

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**  
**DE 16-693**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE**  
**D/B/A EVERSOURCE ENERGY**

**Petition for Approval of a Power Purchase Agreement**  
**with Hydro Renewable Energy Inc.**

**Petition to Intervene on Behalf of NextEra Energy Resources, LLC**

NextEra Energy Resources, LLC (“NEER”) respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for leave to intervene in the above-captioned proceeding under Admin. Rule Puc 203.17 and RSA 541-A:32. In support of this petition, NEER represents that:

1. On June 28, 2016, Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) submitted the Petition for Approval of a Power Purchase Agreement (“PPA”) between PSNH and Hydro Renewable Energy Inc. On October 25, 2016, the Commission issued an Order of Notice in the above-captioned matter. In that Order of Notice the Commission noted at page 3 that:

The Commission will divide its review of this petition into two phases. In the first phase, the Commission will review briefs submitted by Eversource, Staff and other parties regarding whether the Eversource-HRE PPA, and affiliated program elements, is allowed under New Hampshire law. If the Commission were to rule against the legality of the Eversource-HRE PPA, this petition will be dismissed. If the Commission were to rule in the affirmative regarding the question of legality, it will then open a second phase of the proceeding to examine the appropriate economic, engineering, cost recovery, and other factors presented by Eversource’s proposal.

2. In the Order of Notice the Commission set a prehearing conference for November 7, 2016 and established a deadline of November 2, 2016 for the submission of petitions to intervene.

3. Pursuant to RSA 541-A:32, Admin. Rule Puc 203.17, and precedent established by the Commission, it must grant a petition to intervene if: (a) the petition is submitted in writing *at least three days before the hearing*; (b) the petition describes how the petitioner is substantially and specifically affected by the proceeding; and (c) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding. Emphasis added. The Commission also has the discretion to grant a petition to intervene “*at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.*”

RSA 541-A:32,II, Emphasis added. *See also* N.H. Admin. R. Puc 207.13 (requiring the Commission to grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32). The Commission has exercised this discretion by granting intervention to suppliers of generation services in the ISO-New England wholesale markets which will be affected by contracts subject to Commission approval and will assist the Commission in understanding wholesale market impacts. Order No. 25,886 (April 22, 2016) in DE 16-241 at 3. *See, DG 15-155* (secretarial letter dated July 31, 2015) (where the Commission granted intervention to a company in the business of delivering compressed natural gas to customers and that company’s interests would be affected by the Petitioner’s proposal to sole source its gas supply rather than utilizing a competitive bid process). *See also, DE 08-077* (secretarial letter dated July 8, 2008) (where the Commission granted intervention to a retail electricity supplier in a

proceeding to consider a PSNH request for approval of a sole source PPA with a renewable energy project in New Hampshire).

4. NEER is a Delaware limited liability company with its primary place of business at 700 Universe Blvd., Juno Beach, Florida and is an indirect, wholly-owned subsidiary of NextEra Energy, Inc. NEER is a national renewable energy marketing and development company that owns and operates over 19,000 megawatts ("MW") of electric generating capacity in 25 states and Canada. NEER's generation fleet includes wind, solar, natural gas and nuclear energy resources; in New England it includes the Seabrook Nuclear Generating Station (directly owned by NextEra Energy Seabrook, LLC, which has a 88.22889% ownership interest in the plant), the gas or oil-fired combined cycle generating facility in Bellingham, MA (50% ownership interest), and the Wyman generating facilities in Yarmouth and South Portland, Maine. NEER is primarily a wholesale power generator, operating power plants and selling the output to utilities, retail electricity providers, power cooperatives, municipal electric providers and large industrial companies. NEER is the competitive energy subsidiary of NextEra Energy, Inc., a Fortune 200 company and one of the nation's largest clean energy providers with consolidated revenues of approximately \$17.5 billion in 2015.

5. NEER owns and operates generating facilities that assist in ensuring the reliability of the New England electrical grid. It is a key player in the wholesale power generation market in New England. The PPA that is the subject of this docket could have an impact on the wholesale power market in New England, and, thus, on NEER. Further, given that there has been no competitive solicitation or request for proposal undertaken to select the PPA, NEER has a direct and substantial interest in the proceeding as it was not

provided an opportunity to compete for the PPA. NEER's experience in these markets may assist the Commission in understanding the underlying legal issues and the benefits associated with requiring a competitive solicitation as well as understanding wholesale market impacts of the filed PPA.

6. NEER's rights, duties, privileges or substantial interests as a company involved in the New England wholesale power market may be affected by this proceeding given the scope of the issues identified in the Order of Notice. NEER's intervention will not impair the orderly conduct of this proceeding. NEER further submits that its participation will assist the Commission by providing a broader range of input and information than will otherwise exist through the parties to this docket.

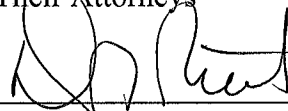
7. As noted in the October 25, 2015 Order of Notice, the Petition that PSNH filed in this docket with accompanying testimony, raises legal and policy issues of first impression with regard to the authority for and advisability of entering into the proposed PPA that should be addressed prior to consideration of the merits of the PPA. These issues include, for example: (a) the legality and advisability of choosing not to conduct a competitive solicitation for the PPA and whether that is in the public interest and the interest of PSNH ratepayers; (b) the length and type of PPA that is being proposed and whether it is consistent with New Hampshire law (particularly whether the filed PPA as a proposal to mitigate stranded costs is authorized under RSA 374-F:3, XII (c)) and Commission precedent; and (c) the authority for and advisability of the proposed methodology for spreading the risk and potential rewards of this proposal over all distribution customers. NEER believes the review of the legal and policy issues will show that PSNH's PPA, from a regulatory policy perspective, is premature and possibly

not legal. Thus, NEER, at this time, seeks intervenor status for the purpose of assisting the Commission in ensuring that the proceeding is conducted consistent with New Hampshire law and Commission precedent. In the event the Commission decides the PPA is allowed under New Hampshire law and moves into Phase 2, NEER will assess whether to continue as an intervenor or request limited intervention status, and will advise the Commission accordingly.

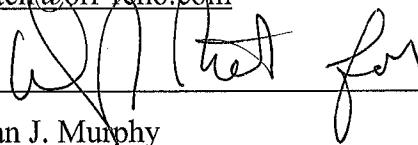
**WHEREFORE**, NEER respectfully requests that the Commission grant it intervenor status in the proceeding as described above or grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

NextEra Energy Resources, LLC  
By Their Attorneys



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Dated: November 2, 2016

**Certificate of Service**

I hereby certify that a copy of the foregoing Petition has on this 2<sup>nd</sup> day of November 2016 been sent by email to the service list in DE 16-693.

By: \_\_\_\_\_

Douglas L. Patch

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