

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

**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 and Order that PNE Temporarily Cease Enrolling  
New Customers**

**MOTION TO SCHEDULE PREHEARING CONFERENCE  
AND FOR EXPEDITED DECISION**

Resident Power Natural Gas & Electric Solutions, LLC (“Resident Power”) and PNE Energy Supply, LLC (“PNE”) [collectively “Movants”], hereby move for the scheduling of a expedited Prehearing Conference, stating as follows:

1. By Order of Notice issued on February 28, 2013 (the “Order”), the Commission scheduled a hearing on the merits for March 20 (and if necessary March 22), at which time Movants are to show cause why either company should not be sanctioned under NH Code Admin. Rule Puc 2005 and the Commission’s “general supervisory powers.” Order at 8.

2. While the Order refers to the scheduled proceeding as a “show cause hearing,” it appears – based on the relief sought by PUC Staff – that the Commission intends to conduct a “final” hearing on the merits to adjudicate the accusations in the February 27 Staff Report and, depending on the outcome of the proceeding, determine if sanctions are warranted.

3. The Order compels Movants to produce certain documents to Staff. It does not, however, address the pre-hearing procedures that will be followed, including with respect to matters such as Staff’s obligation to provide reciprocal discovery, the exchange of witness lists

and hearing exhibits, and the filing of pre-hearing memoranda. The Order also does not address the procedures that will be followed at the hearing itself.

4. Movants respectfully request an immediate prehearing conference as contemplated by PUC Rule 203.15(a) so that a full procedural schedule can be established to include provision for the exchange of necessary discovery and to establish the conduct of the hearing, to include outstanding issues related to witnesses, cross examinations, exhibits, and the burden of proof.

5. Such a schedule is essential to protect Movant's due process rights and guarantee an orderly administration of justice. See, e.g. Appeal of Concord Steam Corp., 130 N.H. 422, 428 (1988) (To afford due process the PUC must provide "notice of the impending action that affords the party an opportunity to protect the interest through the presentation of objections and evidence."); Appeal of Public Serv. Co., 122 N.H. 1062, 1073 (1982) (Requiring the PUC's "meticulous compliance" with due process where "it is not acting in a rule-making capacity but in an adjudicative one.") Movants note that the Commission has previously ordered a prehearing conference in a Show Cause proceeding. See Unital Corporation and Northern Utilities, Inc., Order No. 25,266 (DG-196).

6. Staff Attorney Suzanne Amidon has indicated that she does not concur with the relief requested.

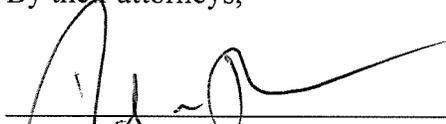
Wherefore, Movants respectfully request that the Commission grant this Motion on an expedited basis and schedule a Prehearing Conference as soon as practicable.

Respectfully submitted,

RESIDENT POWER NATURAL GAS &  
ELECTRIC SOLUTIONS, LLC and  
PNE ENERGY SUPPLY, LLC

By their attorneys,

Dated: March 8, 2013

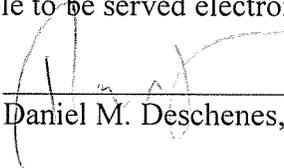


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**CERTIFICATE OF SERVICE**

I hereby certify that on the above date I have forwarded a copy of the foregoing to the Office of Consumer Advocate via electronic mail, and persons listed on the service list via electronic mail, and U.S. mail for those unable to be served electronically.



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Daniel M. Deschenes, Esq.

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