

PATRICK M. GERITY  
Attorney at Law  
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December 26, 2017

**Via eTariff Filing**

The Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: New England Power Pool - FERC Docket No. ER18- \_\_\_\_\_-000  
Termination of NEPOOL Memberships

Dear Secretary Bose:

The New England Power Pool (“NEPOOL”) Participants Committee<sup>1</sup> hereby submits this transmittal letter electronically along with materials supporting the termination of the membership of the following Participants:

- Aspurity Energy, LLC (“Aspurity”);
- Noble Americas Gas & Power Corp. (“NAPG”); and
- Constellation Energy Services, Inc. (“CES”).

These materials are submitted in order to terminate the Participant status of Aspurity, NAPG, and CES (collectively, “Terminating Participants”).

**I. TERMINATION OF MEMBERSHIPS: Aspurity, NAPG, CES**

Pursuant to Section 16.1(a) of the Second Restated NEPOOL Agreement, “[a]ny Participant shall have the right to terminate its status as a Participant upon no less than sixty (60) days’ prior written notice given to the Secretary of the Participants Committee.” Aspurity, NAPG and CES have each provided such notice, requesting waiver of the sixty days’ notice requirement. (*See* Attachments 2-4). Aspurity requested that termination of its status as a Participant be made effective as of December 1, 2017; NAPG and CES have each requested that termination of its status as a Participant be made effective as of January 1, 2018. If the termination of the memberships of Aspurity, NAPG and CES are accepted for filing by the Commission, each will be excused from its obligation to pay Pool charges and relieved of its other Pool obligations and responsibilities incurred

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<sup>1</sup> Capitalized terms used but not defined in this filing are intended to have the same meaning given to such terms in the Second Restated New England Power Pool Agreement (the “Second Restated NEPOOL Agreement”), the Participants Agreement, or the ISO New England Inc. (“ISO-NE”) Transmission, Markets and Services Tariff (“ISO-NE Tariff”).

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from and after December 1, 2017 in the case of Aspurity, and January 1, 2018 in the cases of NAPG and CES.

## II. REQUESTED EFFECTIVE DATES

Aspurity, NAPG and CES have each requested expedited consideration of their membership terminations. Accordingly, the NEPOOL Participants Committee requests that the Commission waive any applicable notice requirements to permit the following effective dates:

- **December 1, 2017** for the termination of the Participant status of Aspurity;<sup>2</sup> and
- **January 1, 2018** for the termination of the Participant status of NAPG and CES.

The NEPOOL Participants Committee further requests that the eTariff record effective date be set at the earlier of the effective dates requested immediately above, or December 1, 2017.<sup>3</sup>

## III. ADDITIONAL SUPPORTING INFORMATION

The NEPOOL Participants Committee has the authority, pursuant to Section 3.1 of the Second Restated NEPOOL Agreement and Sections 8.1.3(f) and (g) of the Participants Agreement, to act on an Entity's request to terminate its status as a Participant in NEPOOL. By delegation of authority, the Participants Committee has authorized the Membership Subcommittee to approve membership termination requests. The Membership Subcommittee has reviewed the materials submitted by Terminating Participants, and has approved the termination of the Participant status of Aspurity, NAPG and CES from NEPOOL. Accordingly, the following materials are submitted herewith for filing:

- The list of NEPOOL Participants from the Second Restated NEPOOL Agreement, which has been marked to show the removal of Terminating Participants from the list of NEPOOL Participants (Attachment 1);

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<sup>2</sup> To the extent the Commission determines that certain filing requirements have not been met fully, the NEPOOL Participants Committee respectfully requests waiver of such requirements in order for the termination of the Participant status of Aspurity, NAPG and CES to be accepted as noted in Section II. No party will be adversely affected by the waivers requested in these circumstances.

<sup>3</sup> The Commission has relieved NEPOOL of the requirement to file changes to the NEPOOL Agreement in tariff format. *ISO New England, Inc. and New England Power Pool*, 95 FERC ¶ 61,384 at 62,441-42 (2001). Accordingly, the NEPOOL Agreement has not been filed formally as an eTariff pursuant to Order No. 714. However, proposed changes to the NEPOOL Agreement are still required to be filed with the Commission with enough information provided to permit the Commission to view the proposed changes in the context of the composite Agreement, *Id.* at 62,442. As a matter of administrative efficiency and convenience, these materials, including Attachment 1 included herewith marked to show the removal of Terminating Participants from the list of NEPOOL Participants, were submitted using the Commission's eTariff system. A composite list of NEPOOL Participants is posted on the NEPOOL website at: [http://www.nepool.com/uploads/C-list\\_of\\_nepool\\_participants.pdf](http://www.nepool.com/uploads/C-list_of_nepool_participants.pdf). A composite copy of the Second Restated NEPOOL Agreement is posted at: [http://www.nepool.com/uploads/Op-2d\\_RNA.pdf](http://www.nepool.com/uploads/Op-2d_RNA.pdf).

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- A letter from Aspirity Energy's Trustee in bankruptcy dated December 12, 2017 requesting termination of Aspirity's NEPOOL membership and status as a New England Market Participant (Attachment 2);
- A letter from NAPG dated December 1, 2017 requesting termination of its NEPOOL membership and status as a New England Market Participant<sup>4</sup> (Attachment 3);
- A letter from CES dated November 30, 2017 requesting termination of its NEPOOL membership and status as a New England Market Participant<sup>5</sup> (Attachment 4); and
- A list of governors and utility regulatory agencies in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont to which a copy of this filing has been sent (Attachment 5).

The materials filed herewith do not change the NEPOOL Agreement as previously filed with the Commission, other than to terminate the Participant status of Aspirity, NAPG and CES in NEPOOL. Therefore, no comparisons of the transactions and revenues or cost data are submitted.

An electronic copy of this filing has been furnished to all the members and alternates of the Participants Committee, which represent all of the electric utilities rendering or receiving service under the ISO-NE Tariff,<sup>6</sup> as well as each of the independent power producers, power marketers, power brokers, load aggregators, customer-owned utility systems, merchant transmission providers, developers, and end users that are currently Participants in the Pool. This transmittal letter and the accompanying materials have also been sent to the governors and electric utility regulatory agencies for the six New England states which comprise the New England Control Area, to the New England Conference of Public Utilities Commissioners, Inc., and to the Executive Director of the New England States Committee on Electricity.

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<sup>4</sup> NAPG will merge with and into Mecuria Energy America, Inc. ("Mercuria") on January 1, 2018. Mecuria is and will remain a NEPOOL Participant and ISO-NE Market Participant.

<sup>5</sup> CES has merged with and into Constellation NewEnergy Inc., which is and will remain a NEPOOL Participant and ISO-NE Market Participant.

<sup>6</sup> The Commission approved the settlement agreement pursuant to which the regional transmission organization for New England (the "RTO") was established. *ISO New England Inc. et al.*, 109 FERC ¶ 61,147 (2004). Activation of the RTO was noticed in accordance with the settlement agreement and became effective on Feb. 1, 2005. *See also* Order Authorizing RTO Operations, *ISO New England Inc. et al.*, 110 FERC ¶ 61,111 (2005).

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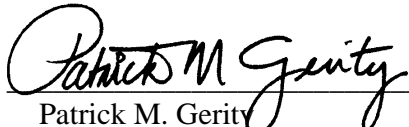
Correspondence and communications regarding this filing should be addressed as follows:

Heather Latka  
Senior Membership Support Analyst  
ISO New England Inc.  
One Sullivan Road  
Holyoke, MA 01040-2841  
Tel: 413-535-4328  
Fax: 413-540-4680  
E-mail: [hlatka@iso-ne.com](mailto:hlatka@iso-ne.com)

Patrick M. Gerity, Esq.  
Counsel, NEPOOL Participants Committee  
Day Pitney LLP  
242 Trumbull Street  
Hartford, CT 06103-1212  
Tel: 860-275-0533  
Fax: 860-881-2505  
E-mail: [pmgerity@daypitney.com](mailto:pmgerity@daypitney.com)

Respectfully submitted,

NEPOOL PARTICIPANTS COMMITTEE

By:   
Patrick M. Gerity  
Its Counsel

Attachments

cc: Terminating Participants  
NEPOOL Participants Committee Members and Alternates  
Governors and Utility Regulatory Agencies identified on Attachment 5

**ATTACHMENT 1**

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Participant Name	Effective Date of Membership if after 6/30/2000
Abest Power & Gas, LLC	2/1/2013
Acadia Center	9/1/2012
Acushnet Company	6/1/2010
Aesir Power, LLC	11/1/2014
Agera Energy LLC	11/1/2014
Algonquin Energy Services Inc.	5/1/2010
Alphataraxia Nickel LLC	9/1/2016
Ambit Northeast LLC	5/1/2012
Ameresco CT LLC	2/1/2010
American Power & Gas of MA, LLC	10/1/2017
American PowerNet Management, LP	12/1/2009
AmericaWide Energy, LLC	8/1/2015
Aminpour, Farhad	10/1/2016
Ampersand Energy Partners LLC	1/1/2008
Anthony, Christopher M.	6/1/2011
Antrim Wind Energy LLC	10/1/2015
Archer Energy, LLC	1/1/2016
Ashburnham Municipal Light Plant	
<del>Aspirity Energy, LLC</del>	<del>11/1/2016</del>
Associated Industries of Massachusetts	
Astral Energy LLC	10/1/2015
Athens Energy LLC	12/1/2014
Atlantic Energy MA, LLC	4/1/2016
Avangrid Renewables, LLC	5/1/2005
Backyard Farms LLC	9/1/2009
Backyard Farms Energy, LLC	9/1/2009
Bath Iron Works Corporation	7/1/2015
BBPC LLC d/b/a Great Eastern Energy	4/1/2012
Beacon Falls Energy Park, LLC	10/1/2015
Bear Swamp Power Company LLC	6/1/2005
Belmont Municipal Light Department	
Berkshire Power Company, LLC	9/1/2006
Berlin Station, LLC	10/1/2011
Black Bear Hydro Partners, LLC	9/1/2009
Blackstone Hydro, Inc.	12/1/2004
Block Island Power Company	5/1/2017
Bloom Energy Corporation	10/1/2016
Blue Sky East, LLC	8/1/2012
Blue Sky West, LLC	12/1/2014
BlueRock Energy, Inc.	9/1/2014

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Participant Name	Effective Date of Membership if after 6/30/2000
Commonwealth of Massachusetts (Division of Capital Asset Management)	6/1/2010
Commonwealth Resource Management Corporation	11/1/2015
Competitive Energy Services, LLC	1/1/2009
Concord Municipal Light Plant	
Connecticut Central Energy, LLC	1/1/2007
Connecticut Gas & Electric, Inc.	5/1/2011
Connecticut Jet Power LLC	
Connecticut Light and Power Company, The	
Connecticut Materials Innovations and Recycling Authority	7/1/2003
Connecticut Municipal Electric Energy Cooperative	
Connecticut Transmission Municipal Electric Energy Cooperative	5/1/2011
Conservation Law Foundation	6/1/2006
Consolidated Edison Co. of New York, Inc.	
Consolidated Edison Development, Inc.	
Consolidated Edison Energy, Inc.	
Consolidated Edison Solutions, Inc.	
Constellation Energy Power Choice, LLC	6/1/2006
<del>Constellation Energy Services, Inc.</del>	<del>7/1/2000</del>
Constellation NewEnergy, Inc.	
Convergent Energy and Power LLC	1/1/2015
Covanta Energy Marketing, LLC	12/1/2010
Covanta Haverhill Associates, LP	9/1/2007
Covanta Projects of Wallingford, LP	7/1/2010
CPV Towantic, LLC	7/1/2008
Cricket Valley Energy Center, LLC	10/1/2016
Cross-Sound Cable Company, LLC	6/1/2002
Cumulus Master Fund	7/1/2016
CWP Energy inc.	8/1/2017

Participant Name	Effective Date of Membership if after 6/30/2000
Nalcor Energy Marketing	12/1/2014
Narragansett Electric Company	
National Gas & Electric, LLC	7/1/2016
Natural Resources Defense Council	4/1/2017
Nautilus Hydro, LLC	10/1/2017
Nautilus Power, LLC	8/1/2013
NEPM II, LLC	3/1/2012
New Brunswick Energy Marketing Corporation	12/1/2008
New England Confectionery Company Inc.	12/1/2008
New England Energy Connection, LLC	6/23/2015
New England Power Company	
New England Wire Technologies Corporation	6/1/2005
New Hampshire Electric Cooperative, Inc.	
New Hampshire Industries, Inc.	9/1/2003
New Hampshire Office of Consumer Advocate	12/1/2001
New Hampshire Transmission, LLC	6/1/2010
New York State Electric & Gas, Inc.	8/1/2000
NextEra Energy Marketing, LLC	
NextEra Energy Maine, Inc.	10/1/2010
NextEra Energy Resources, LLC	
NextEra Energy Seabrook LLC	10/1/2010
Niagara Wind Power, LLC	12/1/2015
<del>Noble Americas Gas &amp; Power Corp.</del>	<del>5/1/2010</del>
Noble Environmental Power, LLC	10/1/2007
Nordic Energy Services, LLC	10/1/2014
North American Power and Gas, LLC	1/1/2010
North Attleborough Electric Department	
Northern States Power Company	9/1/2005
Norwalk Power LLC	
Norwood Municipal Light Department	
NRG Canal, LLC	
NRG Curtailment Solutions, Inc.	6/1/2010
NRG Power Marketing LLC	
NSTAR Electric Company	
NTE Connecticut, LLC	10/1/2016
Number Nine Wind Farm LLC	9/1/2010
Nylon Corporation of America, Inc.	10/1/2017
Oasis Power, LLC d/b/a Oasis Energy	1/1/2014
Ohmconnect, Inc.	5/1/2017
Ontario Power Generation Energy Trading, Inc.	5/1/2011
Ontario Power Generation Inc.	2/1/2006
Orbit Energy Rhode Island, LLC	6/1/2017



**ATTACHMENT 2**

**RANDALL L. SEAVER**  
**UNITED STATES CHAPTER 7 PANEL TRUSTEE**

PORTLAND CORPORATE CENTER  
12400 PORTLAND AVENUE SOUTH, SUITE 132  
BURNSVILLE, MN 55337

Telephone (952) 890-0888  
Facsimile (952) 890-0244

December 12, 2017

Eric Goldstein  
Shipman & Goodwin, LLP  
One Constitution Plaza  
Hartford, CT 06103-1919  
Via email at EGoldstein@goodwin.com

Patrick Gerity  
Day Pitney, LLP  
242 Trumble Street  
Hartford, CT 06103-1212  
Via email at pmgerity@daypitney.com

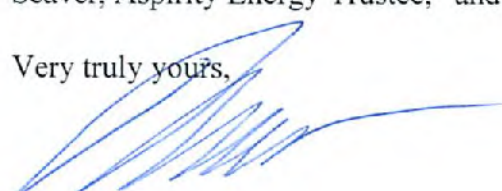
RE: Aspurity Energy, LLC  
BKY 17-41991

Dear Gentlemen:

I am writing to follow up on our discussions and email communications in the above matter. Thank you for your assistance in this case.

Please terminate the debtor's membership effective retroactive to December 1, 2017. Please issue a check for the balance of the account maintained at Blackrock, payable to "Randall Seaver, Aspurity Energy Trustee," and have that check to me at the above address. Thank you.

Very truly yours,



Randall L. Seaver  
Trustee  
rseaver@fssklaw.com

RLS:tlj

**ATTACHMENT 3**



November 30, 2017

David T. Doot  
Secretary, NEPOOL Participants Committee  
c/o Day Pitney LLP  
242 Trumbull Street  
Hartford, CT 06103-1212  
[dtdoot@daypitney.com](mailto:dtdoot@daypitney.com)

Customer Support  
ISO New England Inc.  
One Sullivan Road  
Holyoke, MA 01040-2841  
[custserv@iso-ne.com](mailto:custserv@iso-ne.com)

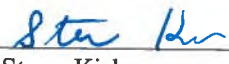
**RE: Constellation Energy Services, Inc. (“CES”)  
Notice of Termination of NEPOOL Membership and Market Participant Status**

As part of an internal corporate reorganization, effective September 1, 2017, CES merged with and into Constellation NewEnergy Inc. (“CNE”), with CNE as the surviving entity. Accordingly, Exelon Generation Company, LLC (“ExGen”), as the voting Participant for the Exelon and Constellation companies, hereby provides notice of the termination of CES’ NEPOOL membership and the Market Participant Service Agreement by and between CES and ISO New England Inc. (the “MPSA”), effective as of December 31, 2017.<sup>1</sup> CNE requests that the termination of CES’ status as a NEPOOL Participant and the termination of the MPSA be made effective as of September 1, 2017, and further requests that the NEPOOL Participants Committee waive, to the extent necessary, the sixty days’ notice of termination of membership requirement set forth in Section 16.1(a) of the Second Restated NEPOOL Agreement. CNE, as well as ExGen, will continue to be NEPOOL members and Market Participants.

ExGen understands that termination of the MPSA and the termination of CES’s status as a NEPOOL member does not affect any obligation of, or to, CNE, as the successor to CES, that may have arisen under the Second Restated NEPOOL Agreement, the Participants Agreement, or the Tariff as a result of any pre-merger activity of CES. In particular, CNE hereby acknowledges its obligation to pay all of CES’ NEPOOL and ISO New England Inc. expenses incurred while CES was a NEPOOL member and participant in the New England Markets.

If you have any questions I can be reached at (410) 470-5821;  
[Steven.Kirk@constellation.com](mailto:Steven.Kirk@constellation.com).

Sincerely,

  
\_\_\_\_\_  
Steve Kirk  
Vice President, Energy Policy  
Constellation Energy Group  
NPC Member, Exelon/Constellation  
companies

cc: Patrick M. Gerity, Esq., [pmgerity@daypitney.com](mailto:pmgerity@daypitney.com)

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<sup>1</sup> The MPSA with CES (50397) is reported by ISO New England in its EQR filings as MPSA No. 52.

**ATTACHMENT 4**



# MERCURIA

ENERGY AMERICA INC.

December 1, 2017

David T. Doot  
Secretary, NEPOOL Participants Committee  
c/o Day Pitney LLP  
242 Trumbull Street  
Hartford, CT 06103-1212  
[dtdoot@daypitney.com](mailto:dtdoot@daypitney.com)

ISO New England Inc.  
Attn: Membership Coordinator  
One Sullivan Road  
Holyoke, MA 01040-2841  
[memcoord@iso-ne.com](mailto:memcoord@iso-ne.com)

**RE: Notice of Intent to Terminate NEPOOL Membership and Market Participant Status for Noble Americas Gas & Power Corp. CAMS ID: 51324**

Dear Sir or Madam:

Effective October 1, 2017, **Mercuria Energy America, Inc.** (a current MISO Market Participant, hereinafter referred to as “**MEAI**” or “**Successor**”) acquired 100% of the equity of **Noble Americas Gas & Power Corp.** (also a current MISO Market Participant, hereinafter referred to as “**NAGP**” or “**Customer**”). As a result of the foregoing acquisition, NAGP is, as of the date of this letter, a wholly-owned subsidiary of MEAI. Each of “NAGP” and “MEAI” are the Market Participant abbreviations for each entity.

Attached to this letter is a copy of the Certificate of Merger filed by MEA and NAGP with the Secretary of State of Delaware reflecting that, effective as of the end of the day on Sunday, December 31, 2017 (the “**Effective Merger Timing**”), NAGP will be merged into and with MEA, with MEA being the surviving entity (the “**Merger Certificate**”)

In light of the foregoing merger, please accept this letter as notice of termination of NAGP’s NEPOOL membership and the Market Participant Service Agreement by and between NAGP and ISO New England Inc (the “**MPSA**”).<sup>1</sup> NAGP requests that the termination of its status as a NEPOOL Participant and the termination of the MPSA be made effective as of the Effective Merger Timing, and further requests, if and to the extent necessary, that the NEPOOL Participants Committee waive the sixty-days’ notice of termination of membership requirement set forth in Section 16.1(a) of the Second Restated NEPOOL Agreement.

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<sup>1</sup> The MPSA with NAGP is reported by ISO New England as MPSA No. 427.

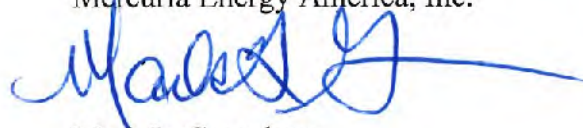
NAGP understands that this termination of NEPOOL membership must be accepted by the Federal Energy Regulatory Commission and that, until such time as it is accepted, NAGP will continue to have the full rights and obligations of other Participants under the Second Restated NEPOOL Agreement.

NAGP further understands that termination of the MPSA and the termination of NAGP's status as a NEPOOL member does not affect any obligation of, or to, NAGP arising prior to the effective date of such termination under the Second Restated NEPOOL Agreement, the Participants Agreement, or the ISO New England Transmission, Markets, and Services Tariff, all of which will be transferred and assumed by MEA<sup>2</sup> as a result of the foregoing merger, by operation of law. In particular, MEA, by signing this letter as the successor by merger to NAGP, hereby acknowledges that it will undertake and agree to pay all obligations and expenses incurred while a NEPOOL member and participant in the New England Markets from and after the Effective Merger Timing.

If you have any questions I can be reached at 832-209-2335 or via e-mail at [mgreenberg@mercuria.com](mailto:mgreenberg@mercuria.com) or by contacting Sarah Holanck at 832-531-7709 or via electronic mail at [sholanck@mercuria.com](mailto:sholanck@mercuria.com).

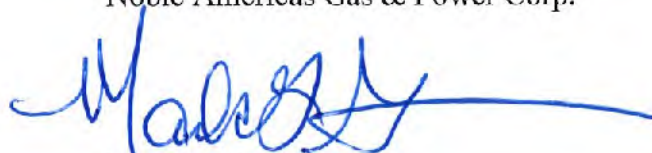
Sincerely,

Mercuria Energy America, Inc.



Mark L. Greenberg  
Secretary

Noble Americas Gas & Power Corp.



Mark L. Greenberg  
Secretary

Attachment

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<sup>2</sup> The MPSA with MEA is reported by ISO New England as MPSA No. 440.

NEPOOL/ISO-New England  
December 1, 2017  
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cc: Patrick M. Gerity, Esq., [pmgerity@daypitney.com](mailto:pmgerity@daypitney.com)



**ATTACHMENT 5**

**New England Governors  
and Utility Regulatory  
and Related Agencies**

**December 26, 2017**

***Connecticut***

The Honorable Dannel P. Malloy  
State Capitol  
210 Capitol Ave.  
Hartford, CT 06106

Connecticut Public Utilities Regulatory Authority  
10 Franklin Square  
New Britain, CT 06051-2605

***Maine***

The Honorable Paul R. LePage  
One State House Station  
Rm. 236  
Augusta, ME 04333-0001

Maine Public Utilities Commission  
18 State House Station  
242 State Street  
Augusta, ME 04333-0018

***Massachusetts***

The Honorable Charlie Baker  
Office of the Governor  
Rm. 360 State House  
Boston, MA 02133

Massachusetts Department of Public Utilities  
One South Station  
Boston, MA 02110

***New Hampshire***

The Honorable Christopher T. Sununu  
State House  
107 North Main Street  
Concord, NH 03301

New Hampshire Public Utilities Commission  
21 South Fruit Street  
Suite 10  
Concord, NH 03301-2429

***Rhode Island***

The Honorable Gina M. Raimondo  
82 Smith Street  
Providence, RI 02903

Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

***Vermont***

The Honorable Phil Scott  
109 State Street, Pavilion  
Montpelier, VT 05609

Vermont Public Utility Commission  
112 State Street, Drawer 20  
Montpelier, VT 05620-2701

**New England Governors  
and Utility Regulatory  
and Related Agencies**

**December 26, 2017**

Mark Vannoy, President  
New England Conference of  
Public Utilities Commissioners, Inc.  
c/o Maine Public Utilities Commission  
18 State House Station  
242 State Street  
Augusta, ME 04333-0018  
[mark.vannoy@maine.gov](mailto:mark.vannoy@maine.gov)

Rachel Aslin Goldwasser  
Executive Director  
New England Conference of  
Public Utilities Commissioners, Inc.  
[rgoldwasser@necpuc.org](mailto:rgoldwasser@necpuc.org)

Harvey L. Reiter, Esq.  
Counsel for New England Conference  
of Public Utilities Commissioners, Inc.  
c/o Stinson Morrison Hecker LLP  
1150 18th Street, NW, Suite 800  
Washington, DC 20036-3816  
[HReiter@stinson.com](mailto:HReiter@stinson.com)

Coalition of Northeastern Governors  
400 North Capitol Street, NW Suite 382  
Washington, DC 20001  
[coneg@sso.org](mailto:coneg@sso.org)

Heather Hunt  
Executive Director  
New England States Committee on Electricity  
4 Bellows Road  
Westborough, MA 01581  
[HeatherHunt@NESCOE.com](mailto:HeatherHunt@NESCOE.com)