

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

INVESTIGATION OF ENERGY :  
COMMODITY PROCUREMENT :  
(RENEWABLE PORTFOLIO STANDARD; : DOCKET NO. IR 22-053  
DEFAULT SERVICE ELECTRIC POWER; :  
COST OF GAS) METHODOLOGY AND :  
PROCESS :

**NRG RETAIL COMPANIES’  
PETITION TO INTERVENE**

Pursuant to New Hampshire Revised Statutes Annotated 541-A:32 and New Hampshire Administrative Rules Puc 203.17, Direct Energy Services, LLC; Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; Reliant Energy Northeast LLC; and XOOM Energy New Hampshire, LLC (collectively, “NRG Retail Companies”) hereby petition the New Hampshire Public Utilities Commission (“Commission”) to intervene as parties in the above-captioned proceeding. In support of this petition, the NRG Retail Companies state the following:

**INTRODUCTION**

1. On September 6, 2022, the Commission opened “this investigatory proceeding to examine all pertinent aspects of RPS [Renewable Portfolio Standard], Default Service, and COG [Cost of Gas] procurements in New Hampshire, and related Commission processes.”<sup>1</sup>
2. The Commission also offered interested parties an opportunity to file petitions to intervene in the proceeding by September 20, 2022.<sup>2</sup>
3. The NRG Retail Companies now hereby petition to intervene as parties in the proceeding.

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<sup>1</sup> Order of Notice (Sep. 6, 2022) (“Notice”), at 2.

<sup>2</sup> *Id.* at 4.

## STANDARD

4. The Commission must grant a petition to intervene if: (a) the petition describes how the petitioner is substantially and specifically affected by a proceeding; and (b) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding.<sup>3</sup>

5. The Commission also has the discretion to grant a petition to intervene “at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.”<sup>4</sup>

## INTERVENTION REQUEST

6. “This investigation will review questions related to: the processes related to RPS, Default Service including impacts of [sic] CPAs [Community Power Aggregations], and COG procurements by utilities; the ratemaking and calculation methodologies used for same; and the processes used by the Commission and participating parties for developing data and recommendations.”<sup>5</sup>

7. The procurement and pricing of utility commodity supply service has a direct and substantial effect on the competitive retail market.<sup>6</sup> In fact, when considering whether utility commodity supply procurements are in the public interest, the Commission is required to ensure that those procurements do not cause undue harm to the competitive markets.<sup>7</sup>

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<sup>3</sup> RSA 541-A:32(I).

<sup>4</sup> RSA 541-A:32(II).

<sup>5</sup> Notice, at 3.

<sup>6</sup> *Cf.* RSA 374-F:3(e) (requiring consideration of harm to competitive markets); Order 23,675 (Apr. 5, 2001), at 22 (recognizing that the COG rate and structure impacts competition); Order 23,674 (Apr. 5, 2001), at 20-21 (same).

<sup>7</sup> *See* RSA 374-F:3(e); *see also* Order No. 26,092 (Dec. 29, 2017), at 15; Order No. 24,577 (Jan. 13, 2006), at 12; Order No. 24,511 (Sep. 9, 2005), at 12-13; *cf.* Order 23,675 (Apr. 5, 2001), at 22; Order 23,674 (Apr. 5, 2001), at 20-21.

8. The NRG Retail Companies are licensed by the Commission to serve residential, commercial and/or industrial electric and natural gas customers in New Hampshire<sup>8</sup> and are presently providing service to customers in the State. As such, the NRG Retail Companies have a substantial and specific interest in ensuring that this investigation considers how changes to the procurement or pricing of utility supply service will impact the continued development of retail competitive markets, including the considerable potential business and financial impacts to customers participating in those markets, and safeguarding against undue harm to retail electric and natural gas competition in New Hampshire.

9. The NRG Retail Companies' participation as parties in this proceeding would be in the interests of justice and will not impair the orderly conduct of this proceeding. Indeed, the NRG Retail Companies have unique business and technical expertise as well as operational perspectives that no other party to this proceeding can replicate and that will aid the Commission in its investigation. For example, the NRG Retail Companies operate in competitive retail electric and natural gas markets through the United States. As a consequence, they can aid in the investigation by providing insights into the procurement approaches in other states.<sup>9</sup>

10. The NRG Retail Companies have not yet determined the full extent of their participation in this docket and reserve the right to fully participate in this docket, including

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<sup>8</sup> See Docket No. DM 20-173, *Direct Energy Business, LLC Renewal Registration as a Competitive Electric Power Supplier*; Docket No. DM 15-373, *Direct Energy Business, LLC Registration as a Competitive Electric Power Supplier*; Docket No. DM 18-045, *Direct Energy Business Marketing, LLC Renewal Registration as a Competitive Natural Gas Supplier*; Docket No. DM 13-121, *Hess Energy Marketing, LLC Registration as a Competitive Natural Gas Supplier*; Docket No. DM 18-105, *Direct Energy Business Marketing, LLC Renewal Registration as a Competitive Electric Power Supplier*; Docket No. DM 13-260, *Hess Energy Marketing, LLC Registration as a Competitive Electric Power Supplier*; Docket No. DM 20-193, *Direct Energy Services, LLC Renewal Registration as a Competitive Electric Supplier*; Docket No. DM 15-513, *Direct Energy Services, LLC Registration as a Competitive Electric Power Supplier*; Docket No. DM 20-168, *Reliant Energy Northeast LLC d/b/a NRG Home Renewal Application for Competitive Electric Power Supplier*; Docket No. DM 15-287, *Reliant Energy Northeast LLC Application for Competitive Electric Power Supplier*; Docket No. DM 18-102, *XOOM Energy New Hampshire, LLC Renewal Registration as a Competitive Electric Power Supplier*; Docket No. DM 13-185, *XOOM Energy New Hampshire, LLC Registration as a Competitive Electric Power Supplier*.

<sup>9</sup> Notice, at 3 (indicating that, as part of this investigation, the Commission intends to examine “[a] comparison of different United States jurisdictions with regards to these issues and the approaches used.”).

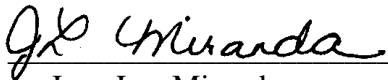
through motion practice, discovery, pre-filed and live testimony, direct and cross-examination, and briefs.

### CONCLUSION

For all the foregoing reasons, the Commission should grant NRG Retail Companies' petition to intervene as parties in this proceeding.

Dated: September 20, 2022

Respectfully submitted,  
DIRECT ENERGY SERVICES, LLC;  
DIRECT ENERGY BUSINESS, LLC;  
DIRECT ENERGY BUSINESS  
MARKETING, LLC; RELIANT ENERGY  
NORTHEAST LLC; XOOM ENERGY  
NEW HAMPSHIRE, LLC

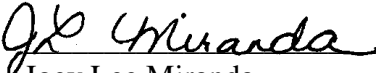
By:  \_\_\_\_\_

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Its Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Petition to Intervene has this day been sent via electronic mail or first class mail to all persons on the service list.

  
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Joey Lee Miranda

Dated: September 20, 2022