

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 11-216

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Petition to Establish an Alternative Default Energy Service Rate

Order Denying Motion for Rehearing

ORDER NO. 25,509

May 14, 2013

I. PROCEDURAL HISTORY

On May 7, 2013, PNE Energy Supply, LLC (PNE) filed a Motion for Rehearing of Order No. 25,488 (April 8, 2013) in the instant docket.¹ Public Service Company of New Hampshire (PSNH) filed an Objection to the Motion on May 8, 2013. PNE filed a letter in response to PSNH's Objection on May 9, 2013.

PNE principally argues that Order No. 25,488 fails to conform to: (1) RSA 374-F:2, I-a, defining default service customers as those without an electricity provider; (2) RSA 369-B:3, IV (b)(I)(A) requiring default service rates to include PSNH's actual, prudent and reasonable costs of providing such power; and (3) RSA 215-O:18 requiring the costs of the PSNH Scrubber to be recovered through default service rates.

PSNH objected to PNE's motion arguing that PNE had made the same arguments in its earlier motion to dismiss and during the hearing in this matter.

¹ For the procedural history in this proceeding, see Order No. 25,320 (January 26, 2012) and Order No. 25,488 (April 8, 2013) in this docket. <http://www.puc.nh.gov/Regulatory/Docketbk/2011/11-216.html> on the Commission's website.

II. COMMISSION ANALYSIS

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief and demonstrates that a decision is unlawful or unreasonable. *See Rural Telephone Companies*, Order No. 25,291 (November 21, 2011) at 9. Good reason may be shown by identifying specific matters that were “overlooked or mistakenly conceived” by the deciding tribunal, *Dumais v. State*, 118 N.H. 309, 311(1978), or by identifying new evidence that could not have been presented at the underlying proceeding. *O’Loughlin V. N.H. Personnel Comm’n*, 117 N.H. 999, 1004 (1977). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Connecticut Valley Electric Co.*, Order No. 24,189, 88 NH PUC 355, 356 (2003).


As noted in our prior Orders in this proceeding, PSNH made the filing to establish a Rate ADE at the Commission’s direction. In Order No. 25,256, we specifically directed PSNH to design a Rate ADE that complies with the statutory requirements of RSA 374-F:3, V(c), RSA 369-B:3,IV(b)(1)(A), and the general policy principles of RSA 374-F. *See* Order No. 25,320 at 31-32. In Order No. 25,488, we found that the proposed Rate ADE was consistent “with prior orders and the relevant statutes.” *Id.* at 17.

We have reviewed PNE’s motion and PSNH’s Objection. Although the Commission’s rules do not provide for reply to objections, in this case we have also considered PNE’s May 9, 2013 letter. We find that PNE in its motion fails to identify any new facts and merely restates arguments that it had previously made in this docket. Having already addressed these arguments and the record in this case in Order No. 25,488, we will deny PNE’s motion for rehearing.

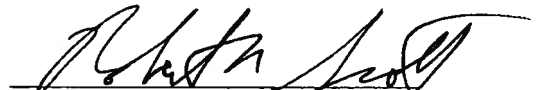
Based upon the foregoing, it is hereby

ORDERED, that the Motion by PNE Energy Supply, LLC for rehearing of Order No. 25.388 is hereby DENIED.

By order of the Public Utilities Commission of New Hampshire this fourteenth day of May, 2013.




Amy L. Ignatius
Chairman



Robert R. Scott
Commissioner

Attested by:



Debra A. Howland
Executive Director

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
EXEC DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**