

STATE OF NEW HAMPSHIRE  
before the  
PUBLIC UTILITIES COMMISSION

Complaint Against Public Service Company of New Hampshire  
IR 14-132

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE'S**  
**SUPPLEMENTAL RESPONSE TO COMPLAINT OF PNE ENERGY SUPPLY, LLC**  
**AND**  
**HALIFAX AMERICAN ENERGY SUPPLY, LLC**

Public Service Company of New Hampshire (“PSNH” or “the Company”) hereby offers its supplemental response to the complaint of PNE Energy Supply, LLC (“PNE”) and Halifax American Energy Supply, LLC (“HAES”)<sup>1</sup> in the above-docketed matter. By act of the Commission this complaint is moot and should be dismissed. In support of this supplemental response PSNH states as follows:

1. As noted in PSNH’s initial response to this complaint dated May 8, 2014, the complainant, PNE, contends that PSNH is not permitted to drop customers from the complainant’s service and enroll those customers with PSNH’s energy service when PSNH is directly requested to do so by the customer. PNE believed that even in the event of an expressed and verified customer request to PSNH from a customer to be dropped from PNE’s service and enrolled with PSNH’s default service, the terms of PSNH’s tariff prevented PSNH from actually dropping the customer from PNE’s service. Instead, according to the complainant, PSNH must

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<sup>1</sup> PSNH notes that it was not ever served with the complainants’ response dated May 16, 2014 and received by the Commission on May 19, 2014. Accordingly, PSNH contends such filing was never properly made. Moreover, in that response the complainants substitute the name of one entity for that of another. The complainants should not be permitted to simply change the name of the complaining entity as they see fit, and without explanation. Furthermore, the complaint contains no allegations of any activity affecting the newly referenced entity. Accordingly, PSNH maintains that the initially referenced entity, Halifax American Energy Supply, LLC, has no standing to bring any complaint before the Commission and any complaint on its behalf must be dismissed. PSNH will continue to discuss the complaint only with respect to PNE.

await the submission of a drop transaction from the existing supplier before moving the customer to PSNH's default service.

2. On May 21, 2014, the Commission voted to adopt, and subsequently filed, revised Chapter Puc 300 Rules on electric service. Those regulations are now in effect. Notably, those rules, which PSNH referenced in its initial response, include a new Part Puc 311, "TRANSFER OF SERVICE BY UTILITY OF CUSTOMERS RETURNING TO UTILITY ENERGY SUPPLY." Part Puc 311 specifically mandates that a utility "shall" implement a customer's request to default energy service when so requested. Specifically, Rule Puc 311.01 includes the following:

Puc 311.01 Requirements.

(a) Utilities shall submit a change on behalf of a customer from the customer's selection of a CEPS to the utility's default energy service upon the request of a customer or indirectly by a competitive energy supplier on behalf of the customer.

(b) A customer may request the change of supply service described in (a) above verbally or in writing.

Accordingly, to comply with the rule, PSNH must undertake the precise activity about which PNE complains. That is, PSNH must move a customer to default service if the customer makes such a request of PSNH, without awaiting any action by a supplier. PSNH also notes that any service rendered under its tariff is subject to the applicable rules and regulations of the Commission. Therefore, regardless of the terms of PSNH's tariff, it must follow the Commission's rules.

3. "Generally a matter is moot when it no longer presents a justiciable controversy because issues involved have become academic or dead." *New Hampshire Assoc. of Counties v. State*, 158 N.H. 284, 292 (2009). PSNH points out, as it did in its initial response, that PNE alleged no harm as a result of any actions by PSNH. Therefore, there is no prior conduct to

address. Moreover, in that the Commission's rules explicitly require PSNH to act in the manner complained of, there is no existing or future controversy before the Commission.

4. For the above reasons, in addition to the fact that PNE continues to make an inadequate request for relief, PSNH contends that this complaint is moot and should be dismissed without further action by the Commission.

WHEREFORE, PSNH respectfully requests that the Commission:

- A. Dismiss the complaint;
- B. Grant such further relief as is just and equitable.

Respectfully submitted,

Public Service Company of New Hampshire  
By Its Attorney

Dated: 5/22/14

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**CERTIFICATE OF SERVICE**

I certify that a copy of this response has been served on counsel for the complainant pursuant to Rule Puc 204.02(c).

Dated: 5/22/14

By:   
Matthew J. Fossum