

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 14-238

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Determination Regarding PSNH's Generation Assets

Petition to Intervene on Behalf of
Granite State Hydropower Association

NOW COMES Granite State Hydropower Association, Inc. ("GSHA"), a New Hampshire association representing small hydroelectric power producers and, pursuant RSA 541-A:32 and N.H. Admin. R. Rule Puc 203.17, and respectfully petitions the New Hampshire Public Utilities Commission ("Commission") for intervention as a full party in the above-captioned proceeding. In support of this petition, GSHA states as follows:

1. The Commission opened this docket on September 16, 2014 with an Order of Notice referencing a recent amendment to RSA 369-B:3-a requiring the Commission to "commence and expedite a proceeding to determine whether all or some of PSNH's generation assets should be divested." Order of Notice (Sept. 16, 2014) at 1. The Order of Notice stated that at the initial prehearing conference, the Commission would take comment regarding whether any threshold issues should be considered at the outset of the proceeding, including: which of PSNH's generation assets and long-term contracts for generation supply should be included in this proceeding; the status of PSNH's 1999 restructuring settlement agreement and its application to the issues in this docket; and other issues identified by the parties. *Id.* at 2.

2. The Order of Notice established a deadline of September 29, 2014 for the submission of petitions to intervene and scheduled a prehearing conference for October 2, 2014. Accordingly, this Petition is timely filed.

3. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First, a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petitioner qualifies under any provision of law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. *See* RSA 541-A:32, I(b) and (c). Second, the Commission *may* grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.” RSA 541-A:32,II. *See also* N.H. Admin. R. Puc 203.17 (requiring the Commission to grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32).

4. For the reasons presented below, GSHA meets the foregoing mandatory and discretionary intervention standards.

5. By way of background, GSHA is a non-profit trade association for the small, independent hydroelectric power industry in New Hampshire. Its members own, operate, and manage more than 50 New Hampshire hydroelectric facilities that have a total installed capacity of more than 50 MW. Most GSHA member projects sell power at wholesale to one or another of New Hampshire’s electric distribution companies under rate orders, via negotiated power purchase agreements, or in PSNH’s case, in accordance with the 1999 restructuring settlement agreement with PSNH in docket DE 99-099. The

electric distribution companies, such as PSNH, in turn sell power at retail to some of their distribution customers. In addition, many of GSHA's member plants are retail customers of PSNH.

6. Currently, PSNH owns and operates 70.2 MW of hydroelectric assets, which provide power to PSNH customers pursuant to RSA 369-B:3, IV. If those assets are divested, the facilities will operate in the same market as GSHA's member projects. PSNH's currently-owned hydroelectric plants would be eligible for GSHA membership if owned within the competitive market rather than by a regulated utility.

7. The substantial interests of many of GSHA's members are likely to be affected by this proceeding because many may enter into power purchase agreements with wholesale power purchasers – including PSNH – upon the expiration of their current rate orders or power purchase agreements. GSHA members operate in a competitive marketplace in which they must net meter, undertake contracts with distribution utilities, or sell power into the market to deliver their produced electricity to consumers. This circumstance puts them in the same position (offering to sell power at wholesale) as PSNH's hydroelectric power projects if those projects are divested. GSHA's members are not guaranteed recovery of and on their generation investments.

8. The Commission has allowed GSHA to intervene in other dockets that have raised issues related to the ownership of generation facilities and the operation of competitive markets. For example, GSHA was granted intervention in Docket No. 11-040 (regarding the transfer of ownership of Granite State Electric Company and EnergyNorth Natural Gas, Inc. to Liberty Energy NH) and Docket No. De 11-184

(regarding the consideration of five power purchase agreements between PSNH and five woodburning independent power producers), as well as other Commission dockets.

9. As the foregoing information demonstrates, GSHA has knowledge and experience that are likely to be of value to the Commission and other parties in this proceeding. Thus, granting this petition for intervention would be in the interest of justice.

10. GSHA's intervention will not impair the orderly conduct of this proceeding and, in fact, will help to conserve resources by avoiding the need for its individual members to participate in order to protect their own interests.

WHEREFORE, GSHA respectfully requests that the Commission grant it full intervenor status in the proceeding and grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

GRANITE STATE HYDROPOWERASSOCIATION

By its attorneys,
ORR & RENO, P.A.

Dated: September 29, 2014

By:  _____

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Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 29th day of September, 2014 been either sent by electronic or first class mail, postage prepaid, to persons listed on the Service List.



Rachel Aslin Goldwasser

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