

STATE OF NEW HAMPSHIRE

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June 20, 2023

Calpine Community Energy, LLC
James M. Wood, President and CEO
401 West A Street, Suite 500
San Diego, CA 92101

Re: **REG 2023-002** - Calpine Community Energy, LLC Registration as a Competitive Electric Power Supplier

Dear Mr. Wood:

On March 21, 2023, Calpine Community Energy, LLC (Calpine) filed an application to register as a competitive electric power supplier (CEPS). Calpine subsequently submitted additional information and materials to complete its application, including Electronic Data Interchange certificates and a surety bond in the amount of \$100,000. On June 2, 2023, Calpine submitted a request to amend their current application to now include the New Hampshire Electric Cooperative, Inc. (NHEC) franchise area. In their updated application, Calpine requests authority to operate in the franchise areas of Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty), Unitil Energy Systems, Inc. (Unitil), and New Hampshire Electric Cooperative, Inc. (NHEC), and to provide service to residential, small commercial, large commercial and industrial customers. The application and additional information and materials demonstrate compliance with the requirements of N.H. Code Admin. Rules Puc 2003 and Puc 2006.01.

Under RSA 374-F:7, as amended effective July 1, 2021, the Department of Energy (Department) is now responsible for registration and regulation of CEPS and electric aggregators and for the adoption of related rules. The Department therefore is authorized to enforce the relevant provisions of the Puc 2000 rules, including those related to CEPS registration. *See* RSA 12-P:14.¹

Pursuant to that statutory authority, and the applicable provisions of Puc 2003 and Puc 2006.01, I find that Calpine has met the requirements for registration as a CEPS.

¹ On July 1, 2021, the Department came into existence and many functions previously performed by the Public Utilities Commission (PUC) were transferred to the Department. Under RSA 12-P:14, “[e]xisting rules, orders, and approvals of the [PUC] which are associated with any functions, powers, and duties, transferred to the [Department] pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect and be enforced by the commissioner of the [Department] until they expire or are repealed or amended in accordance with applicable law.” *See* 2021 N.H. Laws Chapter 91 (House Bill 2-FN-A-Local).

Accordingly, Calpine's application for registration as a CEPS authorized to operate in the franchise areas of Eversource, Liberty, Unitil and New Hampshire Electric Cooperative, Inc. (NHEC), and to provide service to residential, small commercial, large commercial and industrial customers, is approved for a three-year term beginning on April 20, 2023, and ending at the close of business on April 20, 2026. Pursuant to Puc 2003.02(a), Calpine must submit its renewal application at least 60 days prior to the expiration of the approved registration period, on or before February 19, 2026.

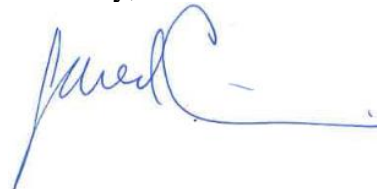
Please be aware that registered CEPS are subject to specific requirements contained in Puc 2000 - Competitive Electric Power Supplier and Aggregator Rules. These rules are available at: <http://www.puc.nh.gov/Regulatory/Rules/PUC2000.pdf>. In particular, note that, under Puc 2003.03(e), if a CEPS's financial security instrument will not be renewed or extended beyond its expiration date, it must (1) provide written notice to the Department of such non-renewal or non-extension no less than 60 days prior to the expiration date, and (2) submit to the Department a replacement financial security instrument meeting the requirements of the rules no less than 30 days prior to the expiration date, and that, under Puc 2003.03(f), a CEPS that fails to comply with the requirement to file a replacement financial security instrument is subject to fines, suspension, or revocation pursuant to Puc 2005.

Please also note that each CEPS must input into a shopping comparison website, maintained by the Department, information regarding its standard pricing policies, charges, and key terms for residential and small commercial customers. This information must be updated whenever it changes, but no less frequently than once per month. These requirements are intended to comply with RSA 374-F:4-b, II and Puc 2004.03(a). Following its initial registration, each CEPS will be sent by electronic mail a link to the website through which it must input the required information.

In addition, all CEPS must comply with the renewable portfolio standard (RPS) requirements of RSA 362-F. The RPS obligation applies to every "provider of electricity," as defined in RSA 362-F:2, XIV, which includes registered CEPS. Please also refer to the Puc 2500 rules for further details regarding RPS compliance and reporting requirements. RPS compliance is on a calendar year basis and must be reported to the Department by July 1 of the subsequent calendar year.

Pursuant to RSA 378:49 and Puc 2004.05, all CEPS also must comply with the requirement to disclose environmental characteristics of the electricity they sell to retail customers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jared S. Chicoine", with a long horizontal flourish extending to the right.

Jared S. Chicoine
Commissioner