

***Via Hand Delivery and Electronic Mail***

September 18, 2019

Luly Massaro  
Division Clerk  
Rhode Island Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: **Docket No. D-19-26 - In Re: Agera Energy LLC, Renewable Energy Standard Compliance**

Dear Ms. Massaro:

Agera Energy, LLC (“Agera”) is in receipt of the September 13, 2019 Notice of Public Hearing and Suspension Order (the “Order”)<sup>1</sup> issued by the Division of Public Utilities and Carriers (the “Division”) in the above-referenced docket. The Order suspended Agera’s certification to sell energy in the State of Rhode Island as a nonregulated power producer<sup>2</sup> pending the Division’s final order in the above referenced proceeding.<sup>3</sup>

The Order further prohibits Agera from “enter[ing] into new contracts to sell energy to consumers within the State of Rhode Island . . . .”<sup>4</sup> The Order also prohibits Agera from “renew[ing] existing contracts as they reach the end of the contract term while its certification is suspended.”<sup>5</sup> However, Agera’s “existing energy contracts with consumers are not affected by this suspension during the original contract period.”<sup>6</sup>

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<sup>1</sup> Notice of Public Hearing and Suspension Order (Sep. 13, 2019).

<sup>2</sup> See Docket No. D-96-6-D7.

<sup>3</sup> Order, at 2 (Suspension Order No. 1).

<sup>4</sup> *Id.* (Suspension Order No. 2).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3 (Suspension Order No. 3).

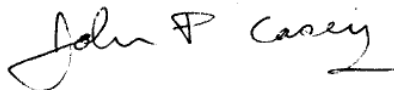
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Agera hereby requests that the Division clarify the basis for the language in the Order prohibiting Agera from “renew[ing] existing contracts as they reach the end of the contract term while its certification is suspended.”<sup>7</sup> The Public Utilities Commission’s (the “Commission’s”) Renewable Energy Standard regulations only prohibit a nonregulated power producer in this situation from “enroll[ing] new customers.”<sup>8</sup> They do not prohibit renewing existing customers.<sup>9</sup> Accordingly, Agera requests that the Division identify the basis for the prohibition on renewing existing contracts and, if no such basis exists, modify the Order appropriately.

In addition, Agera requests specific clarification on the impact of the Order on Agera’s service of existing customers on month-to-month contracts (“Monthly Customers”). As the Division is aware, Monthly Customers’ contracts continue until terminated by notice from either party. Thus, Agera is neither entering into new contracts with Monthly Customers nor renewing these customers’ contracts. Further, because the Monthly Customers are already being served by Agera, they are not being enrolled.<sup>10</sup> Accordingly, Agera requests that the Division clarify that the Order does not prohibit Agera from continuing to serve its Monthly Customers.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely,



John P. Casey

*Counsel to Agera Energy, LLC (R.I. Bar No. 6424)*

Copy to: Service List

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<sup>7</sup> Order, at 2.

<sup>8</sup> See 810-40-05 R.I. Code R. § 2.10(A) (“If such Obligated Entity then fails to comply by the date indicated in the warning letter its license will be suspended and it will not be allowed to enroll new customers.”).

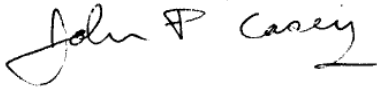
<sup>9</sup> See *id.*

<sup>10</sup> Cf. *id.*

Certificate of Service

I hereby certify that a copy of the foregoing letter was electronically transmitted to the individuals listed below on this 18<sup>th</sup> day of September 2019.

The paper copies of this filing are being hand delivered to the Rhode Island Division of Public Utilities and Carriers.



John P. Casey

**Docket No. D-19-26 — Agera Energy LLC, Renewable Energy Compliance Notice of Hearing and Suspension Order  
Service List as of 9/12/2019**

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