

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DM 13-252

ALL UTILITIES
Objections to Public Utility Assessments

Petition to Intervene on Behalf of Electricity N.H., LLC d/b/a/ E.N.H. Power

Electricity N.H., LLC d/b/a E.N.H. Power (“ENH Power”) respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for leave to intervene as a participant in the above-captioned proceeding pursuant to Rule Puc 203.17, RSA 541-A:32, and the October 8, 2013 Order of Notice (the “Order”) issued by the Commission. In support of this petition, ENH Power states as follows:

1. On October 8, 2013 the Commission issued an Order of Notice in the above-captioned docket. The Order indicates that the docket arose from objections raised by Northern New England Telephone Operations LLC (“FairPoint”), Enhanced Communications of Northern New England, Inc. (“Enhanced Communications”), and Public Service Company of New Hampshire (“PSNH”) to the Commission’s August 8, 2013 utility assessments for fiscal year 2014. In addition, the Order states that PSNH has raised claims “that failing to treat revenue from PSNH’s sale of electricity and competitive electric suppliers’ sale of electricity in a substantially similar manner does not comport with equal protection under state and federal law.” Order at 3. The Order further indicates that PSNH asserts that “there must be a fee imposed on [competitive electric suppliers] for the Commission’s assessment to be valid.” *Id.* The Order defines the issues presented as, *inter alia*, “whether the assessments FairPoint, Enhanced

Communications, and PSNH object to are ‘excessive, erroneous, unlawful or invalid under RSA 363-A:4, . . . violate equal protection under state and federal law, and whether the assessments should be reset.’ *Id.*

2. In the Order of Notice the Commission established a deadline of November 8, 2013 for the submission of petitions to intervene and set a prehearing conference for November 14, 2013.

3. ENH Power is a licensed competitive electricity supplier in New Hampshire providing retail electric supply to residential and small commercial customers in the service territories of Public Service Company of New Hampshire (“PSNH”), Unitil Energy Systems, and Liberty Utilities. Pursuant to current law, ENH Power is not a “utility” as defined in RSA 362:2, and, therefore, is not subject to public utility assessment pursuant to RSA 363-A.

4. As such, ENH Power would not normally be directly impacted by the public utility assessment procedures and would not have an interest in this docket. However, in light of PSNH’s claims that competitive electric suppliers must be treated equally to PSNH in relation to assessment and that “there must be a fee imposed” on competitive electric suppliers, ENH Power’s rights, duties, privileges and/or substantial interests may be affected by this proceeding. At this time it is unclear whether the Commission has the authority to grant PSNH’s demand that competitive electric suppliers be included in the utility assessment process or assessed other fees related to utility assessments.

5. Pursuant to RSA 541-A:32, Admin. Rule 203.17, and established Commission precedent, the Commission must grant a petition to intervene if: (a) the petition is submitted in writing at least three days before the hearing; (b) the petition states facts demonstrating how the petitioner is substantially and specifically affected by the proceeding; and (c) the intervention

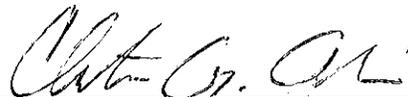
would be in the interests of justice and would not impair the orderly conduct of the proceeding. The Commission also has the discretion to grant a petition to intervene "at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings." RSA 541-A:32,II.

6. To the extent that PSNH or other parties advocate for the inclusion of competitive electric suppliers in the utility assessment process, and to the extent that the Commission has the authority to grant any such request given the current state of the law, ENH Power may be directly impacted by the outcome of this docket. With over 60,000 customers in New Hampshire and a significant quantity of retail electricity sales, any potential assessment of Commission expenses on competitive electric suppliers will have a substantial impact on ENH Power. Therefore, in order to protect its rights the rights, duties, privileges and/or substantial interests that may be affected by this proceeding, ENH Power believes it must intervene in this proceeding. Granting this petition for intervention would be in the interest of justice, and ENH Power's intervention will not impair the orderly conduct of this proceeding.

WHEREFORE, ENH Power respectfully requests that the Commission grant it intervenor status in the proceeding or grant such other relief as the Commission deems fair and just.

Respectfully submitted,

Electricity N.H., LLC d/b/a/ E.N.H. Power
By Its Attorneys
Bernstein, Shur, Sawyer & Nelson, P.A.

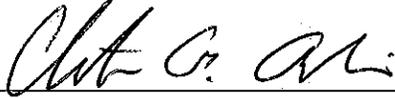


Christopher G. Aslin
P.O. Box 1120
Manchester, N.H. 03105-1120
(603) 623-8700
caslin@bernsteinshur.com

Dated: November 8, 2013

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 8th day of November, 2013, been sent by email to the service list in Docket DM 13-252.



Christopher G. Aslin