

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

In re: Eversource Energy 2018 Energy Service Solicitation

Docket No. DE 18-002

**PETITION TO INTERVENE
OF SPRINGFIELD POWER LLC, DG WHITEFIELD LLC,
BRIDGEWATER POWER COMPANY L.P.,
PINETREE POWER TAMWORTH, LLC AND PINETREE POWER, LLC**

Pursuant to Admin. Rule Puc 203.17 and RSA 541-A:32, Springfield Power LLC (“Springfield”), DG Whitefield LLC (“Whitefield”), Bridgewater Power Company L.P. (“Bridgewater”), Pinetree Power Tamworth LLC (“Pinetree Tamworth”) and Pinetree Power LLC (“Pinetree”) request intervention in this proceeding for the following reasons.

1. Springfield, Whitefield, Bridgewater, Pinetree Tamworth and Pinetree (collectively, “Intervenors”) each have principal places of business and operate wood-fired power production facilities respectively in Springfield, Whitefield, Bridgewater, Tamworth and Bethlehem, New Hampshire.
2. On September 13, 2018, the New Hampshire General Court overrode the Governor’s veto of Senate Bill 365 (“SB 365”), thereby enacting it into law with an effective date of September 13, 2018.
3. SB 365 added Chapter 362-H to New Hampshire’s Revised Statutes Annotated, which, by its terms, created a requirement that “each electric distribution company that is subject to the commission’s approval regarding procurement of default service shall offer to purchase the net energy output of any eligible facility located in its service territory.” RSA 362-H:2 (emphasis added).

4. Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) is an electric distribution company that is “subject to the commission’s approval regarding procurement of default service.” *Id.*

5. Each of the Intervenors is in the service territory of Eversource, and each is an eligible facility. RSA 362-H:2, V.

6. “Prior to each of its next 6 sequential solicitations of its default service supply after [September 13, 2018],” Eversource is required to solicit proposals from all eligible facilities and inform them of the opportunity to submit a proposal to enter into a purchased power agreement with Eversource. RSA 362-H:2, I.

7. On November 6, 2018, Eversource distributed a solicitation for such proposals to the Intervenors, with a deadline to submit proposals by November 16, 2018.

8. On November 16, 2018, each of the Intervenors informed Eversource that it was an eligible facility, and each submitted to Eversource a proposal that conforms with the statute.

9. Eversource is required to select all proposals from eligible facility agreements that conform to the statutory requirements. RSA 362-H:2, III. Thereafter, Eversource is required to “submit all eligible facility agreements to the commission as part of its submission for periodic approval of its residential electric customer default service supply solicitation.” *Id.* “All such eligible facility agreements shall be subject to review by the commission for conformity with this chapter in the same proceeding in which it undertakes the review of the electric distribution company’s periodic default service solicitation and resulting rates.” RSA 362-H:2, IV.

10. N.H. Code Admin. Rules Puc 203.17 requires the Commission to grant petitions to intervene in accordance with the standards of RSA 541-A:32. Paragraph I mandates intervention if a 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.” RSA 541-A:32, I. Paragraph II allows discretionary intervention when the Commission determines “that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” RSA 541-A: 32, II. *See also In re: Public Service Company of New Hampshire, Reconciliation of 2009 Energy Service and Stranded Cost Recovery Charges*, 2010 N.H. PUC Lexis 70 at *2 (July 20, 2010) (allowing petitioners intervention pursuant to RSA 541-A:32, II where they “raised certain issues that are relevant to this proceeding that [would] not necessarily be addressed by other parties and, in the Commission’s discretion, [would] serve the purpose of justice if pursued.”).

11. The intervention must be granted under RSA 541-A:32, I because the Intervenors’ “rights, duties, privileges, immunities or other substantial interests [will] be affected by the proceeding.” Here, the New Hampshire General Court has made specific findings in its passage of SB 365 (codified as RSA 362-H) that “it is in the public interest to promote the continued operation of” the Intervenors. 2018 N.H. Laws Ch. 379:1. Given that statutory finding, RSA 362-H provided eligible facilities with the right: to submit a proposal; if the proposal submitted conforms to the requirements of the statute for it to be submitted to the PUC in the default docket for conformity review with the statute; and on this basis to have a purchased power agreement with Eversource. The intervention should be granted because Intervenors’ each have rights and substantial interests in their respective RSA 362-H submissions required to be filed in this docket, and the PUC’s required RSA 362-H determinations in this docket will affect the Intervenors’ rights and substantial interests in their RSA 362-H submissions.

12. In addition to the foregoing reasons, the intervention also is appropriate under RSA 541-A:32, II, including because Intervenors’ participation in this proceeding would be in

the interest of justice, given that each is a party to its respective RSA 362-H agreement required to be submitted in this docket. *See In re: Public Service Company of New Hampshire, Reconciliation of 2009 Energy Service and Stranded Cost Recovery Charges*, 2010 N.H. PUC Lexis 70 at *2. The Intervenors' participation would not "impair the orderly and prompt conduct of the proceedings," RSA 541-A:32, II, including because this is the designated docket for the PUC's review of their agreements for conformity with the statute. RSA 365-H:2, IV.

WHEREFORE, the Intervenors respectfully request that they be granted intervenor status in this proceeding as full parties.

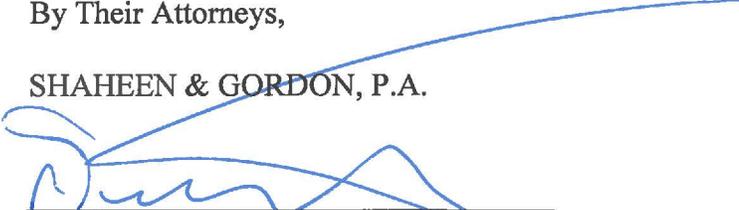
Respectfully submitted,

SPRINGFIELD POWER LLC,
DG WHITEFIELD LLC,
BRIDGEWATER POWER COMPANY L.P.,
PINETREE POWER TAMWORTH LLC, AND
PINETREE POWER LLC

By Their Attorneys,

SHAHEEN & GORDON, P.A.

Date: December 11, 2018

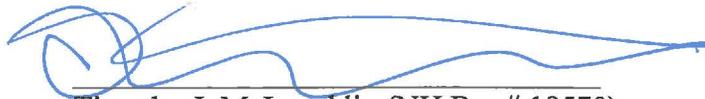


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CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused this Petition to Intervene to be filed in hand and electronically to the Commission and electronically, or by U.S. Mail, First Class, to the persons identified on the Commission's Service List for this docket in accordance with N.H. Admin. R. Puc 203.11.

Date: December 11, 2018



Timothy J. McLaughlin (NH Bar # 19570)