

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Petition of Public Service Company of New)
Hampshire d/b/a Eversource Energy,)
for Approval of Gas Capacity Contract with)
Algonquin Gas Transmission, LLC, Gas Capacity) DE 16-241
Program Details, and Distribution Rate Tariff for)
Cost Recovery)
_____)

**PETITION TO INTERVENE OF
EXELON GENERATION COMPANY, LLC**

Pursuant to N.H. CODE ADMIN. R. 203.17, N.H. REV. STAT. ANN. 541-A:32, and pursuant to the Commission’s March 24, 2016 Order of Notice in the above-captioned docket, Exelon Generation Company, LLC (“**ExGen**”), by its undersigned counsel, hereby files this Petition to Intervene in the above-captioned proceeding. In support of this Petition to Intervene, ExGen states the following:

1. The principal place of business of ExGen is:

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2. The principal contacts for ExGen are:

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3. The name and address of ExGen’s counsel in this matter is:

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ExGen’s attorneys are authorized to accept service on behalf of ExGen in this proceeding. ExGen requests that the Commission and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders and any other documents issued on both ExGen and its attorneys. Particularly, ExGen respectfully requests that service be made to its counsel of record, Melissa Lauderdale, with an electronic courtesy copy, if possible, to be served on Daniel Allegretti and the attorneys identified above.

4. On February 18, 2016, Public Service Company of New Hampshire d/b/a Eversource (“**Eversource**”) filed a petition with the Commission for approval of (i) a proposed 20-year contract between Eversource and Algonquin Gas Transmission, LLC (“**Algonquin**”) for natural gas capacity on Algonquin’s Access Northeast Project, and (ii) recovery of associated costs through a new distribution rate tariff, to be assessed on all Eversource customers. Eversource filed supporting testimony and related exhibits with the petition.

5. ExGen hereby seeks to intervene in this proceeding. The Commission “shall grant” a petition for intervention where “[t]he petition states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding.” N.H. REV. STAT. ANN. § 541-A:32, I(b). The Commission “may grant” a petition for intervention where “intervention would be in the interests of justice and would not

impair the orderly and prompt conduct of the proceedings.” *Id.* at I(c). As detailed below, ExGen’s petition for intervention satisfies both standards.

6. ExGen is an indirect, wholly-owned subsidiary of Exelon Corp., a North American energy company with several merchant subsidiaries in addition to ExGen, as well as regulated utility subsidiaries in Pennsylvania (PECO Energy Company), Illinois (Commonwealth Edison Company) and Maryland (Baltimore Gas and Electric Company). ExGen has market-based rate authority from the Federal Energy Regulatory Commission and is a buyer and seller of wholesale electricity and capacity.

7. Exelon owns and operates several electric generation facilities in New England. For example, Exelon owns Mystic 8 and 9 units located in neighboring Everett, Massachusetts. Mystic 8 and 9, which have a combined nameplate capacity of 1,382 Megawatts, are fueled by natural gas; however, they are not physically connected to the natural gas pipeline system. Instead, these plants must obtain their fuel supply exclusively through the Distrigas Liquefied Natural Gas Terminal, located adjacent to the plants.

8. ExGen also provides wholesale power and risk management services to wholesale customers (including, but not limited to, distribution utilities, co-ops, municipalities, power marketers, utilities and other large load serving entities), including through participation in wholesale load procurements, in both regulated and restructured energy markets.

9. Mystic 8 and 9 are merchant facilities which offer their energy on a daily basis into the Independent System Operator-New England (“**ISO-NE**”) administered energy market, where they must compete with other power generators, including gas-fired units connected to the natural gas pipeline system. The proposal put forward in this proceeding has the clear potential to confer upon such gas-fired generators competing with ExGen a benefit that would not be

available to Mystic 8 & 9 and which would adversely affect the position and participation of Mystic 8 & 9 in the wholesale energy market in ISO-NE. For this reason Exelon has a direct and substantial interest in the outcome of the proceeding which cannot be adequately represented by any other party.

10. The Eversource petition presents fundamental issues which affect the ability of ExGen, and suppliers like it, to compete in the New Hampshire and New England electricity market. The Commission's March 24, 2016 Order of Notice appears to recognize that Eversource's plan could have a direct and substantial impact on businesses like ExGen. The Commission identified some of myriad issues implicated by Eversource's petition, including:

- (A) whether Eversource's entering into the Access Northeast Contract, development of the [Electric Reliability Service Plan], and assessment of the [Long-Term Gas Transportation and Storage Contract] would violate the Restructuring Principles of RSA Chapter 374-F, or any other New Hampshire law, or any federal law, including the Federal Power Act the standards of prudence applied by the Commission for such contracting;
- (B) whether the assertions made by Eversource regarding expected benefits and costs of its participation in the Access Northeast Contract are supported by the evidence, including evidence of economic, engineering, and environmental costs, benefits, and feasibility; and
- (C) whether ERSP and companion FERC tariff filing comport with relevant federal law, including the Natural Gas Act, and whether FERC approval should be a condition precedent for the enactment of any Commission approval.

Order of Notice at 4, Docket No. DE 16-241 (Mar. 24, 2016). The resolution of each of these issues, in addition to other issues identified by the Commission, will directly impact ExGen's business.

11. ExGen's direct and substantial interest in these and other issues raised by the Eversource petition requires that the Commission approve ExGen's intervention. N.H. CODE ADMIN. R. PUC § 203.17; N.H. REV. STAT. ANN. § 541-A:32, I(b). The Commission may also approve the intervention because it satisfies the interests of justice and ExGen's timely intervention would not impair the orderly and prompt conduct of the proceeding. N.H. REV. STAT. ANN. § 541-A:32, I(c). Rather, ExGen's experience and perspective on the issues implicated by the Eversource petition would be valuable to the Commission's proper and informed resolution of the issues. Accordingly, the "interests of justice" also favor the Commission's approval of ExGen's intervention.

12. ExGen therefore respectfully requests the right to participate in this proceeding with the right to receive copies of all pleadings, discovery requests, and responses, other documents, and to file briefs in accordance with a procedural schedule established by the Commission. No other parties can adequately represent ExGen's interests in this proceeding.

WHEREFORE, for all the foregoing reasons, ExGen respectfully requests that its Petition to Intervene be granted and that the Commission grant it such other relief as is just and reasonable under the circumstances.

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Respectfully submitted,

/s/ Mark R. Haskell

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*Attorneys for Exelon Generation Company,
LLC*

Dated: April 8, 2016

CERTIFICATE OF SERVICE

On this 8th day of April 2016, I certify that in accordance with N.H. CODE ADMIN. R. 203.11, I caused the foregoing Petition to Intervene of Exelon Generation Company, LLC to be served electronically to the e-mail addresses specified on the Commission's service list for the docket.

/s/ Thomas R. Millar

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