

THE STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

**CLIFTON BELOW**

Docket No. DE 16-674

**PETITION TO INTERVENE**

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “Company”), hereby petitions, pursuant to Puc 203.17 and RSA 541-A:32, to intervene in the above-captioned docket. Eversource’s rights, duties, privileges, immunities or other substantial interests may be affected by this proceeding, and, therefore, Eversource should be granted full intervenor status. In support of this petition, Eversource states as follows:

1. In a filing made June 17, 2016, and later amended on June 22, 2016, the petitioner, Clifton Below, requested that the Commission revisit and amend the manner in which it calculates avoided costs for purposes of payments to net metered customers pursuant to the regulations in CHAPTER Puc 900. The filing alleges that there are material errors in the calculation that should be corrected consistent with calculations provided with the initial filing. On July 6, 2016, the Commission issued an order of notice in the docket setting a deadline for interventions of August 15, 2016, and a prehearing conference for August 18, 2016.

2. Pursuant to RSA 541-A:32, I, the Commission “shall” grant intervention if the intervenor states facts demonstrating that its duties, privileges, immunities or other substantial interests may be affected by the proceeding or that it qualifies as an intervenor under any provision of law, and pursuant to RSA 541-A:32, II, the Commission “may” grant intervention if such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings. For purposes of this petition, Eversource takes no position

on the merits of either the present calculation required by the Commission, nor on the proposed changes to it, because regardless of which is used (or if some other calculation may be appropriate), Eversource's rights, duties, privileges, immunities or other substantial interests are implicated by the filing and its intervention is justified.

3. The calculation that is the subject of the instant request is one relating to determining the "avoided cost" to be applied to the payments to net metered customers under certain circumstances. That calculation specifically references the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA) (16 USC § 824a-3 and 18 CFR § 292.304) and is based upon a set of factors including:

the short-term avoided energy costs for the New Hampshire load zone in the wholesale electricity market administered by ISO New England, Inc., consisting of the hourly real time locational marginal price (LMP) of electricity plus generation related ancillary service charges, all adjusted for the average line loss in New Hampshire between the wholesale metering point and the retail metering point.

N.H. Code Admin. Rules Puc 903.02(i)(2). Moreover, the calculations as described in the regulations are used by utilities, including Eversource, to determine the payments for surplus generation that are to be offered to each eligible customer-generator. *See* Puc 903.02(h).

4. Recently, the Commission issued Order No. 25,290 relating to the divestiture of Eversource's generating facilities. In that Order, the Commission addressed, at some length, the use of the hourly real time LMP in the calculation of avoided costs for purposes of payments under PURPA. To the extent the instant docket implicates the Commission's conclusions in that Order, Eversource's rights, duties and interests are clearly at stake. Moreover, to the extent that the instant docket could result in material changes to the calculations for Eversource's payments to net metered customers, or where it might require Eversource to amend its processes to accommodate a new calculation, Eversource's interests are likewise implicated. Furthermore,

Eversource has been made a mandatory party to Docket No. DE 16-576 relating to the development of new net metering tariffs for utilities such as Eversource. In that the instant docket may impact the development of those tariffs, this docket implicates Eversource's interests in that other docket as well.

5. For the above reasons, Eversource's duties, privileges, immunities or other substantial interests may be affected by this proceeding and Eversource should be permitted to intervene.

**WHEREFORE**, Eversource respectfully requests that the Commission:

- A. Grant Eversource's Petition to Intervene; and
- B. Order such further relief as may be just and reasonable.

Respectfully submitted this \_\_\_\_ day of August, 2016.

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**

By: 

Matthew J. Fossum

Senior Counsel

Eversource Energy Service Company o/b/o

Public Service Company of New Hampshire d/b/a Eversource Energy

780 N. Commercial Street

Manchester, NH 03101

603-634-2961

Matthew.Fossum@eversource.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

August 15, 2016  
Date

  
Matthew J. Fossum