

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF PUBLIC UTILITIES

REQUEST OF FITCHBURG GAS AND
ELECTRIC LIGHT COMPANY d/b/a UNITIL
FOR APPROVAL OF MODIFICATION OF ITS
LARGE CUSTOMER BASIC SERVICE
PROCUREMENT PILOT PROGRAM

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: D.P.U. 11-16
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**RETAIL ENERGY SUPPLY ASSOCIATION
PETITION FOR PARTY STATUS**

Pursuant to 220 C.M.R. § 1.03 and the Department of Public Utilities’
 (“Department”) Notice of Filing and Public Hearing, dated February 23, 2011 (“Notice”),
 the Retail Energy Supply Association (“RESA”)¹ hereby submits its petition to intervene
 as a party in the above-captioned proceeding. In support of the petition, RESA states as
 follows:

INTRODUCTION

1. On January 6, 2011, Fitchburg Gas and Electric Light Company d/b/a
 Unitil (“Unitil”) filed a request with the Department seeking approval to modify its
 previously approved, pilot program for the procurement of basic service power supply for
 its large commercial and industrial customers (“Pilot”). See D.P.U. 11-BSF-A1, Request

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison Solutions;
 Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC;
 Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy
 Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power;
 MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus;
 Reliant Energy Northeast LLC 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.

of Fitchburg Gas and Electric Light Company for Approval of a Modification of its Large Customer Default Service Procurement Pilot Program (“Request”).

2. Pursuant to the Pilot, Unitil currently solicits basic service power supply for these customers (rate class GD-3) through a request for proposal (“RFP”) process seeking fixed monthly prices and variable monthly prices for a three-month period. Notice at 1. Unitil now proposes to discontinue the RFP process, to assign the load to its ISO New England settlement account and to become the load serving entity for these customers. *Id.*

3. In response to the Request, the Department opened this proceeding, issued the Notice and indicated that any person interested in participating in the evidentiary phase of the proceeding must submit a petition for participation by March 15, 2011. Notice at 2. RESA hereby submits this petition in response to the Notice.

4. RESA is a non-profit organization and trade association with an address at P. O. Box 6089, Harrisburg PA 17112. RESA represents the interests of its members in regulatory proceedings in the New England region. RESA’s members include providers of competitive electric supply products to customers in the five New England States with restructured electric markets, including Massachusetts.

STANDARD OF REVIEW

5. The Department’s regulations require that a petition to intervene describe how the petitioner is substantially and specifically affected by a proceeding. 220 C.M.R. §1.03(1)(b); *see also* G.L. c. 30A, § 10.

6. The Department has broad discretion in determining whether to allow participation in Department proceedings. *Attorney General v. Department of Public*

Utilities, 390 Mass. 208, 216-17 (1983); *Boston Edison Company v. Department of Public Utilities*, 375 Mass. 1, 45-46, *cert. denied*, 439 U.S. 921 (1978).

INTERVENTION REQUEST

7. The Department has long recognized that the procurement and pricing of default service impacts the competitive electric market and, based on this recognition, has modified the manner in which default service is procured and priced over time to respond to changes in the competitive market. *See, generally*, D.T.E. 99-60, *Investigation by the Department of Telecommunications and Energy on its own Motion into the Pricing and Procurement of Default Service Pursuant to G.L. c. 164, § 1B(d)*; D.T.E. 01-54, *Investigation by the Department of Telecommunications and Energy on its own Motion into Competitive Market Initiatives*; D.T.E. 02-40, *Investigation by the Department of Telecommunications and Energy on its own Motion into the Provision of Default Service*; D.T.E. 04-115, *Request for Comments on the Procurement of Default Service Power Supply for Residential and Small Commercial and Industrial Customers*.

8. Unitil now seeks to modify the manner in which it procures default service for its largest customers. As discussed more fully in RESA's comments filed simultaneously with this petition, Unitil's Request has the potential to have a substantial and long lasting negative effect on the state of retail competition in Massachusetts.

9. RESA members are active participants in the retail competitive markets for electricity, including the Massachusetts retail electric market. Several RESA member companies are licensed by the Department to serve residential, commercial and industrial customers in Massachusetts and are presently providing electricity service to customers in the State, including customers in the Unitil service territory. As such, RESA and its

members have a substantial and specific interest in ensuring that the proposed modifications to the Pilot do not have an adverse effect on RESA members, their customers or the continued success of retail electric competition in Massachusetts.

10. In addition, RESA's participation as a party in this docket conserves resources for the Department and other participants that might otherwise have to respond to participation by multiple individual RESA member companies seeking to protect their own interests. It will also protect in an efficient manner the interests of RESA's members that do not otherwise seek party or limited participant status. To the extent that RESA members participate individually in this docket, RESA will seek to coordinate its presentations with its members so as to avoid unnecessary duplication.

11. Although RESA has also submitted comments simultaneously herewith, RESA has not yet determined the full extent of its participation in this docket and reserves the right to fully participate in this docket, including through motion practice, discovery, pre-filed and live testimony, direct and cross-examination and briefs.

CONCLUSION

For all the foregoing reasons, the Department should grant RESA's petition to intervene as a party in this proceeding.

Respectfully submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION

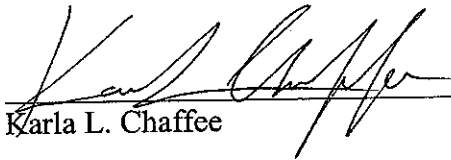
By 

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Dated: March 15, 2011

Certificate of Service

I certify that I have this day served the foregoing document in the above-captioned proceeding in accordance with the requirements of 220 C.M.R. § 1.05.


Karla L. Chaffee

Dated: March 15, 2011