

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

PUBLIC SERVICE COMPANY OF NEW :
HAMPSHIRE PETITION TO ESTABLISH : DOCKET NO. DE 11-216
AN ALTERNATIVE DEFAULT ENERGY :
SERVICE RATE :

**PETITION TO INTERVENE OF
RETAIL ENERGY SUPPLY ASSOCIATION**

Pursuant to New Hampshire Revised Statutes Annotated 541-A:32(II) 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 as a party in the above-captioned proceeding. In support of this petition, RESA states the following:

INTRODUCTION

1. On September 23, 2011, Public Service Company of New Hampshire (“PSNH”) filed a Petition for Approval (“Petition”) of an Alternative Default Energy Rate (“Rate ADE”). On January 26, 2012, the Commission issued an order denying the Petition. *See, generally*, Order No. 25,320 (“Order”).

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

2. In the Order, the Commission directed PSNH to file a redesigned Rate ADE that is “cost-based and non-discriminatory and *should not have an adverse effect on competition.*” Order at 17-18 (emphasis added). In response to the Order, on April 27, 2012, PSNH filed testimony proposing a redesigned Rate ADE. *See, generally*, Direct Testimony of Stephen Hall and Frederick B. White (“Testimony”).

3. RESA now hereby petitions to intervene in the proceeding.

STANDARD

4. The Commission must grant a petition to intervene if: (a) the petition is submitted in writing at least three (3) days before the hearing; (b) the petition describes how the petitioner is substantially and specifically affected by a proceeding; and (c) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding. RSA 541-A:32(I).

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.” RSA 541-A:32(II) (emphasis added).

INTERVENTION REQUEST

6. Under Rate ADE, if a customer has been taking service from a competitive supplier for at least twelve consecutive months and decides to return to PSNH for energy service, the commencement of service under Rate ADE starts a twenty-four month “clock” during which the customer may take service either under Rate ADE or from a competitive supplier. During this twenty-four month time period, if the customer subsequently switches to a competitive supplier for at least twelve consecutive months, the twenty-four month “clock” is reset and begins counting anew when and if the customer returns to Rate ADE for energy service. If the

customer switches to a competitive supplier for less than twelve continuous months and returns to Rate ADE within those twelve months, the twenty-four month “clock” continues to run. Once the twenty-four month period expires, the customer will thereafter be rendered service under Rate DE (as long as the customer takes energy service from PSNH and unless the customer again qualifies for service under Rate ADE). Testimony at 5-6.

7. This complex rate design is likely to lead to customer confusion, especially among smaller customers, which is likely to deter customers from participating in the competitive market because they will not understand how that participation will affect their pricing should they ever wish to return to PSNH; thereby, creating a disincentive for customers to consider competitive supply options and having an adverse effect on competition in direct contravention of the Order.

8. 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 electricity, including the New Hampshire retail electric market. Several RESA member companies are licensed by the Commission to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State, including customers in the PSNH service territory. As such, RESA and its members have a substantial and specific interest in ensuring that the proposed Rate ADE does not have an adverse effect on RESA members, their customers or the continued success of retail electric competition in New Hampshire. Accordingly, RESA’s participation would be in the interests of justice.

9. The Commission has not yet established a procedural schedule or set a date for a hearing to consider the redesigned rate. As such, RESA's petition to intervene is timely and will not impair the orderly conduct of this proceeding. Indeed, RESA's participation as a party in this docket conserves resources for the Commission and other participants that might otherwise have to respond to participation by multiple individual RESA member companies seeking to protect their own interests. It will also protect in an efficient manner the interests of RESA's members that do not otherwise seek party or limited participant status. To the extent that RESA members participate individually in this docket, RESA will seek to coordinate its presentations with its members so as to avoid unnecessary duplication.

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

CONCLUSION

For all the foregoing reasons, the Commission should grant RESA's petition to intervene as a party in this proceeding.

Dated: May 24, 2012

Respectfully submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION

A handwritten signature in black ink that reads "Joey Lee Miranda". The signature is written in a cursive style with a large, stylized "J" and "M".

By: _____

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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.

A handwritten signature in black ink, appearing to read "Joey Lee Miranda". The signature is written in a cursive, flowing style.

Joey Lee Miranda

Dated: May 24, 2012