

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. _____

**PETITION FOR REVIEW OF THE REASONABLENESS AND APPROPRIATENESS OF
PSNH'S APPROVED CHARGES FOR SELECTION, BILLING, AND PAYMENT AND
COLLECTION SERVICES TO COMPETITIVE ELECTRICITY SUPPLIERS**

NOW COMES PNE Energy Supply LLC, d/b/a Power New England ("PNE") by its attorney, and hereby petitions the Commission for a Review of the Reasonableness and Appropriateness of PSNH's Approved Charges for Selection, Billing, and Payment and Collection Services to Competitive Electricity Suppliers. In support of its Petition, Petitioner says the following:

INTRODUCTION

1. PNE Energy Supply LLC d/b/a Power New England ("PNE") (www.powernewengland.com) is a duly- registered CEPS in PSNH's service territory. Docket No. DM 11 -075 (September 22, 2011).
2. PSNH's large customers have left PSNH for competitive electricity suppliers at a very high rate in order to avail themselves of substantial savings versus PSNH's default energy service rate.
3. In the absence of a Commission order or change in law to the contrary, the migration of large customers away from PSNH tends to increase PSNH's default energy service rate for smaller customers.
4. The rate of migration of PSNH's smaller customers away from PSNH is still relatively low, and it is substantially lower than comparable small customer migration rates for other New England utilities, most notably PSNH's affiliates in Connecticut (CL&P) and Massachusetts (WMECO and NSTAR).
5. Large increases to PSNH's default energy service rates are expected to occur over the next three or four years. This should be a matter of broad public concern, and regulatory concern in particular. While PSNH's larger customers will be able to escape these increases, PSNH's smaller customers will not only have to pay their share, but will also have to shoulder the share of PSNH's costs avoided by PSNH's larger customers.

6. PSNH's small customers should have the same opportunities to migrate away from PSNH such as those enjoyed by PSNH's large customers, as well as the small customers of PSNH's affiliates in Connecticut and Massachusetts.

7. On April 13, 2012, PNE filed its original Petition for Modification to Certain Tariff Terms of Public Service Company of New Hampshire. See Docket No. DE 12-093. On August 31, 2012, the Commission dismissed this Petition stating, *inter alia*, that

In the event that PNE seeks to file a new petition requesting that the Commission review the reasonableness and appropriateness of PSNH's approved charges for selection, billing, and payment and collection services to competitive electricity suppliers, PNE shall comply with the requirements of Puc 203.06(c) and provide pre-filed testimony and exhibits with its filing.

Order No. 25,405 (August 31, 2012) at 6.

8. Accordingly, the purpose of this renewed petition is to request that the Commission review the reasonableness and appropriateness of PSNH's approved charges for selection, billing, and payment and collection services to competitive electricity suppliers. In compliance with the requirements of Puc 203.06(c), PNE has provided pre-filed testimony and exhibits with this filing. PNE is not seeking a "rate adjustment" in this proceeding. Any "rate adjustment" would take place in a subsequent PSNH general rate case. Nonetheless, in compliance with the requirements of Puc 203.06(c), PNE has provided pre-filed testimony and exhibits with this filing.

APPLICABLE LAW

9. PSNH's Terms and Conditions for Energy Service Providers are contained in its Electricity Delivery Service Tariff – NHPUC No. 8, Original Pages 31 through 40. PSNH's "Services and Schedule of Charges" are set out in Section 2, original pages 32 through 36.

10. It is well-settled that the Commission's authority to establish just and reasonable rates and charges for utilities is plenary. PSNH is a public utility under New Hampshire law. See, RSA 362:2. The public utilities commission is a specialized state agency with technical expertise in the field of public utilities and is vested by the NH Legislature with "plenary authority" over PSNH. Order No. 24,614 (April 13, 2006), at 7. RSA 347:3 endows the PUC with "general supervision of all public utilities ... so far as necessary" to effectuate the Commission's various enabling statutes." Additionally, RSA 374:4 delegates to the PUC both the "power" and the "duty, to keep informed as to all public utilities in the state."

PSNH'S SCHEDULE OF CHARGES FOR ENERGY SERVICE PROVIDERS

11. As outlined below, there are at least three charges assessed by PSNH to competitive suppliers, such as PNE, that are completely out-of-line with the comparable charges assessed by other New England utilities, including PSNH affiliates in Massachusetts and Connecticut. PSNH's relevant tariff pages are set out in Exhibit A attached hereto.

“Selection Charge”

12. Section 2(a), Customer Change of Supplier provides, *inter alia*, as follows:

The Company will be entitled to make a Selection Charge for any changes initiated by a Customer, Supplier, or an authorized agent to a different Supplier or to Default Service or Self-Supply Service.

Selection Charge\$5.00 per Request

“Billing and Payment Service Charge”

13. Section 2(f), Billing and Payment Service provides, *inter alia*, as follows:

The Company will provide Billing and Payment Service as an option to Suppliers who have entered into a written agreement for Billing and Payment Service with the Company for a minimum of one year. The monthly Billing and Payment Service Charge, listed below, is for billing arrangements which can be accommodated by the Company's billing systems without significant programming changes:

“Collection Services Charge”

14. Section 2(g), Collection Services provides, *inter alia*, as follows:

The Company will provide Collection Services in conjunction with Billing and Payment Service for Suppliers who have entered into a written agreement for such service with the Company for a minimum of one year.

Collection Services Charge.....0.252% of total monthly receivable dollars

15. To the best of PNE's information and belief, such charges are not levied by PSNH's affiliates CL&P, WMECO and NSTAR nor are they levied by National Grid (MA & RI), Unitil or Liberty Utilities.

16. It appears that Central Maine Power Company charges \$0.26 per bill for “consolidated billing services” which, *inter alia*, include bill calculation, collection, remittance

processing, and funds transfer. CMP does not have a “selection charge.” CMP’s relevant tariff pages are set out in Exhibit B attached hereto.

CONCLUSION

17. Petitioner Power New England requests that the Commission review the reasonableness and appropriateness of PSNH’s approved charges for selection, billing, and payment and collection services to competitive electricity suppliers. PSNH should be ordered to explain to the Commission why its charges to competitive suppliers are reasonable and appropriate given the large disparity which exists with respect to other investor-owned utilities, particularly its affiliates, NSTAR, CI&P, and WMWEC.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the Commission review the reasonableness and appropriateness of PSNH’s approved charges for selection, billing, and payment and collection services to competitive electricity suppliers; and to order such other and further relief as may be just and equitable. If the Commission is interested in exploring “market enhancements”, this would be a very good place to start.

RESPECTFULLY SUBMITTED,
PNE Energy Supply LLC
by its Attorney,

Dated: September 27, 2012

/s/ James T. Rodier
James T. Rodier, Esq.
1465 Woodbury Ave., No. 303
Portsmouth, NH 03801-5918
jrodier@mbtu-co2.com