

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

**PNE ENERGY SUPPLY LLC**

**PETITION FOR DECLARATORY RULING REGARDING RULE PUC 2004.07(b)(1)(b.)**

Now Comes PNE Energy Supply, LLC (“PNE”) and, pursuant to Rule Puc 207.01, seeks a declaratory ruling regarding the proper interpretation of Rule Puc 2004.07(b)(1)b. with respect to the availability off-cycle meter reads, and in support hereof says as follows:

1. This Petition for Declaratory Ruling seeks a determination by the Commission as to whether Public Service of New Hampshire (“PSNH”) is required by Rule Puc 2004.07(b)(1)b. to have a provision in its tariff providing for “an off-cycle meter reading.”

2. On December 18, 2013, PNE sent a letter to PSNH explaining its position that, under Rule Puc 2004.07(b), “the availability of an off-cycle meter read is not constrained to circumstances where a customer has failed to meet any of the terms of its agreement with a CEPS.”

3. In its reply by letter dated December 23, 2013, PSNH stated that it “interprets the rule to make a customer’s breach of its agreement with a CEPS... to be a condition precedent to a valid request for a mid-cycle<sup>1</sup> meter read.”

4. Rule Puc 2004.07(b)(1)b. provides that in requesting an off-cycle meter reading, a CEPS “may be subject to a reasonable charge from the utility for such reading not to exceed the charge for performing an off-cycle meter reading for the utility’s customer as defined in the utility’s tariff [.]

5. Accordingly, Rule Puc 2004.07(b)(1)b. is expressly premised and dependent upon the general requirement for utility to have a provision in its tariff providing for “an off-cycle meter reading.”

6. PSNH does not have a provision in its tariff providing for “an off-cycle meter reading.”

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<sup>1</sup> Although Rule 2007.04(b) expressly and exclusively uses the term “off-cycle,” PSNH appears to prefer to use the term “mid-cycle.”

WHEREFORE, PNE Energy Supply LLC respectfully requests the Commission to issue a ruling declaring that PSNH is required to have a provision in its tariff providing for an off-cycle meter reading, and to grant such other and further relief as may be just and equitable.

RESPECTFULLY SUBMITTED,  
PNE Energy Supply LLC  
by its Attorney,

Dated: March 6, 2014

**/s/ James T. Rodier**  
James T. Rodier, Esq.  
1465 Woodbury Ave., No. 303  
Portsmouth, NH 03801-5918  
[jrodier@mbtu-co2.com](mailto:jrodier@mbtu-co2.com)

#### AFFIRMATION

I hereby affirm that I have knowledge of the relevant facts stated in the foregoing Petition and that those facts are true and accurate to the best of my knowledge and belief.

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James T. Rodier  
NH Bar #8583