

**THE STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION**

DE 16-693

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY
Petition for Approval of a Power Purchase Agreement with Hydro Renewable Energy Inc.**

**PETITION TO INTERVENE
OF CONSERVATION LAW FOUNDATION**

Pursuant to the Commission's Order of Notice dated October 25, 2016, and in accordance with the standards of RSA 541-A:32 and NH Code of Administrative Rules Puc 203.17, Conservation Law Foundation (CLF) hereby petitions for leave to intervene in the above-captioned docket, as follows:

1. On October 25, 2016, the Public Utilities Commission (Commission) issued an Order of Notice in the above-captioned docket, which pertains to Public Service Company of New Hampshire d/b/a Eversource's (Eversource) petition for approval of a 20-year Power Purchase Agreement (PPA) between Eversource and Hydro Renewable Energy Inc. The proposed PPA would pertain to energy transmitted over the proposed Northern Pass electric transmission line and, according to the Commission's Order of Notice, implicates a number of issues, including, *inter alia*: whether Eversource has the corporate authority under RSA 374:57 to enter into the proposed PPA; whether Eversource's entering the proposed PPA would violate New Hampshire restructuring laws, RSA Chapter 374-F, or any other New Hampshire law, or any federal law, particularly in light of the Commission's recent ruling in Docket No. DE 16-241 that Eversource could not lawfully enter a contract to acquire natural gas capacity; whether the inclusion of the proposed PPA costs in Eversource's Stranded Cost Recovery Charge are permissible under New Hampshire's restructuring law, and other laws, as well as the terms of the

2015 Restructuring Settlement Agreement recently approved by the Commission in Docket Nos. DE 11-250 and DE 14-238, and precedential standards for ratemaking; whether the proposed PPA meets the requirements of N.H. Code Admin. Rules Puc 2100, and the standards of prudence; and whether Eversource's claimed benefits and costs of its participation in the proposed PPA are supported by the evidence. Order of Notice at 2-3. The Order of Notice established a deadline of November 2, 2016 for the filing of intervention petitions. *Id.* at 4.

2. CLF is a private, non-profit member-supported organization dedicated to using the law, science, and the market to create solutions that build healthy communities, sustain a vibrant economy, and preserve natural resources, including resources affected by the generation, transmission, and distribution of electric power in New Hampshire and across New England. CLF has members throughout the region, including New Hampshire residents who will be directly affected by the outcome of this proceeding, including New Hampshire residents who are Eversource customers, and New Hampshire residents and others who will be directly affected by the transmission line that is proposed to supply the energy that would be the subject of the PPA.

3. CLF and its members, including but not limited to members who are Eversource customers and members who will be directly affected by the proposed Northern Pass transmission line and its effects on the electric market, have a strong and direct interest in the outcome of this proceeding and the various issues it implicates. CLF's involvement in New Hampshire energy matters has spanned the past two decades and includes intervention and participation in numerous dockets before the Commission.¹ Of particular relevance, CLF was a signatory to the 2015 Restructuring Settlement Agreement implicated in this docket; was granted

¹ Such dockets include Docket Nos.: DR 97-211, DE 01-057, DE 07-064, DE 08-103, DE 08-145, DE 09-033, DE 10-160; DE 10-188; DE 11-215; DE 11-250; DE 13-108; DE 13-275, DE 14-120, DE 14-238, DE 15-124, IR 15-072; IR 15-124, IR 15-137; IR 15-296; DE 16-241; DE16-576; and DE 16-817.

intervener status in Docket No. DE 14-238, in which the Commission approved the 2015 Restructuring Settlement Agreement; actively participated in Docket No. IR 15-124, addressing the question whether electric utilities can acquire natural gas capacity in compliance with New Hampshire's restructuring laws and other statutes; and was granted intervener status in Docket No. DE 16-241, addressing legal questions that, as the Order of Notice states, are implicated in this docket.

4. CLF also has been closely involved in matters elsewhere in the region pertaining to the role of Canadian hydropower, including power proposed to be transmitted via the proposed Northern Pass transmission line, in New England's electric market. Such engagements have included advocacy regarding Requests for Proposals by Massachusetts, Connecticut and Rhode Island for renewable and hydropower energy, and advocacy in Connecticut and Massachusetts legislative proceedings related to bills proposing procurements of Canadian hydropower, and related to various state legislative proposals to designate large-scale hydropower as a renewable resource pursuant to state renewable portfolio standards. CLF also has been actively engaged in advocacy pertaining to the proposed construction of the Northern Pass electric transmission line, including as an intervener in the N.H. Site Evaluation Committee's certificate of site and facility process (SEC Docket No. 2015-06) and as an active participant in the U.S. Department of Energy's Presidential Permit process and associated review under the National Environmental Policy Act.

5. As set forth above, and as demonstrated in prior interventions, CLF has substantial interests that may be affected by this proceeding, including but not limited to interests related to the 2015 Restructuring Settlement Agreement; New Hampshire's restructuring laws and other statutes; and the role and implications of the energy that would be the subject of the

proposed PPA, including but not limited to costs and other factors associated with its transmission. CLF's intervention would neither impair the interests of justice nor the orderly and prompt conduct of the proceedings. RSA 541-A:32,I. *See also* RSA 541-A:32,II. Indeed, CLF's expertise in issues pertaining to New Hampshire's and the region's energy markets, and pertaining to the role and implications of Canadian hydropower, including costs and factors associated with its transmission, will inform its participation and benefit the Commission's consideration of issues involved in this docket. For the above reasons, CLF should be granted intervention. RSA 541-A:32,I. *See also* RSA 541-A:32,II.

WHEREFORE, CLF respectfully requests that it be granted full intervener status in this proceeding.

Respectfully submitted,

CONSERVATION LAW FOUNDATION

A handwritten signature in dark ink, appearing to read "Thomas F. Irwin", is written over a horizontal line.

Thomas F. Irwin
V.P. and Director, CLF New Hampshire

Conservation Law Foundation
27 N. Main Street
Concord, NH 03301
(603) 225-3060
tirwin@clf.org

Dated: November 1, 2016

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition has on this 1st day of November, 2016 been sent by email to the service list in this docket.

A handwritten signature in cursive script, appearing to read "Thomas F. Irwin", written in black ink.

Thomas F. Irwin (NH Bar No. 11302)