

THE STATE OF NEW HAMPSHIRE

CHAIRMAN
Martin P. Honigberg

COMMISSIONERS
Robert R. Scott
Kathryn M. Bailey

EXECUTIVE DIRECTOR
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-2431

FAX (603) 271-3878

Website:
www.puc.nh.gov

September 15, 2015

Matthew Fossum, Senior Counsel
Eversource Energy
P. O. Box 330
Manchester, NH 03105

Re: DE 15-372 Steel's Pond Hydro, Inc. Complaint against Eversource Energy

Dear Attorney Fossum:

On September 9, 2015, the Commission received the attached complaint filed on behalf of Steel's Pond Hydro, Inc. against Eversource Energy (Eversource) regarding payment of ISO New England forward capacity market auction payments as lead market participant for the complainant, which is a group net metering customer of Eversource.

The Commission is treating this matter as a complaint pursuant to RSA 365:1 and 2, and N.H. Code Admin. Rules Puc 204, and will require that Eversource respond to the complaint on or before September 28, 2015.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director

cc: Legal Division
Electric Division
Consumer Affairs Division
Sustainable Energy Division
James T. Rodier, Esq.

James T. Rodier, Esq.
Attorney-at-Law
1465 Woodbury Ave., No. 303
Portsmouth, NH 03801-5918

Admitted in NH & MA

603-559-9987

jrodier@mbtu-co2.com

September 8, 2015

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

RECEIVED SEP 09 2015 AM 04:11

**Complaint of
Steels Pond Hydro, Inc.
against
Public Service Company of New Hampshire d/b/a Eversource Energy**

Dear Ms. Howland:

Please find enclosed for filing an original and 7 copies of the above-captioned Complaint.

Please feel free to contact me should you have any questions or wish to discuss this matter.

Thank you.

Sincerely,

/s/ James T. Rodier

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

**COMPLAINT OF
STEELS POND HYDRO, INC.
AGAINST
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

Now Comes Steels Pond Hydro, Inc., co-exemptee with the State of NH in FERC P-3265, and, pursuant to RSA 365:1, and Rules Puc 204 and Puc 908.04, hereby complains against Public Service Company of New Hampshire d/b/a Eversource Energy ("PSNH"), and in support hereof states as follows:

1. Steels Pond Hydro, Inc. ("Steels Pond") is the owner of the Steels Pond Hydro Project (the "Facility") which has been certified by the Commission as a Class IV Hydro Source with a total nameplate capacity of one megawatt or less. *See* Docket No. 15-107.

2. The Facility is located at 367 Elm Avenue, Antrim, New Hampshire 03440. Energy from Steels Pond's three (eventually five) hydro-electric generators is stepped up from 480 V to 34.5 KV and transmitted to PSNH's 34.5 KV line that runs along Elm Avenue in Antrim, New Hampshire.

3. The ISO-New England asset identification number for the Facility is MSS # 909.

4. PSNH is a New Hampshire electric utility subject to the jurisdiction of the New Hampshire Public Utilities Commission.

5. Until recently, PSNH has purchased the output of the Facility at PSNH's Short Term Avoided Cost Rate pursuant to Section 33 (Rates for Purchases from Qualifying Facilities Availability) of its Electric Delivery Tariff.

6. Currently, Steels Pond is a Net Metering customer-generator pursuant to RSA 362-A:9, and additionally, is a "group host" pursuant to RSA 362-A:9, XIV (a) A and Rule Puc 909 (Group Net Metering).

7. The University of New Hampshire ("UNH"), a PSNH default service customer, is a "group member" hosted by Steels Pond.

8. Steels Pond receives a credit from Eversource for its surplus generation that is based on the prevailing default service energy rate¹. Steels Pond, in turn, pays a portion of the revenue received from Eversource to UNH.

¹ Pursuant to RSA 362-A:9 IV (b), the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default

9. On a separate but related matter, in order to maximize its revenue while selling to PSNH under the Short Term Avoided Cost Rate, Steels Pond designated Eversource to serve as Lead Participant for the Facility at ISO-NE. This is a voluntary arrangement, and according to ISO-NE can be terminated at any time by Steels Pond.

10. Steels Pond has been a participant in the ISO-NE Forward Capacity Market for the Capacity Commitment period 2015-16.

11. Commencing in May 2015, Eversource has ceased to pass through the FCM Auction Payment to Steels Pond.

12. Upon information and belief, Eversource has determined that Steels Pond as a host for "group net metering" should no longer receive the FCM payments emanating from ISO-NE associated with the Facility. Eversource evidently has decided to retain the FCM payments for itself, perhaps using the FCM payments to offset the credits made to Steels Pond for its surplus generation that are based on the prevailing default service energy rate.

13. A draft copy of this Complaint was provided to Eversource on August 18. No response has been received.

WHEREFORE, Steels Pond Hydro, Inc. respectfully requests that the Commission to:

- A. Order Eversource to pass through the FCM Auction Payment to Steels Pond;
- B. Order such further relief as may be just and equitable; or
- C. Permit Steels Pond to enter into an agreement with a different "lead participant" who will pass the FCM payments on to Steels Pond as permitted under the ISO rules.

Respectfully Submitted,
Steels Pond Hydro, Inc.

Dated: September 8, 2015

/s/ James T. Rodier

James T. Rodier, Esq.
1465 Woodbury Ave., No. 303
Portsmouth, NH 03801-1918
603-559-9987
jrodier@mbtu-co2.com

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.

Executive.Director@puc.nh.gov
allen.desbiens@nu.com
amanda.noonan@puc.nh.gov
david.wiesner@puc.nh.gov
grant.siwinski@puc.nh.gov
jrodier@mbtu-co2.com
karen.cramton@puc.nh.gov
kristi.davie@nu.com
leszek.stachow@puc.nh.gov
matthew.fossum@eversource.com
ocalitigation@oca.nh.gov
tom.frantz@puc.nh.gov

Docket #: 15-372-1 Printed: September 15, 2015

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.