

To the NHPUC:
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PETITION FOR DETERMINATION OF WHETHER
NEW HAMPSHIRE RESIDENTIAL CUSTOMERS HAVE
BENEFITED FROM ELECTRICITY DEREGULATION
and Exhibit A

Filed by James T. Rodier
Hampton, New Hampshire
jtrodier@comcast.net *James T. Rodier*
603-601-6616

Puc 203.02 Filing Requirements.

(A) File one original and 6 paper copies of all documents with the
commission;

These documents will be sent to the Commission by US Mail

(B) File an electronic copy, as required by Puc 203.03, with the commission;
**The electronic copy will be filed the Commission no later than August
25, 2022.**

(C) Serve an electronic copy with the office of the consumer advocate;
**The electronic copy will be filed the OCA no later than August 25,
2022.**

ocalitigation@oca.nh.gov

(D) Each person filing a document shall, in addition to the paper filing
required by Puc 203.02 or otherwise, electronically file each document, to
the extent practicable, in an electronic file format compatible with the
computer system of the commission.

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State of New Hampshire
before the
Public Utilities Commission

**Petition For Determination of Whether
New Hampshire Residential Customers Have
Benefited From Electricity Deregulation**

and

**Exhibit A
Appended hereto**

filed by

James T. Rodier
105 Winnicunnet Road
Hampton, NH 03824

**jtrodier@comcast.net
603-601-6616**

State of New Hampshire
before the
Public Utilities Commission

**Petition For Determination of Whether
New Hampshire Residential Customers Have
Benefited From Electricity Deregulation**

Now Comes James T. Rodier (Rodier), a resident of Hampton, New Hampshire, and hereby petitions the New Hampshire Public Utilities Commission (NHPUC) for a determination of whether New Hampshire residential customers have benefited from electricity deregulation pursuant to RSA 541-A:32 and NH Code Admin. Rule Puc 203.17 and in support of hereof says as follows:

I. Introduction

The issue that has arisen in New Hampshire and elsewhere is whether Residential Customers would be better off:

- (a) buying their electricity directly from their local regulated utility supplier at the rates authorized by the NHPUC;
- (b) buying deregulated electricity directly from a Competitive Supplier, or
- (c) buying deregulated electricity from a Competitive Supplier using the services of an Aggregator to arrange for such service.

II. Definition of "Aggregator" or "Broker"

"Aggregator" means any person or entity, other than a utility, that aggregates electric load or serves as a "Broker" on behalf of a competitive electric power supplier, an individual customer, a group of

customers, or any combination thereof. An Aggregator does not take ownership of the electricity.

III. Purchasing electricity from a regulated utility supplier
is the least expensive option

Residential Customers purchasing their electricity directly from their local regulated utility supplier (e.g., Eversource) at rates authorized by the NHPUC would be less expensive than purchasing the same electricity through an unregulated broker or aggregator. The amount added to a customer's bill by an unregulated broker or aggregator would be substantial or even abusive.

IV. An Aggregator charges a fee for its services.

For the first six months of 2020, New Hampshire Residential Customers have overpaid by \$12.2 million for electricity purchased directly from the local utility under the regulated utility rates. Extrapolating for all of 2020, New Hampshire customers could have paid over \$25.3 million for what they would have paid had they stayed on the Eversource standard offer. *Accordingly, using the services of an aggregator or broker to purchase electricity will only cause Residential Customers to receive higher electric rates.*

WHEREFORE, Petitioner respectfully requests that the NHPUC determine whether Residential Customers have benefited from electricity deregulation, and to grant such other and further relief as may be just and equitable.

/s/ James T. Rodier

Hampton, NH

jtrodier@comcast.net

603-601-6616

Exhibit A

Have New Hampshire Residential Customers Benefited from Electricity Deregulation?

I. INTRODUCTION

Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) currently provides approximately 44% of its total distribution load pursuant to the rates regulated by the New Hampshire Public Utilities Commission (NHPUC). Accordingly, approximately 56% of Eversource Energy's total distribution load is either buying electricity directly from an unregulated Competitive Electric Power Supplier (CEPS) or is using the services of an "Aggregator" to indirectly arrange for a purchase from a CEPS.

The issue that has arisen in New Hampshire is whether Residential Customers would be better off:

1. buying their electricity directly from Eversource Energy at the energy service rates authorized by the New Hampshire Public Utilities Commission Hampshire (NHPUC), or
2. using the services of an Aggregator to arrange for such service from a Competitive Supplier.

II. GLOSSARY

A *Competitive electric power supplier* (CEPS) means any person or entity that sells or offers to sell all-requirements electricity supply service directly to retail customers, including net metering customers, in this state using the transmission or distribution facilities of a utility. A CEPS takes ownership of the electricity it sells. *Rule Puc 2002.08*

An *Aggregator* is any person or entity, other than a utility, which aggregates electric load or serves as a broker on behalf of a competitive electric power supplier, an individual customer, a group of customers, or any combination thereof. An Aggregator does not take ownership of the electricity. However, an Aggregator charges a fee for its services. *Rule Puc 2002.03.*

III. ISSUE PRESENTED

The issue presented herein is (1) whether Residential Customers would be better off using the services of an Aggregator to arrange for service from a Competitive Supplier, or (2) would be better off buying their electricity directly from Eversource at the energy service rates authorized by the New Hampshire Public Utilities Commission Hampshire (NHPUC).

The rates authorized by the NHPUC are based upon purchases of wholesale electricity from highly competitive wholesale suppliers, such as NextEra Energy Marketing, LLC (NextEra), Vitol Inc. (Vitol), and Exelon Generation Company, LLC (Exelon).

IV. AGGREGATORS DO NOT GUARANTEE SAVINGS TO RESIDENTIAL CUSTOMERS

According to one prominent New Hampshire Aggregator, [xxxxxxx] Power offers no guarantee of savings for renewal offers and will make best efforts to secure optimal pricing with an NPP at the time of renewal. While [xxxxxxx] Power makes best efforts to secure the lowest cost electricity supply rate available, choosing [xxxxxxx] Power does not guarantee savings against the standard offer from your local utility company.... .

Accordingly, utilizing an Aggregator (which charges a fee for its services) in all probability ***will not result in any savings versus the***

utility energy service rate authorized by the NHPUC. Therefore, Residential Customers would be better off buying their electricity directly from Eversource on the applicable rates established by the NHPUC and thereby avoiding any further additional charges by an Aggregator.

V. AVAILABLE SANCTIONS PURSUANT TO RSA 374-F:7, III

Pursuant to RSA 374-F:7, III,

[t]he department [Department of Energy] may investigate and petition the commission to assess fines against, revoke the registration of, order the rescission of contracts with residential customers of, order restitution to the residential customers of, and prohibit from doing business in the state any competitive electricity supplier, including any aggregator or broker, which is found to have:

Engaged in any unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity supply or related services;

For example, [xxxxxxx] Power claims that it offers “PSNH customers a cheaper, cleaner way to purchase their home's or small business' electricity.” However, the rates authorized by the NHPUC are based upon purchases of wholesale electricity from highly competitive wholesale suppliers, such as NextEra Energy Marketing, LLC (NextEra), Vitol Inc. (Vitol), and Exelon Generation Company, LLC (Exelon).

VI. CONCLUSION

For all of the reasons noted above, choosing [xxxxxxx] Power will in all probability not result in savings against the standard offer from the local utility company, and therefore Resident Power has been

engaged in unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity customers, and accordingly is subject to sanctions imposed by the NHPUC pursuant to RSA 374-F:7, III and NHPUC Rule 2002.20

jtrodier@comcast.net

Hampton, NH

603-601-6616

8/8/2022

James T. Rodier

Jim Rodier is an acknowledged leader in the movement toward retail competition and deregulation of the electric utility industry. Attorney Rodier received his law degree (J.D.) from Suffolk University Law School, as well as a B.S.E.E. from Worcester Polytechnic Institute. He has been admitted to both the Massachusetts Bar and the New Hampshire Bar.

Jim was the lead attorney in the watershed ruling by the New Hampshire Supreme Court that utility franchises were non-exclusive. Jim has been referred to by Energy Buyer's Guide as the "champion of New Hampshire deregulation" for his leadership role in restructuring the utility industry.



N.H. Marketer Makes Point by Shopping Wholesale Market to Power His Home, Northeast Power Report, – "New Hampshire energy marketer James Rodier has proposed a plan to buy power directly from the New England wholesale spot market for use in his own house in Rye, N.H. He would become the first such individual end user to buy energy from the pool. Rodier has been active in energy deregulation issues and has often acted as a maverick making proposals to encourage competitive power use in the state."

Electric Hype Powers Utility Competition, Boston Sunday Globe -
"James Rodier, led the fight in the Legislature and the courts, to introduce competition as a way to counter Public Service's high rates."

Deregulation Trailblazer Rodier ready for Competition, N.H. Business Review - "When it comes to deregulating the electric industry the guy with the arrows in his back is Attorney James T. Rodier of Bedford. Rodier founded the upstart competitor that beat Public Service of New Hampshire in the state Supreme Court when the judges ruled that PSNH did not have an exclusive franchise in its service territory."

Debate Focuses on Deregulation of Utilities, Boston Sunday Globe -
"The wholesale prices are less than half of the retail price, Rodier said, if we can expand the choices available to consumers, it will foster competition."

Power Players, NH Sunday News Special Report, - "Rodier was a pioneering attorney in deregulation, promoting consumer choice and challenging utility monopolies before restructuring legislation existed. He was able to navigate the courts and regulatory agencies to gain access to the wholesale market, first in Maine and then in New Hampshire."

Transcript Excerpt — U.S. District Court-NH

THE COURT: All right. I hear you on it. I appreciate — counsel, I do appreciate your effective representation here. What I like about the way you presented yourself is you've been forthright. You didn't waste my time. You maintained your positions firmly in the face of, you know, a judge who is kind of pushy. And I appreciate your behavior here, because it's helpful to me. I mean, you weren't being equivocal about it. You weren't trying to dodge anything. You state your positions and live with the consequences. So I appreciate that.

MR. RODIER: Thank you, your Honor.