

STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION

Docket No. DE 13-021

ELECTRIC RENEWABLE PORTFOLIO STANDARD

RSA 362-F:4, VI Adjustment to Class III Renewable Portfolio Requirements

Petition to Intervene on Behalf of Retail Energy Supply Association

The Retail Energy Supply Association (“RESA”)¹ respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for leave to intervene as a full party in the above-captioned proceeding under Rule Puc 203.17 and RSA 541-A:32. In support of this petition, RESA states as follows:

1. Citing its authority to adjust Class III renewable portfolio requirements under RSA 362-F:4, VI and the unprecedented levels of alternative compliance payments made during calendar year 2011, the Commission issued an Order of Notice on January 18, 2013 opening a docket for the purpose of gathering data on reasonably expected potential annual output of available Class III eligible resources and data on demand from similar programs in other states.

2. In that Order of Notice the Commission set a prehearing conference for February 14, 2013 and established a deadline of February 11, 2013 for the submission of petitions to intervene.

¹RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; GDF SUEZ Energy Resources NA, Inc.; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; NextEra Energy Services; Noble Americas Energy Solutions LLC; NRG, Inc.; PPL EnergyPlus, LLC; Stream Energy; TransCanada Power Marketing Ltd. and TriEagle Energy, L.P. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

3. 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 New Hampshire retail electric market. Several RESA member companies are licensed by the Commission to serve residential, commercial and industrial customers in New Hampshire and are presently providing electricity service to customers in the State; RESA members are thus providers of electricity subject to the RPS requirements. RSA 362-F:3. As such, RESA and its members have a substantial and specific interest in ensuring that any changes to Class III renewable portfolio requirements are reasonable and appropriate. RESA also has knowledge and experience that is likely to be of value to the Commission in this proceeding.

4. Pursuant to RSA 541-A:32, Admin. Rule 203.17, and precedent established by the Commission, it must grant a petition to intervene if: (a) the petition is submitted in writing at least three days before the hearing; (b) the petition describes how the petitioner is substantially and specifically affected by the proceeding; and (c) the intervention would be in the interests of justice and would not impair the orderly conduct of the proceeding. The Commission also has the discretion to grant a petition to intervene "at any time, upon determining that such intervention would be in the interests of justice and would impair the orderly conduct of the proceedings." RSA 541-A:32, II.

5. As competitive retail suppliers in New Hampshire that meet the definition of "provider of electricity" under RSA 362-F:2, XIV, RESA's members are and would be directly impacted by adjustments to the Class III minimum requirements under RSA 362-

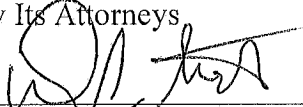
F:4, VI. Thus the rights, duties, privileges or substantial interests of RESA's members, as competitive suppliers of electricity subject to the RPS law in New Hampshire, may be affected by this proceeding given the scope of the issues identified in the Order of Notice. RESA believes it must intervene in this proceeding to protect these rights. Granting this petition for intervention would be in the interest of justice.

6. RESA's intervention will not impair the orderly conduct of this proceeding and in fact will help to conserve resources by avoiding the need for individual RESA member companies to participate in order to protect their own interests.

WHEREFORE, RESA respectfully requests that the Commission grant it full intervenor status in the proceeding or grant such other relief as the Commission deems just and equitable.

Respectfully submitted,

Retail Energy Supply Association
By Its Attorneys



Douglas L. Patch
Orr & Reno, P.A.
One Eagle Square
Concord, N.H. 03302-3550
(603) 223-9161
dpatch@orr-reno.com

Dated: February 11, 2013

Certificate of Service

I hereby certify that a copy of the foregoing Petition has on this 11th day of February, 2013 been sent by email to the service list in DE 13-021.

By:



Douglas L. Patch