


# STATE OF NEW HAMPSHIRE

Inter-Department Communication

NHPUC 23AUG'13PM3:22

**DATE:** August 23, 2013

**AT (OFFICE):** NHPUC

**FROM:**   
Al-Azad Iqbal  
Utility Analyst

**SUBJECT:** DM 10-252 Waiver request of Glacial Energy of New England, Inc.  
Staff Recommendation

**TO:** Debra A. Howland  
Executive Director

On April 4, 2013, Glacial Energy of New England, Inc. (Glacial) filed a request for a waiver of PUC Rule 2003.02<sup>1</sup> which requires, in part, that a competitive electric supplier notify the Commission of any changes to the information submitted in its filings within 30 days following the effective date of the change. With the waiver request Glacial also submitted a copy of the terms of service to be used for residential customers. In its renewal application submitted to the Commission on September 18, 2010, as supplemented on November 4, 2010, Glacial Energy had stated its intent to serve commercial customers only. In its April 4, 2013 filing, Glacial stated that it mistakenly believed that it had notified the Commission of its intent to serve residential customers but, after a review of its records, acknowledged that it had not notified the Commission of its intent to serve residential customers prior to starting a residential marketing campaign in July 2012.<sup>2</sup>

Glacial stated that on February 4, 2013, it had filed a letter with the Commission regarding its intent to serve residential customers through a network marketing program. In response to that letter, Staff informed Glacial of the requirement, pursuant to Puc 2006.01(a)(20), to submit its residential Terms of Service incorporating the requirements of Puc 2004.02., Glacial further stated that in response to its communications with Staff, on February 8, 2013 it submitted its proposed Terms of Service for review.<sup>3</sup> After receiving and incorporating comments from the Consumer Affairs Division, Glacial provided Staff with a revised Terms of Service document (the version attached to the current waiver request) which, it states, is substantially similar to the version that it had been using in the marketplace. At this same time, Glacial was informed by Staff that prior to February 4, 2013 the Commission had not received any formal notification of its

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<sup>1</sup> See, specifically, Puc 2003.02(i).

<sup>2</sup> Glacial indicated that it did have email communications regarding its residential service offerings with certain members of Staff in the months following July 2012.

<sup>3</sup> The February 8, 2013 submission (letter dated February 7, 2013) was filed by Glacial in Docket DM 08-108, the docket wherein Glacial filed for its initial registration as a competitive electric power supplier.

intent to serve residential customers, thus resulting in Glacial's April 4, 2013 request for a retroactive waiver of the formal notification required pursuant to Puc 2003.02(i).

Given Glacial's prior contact with the Consumers Affairs and Electric Divisions at various times from the start of its provision of service to residential customers and its inclusion of Staff's comments into its Terms of Service, Staff recommends that the Commission grant the requested waiver. Staff reviewed the Terms of Service for residential customers and believes that it meets the requirements pursuant to Puc 2004.02. Glacial specifically acknowledged its obligation to comply with the requirements of Puc 2003.02 and stated that going forward it "...will notify the Commission in writing within 30 days of any change to information that was submitted in its September 2010 renewal application."

Should you have any questions, please do not hesitate to contact me.