

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

PUBLIC SERVICE COMPANY OF NEW :
HAMPSHIRE D/B/A EVERSOURCE :
ENERGY 2024 ENERGY SERVICE : DOCKET NO. DE 24-046
SOLICITATIONS :

**NRG RETAIL COMPANIES’
PETITION TO INTERVENE**

Pursuant to New Hampshire Revised Statutes Annotated 541-A:32 and New Hampshire Administrative Rules Puc 203.17, Direct Energy Services LLC; Direct Energy Business, LLC d/b/a NRG Business; NRG Business Marketing, LLC (f/k/a Direct Energy Business Marketing LLC); Reliant Energy Northeast LLC d/b/a NRG Home; and XOOM Energy New Hampshire, LLC (collectively, the “NRG Retail Companies”) hereby petition the New Hampshire Public Utilities Commission (“Commission”) to intervene in the above-captioned proceeding. In support of this petition, the NRG Retail Companies state the following:

INTRODUCTION

1. On May 6, 2024, the Commission issued a Commencement of Adjudicative Proceeding and Notice of Hearing.¹ The Order of Notice indicated that anyone seeking to intervene the proceeding should do so by May 21, 2024.²

2. In response to a June 13, 2024 petition from the Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”),³ the Commission issued an Order directing Eversource to submit a revised filing reflecting default service rates that removed a \$6.5 million

¹ Commencement of Adjudicative Proceeding and Notice of Hearing (May 6, 2024) (“Order of Notice”).

² *Id.* at 4.

³ *See* Petition for Adjustment to Energy Service Rates for Effect on August 1, 2024 (Jun. 13, 2024) (“Petition”).

under-recovery from its energy service (“ES”) rates for the Large Customer Group and placed that amount in a deferral account for potential collection from all ratepayers.⁴

3. Subsequently, Eversource submitted the revised filing,⁵ and a correction to that filing.⁶

4. On July 12, 2024, the Commission issued the Order *Nisi*, which approved new ES rates to be effective August 1.⁷

5. Today, the NRG Retail Companies are submitting comments regarding the Order *Nisi* jointly with the Community Power Coalition of New Hampshire (“Joint Comments”).

6. NRG Retail Companies now hereby petition to intervene in the proceeding.

STANDARD

7. “The [C]ommission shall grant one or more petitions to intervene in accordance with the standards of RSA 541-A:32.”⁸

8. The Commission must grant a petition to intervene if: (a) the petition describes how the petitioner is substantially and specifically affected by a proceeding; and (b) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding.⁹

9. Although RSA 541-A:32 requires that any petition to intervene be filed “at least 3 days before the hearing,”¹⁰ the Commission also has the discretion to grant a petition to intervene

⁴ Order No. 27,022 (Jun. 20, 2024) (“June 20 Order”) at 10.

⁵ See Technical Statement of Parker Littlehale, Luann Lamontagne, Yi-An Chen, and Scott Anderson (Jul. 3, 2024) and related attachments.

⁶ See Revised Attachment YC/SRA-1, Page 2 of 4.

⁷ See generally Order *Nisi*.

⁸ N.H. Admin. Rules Puc 203.17

⁹ RSA 541-A:32(I).

¹⁰ RSA 541-A:32(I)(a).

“*at any time*, upon determining that such intervention would be in the interests of justice and would not impair the orderly conduct of the proceedings.”¹¹

INTERVENTION REQUEST

1. The procurement and pricing of utility commodity supply service has a direct and substantial effect on the competitive retail energy market.¹² In fact, when considering whether utility commodity supply procurements are in the public interest, the Commission is required to ensure that those procurements do not cause undue harm to the competitive markets.¹³ Further, the recovery of stranded costs must be “consistent with the promotion of fully competitive markets.”¹⁴

2. The decision to allow Eversource to recover the under-recovery of costs associated with the provision of default service in stranded costs will cause undue harm to the competitive markets and impact the continued development of such markets.¹⁵ In particular, it will create artificially depressed default service rates. As a result, customers will not receive accurate price signals. Consequently, customers will not be able to accurately evaluate the value of competitive supply offers; thereby inhibiting the continued development and sustainability of the competitive retail electric market in New Hampshire.

3. The NRG Retail Companies are registered competitive electric power suppliers¹⁶ that serve residential, commercial and/or industrial electric customers in New Hampshire. As such, they have a substantial and specific interest in ensuring that the provision of default service

¹¹ RSA 541-A:32,II (emphasis added).

¹² Cf. RSA 374-F:3,V(e) (requiring consideration of harm to competitive markets).

¹³ See *id.*; see also Order No. 24,577 (Jan. 13, 2006), at 12; Order No. 24,511 (Sep. 9, 2005), at 12-13.

¹⁴ RSA 541-A:31,III.

¹⁵ See generally Joint Comments.

¹⁶ REG 2023-089, REG 2023-088, REG 2021-008, REG 2023-090, REG 2024-048.

does not impact their ability to provide value to customers and in the continued development and sustainability of the competitive retail electric market in New Hampshire.

4. The NRG Retail Companies were not aware until June 13 that Eversource would propose a change to the long-standing process for reconciling default service costs.¹⁷ As a consequence, they did not seek to intervene by the May 21 deadline established in the Order of Notice.

5. Moreover, because the Order of Notice specifically indicated that the Commission would be considering whether the Petition was consistent with Order 26-092,¹⁸ the NRG Retail Companies could not reasonably anticipate that the Commission would allow Eversource to defer the \$6.5 million under-recovery for potential recovery from all ratepayers in contravention of the 1996 Electric Utility Restructuring Act (RSA 374:F), the “well-accepted” cost causation principle, and Commission precedent.¹⁹

6. Additionally, even if the NRG Retail Companies had sought to intervene in the two business days before the June 18 hearing, a ruling likely would not have been issued until the hearing. Furthermore, even if intervention had been granted before the hearing, the NRG Retail Companies would not have had sufficient time to conduct discovery or present evidence regarding the Petition. Thus, permitting the NRG Retail Companies to intervene would serve “the interests of justice.”²⁰

7. In addition, because the Order *Nisi* was issued without an opportunity for comment or hearing, even if the NRG Retail Companies had sought to intervene earlier, they

¹⁷ See Petition.

¹⁸ Order of Notice, at 1.

¹⁹ See generally Joint Comments.

²⁰ RSA 541-A:32,II (emphasis added).

would have not had an opportunity for input regarding that order. Moreover, the NRG Retail Companies have unique business and technical expertise as well as operational perspectives that no other party to this proceeding can replicate that can aid the Commission. Thus, permitting the NRG Retail Companies to intervene “would not impair the orderly conduct of the proceedings.”²¹

CONCLUSION

For all the foregoing reasons, the Commission should grant the NRG Retail Companies’ petition to intervene in this proceeding.

Dated: July 29, 2024

Respectfully submitted,
DIRECT ENERGY SERVICES, LLC;
DIRECT ENERGY BUSINESS, LLC
D/B/A NRG BUSINESS; NRG BUSINESS
MARKETING, LLC (F/K/A DIRECT
ENERGY BUSINESS MARKETING,
LLC); RELIANT ENERGY NORTHEAST
LLC D/B/A NRG HOME; XOOM
ENERGY NEW HAMPSHIRE, LLC

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²¹ RSA 541-A:32,II (emphasis added).

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Petition to Intervene has this day been sent via electronic mail or first-class mail to all persons on the service list.



Joey Lee Miranda

Dated: July 29, 2024