

SHEEHAN  
PHINNEY  
BASS +  
GREEN

PROFESSIONAL  
ASSOCIATION



ATTORNEYS AT LAW

MANCHESTER  
1000 ELM STREET  
MANCHESTER, NH  
03101  
T 603 668-0300  
F 603 627-8121

CONCORD  
TWO EAGLE SQUARE  
CONCORD, NH  
03301  
T 603 223-2020  
F 603 224-8899

HANOVER  
2 MAPLE STREET  
HANOVER, NH  
03755  
T 603 643-9070  
F 603 643-3679

BOSTON  
255 STATE STREET  
BOSTON, MA  
02109  
T 617 897-5600  
F 617 439-9363

WWW.SHEEHAN.COM

Writer's Direct Dial:  
(603) 627-8223  
ccole@sheehan.com

NHPUC 7NOV19PM1:12

November 7, 2013

**By Hand Delivery**

Debra A. Howland  
Executive Director and Secretary  
State of New Hampshire  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: PUC Docket No. 12-295, Petition for Review of the Reasonableness and Appropriateness of Certain Tariff Charges by Public Service Company of New Hampshire upon Competitive Electric Suppliers**

Dear Ms. Howland:

PNE has joined in the letter dated November 6, 2013 from counsel for the Retail Electricity Supplier Association (RESA) in this docket, which discusses the Commission's Order No. 23,659, 86 PUC 170, 177 (2001) ("the Order"), and its possible meaning to the matters under review in this docket.

PNE now writes separately as the Petitioner in this action. Having reviewed the Order, PNE believes that it is simply the Commission's expression of deep concern with and, perhaps, skepticism about, the cost-related efficacy and reasonableness of the \$5.00 Selection Charge – within two years of PSNH senior management's initial acknowledgement that the Charge was not cost-based and their promise to "revisit" the Charge. The Commission will recall that Mr. Goodwin testified at the October 3, 2013 hearing that the Selection Charge (and other Tariff Charges) should be considered only in the context of a larger rate proceeding. Thus, we now understand:

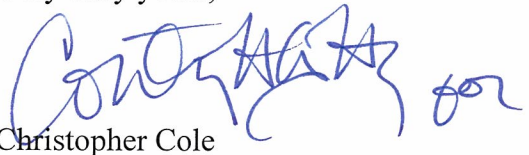
- That the Commission "expect[ed] to consider the question" of the cost-basis for and reasonableness of the Charge in "the next rate case," which occurred in 2003;
- That the Commission "intend[ed] to revisit the issue of whether it is appropriate to impose this charge;" and
- That PSNH failed to meet the Commission's stated concern and intention in the ensuing rate case.

Debra A. Howland  
November 7, 2013  
Page 2

Indeed, as RESA's November 6 letter suggest, it is noteworthy that PSNH's designated witness in the 2003 rate case was the same witness who, in this docket (in apparent opposition to the remedies suggested by the Supplier Parties), urged the Commission to wait again for another rate proceeding. The record demonstrates that PSNH has had ample opportunity – in the very type of proceeding it suggests is the proper vehicle for consideration of the Charge – to make good on its promise to the Commission and the Suppliers to revisit the Charge, and failed to do so.

PNE respectfully suggests that the Commission consider, at least as to the unsupported \$5.00 Selection Charge, directing PSNH to account for and rebate to the relevant Supplier all amounts charged pursuant to Section 2(a) of the Tariff back to at least the 2003 rate-setting proceeding.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Christopher Cole", with a small flourish to the right.

Christopher Cole

cc: Docket 12-295 Distribution List  
August Fromuth  
James T. Rodier, Esquire  
Robert P. Cheney, Esquire