

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

UNITIL ENERGY SYSTEMS, INC. 2024 :
DEFAULT SERVICE SOLICITATIONS : DOCKET NO. DE 24-065
:

**NRG RETAIL COMPANIES’
PETITION TO INTERVENE**

Pursuant to New Hampshire Revised Statutes Annotated 541-A:32 and New Hampshire Administrative Rules Puc 203.17, Direct Energy Services LLC; Direct Energy Business, LLC d/b/a NRG Business; NRG Business Marketing, LLC (f/k/a Direct Energy Business Marketing LLC); Reliant Energy Northeast LLC d/b/a NRG Home; and XOOM Energy New Hampshire, LLC (collectively, the “NRG Retail Companies”) hereby petition the New Hampshire Public Utilities Commission (“Commission”) to intervene in the above-captioned proceeding. In support of this petition, the NRG Retail Companies state the following:

INTRODUCTION

1. On May 8, 2024, the Commission issued a Commencement of Adjudicative Proceeding and Notice of Hearing.¹ The Order of Notice indicated that anyone seeking to intervene in the proceeding should do so by May 24, 2024.²

2. On June 14, 2024, the Commission issued an order requiring Unitil Energy Systems, Inc. (“UES”) to file a proposal for an expanded ISO-New England market-based

¹ Commencement of Adjudicative Proceeding and Notice of Hearing (May 8, 2024) (“Order of Notice”).

² *Id.* at 4.

procurement approach for the February-July 2025 energy service period.³ On July 25, 2024, UES submitted the required filing.⁴

3. On August 23, 2024, the Commission issued a Supplemental Order of Notice indicating that it would be considering the UES Proposal and related issues.⁵ The Supplemental Notice directed anyone seeking to intervene in the proceeding to do so by August 30, 2024.⁶

4. During the December 10, 2024 hearing, the Commission asked whether UES had considered collection of default service reconciliations in delivery rates as proposed by Eversource in another proceeding.⁷ UES “declined to definitively opine on this question at the December 10 hearing, but committed to file a letter of position regarding this issue with the Commission by December 20, 2024.”⁸

5. On December 12, 2024, the Commission issued an order directing UES to, among other things, provide a position statement regarding the reconciliation of default service costs in delivery rates by December 20, 2024.⁹

6. The NRG Retail Companies now hereby petition to intervene in the proceeding.

STANDARD

7. “The [C]ommission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.”¹⁰

³ Order No. 27,020 (Jun. 14, 2024), at 9-10.

⁴ See Unitil Energy Systems, Inc. d/b/a Unitil Proposal for Expanded ISO-NE Market Based Procurement, Technical Statement of Jeffrey M. Pentz and Linda S. McNamara (Jul. 25, 2024) (“UES Proposal”).

⁵ See generally, Supplemental Order of Notice (Aug. 23, 2024) (“Supplemental Notice”).

⁶ *Id.* at 3.

⁷ Order No. 27,086 (Dec. 12, 2024), at 7.

⁸ *Id.*

⁹ *Id.* at 10.

¹⁰ N.H. Admin. Rules Puc 203.17.

8. The Commission must grant a petition to intervene if: (a) the petition describes how the petitioner is substantially and specifically affected by a proceeding; and (b) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding.¹¹

9. Although RSA 541-A:32 requires that any petition to intervene be filed “at least 3 days before the hearing,”¹² the Commission also has the discretion to 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.”¹³

INTERVENTION REQUEST

10. The procurement and pricing of default service has a direct and substantial effect on the competitive retail energy market.¹⁴ In fact, when considering whether utility commodity supply procurements are in the public interest, the Commission is required to ensure that those procurements do not cause undue harm to the competitive markets.¹⁵ Moreover, the Restructuring Act requires that customers be provided “clear price information on the cost components of generation, transmission, distribution, and any other ancillary charges.”¹⁶

11. Allowing UES to propose recovery of default service costs in delivery rates will cause undue harm to the competitive markets and impact the continued development of such markets. In particular, it will create artificially depressed default service rates. As a consequence, customers will not receive “*clear price information* on the cost components of generation,

¹¹ RSA 541-A:32(I).

¹² RSA 541-A:32(I)(a).

¹³ RSA 541-A:32,II (emphasis added).

¹⁴ Cf. RSA 374-F:3,V(e) (requiring consideration of harm to competitive markets).

¹⁵ See *id.*; see also Order No. 24,577 (Jan. 13, 2006), at 12; Order No. 24,511 (Sep. 9, 2005), at 12-13.

¹⁶ RSA 374-F:3,III.

transmission, distribution, and any other ancillary charges.”¹⁷ Without clear and accurate price signals, customers cannot make informed decisions about the value of competitive supply options; thereby, harming the continued development and sustainability of the competitive retail electric market in New Hampshire.

12. The NRG Retail Companies are registered competitive electric power suppliers¹⁸ that serve residential, commercial and/or industrial electric customers in New Hampshire. As such, they have a substantial and specific interest in ensuring that the provision of default service does not impact their ability to provide value to customers and in the continued development and sustainability of the competitive retail electric market in New Hampshire.

13. The NRG Retail Companies were not aware until December 12, 2024 that UES would be required to propose a change to the long-standing process for reconciling default service costs.¹⁹ As a consequence, they did not seek to intervene by the deadlines established in either the Order of Notice or Supplemental Notice.

14. Moreover, the Supplemental Notice indicated that the Commission would be considering whether the UES Proposal was consistent with Order Nos. 24,511; 24,921; 25,397; 26,679; 26,694; 26,973; and 27,020.²⁰ However, none of those orders addressed the potential reconciliation of default service costs in delivery rates.²¹ In fact, Order No. 26,973 explicitly states: “Any variation, positive or negative, between these estimated market prices and actual market prices would be dealt with *through the existing* Default Service reconciliation process

¹⁷ RSA 374-F:3,III (emphasis added).

¹⁸ REG 2023-089, REG 2023-088, REG 2024-085, REG 2023-090, REG 2024-048.

¹⁹ See Order No. 27,086 (Dec. 12, 2024), at 10.

²⁰ Supplemental Notice, at 1-2.

²¹ See generally, Order No. 24,511 (Sep. 9, 2005); Order No. 24,921 (Dec. 12, 2008); Order No. 25,397 (Jul. 31, 2012); Order No. 26,679 (Sep. 9, 2022); Order No. 26,694 (Sep. 30, 2022); Order No. 26,973 (Mar. 15, 2024); Order No. 27,020 (Jun. 14, 2024).

and rate components.”²² Thus, the NRG Retail Companies could not reasonably anticipate that the Commission would direct UES to consider modifying the default service reconciliation process as part of this proceeding.

15. Additionally, even if intervention had been granted before the December 10 hearing, the NRG Retail Companies would not have had any time to conduct discovery or present evidence regarding the issue because it was not raised until the hearing.²³ Thus, permitting the NRG Retail Companies to intervene would serve “the interests of justice.”²⁴

16. In addition, because the Commission expects to issue an Order *Nisi* regarding the UES Proposal,²⁵ participation by the NRG Retail Companies in this proceeding will not cause delay. Finally, the NRG Retail Companies have unique business and technical expertise as well as operational perspectives that no other party to this proceeding can replicate that can aid the Commission in evaluating the UES Proposal. Thus, permitting the NRG Retail Companies to intervene “would not impair the orderly conduct of the proceedings.”²⁶

CONCLUSION

For all the foregoing reasons, the Commission should grant the NRG Retail Companies’ petition to intervene in this proceeding.

²² Order No. 26,973 (Mar. 15, 2024), at 3 (emphasis added).

²³ Order No. 27,086 (Dec. 12, 2024), at 7 (indicating that, during the December 10, 2024 hearing, the Commission asked whether UES had considered collection of default service reconciliations in delivery rates as proposed by Eversource in another proceeding).

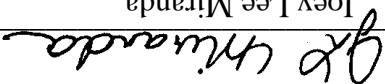
²⁴ RSA 541-A:32,II (emphasis added).

²⁵ Order No. 27,086 (Dec. 12, 2024), at 1.

²⁶ RSA 541-A:32,II (emphasis added).

Dated: December 16, 2024

Respectfully submitted,
DIRECT ENERGY SERVICES, LLC;
DIRECT ENERGY BUSINESS, LLC
D/B/A NRG BUSINESS; NRG BUSINESS
MARKETING, LLC (F/K/A DIRECT
ENERGY BUSINESS MARKETING
LLC); RELIANT ENERGY NORTHEAST
LLC D/B/A NRG HOME; XOOM
ENERGY NEW HAMPSHIRE, LLC

By:  _____

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Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Petition to Intervene has this day been sent via electronic mail or first-class mail to all persons on the service list.


Joey Lee Miranda

Dated: December 16, 2024