

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

DE 11-216

Public Service Company of New Hampshire
Petition for Alternative Default Energy Service Rate

JOINT PETITION FOR INTERVENTION

NOW COME Freedom Logistics, LLC d/b/a Freedom Energy Logistics (“FEL”), and Halifax-American Energy Company, LLC (“HAEC”) hereby jointly petition the New Hampshire Public Utilities Commission for intervention in the above-captioned proceeding pursuant to RSA 541-A:32 and NH Code Admin. Rule Puc 203.17. In support of its Petition for Intervention, Petitioners say the following:

1. On September 23, 2011, Public Service Company of New Hampshire (PSNH), filed with the Commission a petition for Petition for Approval of an Alternative Default Energy Service Rate (ADE).

2. PSNH made the filing pursuant to Commission Order No. 25, 526 (July 26, 2011) in Docket No. DE 10-160, *Investigation into the Effects of Customer Migration*. In that Order PSNH was directed to “develop and file a specific tariff proposal... to address the current circumstance when the default ES rate is greater than the market rate, by offering a rate that exceeds its marginal cost of default service but is less than the average cost.”

3. According to the Order of Notice issued on October 5, 2011, “[t]he filing raises, inter alia, issues relating to whether the marginal cost of energy service in the ADE rate is based on PSNH’s actual, prudent and reasonable costs of providing such service consistent with RSA 369-B:3, IV(b)(1)(A), and is just and reasonable as required by RSA 378:7, and the appropriate manner to consider the recovery of the prudent costs of complying with the requirements of RSA-O:11 et. seq.”

4. Petitions for Intervention, pursuant to RSA 541-A:32 and Rule Puc 203.1, must set forth the facts demonstrating that the petitioner’s rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, and that the interest of justice and the prompt and orderly conduct of the proceedings would not be impaired by allowing the intervention. Alternatively, the Commission may grant intervention in the interest of justice so

long as the intervention would not impair the orderly and prompt conduct of the proceedings.”
RSA 541-A:32, II.

5. FEL is a licensed aggregator in five New England states specializing in providing high-end management services to end-users that are Market Participant End-Users (MPEU). An MPEU is a member of NEPOOL and ISO-NE that purchases electricity directly from the ISO-NE hourly wholesale market.¹ Freedom Logistics pioneered the adoption of dynamic pricing in New England. There are currently numerous MPEU’s located in New Hampshire that are clients of FEL, including St. Anselm College and the Union Leader. FEL is a licensed competitive supplier in Maine and is currently the default energy supplier for BHE’s large customer group.

6. HAEC, is an affiliate of Freedom Logistics. HAEC is the New England agent for South Jersey Energy Company, a subsidiary of South Jersey Industries. South Jersey Energy Company is a registered competitive electric power supplier in New Hampshire. Among HAEC’s retail customers in New Hampshire include University of Southern New Hampshire and Stonyfield Farms. HAEC, in conjunction with South Jersey Energy, was recently awarded the contract for long-term sale of electricity to the State and the City of Concord.

7. PSNH’s proposal in this proposal will have an adverse impact on competitive electricity markets, and Commission approval would be akin to rendering palliative care to a patient in hospice. PSNH’s proposal does not address the underlying cause of its illness.

8. For the foregoing reasons, FEL and HAEC have substantial interests that will be affected by the Commission’s deliberations in this proceeding. The prompt and orderly conduct of the proceedings would not be impaired by allowing the intervention.

WHEREFORE, FEL and HAEC hereby respectfully request the Commission to grant it intervener party status and to order such other and further relief as may be just and equitable.

¹ Freedom Logistics pioneered the passage of the 99th Amendment to the NEPOOL Agreement that became effective on March 1, 2004. This Amendment permits a Market Participant End-User (MPEU) to participate directly in the hourly NEPOOL Market.

Respectfully submitted,

FREEDOM LOGISTICS, LLC
HALIFAX-AMERICAN ENERGY COMPANY, LLC
By their Attorney,

/s/ James T. Rodier

Dated: October 12, 2011

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Certification of Service

Pursuant to Rules Puc 203.02(2) and Puc 203.11, I have served copy of this petition on each person identified on the commission's service list for this docket.

/s/ James T. Rodier