

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DE 12-093

**Petition of Power New England for Order
Requiring Modifications to PSNH's Terms and Conditions
to Ensure that PSNH's Small Customers Benefit from Retail Electricity Choice**

POWER NEW ENGLAND'S MOTION TO STRIKE PSNH'S MOTION TO DISMISS

NOW COMES PNE Energy Supply LLC, d/b/a Power New England ("PNE") by its attorney, and hereby motions the Commission to strike PSNH's Motion to Dismiss for the reason that PSNH has not been granted intervener status and, accordingly, is not a party. Only a party to a proceeding may file a Motion with the Commission. Rule 203.07(a).¹

RESPECTFULLY SUBMITTED,
PNE Energy Supply LLC
by its Attorney,

Dated: April 21, 2012

/s/ James T. Rodier
James T. Rodier, Esq.
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Certificate of Service

I hereby certify that a copy of this Motion has been served electronically on the persons on the Commission's service list in this docket in accordance with Puc 203.11 this 21st day of April, 2012.

/s/ James T. Rodier
James T. Rodier, Esq.

¹ The substance of PSNH's Motion to Dismiss rests upon its claim that Rule Puc 203.06(c) requires that "All petitions seeking a rate adjustment shall be . . . accompanied by pre-filed testimony and exhibits." However, Rule Puc 203.06(c) only applies to "utilities." See Rule 1600.