

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

In re: Eversource Energy 2019 Energy Service Solicitation Docket No. DE 19-082

**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, I, Springfield Power, LLC, DG Whitefield, LLC, Bridgewater Power Company, L.P., Pinetree Power Tamworth, LLC, and Pinetree Power, LLC request intervention in this proceeding. This petition rests upon the following grounds.

1. Springfield Power, LLC (“Springfield”), DG Whitefield, LLC (“Whitefield”), Bridgewater Power Company, L.P. (“Bridgewater”), Pinetree Power Tamworth, LLC (“PPT”), and Pinetree Power, LLC (“PP”) (collectively, the “Wood IPPs”) each has a principal place of business and operates a wood-fired small power production facility located respectively in Springfield, Whitefield, Bridgewater, Tamworth, and Bethlehem, New Hampshire.

2. On September 13, 2018, the New Hampshire General Court overrode Governor Sununu’s veto of Senate Bill 365, thereby enacting it into law with an effective date of September 13, 2018.

3. Senate Bill 365 added Chapter 362-H to the 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.

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

5. Each Wood IPP 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 “offer to purchase the net energy output of any eligible facility located in its service territory.” RSA 362-H:2, I. The Eversource solicitation shall inform each eligible facility of the opportunity to submit a proposal to enter into a power purchased agreement (“PPA”) with Eversource. *Id.*

7. On April 26, 2019, Eversource distributed a solicitation for such proposals to the Wood IPPs, with a deadline to submit proposals by May 17, 2019.

8. On May 17, 2019, each of the Wood IPPs submitted a proposal to Eversource to enter into a PPA, under which Eversource would purchase the net energy output of the eligible facility in accordance with the RSA 362-H statutory requirements.

9. Eversource is required to select as “eligible facility agreements” (“EFA”) all proposals that conform to the statutory requirements. RSA 362-H:2, III. Thereafter, Eversource is required to “submit all [EFAs] to the commission as part of its submission for periodic approval of its residential electric customer default service supply solicitation.” *Id.* “All such [EFAs] 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. The Wood IPPs’ proposals all conformed to the statutory requirements.

11. 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 of RSA 541-A:32 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. Discretionary intervention is permitted under RSA 541-A:32, II 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) (Petitioners were granted intervention pursuant to RSA 541-A:32, II where petitioners “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.”).

12. The Wood IPPs intervention is mandatory under RSA 541-A:32, I, because their “rights, duties, privileges, immunities or other substantial interests [will] be affected by the proceeding” and because they qualify as intervenors and necessary parties to the review contemplated by RSA 362-H:2, IV. The New Hampshire General Court made specific findings in its passage of Senate Bill 365 that “it is in the public interest to promote the continued operation of” the Wood IPPs. N.H. Chaptered Law 379:1.

13. The Wood IPPs intervention is also appropriate under RSA 541-A:32, II, because their participation in this proceeding would be in the interest of justice. *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. Furthermore, the Wood IPPs participation would not “impair the orderly and prompt conduct of the proceedings.” RSA 541-A:32, II.

14. This is the second solicitation by Eversource under RSA 362-H and the Commission has previously granted the Wood IPP’s permission to intervene in first solicitation in docket DE 18-002.

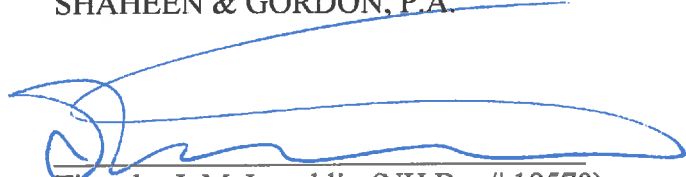
WHEREFORE, the Wood IPPs respectfully request that they be permitted to intervene in this proceeding as full parties.

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: May 21, 2019

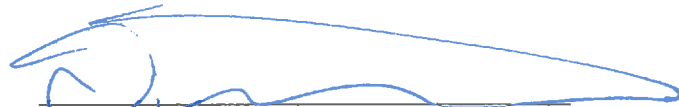


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CERTIFICATE OF SERVICE

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: May 21, 2019



Timothy J. McLaughlin (NH Bar # 19570)