

THE STATE OF NEW HAMPSHIRE

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**PUBLIC UTILITIES COMMISSION**  
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August 8, 2013

Re: IR 13-233, PNE Energy Supply, LLC  
Investigation Pursuant to RSA 365:4 and N.H. Code Admin. Rules PART Puc 204 Into  
Dispute Between PNE Energy Supply, LLC and Public Service Company of New  
Hampshire

To the Parties:

On June 21, 2013, PNE Energy Supply, LLC (PNE), a registered Competitive Power Electric Supplier (CEPS) headquartered in Auburn, New Hampshire, filed a complaint with the Commission against Public Service Company of New Hampshire (PSNH) pursuant to RSA 365:1-4, and N.H. Code Admin. Rules PART Puc 204. PNE alleged that PSNH has been withholding \$100,000 in customer payments due to PNE for its CEPS supply services in violation of the terms of the PSNH Electricity Delivery Service Tariff – N.H.P.U.C. No. 8, and PNE's Electric Supplier Services Master Agreement and Electric Supplier Trading Partner Agreement with PSNH.

The Executive Director forwarded PNE's complaint to PSNH on June 26, 2013. *See* Puc 204.02. Pursuant to Puc 204.03(a)(2), PSNH timely disputed PNE's complaint. In its filing, PSNH claimed that only \$92,961.39 is at issue, argued that its withholding of this amount is permitted under the terms of PSNH's tariff and agreements with PNE, and requested that the Commission dismiss PNE's complaint. On July 11, 2013, and pursuant to Puc 204.04(a), PNE disputed PSNH's counterclaims, advised the Commission that PNE was not satisfied with PSNH's response, and requested that the Commission both conduct an independent investigation pursuant to RSA 365:4 and commence an adjudicative proceeding pursuant to Puc 204.05.

On the basis of an initial review of the parties' submissions, and without determining the ultimate facts, it appears to the Commission that there may be a basis for the complainant PNE's dispute. Accordingly, the Commission directs Staff to conduct an independent investigation pursuant to RSA 365:4. *See* Puc 204.04(b). Discovery shall be limited to questions propounded by the Staff and Office of Consumer Advocate (OCA), if the OCA so elects, upon PNE, PSNH, and any other entity that Staff and OCA determine have necessary information. Discovery may be in the form of data requests and technical sessions.

Additionally, the Commission directs Staff to draft a report that elucidates the factual and legal issues and that is sufficient for the Commission to determine whether PNE's complaint may warrant further action by the Commission. Puc 204.05(a). The OCA may, if it so elects, prepare its own separate report to the Commission. Staff and OCA shall file their reports on or before September 30, 2013. Lastly, the Commission orders PNE and PSNH to file exceptions, if any, to the Staff and OCA reports no later than October 15, 2013. The Commission will determine whether to hold oral argument on opening an adjudicative proceeding following review of the reports and exceptions.

The Commission expects that PNE and PSNH will provide their cooperation to Staff and the OCA as part of this investigative effort.

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland" followed by a stylized flourish.

Debra A. Howland  
Executive Director

cc: Docket File  
Service List (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 #: 13-233-1 Printed: August 08, 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.