

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-211

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY
UTILITIES**

**Petition for Alternate Plan for Procurement of Energy Services Requirements for All
Customer Groups**

Order Denying Petitions to Intervene

ORDER NO. 25,715

September 8, 2014

In this Order, the Commission denies the petitions to intervene filed by Freedom Energy Logistics LLC and NextEra Energy Power Marketing LLC.

Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty) requested approval of an alternate plan for procurement of energy service requirements for all customer groups in the event of an unsuccessful competitive solicitation for such requirements. Freedom Logistics LLC d/b/a Freedom Energy Logistics (FEL) and NextEra Energy Power Marketing LLC (NEPM), filed petitions for leave to intervene.

FEL states that it is a licensed aggregator in five New England states and that it specializes in providing management services to members of NEPOOL and ISO-NE that purchase electricity directly from the ISO-NE hourly wholesale market. According to FEL, Liberty's proposal is similar to the products purchased directly by FEL's clients from ISO-NE. As a result, FEL argues, Liberty's proposal could have an adverse impact on competitive electricity markets. FEL does not intend to file testimony. Instead, FEL would explore the differences between Liberty's proposal with a methodology that the Commission has approved

for Unitil Energy Systems, Inc. (Unitil). FEL asserts that Unitil's method for addressing failed competitive solicitations is superior to Liberty's proposal and should be considered. FEL concludes that its substantial interests will be affected by this proceeding, that its intervention would be in the interests of justice, and that the prompt and orderly conduct of the proceedings would not be impaired by allowing the intervention.

NEPM is a wholesale supplier of electricity products in New England markets. NEPM states that Liberty's proposal would modify the bidding process in which wholesale suppliers such as NEPM participate. NEPM focuses on the portion of Liberty's proposal that would allow Liberty not to award supply if only one bidder submits a final bid in a block and both the Commission Staff and Liberty agree that the bid is unreasonable and above market. NEPM believes that it would be important to obtain more detail about this process and discuss the merits of more than one round of bidding. NEPM asserts that the interests of justice would be served by its presence at technical sessions and in settlement discussions, or by its presentation of testimony to the Commission. NEPM submits that, as a wholesale supplier, it can provide a critical and unique perspective on matters such as ensuring compliance with the electric restructuring principles. NEPM concludes that its rights as a wholesale supplier could be directly affected by the outcome of this proceeding, that it will not impair the orderly conduct of this proceeding, and that its participation would assist the Commission by providing a broader range of input and information.

Liberty objected to FEL's petition to intervene but did not respond to NEPM's motion.¹ Liberty argued that FEL failed to explain how competitive markets or FEL's interests would be

¹ This Order is being issued before expiration of the full response time provided in our rules.

adversely affected by Liberty's proposal. Liberty also argued that its proposal to purchase energy in the competitive market instead of if there were no successful RFP bidder would not affect FEL's right, duties, privileges, immunities or other substantial interests. Last, Liberty argued that FEL relied only on conjecture and did not provide facts demonstrating that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing intervention.

The Commission considers petitions to intervene in accordance with the standards of RSA 541-A:32. *See* N.H. Code Admin. Rules Puc 203.17. The Commission reviews the facts alleged in the petition and determines whether the petition has demonstrated "rights, duties, privileges, immunities or other substantial interests [that] may be affected by the proceeding" RSA 541-A:32, I(b). If it finds that the petition meets this test, and that the intervention would not impair the orderly and prompt conduct of the proceeding, then the Commission grants intervention. RSA 541-A:32, I(c).

The Commission finds that neither FEL nor NEPM has demonstrated rights, duties, privileges, immunities or other substantial interests that may be affected by this proceeding. A general interest in competitive markets or in a bidding process that has not yet occurred is insufficient to entitle these parties to intervene pursuant to RSA 541-A:32, I. In addition, the Commission declines to grant intervention pursuant to RSA 541-A:32, II. This docket must be resolved quickly in the event there are not sufficient bidders participating in the upcoming solicitation. If any alternative process is approved, it is intended to be a one-time solution to deal

with that contingency. We therefore deny FEL's and NEPM's petitions to intervene.

Nonetheless, persons who do not have intervenor status may file comments in this docket.²

Given the recent changes in retail markets for electricity in New Hampshire, the Commission instructs Staff to begin a separate stakeholder process to explore procurement of retail electricity supply for New Hampshire customers, through the state's utility default suppliers and otherwise. Staff shall notify Liberty, Unitil Energy Systems, Inc., and Public Service Company of New Hampshire, as well as competitive electric power suppliers and electric aggregators, including NEPM and FEL, of the proceedings. We await any recommendations that may result from that process.

Based upon the foregoing, it is hereby

ORDERED, that the petitions to intervene filed by Freedom Logistics LLC and NextEra Energy Power Marketing LLC are hereby **DENIED**.

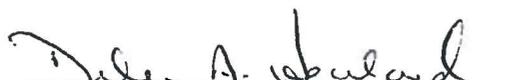
By order of the Public Utilities Commission of New Hampshire this eighth day of September, 2014.


Amy D. Ignatius
Chairman


Robert R. Scott (KNS)
Commissioner


Martin P. Honigberg
Commissioner

Attested by:


Debra A. Howland
Executive Director

² The Commission need not address NEPM's argument that the deadline for interventions set by the Commission is inapplicable to NEPM, because NEPM's motion fails on its merits.

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.