

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY

Docket No. DE 16-241

Petition for Approval of Gas Infrastructure Contract with Algonquin Gas Transmission, LLC

OBJECTION TO PETITION TO INTERVENE OF SUNRUN, INC.

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA chapter 541-A, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “Company”), hereby objects to the petition to intervene of Sunrun, Inc. (“Sunrun”). In its petition, Sunrun does not demonstrate that it meets the requirements for intervention under RSA chapter 541-A or the Commission’s rules, and its petition should, therefore, be denied. In support of its objection, Eversource states as follows:

1. On February 18, 2016, Eversource filed a petition and supporting testimony seeking Commission approval of a 20-year contract between Eversource and Algonquin Gas Transmission LLC whereby Eversource would purchase natural gas capacity on the Access Northeast pipeline. On March 10, 2016, and prior to the Commission issuing an order of notice in the proceeding, Sunrun filed a petition to intervene in the docket. Sunrun, however, does not demonstrate that it meets the relevant standards for intervention and its petition should be denied.

2. Pursuant to RSA 541-A:32, I, the Commission “shall” grant a petition to intervene if the petitioner demonstrates that its “rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.” Additionally, pursuant to RSA 541-A:32, II, it “may” grant a petition if

“such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” Sunrun contends that it meets both the mandatory and the discretionary standards for intervention.

3. With respect to the mandatory standard – that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected – Sunrun contends that it “has a direct and substantial interest in this proceeding because we work to develop local employment opportunities through clean energy and to help homeowners have a choice in how they get their energy.” Sunrun Petition at ¶2. It further contends that it “has direct involvement in the state’s solar industry, solar workforce and clean energy future and as such, this proceeding is directly relevant to us.” *Id.* The fact that Sunrun is interested in this proceeding because it has general interests in the development of clean energy does not demonstrate that Sunrun has any rights, duties, privileges or other substantial interests that may be affected by the proceeding.

4. As the Commission has stated “merely being interested in such a proceeding is not the same as having a legal interest of some nature that may be affected by the proceeding. . . . Merely expressing a concern about a relevant issue, no matter how well-intentioned, does not confer party status.” *North Atlantic Energy Corporation, et al.*, Order No. 24,007 (July 8, 2002) at 3, 6. Furthermore, the Commission has more recently recognized that with respect to requests for intervention on the basis of an interest in some policy concern, “all Commission rulings regarding such petitions implicate matters of policy of some interest” to some party, and allowing interventions on the basis of such policy concern would “result in unwarranted administrative burden.” *Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,864 (February 4, 2016) at 3-4. Thus, a general interest in matters of policy that might underlie a Commission decision does not justify intervention. Here, Sunrun

has identified only general interests in a policy that might, or might not, be implicated by a Commission decision in this proceeding.¹ Such interests do not demonstrate that Sunrun has rights or interests at stake, and do not justify intervention.

5. With respect to the discretionary standard – whether the intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings – Sunrun states only that:

Sunrun’s intervention will not impair the interests of justice or the orderly and prompt functioning of this proceeding. Sunrun’s participation in this proceeding will be limited to the scope of issues and timelines the Commission establishes, thereby ensuring the orderly and prompt conduct of this proceeding.

Sunrun Petition at ¶ 3. Sunrun offers no further arguments relative to the “interests of justice” standard. Sunrun’s unsupported contention that it will not impair the interests of justice is not sufficient to make the affirmative showing that its participation is in the interest of justice as required by the relevant standards. Accordingly, Sunrun’s intervention is not justified in this docket.

¹ Eversource notes also that Sunrun describes its policy interest as one meant to encourage the State to “look to locally-sourced clean energy like solar,” prior to looking to natural gas contracts. Sunrun Petition at ¶2. Even if a general policy interest was sufficient (and it is not), this arguably more specific interest in encouraging the State to look at other energy sources misses the mark here. Eversource does not oppose the development of solar or other alternative energy sources, but solar power does not address the need for supply sources to meet electric grid peak demand when the sun has set and when peak demand for gas is highest on winter days. The interest in “clean energy like solar” and the interests to be served through the contract proposed in this docket are not aligned.

WHEREFORE, Eversource respectfully requests that the Commission:

- A. Deny Sunrun's Petition to Intervene; and
- B. Order such further relief as may be just and reasonable.

Respectfully submitted this 18th day of March, 2016.

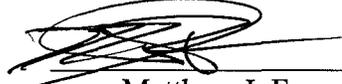
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

March 18, 2016
Date


Matthew J. Fossum