

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-305

FREEDOM LOGISTICS, LLC, d/b/a FREEDOM ENERGY LOGISTICS

**Petition on behalf of Cianbro Energy, LLC for a
Declaratory Ruling regarding Rule Puc 2002.05**

ORDER OF NOTICE

On October 30, 2014, Freedom Logistics, LLC d/b/a Freedom Energy Logistics (FEL), filed a petition for declaratory ruling pursuant to N.H. Code Admin. Rules Puc 207.01, on behalf of its client Cianbro Energy, LLC (Cianbro Energy), regarding the application of Puc 2002.05 to Cianbro Energy and its parent company, The Cianbro Company (Cianbro Company). FEL seeks a ruling from the Commission declaring that Cianbro Energy was not required at any time to have been registered with the Commission as a competitive electric power supplier during the period when it provided electricity to Cianbro Company in New Hampshire.

In its petition, FEL asserts that Cianbro Energy provides electricity to its parent, Cianbro Company, in a number of New England states. Both Cianbro Energy and Cianbro Company are members of the New England Power Pool (NEPOOL) and ISO New England (ISO-NE), Cianbro Energy as a Market Participant End User and Cianbro Company as a Governance-Only member of the End User Sector. As a Market Participant End User, Cianbro Energy is not a member of the Supplier Sector at NEPOOL. The petition asserts that Cianbro Energy ceased supplying electricity to Cianbro Company in New Hampshire in June 2014, but Commission Staff has advised FEL it “continue[s] to believe that Cianbro Energy should have been registered as a competitive electric power supplier with the NHPUC.”

According to FEL, Cianbro Company, like any other end-use customer, is entitled to purchase electricity directly from ISO-NE without relying on an intermediary such as Cianbro Energy, and the use of an intermediary is merely an “intra-corporate accounting mechanism so that the books of Cianbro Corporation are handled in the same manner as other states where Cianbro Energy needs and does have a retail license.” FEL concludes that, as a Market Participant End User, Cianbro Energy has not been required at any time to be registered as a competitive electric power supplier with the Commission.

FEL’s petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at <http://www.puc.nh.gov/Regulatory/Docketbk/2014/14-305.html>.

FEL’s filing raises, *inter alia*, issues related to the interpretation of RSA 374-F:2 and 7 and RSA 362-F:2, 3, 8 and 10, and N.H. Code Admin. Rules Puc 2002.05 and Puc 2503.03(a) and (c), and their application to Cianbro Energy as a provider of electricity to its parent company.

Based upon the foregoing, it is hereby

ORDERED, that a prehearing conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on December 2, 2014 at 1:00 p.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

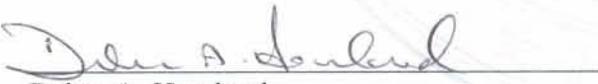
FURTHER ORDERED, that, immediately following the prehearing conference, FEL, the Staff of the Commission, and any intervenors hold a technical session to review the petition and allow FEL to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin. Rules Puc 203.12, FEL shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than November 12, 2014, in a newspaper with general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before November 26, 2014; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin. Rules Puc 203.17, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene with copies sent to FEL on or before November 26, 2014, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Puc 203.17 and RSA 541-A:32, I (b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before December 2, 2014.

By order of the Public Utilities Commission of New Hampshire this sixth day of November, 2014.


Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

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.