

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-056

JAMES RODIER

**Petition for Determination of Whether New Hampshire Residential Customers
Have Benefited from Electricity Deregulation**

Order Denying Motion for Rehearing of Order No. 26,722

ORDER NO. 26,754

December 27, 2022

I. Background

In Order No. 26,722 (November 10, 2022) (Order 26,722), the Commission dismissed without prejudice a filing by Mr. James Rodier seeking a Commission determination whether New Hampshire residential customers have benefitted from electricity deregulation.

On November 28, 2022, Mr. James Rodier filed a motion for reconsideration of Order No. 26,722.

Mr. James Rodier's filings, Order 26,722, and related docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-056.html>.

II. Summary of Mr. James Rodier's Motion for Reconsideration

Mr. Rodier appears to argue that through implication his petition indirectly showed that his rights or reasonability's are implicated. Therefore, Mr. James Rodier appears to seek reversal of Order No. 26,722's dismissal of his petition on the grounds that N.H. Code Admin. R. 207.01(c)(3) does not compel dismissal because he *did* make a showing that his legal rights or responsibilities are implicated.

III. Commission Analysis

The Commission may grant rehearing or reconsideration for “good reason” if the moving party shows that an order is unlawful or unreasonable. RSA 541:3; RSA 541:4; *Rural Telephone Companies*, Order No. 25,291 (November 21, 2011); *see also Public Service Company of New Hampshire d/b/a Eversource Energy*, Order No. 25,970 at 4-5 (December 7, 2016). A successful motion must establish “good reason” by showing that there are matters that the Commission “overlooked or mistakenly conceived in the original decision,” *Dumais v. State*, 118 N.H. 309, 311 (1978) (quotation and citations omitted), or by presenting new evidence that was “unavailable prior to the issuance of the underlying decision,” *Hollis Telephone Inc.*, Order No. 25,088 at 14 (April 2, 2010). A successful motion for rehearing must do more than merely restate prior arguments and ask for a different outcome. *Public Service Co. of N.H.*, Order No. 25,970, at 4-5 (citing *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014); *Freedom Energy Logistics*, Order No. 25,810 at 4 (September 8, 2015)).

We do not agree that good reason to grant rehearing has been shown. The Commission’s decision in Order 26,722 did not rest exclusively on Puc 207.01(c)(3). Order 26,722 also referenced a lack of specific factual allegations, *see* Puc 207.01(c)(1), lack of jurisdiction, *see* Puc 207.01(c)(4), and lack of legal controversy or legal uncertainty.

If construed as request for a declaratory ruling, the petition requests a determination that would have no legal effect. Rather, any Commission determination would merely opine on the merits of RSA 374-F’s directives requiring New Hampshire’s electric utilities to divest ownership of electric energy generation assets in favor of a competitive market for such electric energy generation. The only factual allegation identified in Mr. James Rodier’s motion for reconsideration is one generally

questioning whether electric ratepayers have benefitted under RSA 374-F. Moreover, although not mentioned in Order 26,722, we also note the initial filing was not verified, which is also required pursuant to Puc 207.01(b).

If construed as a complaint, under either 365:1 or 374-F:7, III, such a complaint must be raised with the New Hampshire Department of Energy in the first instance, and may only be brought before the Commission for adjudication under prescribed circumstances.

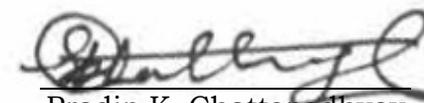
Whether construed as a petition for declaratory ruling or complaint, we conclude that Mr. James Rodier's September 12, 2022 filing captioned "Petition for Determination of Whether New Hampshire Residential Customers Benefited from Electricity Deregulation" was not dismissed without prejudice in error.

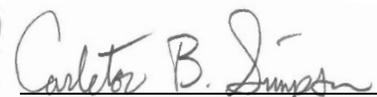
Based upon the foregoing, it is hereby

ORDERED, Mr. James Rodier's motion for reconsideration of Order No. 26,722 is DENIED.

By order of the Public Utilities Commission of New Hampshire this twenty-seventh day of December, 2022.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-056

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Email Addresses

ClerksOffice@puc.nh.gov
Energy-Litigation@energy.nh.gov
ocalitigation@oca.nh.gov
jtrodier@comcast.net