

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 10-160
PSNH

Investigation into Effect of Customer Migration on Energy Service Rates

PETITION FOR INTERVENTION

NOW COMES Clean Power Development, LLC (“CPD”) 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 June 11, 2010, the Commission issued an Order of Notice opening this proceeding “to investigate the issues related to PSNH's customer migration and PSNH's practices far procuring power not supplied by its owned generation.” According to the Commission:

[t]he filing raises, inter alia, issues related to whether PSNH's suggested creation of a nonbypassable mechanism to bill a portion of energy service charges to all customers is permitted pursuant to New Hampshire law and is a reasonable way to address the cost impacts of customer migration on non-migrating energy service customers; what other potential methods exist to address those cost impacts including, but not limited to, the targeted use of technology-based initiatives and/or targeted rate mechanisms; the interplay of PSNH's current supplemental power purchase practices with customer migration; whether alternative procurement strategies should be implemented; and the appropriate scope of the proceeding.

Order of Notice at 2. (Emphasis supplied).

2. Petitions for Intervention, pursuant to RSA 541-A:32 and Rule Puc 203.17, must set for 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.

3. CPD is a New Hampshire limited liability company that focuses on the development of renewable and sustainable wood-fueled biomass-energy facilities. CPD has an appropriately-sized biomass energy projects under development in Berlin, NH. CPD has a Complaint pending before the Commission in DE-09-067 alleging that PSNH has been unwilling to even discuss a

power purchase agreement with CPD, even while PSNH was reaching an 20-year power purchase agreement with a different biomass-energy facility

4. In DE 09-067, PSNH has contended that its only obligation is to “use a reasonable business process” which would not necessarily encompass a “competitive process,” and most certainly would not encompass a legal obligation to give due consideration to each and every proposal from a power supplier.

5. CPD intends to inquire into PSNH practices, policies, procedures “for procuring power not supplied by its owned generation” and to make recommendations with respect thereto. CPD will also contend, as a matter of law, that PSNH has a legal obligation to give due consideration to each and every proposal from a power supplier.

6. As a developer of proposed wood-fueled biomass-energy facilities located in PSNH’s territory, CPD has a substantial interest that will be affected by the Commission’s deliberations in this proceeding.

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

Respectfully submitted,
CLEAN POWER DEVELOPMENT, LLC
By its Attorney

/s/ James T. Rodier
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Dated: June 21, 2010

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