

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DM 13-252

ALL UTILITIES
Objections to Public Utility Assessments

Limited Petition to Intervene on Behalf of Retail Energy Supply Association

The Retail Energy Supply Association (“RESA”)¹ respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for limited intervention in the above-captioned proceeding under Rule Puc 203.17 and RSA 541-A:32. In support of this petition, RESA states as follows:

1. On October 8, 2013 the Commission issued an Order of Notice opening this docket. The Order of Notice indicated that this docket arose from the Commission issuing the utility assessments, through which the Commission funds its general expenses, for fiscal year 2014 and that FairPoint, Enhanced Communications and Public Service Company of New Hampshire (“PSNH”) filed objections to their assessments. The Order of Notice also indicated that PSNH argued in its objection that failing to treat revenue from PSNH’s sale of electricity and competitive electric suppliers’ sale of electricity in a substantially similar manner does not comport with equal protection under state and federal law and that a fee must be imposed on competitive suppliers for the assessment to be valid. The Order of Notice said that the Commission funds its general

¹RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; NRG, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

expenses through public utility assessments made in accordance with the formula and procedures set forth in RSA 363-A, which specifically limits the assessments to public utilities as defined in RSA 362:2.

2. In that Order of Notice the Commission set a prehearing conference for November 14, 2013 and established a deadline of November 8, 2013 for the submission of petitions to intervene.

3. RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings in the Mid-Atlantic, Great Lakes, New York and New England regions. RESA members are active participants in the retail competitive markets for electricity, including the New Hampshire retail electric market. Several RESA member companies are licensed by the Commission to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State. As such, RESA and its members have a substantial and specific interest in the issue of whether an assessment fee can or should be imposed on competitive suppliers as PSNH recommends. The Commission has granted RESA's petitions to intervene in other dockets that impact on competitive suppliers and that raise issues related to the competitive market.

4. Pursuant to RSA 541-A:32, Admin. Rule 203.17, and precedent established by the Commission, it must grant a petition to intervene if: (a) the petition is submitted in writing at least three days before the hearing; (b) the petition describes how the petitioner is substantially and specifically affected by the proceeding; and (c) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding. The Commission also has the discretion to grant a petition to

intervene “at any time, upon determining that such intervention would be in the interests of justice and would impair the orderly conduct of the proceedings.” RSA 541-A:32,II.

5. RESA is seeking a limited intervention in this docket for the purpose of clarifying whether the Commission has authority to grant PSNH’s request that an assessment fee be imposed on competitive suppliers. If the Commission were to state clearly that it does not have such authority under current law RESA would have no need to intervene and would withdraw its petition. If, however, the Commission were to indicate that either it is uncertain whether it has such authority or that it in fact does have such authority RESA would respectfully request intervention to protect the interests of its members.

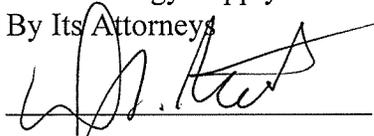
6. As competitive retail suppliers in New Hampshire, RESA’s members would be directly impacted by any new fees that the Commission were to impose on competitive suppliers as a result of this docket. Thus the rights, duties, privileges or substantial interests of RESA’s members as competitive suppliers of electricity in New Hampshire may be affected by this proceeding given the scope of the issues identified in the Order of Notice. RESA believes it must intervene in this proceeding in the manner described above to protect these rights. Granting this petition for intervention would be in the interest of justice.

7. RESA’s intervention will not impair the orderly conduct of this proceeding and in fact will help to conserve resources by avoiding the need for individual RESA member companies to participate in order to protect their own interests.

WHEREFORE, RESA respectfully requests that the Commission grant it limited intervenor status in the proceeding or grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

Retail Energy Supply Association
By Its Attorneys



Douglas L. Patch
Orr & Reno, P.A.
45 South Main St.
P.O. Box 3550
Concord, N.H. 03302-3550
(603) 223-9161
dpatch@orr-reno.com

Dated: November 6, 2013

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 6th day of November, 2013 been sent by email to the service list in DM 13-252.

By: 

Douglas L. Patch