

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

IR 13-244

ELECTRIC AND GAS DISTRIBUTION UTILITIES
Investigation into Payment Hierarchy between Competitive Energy Suppliers
and Electric and Natural Gas Distribution Utilities

Petition to Intervene on Behalf of Retail Energy Supply Association

The Retail Energy Supply Association (“RESA”)¹ respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for leave to intervene as a full party in the above-captioned proceeding under Rule Puc 203.17 and RSA 541-A:32. In support of this petition, RESA states as follows:

1. On August 20, 2013 the Commission opened this docket. In its Order of Notice the Commission referred to a filing dated May 9, 2013 by the Commission Staff and the Office of Consumer Advocate of a letter in Docket No. DE 12-097 recommending that the Commission open a proceeding to investigate the merits of establishing a revised payment hierarchy between electric distribution utilities and competitive energy suppliers that would allocate payment in a more equitable manner than is currently the case. In the Order of Notice the Commission noted that the filing raises issues related to “whether the current payment hierarchy is consistent with the restructuring principles of RSA 374-F:3, whether changes in the current payment

¹RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; 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; NRG, Inc.; PPL EnergyPlus, LLC; 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.

hierarchy are warranted, and the effects, if any, of such changes on electric and gas distribution utilities.”

2. In that Order of Notice the Commission set a prehearing conference for September 20, 2013 and established a deadline of September 17, 2013 for the submission of petitions to intervene.

3. 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. As such, RESA and its members have a substantial and specific interest in ensuring that any charges to competitive suppliers by PSNH are reasonable and appropriate. RESA has knowledge and experience that is likely to be of value to the Commission in this proceeding. RESA has been allowed to intervene in DE 12-097 and DE 12-295, dockets that also raise issues related to the competitive market, as well as other Commission dockets.

4. Pursuant to RSA 541-A:32, Admin. Rule 203.17, and precedent established by the Commission, it must grant a petition to intervene if: (a) the petition is submitted in writing at least three days before the hearing; (b) the petition describes how the petitioner is substantially and specifically affected by the proceeding; and (c) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding. 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 impair the orderly conduct of the proceedings.” RSA 541-A:32,II.

5. The order of applying customer payments to balances due to competitive suppliers and the electric distribution utility where the competitive supplier has elected to bill through the distribution utility has an impact on competitive suppliers and on the development of retail electric markets.

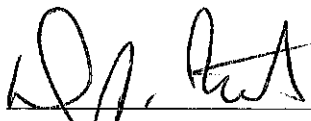
6. As competitive retail suppliers in New Hampshire, RESA’s members are and would be directly impacted by changes in the way that payments from customers are handled. Thus the rights, duties, privileges or substantial interests of RESA’s members as competitive suppliers of electricity in New Hampshire may be affected by this proceeding given the scope of the issues identified in the Petition for Review submitted by PNE and the Order of Notice. RESA believes it must intervene in this proceeding to protect these rights. Granting this petition for intervention would be in the interest of justice.

7. RESA’s intervention will not impair the orderly conduct of this proceeding and in fact will help to conserve resources by avoiding the need for individual RESA member companies to participate in order to protect their own interests.

WHEREFORE, RESA respectfully requests that the Commission grant it full intervenor status in the proceeding or grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

Retail Energy Supply Association
By Its Attorneys



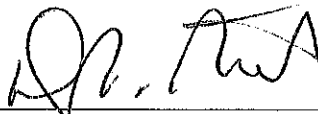
Dated: September 17, 2013

Douglas L. Patch
Orr & Reno, P.A.
One Eagle Square
Concord, N.H. 03302-3550
(603) 223-9161
dpatch@orr-reno.com

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 17th day of
September, 2013 been sent by email to the service list in IR 13-244.

By: _____



Douglas L. Patch

1061791_1