

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

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PUBLIC SERVICE COMPANY OF NEW )  
HAMPSHIRE PETITION FOR ALTERNATIVE )  
DEFAULT ENERGY SERVICE RATE )  
)

Docket No. DE 11-216

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**PETITION OF NORTH AMERICAN POWER AND GAS, LLC TO INTERVENE LATE**

North American Power and Gas, LLC (“NAPG”) hereby petitions to intervene late pursuant to New Hampshire Revised Statutes Annotated 541-A:32, and New Hampshire Administrative Rules, Puc 203.17. As set forth herein, NAPG’s legal rights, duties, privileges, immunities and special interests will be directly affected by the final decision of the Public Utilities Commission (“Commission”) in this proceeding. Moreover, as NAPG is accepting the record as it stands, no prejudice results from this late intervention.

As grounds for its late intervention, NAPG states as follows:

1. NAPG is a competitive energy supplier that serves predominantly residential retail electricity and natural gas customers in several states. Only last month, the Commission licensed NAPG to serve electric supply customers in the Public Service Company of New Hampshire’s (“PSNH’s) service territory.
2. As a new supplier in this state focused on electric customers in the PSNH service territory that has to compete directly or indirectly against the PSNH approved default energy service (“ES”) rate, NAPG has a strong

interest in ensuring that such rate be cost-based and not adversely affect competition. As such, the legal rights, duties and privileges of NAPG are substantially and specifically affected by the instant investigation and its party intervention should be granted. Moreover, pursuant to RSA 541-A:32 (II), the Commission has discretion to grant a petition "at any time" if it serves the interests of justice and would not impair orderly conduct of the proceedings. *Id.* (emphasis supplied).

3. Based on a December 12, 2012 PSNH filing in the docket establishing a new DE rate for PSNH (No. DE 12-292), NAPG became aware of PSNH efforts to implement an Alternate Default Energy ("ADE") Service Rate that is based on PSNH's marginal energy costs plus an adder. See PSNH Joint Technical Statement and updated Exhibit of Robert A. Baumann and Frederick B. White in Docket DE 12-292 (proposing, for illustrative purposes, an ADE of 7.76 cents per kWh compared to a PSNH calculated ES of 9.54 cents per kWh).
4. This new ADE would apply on a mandatory basis for all former PSNH DE customers that had remained on competitive supply for a consecutive one year period and returned to utility-offered services. See October 12, 2012 Partial Settlement of Parties in Docket DE 11-216, pp. 4-6. If adopted in the instant docket, the new ADE would establish a new rate – that PSNH projects in Docket No. DE 12-292 as being more than 20% below the ES rate that reflects all of PSNH's embedded costs. See November 5, 2012 Transcript of October 24, 2012 Hearing, p. 36.

5. NAPG shares the concerns expressed by the retail supplier intervenors during the instant Docket DE 11-216 proceedings that approving a mandatory ADE rate at such a steep discount to the cost-based ES rate DE would not be cost-based and would harm the development of retail electric competition in New Hampshire, and strongly opposes Commission adoption of an ADE rate in the form proposed in the October 12 Partial Settlement.
6. NAPG will not seek to re-open the factual record at this time but does request to be granted party status, to be added to the Service List, and to be allowed to participate as a party in any additional proceedings that transpire in this docket.
7. If the instant request for late intervention is granted, NAPG requests that the Service List be amended to add the following:

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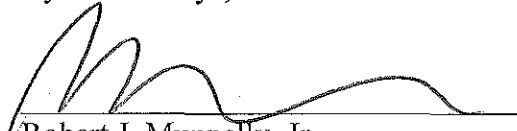
Conclusion

Accordingly, for the above described reasons, the Commission should grant NAPG's Petition to Intervene.

Respectfully submitted,

NORTH AMERICAN POWER AND GAS, LLC

By its attorneys,



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Dated: December 20, 2012