

**STATE OF NEW HAMPSHIRE**  
**BEFORE THE**  
**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**Docket No. DE 15-464**

**Petition for Approval of Lease Agreement between PSNH d/b/a Eversource  
Energy and Northern Pass Transmission LLC**

**Petition to Intervene on Behalf of New England Power Generators  
Association, Inc.**

NOW COMES the New England Power Generators Association, Inc. (“NEPGA”) and, pursuant to RSA 541-A:32 and N.H. Admin. Rule Puc 203.17, respectfully petitions the New Hampshire Public Utilities Commission (“Commission”) for intervention as a full party in the above-captioned proceeding.

In support of this petition, NEPGA<sup>1</sup> states as follows:

1. On January 29, 2016, the Commission issued an Order of Notice (“Notice”) noting that Eversource had “filed a petition for the approval of a lease agreement (Lease) between Eversource and Northern Pass Transmission LLC (NPT) pertaining to certain real estate interests of Eversource.” See Notice at 1. As the Commission noted:

the filing raises, *inter alia*, issues related to whether Eversource’s [sic] has the legal right to lease or sublease to NPT the various easements that it obtained from private property owners... whether the Lease serves the public good...whether the valuation of the interests represented in the Lease is market-based and reasonable....whether the affiliate transaction between Eversource and NPT is consistent with

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<sup>1</sup> The views set forth in this Petition reflect those of NEPGA and not necessarily those of its individual members.

RSA 366 and New Hampshire Code Admin. Rules Puc 2100; and whether the arrangement proposed by the Lease adequately considers future need [sic] for distribution or transmission infrastructure.  
Notice at 2-3.

2. The Notice established a deadline of February 17, 2016 for the submission of petitions to intervene and scheduled a Prehearing Conference and Technical Session for February 19, 2016. Accordingly, this Petition is timely filed.
3. The statutory standards for intervention are set forth in RSA 541-A:32, I and II. First a petition for intervention *must* be granted if the petitioner states facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding (or the petition qualifies under any provision of law) and the interests of justice and orderly and prompt conduct of the proceedings would not be impaired by allowing intervention. RSA 541-A:32, I, (b) and (c). Second, the Commission *may* grant a petition to intervene “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.” RSA 541-A:32, II; *see also* N.H. Admin. Rule Puc 203.17 (requiring Commission to grant one or more petitions to intervene consistent with statutory standards).
4. For the reasons presented below, NEPGA meets the foregoing mandatory and discretionary standards for intervention.

5. NEPGA is the trade association representing competitive electric generation companies in New England. NEPGA's members collectively generate approximately 25,000 megawatts (MW) of generating capacity in the region, with more than 2,600 MW generated by New Hampshire companies. Its mission is to promote sound energy policies to further economic development, jobs and a balanced environmental policy. NEPGA believes that sustainable competitive markets are the best means to provide long-term reliable and affordable supplies of electricity for consumers. NEPGA's member companies have been involved with the design and development of competitive wholesale electricity markets and sell their energy and capacity into the New England wholesale power markets administered by ISO-New England.
6. As participants in the region's wholesale power markets, NEPGA's members have a substantial and specific interest in a fully competitive generation market and maintaining a level playing field within that market. NEPGA has a direct and substantial interest in ensuring that Eversource's competitive electric affiliate, Northern Pass Transmission LLC, is not unfairly advantaged to the detriment of other non-affiliated companies operating in the region. Specifically, NEPGA has a direct and substantial interest in ensuring that the Commission's newly

adopted affiliate rules are complied with, that the valuation of the Lease between Eversource and NPT is based on fair market value in accordance with the valuation methods established in the Commission's affiliate rules, and the effect of these and related issues on the competitive wholesale electricity market.

7. NEPGA has been granted intervention in other Commission proceedings, including: DE 14-238 (Determination Regarding PSNH's Generation Assets); DE 10-160 (PSNH customer migration docket; DE 10-261 (PSNH Least Cost Integrated Resource Plan); and DE 10-195 (PSNH Petition for Approval of Power Purchase Agreement), and DRM 14-234 (rulemaking on Chapter 2100 affiliate rules) as well as others.
8. As the foregoing information demonstrates, NEPGA has knowledge and experience that are likely to be of value to the Commission and other parties to the proceedings. Thus, granting this petition for intervention would be in the interests of justice.
9. NEPGA's intervention will not impair the orderly conduct of this proceeding, and in fact, will help conserve resources by avoiding the need for individual NEPGA member companies to participate individually to protect their own interests.

WHEREFORE, for the reasons set forth above, NEPGA respectfully requests that the Commission grant it full intervenor status in the proceeding and grant such other and further relief as the Commission deems just and reasonable.

Dated: February 17, 2016

Respectfully submitted,

**New England Power  
Generators Association, Inc.**

By its Attorney,



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Carol J. Holahan  
NH Bar No. 6584  
141 Tremont Street  
(617) 902-2354  
[cholahan@nepga.org](mailto:cholahan@nepga.org)

**Certificate of Service**

I hereby certify that a copy of NEPGA's Petition to Intervene has on this 17th day of February 2016 been hand-delivered to the Commission and sent by email to the service list in DE 15-464.

By:   
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Carol J. Holahan