

THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
REQUEST FOR ADJUSTMENT TO
ALTERNATE DEFAULT ENERGY SERVICE RATE**

Docket No. DE 11-216

**MOTION TO STRIKE PSNH'S REQUEST FOR ADJUSTMENT TO
ALTERNATE DEFAULT ENERGY SERVICE RATE**

NOW COMES Freedom Logistics, LLC d/b/a Freedom Energy Logistics ("FEL"), a party to this proceeding, and hereby motions the Commission to strike PSNH's *Request For Adjustment To Alternate Default Energy Service Rate* filed with the Commission in this proceeding on September 15, 2014, and in support hereof, FEL says the following:

1. In the Secretarial Letter "to the parties" in this proceeding dated June 27, 2014, the Commission stated that "PSNH is directed to meet with the parties to this docket to explore" possible changes to Rate ADE. FEL has been a very active party in this docket but was not consulted by PSNH in direct violation of the June 27 Order.

2. This proceeding was commenced by an Order of Notice issued by the Commission on October 5, 2011, stating the following:

On September 23, 2011, Public Service Company of New Hampshire (PSNH) filed a petition for approval of an alternative default energy service Rate (ADE). In support of its petition, PSNH filed the testimony of Stephen R. Hall with attachments consisting of illustrative tariff pages. In its petition, PSNH recommended that the rate be effective on January 1, 2012.

PSNH made the filing pursuant to Commission Order No. 25,256 (July 26, 2011) in Docket No. DE 10-160, *Investigation of the Effects of Customer Migration*. In that Order, PSNH was directed to "develop and file a specific tariff proposal . . . to address the current circumstance, when the default ES rate is greater than the market rate, by offering a rate that exceeds its marginal cost of default service, but is less than the average cost." Order No. 25,256 at 33.

Order of Notice at 1.

3. According to Mr. Hall's pre-filed testimony noted by the Commission in the Order of Notice,

PSNH is proposing a new energy service rate for customers who are returning to PSNH energy service after taking service from a competitive supplier [footnote omitted]. The new rate, Alternate Default Energy Service Rate ADE, is contained in the illustrative tariff page that is included as Attachment SRH-1. The pricing under Rate ADE will be based on PSNH's marginal costs to serve these returning customers plus an adder. I will describe the pricing in more detail later.

The purpose of Rate ADE is to provide an **option** for customers to return to PSNH for energy service at a price in excess of marginal cost while providing a contribution to fixed costs that will benefit all other customers.

Hall Prefiled Testimony at pp. 2 and 3 (Emphasis added).

4. PSNH's *Request For Adjustment To Alternate Default Energy Service Rate* filed with the Commission in this proceeding on September 15, 2014 proposes to change Rate ADE from an optional rate to a mandatory rate. PSNH's September 15th filing is not even remotely similar to the scope Mr. Hall's testimony referenced in the Order of Notice. Accordingly, the Order of Notice does not provide reasonable notification to the public of the issues now at stake in this proceeding.

5. In another recent proceeding, the Commission ruled that a filing made by PSNH was outside the scope of the proceeding since it had not been mentioned in the Order of Notice, stating that "[w]e agree with the Staff, the OCA, PNE and Intervenors that this proceeding was not noticed to include a supplier default charge as PSNH proposed in its cost-of-service study. Order No 25, 699 at 8, DE 12-295, (July 31, 2014.)

WHEREFORE, for all of the foregoing reasons, FEL respectfully request the Commission to strike PSNH's *Request for Adjustment To Alternate Default Energy Service Rate* from this proceeding, and to order such other and further relief as may be just and equitable.

Respectfully submitted,

FREEDOM LOGISTICS, LLC
By its Attorney,

/s/ James T. Rodier

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Dated: September 19, 2014

Certification of Service

Pursuant to Rules Puc 203.02(2) and Puc 203.11, I have served copy of this petition on each person identified on the commission's service list for this docket.

/s/ James T. Rodier