

Via Electronic Filing

January 4, 2022

Jeffrey R. Gaudiosi, Esq.
Executive Secretary
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 21-11-01: Annual Report to the Legislature – The State of Electric Competition

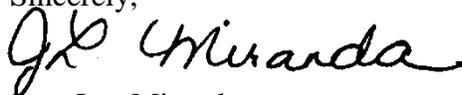
Dear Mr. Gaudiosi:

Attached please find the Retail Energy Supply Association's Motion for Participant Status and Objection to Interrogatory EOE-1 in connection with the above-referenced proceeding.

I certify that a copy of this filing has been sent to all participants of record as reflected on the Public Utilities Regulatory Authority's ("PURA's") service list. In accordance with PURA's instructions, I am filing "only an electronic copy through the PURA Web Filing System."¹

Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Sincerely,



Joey Lee Miranda

Attachments

Copy to: Service List

¹ See Fifth Ruling on Temporarily Suspending Filing Paper Copies (Jun. 19, 2020).

STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

ANNUAL REPORT TO THE : DOCKET NO. 21-11-01
LEGISLATURE – THE STATE OF :
ELECTRIC COMPETITION : JANUARY 4, 2022

**RETAIL ENERGY SUPPLY ASSOCIATION’S
MOTION FOR PARTICIPANT STATUS**

The Retail Energy Supply Association (“RESA”)¹ hereby moves the Public Utilities Regulatory Authority (the “Authority”) for participant status.

BACKGROUND

The Authority opened the instant docket to fulfill its obligations to report to the General Assembly on the state of electric competition pursuant to Connecticut General Statutes sections 16-245x(a) and 16-245y(c).² On November 18, 2021, the Authority issued a Notice of Proceeding, which, among other things, designated The Connecticut Light and Power Company d/b/a Eversource Energy, The United Illuminating Company, the Office of Consumer Counsel, the Office of Education, Outreach, and Enforcement (“EOE”), and the Commissioner of the Department of Energy and Environmental Protection as participants.³

The Notice of Proceeding also requested that other persons seeking participant status file a motion pursuant to Connecticut General Statutes section 16-19pp to seek such status by December 2, 2021.⁴ Five days after that deadline, on December 7, 2021, EOE issued

¹ The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

² Request to Establish a New Docket on PURA’s Own Motion (Nov. 3, 2021).

³ Notice of Proceeding (Nov. 18, 2021) (“Notice of Proceeding”), at 2.

⁴ *See id.*

Interrogatory EOE-1 to all licensed electric suppliers.⁵ Interrogatory EOE-1 requested that each supplier, using the monthly compliance data provided in Docket No. 06-10-22, provide the zip codes and the number of customers served within each zip code associated with each residential rate that it charged from January 1, 2021 through November 30, 2021.⁶

On that same day, on its own initiative, the Authority designated various electric suppliers as participants.⁷ RESA now hereby moves for participant status.

MOTION

Connecticut General Statutes section 16-245x(a) requires that the Authority monitor the state of competition, as it exists and as it is likely to evolve, and the average total rates of each customer class and to report its findings annually to the General Assembly's Energy and Technology Committee.⁸ The Authority is also required to report the number of applicants for supplier licensure during the preceding twelve months, the number of applicants licensed by the Authority, and the average period of time taken to process a license application.⁹

RESA is a non-profit organization and trade association that represents the interests of its members in regulatory proceedings in the Mid-Atlantic, Great Lakes, New York and New England regions. RESA members are active participants in the retail competitive markets for electricity, including the Connecticut retail electric market. Several RESA member companies are licensed by the Authority to serve customers in Connecticut and are presently providing electricity service to Connecticut customers. Thus, RESA and its members have a substantial and

⁵ See Interrogatory EOE-1 (Dec. 7, 2021) ("Interrogatory EOE-1"). Responses to Interrogatory EOE-1 are due on January 14, 2022.

⁶ See Interrogatory EOE-1.

⁷ See Authority Service List, [http://www.dpuc.state.ct.us/dpucServList.nsf/\\$FormWebServiceList?OpenForm&Count=1000&RestrictToCategory=21-11-01](http://www.dpuc.state.ct.us/dpucServList.nsf/$FormWebServiceList?OpenForm&Count=1000&RestrictToCategory=21-11-01) (last visited Dec. 21, 2021).

⁸ Conn. Gen. Stat. § 16-245x(a).

⁹ See Conn. Gen. Stat. § 16-245y(c).

specific interest in ensuring the proper scope of this proceeding and that the information reported to the General Assembly accurately reflects the state of retail electric competition in Connecticut.

Additionally, the Authority should grant RESA participant status because some of its members were issued Interrogatory EOE-1. These RESA member companies are directly affected by Interrogatory EOE-1 because they are required to respond to it. Thus, RESA members will be substantially and specifically affected by the instant docket. Moreover, RESA's broad experience with competitive retail electricity markets, not only in Connecticut, but also in New England and other regions, will offer a perspective that will furnish assistance to the Authority in this proceeding.¹⁰

Further, good cause exists to grant RESA participant status at this time. RESA did not file a request for participant status by the deadline set in the Notice of Proceeding because, for the last twenty (20) years, the information used to prepare the annual legislative report has been based on information provided by the electric distribution companies or available to the Authority through other proceedings.¹¹ However, the scope of the instant proceeding changed significantly when EOE issued Interrogatory EOE-1. Until that point, RESA and its members, had no notice that information would be sought in this proceeding from individual electric suppliers, including RESA members. Indeed, neither RESA nor its members had any reason to

¹⁰ Cf. Conn. Agencies Regs. § 16-1-135(b) ("Except as provided under section 16-19pp of the Connecticut General Statutes, the Authority shall determine the nature and extent of a participant's participation in the uncontested proceeding, taking into account whether such participation will furnish assistance to the Authority in resolving the issues of the uncontested proceeding.").

¹¹ See, e.g., Docket No. 01-01-05, *DPUC Monitoring the State of Competition in the Electric Industry*, Decision (Dec. 17, 2003); Docket No. 01-01-05, *DPUC Monitoring the State of Competition in the Electric Industry*, Decision (Dec. 18, 2002); Docket No. 01-01-05, *DPUC Monitoring the State of Competition in the Electric Industry*, Decision (Dec. 19 2001). At the time of the decisions, the Authority was known as the Department of Public Utilities ("DPUC").

think that information would be sought from electric suppliers in this proceeding as they had not even been designated as participants.¹² Thus, the Authority should grant RESA participant status.

RESA has not yet determined the full extent of its participation in this docket and reserves the right to participate fully in this proceeding, including through motion practice, participation in any technical meetings or hearings convened by the Authority, submission of written comments, briefs and/or written exceptions, and participation in oral argument.

Correspondence and other communication in regard to this matter should be served upon the following:

Joey Lee Miranda, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
(860) 275-8200 (office)
(860) 275-8299 (fax)
jmiranda@rc.com (e-mail)

Brian E. Calabrese, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
(860) 275-8200 (office)
(860) 275-8299 (fax)
bc calabrese@rc.com (e-mail)

CONCLUSION

For all the foregoing reasons, the Authority should grant RESA participant status.

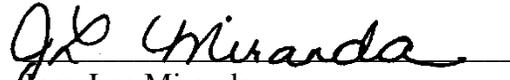
Respectfully submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION


Joey Lee Miranda
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
Phone: (860) 275-8200
Fax: (860) 275-8299
E-mail: jmiranda@rc.com

¹² See Notice of Proceeding, at 2 (designating specific entities, not including suppliers, as participants).

CERTIFICATION

I certify that a copy of the foregoing was sent to all participants of record on this 4th day of January 2022.


Joey Lee Miranda