submitted prior to 9:00 a.m. (PDT) on April 16, 2010.

3. Whether each NOI was given a unique and verifiable time stamp and/or was numbered.

4. The earliest time stamp accepted under the enrollment cap.

5. The latest time stamp accepted under the enrollment cap.

6. Whether any NOIs were captured in an email "spam" filter

7. The number of NOIs that were accepted under the enrollment cap.

8. The number of NOIs that had deficiencies that were remedied and then accepted.

9. The number of NOIs that had deficiencies that were never remedied.

10. The number of NOIs that were accepted to the IOU's wait list.

a. Of the NOIs accepted to the wait list, the earliest time-stamped NOI.

b. Of the NOIs accepted to the wait list, the last time-stamped NOI.

c. Whether all customers who have been wait-listed have been notified of their status.

11. Of the NOIs that were rejected:

a. How many were duplicate requests for NOIs that had already accepted?

b. How many were rejected because the cap had been filled?

c. Were there rejections of NOIs for any reasons other than the two categories listed directly above? If so, what were those reasons?

CACES and AReM said that there have been reports that NOI acceptances have been issued by Southern California Edison several weeks after the May 6 deadline. AReM and CACES asked whether these NOI acceptances resulted from other customers electing not to pursue their granted direct access allotment (thus freeing up space), or whether this recent issuance of NOI acceptances was due to a miscalculation in the first round.