

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**

JOINT PETITION FOR INTERVENTION

NOW COME Freedom Logistics, LLC d/b/a Freedom Energy Logistics (“FEL”), and Halifax-American Energy Company, LLC (“HAEC”) and hereby jointly petition 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, Petitioners say 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. FEL, is a licensed aggregator in five New England states specializing in providing high-end management services to end-users that are Market Participant End-Users (MPEU). An MPEU is a member of NEPOOL and ISO-NE that purchases electricity directly from the ISO-

NE hourly wholesale market.<sup>1</sup> Freedom Logistics pioneered the adoption of dynamic pricing in New England. There are currently numerous MPEU's located in New Hampshire that are clients of FEL, including St. Anselm College and the Union Leader.

4. HAEC, is an affiliate of Freedom Logistics. HAEC is the New England agent for South Jersey Energy Company, a subsidiary of South Jersey Industries. South Jersey Energy Company is a registered competitive electric power supplier in New Hampshire. Among HAEC's retail customers in New Hampshire include University of Southern New Hampshire and Stonyfield Farms.

5. Both FEL and HAEC have lengthy and substantial experience in offering dynamic pricing solutions in the New England retail market in general, and to New Hampshire customers in particular. August G. Fromuth is the chief executive officer of both entities. Mr. Fromuth currently serves as a Vice Chairman of the New England Power Pool Participants Committee and is currently Chairman of the NEPOOL End-Use Sector.

6. FEL and HAEC intend to propose to alternatives and make recommendations with respect to competitive supply alternatives for PSNH's small customers so that they may also become migrating customers. FEL and HAEC also intend to argue that the above-market costs of customer migration, and the consequent drop in demand, would, in the aggregate, require future rates for non-migrating customers to be set outside the "zone of reasonableness." See, Petition of Public Service Company of New Hampshire, 130 N.H. 265, 274 (1988).

7. For the foregoing reasons, FEL and HAEC have substantial interests that will be affected by the Commission's deliberations in this proceeding.

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

Respectfully submitted,  
FREEDOM LOGISTICS, LLC  
HALIFAX-AMERICAN ENERGY COMPANY, LLC  
By their Attorney,

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<sup>1</sup> Freedom Logistics pioneered the passage of the 99th Amendment to the NEPOOL Agreement that became effective on March 1, 2004. This Amendment permits a Market Participant End-User (MPEU) to participate directly in the hourly NEPOOL Market.

Dated: June 21, 2010

**/s/ James T. Rodier**  
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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**