

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE:

AT (OFFICE): NHPUC

FROM: Rorie E. Patterson, Hearing Examiner *REL*

SUBJECT: DE 15-068 Freedom Logistics, LLC, d/b/a Freedom Energy Logistics
Report of Prehearing Conference

TO: Martin P. Honigberg, Chair
Robert R. Scott, Commissioner

CC: Debra A. Howland, Executive Director
F. Anne Ross, General Counsel
Service List

On May 6, 2015, I presided over the prehearing conference in the above-referenced docket. In addition to Freedom Logistics, LLC, d/b/a Freedom Energy Logistics (Freedom) and Commission Staff (Staff), representatives of the following entities participated: Fiske Hydro, Inc. (Fisk) (*pro se*), Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty), Granite State Hydropower Association (GSHA), and the Office of the Consumer Advocate (OCA) (collectively, Staff and parties). Consistent with Commission practice, I took appearances, positions on intervention requests, and preliminary statements of positions from the Staff and parties. Below, I summarize my recommendations on the petitions to intervene and note several threshold issues, about which I heard from the Staff and parties.

A. Petitions to Intervene –

Four entities filed petitions to intervene: Eversource, Liberty, GSHA and Unitil Energy Systems, Inc. (UES). I recommend the Commission grant all four petitions to intervene, for the reasons described below.

There were no objections to the petitions to intervene. There were no requests for limitations to any intervention. Eversource, as the anticipated party to a required wheeling contract, qualifies for mandatory intervention pursuant to RSA 541-A:32, I (the petition states facts demonstrating that the petitioner's rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding). Liberty, GSHA, and UES, may be permitted to intervene under RSA 541-A:32, II, as their intervention is consistent with the "interests of

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justice” and will not impair “the orderly and prompt conduct of the proceedings.” Although this docket is an adjudication of the rights and duties, etc., of Freedom, Fisk and PSNH, this is a case of first impression for the Commission, and the rulings from this case may inform later dockets involving RSA 362-A:2-a, II, and the rights and duties, etc., of UES, Liberty, or members of GSHA.

B. Other Threshold Issues –

RSA 362-A:2-a authorizes the Commission to approve certain contracts between a limited producer of electrical energy (LPEE) and a purchaser, for the retail sale of electricity (retail-sale contract), and between the LPEE and a franchised electric public utility, for the wheeling of that power to the purchaser (wheeling contract). Freedom’s petition did not include any contracts. To assist the Commission with this issue, I asked the Staff and parties to discuss it in the technical session and, to the extent necessary, make a recommendation to the Commission on how to proceed under the circumstances.

Presumably, Fisk will be a party to both the retail sale and wheeling contracts. Fisk, however, is not a party to the docket. Freedom described Fisk’s participation as a witness, whose information could be made available to the Commission, Staff, and parties, through Freedom’s counsel. To assist the Commission, I asked the Staff and parties to discuss this issue in the technical session and, to the extent necessary, make a recommendation to the Commission on how to proceed under the circumstances.

No party disputed that Fisk qualifies as a LPEE under RSA 362-A:2-a.

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- DEBRA A HOWLAND
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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
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