

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-056

JAMES RODIER

**Petition for Determination of Whether New Hampshire Residential Customers
Have Benefited from Electricity Deregulation**

Order Dismissing Petition Without Prejudice

ORDER NO. 26,722

November 10, 2022

This order dismisses the petition filed in this docket without prejudice.

I. PROCEDURAL HISTORY

On September 12, 2022, the Petitioner filed a petition requesting that the Commission determine whether New Hampshire residential customers have benefited from electric utility deregulation. *See* Petition, Prayer for Relief. The Petitioner generally questioned whether residential ratepayers have benefited from restructuring under RSA chapter 374-F by receiving lower electric rates using the services of competitive electric power suppliers (CEPSs) and aggregators than they would have by buying electricity directly from their local utility. The Petitioner appended an “Exhibit A” to his petition, in which he suggested that one aggregator should be sanctioned pursuant to RSA 374-F:7, III and New Hampshire Code of Administrative Rules, Puc 2002.20 for engaging in unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity supply or related services.

No other parties have appeared in this docket. The petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission’s website at

www.puc.nh.gov/regulatory/Docketbk/2022/22-056.html.

II. COMMISSION ANALYSIS

In his petition, the Petitioner does not allege specific facts or request relief from the Commission with regard to himself individually. Instead, he appears to seek a declaratory ruling on the broad policy issue of whether electric utility restructuring under RSA chapter 374-F has benefited New Hampshire residential customers as a whole by providing them with lower electric rates. The Petitioner suggests in “Exhibit A” that a specific aggregator should be sanctioned for improper conduct but does not allege any specific facts that show that he was harmed.

A declaratory ruling is a binding determination by an administrative agency that disposes of a legal controversy or removes legal uncertainty. *Liberty Utilities (EnergyNorth Natural Gas) Corp.*, Order No. 26,274 at 6 (July 26, 2019). The party seeking a declaratory ruling must show that the facts are sufficient to warrant granting relief, and the decision to issue a declaratory ruling generally lies within an agency’s discretion. *Id.* at 6-7. Pursuant to New Hampshire Code of Administrative Rules, Puc 207.01(c), the Commission shall dismiss a petition for declaratory ruling that:

- (1) Fails to set forth factual allegations that are definite and concrete;
- (2) Involves a hypothetical situation or otherwise seeks advice as to how the commission would decide a future case; or
- (3) Does not implicate the legal rights or responsibilities of the petitioner; or
- (4) Is not within the commission’s jurisdiction.

In this instance, neither the petition nor Exhibit A contain any specific factual allegations that implicate the Petitioner’s individual legal rights or responsibilities or show the existence of a legal controversy or legal uncertainty. Furthermore, as a result of amendments to RSA chapter 374-F effective July 1, 2021, it is the New Hampshire Department of Energy (DOE), not the Commission, that has the authority to

investigate CEPSs and aggregators. See RSA 374-F:7, III. Following any investigation, the DOE may petition the Commission for sanctions against a CEPS or aggregator. *Id.* For all the forgoing reasons, we dismiss the petition without prejudice pursuant to Puc 207.01(c). See *Freedom Logistics, LLC*, Order No. 25,744 at 2 (December 29, 2014).


Based upon the foregoing, it is hereby

ORDERED, that the Petitioner's petition is DISMISSED without prejudice.


By order of the Public Utilities Commission of New Hampshire this tenth day of November, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-056

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