

MAINE PUBLIC UTILITIES COMMISSION

APPLICATION FOR LICENSE AS A COMPETITIVE ELECTRICITY PROVIDER

Pursuant to 35-A M.R.S.A. § 3203 and MPUC Rules, Chapter 305, "Licensing Requirements, Annual Reporting, Enforcement and Consumer Protection Provisions for Competitive Provision of Electricity"

Please print or type all required information. Identify all attachments in the main body of this application. All attachments should bear the legal name of the Applicant and should be included on the electronic copy provided. **Previous revisions of this application form are obsolete.** Applicants should file completed applications and all related correspondence with: **Dennis L. Keschl, Administrative Director, Maine Public Utilities Commission, 18 State House Station, 242 State Street, Augusta, ME 04333-0018.**

PROVIDE ALL INFORMATION AS REQUIRED BY CHAPTER 305 BELOW AND IN SPECIFICALLY IDENTIFIED ATTACHMENTS TO THIS APPLICATION. REFER TO CHAPTER 305 FOR SPECIFIC INFORMATION REQUIRED.

<u>INFORMATION REQUIRED FROM ALL APPLICANTS</u>		
1	Applicant's legal name: <i>[Ch. 305 § 2(B)(7)(a)]</i>	
2	Name(s) under which Applicant will do business in Maine: <i>[Ch. 305 § 2(B)(7)(a)]</i>	
3	Applicant's business street address: <i>[Ch. 305 § 2(B)(7)(b)]</i>	
4	Applicant's mailing address, if different: <i>[Ch. 305 § 2(B)(7)(b)]</i>	
5	Contact person, address, and telephone number for regulatory/licensing matters: <i>[Ch. 305 § 2(B)(7)(e)]</i> <i>(Provide fax number and e-mail address, if available.)</i>	
6	Is a \$100 filing fee enclosed? <i>[Ch. 305 § 2(C)(5)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No (Make check payable to "Maine Public Utilities Commission." The Applicant's legal name and "Ch. 305 filing fee" must appear on the front of the check.)
7	Are an original and two complete copies of the application and all supporting materials enclosed? <i>[Ch. 305 § 2(C)(3)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

8	Is an electronic copy of the application enclosed? <i>[Ch. 305 § 2(C)(3)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No (Please provide information in Microsoft Word on a 3 ¾" diskette)
9	Is a copy of the application being provided to the Office of the Public Advocate? <i>[Ch. 305 § 2(C)(3)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No (Office of the Public Advocate, 112 State House Station, Augusta, ME 04333-0112.)
10	Is this application notarized and signed by two officers of the Applicant? <i>[Ch. 305 § 2(C)(2)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
11	Location and agent for service of process on Applicant in Maine: <i>[Ch. 305 § 2(B)(7)(c)]</i>	
12	Location, if any, of any office available to the general public or Maine customers: <i>[Ch. 305 § 2(B)(7)(d)]</i> (State hours open to the public.)	
13	Contact person, address, and telephone number for consumer complaints and other contacts, if different than regulatory contact: <i>[Ch. 305 § 2(B)(7)(e)]</i> (Provide fax number and e-mail address if available.) (Provide web site URL if you wish it linked from the PUC licensee site.)	
14	Proposed plans for services, customer classes, and T&D utility territories for which licensing is requested: <i>[Ch. 305 § 2(B)(7)(f)]</i>	Required information is provided in Attachment ___.
15	Sale of generation services in other jurisdictions: <i>[Ch. 305 § 2(B)(7)(g)]</i>	Required information is provided in Attachment ___.
16	Applications in other jurisdictions: <i>[Ch. 305 § 2(B)(7)(h)]</i>	Required information is provided in Attachment ___.
17	Bankruptcy information: <i>[Ch. 305 § 2(B)(1)(d)(i)]</i>	A statement about the Applicant's bankruptcy history as described in Ch. 305, and any related disclosures are provided in Attachment ___.
18	Type of organization of Applicant: <i>[Ch. 305 § 2(B)(1)(d)(ii)]</i>	Supporting documentation and copy of by-laws (or other documents reflecting how the Applicant is managed) are provided in Attachment ___.
19	State(s) in which Applicant may do business: <i>[Ch. 305 § 2(B)(1)(d)(iii)]</i>	Supporting information is provided in Attachment ___.

20	Information on officers, directors, and partners, including business addresses: [Ch. 305 § 2(B)(1)(d)(v)]	Required information, including names, titles, and business addresses, is provided in Attachment ___.
21	Enforcement proceedings: [Ch. 305 § 2(B)(3)(a)]	A statement about the Applicant's enforcement history as described in Ch. 305, and any related information are provided in Attachment ___.
22	Customer complaints: [Ch. 305 § 2(B)(3)(b)]	A statement about the Applicant's customer complaint history as described in Ch. 305, and any related information are provided in Attachment ___. <i>(Include the average number of customers served in each jurisdiction during the same period.)</i>
23	Information on affiliates of Applicant: [Ch. 305 § 2(B)(5)]	Required information is provided in Attachment ___.
24	What type(s) of license does the Applicant seek? [Check all that apply] [Ch. 305 § 2(A)(1)]	<input type="checkbox"/> Aggregator or Broker <i>[defined in Ch. 305 § 1(B)(3) and (5)]</i> [COMPLETE ITEMS 25-27 BELOW] <input type="checkbox"/> Standard Offer provider [COMPLETE ITEMS 28-33 BELOW] <input type="checkbox"/> Other Competitive Electricity Provider [COMPLETE ITEMS 28-37 BELOW]

ADDITIONAL INFORMATION REQUIRED FROM AGGREGATORS OR BROKERS ONLY

25	Demonstration of professional responsibility: [Ch. 305 § 2(B)(1)(b)]	Information demonstrating Applicant's professional responsibility as described in Ch. 305 is provided in Attachment ___.
26	Will Applicant hold retail consumer funds? [Ch. 305 § 2(B)(1)(b)]	<input type="checkbox"/> Yes <input type="checkbox"/> No (If yes , information demonstrating Applicant's financial capability as described in Ch. 305 is provided in Attachment ___.)
27	Demonstration of technical fitness: [Ch. 305 § 2(B)(2)(c)]	Information demonstrating Applicant's technical fitness is provided in Attachment ___.

ADDITIONAL INFORMATION REQUIRED FROM ALL OTHER COMPETITIVE ELECTRICITY PROVIDERS (INCLUDING PROSPECTIVE STANDARD OFFER PROVIDERS)

28	Has Applicant received FERC approval as a Power Marketer? [Ch. 305 § 2(B)(1)(d)(iv)]	<input type="checkbox"/> Yes <input type="checkbox"/> No (If no , the date and docket number of application to FERC, or other explanatory information, are provided in Attachment ___.)
29	Has Applicant entered into all required interconnection arrangements or contracts with Maine utilities? [Ch. 305 § 2(B)(2)(a)]	<input type="checkbox"/> Yes <input type="checkbox"/> No (If yes , a list of arrangements or contracts is provided in Attachment ___. If no , Applicant's demonstration of technical ability to enter such agreements or contracts is provided in Attachment ___.)

30	Technical ability to secure generation: <i>[Ch. 305 § 2(B)(2)(b)(I)]</i>	Applicant's demonstration of technical ability to secure generation or otherwise obtain and deliver electricity meeting regional requirements (NEPOOL/ISO-NE or Maritimes control area) is provided in Attachment ____.
31	Will Applicant provide retail generation service in northern Maine <u>only</u> ? <i>[Ch. 305 § 2(B)(2)(b)(ii)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No (If no , Applicant's documentation of NEPOOL participation is provided in Attachment ____.)
32	Resource portfolio requirement: <i>[Ch. 305 § 2(B)(4); 35-A M.R.S.A. § 3210]</i>	Information or a statement demonstrating Applicant's ability to satisfy resource portfolio requirements of 35-A M.R.S.A. § 3210 and Chapter 311 of the Commission's Rules is provided in Attachment ____.
33	Tax Assessor registration and collection statement: <i>[35-A M.R.S.A. § 3203(2)(F)]</i>	Information demonstrating Applicant's registration with the State Tax Assessor as a seller of tangible personal property, <u>and</u> an affirmative statement that the Applicant agrees to collect and remit taxes, as required in 35-A M.R.S.A. § 3203(2)(F), are provided in Attachment ____.

**ADDITIONAL INFORMATION REQUIRED FROM
ALL OTHER COMPETITIVE ELECTRICITY PROVIDERS
(EXCLUDING PROSPECTIVE STANDARD OFFER PROVIDERS)**

34	Does Applicant seek to be licensed to offer service <u>only</u> to consumers <u>other than</u> residential or small commercial consumers as defined in 35-A M.R.S.A. § 3203(4) as amended 4/00 (see Page 7)? <i>[Note: this section supersedes the previous threshold of 100 kW.]</i> <i>[Ch. 305 § 2(B)(6)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No (If no , information demonstrating Applicant's ability to comply with applicable consumer protection requirements is provided in Attachment ____.)
35	<i>[Ch. 305 § 2(B)(1)(a)(i-ii)]</i>	(If yes , information demonstrating Applicant's financial capability is provided in Attachment ____.) (If no , a security instrument is required.)
36	If a security instrument is required, does Applicant request any modifications of the initial \$100,000 security level? <i>[Ch. 305 § 2(B)(1)(a)(ii)]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A (If yes , support for the requested modification is provided in Attachment ____.)
37	What security is Applicant providing? <i>[Ch. 305 § 2(B)(1)(a)(iv-viii)]</i>	<input type="checkbox"/> Surety bond <input type="checkbox"/> Letter of credit <input type="checkbox"/> N/A (Security instruments conforming to Ch. 305, with required supporting materials, are provided in Attachment ____.)

- Other supporting material for this application is provided in Attachment(s) _____.
- or
- No other supporting material is provided herewith.

Date of Application: _____

Legal Name of Applicant: _____

(NOTE: application must be signed by two officers of Applicant, and notarized)

IN WITNESS WHEREOF the parties have below set their hands and seals.

Date: _____ *BY (signature):* _____

TYPED/PRINTED NAME: _____

TITLE: _____

Date: _____ *BY (signature):* _____

TYPED/PRINTED NAME: _____

TITLE: _____

The following is guidance to applicants on Commission requirements related to DO-NOT-CALL LISTS:

Chapter 305 section 4(l) states that “[t]he Commission will maintain or cause to be maintained a ‘Do-Not-Call’ list of customers who have requested -- orally, in writing, or by commercially accepted electronic means -- that they not receive telemarketing calls from competitive electricity providers.” The Commission requires that licensees use do-not-call list mechanisms already in place nationally to satisfy that requirement. There are two parallel mechanisms for that purpose: (1) do-not-call lists maintained by each telemarketer pursuant to federal law, and (2) a national do-not-call list maintained by the direct marketing industry. Each license granted by the Commission will require the licensee to comply with both of these requirements, to the extent that a licensee telemarkets to Maine consumers:

(1) Each licensee must comply with the requirements of the Telephone Consumer Protection Act,¹ the Telemarketing and Consumer Fraud and Abuse Prevention Act,² and related rules of the Federal Communications Commission³ and Federal Trade Commission.⁴ Each licensee must comply with those requirements and must maintain its own do-not-call list as required by those laws and rules, for all intrastate and interstate telemarketing of Maine consumers, including both residential and business customers. If a licensee telemarkets to a Maine consumer who asks to be placed on the telemarketer’s do-not-call list, the telemarketer shall add that consumer to the telemarketer’s individual do-not-call list, and shall not telemarket to Maine customers on that list, as required in Chapter 305 section 4(l)(1). Each licensee shall update its do-not-call list at least monthly, and maintain copies of that list for at least six months. Each licensee shall provide a copy of that list to the Commission upon request.

(2) Each month, each licensee must obtain subscription listings of Maine consumers who have arranged to be included on the national do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc.⁵ No licensee shall telemarket to Maine customers on that list, as required in Chapter 305 section 4(l)(1).

¹47 U.S.C. § 227

²15 U.S.C. §§ 6101-6108

³47 CFR 64.1200

⁴FTC Telemarketing Sales Rule, 16 CFR Part 310

⁵Telephone Preference Service, Direct Marketing Association, Inc., P.O. Box 9014, Farmingdale, NY 11735-9014

CONSUMER PROTECTION REQUIREMENTS, REVISED 4/2000
(New requirements in Title 35-A M.R.S.A. § 3203)

4. Consumer protection provisions. As a condition of licensing, a competitive electricity provider that provides or proposes to provide generation service to a residential consumer or to a small commercial consumer:

- A. May not terminate generation service without at least 30-day prior notice to the consumer;
- B. Must offer service to the consumer for a minimum period of 30-days;
- C. Must allow the consumer to rescind selection of the competitive electricity provider orally or on writing within 5 days of initial selection;
- D. May not telemarket services to the consumer if the consumer has filed with the commission a written request not to receive telemarketing from competitive electricity providers;
- E. Must provide to the consumer within 30 days of contracting for retail service a disclosure of information provided to the commission pursuant to rules adopted under subsection 3 in a standard written format established by the commission; and
- F. Must comply with any other applicable standards or requirements adopted by the commission by rule or order.

For purposes of this subsection, “residential consumer” means a consumer defined as residential under the terms and conditions of the consumer’s transmission and distribution utility. For purposes of this subsection, “small commercial consumer” means, in the case of a consumer served by an investor-owned transmission and distribution utility, a nonresidential consumer that meets the availability criteria to take service under a core customer class of the transmission and distribution utility that does not pay a demand charge to the transmission and distribution utility or, in the case of a consumer served by a consumer-owned transmission and distribution utility, a nonresidential consumer with a demand of 20 kilowatts or less.

4-A. General consumer protections. As a condition of licensing, a competitive electricity provider:

- A. Shall obtain a consumer’s authorization before serving the consumer;
- B. May not release to any other entity, other than for purposes of debt collection or credit reporting pursuant to state and federal law or to law enforcement agencies pursuant to lawful process, any personal information regarding a customer, including name, address, telephone number, usage and historical payment information, without the consent of the customer;
- C. Must comply with the provisions of the Maine Unfair Trade Practices Act, Title 5, chapter 10;
- D. May not collect or seek to collect unreasonable costs from a customer who is in default;
- E. Must comply with all applicable provisions of the federal Equal Credit Opportunity Act, 15 United States Code, Sections 1691 to 1691f;
- F. May not initiate a telephone solicitation call to a consumer who has notified the competitive electricity provider of the consumer’s wish not to receive telephone solicitation calls made by or on behalf of the competitive electricity provider;
- G. Must provide at least once annually to a customer any information disclosures required by the commission by rules pursuant to subsection 3; and
- H. Must comply with any other applicable standards or requirements established by the commission by rule.