



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MARTHA COAKLEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

September 10, 2012

SENT VIA ELECTRONIC FILING
Hon. Bobbie J. McCartney
Deputy Chief Administrative Law Judge
Federal Energy Regulatory Commission
888 First Street, N.E.
Room 11F-21
Washington, D.C. 20426

Re: Docket No. IN12-7-000
Constellation Energy Commodities Group, Inc.

Dear Deputy Chief Judge McCartney:

Enclosed please find the New England State Parties' Joint Stipulation Agreement Regarding Allocation and Distribution of the \$20 million Portion of the ISO-New England Disgorgement Fund (the "Joint Stipulation"). The eligible parties in the six New England States in the ISO-New England footprint are pleased to inform you that the eligible parties have agreed to an allocation methodology among the New England states for the Commission's consideration. The terms of that agreement are contained in the Joint Stipulation. The manner in which the funds will be distributed within each state was also agreed upon by all relevant eligible parties in each state. The terms of the distribution within each state are contained in the appendices attached to the Joint Stipulation. We hope you will favorably consider our proposal for allocation by and among the states and for distribution within each state.

On behalf of the New England State Parties, thank you for your thoughtful review of our proposal, and we remain available to respond to any questions or concerns presented by you, FERC staff or any of the parties to this proceeding.

Very Truly Yours,

Martha Coakley, Attorney General
of the Commonwealth of
Massachusetts, by,

/s/ Patrick J. Tarmey

Patrick J. Tarmey
Assistant Attorney General

Cc: Service list

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

<i>Constellation Energy Commodities</i>)	
<i>Group, Inc.</i>)	Docket No. IN12-7-000
)	
)	

NEW ENGLAND PARTIES' JOINT STIPULATION
AGREEMENT REGARDING ALLOCATION
AND DISTRIBUTION OF THE \$20 MILLION
PORTION OF THE ISO-NEW ENGLAND DISGORGEMENT FUND

The parties to this Stipulation, the Connecticut Public Utilities Regulatory Authority, the Connecticut Office of Consumer Counsel, George Jepsen, Attorney General for the State of Connecticut, the State of Maine Public Utilities Commission, the Massachusetts Department of Public Utilities, Martha Coakley, Attorney General of the Commonwealth of Massachusetts, the New Hampshire Public Utilities Commission, Peter F. Kilmartin, Attorney General of the State of Rhode Island, the Rhode Island Division of Public Utilities and Carriers, the Vermont Department of Public Service, the Massachusetts Municipal Wholesale Electric Company, the Eastern Massachusetts Consumer-Owned Systems, Groveland Municipal Light Department and Merrimac Municipal Light Department (collectively hereinafter “Eligible New England Parties” or “Settling Parties”) hereby stipulate and agree as follows:

I. Factual Basis Underlying Stipulation

A. On March 9, 2012, the Federal Energy Regulatory Commission (“Commission”) issued an order approving a Stipulation and Consent Agreement in the above-captioned docket. *Constellation Energy Commodities Group, Inc.*, 138 FERC

¶61,168 (2012). Paragraph 37.b. of the approved agreement creates a “fund for the benefit of the electric energy consumers in the affected States within the . . . ISO-NE . . . (the Fund).” The Fund is to be apportioned by a Commission Administrative Law Judge upon the request of state agencies, including state consumer advocate offices, in those regions. Pursuant to the order, \$20,000,000 of the Fund was allocated to those states within the ISO-NE geographic footprint.

B. At a March 29, 2012, Prehearing Conference held in the above-captioned matter at the Commission, Deputy Chief Administrative Law Judge Bobbie J. McCartney requested interested parties to file, by April 30, 2012, Motions for Determination of Eligibility to apportion monies collected in the Fund for the benefit of electric energy consumers in their respective states.

C. On April 30, 2012, the New England State Agencies¹ submitted a Joint Stipulation Agreement and Motion for a Determination of Eligibility which was unopposed. Also on April 30, 2012, the Massachusetts Municipal Wholesale Electric Company (MMWEC),² the Eastern Massachusetts Consumer-Owned Systems

¹ The New England State Agencies consist of: the Connecticut Public Utilities Regulatory Authority (“CTPURA”); the Connecticut Office of Consumer Counsel (“CT OCC”); the Attorney General for the State of Connecticut (“CTAG”); the Maine Public Utilities Commission (“MPUC”); the Massachusetts Department of Public Utilities (“Mass DPU”); the Massachusetts Attorney General; the New Hampshire Public Utilities Commission (“NHPUC”); the Rhode Island Division of Public Utilities and Carriers (“RIDPUC”) and the Attorney General of the State of Rhode Island (“RI Attorney General”); and the Vermont Department of Public Service (“VDPS”).

² As explained in its April 30, 2012, motion in this proceeding, MMWEC is a joint action agency in which membership is open to any city or town in the Commonwealth that has a municipal electric department. MMWEC’s members are the Ashburnham Municipal Light Department, Boylston Municipal Light Department, Chicopee Electric Light Department, Groton Electric Light Department, Holden Municipal Light Department, Holyoke Gas & Electric Department, Hull Municipal Lighting Plant, Ipswich Municipal Light Department, Mansfield Municipal Electric Department, Marblehead Municipal Light Department, Paxton Municipal Light Department, Peabody Municipal Light Plant, Princeton Municipal Light Department, Russell

(EMCOS)³, Groveland Municipal Light Department (Groveland) and Merrimac Municipal Light Department (Merrimac) filed Motions for Determination of Eligibility to which no party objected.

D. On June 7, 2012, the ALJ granted all of the above-referenced unopposed Motions for Determination of Eligibility as to the portion of the fund allocated to the ISO-NE market. Accordingly, the New England State Agencies, MMWEC, EMCOS, Groveland, and Merrimac (collectively, the “Eligible New England Parties”) are eligible to apportion such monies in the Energy Consumers Fund for the benefit of electric energy consumers in their respective states.

E. On July 11, 2012, the ALJ issued an Order Denying Opposed Motions for Eligibility Determination and Directing Parties to File Joint Stipulations. The July 11, 2012 Order provided, *inter alia*,

The eligible state agency parties in the ISO-NE footprint are directed to file a joint stipulation within sixty (60) days of this order regarding a proposed allocation and distribution method of the \$20 million portion of the ISO-NE disgorgement fund. The eligible state agency parties are to inform the undersigned if a joint stipulation cannot be reached, and oral argument will be held.

NOW THEREFORE, consistent with the July 11, 2012 Order, the Eligible New England Parties stipulate and agree as follows:

Municipal Light Department, Shrewsbury Electric & Cable Operations, South Hadley Electric Light Department, Sterling Municipal Light Department, Templeton Municipal Light & Water Plant, Wakefield Municipal Gas & Light Department, West Boylston Municipal Light Plant, Westfield Gas & Electric Department.

³ The Eastern Massachusetts Consumer-Owned Systems are: Braintree Electric Light Department, Concord Municipal Light Plant, Hingham Municipal Lighting Plant, Middleton Electric Light Department, Reading Municipal Light Department, Wellesley Municipal Light Plant, and Taunton Municipal Lighting Plant.

II. Allocation Among the New England States

A. The New England State Agencies have stipulated, in their April 30, 2012 Joint Stipulation Agreement referenced in Recital 3 above, to a methodology that allocates funds among the New England States based upon each state's proportion of monthly energy⁴ use within the ISO-NE Control Area, in kilowatt hours, over the period beginning September 1, 2007 and ending December 31, 2008. Under this methodology, within each load zone of ISO-NE energy is attributed to a state and all kilowatt hours of energy consumption over the relevant time period are totaled. The proposed allocation is based upon each state's proportion of that total, and is set forth below (shown in gigawatt-hours) for convenient reference.

Year	Mon	Tot	ME	NH	VT	CT	RI	MA
2007	9	10621	934	938	474	2686	696	4893
2007	10	10448	971	927	484	2641	672	4753
2007	11	10384	957	943	504	2600	657	4723
2007	12	11650	1047	1073	560	2909	735	5326
2008	1	11578	1028	1062	561	2910	727	5290
2008	2	10709	947	965	508	2704	675	4910
2008	3	10844	984	979	517	2702	683	4979
2008	4	9675	881	883	462	2375	614	4460
2008	5	9767	887	886	459	2414	625	4496
2008	6	11167	941	980	487	2850	746	5163
2008	7	12835	1059	1115	530	3290	878	5963
2008	8	11407	1010	1013	510	2859	759	5256
2008	9	10472	973	920	475	2615	681	4808

⁴ The energy values used for allocation are those by ISO NE in its monthly settlement process.

2008	10	10058	964	903	479	2471	641	4600
2008	11	10158	926	917	495	2531	644	4645
2008	12	11234	1004	996	550	2831	712	5141
Total		173007	15513	15500	8055	43388	11145	79406
Percent Allocation			0.0897	0.0896	0.0466	0.2508	0.0644	0.4590
Dollars (thousands)			\$1,793	\$1,792	\$931	\$5,016	\$1,288	\$9,180

B. This methodology meets the criteria expressed by Deputy Chief Judge McCartney at the Prehearing Conference. The methodology is transparent because the data utilized is from reports posted by ISO-NE at its website:

http://www.iso-ne.com/markets/hstdata/znl_info/monthly/index.html).⁵

3. The proposed allocation methodology is fair and reasonable because: 1) CCG’s violations affected electric energy consumers through energy markets, and 2) the proposed time period matches that described in ¶ 6 of the Order.

4. ISO-NE will calculate the final interstate allocation using the methodology agreed upon by the New England State Agencies in their April 30, 2012 Joint Stipulation, and agreed to herein by Settling Parties, but will utilize more refined energy consumption data from its billing system.

III. Intrastate Allocation

Each New England State has set forth in the attached appendices a statement or stipulation of that state's proposed intrastate allocation and process for distribution in the attached appendices. These appendices are provided for informational purposes, and no state party shall be bound by the intrastate allocation of another state party.

- A. As to Connecticut, the CT Parties (CTPURA, CTOCC and CTAG) have stipulated and agreed that Connecticut's allocation of the Fund should be further allocated within Connecticut such that 75.10% is refunded to customers of The Connecticut Light and Power Company, 18.36% is refunded to customers of The United Illuminating Company, and 6.54% is refunded to customers of the Connecticut Municipal Electric Energy Cooperative. As described more fully in the appended intrastate agreement, the intrastate allocation methodology mirrors that used for interstate allocation. Specifically, like the interstate allocation, it is based on energy consumption over the time period described in ¶ 6 of the Order. Also described more fully in the agreement are the mechanics by which the refund would be accomplished, which would ensure a timely return of funds to ratepayers at the earliest opportunity. A copy of the CT Parties' Stipulation is attached as Appendix A.
- B. As to Maine, the funds will be allocated as set out in Appendix B.
- C. As to Massachusetts, the Massachusetts Parties (Mass DPU, Mass AG, MMWEC, EMCOS, Groveland, and Merrimac) have agreed to disburse the funds within Massachusetts for the benefit of all electric customers as set out in Appendix C.
- D. As to New Hampshire, the NH Parties (NH PUC and NH OCA) have stipulated and agreed that New Hampshire's allocation of the Fund should be further

allocated within New Hampshire such that 72.1606% is refunded to customers of Public Service of New Hampshire, 11.0399% is refunded to customers of Unitil Energy Systems, 8.0673% is refunded to customers of Granite State Electric, 6.9996% is refunded to customers of New Hampshire Electric Cooperative, 0.1685% is refunded to customers of the Ashland Electric Department, 0.7149% is refunded to customers of the Littleton Water & Light Department, 0.0274% is refunded to customers of New Hampton Village Precinct, 0.6293% is refunded to customers of the Town of Wolfeboro Electric Department, 0.1925% is refunded to customers of the Woodsville Water & Light Department. As described more fully in the appended intrastate agreement, the intrastate allocation methodology generally mirrors that used for interstate allocation. Specifically, like the interstate allocation, it is based on energy consumption over the time period described in ¶ 6 of the Order. Also described more fully in the agreement are the mechanics by which the refund would be accomplished, which would ensure a timely return of funds to ratepayers at the earliest opportunity. A copy of the NH Parties' Stipulation is attached as Appendix D.

E. As to Rhode Island, the RI parties (the Division of Public Utilities and Carriers ("RIDPUC") and Peter F. Kilmartin, Attorney General for the State of Rhode Island ("RIAG")), have agreed to disburse within the State of Rhode Island according to Appendix E.

F. As to Vermont, the funds will be allocated as set out in Appendix F.

STIPULATED this 10th day of September, 2012.

/s/ Seth A. Hollander

Seth A. Hollander
Assistant Attorney General
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051
Tel: 860-827-2681
Fax: 860-827-2893
seth.hollander@ct.gov For PUBLIC
UTILITIES
REGULATORY AUTHORITY

/s/ Elin Swanson Katz

Elin Swanson Katz, Esq., Consumer
Counsel
Joseph A. Rosenthal, Esq.
Connecticut Office of Consumer Counsel
Ten Franklin Square
New Britain Connecticut 06051-2644
Phone: (860) 827-2900
Fax: (860) 827-2929
Elin.Katz@ct.gov
Joseph.Rosenthal@ct.gov
For CONNECTICUT OFFICE OF
CONSUMER COUNSEL

/s/ John S. Wright

John S. Wright
Michael C. Wertheimer
Assistant Attorneys General,
Attorney General's Office
10 Franklin Square
New Britain, CT 06051
Phone: 860-827-2620
Fax: 860-827-2893
For GEORGE JEPSEN
ATTORNEY GENERAL FOR THE
STATE OF CONNECTICUT,

/s/ Lisa Fink

Lisa Fink
Benjamin J. Smith
State of Maine Public Utilities Commission
101 Second Street
Hallowell, ME 04347
Mailing Address: 18 State House Station
Augusta, ME 04333-0018
(207) 287-1389 (telephone)
(207) 287-6343 (telephone)
lisa.fink@maine.gov
benjamin.j.smith@maine.gov
For MAINE PUBLIC UTILITIES
COMMISSION

/s/Thomas E. Bessette

Thomas E. Bessette
Massachusetts Department
of Public Utilities
Division of Regional and Federal Affairs
One South Station, Second Floor
Boston, MA 02110
Phone: 617-305-3629
Fax: 617-345-9103
E-mail: Thomas.Bessette@state.ma.us
For MASSACHUSETTS DEPARTMENT
OF PUBLIC UTILITIES

/s/ Patrick J. Tarmey

Patrick J. Tarmey
Assistant Attorney General
Massachusetts Attorney General
Office of Ratepayer Advocacy
One Ashburton Place
Boston, MA 02108-1598
Phone: 617.963.2577
Fax: 617.963.2998
For MARTHA COAKLEY
ATTORNEY GENERAL OF THE
COMMONWEALTH OF
MASSACHUSETTS

/s/ Lynn Fabrizio

Lynn Fabrizio
Staff Attorney
New Hampshire Public Utilities
Commission
21 South Fruit Street, Suite 10
Concord, NH 03301
lynn.fabrizio@puc.nh.gov
Tel: 603.271.6030
For NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

/s/ Leo J. Wold

Leo J. Wold
Assistant Attorney General
Rhode Island Department of Attorney
General
150 South Main Street
Providence, RI 02903
Tel: 401-274-4400, ext. 2218
Fax: 401-222-3016
lwold@riag.ri.gov
For PETER F. KILMARTIN
ATTORNEY GENERAL OF THE
STATE OF RHODE ISLAND
and RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS

/s/ Sheila Grace

Sheila Grace
Special Counsel, Public Advocacy Division
Vermont Department of Public Service
112 State Street
Montpelier, Vermont 05620-2601
(802) 828-3762
sheila.grace@state.vt.us
For VERMONT DEPARTMENT
OF PUBLIC SERVICE

/s/Scott H. Strauss

Scott H. Strauss
Jeffrey A. Schwarz
Spiegel & McDiarmid LLP
1333 New Hampshire Ave. NW
Washington, D.C. 20036
Tel: (202)879-4000
Fax: (202) 393-2866
scott.strauss@spiegelmed.com
jeffrey.schwarz@spiegelmed.com
Counsel for Massachusetts Municipal
Wholesale Electric Company

/s/ John P. Coyle

John P. Coyle
Duncan & Allen
Suite 300
1575 Eye Street, N.W.
Washington, D.C. 20005-1175
Telephone: (202) 289-8400
Facsimile: (202) 289-8450
e-mail: jpc@duncanallen.com
Counsel for the Eastern Massachusetts
Consumer-Owned Systems (Braintree
Electric Light Department, Concord
Municipal Light Plant, Hingham Municipal
Lighting Plant, Middleton Electric Light
Department, Reading Municipal Light
Department, Wellesley Municipal Light
Plant, and Taunton Municipal Lighting
Plant), Groveland Municipal Light
Department and Merrimac Municipal Light
Department

CERTIFICATE OF SERVICE

I, Patrick J. Tarmey, hereby certify that on this day I caused the foregoing to be served via electronic mail or first class mail upon all parties identified on this agency's service list for this proceeding in accordance with 18 C.F.R. § 385.2010 (2012).

/s/ Patrick J. Tarmey
Patrick J. Tarmey

Dated: September 10, 2012

APPENDIX A

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Constellation Energy Commodities Group, Inc.

Docket No. IN12-7-000

**To: Hon. Bobbie J. McCartney, Deputy Chief Administrative Law Judge
Presiding Judge**

STIPULATION
(September 5, 2012)

IT IS HEREBY STIPULATED AND AGREED, by and among the Connecticut Public Utilities Regulatory Authority (“CTPURA”), the Connecticut Office of Consumer Counsel (“CTOCC”), and George Jepsen, Attorney General for the State of Connecticut (“CTAG”) (collectively, “the CT Parties”), as follows:

A. Background

1. On March 9, 2012, the Federal Energy Regulatory Commission (“FERC”) approved an “Order Approving Stipulation and Consent Agreement”¹ (“Order”) in Docket No. IN12-7-000 which, *inter alia*, allocated \$20 million of disgorged funds to electric energy consumers within the geographic footprint of the bulk power system control area operated by ISO New England Inc. (the “ISO-NE Control Area”). On April 30, 2012, the New England State Agencies² submitted a “Joint Stipulation Agreement and Motion for a Determination of Eligibility” in which the signatories (1) stipulated as to their eligibility to participate in the

¹ “Order Approving Stipulation and Consent Agreement,” *Constellation Energy Commodities Group*, 138 FERC ¶ 61,168 (2012).

² The New England State Agencies consist of: the Connecticut Public Utilities Regulatory Authority; the Connecticut Office of Consumer Counsel; the Attorney General for the State of Connecticut; the Maine Public Utilities Commission; the Massachusetts Department of Public Utilities; the Massachusetts Attorney General; the New Hampshire Public Utilities Commission; the Rhode Island Division of Public Utilities and Carriers and the Attorney General of the State of Rhode Island; and the Vermont Department of Public Service.

allocation and distribution of the \$20 million Energy Consumers Fund within the ISO-NE Control Area; and (2) agreed upon the basis to allocate the Energy Consumers Fund between the New England States.

2. The New England State Agencies agreed upon a methodology that allocates funds between the New England States based upon each state's proportion of monthly energy³ use within the ISO-NE Control Area, in kilowatt hours, over the period beginning September 1, 2007 and ending December 31, 2008. Under this methodology, energy within each load zone of the ISO-NE Control Area is attributed to a state and all kilowatt hours of energy consumption over the relevant time period are totaled. The proposed allocation is based upon each state's proportion of that total, and results in the following estimated⁴ distribution of funds:

Maine	\$1,793,000
New Hampshire	\$1,792,000
Vermont	\$931,000
Connecticut	\$5,016,000
Rhode Island	\$1,288,000
Massachusetts	\$9,180,000
Total	\$20,000,000

3. As set forth in the "Joint Stipulation Agreement and Motion for a Determination of Eligibility," the interstate allocation methodology is transparent, fair and reasonable. The

³ Energy is defined as the load used in the settlement process.

⁴ ISO-NE will compute the actual allocation based upon data residing within its internal billing system. The internal billing system expresses the relevant energy consumption data with more precision because the data is carried out to additional decimal places.

allocation is transparent because it is constructed of data readily available from the ISO-NE website (http://www.iso-ne.com/markets/hstdata/znl_info/monthly/index.html).

4. The instant intrastate agreement further divides the approximate \$5,016,000 allocation to Connecticut electric energy consumers in a similar fashion.

B. Intrastate Allocation

5. The energy settlement reports maintained by ISO-NE are based upon the loads reported at the various metering domains. In Connecticut, these loads are reported by The Connecticut Light and Power Company (“CL&P”), The United Illuminating Company (“UI”), and the Connecticut Municipal Electric Energy Cooperative (“CMEEC”). These three entities collaborated to compile energy data reported by each to ISO-NE over the period beginning September 1, 2007 and ending December 31, 2008. The intrastate energy consumption over that time period was totaled, and each entity’s proportion of that total was calculated to create an intrastate allocation. The results of this calculation are shown in the table on the next page:

Non-PTF Load as Reported to ISO-NE

Amounts in kWh

Month	CL&P	UI	CMEEC	Total
9/2007	2,004,569,786	504,774,875	177,274,000	2,686,618,661
10/2007	1,973,330,499	494,146,282	174,635,000	2,642,111,781
11/2007	1,956,247,638	475,775,786	169,508,000	2,601,531,424
12/2007	2,204,421,420	521,866,254	184,598,000	2,910,885,674
1/2008	2,202,599,460	521,321,333	187,555,000	2,911,475,793
2/2008	2,048,223,940	481,076,460	175,535,000	2,704,835,400
3/2008	2,043,008,476	483,693,639	176,872,000	2,703,574,115
4/2008	1,778,670,964	438,859,237	157,869,000	2,375,399,201
5/2008	1,807,726,865	442,406,552	164,983,000	2,415,116,417
6/2008	2,132,023,920	531,033,144	187,991,000	2,851,048,064
7/2008	2,458,020,979	620,044,013	212,585,000	3,290,649,992
8/2008	2,131,091,194	537,883,059	191,000,000	2,859,974,253
9/2008	1,950,502,354	491,087,437	174,415,000	2,616,004,791
10/2008	1,856,724,921	456,510,135	163,592,000	2,476,827,056
11/2008	1,910,436,919	459,635,139	162,361,000	2,532,433,058
12/2008	2,143,403,395	511,592,319	177,501,000	2,832,496,714
Total	32,601,002,731	7,971,705,664	2,838,274,000	43,410,982,395 ⁵
% Allocation	75.10%	18.36%	6.54%	100.00%

⁵ The data supplied by CL&P, UI and CMEEC over the relevant time period differs negligibly from the energy consumption attributed to the Connecticut Load Zone in the monthly reports of ISO-NE. This difference amounts to 23 out of 43,388 gWh over the relevant time period, or a negligible -0.053% (ISO-NE reports slightly fewer gWh). The CT Parties agree that the discrepancy is *de minimus* and nonmaterial, and in no way detracts from the reasonableness of the allocator agreed to herein.

6. Based upon the preliminary data used in the New England State Agencies' agreement, the intrastate allocator would further allocate funds within Connecticut as follows:

CL&P	UI	CMEEC	Total
\$3,767,016	\$920,938	\$328,046	\$5,016,000

C. Further Administrative Steps

7. The interstate and intrastate allocation methodologies will work in tandem to return funds to all electric energy consumers in Connecticut. The process will require four steps:

- a. ISO-NE will calculate the final interstate allocation using the methodology agreed upon by the New England State Agencies in their April 30, 2012 Joint Stipulation, but will utilize more refined energy consumption data from its billing system.
- b. ISO-NE will then apportion the Connecticut allocation based upon the allocation percentages agreed upon herein.
- c. ISO-NE will credit the calculated amounts back to CL&P, UI and CMEEC through the ISO-NE Monthly Bill.
- d. CL&P, UI and CMEEC will fully credit to customers the amounts returned on the ISO-NE Monthly Bill. CL&P and UI will credit these amounts back to customers within appropriate, fully reconcilable charges that appear on customers' monthly bills. These rate mechanisms will likely return funds back to customers over a six month period. CMEEC has represented that it will credit each municipal electric utility and applicable wholesale customer it supplies through its monthly wholesale power bill. Each municipal electric utility will in turn credit its end use customers over a comparable six month period.

D. Stipulation

In consideration of the foregoing facts, the CT Parties agree as follows:

1. The CT Parties support approval of the New England State Agencies' Joint Stipulation Agreement and Motion for a Determination of Eligibility, which establishes a methodology to allocate the \$20 million New England portion of the disgorgement fund among the New England States.

2. The interstate methodology, which allocates the disgorgement fund among the New England States on the basis of energy consumed during the time period over which Constellation manipulated markets, is transparent fair, just and reasonable, satisfying the criteria established by Deputy Chief Judge McCartney at the March 29, 2012 in this proceeding. At the prehearing conference, Judge McCartney stated that any proposed allocation methodology should be transparent, fair and reasonable. Transcript, March 29, 2012, pp. 85, 86.

3. An intrastate methodology that allocates Connecticut disgorgement funds on the same basis, energy consumed during the time period over which Constellation manipulated markets, is transparent fair, just and reasonable.

4. CL&P, UI and CMEEC each contributed energy consumption data for the purpose of creating an intrastate allocation, and concur in the allocation results, lending a significant degree of transparency to the process.

5. The allocation agreed upon herein divides the Connecticut disgorgement funds such that 75.10% is allocated to CL&P, 18.36% is allocated to UI, and 6.54% is allocated to CMEEC.

6. The intrastate allocation agreement fully distributes funds to all Connecticut electric energy consumers in a timely manner.

WHEREFORE, the CT Parties respectfully request that the Commission accept the stipulated methodology for allocating the Energy Consumers Fund within Connecticut.

STIPULATED and moved this 5th day of September, 2012.

IN WITNESS WHEREOF, the duly authorized representatives of the CT Parties have set forth their signatures below as of the date first written above.

/s/ Seth A. Hollander

Seth A. Hollander
Assistant Attorney General
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051
Tel: 860-827-2681
Fax: 860-827-2893
seth.hollander@ct.gov
For PUBLIC UTILITIES
REGULATORY AUTHORITY

/s/ John S. Wright

John S. Wright
Michael C. Wertheimer
Assistant Attorneys General,
Attorney General's Office
10 Franklin Square
New Britain, CT 06051
Phone: 860-827-2620
Fax: 860-827-2893
For GEORGE JEPSEN
ATTORNEY GENERAL FOR THE
STATE OF CONNECTICUT,

/s/ Elin Swanson Katz

Elin Swanson Katz, Esq., Consumer
Counsel
Joseph A. Rosenthal, Esq.
Connecticut Office of Consumer Counsel
Ten Franklin Square
New Britain Connecticut 06051-2644
Phone: (860) 827-2900
Fax: (860) 827-2929
Elin.Katz@ct.gov
Joseph.Rosenthal@ct.gov
For CONNECTICUT OFFICE OF
CONSUMER COUNSEL

APPENDIX B

Statement of the Maine Public Utilities Commission Regarding Allocation and Distribution of Maine's Portion of the ISO-NE Disbursement Funds

Based on the New England State Agencies agreed upon a methodology set forth in the attached New England Parties Stipulation and the Joint Stipulation Agreement filed in this matter by the New England State Agencies on April 30, 2012, that allocates funds between the New England States based upon each state's proportion of monthly energy¹ use within the ISO-NE Control Area, Maine's estimated² distribution of funds is \$1,793,000.

The Maine Public Utility Commission ("MPUC"), as the only Maine state agency designated by the ALJ in this matter as an eligible state agency party, proposes to allocate the approximate \$1,793,000 distribution to Maine electric energy consumers in a similar fashion to the interstate allocation. The energy settlement reports maintained by ISO-NE are based upon the loads reported at the various metering domains. In Maine, these loads are reported by Central Maine Power Company ("CMP") and Bangor Hydro-Electric Company ("BHE"). These two entities collaborated to compile energy data reported by each to ISO-NE over the period beginning September 1, 2007 and ending December 31, 2008. The intrastate energy consumption over that time period was totaled, and each entity's proportion of that total was calculated to create an intrastate allocation. Embedded within each of the investor owned utility's Metering Domains are multiple municipally owned utilities whose historical consumption has also been calculated. In CMP's Metering Domain these include Madison Electric Works ("MEW"), Kennebunk Light and Power District ("KLPD") and the Fox Island

¹ Energy is defined as the load used in the settlement process.

² ISO-NE will compute the actual allocation based upon data residing within its internal billing system. The internal billing system expresses the relevant energy consumption data with more precision because the data is carried out to additional decimal places.

Electric Cooperative (“FIEC”). In BHE’s Metering Domain they include Swans Island Electric Cooperative (“SIEC”) and Isle-Au-Haut Electric Power Company (“IAHEPC”). The results of these calculation are shown in the table on the next page:

Non-PTF Load as Reported to ISO-NE

Amounts in kWh

Month	CMP Metering Domain				BHE Metering Domain			Total
	CMP	KL&P	MEW	FIEC	BHE	SIEC	IAHEPC	
Sep-07	760,525,000	8,249,998	27,148,604	895,395	137,244,672	222,391	28,445	934,314,505
Oct-07	783,047,000	8,313,636	33,385,226	837,101	145,564,551	212,482	25,304	971,385,300
Nov-07	780,947,000	8,487,169	60,717,545	854,226	139,352,003	205,578	22,860	990,586,381
Dec-07	857,201,000	9,859,408	47,512,669	978,832	153,156,790	235,993	22,150	1,068,966,842
Jan-08	891,469,755	9,634,453	25,708,678	918,933	150,497,546	228,533	22,436	1,078,480,334
Feb-08	774,840,091	8,809,313	18,969,319	817,789	138,505,189	208,190	20,378	942,170,269
Mar-08	806,747,247	8,963,416	20,214,159	855,999	141,477,110	211,492	20,689	978,490,112
Apr-08	720,483,878	7,759,868	21,404,494	763,509	127,699,929	183,212	19,829	878,314,719
May-08	727,470,057	7,840,823	20,630,963	812,502	128,849,090	192,441	23,030	885,818,906
Jun-08	774,023,425	8,321,548	41,867,231	876,900	134,354,826	205,145	28,127	959,677,202
Jul-08	875,197,581	9,345,151	44,885,693	1,097,369	149,278,952	260,510	36,360	1,080,101,616
Aug-08	827,158,697	8,821,376	45,546,027	1,178,473	148,479,256	288,442	39,433	1,031,511,704
Sep-08	806,257,932	8,094,838	21,740,560	876,884	133,663,857	217,783	29,983	970,881,837
Oct-08	789,682,996	8,094,328	27,008,831	842,763	134,147,247	209,565	25,696	960,011,426
Nov-08	757,251,066	8,127,296	19,467,285	811,981	134,745,555	187,588	22,844	920,613,615
Dec-08	819,199,207	9,344,513	18,441,318	907,615	149,987,339	209,329	23,348	998,112,669
Total	12,751,501,932	138,067,134	494,648,602	14,326,271	2,247,003,912	3,478,674	410,912	15,649,437,437
% Allocation	81.4822%	0.8822%	3.1608%	0.0915%	14.3584%	0.0222%	0.0026%	100.0000%
Metering Domain Allocation	85.6168%				14.3832%			100.0000%

The MPUC proposes the following intrastate allocation and process for distribution of Maine’s share of the ISO-NE Disgorgement fund. Based upon the preliminary data used in the New England State Agencies’ agreement, the intrastate allocator would further allocate funds within Maine as follows:

CMP	KL&P	MEW	FIEC	BHE	SIEC	IAHEPC	Total
\$1,460,975	\$15,819	\$56,673	\$1,641	\$257,446	\$399	\$47	\$1,793,000

Summary of Proposed Process for Distribution of Maine’s Portion of the ISO-NE Disgorgement Fund

- a) ISO-NE will apportion the Maine allocation to the CMP and BHE Metering Domains based upon the allocation percentages set forth above.
- b) ISO-NE will credit the calculated Metering Domain amounts back to CMP and BHE through the ISO-NE Monthly Bill.
- c) CMP and BHE will forward allocated payments to their embedded municipal utilities based upon the allocation percentages set forth above.
- d) CMP, BHE, MEW, KLPD, FIEC, SIEC and IAHEPC will credit these amounts, with any applicable interest, back to their retail customers based upon rate mechanism proposals that are submitted by each utility and approved by the MPUC.

APPENDIX C - MASSACHUSETTS

The Massachusetts Parties (collectively, Mass DPU, Mass AG, MMWEC, EMCOS, Groveland, and Merrimac) stipulate and agree as follows:

1. The energy settlement reports maintained by ISO-New England (“ISO-NE”) with respect to Massachusetts are based upon the loads reported at the various metering domains. These loads are reported by the five Massachusetts electric distribution companies (as defined in G.L. c. 164, § 1) (“EDCs”) (Fitchburg Gas and Electric Company, Massachusetts Electric Company, Nantucket Electric Company, NSTAR Electric Company and Western Massachusetts Electric Company), the Massachusetts municipal lighting plants (organized or operated pursuant to G.L. c. 164, §§ 34-65), the Massachusetts Port Authority (“Massport”)¹ the Massachusetts Bay Transportation Authority (“MBTA”),² and by the Medical Area Total Energy Plant (“MATEP”).^{3,4}
2. Energy data for these entities has been compiled for the period of the market manipulation beginning September 1, 2007 and ending December 31, 2008. The intrastate energy consumption over this time period was totaled, and each entity’s proportion of that total was calculated to create an intrastate allocation. The results of the calculation are shown on the following table:

¹ Massport is a Massachusetts port authority that owns and operates various Massachusetts airports and public terminals.

² The MBTA is a body politic and corporate and political subdivision of the Commonwealth of Massachusetts and is the public operator of most bus, subway, commuter rail, and ferry routes in greater Boston, Massachusetts.

³ The Medical Area Total Energy Plant (“MATEP”) is a cogeneration facility in Boston that provides steam, chilled water and electricity to six medical institutions associated with Harvard Medical School.

⁴ Massport, MBTA and MATEP have not intervened in this proceeding; nevertheless, the Massachusetts Parties agree that they should receive their respective share of the Fund based upon kWh usage over the period beginning September 1, 2007 and ending December 31, 2008.

Month/Yr	Real-Time Load (kwh)									
	Total	FG&E	MEC	NEC	NSTAR	WMECo	Massport	MATEP	MBTA	Municipals
9/2007	4,861,604,233	40,629,699	1,834,146,934	13,470,897	1,881,190,339	335,569,946	16,512,668	34,244,949	31,801,080	674,037,721
10/2007	4,714,301,459	40,617,531	1,786,730,508	11,449,363	1,811,417,650	330,348,621	17,169,252	33,359,950	33,025,520	650,183,063
11/2007	4,684,657,171	40,512,723	1,798,778,115	11,411,950	1,762,110,627	333,102,195	16,768,787	29,684,792	33,700,000	658,587,983
12/2007	5,282,414,686	44,904,179	2,051,040,146	13,520,804	1,976,669,788	369,344,132	18,613,118	30,960,245	42,595,000	734,767,275
1/2008	5,255,363,102	46,719,835	2,041,597,389	12,880,365	1,967,096,518	366,452,607	18,425,115	31,417,811	42,767,000	728,006,462
2/2008	4,882,162,644	42,099,799	1,898,120,773	11,728,946	1,824,100,513	345,003,853	17,289,266	30,245,341	41,038,780	672,535,373
3/2008	4,957,253,971	42,635,998	1,933,634,334	11,766,321	1,854,424,055	346,606,019	18,121,052	30,788,198	40,389,976	678,888,018
4/2008	4,440,768,539	38,530,118	1,710,253,632	10,293,377	1,688,992,593	306,250,073	16,790,982	30,224,649	34,551,427	604,881,688
5/2008	4,473,573,056	38,217,734	1,719,434,375	11,538,687	1,710,687,329	303,543,761	17,032,073	32,113,232	32,822,424	608,183,441
6/2008	5,135,063,387	42,217,824	1,958,532,953	13,792,020	1,983,964,136	341,787,916	18,205,167	33,623,656	33,082,981	709,856,734
7/2008	5,909,794,688	45,592,018	2,233,880,164	19,688,585	2,325,365,929	384,118,899	20,122,708	34,214,004	34,956,885	811,855,496
8/2008	5,218,405,044	42,453,152	1,967,040,240	18,601,972	2,043,041,361	344,582,545	18,575,066	32,859,621	33,822,336	717,428,751
9/2008	4,763,816,573	40,168,590	1,797,665,964	13,140,712	1,863,086,876	321,193,274	17,490,990	31,360,065	32,690,545	647,019,557
10/2008	4,566,114,098	39,720,915	1,736,471,714	11,516,136	1,761,430,804	309,703,122	17,140,432	30,650,826	33,235,678	626,244,472
11/2008	4,608,933,862	39,952,245	1,770,033,776	11,389,858	1,754,305,112	315,284,310	16,989,454	29,351,576	34,358,975	637,268,556
12/2008	5,088,734,618	37,344,623	1,963,177,908	12,395,102	1,929,375,600	347,043,460	18,270,187	31,633,161	41,490,001	708,004,576
Total	78,842,961,131	662,316,983	30,200,538,925	208,585,095	30,137,259,230	5,399,934,732	283,516,317	506,732,076	576,328,608	10,867,749,165
% Allocation	100.00%	0.84%	38.30%	0.26%	38.22%	6.85%	0.36%	0.64%	0.73%	13.78%

3. Applying the intrastate allocation percentages to the \$9,180,000 allocated to the state of Massachusetts results in the following dollar amounts being returned to the EDCs for the benefit of all retail customers, the Massachusetts Municipal Light Plants, Massport, MBTA, and MATEP:

Total	\$9,180,000
FG&E	\$77,116.20
MEC	\$3,516,369.04
NEC	\$24,286.39
NSTAR	\$3,509,001.13
WMECo	\$628,735.91
Massport	\$33,010.93
MATEP	\$59,000.83
MBTA	\$67,104.24
Municipals	\$1,265,375.32

4. The interstate and the intrastate allocation methodologies work together to return funds to all electric energy consumers in Massachusetts. The process requested is as follows:

For the EDCs,

- a. FERC shall refund the monies allocated to the EDCs to ISO-NE in the amounts listed in the chart in paragraph 3.
- b. ISO-NE will then credit those amounts to each of the EDCs through their ISO-NE wholesale bills.
- c. The EDCs will fully credit to retail customers either through a line item refund or through a reconciliation factor that applies to all

customers, the amounts ISO-NE credited to the EDCs on their wholesale bills.

- d. The EDCs will provide a one-time credit to all retail customers on the next available monthly retail bill in proportion to each retail customer's estimated kWh usage for that month.
- e. The EDCs will notify customers of the one-time credit and the reason for same on customers' retail bills.
- f. Within one month of the one-time credit to customers the EDCs will make a filing with the Massachusetts DPU that provides sufficient information to evidence compliance with the requirements above.

For the Municipal Parties,

- a. FERC shall refund to MMWEC the amounts allocated to the municipal light plants. MMWEC shall serve as agent for the municipal light plants and shall disburse the funds in proportion to the monthly energy use of the end use customers served by each municipal light plant, in kilowatt hours, during the period beginning September 1, 2007 and ending December 31, 2008. The portion of the fund disbursed through MMWEC to the Massachusetts municipal lighting plants shall be used solely for the benefit of the customers of those entities.

For Massport and the MBTA,

- a. FERC shall refund the monies allocated to Massport and the MBTA to ISO-NE.

- b. ISO-NE will then credit those amounts to Massport and the MBTA through their ISO-NE wholesale bills.

For MATEP,

- a. FERC shall refund the monies allocated to MATEP to ISO-NE.
- b. ISO-NE will then credit those amounts to MATEP through their ISO-NE wholesale bills.
- c. MATEP shall provide a one-time credit to customers on the next available monthly retail bill based on kWh usage.

- 5. The Massachusetts Parties assert that the allocation method described meets the Commission's directive that the funds be used for the benefit of electric energy consumers and does so in a fair and transparent manner.

IN WITNESS WHEREOF, the Massachusetts Parties have set forth their signatures below as of the date first written above.

/s/ Thomas E. Bessette

Thomas E. Bessette
Senior Attorney
Massachusetts Department of Public Utilities
Division of Regional and Federal Affairs
One South Station, Second Floor
Boston, MA 02110
Phone: 617-305-3629
Fax: 617-345-9103
E-mail: Thomas.Bessette@state.ma.us
For MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

/s/ Patrick J. Tarmey

Patrick J. Tarmey
Assistant Attorney General
Massachusetts Attorney General
Office of Ratepayer Advocacy
One Ashburton Place
Boston, MA 02108-1598

Phone: 617.963.2577
Fax: 617.963.2998
Email: Patrick.Tarmey@state.ma.us
For MARTHA COAKLEY
ATTORNEY GENERAL OF THE COMMONWEALTH OF MASSACHUSETTS

/s/ John P. Coyle

John P. Coyle
Duncan & Allen
Suite 300
1575 Eye Street, N.W.
Washington, D.C. 20005-1175
Telephone: (202) 289-8400
Facsimile: (202) 289-8450
e-mail: jpc@duncanallen.com

Counsel for the Eastern Massachusetts
Consumer-Owned Systems (Braintree
Electric Light Department, Concord
Municipal Light Plant, Hingham
Municipal Lighting Plant, Middleton
Electric Light Department, Reading
Municipal Light Department, Wellesley
Municipal Light Plant, and Taunton
Municipal Lighting Plant), Groveland
Municipal Light Department and
Merrimac Municipal Light Department

/s/ Jeffrey A. Schwarz

Scott H. Strauss
Jeffrey A. Schwarz
Spiegel & McDiarmid LLP
1333 New Hampshire Ave. NW
Washington, D.C. 20036
Tel: (202) 879-4000
Fax: (202) 393-2866
scott.strauss@spiegelmed.com
jeffrey.schwarz@spiegelmed.com

Counsel for Massachusetts Municipal
Wholesale Electric Company

APPENDIX D

STIPULATION (September 7, 2012)

IT IS HEREBY STIPULATED AND AGREED, by and between the New Hampshire Public Utilities Commission (“NHPUC”) and the New Hampshire Office of Consumer Advocate (“NH OCA”) (collectively, “the NH Parties”), as follows:

A. Background

1. On March 9, 2012, the Federal Energy Regulatory Commission (“FERC”) approved an “Order Approving Stipulation and Consent Agreement”¹ (“Order”) in Docket No. IN12-7-000 which, *inter alia*, allocated \$20 million of disgorged funds to electric energy consumers within the geographic footprint of the bulk power system control area operated by ISO New England Inc. (the “ISO-NE Control Area”). On April 30, 2012, the New England State Agencies² submitted a “Joint Stipulation Agreement and Motion for a Determination of Eligibility” in which the signatories (1) stipulated as to their eligibility to participate in the allocation and distribution of the \$20 million Energy Consumers Fund within the ISO-NE Control Area; and (2) agreed upon the basis to allocate the Energy Consumers Fund between the New England States.

¹ “Order Approving Stipulation and Consent Agreement,” *Constellation Energy Commodities Group*, 138 FERC ¶ 61,168 (2012).

² The New England State Agencies consist of: the Connecticut Public Utilities Regulatory Authority; the Connecticut Office of Consumer Counsel; the Attorney General for the State of Connecticut; the Maine Public Utilities Commission; the Massachusetts Department of Public Utilities; the Massachusetts Attorney General; the New Hampshire Public Utilities Commission; the Rhode Island Division of Public Utilities and Carriers and the Attorney General of the State of Rhode Island; and the Vermont Department of Public Service.

2. The New England State Agencies agreed upon a methodology that allocates funds between the New England States based upon each state's proportion of monthly energy³ use within the ISO-NE Control Area, in kilowatt hours, over the period beginning September 1, 2007 and ending December 31, 2008. Under this methodology, energy within each load zone of the ISO-NE Control Area is attributed to a state and all kilowatt hours of energy consumption over the relevant time period are totaled. The proposed allocation is based upon each state's proportion of that total, and results in the following estimated⁴ distribution of funds:

Maine	\$1,793,000
New Hampshire	\$1,792,000
Vermont	\$931,000
Connecticut	\$5,016,000
Rhode Island	\$1,288,000
Massachusetts	\$9,180,000
Total	\$20,000,000

3. As set forth in the "Joint Stipulation Agreement and Motion for a Determination of Eligibility," the interstate allocation methodology is transparent, fair and reasonable. The allocation is transparent because it is constructed of data readily available from the ISO-NE website (http://www.iso-ne.com/markets/hstdata/znl_info/monthly/index.html).

³ Energy is defined as the load used in the settlement process.

⁴ ISO-NE will compute the actual allocation based upon data residing within its internal billing system. The internal billing system expresses the relevant energy consumption data with more precision because the data is carried out to additional decimal places.

4. The instant intrastate agreement further divides the approximate \$1,792,000 allocation to New Hampshire electric energy consumers in a similar fashion.

B. Intrastate Allocation

5. The energy settlement reports maintained by ISO-NE are based upon the loads reported at the various metering domains. In New Hampshire, these loads are reported by Public Service of New Hampshire (“PSNH”), Unitil Energy Systems, Inc. (“UES”), Granite State Electric (“Granite State”), the New Hampshire Electric Cooperative (“NHEC”), and the municipal electric departments of Ashland, Littleton, New Hampton, Wolfeboro, and Woodsville.⁵ These nine entities collaborated to compile energy data reported by each to ISO-NE over the period beginning September 1, 2007 and ending December 31, 2008. The intrastate energy consumption over that time period was totaled, and each entity’s proportion of that total was calculated to create an intrastate allocation. The results of this calculation are shown in the table on the next page:

⁵ Ashland Electric Department, Littleton Water & Light Department, New Hampton Village Precinct, Town of Wolfeboro Electric Department and Woodsville Water & Light Department.

Non-Pool Transmission Facility (Non-PTF) Load as Reported to ISO-NE
Amounts in kWh

Month	PSNH	UES	Granite State	NHEC	Ashland	Littleton	New Hampton	Wolfeboro	Woodsville	Total
Sept 2007	682,174,142	105,328,111	76,364,329	59,136,026	1,543,191	6,942,554	228,206	5,540,081	1,634,093	929,533,311
Oct 2007	674,221,949	102,725,023	76,372,481	59,064,255	1,622,986	6,985,289	243,542	5,599,920	1,606,343	917,105,442
Nov 2007	680,966,783	103,286,124	75,006,799	69,128,308	1,734,707	6,799,061	299,941	5,867,164	1,606,072	931,649,245
Dec 2007	767,675,942	117,340,059	82,657,072	89,152,495	1,914,219	7,421,712	325,055	7,227,536	1,813,115	1,062,669,332
Jan 2008	766,369,370	115,314,608	82,253,050	82,224,448	1,930,676	7,625,616	335,849	7,127,775	1,854,464	1,048,194,024
Feb 2008	693,676,770	106,402,843	76,089,188	72,987,370	1,751,845	7,126,492	317,816	6,604,945	1,811,931	950,323,218
Mar 2008	707,933,450	108,548,022	77,857,598	70,329,995	1,687,678	7,187,907	265,872	6,560,140	1,911,341	963,344,369
Apr 2008	643,514,990	97,187,142	71,711,133	57,190,538	1,411,955	6,509,417	243,526	5,482,206	1,808,422	868,719,380
May 2008	646,520,415	98,174,045	73,231,623	55,905,483	1,435,396	6,371,785	230,130	5,329,291	1,860,610	874,313,605
Jun 2008	713,750,998	110,165,109	80,948,272	61,341,361	1,524,042	6,873,129	213,337	5,850,775	2,020,728	972,236,416
Jul 2008	809,916,840	126,646,118	91,027,093	72,995,113	1,703,191	7,494,572	224,027	6,990,273	2,236,770	1,106,729,459
Aug 2008	733,146,887	113,726,447	84,694,053	68,067,966	1,542,818	6,937,409	215,044	6,414,812	2,093,569	1,004,110,697
Sep 2008	667,373,260	103,041,212	77,279,079	58,705,567	1,487,802	6,577,379	234,431	5,439,889	1,939,712	911,062,197
Oct 2008	653,510,086	99,717,707	75,209,992	60,481,215	1,515,302	6,664,240	254,606	5,511,454	1,889,199	890,732,676
Nov 2008	660,543,546	100,712,951	74,096,905	67,823,871	1,568,961	6,401,162	293,495	5,513,302	1,836,430	902,718,442
Dec 2008	711,737,736	107,178,451	78,771,262	83,174,472	1,807,435	7,176,626	329,532	6,730,169	1,989,965	981,651,831
Total	11,213,033,164	1,715,493,972	1,253,569,929	1,087,668,483	26,182,204	111,094,350	4,254,409	97,789,732	29,912,764	15,538,999,007
% Allocation	72.1606%	11.0399%	8.0673%	6.9996%	0.1685%	0.7149%	0.0274%	0.6293%	0.1925%	100.00%

6. Application of the percentage allocations calculated in B.5 above to the proposed allocation of funds to New

Hampshire shown in A.2 results in the distribution of the following amounts to the nine New Hampshire load serving entities:

PSNH	UES	Granite State	NHEC	Ashland	Littleton	New Hampton	Wolfeboro	Woodsville	Total
\$1,293,117.75	\$197,835.47	\$144,565.12	\$125,432.91	\$3,019.40	\$12,811.71	\$490.63	\$11,277.38	\$3,449.62	\$1,792,000.00

C. Further Administrative Steps

7. The interstate and intrastate allocation methodologies will work in tandem to return funds to all electric energy consumers in New Hampshire. The process will require four steps:

- a. ISO-NE will calculate the final interstate allocation using the methodology agreed upon by the New England State Agencies in their April 30, 2012 Joint Stipulation, but will utilize more refined energy consumption data from its billing system.
- b. ISO-NE will then apportion the New Hampshire allocation based upon the allocation percentages agreed upon herein.
- c. ISO-NE will credit the calculated amounts back to PSNH, UES, Granite State, NHEC, and the municipal electric departments of Ashland, Littleton, New Hampton, Wolfeboro, and Woodsville through the ISO-NE Monthly Bill.
- d. PSNH, UES, Granite State, NHEC, and the five municipal electric departments will fully credit to customers the amounts returned on the ISO-NE Monthly Bill. PSNH, UES, and Granite State will credit these amounts back to distribution customers within appropriate, fully reconcilable charges that appear on customers' monthly bills. These rate mechanisms will likely return funds back to customers over a period not to exceed 12 months. NHEC and each municipal electric utility will in turn credit their distribution customers over a comparable period.

D. Stipulation

In consideration of the foregoing facts, the NH Parties agree as follows:

1. The NH Parties support approval of the New England State Agencies' Joint Stipulation Agreement and Motion for a Determination of Eligibility, which establishes a

methodology to allocate the \$20 million New England portion of the disgorgement fund among the New England States.

2. The interstate methodology, which allocates the disgorgement fund among the New England States on the basis of energy consumed during the time period over which Constellation manipulated markets, is transparent, fair, just and reasonable, satisfying the criteria established by Deputy Chief Judge McCartney at the March 29, 2012 in this proceeding. At the prehearing conference, Judge McCartney stated that any proposed allocation methodology should be transparent, fair and reasonable. Transcript, March 29, 2012, pp. 85, 86.

3. An intrastate methodology that allocates New Hampshire disgorgement funds on the same basis, energy consumed during the time period over which Constellation manipulated markets, is transparent, fair, just and reasonable, because all electric energy consumers in the state affected by Constellation's market activity will generally benefit from the agreed-upon allocation.

4. PSNH, UES, Granite State, NHEC and the municipal electric departments of Ashland, Littleton, New Hampton, Wolfeboro and Woodsville each contributed energy consumption data for the purpose of creating an intrastate allocation, and concur in the allocation results, lending a significant degree of transparency to the process.

5. The allocation agreed upon herein divides the New Hampshire disgorgement funds such that 72.1606% is allocated to PSNH, 11.0399% is allocated to UES, 8.0673% is allocated to Granite State, 6.9996% is allocated to NHEC, 0.1685% is allocated to the Ashland Electric Department, 0.7149% is allocated to the Littleton Water & Light Department, 0.0274% to New Hampton Village Precinct, 0.6293% to the Town of Wolfeboro Electric Department, and 0.1925% to the Woodsville Water & Light Department.

6. The intrastate allocation agreement fully distributes funds to all New Hampshire electric energy consumers in an efficient and timely manner.

WHEREFORE, the NH Parties respectfully request that the Commission accept the stipulated methodology for allocating the Energy Consumers Fund within New Hampshire.

STIPULATED and moved this 7 day of September, 2012.

IN WITNESS WHEREOF, the duly authorized representatives of the NH Parties have set forth their signatures below as of the date first written above.

/s/ Lynn Fabrizio
Lynn Fabrizio, Esq.
Staff Attorney
N.H. Public Utilities Commission
21 South Fruit Street, Ste. 10
Concord, NH 03301
Tel: 603-271-6030
Fax: 603-271-3878
lynn.fabrizio@puc.nh.gov
For the NEW HAMPSHIRE
PUBLIC UTILITIES
COMMISSION

/s/ Rorie E.P. Hollenberg
Rorie E.P. Hollenberg, Esq.
Assistant Consumer Advocate
New Hampshire Office
of Consumer Advocate
21 South Fruit Street, Ste. 18
Concord, NH 03301
Phone: 603-271-1103
rorie.e.p.hollenberg@oca.nh.gov
For the NEW HAMPSHIRE OFFICE OF
CONSUMER ADVOCATE

APPENDIX E

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Constellation Energy Commodities Group, Inc.

Docket No. IN12-7-000

**To: Hon. Bobbie J. McCartney, Deputy Chief Administrative Law Judge
Presiding Judge**

STIPULATION
(September 5, 2012)

IT IS HEREBY STIPULATED AND AGREED, by and among the Division of Public Utilities and Carriers (“RIDPUC”) and Peter F. Kilmartin, Attorney General for the State of Rhode Island (“RIAG”) (collectively, “the RI Parties”), as follows:

A. Background

1. On March 9, 2012, the Federal Energy Regulatory Commission (“FERC”) approved an “Order Approving Stipulation and Consent Agreement”¹ (“Order”) in Docket No. IN12-7-000 which, *inter alia*, allocated \$20 million of disgorged funds to electric energy consumers within the geographic footprint of the bulk power system control area operated by ISO New England Inc. (the “ISO-NE Control Area”). On April 30, 2012, the New England State Agencies² submitted a “Joint Stipulation Agreement and Motion for a Determination of Eligibility” in which the signatories (1) stipulated as to their eligibility to participate in the

¹ “Order Approving Stipulation and Consent Agreement,” *Constellation Energy Commodities Group*, 138 FERC ¶ 61,168 (2012).

² The New England State Agencies consist of: the Connecticut Public Utilities Regulatory Authority; the Connecticut Office of Consumer Counsel; the Attorney General for the State of Connecticut; the Maine Public Utilities Commission; the Massachusetts Department of Public Utilities; the Massachusetts Attorney General; the New Hampshire Public Utilities Commission; the Rhode Island Division of Public Utilities and Carriers and the Attorney General of the State of Rhode Island; and the Vermont Department of Public Service.

allocation and distribution of the \$20 million Energy Consumers Fund within the ISO-NE Control Area; and (2) agreed upon the basis to allocate the Energy Consumers Fund between the New England States.

2. The New England State Agencies agreed upon a methodology that allocates funds between the New England States based upon each state's proportion of monthly energy³ use within the ISO-NE Control Area, in kilowatt hours, over the period beginning September 1, 2007 and ending December 31, 2008. Under this methodology, energy within each load zone of the ISO-NE Control Area is attributed to a state and all kilowatt hours of energy consumption over the relevant time period are totaled. The proposed allocation is based upon each state's proportion of that total, and results in the following estimated⁴ distribution of funds:

Maine	\$1,793,000
New Hampshire	\$1,792,000
Vermont	\$931,000
Connecticut	\$5,016,000
Rhode Island	\$1,288,000
Massachusetts	\$9,180,000
Total	\$20,000,000

3. As set forth in the "Joint Stipulation Agreement and Motion for a Determination of Eligibility," the interstate allocation methodology is transparent, fair and reasonable. The

³ Energy is defined as the load used in the settlement process.

⁴ ISO-NE will compute the actual allocation based upon data residing within its internal billing system. The internal billing system expresses the relevant energy consumption data with more precision because the data is carried out to additional decimal places.

allocation is transparent because it is constructed of data readily available from the ISO-NE website (http://www.iso-ne.com/markets/hstdata/znl_info/monthly/index.html).

4. The instant intrastate agreement further divides the approximate \$1,288,000 allocation to Rhode Island electric energy consumers in a similar fashion.

B. Intrastate Allocation

5. The energy settlement reports maintained by ISO-NE are based upon the loads reported at the various metering domains. In Rhode Island, these loads are reported by The Narragansett Electric Company d/b/a National Grid (“Narragansett”) and the Pascoag Utility District (“Pascoag”). These entities collaborated to compile energy data reported by each to ISO-NE over the period beginning September 1, 2007 and ending December 31, 2008. The intrastate energy consumption over that time period was totaled, and each entity’s proportion of that total was calculated to create an intrastate allocation. The results of this calculation are shown in the table on the next page:

Non-PTF Load as Reported to ISO-NE

Amounts in kWh

Month	Narragansett	Pascoag	Total
9/2007	678,841,922	4,428,690	683,270,612
10/2007	654,404,985	4,385,560	658,790,545
11/2007	643,319,077	4,434,290	647,753,367
12/2007	718,749,044	4,933,300	723,682,344
1/2008	713,055,978	4,769,220	717,825,198
2/2008	659,067,299	4,399,620	663,466,919
3/2008	667,866,390	4,482,130	672,348,520
4/2008	606,235,705	3,936,280	610,171,985
5/2008	609,554,119	4,005,980	613,560,099
6/2008	724,795,507	4,681,430	729,476,937
7/2008	855,822,076	5,515,750	861,337,826
8/2008	740,704,468	4,770,470	745,474,938
9/2008	664,882,683	4,353,260	669,235,943
10/2008	628,599,315	4,245,540	632,844,855
11/2008	623,974,555	4,377,500	628,352,055
12/2008	686,529,836	4,937,480	691,467,316
Total	10,876,402,959	72,656,500	10,949,059,459
% Allocation	99.33641%	.66359%	100%

6. Based upon the preliminary data used in the New England State Agencies' agreement, the intrastate allocator would further allocate funds within Rhode Island as follows:

Narragansett	Pascoag	Total
1,279,452.9608	8,547.0392	1,288,000

C. Further Administrative Steps

7. The interstate and intrastate allocation methodologies will work in tandem to return funds to all electric energy consumers in Rhode Island. The process will require four steps:

- a. ISO-NE will calculate the final interstate allocation using the methodology agreed upon by the New England State Agencies in their April 30, 2012 Joint Stipulation, but will utilize more refined energy consumption data from its billing system.
- b. ISO-NE will then apportion the Rhode Island allocation based upon the allocation percentages agreed upon herein.
- c. ISO-NE will credit the calculated amounts back to Narragansett and Pascoag through the ISO-NE Monthly Bill.
- d. Narragansett and Pascoag will fully credit to customers the amounts returned on the ISO-NE Monthly Bill. Narragansett and Pascoag will credit these amounts back to customers within appropriate, fully reconcilable charges that appear on customers' monthly bills. These rate mechanisms will likely return funds back to customers over a six month period.

D. Stipulation

In consideration of the foregoing facts, the RI Parties agree as follows:

1. The RI Parties support approval of the New England State Agencies' Joint Stipulation Agreement and Motion for a Determination of Eligibility, which establishes a methodology to allocate the \$20 million New England portion of the disgorgement fund among the New England States.

2. The interstate methodology, which allocates the disgorgement fund among the New England States on the basis of energy consumed during the time period over which Constellation manipulated markets, is transparent fair, just and reasonable, satisfying the criteria established by Deputy Chief Judge McCartney at the March 29, 2012 in this proceeding. At the prehearing conference, Judge McCartney stated that any proposed allocation methodology should be transparent, fair and reasonable. Transcript, March 29, 2012, pp. 85, 86.

3. An intrastate methodology that allocates Rhode Island disgorgement funds on the same basis, energy consumed during the time period over which Constellation manipulated markets, is transparent fair, just and reasonable.

4. Narragansett and Pascoag each contributed energy consumption data for the purpose of creating an intrastate allocation, and concur in the allocation results, lending a significant degree of transparency to the process.

5. The allocation agreed upon herein divides the Rhode Island disgorgement funds such that 99.33641% is allocated to Narragansett and .66359% is allocated to Pascoag.

6. The intrastate allocation agreement fully distributes funds to all Rhode Island electric energy consumers in a timely manner.

WHEREFORE, the RI Parties respectfully request that the Commission accept the stipulated methodology for allocating the Energy Consumers Fund within Rhode Island.

STIPULATED and moved this 5th day of September, 2012.

IN WITNESS WHEREOF, the duly authorized representatives of the RI Parties have set forth their signature below as of the date first written above.

/s/ Leo J. Wold

Assistant Attorney General

150 South Main Street

Providence, Rhode Island 02903

401-274-4400, ext. 2218

401-222-3016

Counsel for the DIVISION OF PUBLIC
UTILITIES AND CARRIERS and for PETER
F. KILMARTIN, ATTORNEY GENERAL FOR
THE STATE OF RHODE ISLAND

APPENDIX - VERMONT

Statement of the Vermont Public Service Department Regarding Allocation and Distribution of Vermont's Portion of the ISO-NE Disbursement Funds

As set forth in the attached New England Parties' Joint Stipulation Agreement, Vermont's share of the ISO-NE fund is estimated¹ to be \$931,000 based on the interstate allocation of the funds among the New England States in proportion to monthly energy² use within the ISO-NE Control Area.

The **Vermont Public Service Department** ("VPSD"), as the only Vermont state agency designated by the ALJ in this matter as an eligible state agency party, proposes to allocate Vermont's share of the ISO-NE fund among the Vermont distribution utilities based on each utility's share of the intrastate energy consumption over the period beginning September 1, 2007 and ending December 31, 2008, with the direction that each utility must use the money solely for the benefit its electric energy customers. In calculating each distribution utility's share, energy data for Vermont's electric distribution companies was compiled and the intrastate energy consumption over that time period was totaled. Each entity's proportion of that total was calculated and the results of this calculation are shown in the table on the next page:

¹ ISO-NE will compute the actual allocation based upon data residing within its internal billing system. The internal billing system expresses the relevant energy consumption data with more precision because the data is carried out to additional decimal places.

² Energy is defined as the load used in the settlement process.

VT ENERGY

Year	Mon	Tot	Barren	BED	CVPS	Enosburg	GMP	Hardwick	Hyde Park	Jacksonville	Johnson	Ludlow	Lyndonville	Morrisville	Northfield	Orleans	Readsboro	Stowe	Swanton	VEE	VMPD	WEC
2007	9	475,633	-1,351	-30,879	-187,373	-2,115	-182,284	-2,877	-1,011	-423	-1,257	-3,362	-5,977	-4,306	-2,559	-1,107	-176	-5,605	-4,648	-34,032	-18,390	-5,898
2007	10	485,128	-1,363	-30,406	-191,984	-2,100	-183,432	-3,015	-1,072	-455	-1,299	-3,637	-6,342	-4,471	-2,783	-1,212	-190	-5,903	-4,758	-35,811	-18,734	-6,161
2007	11	504,724	-1,440	-29,070	-202,481	-2,132	-187,530	-3,163	-1,143	-517	-1,393	-6,614	-6,722	-4,534	-2,653	-1,190	-224	-8,441	-4,713	-38,049	-17,175	-6,541
2007	12	561,757	-1,629	-30,841	-230,510	-2,334	-186,946	-3,585	-1,306	-588	-1,500	-6,618	-7,610	-5,076	-2,747	-1,265	-271	-10,115	-5,091	-41,712	-14,424	-7,589
2008	1	563,322	-1,582	-30,972	-227,789	-2,268	-184,069	-3,476	-1,287	-579	-1,525	-6,661	-7,564	-4,917	-2,843	-1,392	-268	-9,561	-5,106	-44,146	-20,072	-7,244
2008	2	511,420	-1,455	-28,951	-210,588	-2,088	-187,518	-3,195	-1,167	-540	-1,457	-5,714	-6,791	-4,485	-2,704	-1,214	-249	-7,183	-4,708	-38,951	-15,828	-6,626
2008	3	519,576	-1,495	-29,752	-211,112	-2,223	-170,759	-3,280	-1,192	-546	-1,508	-5,213	-6,963	-4,560	-2,724	-1,266	-254	-7,057	-4,871	-38,994	-19,485	-6,322
2008	4	466,063	-1,304	-28,289	-182,953	-2,076	-150,330	-2,763	-981	-451	-1,220	-3,696	-5,664	-3,933	-2,458	-1,126	-198	-5,319	-4,487	-34,249	-18,794	-5,574
2008	5	460,473	-1,327	-27,981	-180,146	-2,078	-157,019	-2,842	-998	-449	-1,202	-3,395	-5,723	-4,115	-2,325	-1,063	-191	-5,402	-4,541	-34,428	-19,521	-5,728
2008	6	488,985	-1,357	-31,111	-193,279	-2,124	-168,277	-2,978	-1,026	-451	-1,179	-3,326	-5,604	-4,446	-2,410	-1,143	-180	-5,984	-4,907	-34,330	-18,817	-5,856
2008	7	531,873	-1,524	-34,537	-211,120	-2,401	-181,716	-3,306	-1,069	-466	-1,252	-3,640	-6,177	-4,853	-2,612	-1,041	-187	-6,772	-5,446	-37,940	-19,450	-6,364
2008	8	511,728	-1,525	-32,463	-201,083	-2,317	-174,125	-3,203	-1,034	-457	-1,226	-3,567	-6,082	-4,597	-2,461	-1,070	-181	-6,545	-5,188	-37,994	-20,431	-6,179
2008	9	477,152	-1,362	-30,833	-187,313	-2,190	-161,898	-2,959	-1,016	-443	-1,262	-3,282	-5,956	-4,330	-2,532	-1,137	-177	-5,921	-4,756	-33,749	-20,222	-5,813
2008	10	481,058	-1,398	-29,061	-191,220	-2,136	-160,483	-3,064	-1,073	-478	-1,333	-3,553	-6,318	-4,367	-2,713	-1,157	-204	-6,105	-4,665	-34,795	-20,687	-6,249
2008	11	496,456	-1,421	-28,175	-198,437	-2,138	-164,047	-3,151	-1,101	-517	-1,358	-5,138	-6,607	-4,445	-2,614	-1,171	-228	-8,391	-4,613	-36,809	-18,655	-6,441
2008	12	552,296	-1,629	-30,578	-227,167	-2,395	-182,301	-3,614	-1,295	-554	-1,546	-6,852	-7,859	-5,044	-2,726	-1,378	-265	-10,245	-5,186	-41,699	-12,502	-7,464
		-8,077,645	-23,163	-483,900	-3,235,566	-35,117	-2,702,733	-50,470	-17,771	-7,913	-21,515	-73,269	-104,359	-72,478	-41,862	-18,930	-3,442	-114,550	-77,684	-597,687	-293,188	-102,047
			0.29%	5.99%	40.06%	0.43%	33.46%	0.62%	0.22%	0.10%	0.27%	0.91%	1.29%	0.90%	0.52%	0.23%	0.04%	1.42%	0.96%	7.40%	3.63%	1.26%

The interstate and intrastate allocation methodologies will work in tandem to return the funds to all electric energy consumers in Vermont. The process will require the following steps:

1. ISO-NE will calculate the final interstate allocation as set forth in the New England Parties' Joint Stipulation Agreement, *supra*.
2. FERC will refund the monies allocated to Vermont to the Vermont Electric Power Company ("VELCO").
3. Within a month of receiving the funds, VELCO will issue each of the Vermont distribution utilities a check in proportion to its share of the Vermont money, as shown on the Vermont Distribution Utility's Share chart below.
4. Each electric distribution utility shall use the full amount of its share for the benefit of its electric energy customers.
5. Specifically, Green Mountain Power Corporation will consult with the VPSD to determine whether it will credit its share to electric energy customers by providing a one-time credit to retail customers on the next available monthly bill based on kWh usage or by booking it as a regulatory liability on its next scheduled rate filing.

Vermont Distribution Utility's Share

BARTON VILLAGE, INC. ELECTRIC DEPARTMENT	0.29
CITY OF BURLINGTON ELECTRIC DEPARTMENT	5.99
CENTRAL VERMONT PUBLIC SERVICE CORPORATION	40.06*
VILLAGE OF ENOSBURG FALLS WATER & LIGHT DEPARTMENT, INC.	0.43
GREEN MOUNTAIN POWER CORPORATION	33.46*
TOWN OF HARDWICK ELECTRIC DEPARTMENT	0.62
VILLAGE OF HYDE PARK ELECTRIC DEPARTMENT	0.22
VILLAGE OF JACKSONVILLE ELECTRIC COMPANY	0.10
VILLAGE OF LUDLOW ELECTRIC LIGHT DEPARTMENT	0.91
VILLAGE OF JOHNSON WATER & LIGHT DEPARTMENT	0.27
VILLAGE OF LYNDONVILLE ELECTRIC DEPARTMENT	1.29
VILLAGE OF MORRISVILLE WATER & LIGHT DEPARTMENT	0.90
VILLAGE OF NORTHFIELD ELECTRIC DEPARTMENT	0.52

VERMONT MARBLE POWER DIVISION	3.63*
VILLAGE OF ORLEANS ELECTRIC DEPARTMENT	0.23
TOWN OF READSBORO ELECTRIC LIGHT DEPARTMENT	0.04*
TOWN OF STOWE ELECTRIC DEPARTMENT	1.42
SWANTON VILLAGE, INC. ELECTRIC DEPARTMENT	0.96
VERMONT ELECTRIC COOPERATIVE, INC.	7.40
WASHINGTON ELECTRIC COOPERATIVE, INC.	1.26

* Central Vermont Public Service Corporation, Vermont Marble Power Division and Town of Readsboro Electric Light Department have been acquired by Green Mountain Power Corporation; thereby, Green Mountain Power Corporation should receive the combined share of these entities.

Vermont asserts that the allocation method described meets the Commission's directive that the funds be used for the benefit of electric energy consumers and does so in a fair and transparent manner.

