

**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 :

**RETAIL ENERGY SUPPLY ASSOCIATION
PETITION TO INTERVENE**

Pursuant to New Hampshire Revised Statutes Annotated 541-A:32 and New Hampshire Administrative Rules Puc 203.17, the Retail Energy Supply Association (“RESA”)¹ hereby petitions the New Hampshire Public Utilities Commission (“Commission”) to intervene in the above-captioned proceeding. In support of this petition, RESA states 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.”²
2. The Commission also offered interested parties an opportunity to file petitions to intervene in the proceeding.³
3. RESA now hereby petitions to intervene in the proceeding.

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

² Order of Notice (Sep. 6, 2022) (“Notice”), at 2.

³ *Id.* at 4.

STANDARD

4. “The [C]ommission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.”⁴

5. RSA 541-A:32 requires that any petition to intervene be filed “at least 3 days before the hearing.”⁵

6. 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.⁶

7. 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.”⁷

INTERVENTION REQUEST

8. “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.”⁸

⁴ N.H. Admin. Rules Puc 203.17

⁵ RSA 541-A:32(I)(a).

⁶ RSA 541-A:32(I).

⁷ RSA 541-A:32(II).

⁸ Notice, at 3.

9. The procurement and pricing of utility commodity supply service has a direct and substantial effect on the competitive retail energy market.⁹ 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.¹⁰

10. RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings in the Mid-Atlantic, Great Lakes, New York, and New England regions. RESA members are active participants in the retail competitive markets for energy, including the New Hampshire retail energy market. Several RESA member companies are licensed to serve customers in New Hampshire and are presently providing service to New Hampshire customers. As such, RESA and its members 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 in New Hampshire.

11. RESA's participation in this proceeding would be in the interests of justice. Because of the diversity of its members, their business models and the jurisdictions in which they do business, RESA has unique perspectives that no other participant to this proceeding can replicate and that will aid the Commission in its investigation. For example, RESA members operate in competitive energy markets through the United States. As a consequence, RESA can aid in the investigation by providing insights into the procurement approaches in other states.¹¹

⁹ 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).

¹⁰ 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.

¹¹ 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.”).

12. RESA’s participation will not impair the orderly conduct of the proceeding. While RESA acknowledges that the Commission established an earlier deadline for requests for participation in this proceeding,¹² it was not served with a copy of the Notice.¹³ Further, no hearing has yet been scheduled in this matter. RESA’s request, therefore, satisfies the timing requirements of RSA 541-A:32.¹⁴

13. Moreover, as a first substantive step in the Commission’s investigation, it required that the utilities submit technical statements.¹⁵ After those technical statements are submitted, “[t]he Commission will . . . provide an opportunity for [non-utility] participants to submit responses”¹⁶ Thus, if permitted to participate, RESA will still have an opportunity to provide valuable insights to assist the Commission in its investigation without disrupting the procedural schedule or orderly conduct of the proceeding.

14. RESA has not yet determined the full extent of its participation in this docket and reserves the right to fully participate in this docket, including through submission of a response to the utilities’ technical statements, motion practice, and briefs.

CONCLUSION

For all the foregoing reasons, the Commission should grant RESA’s petition to intervene in this proceeding.

¹² See Notice, at 2 (setting deadline of September 20, 2022).

¹³ See *id.* at 7-8 (setting forth the service list to whom the Notice was sent).

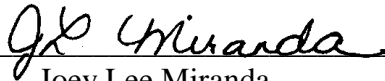
¹⁴ RSA 541-A:32(I)(a) (requiring that any petition to intervene be filed “at least 3 days before the hearing”).

¹⁵ Procedural Order Re: Data Requests for Utilities; Separation of Electric and Gas Issues (Oct. 11, 2022), at 1 (directing “the electric and gas utilities [to] produce independent technical statements providing answers to [certain] inquiries, and [to] submit them to the Commission on or before the close of business on Friday, November 18, 2022”).

¹⁶ *Id.*, at 3.

Dated: November 18, 2022

Respectfully submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION

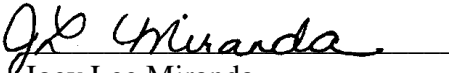
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CERTIFICATE OF SERVICE

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.


Joey Lee Miranda

Dated: November 18, 2022