

**THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 14-305

FREEDOM LOGISTICS, LLC, d/b/a FREEDOM ENERGY LOGISTICS

ORIGINAL	
Case No.	DE 14-305
Exhibit No.	# 1
Witness	
DO NOT REMOVE FROM FILE	

**Petition on behalf of Cianbro Energy, LLC for a
Declaratory Ruling regarding Rule Puc 2002.05**

STIPULATION OF FACTS

Pursuant to N.H. Code Admin. Rules Puc 203.20, which provides for the filing of stipulations of facts in writing with the Commission when the parties agree upon the facts, Freedom Logistics, LLC, d/b/a Freedom Energy Logistics ("FEL"), acting on behalf of its client Cianbro Energy, LLC ("Cianbro Energy") and on behalf of Cianbro Corporation, an affiliate of Cianbro Energy ("Cianbro Corporation"), and the Staff of the New Hampshire Public Utilities Commission ("Staff"), for the purpose of limiting the issues to be adjudicated in this proceeding, hereby stipulate and agree that the following facts are undisputed:

1. Between April 5, 2011 and May 5, 2014, Cianbro Energy acquired electricity through the regional wholesale power markets and provided such electricity in New Hampshire to its affiliate Cianbro Corporation;
2. Cianbro Energy does not and did not provide electricity in New Hampshire to any end use customers other than Cianbro Corporation at any time;
3. Cianbro Corporation is a retail electric customer in the State of New Hampshire, and, since May 5, 2014, it has purchased electricity either from a registered competitive electric power supplier or from utility default service;
4. Cianbro Corporation is under 100% common ownership with Cianbro Energy, either directly or indirectly through other subsidiaries and affiliates;

5. The transactions whereby Cianbro Energy provided electricity to Cianbro Corporation in New Hampshire represented “sales” of electricity, notwithstanding any accounting mechanism used for or accounting treatment given to such transactions;

6. Cianbro Energy procured, took title to, and sold electricity to Cianbro Corporation for consumption in New Hampshire in the total quantities stated below for the calendar years specified:

2011	138,050 kWh
2012	279,520 kWh
2013	177,650 kWh
2014	28,000 kWh

7. The Cianbro Companies, an affiliate of both Cianbro Energy and Cianbro Corporation, became a governance-only member of the New England Power Pool (“NEPOOL”), electing to join the End User sector of NEPOOL, effective as of November 1, 2009;

8. Cianbro Energy became a member of NEPOOL, joining the End User sector of NEPOOL, effective as of November 1, 2009;

9. Cianbro Energy became an approved Market Participant in the regional wholesale power markets administered by ISO New England, Inc., effective as of November 1, 2009;

10. Cianbro Energy was required to join the End User sector of NEPOOL because it is a Related Person of another End User Participant (i.e., The Cianbro Companies), and, except for New Hampshire, Cianbro Energy is licensed as a competitive supplier under the statutes and regulations of the state in which the End User Participant which is its Related Person is located, and it participates in the New England Market solely to serve the load of the End User which is

its Related Person, pursuant to the terms and conditions of the Second Restated NEPOOL Agreement;

11. FEL provides management services to Cianbro Energy with respect to its account at NEPOOL and ISO New England, and FEL provided such services to Cianbro Energy during the entire time that Cianbro Energy sold electricity to Cianbro Corporation in New Hampshire;

12. The NEPOOL sector in which Cianbro Energy participates does not affect the determination whether it is a “competitive electric power supplier,” as defined in N.H. Code Admin. Rules Puc 2002.05, or a “provider of electricity,” as defined in RSA 362-F:2, XIV;

13. FEL, as agent for Cianbro Energy and as representative of Cianbro Corporation, has actual knowledge of the factual matters set forth herein with respect to Cianbro Energy and Cianbro Corporation, and FEL is authorized to make factual statements on behalf of Cianbro Energy and Cianbro Corporation as set forth herein; and

14. The foregoing facts are stipulated notwithstanding any contrary or inconsistent factual allegations or representations made by Cianbro Energy or any of its representatives in the petition filed on October 30, 2014, at the pre-hearing conference held on December 2, 2014, or otherwise in this proceeding.

Freedom Logistics, LLC, d/b/a Freedom Energy
Logistics

Date: January 26, 2015

By: James T. Rodier
Name: JAMES T RODIER
Title: Counsel for FEL

Staff of the New Hampshire Public Utilities
Commission

Date: January 30, 2015

By: David K. Wiesner
Name: David K. Wiesner
Title: NHPUC Staff Attorney