

**BEFORE THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 13-059**

**RESIDENT POWER NATURAL GAS & ELECTRIC SOLUTIONS, LLC**

**DE 13-060**

**PNE ENERGY SUPPLY, LLC**

**REQUEST FOR ISSUANCE OF SUBPOENAS**

Resident Power Natural Gas & Electric Solutions, LLC (“Resident Power”) and PNE Energy Supply, LLC (“PNE”) respectfully requests that the Executive Director issue certain subpoenas duces tecum, as contemplated by Executive Director’s letter of March 15, 2013. Copies of the proposed subpoenas are attached to this Request as Exhibits A, B and C. In further support of this request, Resident Power and PNE state as follows:

1. On March 15, 2013, the Commission held a prehearing conference in the above referenced dockets to resolve procedural issues related to the hearing on the merits now scheduled for March 22, 2013. Resident Power and PNE requested the Commission’s assistance in obtaining the presence of third parties who have information and documents material to the issues set forth in the Commission’s February 28, 2013 Order of Notice. The Executive Director’s March 15, 2013 report of the prehearing conference states that “[a]ny party or Staff that seeks a Commission issued subpoena should submit the request to the Commission.”

2. Accordingly, Resident Power and PNE submit this request for the issuance of the following subpoenas:

**Exhibit A** seeks attendance of Aaron Downing of Public Service of New Hampshire, (“PSNH”). Mr. Downing possesses critical information related to the PSNH’s role and responsibilities in porting (or not porting) PNE customers to Fairport Energy in February

2013. Upon information and belief, Mr. Downing may also possess certain relevant documents, and those documents are identified in the Schedule A to the subpoena.

**Exhibit B** seeks the attendance of Robert A. Bersak of PSNH. Mr. Bersak also possesses information related to the PSNH's role and responsibilities in porting (or not porting) PNE customers to Fairport Energy in February 2013. Upon information and belief, Mr. Bersak also possesses further information relative to PSNH's interactions with the PUC Staff during the relevant time frame relative to PNE and Resident Power. Again, as Mr. Bersack may also possess certain relevant documents, and those documents are identified in the Schedule A to the subpoena.

**Exhibit C** seeks the attendance of Barbara Clay of FairPoint Energy. FairPoint Energy entered into an Asset Purchase Agreement with PNE that was to result in all PNE residential customers being ported over to FairPoint. In conjunction with that agreement, FairPoint was a party to the Joint Motion for Expedited Waiver filed on February 7, 2013 in DE 13-049. Prior to and subsequent to that date, Ms. Clay participated in telephone communications with PUC Staff during which Staff provided guidance to FairPoint, PNE and Resident Power regarding the transfer of former PNE customers to FairPoint. Upon information and belief, the information that PUC Staff communicated to Ms. Clay is material difference from the position taken by PUC Staff in its February 27, 2013 Recommendation Memorandum in DE 13-060. Undersigned counsel has left telephone messages with Ms. Clay to request her voluntary attendance at the hearing, but to date those messages have not been returned.

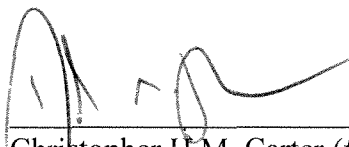
3. PNE and Resident Power submit that the issuance of the attached subpoenas is necessary to establish a full factual record, protect their due process rights. Further, PNE and

Resident Power anticipate that the testimony and information sought by the subpoenas will assist the Commission in rendering its reasoned decision in this matter.

WHEREFORE, Resident Power and PNE respectfully request that the Commission:

- A. Grant this request for the issuance of subpoenas;
- B. Issue the subpoenas attached to this request as Exhibits A, B, and C; and
- C. Grant such other relief as justice may require.

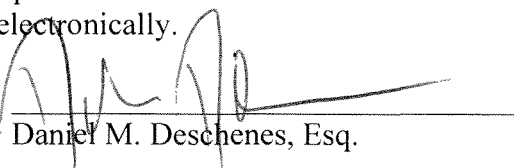
Dated: March 18, 2013



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**CERTIFICATE OF SERVICE**

I hereby certify that on the above date I have forwarded a copy of the foregoing to the Office of Consumer Advocate via electronic mail, and persons listed on the service list via electronic mail, and U.S. mail for those unable to be served electronically.



Daniel M. Deschenes, Esq.