

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

June 6, 2016

DE 16-384

In re: Matter of: Unitil Request for Change in Rates

**NEW HAMPSHIRE SUSTAINABLE ENERGY ASSOCIATION'S MOTION TO
REMOVE UNITIL'S DOMESTIC DISTRIBUTED ENERGY RESOURCE TARIFF
FROM CONSIDERATION IN 16-384 AND CONSOLIDATE INTO DE 16-576**

1. The New Hampshire Sustainable Energy Association ("NHSEA" or "Movant") hereby moves, pursuant to Rule Puc 203.07, that the Public Utilities Commission (the "Commission") remove consideration of Unitil's proposed DDER tariff from DE 15-384 and consider it, or any tariff proposal that relates to net energy metering, only within DE 16-576.

Background

2. New Hampshire House Bill 1116, passed and signed into law on May 2, 2016, requires the Commission to:

 "[] initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory."
3. HB 1116 requires the Commission to consider a host of factors and variables affecting all ratepayers and utility impacts and rate structures in the proceeding when developing such tariffs.

4. Unitil filed a Request for Change in Rates on March 30th, 2016. On May 12th, 2016, the Commission issued Order 25,900, Order Suspending Proposed Tariff and Scheduling Prehearing Conference and Temporary Rate Hearing. Although not mentioned in the Order, the Unitil filing includes a new “Domestic Distributed Energy Resources Schedule DDER” (hereinafter “DDER”). This portion of the filed tariff can be found on Original Page 50-A in the Unitil Petition.
5. NHSEA filed a motion to intervene and there was no contestation of our motion.

Legal Standard

6. NHSEA hereby moves for consolidation of all matters in Unitil’s filing related to net energy metering and all matters related to Unitil’s proposed DDER component into DE 16-576. The Commission may grant a Motion for Consolidation in accordance with Puc 203.19 (a), which states:

“When more than one application or petition seeks the same or similar relief, the commission shall consolidate the cases to be heard on a common record if it determines that to do so will promote the orderly and efficient conduct of the proceeding.”

7. The Commission has found that “[c]onsolidation to a common record would be appropriate when similar relief is sought and such consolidation would promote the orderly and efficient conduct of the proceeding.” Pennichuck Water Works, Inc., NH PUC, 24,596 (March 3, 2006).
8. The addition of the DDER component of the Unitil tariff in the instant docket creates a parallel process on matters that will be considered in DE 16-576. In addition, it is

probable that the result of the net metering process in DE 16-576 would render any related components, such as those proposed by Unitil in DE 16-384, moot. As a result, the DDER rate components are premature and fly in the face of the orderly and efficient conduct of both proceedings.

Argument

For the following reasons, NHSEA respectfully requests that the Commission grant its motion:

9. NHSEA makes the present motion the pursuit of judicial efficiency. Unitil is seeking “the same or similar relief” of cost recovery-related issues through its DDER tariff. However, this is the same relief that Unitil and the other Regulated Utilities will address within DE 16-576. All alternative net energy metering tariffs will be considered within 16-576, and it is therefore duplicative and inefficient to consider the DDER or any such similar tariffs under 16-384 or any other proceeding beyond DE 16-576.
10. Unitil is within its rights to propose, support, and argue its DDER tariff entirely within DE 16-576. Additionally, as the DDER tariff clearly falls within the definition of “new alternative tariffs” as such tariff proposals relate to, and directly depend upon, net energy metering and any assumptions therein, the legislature intended the Commission to consider all such proposals in a comprehensive process as laid out in DE 16-576.
11. While Unitil is able to access resources, derived from ratepayers, to deliberate an issue in multiple proceedings, other individual or organizational parties may not. This puts the parties using limited resources to engage in 16-576 at a distinct disadvantage if the DDER tariff is also considered in 16-384. It is our position that the legislature intended a

single comprehensive process to protect the integrity of the decision as well as the fair and transparent process as found in Commission proceedings.

12. The Legislature's directive to the Commission under HB 1116 is comprehensive and is intended to create a single process for all aspects of net metering. The Legislature authorized the Commission to consider future structures for net metering, which is taking form under DE 16-576. This issue of jurisdiction and process was debated in the House of Representatives and the Senate over the course of several months, a process in which Unitil was an active participant. The Legislature considered but did not direct the Commission, nor the Regulated Utilities, to address net energy metering on a case-by-case basis, nor, as Unitil is proposing, through individual rate cases.
13. Pursuant to HB 116, on May 19th, 2016, the Commission issued an Order of Notice for docket DE 16-576, which states,

"The proceeding raises, inter alia, issues related to the development of alternative net energy metering tariffs and/or other regulatory mechanisms and tariffs, as provided under RSA 362-A:9, XVI."
14. If the Commission considers the Unitil DDER component in its current rate case, it will circumvent and complicate a comprehensive process specifically laid out by the Legislature and create an inefficient and duplicative process.
15. The assumptions that Unitil used to design its DDER tariff will likely change as a result of 16-576, which could result in a rate structure that incorrectly assesses and collects costs from customer-generators or other non-DDER participants, and incorrectly distributes benefits. Addressing all net energy metering-related tariff options within 16-576 would avoid such an outcome and fulfill the objectives of the legislation.

16. The process to craft and pass HB1116 took nine months: the result was not haphazard nor was it ambiguous. The intent of the Legislature was and is to bring all parties into a single proceeding to investigate costs, benefits, rate design and future parameters of net energy metering that meet and balance the needs of the affected parties. Unitil not only participated in this process, they actively influenced it and its legislative result.
17. This proceeding bifurcates the process envisioned by the legislature by initiating a parallel proceeding that covers essentially the same legal and regulatory questions that will be addressed in DE 16-576. In the interest of judicial efficiency and consistency, the net metering components of the present docket should be removed and heard within 16-576 which is structured to consider these elements raised by Unitil in this docket.

WHEREFORE, NHSEA respectfully requests that the Commission issue a ruling that is consistent with that outlined in this Motion and that all components of the Unitil DDER tariff be removed and consolidated into DE 16-576.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kate Epsen', with a long horizontal flourish extending to the right.

Kate Epsen

Executive Director

New Hampshire Sustainable Energy Association

Cc: Service List