

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

DG-15-090

NORTHERN UTILITIES, INC.
2015 Summer Period Cost of Gas
Adjustment

REPLY TO STAFF'S OBJECTION TO
PETITION TO INTERVENE OF
ENERGY EXPRESS, INC.
d/b/a METROMEDIA ENERGY, INC.

Energy Express, Inc. d/b/a Metromedia Energy, Inc. ("Energy Express") submits this reply in response to Commission Staff's objection to its Petition to Intervene. Energy Express recognizes that its Petition to Intervene was filed after the deadline to intervene, but under the unusual circumstances of this case, Energy Express's petition should be granted. Energy Express makes the following points in response to Staff's objection.

First, the refund issue in this case involves millions of dollars owed to a small number of marketers. Northern Utilities, Inc. ("Northern") has no claim to the money refunded from PNGTS. Under New Hampshire law, marketers like Energy Express were obligated to pay the higher tariffed rate and are therefore entitled to a return of their overpayments. Northern knew that its proposal would greatly impact marketers, having calculated the exact amount each marketer paid in overcharges while the higher PNGTS rate was in effect. Northern could easily have given formal notice to each of the marketers and advised them of its proposal to issue the refunds by reducing rates prospectively. Northern failed to give such notice, however, and Energy Express was never fully apprised of the impact of Northern's proposal.

Second, Energy Express's participation in this proceeding will not prejudice existing parties. Energy Express understands that it takes the case as it finds it. There is no harm in

allowing Energy Express to offer its opinion, especially considering that the marketers have the most to lose if the Settlement Agreement is approved. The Commission will have to consider the marketers' interests in deciding whether to approve the proposed Settlement Agreement, and Energy Express is uniquely positioned to represent those interests. Unlike Global and Sprague, Energy Express has no opportunity to recover a refund through lower rates because it exited the market in 2014. If the Commission approves the Settlement Agreement, Energy Express will be forced to absorb the entire cost of its overpayments, which total approximately \$600,000. By allowing Energy Express to intervene, the Commission will better understand the impact of its decision on marketers.

Finally, the Maine Commission has now rejected Northern's proposed refund methodology for marketers and ordered Northern to issue marketers a one-time cash refund. The Commission should be cautious in considering a Settlement Agreement that is at odds with the Maine Commission's decision on the same issue. Especially considering this recent decision in Maine, the Commission would benefit from hearing from more parties and not fewer as Commission Staff recommends.

For these reasons, Energy Express respectfully requests that the Commission grant its Petition to Intervene.

Respectfully Submitted on August 12, 2015.



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