

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

New England Ratepayers Association

Docket No. EL20-42

**Answer to the Answer of New England Ratepayers Association**

Public Citizen offers this answer to the June 30 *Answer to Protests and Motions to Dismiss* of the New England Ratepayers Association (NERA). NERA's *Answer* confirms that it is not a ratepayer group, but rather a trade association representing energy interests. NERA's *Answer* therefore affirms Public Citizen's June 15 Motion to Dismiss. NERA has intentionally mischaracterized itself as a ratepayer organization in an effort to shield the true economic interests that are financing its Petition. NERA's misleading depiction of itself threatens to hijack the public interest from the Commission's ratemaking process.

Therefore, as a matter of policy, the Commission must dismiss NERA's Petition.

**NERA's "Ratepayer Member" Is Also President of an Energy Company Aligned With The Economic Interests of Electric Utilities**

NERA's Answer states: "NERA is voluntarily submitting an affidavit (Attachment B) from one of its members confirming that the member's interests as a ratepayer will be directly affected by the outcome of this proceeding."<sup>1</sup> Attachment B is a signed affidavit of Geoffrey Mitchell, who describes himself as "an electric service customer of Unitil and a member of the New England Ratepayers Association."

The affidavit omits that Mr. Mitchell is President of Brant Energy, Inc., an energy consulting firm that "provides energy project origination, project development, consulting services, and related marketing and analytical support to all segments of the domestic and international energy industries."<sup>2</sup> Brant Energy, Inc. lists its clients on its web site, which include nearly a dozen electric utilities and power generation companies, including National Grid, Eversource, Liberty Utilities and DTE Energy.<sup>3</sup>

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<sup>1</sup> At page 16.

<sup>2</sup> [www.brantenergy.com](http://www.brantenergy.com)

<sup>3</sup> [www.brantenergy.com/clients.html](http://www.brantenergy.com/clients.html)

NERA’s “ratepayer” member, therefore, is actually President of an energy company aligned with the financial interests of electric utilities. It is fair to say that while Mr. Mitchell does pay a utility bill, his broader and more direct financial interest in this proceeding is less as a ratepayer and more aligned with the financial interests of electric utilities. Mr. Mitchell’s role as a consultant for electric utilities confirms Public Citizen’s June 15 Motion to Dismiss.

**NERA’s “Ratepayer Member” Serves On the Board of Directors of NERA’s Affiliate, the Ratepayer Legal Defense Fund, Inc.**

As Public Citizen noted in our June 15 Motion to Dismiss, NERA has a sister organization, the Ratepayers Legal Defense Fund, Inc., which “further obscures the true financial interests behind the NERA Petition.”<sup>4</sup> In a filing with the Internal Revenue Service, Geoffrey K. Mitchell is listed as a “Director” of the Ratepayers Legal Defense Fund, Inc. We have attached this IRS filing as Exhibit A. Mr. Mitchell’s dual-role as both a NERA member and as a Board representative for Ratepayers Legal Defense Fund, Inc. makes clear the two organizations are affiliates for the purposes of this docket. Therefore, any Commission Order regarding requirements for additional disclosure of NERA’s membership should also apply to the Ratepayers Legal Defense Fund, Inc.

**Conclusion**

The intent of NERA introducing Mr. Mitchell as a member was to demonstrate NERA’s bona fides as a ratepayer organization. But Public Citizen’s revelation that Mr. Mitchell is President of an energy company that works on behalf of electric utilities undermines NERA’s credibility as an organization representing ratepayer interests. Rather, just as Public Citizen stated in our June 15 Motion to Dismiss, NERA is using the fake moniker of a ratepayer protection group to mask its true financial interests behind its Petition. NERA’s false representation exploits the Commission’s hereto permissive filing standards, while actively concealing and misleading the Commission about the financial interests that NERA claims to represent. NERA’s pretense represents a hazard to the public interest. The Commission must dismiss the NERA Petition.

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<sup>4</sup> At page 6.

Furthermore, Mr. Mitchell's dual role as both NERA member and his service on the Board of Directors of a NERA affiliate, the Ratepayer Legal Defense Fund, Inc. raise questions as to whether the Ratepayer Legal Defense Fund, Inc. serves as an additional financial conduit for the Petition.

Respectfully submitted,

*Tyson Slocum*

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# EXHIBIT A

2018

Open to Public Inspection

Short Form

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except private foundations)

Do not enter social security numbers on this form as it may be made public.

Go to www.irs.gov/Form990EZ for instructions and the latest information.

Form 990-EZ

Department of the Treasury  
Internal Revenue Service

A For the 2018 calendar year, or tax year beginning , 2018, and ending , 20

B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input checked="" type="checkbox"/> Initial return <input type="checkbox"/> Final return/terminated <input type="checkbox"/> Amended return <input checked="" type="checkbox"/> Application pending	C Name of organization <b>Ratepayers Legal Defense Fund, Inc.</b> Number and street (or P.O. box, if mail is not delivered to street address) Room/suite <b>PO Box 1002</b> City or town, state or province, country, and ZIP or foreign postal code <b>Exeter, NH 03833</b>	D Employer identification number <b>83-2038424</b> E Telephone number <b>603-658-0600</b> F Group Exemption Number ▶
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G Accounting Method:  Cash  Accrual Other (specify) ▶

I Website: ▶ H Check  if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

J Tax-exempt status (check only one) —  501(c)(3)  501(c) ( ) ◀ (insert no.)  4947(a)(1) or  527  
K Form of organization:  Corporation  Trust  Association  Other

L Add lines 5b, 6c, and 7b to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, column (B)) are \$500,000 or more, file Form 990 instead of Form 990-EZ . ▶ \$ 0

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (see the instructions for Part I)  
Check if the organization used Schedule O to respond to any question in this Part I

Revenue	1	Contributions, gifts, grants, and similar amounts received	1	0
	2	Program service revenue including government fees and contracts	2	0
	3	Membership dues and assessments	3	0
	4	Investment income	4	0
	5a	Gross amount from sale of assets other than inventory	5a	0
	b	Less: cost or other basis and sales expenses	5b	0
	c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	0
	6	Gaming and fundraising events:		
	a	Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	0
b	Gross income from fundraising events (not including \$ 0 of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceeds \$15,000)	6b	0	
c	Less: direct expenses from gaming and fundraising events	6c	0	
d	Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	0	
7a	Gross sales of inventory, less returns and allowances	7a	0	
b	Less: cost of goods sold	7b	0	
c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c	0	
8	Other revenue (describe in Schedule O)	8	0	
9	<b>Total revenue.</b> Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	0	
Expenses	10	Grants and similar amounts paid (list in Schedule O)	10	0
	11	Benefits paid to or for members	11	0
	12	Salaries, other compensation, and employee benefits	12	0
	13	Professional fees and other payments to independent contractors	13	0
	14	Occupancy, rent, utilities, and maintenance	14	0
	15	Printing, publications, postage, and shipping	15	0
	16	Other expenses (describe in Schedule O)	16	0
17	<b>Total expenses.</b> Add lines 10 through 16	17	0	
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	0
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	0
	20	Other changes in net assets or fund balances (explain in Schedule O)	20	0
	21	<b>Net assets or fund balances at end of year.</b> Combine lines 18 through 20	21	0

For Paperwork Reduction Act Notice, see the separate instructions.

