

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

RESIDENT POWER NATURAL GAS & ELECTRIC SOLUTIONS LLC
PNE ENERGY SUPPLY LLC

Docket Nos. DE 13-059 and DE 13-060

EMERGENCY STAFF MOTION FOR HEARING POSTPONEMENT, EXTENSION OF
TIME, AND WAIVER

Pursuant to N.H. Code Admin. Rules Puc 203.13, 202.04, and 201.05

The Staff of the New Hampshire Public Utilities Commission (“Staff”) files this motion in reference to the public hearing scheduled before the Commission in the above-captioned dockets for March 22, 2013. Staff, on an emergency basis, finds it necessary to seek a postponement of this hearing date to March 27, 2013. Staff also, on an emergency basis, finds it necessary to seek an extension of time for filing discovery responses, for all parties, by one day and one hour to Friday, March 22, 2013, at 10:00 a.m.

In support of this motion, Staff states as follows:

1. As a consequence of the designation of Staff Attorneys David Shulock, Esq., and Suzanne Amidon, Esq., as witnesses at the hearing scheduled for the above-captioned dockets on March 22, 2013, I, as Staff Attorney, have been charged with preparing for Staff’s litigation in this proceeding on very short notice, as of yesterday, March 19, 2013. In my capacity as Staff counsel, I find it imperative to have additional time to consider the issues presented, review discovery, and consult with Staff witnesses. Also, it would be imperative that I have additional time to prepare Staff discovery responses for submission in good order to parties. This additional time, especially if the Commission were to grant the postponement of the hearing, would not adversely affect the rights of any party. Also, this extension would not unduly delay the proceeding.

2. Therefore, the Staff requests that the Commission:

a. Grant a postponement, pursuant to N.H. Code Admin. Rules Puc 203.13, of the hearing on the merits to March 27, 2013, as doing so would promote the orderly and efficient conduct of the proceeding;

b. Grant an extension of time, pursuant to N.H. Code Admin. Rules Puc 202.04, for the filing of discovery responses by parties to 10:00 a.m. on Friday, March 22, 2013; Staff has demonstrated that circumstances would cause undue hardship or inconvenience unless the request were granted; and this extension would not unduly delay the proceeding or adversely affect the rights of any party;

c. Grant a waiver, pursuant to N.H. Code Admin. Rules Puc 201.05, of the requirement of N.H. Code Admin. Rules Puc 203.13(a) that the instant request for a postponement of the hearing be filed with the Executive Director at least 7 days prior to the date of the hearing originally scheduled for Friday, March 22, 2013, as such waiver serves the public interest, and granting the waiver will not disrupt the orderly and efficient resolution of matters before the Commission. A waiver is not required, in the view of Staff, for the requested extension of time for discovery responses.

3. Staff notes that it informally sought the concurrence of Resident Power Natural Gas and Electric Solutions LLC and PNE Energy Supply LLC, and the Office of the Consumer Advocate for the postponement request. No concurrence has been extended to Staff by these parties as of the filing of this motion.

4. In summation, Staff requests that, pursuant to N.H. Code Admin. Rules Puc 203.13, the Commission postpone the initial hearing in the above-captioned dockets until March 27, 2013, and that, in conjunction with its granting of Staff's postponement request, the

Commission waive, pursuant to N.H. Code Admin. Rules Puc 201.05, the requirement of N.H. Code Admin. Rules Puc 203.13(a) that the instant request for postponement be filed with the Executive Director at least 7 days prior to the date of the hearing originally scheduled for Friday, March 22, 2013; and also grant, pursuant to N.H. Code Admin. Rules Puc 202.04, an extension of time for the filing of discovery responses by parties to 10:00 a.m. on Friday, March 22, 2013.

WHEREFORE, Staff respectfully states and requests:

- A. the Commission grant Staff's motion for postponement;
- B. that the Commission grant such other and further relief as justice may require.

Respectfully submitted,

Staff of the N.H. Public Utilities Commission

Date: March 20, 2013

By: 

Alexander F. Speidel
Staff Attorney