

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

IR 22-053

ELECTRIC AND GAS UTILITIES

**Investigation of Energy Commodity Procurement
(Renewable Portfolio Standard; Default Service Electric Power; Cost of Gas)
Methodology and Process**

**PETITION TO INTERVENE
ON BEHALF OF BERLIN STATION, LLC**

NOW COMES Berlin Station, LLC (“the plant” or “Berlin Station”) and pursuant to RSA 541-A:32 and N.H. Code Admin. Rule Puc 203.17, hereby petitions the New Hampshire Public Utilities Commission (“Commission”) for intervention in the above-captioned proceeding. In support of this petition, Berlin Station states as follows:

1. The plant is a limited liability company organized under the laws of Delaware that owns a biomass-fueled electrical generation facility, located in Berlin, New Hampshire. Berlin Station purchased the position of Laidlaw Berlin Biopower, LLC, the original counterparty to a power purchase agreement (“PPA”) with Eversource, under which Eversource purchased electric power, including energy, capacity, and the associated renewable energy certificates (“RECs”), at agreed prices for a 20-year term.

2. On September 6, 2022, the Commission issued an Order of Notice opening an investigative docket “to examine all pertinent aspects of RPS, Default Service, and COG procurements in New Hampshire, and related Commission processes.” *Order of Notice at 2.* Specifically, the Commission intends to investigate the “timing and other approaches historically used by New Hampshire utilities for RPS, Default Service...and data regarding outcomes correlated with different approaches.” *Id. at 3.*

3. By this petition, Berlin Station seeks to intervene in the above-referenced proceeding pursuant to N.H. Code Admin. Rule Puc 203.17 and New Hampshire RSA 541-A:32. The Commission's Rule Puc 203.17 provides that the "Commission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32." *N.H. Code Admin. Rule Puc 203.17*. RSA 541-A:32 provides for so-called "mandatory intervention" if the petition "states facts demonstrating that the petitioner's 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,(b)*. The statute also sets forth a standard for "permissive intervention," when "the presiding officer determines that the interest of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention." *RSA 541-A:32,I,(c)*. As discussed more fully below, Berlin Station satisfies both intervention standards and thus warrants status as an intervenor in this proceeding.

4. Berlin Station's PPA with Eversource has raised issues with respect to: 1) whether energy under existing PPAs might be used to meet or reduce a utility's default service requirement; 2) whether current regulations related to default service procurement present barriers preventing such treatment; and 3) whether energy from existing PPAs is being treated for its highest and best use.

5. In addition, Berlin Station is an active participant in the REC market. Currently Berlin Station sells some of its RECs to Eversource as required by the terms of the PPA, but also sells any remaining RECs in the market.

6. As an active participant in the energy and REC markets in New Hampshire, Berlin Station's "rights, duties, privileges, immunities and other substantial interests" are directly affected by this docket. Discussions related to the issues identified by the Commission in its

Order of Notice and any recommendations made as a result of this proceeding will implicate Berlin Station's interests.

7. In addition to meeting the standard for mandatory intervention, Berlin Station also meets the requirements for permissive intervention. The interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the plant to participate in the proceeding as an intervenor. *See RSA 541-A:32, I, (c).*

8. Accordingly, since Berlin Station has met the standards set forth in RSA 541-A:32, the Commission should approve its request for intervention.

WHEREFORE, Berlin Station respectfully requests that this Commission:

- A. Grant it intervenor status; and
- B. Grant such further relief as may be just and proper.

Respectfully Submitted,

BERLIN STATION, LLC
By its attorneys,




Carol J. Holahan, Esq.
NH Bar No. 6584
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, Mass. 02210-2600
617-832-1000
cholahan@foleyhoag.com

Dated: September 20, 2022

Certificate of Service

I hereby certify that a copy of the foregoing Petition to Intervene on behalf of Berlin Station, LLC, on this 20th day of September, 2022, will be delivered by electronic mail to the service list IR 22-053.

By: 
Carol J. Holahan

Service List - Docket Related

Docket# : 22-053

Printed: 9/20/2022

Email Addresses

ClerksOffice@puc.nh.gov
denise@colonialpowergroup.com
Faisal.DeenArif@energy.nh.gov
asbury@unitil.com
Scott.T.Balise@energy.nh.gov
rburke@nhla.org
john.butler@eversource.com
Mark@colonialpowergroup.com
carroll@unitil.com
brandy.chambers@eversource.com
jessica.chiavara@eversource.com
rclouthier@snhs.org
gary.m.cronin@energy.nh.gov
mdean@mdeanlaw.net
demeris@unitil.com
Energy-Litigation@energy.nh.gov
julianne.m.desmet@oca.nh.gov
paul.b.dexter@energy.nh.gov
downesm@unitil.com
kimberly.dragoo@libertyutilities.com
jay.e.dudley@energy.nh.gov
tracy.dyke-redmond@eversource.com
stephen.r.eckberg@energy.nh.gov
steven.elliott@eversource.com
maromilee.emerick@eversource.com
eemerson@primmer.com
erin.engstrom@eversource.com
sam@cleanenergynh.org
jfontaine@des.state.nh.us
jfontaine@des.state.nh.us
fossumm@unitil.com
thomas.c.frantz@energy.nh.gov
sgeiger@orr-reno.com

genestj@unitil.com
dgoldberg@synapse-energy.com
gouldingc@unitil.com
dhill@energyfuturesgroup.com
jarvis@unitil.com
maureen.karpf@libertyutilities.com
nkrakoff@clf.org
donald.m.kreis@oca.nh.gov
Philip.W.LaMoreaux@des.nh.gov
Philip.W.LaMoreaux@des.nh.gov
clane@synapse-energy.com
marc.lemenager@eversource.com
elevin@veic.org
jmarks@acadiacenter.org
mcdonald@optenergy.com
catherine.mcnamara@libertyutilities.com
nelson.medeiros@eversource.com
frank.melanson@eversource.com
Erica.Menard@libertyutilities.com
Mosenthal@OptEnergy.com
nhregulatory@eversource.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
rebecca.ohler@des.nh.gov
sormsbee@colonialpowergroup.com
palma@unitil.com
katherine.peters@eversource.com
tina.poirier@libertyutilities.com
ralph.prahl@gmail.com
Maureen.l.reno@oca.nh.gov
bryant.robinson@eversource.com
Melissa.Samenfeld@libertyutilities.com
mary.e.schwarzer@energy.nh.gov
michael.sheehan@libertyutilities.com
karen.sinville@libertyutilities.com
chris@cleanenergynh.org
skumatz@serainc.com
eric.stanley@libertyutilities.com
taylorp@unitil.com
heather.tebbetts@libertyutilities.com
mark.p.tosciano@energy.nh.gov
stower@nhla.org
jacqueline.m.trottier@energy.nh.gov
jvanrossum@clf.org
david.k.wiesner@energy.nh.gov
kiersten.williams@eversource.com
wirtino@comcast.net
woodsca@nhec.com
twoolf@synapse-energy.com
Matthew.C.Young@energy.nh.gov