

THE STATE OF NEW HAMPSHIRE

IR 13-233

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PUBLIC UTILITIES COMMISSION
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November 12, 2013

Christopher Cole, Esq.
Sheehan Phinney Bass + Green, P.A.
1000 Elm Street
Manchester, NH 03101

Matthew Fossum, Esq.
Counsel
Public Service Company of New Hampshire
780 N. Commercial Street
Manchester, NH 03101

Re: IR 13-233 (Dispute Between PNE Energy Supply, LLC and Public Service Company of New Hampshire) Notice Of Required Mediation

Dear Attorney Cole and Attorney Fossum:

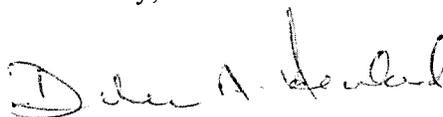
The Commission, pursuant to RSA 365:1-4 and N.H. Code Admin. Rules Puc 204, has determined that the complaint by PNE Energy Supply, LLC (PNE), filed on June 21, 2013, against Public Service Company of New Hampshire (PSNH), may warrant further action against PSNH, in that the Commission, in its own discretion, can appropriately begin adjudicative proceedings to examine PNE's allegations against PSNH under RSA 365:4. This determination was informed by PNE's and PSNH's pleadings, including comments filed by both parties on October 15, 2013, together with the joint Staff recommendation of Steven Mullen, Assistant Director of the Electric Division, and Alexander Speidel, Esq., Staff Attorney/Hearings Examiner, filed on September 27, 2013.

The Commission has also determined that, given the nature of this commercial dispute between PNE and PSNH, the parties could likely come to a fair resolution of this matter through the use of a mediation process, without the need for extensive litigation costs or resources. Therefore, in the interests of administrative efficiency and justice, the Commission has elected to schedule a mediation process before Alexander Speidel, Esq. as Hearing Examiner, commencing at 8:00 a.m., on December 11, 2013, at the Commission's offices. Hearings Examiner Speidel is ordered to file a general Report regarding the outcome of this mediation by December 18, 2013, and is empowered by the Commission to require the parties to execute agreements of confidentiality and conduct at

the commencement of the mediation. Attorney Speidel is also empowered by the Commission to engage in such mediation interviews, and request such mediation statements, of PNE and PSNH as he may require. This mediation shall be conducted in advance of any further adjudicative proceedings, and shall be subject to the terms of Puc 203.20.

The Commission has also determined that PNE is not entitled to payment of its costs or attorneys' fees by PSNH under RSA 365:38-a in connection with this instant proceeding, as PNE is neither a utility nor a retail customer of PSNH.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Howland".

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: November 13, 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.