

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION
DE 16-693

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY

**Petition for Approval of a Power Purchase Agreement
with Hydro Renewable Energy, Inc.**

OBJECTION TO MOTION FOR REHEARING OF ORDER NO. 26,000

NOW COMES NextEra Energy Resources, LLC (“NEER”), and respectfully submits its Objection to the April 3, 2017 Motion for Rehearing (“Motion”) filed by Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”). The Motion requests that the Commission suspend Order No. 26,000 dismissing the Petition for approval of a proposed 20-year Power Purchase Agreement (“PPA”) between Eversource and Hydro Renewable Energy Inc., due to the possible enactment of Senate Bill 128 and the pending appeal of Order No. 25,950¹ before the Supreme Court of New Hampshire. In the event the Commission does not grant the suspension, Eversource contends that Commission, in the alternative, should grant rehearing of Order No. 26,000 in light of what it argues are overlooked legal and policy points.

NEER does not oppose a suspension of Order No. 26,000 pending the outcome of Senate Bill 128 during the current legislative session. NEER, however, does oppose the request for rehearing as it fails to meet the legal standard for rehearing.

¹ *Petition for Approval of Gas Capacity Contract with Algonquin Gas Transmission, LLC, Gas Capacity Program Details, and Distribution Rate Tariff for Cost Recovery*, DE 16-241, Order Dismissing Petition, Order No. 25,950 (October 6, 2016) (“Order No. 25,950”).

The Commission's standard for granting or denying a rehearing request is well established. According to RSA 541:3, the Commission may grant rehearing when a motion states a "good reason for the rehearing." To show good reason, the movant must demonstrate that the Commission erred by presenting "... new evidence that was unavailable at the original hearing, or by identifying specific matters that were either 'overlooked or mistakenly conceived.'"² A movant fails to meet the standard of good reason if it "... merely restate[s] prior arguments and ask[s] for a different outcome."³

In Order No. 26,000, the Commission's dismissed Eversource's Petition based on the following: (1) the legal analysis applicable to the Eversource Petition essentially paralleled the analysis requiring the dismissal of the Eversource Petition for Approval of Gas Capacity Contract in Docket No. DE 16-241; (2) there is a clear and meaningful difference between the short-term (two years or less) energy purchases approved in Docket No. DE 11-184 and the 20-year PPA proposed in this proceeding, including the fact that the Commission declared its ruling was not precedent setting; and (3) the PPA is not consistent with the requirements of RSA 374-F:3 (a reasonable measure to mitigate stranded costs) and RSA 374-F:2, IV (losses associated with the PPA do not qualify as stranded costs).

Against the Commission's well-reasoned decision, Eversource repeats for the fourth time (twice in Docket No. DE 16-241, on brief and request for rehearing, and twice in this proceeding, on brief and request for rehearing) the same arguments that have been heard and rejected. In fact, Eversource concedes its arguments are "substantially identical" to its

² *Verizon New Hampshire Wire Center Investigation*, Docket No. DT 05-083, DT 06-012, Order No. 24,629 at 7 (June 1, 2006), quoting *Dumais v. State*, 118 N.H. 309, 311 (1978).

³ See *Petition for Approval of Gas Capacity Contract with Algonquin Gas Transmission, LLC, Gas Capacity Program Details, and Distribution Rate Tariff for Cost Recovery*, DE 16-241, Order Denying Motions for Reconsideration Petition, Order No. 25,970 at 4-5 (December 7, 2016), citing *Public Service Co. of N.H.*, Order No. 25,676 at 3 (June 12, 2014) and *Freedom Energy Logistics*, Order No. 25,810 at 4 (September 8, 2015).

challenge of Order No. 25,950 in Docket No. DE 16-241. Eversource Motion for Rehearing at 1-2. Tellingly, the Commission rejected Eversource's challenge to Order No. 25,950 as merely reiterating past arguments:⁴

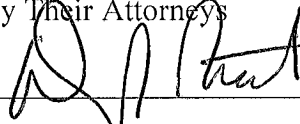
Eversource and Algonquin simply reiterated their arguments that the goals of RSA 374-F, including lower energy costs and concomitant economic benefits, override the requirement to divest, if some alternative means is presented that promises to lower energy costs. Restating prior arguments and requesting a different outcome is not grounds for rehearing.

Accordingly, given that Eversource's Motion merely repeats past arguments, the application of the Commission's rule against merely restating past arguments as grounds for a rehearing to the pending Motion requires that it be denied.

Respectfully submitted,

NextEra Energy Resources, LLC

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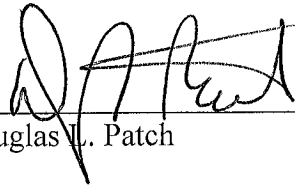
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Dated: April 10, 2017

⁴ *Id.* at 5-6.

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 10th day of April 2017 been sent by email to the service list in DE 16-693.

By: 
Douglas L. Patch

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