

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 11-216
PSNH Proposed Revised Alternative Default Energy Service Rate

PETITION FOR INTERVENTION

NOW COMES PNE Energy Supply LLC d/b/a Power New England (“PNE”), and hereby petitions the New Hampshire Public Utilities Commission for intervention in the above-captioned proceeding pursuant to RSA 541-A:32 and NH Code Admin. Rule Puc 203.17. In support of its Petition for Intervention, Petitioner says the following:

1. On April 27, 2012, Public Service Company of New Hampshire (PSNH) filed testimony and related exhibits describing its proposed redesigned alternate energy service rate (Rate ADE) and illustrative tariffs. PSNH made the filing pursuant to Order No. 25,320 (January 26, 2012) in the instant docket. In Order No. 25,320, the Commission denied PSNH’s initial petition to implement a proposed Rate ADE and directed PSNH to file a redesigned Rate ADE by June 30, 2012. The initial filing was made pursuant to Order No. 25,256 (July 26, 2011) in Docket No.DE 10-160, Investigation into the Effects of Customer Migration. PSNH requested that the Commission approve its revised Rate ADE for effect on a service rendered basis as of July 1, 2012.

2. According to PSNH’s filing, PSNH plans to extend Rate ADE to residential and small commercial customers after a period of nine months operation.

3. Petitions for Intervention, pursuant to RSA 541-A:32 and Rule Puc 203.1, must set forth the facts demonstrating that the petitioner’s right’s, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, and that the interest of justice and the prompt and orderly conduct of the proceedings would not be impaired by allowing the intervention. Alternatively, the Commission may grant intervention if it is in the interest of justice. RSA 541-A:32, II.

4. On October 13, 2011, PNE’s affiliates Freedom Logistics, LLC d/b/a Freedom Energy Logistics (“FEL”) and Halifax-American Energy Company (“HAEC”) LLC jointly petitioned the Commission for Intervention in this proceeding. October 14, 2011, PSNH objected to the petition for intervention, contending:

The Commission should deny the Joint Petition on two grounds: (i) neither FEL nor HAEC have demonstrated standing to intervene pursuant to RSA 541-A:32, and (ii) contrary to the requirements of RSA Chapter 541 and Rule Puc 203.33, the Joint Petition clearly states the Petitioners' attempt to challenge the Commission's Order No. 25,256 - an order from another proceeding (in which both FEL and HAEC were party-intervenors) which is final and unappealable.

5. PSNH further contended that “FEL and HAEC's intervention request is based entirely on their status as an aggregator and competitive electric supplier, respectively, who [sic] would be potentially competing with PSNH for customers for energy service.”

6. The Commission, over the course of a multitude of proceedings over the last 20 years, has never denied an intervention request by a competitive supplier on the grounds that it does not have standing.

7. In a Secretarial Letter issued on October 20, 2011, the Commission stated that “the intervention request of FEL/HAEC has been granted as a matter of discretion pursuant to RSA 541-A:32, II.”

8. PNE is a licensed competitive supplier in New Hampshire and is currently the only competitive supplier serving a substantial number of small commercial and residential customers in New Hampshire. The extension of redesigned Rate ADE will wreak havoc and confusion on the nascent market for competitive services for small commercial and residential customers.

9. PNE has substantial interests that will be affected by the Commission's deliberations in this proceeding. The prompt and orderly conduct of the proceedings would not be impaired by allowing the intervention. It also would be in the interests of justice for the Commission to grant PNE's intervention.

WHEREFORE, PNE hereby respectfully request the Commission to grant it intervener party status and to order such other and further relief as may be just and equitable.

Respectfully submitted,

PNE ENERGY SUPPLY LLC

By its Attorney,

/s/ James T. Rodier

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Dated: May 28, 2012

Certification of Service

Pursuant to Rules Puc 203.02(2) and Puc 203.11, I have served copy of this petition on each person identified on the commission's service list for this docket.

/s/ James T. Rodier