

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 New England Power Generators Association, Inc.
and
Retail Energy Supply Association

NOW COME the New England Power Generators Association, Inc. ("NEPGA") and Retail Energy Supply Association ("RESA") and, pursuant RSA 541-A:32 and N.H. Admin. R. Rule Puc 203.17, respectfully petition the New Hampshire Public Utilities Commission ("Commission") for intervention as a full party in the above-captioned proceeding. In support of this petition, NEPGA¹ and RESA² state 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

¹ The views in this Petition reflect those of NEPGA and not necessarily the position of each individual member.

² The views in this Petition reflect those of RESA and not necessarily the position of each individual member.

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, NEPGA and RESA meet the foregoing mandatory and discretionary intervention standards.

5. NEPGA is the trade association representing competitive electric generation companies in New England. NEPGA’s member companies represent approximately 26,000 megawatts (MW) of generating capacity in the region, with more than 2,600 megawatts represented by New Hampshire member companies. Its mission is to promote sound energy policies to further economic development, jobs and balanced

environmental policy. NEPGA believes that sustainable competitive markets are the best means to provide long-term reliable and affordable supplies of electricity for consumers. NEPGA's member companies have been involved with the design and development of competitive wholesale electricity markets and sell their energy and capacity into the New England wholesale power markets administered by ISO-New England. As participants in the region's wholesale power markets, NEPGA's members have a substantial and specific interest in a fully competitive generation market and a level playing field. Unlike PSNH, NEPGA's members are not guaranteed recovery of and on their generation investments. NEPGA's members are therefore impacted by PSNH's continued ownership of generation assets. Therefore, NEPGA's members' substantial interests will be directly impacted by the outcome of this proceeding.

6. NEPGA has been granted intervention in other Commission proceedings. For example, in Docket No. DE 10-160 (PSNH customer migration docket) the Commission granted NEPGA's intervention petition, finding it to be "consistent with applicable standards for intervention." Public Service Company of New Hampshire, Customer Migration, DE 10-160, Secretarial Letter (July 26, 2010). NEPGA was also granted leave to intervene in Docket No. DE 10-261 (PSNH Least Cost Integrated Resource Plan) and Docket No. DE 10-195 (PSNH Petition for Approval of Power Purchase Agreement), as well as other Commission dockets.

7. RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings in the Mid-Atlantic, Great Lakes, New York and New England regions. RESA members are active participants in the retail competitive markets for electricity, including the New Hampshire retail electric market.

Several RESA member companies are authorized by the Commission to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State. As such, RESA and its members have a substantial and specific interest in a fully competitive generation market. As competitive retail suppliers in New Hampshire, RESA's members are and would be directly impacted by PSNH's continued ownership of generation assets. Thus, the rights, duties, privileges or substantial interests of RESA's members will be affected by the outcome of this proceeding.

8. The Commission has allowed RESA to intervene in other dockets that have raised issues related to the competitive market. For example, RESA was granted intervention in Docket Nos. DE 12-097 (investigation into purchase of receivables and other retail market enhancements) and DE 12-295 (regarding certain of PSNH's charges to competitive electricity suppliers), as well as other Commission dockets.

9. As the foregoing information demonstrates, NEPGA and RESA have 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. NEPGA's and RESA's intervention will not impair the orderly conduct of this proceeding and, in fact, will help to conserve resources by avoiding the need for their individual member companies to participate in order to protect their own interests. Moreover, as evidenced by this jointly-filed petition, and as permitted by RSA 541-A:32, III(c), NEPGA and RESA will coordinate their participation in this docket by collaborating on jointly-filed pleadings, presentation of evidence and argument, cross-

examination of witnesses, and other participation. This will promote the orderly and efficient conduct of this proceeding, consistent with the requirement of RSA 363:3-a that this docket be expedited.

WHEREFORE, NEPGA and RESA respectfully request that the Commission grant them full intervenor status in the proceeding and grant such other relief as the Commission deems just and equitable.

Dated: September 29, 2014

Respectfully submitted,

New England Power Generators Association, Inc.

and

Retail Energy Supply Association

By their Attorneys

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Certificate of Service

I hereby certify that in accordance with the Order of Notice in this docket, a copy of the foregoing Petition has on this day of September, 2014 been sent by electronic mail to PSNH and the Office of Consumer Advocate, and to others on the Service List.

By: 

Susan S. Geiger