

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

RULES APPLICABLE TO

NONREGULATED POWER PRODUCERS: Docket D-14-162

:

**NOTICE OF PROPOSED RULEMAKING**

Pursuant to the provisions of Section 39-1-1, 39-3-33 and 42-35-3 of the Rhode Island General Laws, as amended, the Division of Public Utilities and Carriers (the "Division") hereby gives notice that it will solicit comments in a rulemaking proceeding to adopt amendments to existing rules entitled "Rules Applicable to Nonregulated Power Producers" ("NPP Rules").

Specifically, the Division is proposing amendments to its NPP Rules to reflect recent changes made by the Public Utilities Commission (PUC) to its rules entitled "Consumer Protection Requirements for Nonregulated Power Producers". The PUC's amendments included changes to properly reflect the current respective statutory jurisdiction of the PUC and Division in addressing consumer complaints against Nonregulated Power Producers. The PUC's rules now clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers. The Division is proposing amendments to its NPP Rules to be consistent with the recently amended PUC Rules. The proposed language will have no substantive impact on the existing complaint resolution process.

In the development of the proposed amendment, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach or duplication or overlap was identified based upon available information.

A copy of the aforementioned Division's proposed amended NPP Rules may be obtained in person at the Division, by mail by calling (401) 780-2105 or may be accessed through the following link on the Division's website at:  
[http://www.ripuc.ri.gov/eventsactions/docket/D\\_14\\_162.html](http://www.ripuc.ri.gov/eventsactions/docket/D_14_162.html)

Prior to the public comment deadline of November 12, 2014, interested persons wishing to offer data, views, or arguments on this matter may direct those comments to:

John Spirito, Jr., Chief of Legal Services  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

General inquiries regarding this matter may be directed to the Division's Rules Coordinator, Thomas Kogut, at (401) 780-2105.

Reference is made to R.I. Gen. Laws Chapters 42-35, 39-1, and 39-26.1 et seq., and specifically to: §§42-35-1, 42-35-2, 42-35-3, 42-35-4, 42-35-5, 39-1-15, 39-3-33, 39-1-38, and 39-1-27.1.

Thomas Kogut  
Rules Coordinator  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

October 8, 2014

**Rhode Island Division of Public Utilities and Carriers**

**Proposed Non-technical Amendments to  
Rules Applicable to Nonregulated Power Producers**

**Concise Explanatory Statement pursuant to RIGL §42-35-2.3**

In accordance with the Administrative Procedures Act (RIGL § 42-35-3(a)(1) ) the following is a concise summary of proposed non-technical amendments:

1. Part I updates the effective date of the Public Utility Commission's "Consumer Protection Requirements for Nonregulated Power Producers" and deletes a reference to a part of that rule that will be deleted from the Division regulation.
2. Part IV (B) amends language to clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers
3. Appendix is deleted in its entirety.

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**RULES APPLICABLE TO NONREGULATED POWER PRODUCERS**

Date of Public Notice: **October XX, 2014**

Deadline for Submitting Data, Views or Arguments: **October XX, 2014**

Effective Date: **November XX, 2014**

## **RULES APPLICABLE TO NONREGULATED POWER PRODUCERS**

### **I. INTRODUCTION**

Nonregulated Power Producers ("NPPs"), have been permitted to sell to or aggregate electricity for eligible Rhode Island customers since July 1, 1997. As defined by the Utility Restructuring Act of 1996 ("URA"), R.I.G.L. Sec. 39-1-2(7.1), NPP means a company engaging in the business of producing, manufacturing, generating, buying, aggregating, marketing or brokering electricity for sale at wholesale or for retail sale to the public. Companies which negotiate the purchase of electric generation services on behalf of customers and do not engage in the purchase and resale of electric generation services are not NPPs within the meaning of the URA. The Division of Public Utilities and Carriers ("Division") has been authorized by R.I.G.L. Secs. 39-1-3(b) and 39-1-27.1(c) and (d) to exercise certain regulatory authority over NPPs. These regulations are adopted pursuant to that authority.

In addition to the instant Division rules, the Rhode Island Public Utilities Commission ("Commission") has also promulgated rules governing the regulation of NPPs. The Commission rules are entitled: "Reliability Responsibility Regulations for Nonregulated Power Producers", effective on January 1, 1997; and "Consumer Protection Requirements for Nonregulated Power Producers," effective ~~December 31, 1997~~ November XX, 2014. Interested persons should examine all NPP-related rules for a comprehensive understanding of the regulatory requirements attached to NPPs doing business in Rhode Island.

~~Commission Rule II, of the Commission's "Consumer Protection Requirements for Non-regulated Power Producers," provides predicate and related NPP requirements which ought to be examined in concert with the Division's instant rules. For convenience purposes, Commission Rule II has been attached to these rules as an Appendix.~~

### **II. PREREQUISITES FOR RHODE ISLAND OPERATIONS**

A. All NPPs seeking to do business in Rhode Island must file with the Division a notarized registration application that includes the following:

1. Legal name;
2. Business Address;
3. The name of the state where organized; the date of organization; a copy of the articles of incorporation, association, partnership agreement, or other similar document regarding legal organization;

4. Name and business address of all officers and directors, partners; or other similar officials;
  5. Name, title, and telephone number of customer service contact person;
  6. Name, title, and telephone number of regulatory contact person;
  7. Name, title and address of registered agent for service of process;
  8. Brief description of financial soundness such as surety bonds, a recent financial statement, or other mechanism as specified by the Division;
  9. Affirmation that the applicant will comply with the Rhode Island General Laws and all rules and regulations promulgated by the Division and the Public Utilities Commission ("Commission");
  10. Evidence that, in accordance with the Commission's Reliability Responsibility Regulations, the applicant is either (a) a NEPOOL participant or (b) has a written agreement with a NEPOOL member through which such member agrees to include the load served by the NPP in its load. A copy of this agreement (with any pricing or unrelated commercial terms redacted) should be included with the applicant's filing;
  11. Evidence of authorization from the Rhode Island Secretary of State to do business in Rhode Island.
- B. Copies of all filings shall be served on the Commission and all electric distribution companies.
- C. Unless rejected within thirty (30) days, registration applications filed in accordance with these rules shall become effective thirty (30) days after filing. If the Division rejects the application, it shall specify the applicable reasons in writing and, if practicable, identify alternative ways to overcome the noted deficiencies. NPPs are authorized to do business in this state after their registration becomes effective and while they remain in good standing.
- D. Updated information shall be filed within ten (10) days of any change to the information included in the registration application as filed or amended.
- E. Any person who has exhausted all administrative remedies available to them within the Division, and is aggrieved by a final order or decision of the Division, is entitled to judicial review in accordance with the Administrative Procedures Act (R.I.G.L. Sec. 42-35-1

### III. RESCISSION OF NPPs REGISTRATION

- A. A NPP may voluntarily surrender its registration and therefore, its right to conduct business in Rhode Island. Such voluntary surrender does not affect the rights or liabilities of any persons or entities with whom the NPP did business in Rhode Island.
- B. The Division may rescind a NPP's registration as follows:
1. A proceeding to rescind may, in the Division's discretion, be instituted either by the filing of a consumer complaint or as the result of a sua sponte Division investigation;
  2. A proceeding shall be instituted if the Division determines that the NPP no longer complies with any of the requirements of Section II A of these Rules;
  3. The NPP will be given notice and the hearing will be conducted in accordance with the provisions of the Division's Rules of Practice and Procedure.
  4. Rescission does not affect the rights or liabilities of any persons or entities with whom the NPP did business in Rhode Island.
- C. Any person who has exhausted all administrative remedies available to them within the Division, and is aggrieved by a final order or decision of the Division, is entitled to judicial review in accordance with the Administrative Procedures Act (R.I.G.L. Sec. 42-35-15).

### IV. DISPUTE RESOLUTION REGULATIONS RELATING TO NONREGULATED POWER PRODUCERS

- A. Breach of contract claims or billing disputes between NPPs and customers that cannot be privately resolved should be resolved through appropriate legal action.
- B. Disputes between NPPs, customers, or other aggrieved parties relating to violations of the Commission's Consumer Protection Regulations and/or these regulations are subject to the following:
1. Any party who believes they have been or will be aggrieved by a violation of the Commission's Consumer Protection Regulations or these regulations may file a complaint with the Division. ~~A copy of the complaint shall also be served on the Commission.~~

2. The Attorney General, as a matter of right, may file a complaint with the Division against any NPP to seek enforcement of the Commission's Consumer Protection Regulations and/or these regulations.
3. The form of the complaint should clearly set forth:
  - a) The facts at issue;
  - b) The position of the petitioner;
  - c) A statement of why the petitioner is aggrieved and what rules or requirements were violated; and
  - d) The relief being sought.
4. A copy of the complaint must be provided to the NPP or opposing party. However, if a customer files a complaint with the Division, it will not be dismissed as to form, nor will it be dismissed for failure to serve a copy on the NPP.
5. The NPP or opposing party that is the subject of a complaint will have ten business days to respond. If the NPP was not served a copy of the complaint, the NPP will have ten business days from receipt of a copy from the Division. However, if the Division determines that the nature of the complaint requires expeditious action, the Division reserves the right to require a shorter response period and/or take whatever action is reasonably necessary to protect the public while the hearing is pending.
6. Any person or entity whose interests will be substantially and significantly affected by the outcome of proceedings under this rule may file a motion to intervene. The motion must clearly set forth the interests of the party seeking intervenor status. The Division shall grant such motion if:
  - a) The person's or entity's interests will be substantially and significantly affected by the outcome of the proceedings under this rule; and
  - b) The interests cannot be adequately represented by other parties to the proceeding.

Alternatively, the Division can grant a party or entity limited intervenor status which would allow that intervenor the right to submit written comments.

~~7. When the Division is delegated the responsibility to initially hear a complaint under the Commission's Consumer Protection Regulations, the Division will hear the complaint and file a decision and findings with the Commission at the close of the case.~~

#### ~~8~~ 7. Written Decision and Remedies

a) Within ten business days of the close of the hearing or receipt of briefs (if required by the Division), a written decision will be rendered, unless the Division notifies the parties that an extension of time, not to exceed fifteen additional business days, will be required.

~~b) The Division reserves the right to exercise its authority, subject to the right of appeal to the Commission, to issue any order reasonably necessary to enforce these regulations, resolve any disputes, or otherwise protect the public interest.~~

#### ~~9. Right of Appeals to the Commission~~

a) ~~Any decision of the Division issued in conformance with these Rules shall be final and binding upon the parties unless appealed under the Rhode Island Administrative Procedures Act. party to the Division's proceeding may, as a matter of right, appeal the decision of the Division to the Commission by filing a notice of appeal within five business days of the issuance of the Division's written decision. The notice of appeal must include a copy of the Division's written decision, and set forth clearly and concisely the basis for the petitioner's disagreement with the decision. A copy of the notice of appeal must be served on all other parties to the proceeding. Any decision of the Commission is directly appealable to the Supreme Court pursuant to R.I.G.L. Sec. 39-5-1.~~

~~b) If a timely appeal of the decision is not made, and the Division reasonably believes that a party or parties to its decision are not complying or have not complied with the directives in the decision, the Division may request the Commission to issue an order and provide such other relief as may be in the public interest.~~

~~10. Any decision of the Division issued in conformance with these Regulations shall be final and binding upon the parties, as if the Commission issued the decision, unless a timely notice of appeal has been filed with the Commission.~~

## Appendix

### II. PREREQUISITES FOR RHODE ISLAND OPERATIONS

~~A. All NPPs seeking to do business in Rhode Island must be registered in good standing with the Division of Public Utilities and Carriers ("Division"), in accordance with R.I.G.L. Sec.39-1-27.1(c) and (d).~~

~~B. In addition, and NPP must file with the Division evidence of authorization to do business in Rhode Island from the Rhode Island of Secretary of State.~~

~~C. Dissemination of information regarding a customer's usage is governed by the electric distribution company's Terms and Conditions. Where there is no provision for dissemination of customer usage information, such information will be provided at the customer's request by the electric distribution company to the customer at no charge, for dissemination by the customer to NPPs of the customer's choice. There may be direct transfer of data from the electric distribution company directly to the supplier upon request of the customer.~~

~~D. Contracts between NPPs and customers must be written in plain English, and include the following information:~~

- ~~1. Specific pricing information, including all charges (see Rule II E);~~
- ~~2. Term of service;~~
- ~~3. Rights and limitations of each party to terminate the contract, including notification rules for termination by either signatory. This section of the contract must clearly state that the NPP may not physically cut off electric service to consumers;~~
- ~~4. Amount of any fees or penalties that may be imposed, e.g., for late payments, bad checks, or early contract terminations;~~
- ~~5. Any deposits that may be required (including amount, interest rate, recovery, conditions for forfeiture);~~
- ~~6. Budget plan availability, if any;~~
- ~~7. Dispute resolution process;~~
- ~~8. Customer service contact telephone number; and~~
- ~~9. Any additional service options or additional information.~~

~~For uniformity of presentation to residential customers, the information shall be presented in the above numerical order. Upon request by a residential customer, the contract must be made available in Spanish and Portuguese.~~

~~E. Price information should include pricing elements, price change formulas, and the potential for price volatility through variable rates or other mechanisms. Upon adoption by the Commission of a format for such disclosure, NPPs shall present information using the prescribed format.~~

~~F. Fuel and environmental impacts of the NPP's source or sources of generation must be provided to customers in the format prescribed by the Commission upon its adoption of such a format. Prior to such adoption:~~

- ~~1. NPPs that make representations about generation sources, emissions or other environmental claims about their product must do so in a manner that is factually accurate and not misleading.~~
- ~~2. Any NPP making such a claim must file a copy of the claim and substantiation thereof with the Commission for its information within ten (10) business days after making it public.~~
- ~~3. The filing must include a description of the contracts and/or entitlements that are being relied upon by the NPP to support its claim.~~

~~G. NPP customer bills must contain, at a minimum, the billing period (dates and number of days in the period); an indication of whether the bill is rendered on an "actual read" or estimated basis; the demand and energy levels being billed; the current month's billing amount, shown separately from the total amount due; payment due date; late payment penalties, interest rate, and charges; and a toll-free contact number for questions regarding the bill.~~

~~H. Physical cut-off of electric service shall be controlled solely by the electric distribution company under its current termination rules.~~

## **SMALL BUSINESS IMPACT STATEMENT**

**Agency submitting regulation:** Rhode Island Division of Public Utilities and Carriers

**Subject matter of regulation:** Rules Applicable to Nonregulated Power Producers

**ERLID No:** 929 - being amended

**Statutory authority:** R.I. Gen. Laws § 39-1-3(b), 39-1-27.1(C)(D) and § 39-2-1(c).

**Other agencies affected:** Rhode Island Public Utilities Commission

**Other regulations that may duplicate or conflict with the regulation:** None.

**Describe the scope and objectives of the regulation:** The Division is proposing amendments to its Nonregulated Power Producer (NPP) Rules to reflect recent changes made by the Public Utilities Commission (PUC) to its rules entitled *Consumer Protection Requirements for Nonregulated Power Producers*. The PUC's amendments included changes to properly reflect the current respective statutory jurisdiction of the PUC and Division in addressing consumer complaints against Nonregulated Power Producers. The PUC's rules now clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers. The Division is proposing amendments to its NPP Rules to be consistent with the recently amended PUC Rules. The proposed language will have no substantive impact on the existing complaint resolution process.

**What was the rationale for establishing this regulation?** The rule reflects the statutory requirements for NPP's to file with the Division, and provides a dispute resolution mechanism for consumers.

**Does the rationale still exist?** Yes.

**Is the rationale still relevant?** Yes.

**Business industry (s) affected by the regulation:** Nonregulated Power Producers

**Types of businesses included in the industry (s):** Competitive electric suppliers, load aggregators.

**Total number of small businesses included in the regulated industry (s)** *(Please see the attached guidance documents for assistance determining the total number of small businesses)*

There does not appear to be a matching NAICS code for this category of companies. However, assuming some may be small businesses, it is unknown. These types of businesses can be located anywhere in the

U.S. and may be larger than the definition of small business. Attached is a list of nonregulated power producers currently registered to provide retail electric supply to customers in RI. They may or may not be operating.

**Number of small businesses potentially subject to the proposed regulation:** There does not appear to be a matching NAICS code for this category of companies. However, assuming some may be small businesses, it is unknown. These types of businesses can be located anywhere in the U.S. and may be larger than the definition of small business.

**How often do small businesses contact your agency for assistance with clarification of the regulation and/or receive assistance with compliance issues?** Unknown. However, there are currently 104 NPPs registered with the Division.

**What is the cost to your agency of establishing and enforcing this regulation?** The cost of enforcement is included in the normal course of business, particularly in the Division of Public Utilities and Carriers' consumer and accounting sections.

**What would the consequences be if the regulation did not exist?** There would be no rules listing statutory requirements from NPP registration and providing for a framework for dispute resolution. As such, the Division would not be meeting its statutory obligation.

**Effective date used in cost estimate:** October 1, 2014.

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**For each question below, please answer “yes” or “no” and offer a brief explanation. Please describe any facts, data, views, arguments, or other input from small businesses, organizations or any other sources that were used to quantify the impacts outlined below.**

1.	Yes	No <b>X</b>	<b>Do small businesses have to create, file, or issue additional reports?</b> There are no additional reports, just the pre-requisite that they have registered as an NPP with the Division of Public Utilities and Carriers .
2.	Yes	No <b>X</b>	<b>Do small businesses have to implement additional recordkeeping procedures?</b>
3.	Yes	No	<b>Do small businesses have to provide additional administrative oversight?</b>

		X	
4.	Yes	No X	<b>Do small businesses have to hire additional employees in order to comply with the proposed regulation?</b>
5.	Yes	No X	<b>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</b>
6.	Yes	No X	<b>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</b>
7.	Yes	No X	<b>Are performance standards more appropriate than design standards?</b>
8.	Yes	No X	<b>Does the regulation require small businesses to cooperate with audits, inspections, or other regulatory enforcement activities?</b>
9.	Yes	No X	<b>Does the regulation have the effect of creating additional taxes and/or fees for small businesses?</b>

10.	Yes	No X	<b>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</b>
11.	Yes	No X	<b>Is the regulation likely to <i>deter</i> the formation of small businesses in RI?</b>
12.	Yes	No X	<b>Is the regulation likely to <i>encourage</i> the formation of small businesses in RI?</b>
13.	Yes	No X	<b>Can the regulation provide for less stringent compliance or reporting requirements for small businesses?</b>
14.	Yes	No X	<b>Can the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</b>
15.	Yes	No X	<b>Can the compliance or reporting requirements be consolidated or simplified for small businesses?</b>

16.	Yes	No X	<b>Can performance standards for small businesses replace design or operational standards?</b>
17.	Yes	No X	<b>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</b>
18.	Yes	No X	<b>Have any small businesses or small business organizations been contacted during the preparation of this document? If so, please describe.</b>

Source: <http://www.ripuc.ri.gov/utilityinfo/electric/nonreg.html>

## Nonregulated Power Producers Registered with the Rhode Island Division of Public Utilities Updated April 4, 2014

Notice To Customers Seeking Competitive Energy Suppliers.

These listed companies have appropriately registered with the Division of Public Utilities and Carriers in accordance with Rhode Island General Laws. Registration with the Division allows suppliers to do business in the state, but does not mandate that they offer service.

Based on current information filed at the Division. many of these listed companies are not offering service in Rhode Island. Some of the companies, who do offer service, are only providing it to commercial/industrial and not residential customers.

Docket: D-96-6(E) Constellation NewEnergy, Inc. 116 Huntington Avenue, Ste 700 Boston, MA 02116 617-772-7500	Docket: D-96-6(Z) Direct Energy Business, LLC 1001Liberty Ave. Pittsburgh, PA 15222 888-925-9115
Docket: D-96-6(I1) Tiverton Power, Inc.	Docket: D-96-6(L1) Ocean State Power 1575 Sherman Farm Rd. Harrisville, RI 02830 Note: Wholesaler Only
Docket: D-96-6(M1) Ocean State Power 1575 Sherman Farm Rd. Harrisville, RI 02830 Note: Wholesaler Only	Docket: D-96-6(N1) TransCanada Power Marketing 110 Turnpike Rd., Suite 203 Westboro, MA 01581 Contact: Cheryl Popiak Phone: 877-634-2928
Docket: D-96-6(Z1) Dominion Retail, Inc. 1201 Pitt Street Pittsburgh, PA 15221 Contact: Kimberly Kujbus Phone: 888-284-3559	Docket D-96-6(E2) Energy Rhode Island State Energy, LP 2001 Timberloch Place The Woodlands, TX 77380 Phone: 281-297-5515
Docket: D-96-6(J2) People's Power & Light 284 Amory St. Boston, MA 02130 Contact: Amy Vavak Phone: 617-524-3950 x-125	Docket: D-96-6(L2) Energy New England LLC 100 Foxborough Blvd., Suite 110 Foxboro, MA 02035 Contact: Donna Fitch Phone: 888-722-4742
Docket: D-96-6(P2) Suez Energy Resources NA, Inc. 1990 Post Oak Blvd., Suite 1900 Houston, TX 77656	Docket: D-96-6(R2) Westerly Hospital Energy Company 25 Wells St. Westerly, RI 02891

Contact: Alicia Nieto Phone: 866-999-TESE	
Docket: D-96-6(T2) MxEnergy 595 Summer St., Suite 300 Stamford, CT 06901 Phone: Call Center – 800-785-4373	Docket: D-96-6(U2) Direct Energy 263 Tresser Blvd. One Stamford Plaza Stamford, CT 06901 Contact: Robert Comstock Phone: 203-604-0364
Docket: D-96-6(V2) Hess Corporation One Hess Plaza Woodbridge, NJ 07095 Contact: Jim Connolly Phone: 800 HESS-USA	Docket: D-96-6(W2) Integrus Energy Services, Inc. 1750 Elm Street, Suite 800 Manchester, NH 03104 Contact: Wanda Mill Phone: 603-263-6908
Docket: D-96-6(Y2) Usource, LLC 6 Liberty Lane West Hampton, NH 03842 Contact: Shannon Trasatti Phone: 603-773-6432	Docket: D-96-6(Z2) Consumer Energy Solutions, Inc. 1315 Cleveland St. Clearwater, FL 33755 Contact: James Mathers Phone: 727-723-0704
Docket: D-96-6(B3) Global Montello Group Corp. 800 South St., Suite 200 Waltham, MA 02454 Contact: Customer Service Phone: 800-685-7222	Docket: D-96-6(D3) World Energy Solution, Inc. 446 Main St., 14 <sup>th</sup> Floor Worcester, MA 01618 Contact: Reica Backstrom Phone: 508-459-8143
Docket: D-96-6(E3) Glacial Energy of New England, Inc. 718 Hwy 82E Box 324 Sherman, TX 75090 Contact: Customer Service Phone: 281-964-3901 or 877-569-2841	Docket: D-96-6(G3) Horizon Power & Light, LLC 800 Bering Drive, Suite 250 Houston, TX 77057 Contact: Eugene McNeal Phone: 866-651-5534
Docket: D-96-6(H3) Liberty Power Delaware, LLC 800 W Cypress Creek Rd. Suit 410 Fort Lauderdale, FL 3309	Docket: D-96-6(I3) Liberty Power Holdings, LLC 800 W Cypress Creek Rd. Suit 410 Fort Lauderdale, FL 3309
Docket: D-96-6(J3) SJH Energy LLC 200 North High Service Ave. North Providence, RI –2904	Docket: D-96-6(L3) LPB Energy Consulting 12700 Park Central Drive, Suite 200 Dallas, TX 75251

<p>Docket: D-96-6(K3)  Halifax American Operating Company  1 South Jersey Plaza, Route 54  Folsom, NJ 08037  603-625-9448</p>	<p>Docket: D-96-6(M3)  NrxtEra Energy Services Rhode Island, LLC  20 Greenway Plaza, Suite 600  Houston, TX 77046</p>
<p>Docket: D-96-6(O3)  Ridgewood Providence Power Partners, L.P.  947 Linwood Ave.  Ridgewood, NJ 07450  Contact: John Bahrs  Phone: 201-447-9000</p>	<p>Docket: D-96-6(P3)  Ridgewood Rhode Island Generation LLC  947 Linwood Ave.  Ridgewood, NJ 07450  Contact: John Bahrs  Phone: 201-447-9000</p>
<p>Docket: D-96-6(R3)  Secure Energy Solutions, LLC  146 Chestnut St., Suite 400  Springfield, MA 01103  Contact: John Haynes  Phone: 413-733-2571, x-10</p>	<p>Docket: D-96-6(S3)  Shell Energy North America  1000 Main Street, Level 12  Houston, TX 77002  Contact: Dave French  Phone: 315-423-4803</p>
<p>Docket: D-96-6(T3)  Noble Americas Energy Solutions LLC  401 West A Street, Suite 500  San Diego, CA 92101  Phone: 877-273-6772</p>	<p>Docket: D96-6(X3)  Metromedia Power, Inc.  200 West Park Dr., Suite 125  Westborough, MA 01581  Phone: 508-329-0165</p>
<p>Docket: D-96-6(Y3)  Quest Energy Solutions  203 Southbridge St.  Auburn, MA 01501  Phone: 508-407-8572</p>	<p>Docket: D-96-6(Z3)  Taylor Consulting and Contracting, LLC  625 Main St.  Avoca, PA 18941  Phone: 877-237-9936</p>
<p>Docket: D-96-6(A4)  Early Bird Power  1 Adams St.  Milton, MA 02186  Contact: Shaun Pandit  Phone: 888-763-2759</p>	<p>Docket: D-96-6(B4)  Devonshire Energy, LLC  82 Devonshire St. R7A  Boston, MA 02109</p>
<p>Docket: D-96-6(C4)  PAETEC Energy  600 Willowbrook Office Park  Fairport, NY 14450  Phone: 716-566-6211</p>	<p>D-96-6(D4)  TFS Energy Solutions, LLC  680 Washington Blvd.  Stamford, CT 06901  888-240-4148</p>
<p>D-96-6(E4)  First Point Power, LLC  610 Rod Road #2  North Kingstown, RI 02852  401-684-1443</p>	<p>Docket: D-96-6(F4)  Sprague Operating Resources LLC  2 International Dr., Suite 200  Portsmouth, NH 03801  866-477-7248</p>

<p>D-96-6(G4)  Goldstar Energy Group Inc.  5429 Harding Highway, Bldg. 500  Mays Landing, NJ 08330  800-942-1109</p>	<p>D-96-6(I4)  Power 2 Profit Energy Solutions, Inc.  601 Portion Rd, Suite 211  Ronkikoma, NY 11779  631-981-8100</p>
<p>Docket: D-96-6(J4)  Mint Energy, LLC  1 Rounder Way, Suite 220  Burlington, MA 01803  877-611-6468</p>	<p>Docket: D-96-6(K4)  Patriot Energy Group, Inc.  1 Rounder Way, Suite 200  Burlington, MA 01803  800-343-4410</p>
<p>Docket: D-96-6(M4)  Integrity Energy, LTD  5711 Grant Ave.  Cleveland, OH 44105  216-502-4298</p>	<p>Docket: D-96-6(N4)  Best Practice Energy LLC  96 General Stanton Lane  Charlestown, RI 02813  401-793-1002</p>
<p>Docket: D-96-6(P4)  Energy Rebate, Inc.  29 Carriage House Path  Ashland, MA 01721  508-231-8835</p>	<p>Docket: D-96-6(Q4)  Ameresco  Point West Place, 111 Speen St. Ste 410  Framingham, MA 01701  704-916-3531</p>
<p>Docket: D-96-6(R4)  Resource Energy Systems, LLC  1177 High Ridge Rd.  Stamford, CT 06905  877-778-1757</p>	<p>Docket D-96-6(S4)  Single Source Energy Solutions  77 Accord Park Dr., Suite D7  Norwell, MA 02061  866-980-1222</p>
<p>Docket: D-96-6(T4)  Inovative Energy Advisors, LLC  331 Newman Springs Rd., Bldg 1, Ste 143  Red Bank, NJ 07701  609-693-6006</p>	<p>Docket: D-96-6(U4)  SourceOne, Inc.  132 Canal St.  Boston, MA 02114  617-399-6123</p>
<p>Docket: D-96-6(V4)  Unified Energy Services, LLC  3900 Esses Lane, Ste 75  Houston, TX 77027  832-818-7000</p>	<p>Docket: D-96-6(X4)  HOP Energy, LLC  4 W. Red Oak Lane, Suite 310  White Plains, NY 10604  914-304-1343</p>
<p>Docket: D-96-6(Y4)  National Utility Service, Inc.  One Maynard Dr.  Park Ridge, NJ 07656  800-654-4687</p>	<p>Docket: D-96-6(Z4)  Consolidated Edison Solutions  100 Summit Lake Dr.  Vallhalla, NY 10595  914-286-7089</p>

Docket: D-96-6(A5) Ecova, Inc. Attn: Legal Dept/ Brad Gawboy 1313 N. Atlantic St. Suite 500 Spokane, WA 99201 Phone: 800-791-7564	Docket: D-96-6(B5) Electric Advisors, Inc. 5272 River Rd, Ste 440 Bethesda, MD 20816 Phone: 855-398-7200
Docket: D-96-6(C5) Maneri-Agraz, LLC 1620 W. Sam Houston Parkway Houston, TX Phone: 932-358-3900	Docket: D-96-6(D5) Pope Energy 42 8th street, Suite 4413 Charlestown, MA 02129 Phone: 855-767-3363
Docket: D-96-6(E5) NextEra Energy Power Marketing, LLC One Citizens Plaza, 8th Floor Providence, RI 02903 Phone: 561-304-4357	Docket: D-96-6(F5) Power Management Co., LLC 1600 Moseley Rd. Victor, NY Phone: 585-249-1360
Docket: D-96-6(G5) Sprague Energy Solutions Inc. 2 International Dr. Suite 200 Portsmouth, NH 03801 Phone: 866-477-7249	Docket: D-96-6(H5) Affiliated Power Purchases International. LLC 224 Philip Morris Dr. Suite 402 Salisbury, MD 21804 Phone: 800-520-6685
Docket: D-96-6(I5) Energy Trust LLC dba ET Energy RI, LLC PO Box 29914 Baltimore, MD 21230 Phone: 410-837-1120	Docket: D-96-6(J5) Dominion Energy Manchester St. Inc. 120 Tredegar St. Richmond, VA 23219
Docket: D-96-6(K5) EnerNOC, Inc. 101 Federal St. ste 1100 Boston, MA 02110 Phone: 203-517-2824	Docket: D-96-6(L5) Utility Analysts, LLC 24 Country Lane Canton, CT 06019 Phone: 860-693-8550
Docket D-96-6(M5) Public Power, LLC 39 Old Ridgebury Rd, Suite 14 Danbury, CT 06810 Stamford, CT 06901 888-354-4415	Docket D-96-6(N5) PNE Energy Supply, LLC d/b/a Power New England 497 Hooksett Rd, Suite 179 Manchester, NH 03104 888-669-1685
Docket D-96-6(O5) Good Energy, L.P. 232 Madison Ave, Ste 405 New York, NY 10016 866-955-2677	Docket D-96-6(P5) Ambit Energy 1801 North Lamar St, Ste 200 Dallas, TX 75202 877-282-6248

Docket D-96-6(Q5) The Legacy Energy Group, LLC 32 Waterloo St., 3rd Fl Warrenton, VA 20186 540-351-0981	Docket D-96-6(R5) Clearview Electric IncV P.O. Box 130659 Dallas, TX 75313 972-545-9990, x-625
Docket D-96-6(S5) Energy Choice, Inc. 20 Holland St, Ste 406A Somerville, MA 02144 617-939-0166	Docket D-96-6(T5) Better Cost Control, LLC 2274 Washington St. Newton, MA 02462 617-332-7767, x-123
Docket D-96-6(U5) North American Power & Gas, LLC 20 Glover Ave. Norwalk CT 06851 203-663-9724	Docket D-96-6(V5) Verdigris Energy LLC 1711 Bur Oak Dr. Allen, TX 75002 (214) 592-7777
Docket D-96-6(W5) Choice Energy Services Retail, LP 5151 San Felipe St, Suite 2200 Houston, TX 77056 713-358-5424	
Docket D-96-6(X5) Gulf Oil Limited Partnership 100 Crossing Blvd Framingham, MA 01702 508-270-8300	Docket D-96-6(Y5) Union Atlantic Electricity 220 Maine Mall Rd. South Portland, ME 04106 207-761-1844
Docket D-96-6(Z5) RJT Energy Consultants 116 Washington Ave North Haven, CT 06473 203-821-7820 x2540	Docket D-96-6(A6) XOOM Energy Rhode Island, LLC 11208 Statesville Rd., Suite 200 Huntersville, NC 28078 704-274-1450
Docket D-96-6(B6) Town Square Energy 16233Kenyon Ave, Suite 210 Lakeville, MN 55044 877-430-0093	Docket D-96-6(C6) Frontline Power Solutions, LLC 251 Thames St. Bristol, RI 02809 401-474-4776
Docket D-96-6(D6) Genbright LLC 30 Federal St, 3rd Floor Boston, MA 02110 617-699-0564	Docket D-96-6(E6) Atlas Commodities, LLC 24 E. Greenway Plaza, Suite 445 Houston, TX 77046 281-407-2438

<p>Docket D-96-6(F6)  Reflective Energy Solutions LLC  One University Plaza, Suite 407  Hackensack, NJ 07601  201-880-1997</p>	<p>Docket D-96-6(H6)  Wind Energy Development, LLC  d/b/a WED Coventry Two, LLC  1130 Ten Rod Road, Suite E-102  North Kingstown, RI 02852  401-580-2060</p>
<p>Docket D-96-6(I6)  America Approved Commercial, LLC  13451 McGregor Blvd, Unit 29  Fort Meyers, FL 33919  239-689-4337</p>	<p>Docket D-96-6(J6)  Hess Energy Marketing, LLC  One Hess Plaza  Woodbridge, NJ 07095</p>
<p>Docket D-96-6(K6)  US Grid Energy, LLC  18 Abbott Rd.  Hamilton, NJ 07095  855-756-7283</p>	<p>Docket D-96-6(L6)  Resident Power Natural Gas and Electric  Solutions  816 Elm St.  Manchester, NH 03101  603-232-9293</p>
<p>Docket D-96-6(M6)  L5E, LLC  130 E. John Carpenter Freeway  Irving, TX 75062  955-275-3483</p>	<p>Docket D-96-6(N6)  Ethical Electric Benefit Co.  2 Wisconsin Circle, Suite 700  Chevy Chase, MD 20815  202-248-9900, x-7777</p>
<p>Docket D-96-6(O6)  Summit Energy Services, Inc.  10350 Ormsby Park Place, Suite 400  Louisville, KY 40223  866-907-8664</p>	<p>Docket D-96-6(P6)  Veridian Energy, LLC  1055 Washington Blvd, Floor 7  Stamford, CT 06901  866-663-2508</p>
<p>Docket D-96-6(Q6)  Capital Energy Inc.  125 Maiden Lane, Suite 10038  New York, NY 10038  877-588-3353</p>	<p>Docket D-96-6(R6)  Energy Auction House, Inc.  PO Box 191677  Dallas, TX 75219  888-453-7778</p>
<p>Docket D-96-6(S6)  REP Energy, LLC  Bering Dr., Suite 250  Houston, TX 77057  866-651-5534</p>	

Date of Public Notice: 10/8/2014

Date of Hearing/End of Comment Period: November 12, 2014

**NOTIFICATION FORM**  
*RI Division of Public Utilities and Carriers*  
**SMALL BUSINESS REGULATORY IMPACT AND**  
**REGULATORY FLEXIBILITY ANALYSIS**  
(R.I.G.L. § 42-35.1-4)

**Title of Administrative Rule or Regulation:** Consumer Protection Requirements for Nonregulated Power Producers (amending current rules)

**Statutory Authority:** R .I. Gen. Laws § 39-1-3(b), 39-1-27.1(C)(D) and § 39-2-1(c)

**The Regulation:** (The purpose for the amendment(s)):

The Division is proposing amendments to its NPP Rules to reflect recent changes made by the Public Utilities Commission (PUC) to its rules entitled *Consumer Protection Requirements for Nonregulated Power Producers*. The PUC's amendments included changes to properly reflect the current respective statutory jurisdiction of the PUC and Division in addressing consumer complaints against Nonregulated Power Producers. The PUC's rules now clarify that the Division shall solely be responsible for adjudicating consumer complaints against Nonregulated Power Producers. The Division is proposing amendments to its NPP Rules to be consistent with the recently amended PUC Rules. The proposed language will have no substantive impact on the existing complaint resolution process.

**Expected Small Business Impact:**

There does not appear to be a matching NAICS code for this category of companies. However, assuming some may be small businesses, it is unknown. These types of businesses can be located anywhere in the U.S. and may be larger than the definition of small business. There are currently 104 registered in RI, but not all are actually selling electric supply to retail customers in RI.

**Regulatory Flexibility Analysis:**

*The agency shall consider, without limitation, each of the following methods of reducing the impact of the proposed regulation on small businesses:*

- (1) The establishment of less stringent compliance or reporting requirements for small businesses.

There are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.

There are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (3) The consolidation or simplification of compliance or reporting requirements for small businesses.

Even assuming the nonregulated power producers are small businesses, there are no reporting requirements to the Division, absent the investigation of a customer complaint.

- (4) The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.

Even assuming the nonregulated power producers are small businesses, the regulations are designed to reflect the statutorily supported consumer dispute resolution authority of the Division.

- (5) The exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Even assuming the nonregulated power producers are small businesses, exemption from all or part of the rules would put consumers at disadvantage.