

THE STATE OF NEW HAMPSHIRE

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March 15, 2013

Re: DE 13-059, Resident Power Natural Gas & Electric Solutions, LLC
DE 13-060, PNE Energy Supply, LLC
Investigation and Show Cause Hearing on Penalties and Suspension or
Revocation of Aggregator and CEPS Registrations
Prehearing Conference Report

To the Parties:

On March 15, 2013, the Commission held a prehearing conference in the above referenced dockets to resolve procedural issues related to the hearing on the merits scheduled for March 20 and 22, 2013. This letter memorializes the determinations made by the Commissioners during the prehearing conference.

At the close of the prehearing conference, Resident Power Natural Gas & Electric Solutions, LLC (Resident) and PNE Energy Supply, LLC (PNE) stated it had witnesses that would not testify voluntarily and thus would require the Commission's assistance with issuance of subpoenas. Commission Staff (Staff) noted that one of its witnesses would require a subpoena to testify. Any party or Staff that seeks a Commission issued subpoena should submit the request to the Commission by Monday March 18, 2013 by 12:00 noon to allow the Commission time to process the requests. As noted during the prehearing conference, stipulation to factual matters, particularly foundational matters that are not in dispute, is strongly encouraged.

Just prior to the prehearing conference, Resident and PNE jointly filed a motion regarding the burden of proof for this docket. The Office of Consumer Advocate (OCA) or Staff may respond, but is not required to do so, by 4:30 p.m. Tuesday March 19, 2013.

Resident and PNE agreed to review its motion for confidentiality and make revisions as needed to remove any materials that are already in the public record or do not fall within the exemptions from disclosure provisions of RSA 91-A. Resident and PNE shall make such revised filing by 4:30 p.m. Tuesday March 19, 2013.

Resident and PNE sought permission to submit a prehearing memorandum prior to the hearing on the merits. The Commission will allow prehearing memoranda from any party who wishes to make such a filing, by 4:30 p.m. Tuesday March 19, 2013.

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On March 14, 2013 Resident and PNE propounded discovery requests on OCA and Staff. In addition, Staff stated it has additional discovery requests for the companies, which it would put in writing after the prehearing conference adjourned, and no later than the close of business March 15, 2013. Responses to all outstanding discovery requests shall be filed with the Commission and with the parties and by Thursday March 21, 2013 at 9:00 a.m.

In order to accommodate the companies' and Staff's discovery requests, the hearing noticed for March 20, 2013 is rescheduled to Friday March 22, 2013 commencing at 9:00 a.m. and running until 5:30 p.m. if necessary. If additional hearing time is needed, the Commission has reserved Wednesday March 27, commencing at 9:00 a.m.

As to exchange of witness lists, premarking and exchange of exhibits, the Commission stated it would defer to the parties and staff's agreement on applicable deadlines, as long as they were reasonable and did not compromise the ability of everyone to be prepared and create a sound record. The Commission awaits a report of the agreed-upon deadlines.

Finally, given the timeframe in this docket, filings and exchange of documents shall be by electronic means.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Docket File
Service lists (Electronically)

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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Docket #: 13-059-1 Printed: March 15, 2013

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:
- DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.