

**STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**Docket No. DE 12-295
POWER NEW ENGLAND, LLC**

**Petition for Review of the Reasonableness of Certain Charges of Public Service Company
of New Hampshire for Services to Competitive Suppliers**

**OBJECTION OF ELECTRICITY N.H., LLC D/B/A/ E.N.H. POWER
TO PSNH'S SUPPLEMENTAL MOTION TO DISMISS
PETITION OF PNE ENERGY SUPPLY, LLC**

Electricity N.H., LLC d/b/a E.N.H. Power ("ENH Power") respectfully submits this objection to Public Service Company of New Hampshire's ("PSNH") February 19, 2013 supplemental motion to dismiss the Petition of PNE Energy Services, LLC in the above referenced docket. ENH Power has filed a Petition for Intervention, and submits this objection pursuant to N.H. Admin. Rule Puc 203.07(e). In support of its objection, ENH Power states as follows:

1. Power New England, LLC d/b/a Power New England ("PNE") filed a petition dated September 27, 2012, requesting that the Commission review the reasonableness and appropriateness of Public Service Company of New Hampshire's ("PSNH") approved charges for selection, billing, and payment and collection services to competitive electricity suppliers (the "Petition"). The Commission issued an Order of Notice dated November 21, 2012, which opened the instant docket and establishing a schedule for intervention by affected parties.

2. ENH Power filed a Petition for Intervention on January 9, 2013, which is still pending before the Commission, and appeared at a pre-hearing conference held on January 15,

2013. No objections to ENH Power's Petition to Intervene were voiced or filed with the Commission, and the Hearing Examiner recommended that the Commission grant intervenor status to ENH Power and the other intervenors, North American Power and Gas, Inc. ("NAPG") and the Retail Energy Supply Association ("RESA"). *Hearing Examiner's Report*, Docket DE 12-295 (January 22, 2013).

3. Following the pre-hearing conference and a technical session, the Staff submitted a proposed schedule that included proposed deadlines for the filing of testimony by ENH Power and the other intervenors. *Staff report following Technical Session*, Docket DE 12-295 (January 17, 2013). PSNH participated in the technical session and agreed to the proposed schedule.

4. PSNH submitted its initial motion to dismiss on or about January 4, 2013 (the "Motion"), raising challenges to PNE's Petition on grounds of single-issue ratemaking and improper request for declaratory ruling on hypothetical future factual scenarios. ENH Power filed an objection to the Motion on January 18, 2013. The Commission has not yet ruled on the Motion.

5. PSNH's supplemental motion to dismiss (the "Supplemental Motion") argues that PNE lacks standing to maintain its petition because its licensing as a Competitive Electric Power Supplier ("CEPS") is now in question due to the recent suspension of PNE's Market Participant status by ISO-NE.

6. ENH Power contends that PNE's status as a CEPS and legal standing to challenge PSNH's competitive supplier charges is not dispositive in the instant docket because ENH Power and the other intervenors have the requisite standing to maintain the Petition going forward. Irrespective of PNE's status, the issues raised in the Petition remain outstanding and affect the

Intervenors as well as the development of a robust competitive retail electricity market in New Hampshire.

7. Specifically, the Petition seeks review of the reasonableness of certain charges imposed by PSNH on competitive suppliers. ENH Power is a licensed CEPS and currently has over 40,000 residential customers in PSNH's service territory. Accordingly, ENH Power is directly and substantially impacted by PSNH's excessive and unreasonable competitive supplier charges.

8. To the extent that PNE no longer has standing to challenge PSNH's competitive supplier charges, ENH Power, as an intervenor and prospective party to the instant docket, is ready and willing to assume the role of petitioner in Docket DE 12-295. As contemplated by the proposed procedural schedule, ENH Power intends to submit testimony and conduct discovery upon the grant of party status. Whether or not PNE remains a party to the docket, ENH Power intends to participate fully and pursue review by the Commission of the reasonableness of PSNH's competitive supplier charges.

9. No public purpose would be served by dismissing the Petition. If the Petition is dismissed, ENH Power will be forced to file a new Petition to bring the reasonableness and appropriateness of PSNH's competitive supplier charges before the Commission. Accordingly, dismissal will only delay review of the important issues raised in the Petition and result in unnecessary duplication of efforts and waste of resources of the parties and intervenors, the Staff and the Commission.

10. As set forth in ENH Power's initial Objection, incorporated herein by reference, the issues raised in the Petition are of vital concern not only to ENH Power and the other competitive suppliers currently operating in PSNH's service territory, but also to the


development of competitive retail markets in New Hampshire as mandated by the legislature. See R.S.A. ch. 374-F. In the interest of administrative economy and in furtherance of the public interest in a robust competitive retail electricity market, ENH Power believes that the Petition and Docket DE 12-295 should be allowed to move forward with or without PNE.

WHEREFORE, for the foregoing reasons, and the reasons set forth in its January 17, 2013 Objection, Electricity N.H., LLC d/b/a/ ENH Power respectfully requests that the Commission deny PSNH's Supplemental Motion to Dismiss Petition of PNE Energy Supply, LLC, and 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.


Dated: March 1, 2013



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Certificate of Service

I hereby certify that a copy of the foregoing Objection has on this 1st day of March, 2013, been sent by email to the service list in DE 12-295.



Christopher G. Aslin