

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

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June 23, 2014

A. Bartholomew Fromuth, Esq.
PNE Energy Supply, LLC and
Halifax American Energy Supply, LLC
816 Elm Street, Suite 364
Manchester, NH 03101

Re: IR 14-132, PNE Energy Supply, LLC
Complaint of PNE Energy Supply, LLC and Halifax American Energy
Supply, LLC against Public Service Company of New Hampshire

Dear Mr. Fromuth:

PNE Energy Supply, LLC and Halifax American Energy Company, LLC (together referred to as PNE) filed a joint complaint against Public Service Company of New Hampshire (PSNH). PNE alleged that PSNH is violating its tariff by honoring customer requests to transfer from a competitive electric power supplier to default service, a "customer-initiated drop request." PNE claimed the tariff requires PSNH to refer such requests to the supplier. PNE's complaint cited as an example one instance in which PSNH accepted a customer-initiated drop request. The complaint quoted an email explanation from PSNH that stated, "In the past we had not but last year we began to drop suppliers upon a customer's request." Complaint at 2.

PNE asked the Commission to open an adjudicative proceeding "to allow Complainants an opportunity to prove ... the foregoing alleged violations," and to order PSNH to pay reparations. *Id.* at 3. PNE's complaint did not allege it was harmed by PSNH's violation of the tariff nor did it itemize any damages.

PSNH's response argued that PNE's reading of the tariff is incorrect and unreasonable, that Puc 1203.01 allows a customer to orally request service from a utility, that "PNE's requests for relief are inadequate," and that the Commission is nearly finished with amending its Puc Part 300 rules which amendments will allow PSNH to act upon customer-initiated drop requests. PSNH's supplemental response noted that the Commission adopted the new Puc Part 300 rules on May 21, 2014. One section of the new rules provides as follows:

(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

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the request of a customer or indirectly by a competitive energy supplier on behalf of the customer.

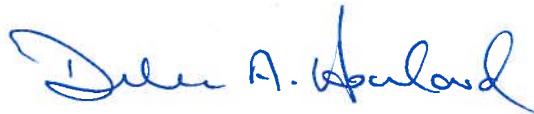
(b) A customer may request the change of supply service described in

(a) above verbally or in writing.

Puc 311.01. The Commission has determined that Puc 311.01 resolves PNE's complaint regarding PSNH conduct on or after May 21, 2014. Accordingly, PNE's complaint as to present and future conduct is denied.

As for PSNH's conduct prior to May 21, 2014, the Commission has denied PNE's complaint without prejudice. PNE did not claim it was harmed by PSNH's alleged violation of the tariff, did not describe how it could have been harmed, and did not itemize any damages. Therefore, the Complaint fails to meet the threshold for further Commission action. *See* Puc 204.04(b) ("if it appears to the commission that there may be a basis for the complainant's dispute, the commission shall conduct an independent investigation"). Accordingly, IR 14-132 will be closed.

Sincerely,



Debra A. Howland
Executive Director

cc: Service List (Electronically)
Docket File

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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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.**