

STATE OF NEW HAMPSHIRE

COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.



DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-3670

FAX No. 271-1526

Website:
www.energy.nh.gov

March 28, 2022

Texas Retail Energy, LLC
James Staggs, Senior Manager
2608 S.E.J Street
Bentonville, AR 72716

Re: Texas Retail Energy, LLC Renewal of Registration as a
Competitive Electric Power Supplier

Dear Mr. Staggs:

On March 21, 2022, Texas Retail Energy, LLC (Texas Retail Energy) filed an application to renew its registration as a competitive electric power supplier (CEPS). The application and additional information and materials provided demonstrate compliance with the requirements of N.H. Code Admin. Rules Puc 2003 and Puc 2006.01, subject to the limited rule waiver granted below.

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, Texas Retail Energy has met the requirements for registration as a CEPS, with the exception of the requirement to maintain financial security meeting the specific requirements of Puc 2003.03. Texas Retail Energy has provided financial security in the form of a parent company guaranty that does not meet all of those specific requirements. However, because Texas Retail Energy is a subsidiary of Walmart, Inc. and only serves companies affiliated with Walmart, Inc., and does not serve any customers other than its own affiliates, Texas Retail Energy's parent guaranty agreement is accepted as sufficient financial security as submitted, and any contrary or inconsistent provisions of Puc 2003.03 are hereby waived, where such waiver is for good cause and serves the public interest, as contemplated by Puc 201.05.

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, Texas Retail Energy's application for renewal registration as a CEPS authorized to serve only its affiliates and no other customers in the franchise areas of Public Service Company of New Hampshire d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, and Unitil Energy Systems, Inc. is approved for a three-year term beginning on April 1, 2022 and ending at the close of business on April 1, 2025. Pursuant to Puc 2003.02(a), Texas Retail Energy must submit its renewal application at least 60 days prior to the expiration of the approved registration period, on or before January 31, 2025.

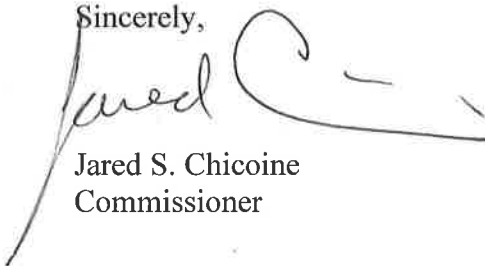
Please be aware that registered CEPS are subject to specific requirements contained in Puc 2000 - Competitive Electric Power Supplier and Aggregator Rules. These rules are available at: <http://www.puc.nh.gov/Regulatory/Rules/PUC2000.pdf>.

Please also note that each CEPS must input information regarding its standard pricing policies, charges, and key terms for residential and small commercial customers into a shopping comparison website, maintained by the Department,. 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 portal 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 black ink, appearing to read "Jared S. Chicoine", with a large, stylized flourish extending to the right.

Jared S. Chicoine
Commissioner