

# **EXHIBIT A**

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June 9, 2013

Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

HPUC 11/11/14pm12:19

RE: DE 12-295, Petition for Review of Certain PSNH Charges to  
Competitive Suppliers

**PNE Reply to PSNH Response to Record Request – Exhibit No. 25**

Dear Ms. Howland:

I am writing on behalf of PNE Energy Supply LLC d/b/a Power New England (“PNE”) to reply to PSNH’s Response to Record Request – Exhibit No. 25 (May 29, 2014) regarding treatment of pending supplier enrollments at the time of a supplier default.

The Record Request propounded to PSNH according to the Court Reporter is as follows:

Clarification of pending customer changes: Are pending customer enrollments from a new supplier honored in all cases? Are there any technical impediments that would cause a delay in or failure to honor new enrollments?

PSNH did not respond to the second request regarding whether there are any technical impediments that would cause a delay in or failure to honor new enrollment. However, PSNH has previously made it clear that there are no such impediments:

Per the direction of ISO-NE discussed in response to Question 5, below, PSNH was required to retire PNE’s load asset no later than 00:01, Wednesday February 20, 2013. Transfers of customers in PSNH’s EDI system to FPE continued on a normal basis through February 19. *On February 20, an automated program was run to delete all remaining EDI transfers which would switch customers from PNE to FPE.*<sup>1</sup>

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<sup>1</sup> Letter from Robert A. Bersak to Amanda O. Noonan, PUC Staff, dated March 15, 2013 (Emphasis added.)

The first request pertains to whether pending customer enrollments from a new supplier are honored in all cases. PSNH's recently-contrived response seems to be that it is prevented from doing so by a provision in its Tariff which states that "[t]he company shall accept no more than one Supplier for a Customer during any particular monthly billing cycle." Therefore, according to PSNH, upon the occurrence of a Supplier Default, PSNH is obligated by the foregoing tariff provision to delete all pending enrollments initiated by a new supplier prior to the default. This is the first that PSNH has articulated this particular position.<sup>2</sup>

PSNH's Delivery Tariff defines a "Supplier" as "[a]ny entity registered with the Commission and authorized by the Commission to supply electricity to retail users of electricity in the state of New Hampshire. Accordingly, PSNH, as a delivery utility providing Default Service, is not a "Supplier."

Moreover, there have been instances where PSNH, upon the occurrence of a Supplier Default, did not delete all pending enrollments initiated by a new supplier prior to the default. For example, TransCanada enrolled Milan Lumber, a PNE customer, on February 8, 2013. PNE defaulted on or about February 20, at which time PSNH placed Milan Lumber on Default Service. Subsequently, pursuant to TransCanada's enrollment on February 8, Milan Lumber was transferred to TransCanada on its next normal meter read date, February 26.

In summary, there is no technical impediment that would cause failure to honor a new enrollment submitted before a Supplier Default. Moreover, there is also nothing in PSNH's Tariff that would require doing so.

Finally, at the close of the hearing in this proceeding held on May 22, PSNH represented to the Commission that the Commission itself had ordered PSNH to delete to delete all pending FairPoint enrollments initiated by prior to PNE's default. This most certainly was not the case.

Sincerely,  
*/s/* James T. Rodier

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<sup>2</sup> As counsel for PNE noted on the record in this proceeding, PSNH would not respond to data requests on this matter, and moreover, would not confirm or deny in writing statements that it made on this subject at the ensuing Technical Conference.

# **EXHIBIT B**

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

May 22, 2014 - 9:10 a.m.  
Concord, New Hampshire

NHPUC JUN12'14 AM 9:40

RE: DE 12-295  
PNE ENERGY SUPPLY, LLC d/b/a  
POWER NEW ENGLAND:  
*Petition for Review of Public Service  
Company of New Hampshire's Services  
and Charges to Competitive Electric  
Suppliers.*

PRESENT: Chairman Amy L. Ignatius, Presiding  
Commissioner Robert R. Scott  
Commissioner Martin P. Honigberg

Sandy Deno, Clerk

APPEARANCES: Reptg. PNE Energy Supply:  
James T. Rodier, Esq.

Reptg. Public Service of New Hampshire:  
Matthew J. Fossum, Esq.

Reptg. North American Power:  
Robert J. Munnelly, Jr., Esq. (Murtha Cullina)

Reptg. Retail Energy Supply Association:  
Douglas L. Patch, Esq. (Orr & Reno)

Reptg. Electricity N.H., LLC d/b/a ENH Power:  
Christopher G. Aslin, Esq. (Bernstein Shur)

Reptg. PUC Staff:  
Suzanne G. Amidon, Esq.  
Al-Azad Iqbal, Electric Division

Court Reporter: Steven E. Patnaude, LCR No. 52

ORIGINAL

1 now or you just want to let the data response deal with  
2 it?

3 MR. FOSSUM: I guess all I would point  
4 out is that the data response can discuss PSNH's protocol.  
5 And, I simply wanted to remind the Commission that, in the  
6 PNE default last year, there was a series of enrollments  
7 that customers were to move to FairPoint Energy as part of  
8 that transaction. Pursuant to a directive of the  
9 Commission, all of those pending enrollments were  
10 canceled. So, that had nothing to do with PSNH's  
11 decisions, protocols, IT, any of it. We were ordered to  
12 end those transactions, and not allow those enrollments to  
13 go forward, regardless of whether they were before or  
14 after -- well, the ones before the date of default,  
15 obviously, they went forward. But, to the extent that any  
16 occurred or were scheduled to occur after the date of  
17 default, by Commission order, those did not occur.

18 MR. RODIER: That's not my motivation  
19 for getting into this. It's just interesting, and trying  
20 to assist the Commission in looking at this.

21 MR. FOSSUM: And, I understand that.  
22 And, we'll answer as to PSNH's underlying protocol and  
23 procedure, generally speaking.

24 CHAIRMAN IGNATIUS: Thank you. Mr. --