

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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February 8, 2013

Harry N. Malone, Esq.
Devine, Millimet & Branch PA
111 Amherst Street
Manchester, NH 03101

Re: DE 13-049 – PNE Energy Supply LLC and FairPoint Energy, LLC Joint Motion for Expedited Waiver of PUC Rule 2004.05(k) and PNH Energy Supply LLC Motion for Confidential Treatment

Dear Attorney Malone:

On February 7, 2013, you filed on behalf of PNE Energy Supply LLC (PNE) and FairPoint Energy, LLC (FairPoint Energy) a joint motion for expedited waiver of N.H. Code of Admin. Rule Puc 2004.05(k) along with a motion for confidential treatment. According to the motion for expedited waiver of Puc 2004.05(k), PNE and FairPoint Energy have entered into a purchase and sale agreement dated February 6, 2013 (PSA) for the transfer of approximately 8,500 residential and very small commercial customer accounts. Both PNE and FairPoint Energy are competitive electric power suppliers (CEPS) authorized to do business in New Hampshire. Pursuant to the PSA, PNE will assign all of its right, title and interest in certain customer contracts to FairPoint Energy, and FairPoint Energy will assume all of PNE's responsibilities and obligations under the contracts.

PNE has asked the Commission to waive Puc 2004.05(k). This rule requires 14-days advance notice by a CEPS to an affected customer of any transfer or sale of the right to serve that customer. The rule also sets forth a CEPS responsibilities and customer rights during such a transfer. PNE and FairPoint Energy have requested that the Commission waive the timing of the advance notice requirement and permit the notice to issue upon the granting of the waiver. PNE and FairPoint Energy intend to fulfill all other requirements of the rule, and they have provided copies of the notice and FairPoint Energy's terms of service for the Commission's review.

On February 8, 2013, the Commission reviewed the waiver request and, pursuant to Puc 201.05, determined that the waiver is in the public interest inasmuch as the waiver does not disrupt the orderly and efficient resolution of matters before the Commission, and the purpose of

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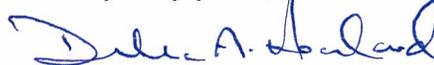
the rule is satisfied by the alternative method proposed by PNE and FairPoint Energy. PNE and FairPoint Energy's proposed notice and transfer process complies with the purpose of the rule and includes providing each customer with 30 days to elect default service or another competitive supplier.

The Commission limited the waiver to customers located in Public Service Company of New Hampshire service territory. As a condition of the waiver, the Commission directs PNE to provide the Commission with a listing of all customer accounts transferred by the PSA within 5 business days of this letter. This listing is to be in electronic, Excel format, and shall include the name, address, service class, and service territory for each customer account. The Commission found that such a list constitutes confidential proprietary financial information, and will treat the list confidentially when the filing is made without the necessity of filing a motion for confidential treatment. As an additional condition to the waiver, the Commission requires FairPoint Energy to make a filing within 10 business days of this letter demonstrating that the surety provided under Puc 2003.03 is adequate given the additional customer base assumed in the PSA.

Also on February 8, 2013, the Commission reviewed the motion for confidentiality and attached affidavit of Howard Plante. The Commission granted the motion for confidential treatment after determining that all of the information for which confidential treatment was sought is proprietary and confidential financial information and is exempt from public disclosure pursuant to RSA 91-A:5, IV.

Lastly, the Commission directed Staff to commence an investigation into PNE's CEPS authorization and the circumstances that necessitated the requested waiver.

Very truly yours,



Debra A. Howland
Executive Director

cc: Docket Related Service List

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 #: 13-049-1 Printed: February 11, 2013

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.