

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Rate Mechanism for Energy Efficiency

Docket No. DE 07-064

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S OBJECTION TO THE
NEW HAMPSHIRE SIERRA CLUB'S MOTION TO INTERVENE OUT OF TIME

Public Service Company of New Hampshire ("PSNH") hereby objects to the late filed Motion to Intervene of the New Hampshire Sierra Club. In support of its Objection PSNH says the following:

1. The Commission issued an Order of Notice in this proceeding on May 14, 2007 with petitions for intervention due on June 13, 2007.¹ On February 5, 2008, the New Hampshire Sierra Club ("Sierra Club") filed a Motion to Intervene in the above-captioned docket. The Sierra Club Motion was filed out of time; therefore, RSA 541-A:32, II applies:

II. The presiding officer may grant one or more petitions for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.

The Commission should not grant the Motion to Intervene as filed, because the interests of justice would not be served and the Sierra Club's participation would impair the orderly conduct of the proceedings.

2. The Sierra Club's Motion to Intervene lays out its own agenda of decisions and a time table by which it demands the Commission abide. The Sierra Club has

¹ A Supplemental Order of Notice incorporating the expansion of scope to include the natural gas utilities allowed a second round of intervention by August 31, 2007. The Sierra Club's Motion to Intervene appears to focus solely on electric consumption and not natural gas consumption

failed to state any “facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.17 and RSA 541-A:32, I(b).” Order of Notice at 4. The May 14, 2007 Order of Notice presented twelve questions to which the Commission sought responses. Order of Notice at 2-3. The Supplemental Order of Notice expanded the proceeding to include natural gas utilities. The Order on Scope and Schedule stated:

The effects of the various regulatory mechanisms on utility actions and incentives are central to our inquiry. Technologies or practices other than energy efficiency and demand response are also implicated by this investigation but the **focus of this investigation is more on ratemaking mechanisms** and less on particular technologies. Order No. 24,774 (June 12, 2007) (emphasis added).

3. The Sierra Club appears to have read none of these orders. Instead the Motion to Intervene urges that:

- a. The Public Utilities Commission fix specific electric consumption reduction goals by date certain, but not later than January 1, 2009.
- b. The Public Utilities Commission develop and publish findings and standards for progressive pricing, energy efficiency, load management, demand response, distributed generation and other electric consumption reduction strategies on or before July 1, 2009. Sierra Club Motion to Intervene at 1.

“[S]pecific electric consumption reduction goals by date certain” ignores the presence of the natural gas utilities in this proceeding, is untimely, and is beyond the scope of this proceeding. Each year the CORE Energy Efficiency proceedings explore “energy efficiency, load management, demand response” in approving a plan for all of the electric utilities. Natural gas utilities have their own proceeding for approving energy efficiency programs. The Sierra Club’s demand for substituting an agenda of its own was not properly noticed, and if the Commission were to consider such an expansion of scope, another Order of Notice would need to be issued for this proceeding.

4. Organizations and persons who file a petition for intervention out of time should take the procedural schedule and the established scope of the proceeding as they find it. To do otherwise would not be in the interest of justice and would

disrupt the orderly conduct of these proceedings. If the Sierra Club chooses to withdraw its demands, accept the current and ambitious scope of this proceeding, state why its rights, duties, privileges or other substantial interests would be affected by the outcome of this proceeding, and abide by further orders of the Commission, then the Commission ought to consider such a revised petition to intervene.

5. PSNH suggests that the Sierra Club's interests may already be represented by several parties already granted intervenor status including: the Campaign for Ratepayers' Rights, the Office of Energy and Planning, The Way Home; Conservation Law Foundation, Southern New Hampshire University, Jordan Institute, and the Department of Environmental Services. If the Commission were to consider this Motion to Intervene it should limit and condition the intervention as provided in RSA 541-A:32, III.

WHEREFORE PSNH respectfully requests that the Commission

- A. Deny, without prejudice, the New Hampshire Sierra Club's Motion to Intervene, or
- B. Limit and condition the grant of such intervention, and
- C. Order such further relief as may be just and equitable.

Respectfully submitted,
Public Service Company of New Hampshire

Date: February 15 2008

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, a copy of the above Objection to the New Hampshire Sierra Club's Motion to Intervene was hand-delivered or sent electronically pursuant to NH Code Admin. Rules Puc § 203.02 and § 203.11.

February 15, 2008
Date

Gerald M. Eaton
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