

ORDER NO. 16 286

ENTERED AUG 01 2016

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

EA 25

In the Matter of EarlyBird Power LLC for
authority to register as an Electricity Service
Aggregator in Oregon.

ORDER

DISPOSITION: APPLICATION GRANTED

NOTE: By issuing this order, the Commission makes no endorsement or certification regarding Applicant's rates or service.

INTRODUCTION

On July 8, 2016, EarlyBird Power LLC (Applicant) filed this application with the Commission pursuant to OAR 860-038-0380. Applicant seeks authority to register as an electricity service aggregator (EA or aggregator) in Oregon.

On July 11, 2016, the Commission served notice of the application by electronic mail to the Commission's EA application electronic mail list. The Commission did not receive any protests.

Based on the application and the Commission's records, the Commission makes the following findings of fact, applications of law, and conclusions.

FINDINGS OF FACT

The Applicant, EarlyBird Power LLC is a Limited Liability Company organized under the laws of the Commonwealth of Massachusetts that is certified to transact business in Oregon. Applicant intends to combine retail electricity consumers in the service territory of an electric company into a buying group for the purchase of electricity and related services. As an aggregator, Applicant will act as an intermediary between retail electricity consumers and an Electricity Service Supplier (ESS). The contract to purchase and sell electricity services, however, will remain between the retail electricity consumers and the ESS. Applicant is not seeking certification as an ESS under OAR 860-038-0400 and ORS 757.649.

OPINION

Applicable Law

Applications to be registered as an electricity service aggregator are filed pursuant to OAR 860-038-0380. OAR 860-038-0380(1) provides that:

For purposes of ensuring compliance with Commission standards for consumer protection, an aggregator must be registered by the Commission to combine retail electricity consumers in the service territory of an electric company into a buying group for the purchase of electricity and related services.

To be registered as an EA, Applicant has agreed, in its application, to the following requirements of OAR 860-038-0380(5) - (9):

(5) (a) Furnish to consumers a toll-free number or local number that is staffed during normal business hours to enable a consumer to resolve complaints or billing disputes and a statement of the aggregator's terms and conditions that detail the consumer's rights and responsibilities;

(b) Comply with all applicable state and federal laws, rules, and Commission orders applicable to aggregators; and

(c) Adequately respond to Commission information requests applicable to aggregators and related to the provisions of this rule within 10 business days.

(6) An aggregator must take all reasonable steps, including corrective actions, to ensure that persons or agents hired by the aggregator, including but not limited to officers, directors, agents, employees, representatives, successors, and assigns adhere at all times to the terms of all state and federal laws, rules, and Commission orders applicable to aggregators.

(7) Annually, 30 days prior to expiration, a registered aggregator must notify the Commission that it will not be renewing its registration or it must renew its registration by submitting an application for renewal that includes an update of information specified in section (4) of this rule. The aggregator must state that it continues to attest that it will meet the requirements of section (5) of this rule. The authorized representative of the aggregator must state that all information provided is true and correct and sign the renewal application. The renewal is granted for a period of one year from the expiration date of the prior registration.

(8) No aggregator may make material misrepresentations in consumer solicitations, agreements, or in the administration of consumer contracts. Aggregators may not engage in dishonesty, fraud, or deceit that benefits the aggregator or disadvantages consumers.

(9) An aggregator must promptly report to the Commission any circumstances or events that materially alter information provided to the Commission in the registration process.

CONCLUSIONS

Applicant has met the requirements to be registered as an electricity service aggregator. The application should be granted.

ORDER

IT IS ORDERED that:

1. The application of EarlyBird Power LLC to be registered as an electricity service aggregator, is granted.
2. Applicant may provide authorized services in Oregon as an electricity service aggregator for a period of one year from the date of this order.
3. Applicant shall comply with the conditions set forth in this order.

AUG 01 2016

Made, entered, and effective _____.



A handwritten signature in blue ink, appearing to read "Jason Eisdorfer", is written over a horizontal line.

Jason Eisdorfer
Director
Utility Program

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.