



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

January 20, 2016

Mr. Richard Stasica, General Counsel
Breckenridge Group CNC, LLC
1301 South Capital of Texas Highway
Austin, TX 78746

Re: Docket Nos. ER-55, Sub 0, and ER-39, Sub 1 (transfer of Aspen Charlotte)

Dear Mr. Stasica:

This correspondence concerns the electric reseller application and additional information filed with the North Carolina Utilities Commission (Commission) in the above-referenced docket.

The Public Staff believes that the application is not yet complete for the reasons set forth in the attachment hereto. Under North Carolina law, a completed electric reseller application is deemed approved if no Commission action is taken on it within 60 days of filing. If you desire to pursue the application further, please file all missing information and exhibits or corrections as noted on the attachment. The statutory time for the Commission's review of each application will begin once a completed application is received.

Sincerely,

Electronically submitted
/s/ Elizabeth A. Denning
elizabeth.denning@psncuc.nc.gov

EAD/bll
Attachment
c: Chief Clerk

Executive Director
(919) 733-2435

Communications
(919) 733-2810

Economic Research
(919) 733-2902

Legal
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Transportation
(919) 733-7766

Accounting
(919) 733-4279

Consumer Services
(919) 733-9277

Electric
(919) 733-2267

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(919) 733-4326

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Jan 20 2016

**Deficiencies Regarding Additional Information Filed on November 23, 2015, in
Docket Nos. ER-55, Sub 0, and ER-39, Sub 1
Breckenridge Group CNC, LLC (Applicant - Purchaser/Transferee)
Aspen Charlotte**

Item numbers refer to the corresponding numbers on the application form filed in this docket.

Item 28.

- (a) Please provide a copy of the Terms of Service that tenants must agree to before being billed by SimpleBills.
- (b) The Applicant indicates SimpleBills will charge tenants a \$25 fee for initiating a chargeback on credit card payments for electric service. It does not appear to the Public Staff that this fee is allowed by G.S. 62-110(h) or Commission Rule R22 in connection with electric resale and billing. Please state a satisfactory legal basis for this fee or confirm that tenants will not be billed for this charge.

Item 30.

- (a) The Applicant states that “[f]or 2016-2017, there will be no credits provided related to usage as summarized in the lease provided in Attachment 31(a)(i).” From reviewing the 2016-2017 lease agreement, it appears the monthly electric allowance of \$30 per tenant has been deleted from the Utility Services section. Please confirm that the Applicant will in fact not pay any portion of the tenant’s bill for electric services.
- (b) The Public Staff’s toll-free in-state telephone number should be incorporated into the statement at the bottom of the bill as follows: “(866) 380-9816 (in-state calls only) or (919) 733-9277.”

Item 31.

- (a) The first and second sentences of the last paragraph of section 3 of the lease agreement should be deleted because they are inconsistent with G.S. 42-26(b) and Commission Rule R22-7(a).
- (b) The first sentence of the first paragraph of section 6 of the lease agreement should be revised to state that the administrative processing fee will not be in excess of \$3.75 per invoice per Tenant.
- (c) The eighth sentence of the first paragraph of section 6 states that “electric services will be sub-metered and the water/sewer will be direct metered.” It appears the services were reversed in this sentence since electric service cannot be sub-metered. This should be corrected.

- (d) The last sentence of the second paragraph of section 6 lists a \$50 charge to tenants relating to electric service. Electric resellers are only authorized to bill for charges allowed by G.S. 62-110(h) or Commission Rule R22 in connection with electric service. Please state a satisfactory legal basis for this fee or this charge should be removed from the lease.