

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

Docket No. 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.**

**OBJECTION
of
EVERSOURCE ENERGY
to
PETITION TO INTERVENE
of
SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS**

November 17, 2016

Pursuant to RSA 541-A:32 and N.H. Code of Admin Rule Puc 203.07, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) hereby objects to the Petition to Intervene (“Petition”) filed in this proceeding by the Society for the Protection of New Hampshire Forests (“SPNHF” or the “Petitioner”).

This docket pertains to a request by Eversource under RSA 374:57 for approval of a Power Purchase Agreement (“PPA”) entered into by Eversource with Hydro Renewable Energy Inc. (“HRE”). “RSA 374:57...reinforces the general proposition that PSNH may purchase energy under...PPAs, and employs reasonableness and the public interest as the appropriate standards.” *Re Public Service Co. of New Hampshire*, 96 NH PUC 722, 739 (2011).

The Petitioner does not have standing under RSA 541-A:32 to be granted intervenor status.

In support of this Objection, Eversource states:

1. On November 4, Eversource filed an “Objection to Petitions to Intervene” concerning timely-filed interventions. Eversource incorporates by reference paragraphs 1 through 9 of that pleading.
2. Petition of SPNHF:
 - A. According to its By-Laws, SPNHF’s fundamental “Purpose” is “to employ all lawful means for the protection of New Hampshire forests, and for the conservation of its natural resources and advantages which might be impaired by forest destruction, to promote the preservation and management of forests for commercial use, the planting and care of trees for shade, ornament, and utility, to receive and hold in trust for purposes to the foregoing any real estate or other property which may be acquired by the corporation by gift or otherwise, and to manage such property and dispose of the proceeds thereof for the uses of said corporation or as may be provided otherwise by the special terms of the trust... .”
 - B. In the instant Petition for intervention, SPNHF directly states that its desire to participate in this proceeding stems from its interest and intervention in the Site Evaluation Committee’s docket regarding the, *Joint Application of Northern Pass Transmission, LLC and Public Service Company of New Hampshire d/b/a Eversource Energy for a Certificate of Site and Facility* – “The Forest Society petitions to intervene in this matter because PSNH has coupled the PPA to, and integrated it with, the underlying Northern Pass project.” Petition at ¶6. Similarly, SPNHF claims it has standing to participate in this proceeding by noting that it “holds land in fee or easements over land affected by the Northern Pass project.” *Id.* at ¶4.
 - C. The Petition goes on to list several general interests of SPNHF in matters such regional energy and climate policies “like the Regional Greenhouse Gas Initiative and... the NH Renewable Energy Act... .” Petition at ¶3.

- D. The issue in this docket relates solely to the PPA and whether and how the costs of the PPA would be treated in Eversource's rates; it is not one where the proposed Northern Pass transmission line and its effects on the electric market will be debated. Whether or not the Northern Pass project should be approved, and the impact of the power that would be transmitted over that transmission facility on the electric market, are not germane to this proceeding.
- E. Furthermore, the fact that SPNHF is presently participating in the SEC's proceeding, or any other proceeding, does not create standing for intervention in this docket. To intervene here, SPNHF must show that it has some particular substantial interest, right, or duty at stake in this proceeding and it has failed to do so.
- F. The Commission has previously held,¹ and more recently reiterated, that generic or generalized interests in a proceeding do not justify a grant of intervenor status. "A general interest in competitive markets ...is insufficient to entitle these parties to intervene pursuant to RSA 541-A:32,1." *Liberty Utilities (Granite State Elec.) Corp. d/b/a Liberty Utilities*, Order No. 25,715, Docket No. DE 14-211 (2014) at 3. *See also Liberty Utilities (EnergyNorth Nat. Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,864, Docket No. DG 15-362 (2016), at 3: "A general interest in franchise expansions, and the Commission's policy approaches thereto, by a peer utility is insufficient to entitle Northern to intervene pursuant to RSA 541-A:32, I." In addition, the Commission has stated with respect to requests for intervention on the basis of an interest in policy, "all Commission rulings regarding such petitions implicate matters of policy of some interest" to some party, and allowing interventions on the basis of such policy concern would "result in unwarranted administrative burden." Order No. 25,864 at 3-4; *see also, PNE Energy Supply, LLC, et al. v. PSNH d/b/a Eversource Energy*, Order No. 25,881 (April 8, 2016) in Docket

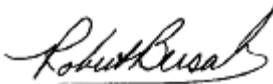
¹ "[M]erely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding. . . . Merely expressing a concern about a relevant issue, no matter how well-intentioned, does not confer party status." *North Atlantic Energy Corporation, et al.*, 87 NH PUC 455, 456 (2002).

No. DE 15-491 at 4 (stating that “generalized concerns and generic interests” did not warrant intervention.)

- G. As SPNHF has only stated a general ongoing interest in the subject of this proceeding, and failed to state facts demonstrating any basis for the grant of intervenor status, its petition should be denied.

Respectfully submitted this 17th day of November, 2016.

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

By: _____

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CERTIFICATE OF SERVICE

I certify that on this date I caused this pleading to be served to parties
on the Commission's service list for this docket.

November 17, 2016

