

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 12-097

**Investigation into Purchase of Receivables, Customer Referral and Electronic
Interface for Electric and Gas Distribution Utilities**

OBJECTION TO PSNH's MOTION TO STAY

NOW COMES PNE Energy Supply LLC d/b/a Power New England ("PNE"), and hereby objects to PSNH's Motion to Stay and in support of its Objection, PNE says the following:

1. In support of its Motion to Stay, PSNH states the following:

The procedural schedule for Docket No. DE 12-097 calls for the filing of Staff/OCA/Intervenor Testimony on September 10, 2012. Without decisions from the Commission on the outstanding procedural motions, PSNH is not able to effectively prepare such testimony. As a result, PSNH requests that the Commission stay the procedural schedule in Docket No. DE 12-097 pending Commission decisions on the outstanding motions.

2. PNE is a licensed competitive supplier in New Hampshire and is currently serving a substantial number of PSNH's small commercial and residential customers.

3. On April 13, 2012, Power New England (PNE) filed a petition seeking an order by the Commission requiring modifications to certain tariff provisions of PSNH. Docket No. DE 12-093. Specifically, PNE sought to eliminate PSNH's Selection Charge, Billing and Payment Charge, and Collection Services Charge in order to promote customer choice for smaller customers in order to enhance the competitive market for small customers.

4. A Prehearing Conference Order was issued by the Commission on in this proceeding on July 3, 2012 which stated, *inter alia*, that the Commission will consider on a generic basis how the costs associated with the provision of competitive supplier services by the utilities should be recovered.

5. The scope of PNE's pre-filed testimony was narrowly limited to specific three charges rendered by PSNH to competitive suppliers: Selection Charge, Billing and Payment Charge, and the Collection Services Charge. PNE contends that the problem posed by PSNH's charges are that they impede the development of a competitive market for small customers, rather that

enhancing the development of the market, and that similar charges are not levied by PSNH's affiliates CL&P, WMECO and NSTAR nor are they levied by National Grid (MA & RI), Unitil or Liberty Utilities.

6. With respect to the generic issue of how the costs associated with the provision of competitive supplier services by the utilities should be recovered, PSNH should be required to file its testimony on September 10, 2012 as presently scheduled.

7. PSNH's discovery dispute with PNE is not a valid reason to keep PSNH from expressing its view on how the costs associated with the provision of competitive supplier services by the utilities should be recovered.

8. For example, PSNH does not need to know about Mr. Fromuth's duties and areas of concentration at the Commerce Department in the early 1980's in order to file its testimony

WHEREFORE, for all of the foregoing reasons, the Commission should deny PNSH's Motion to Stay 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: August 29, 2012

Certification of Service

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

/s/ James T. Rodier

