

August 3, 2017

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

RE: Docket No. DE 16-822  
2017 Default Energy Service Rate – Mid-Year Adjustment Update

Response to OCA Opposition

Dear Director Howland:

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) recognizes that generally replies to objections are not permitted. Nonetheless, because the Opposition filed in the above proceeding on August 2, 2017 by the Office of Consumer Advocate (“OCA”) contains accusations about the motives of Eversource in this proceeding, Eversource submits this letter in response.

As noted in the OCA’s pleading, Eversource took the position that the material that is the subject of the pending motion for confidential treatment was protected as information submitted in a “routine” filing pursuant to Puc 201.06. While the OCA disagrees with Eversource’s position, it also does far more. The OCA goes on to claim, at paragraphs 8-12, that because it believes the information is not covered by Puc 201.06, Eversource should have abided by the requirements of Puc 203.08 and that because it did not, Eversource was “springing” the issue on the parties and was either “circumventing,” “ignoring,” or “flouting” the Commission’s rules. Eversource has done no such thing.

As the OCA notes, Eversource took the position that the information about the Burgess BioPower contract was covered by Puc 201.06 which applies certain documents submitted in “routine” filings and specifically defines default service proceedings, such as this one, as routine filings.<sup>1</sup> Eversource’s position was the reason, stated in writing consistent with Puc 201.06(b),

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<sup>1</sup> In arguing against the routine nature of the submission, the OCA contends that there is “nothing routine about the Burgess Biopower PPA, which was the subject of highly contentious approval proceedings in Docket No. DE 10-195.” OCA Opposition at paragraph 10. Whether the underlying PPA was, or was not, routine is irrelevant. The application of Puc 201.06 is to materials in the immediate default service proceeding in which the information was provided.

for treating the material confidentially when the underlying data response was provided on June 8, 2017.

Puc 201.06 has certain procedural requirements, including that the Commission will keep materials confidential until it renders a ruling and that such a ruling will occur “upon request for release of those documents to the public submitted pursuant to Puc 201.07.” Puc 201.06(d). Pursuant to Puc 201.07, once a request for disclosure is made, certain procedural steps are to be followed to determine whether disclosure is appropriate. No request was submitted pursuant to Puc 201.07 for the release of this information.

Eversource understands that the OCA disagrees with its interpretation of the application of Puc 201.06 to the material in question and would prefer that the process set out in Puc 203.08 apply. The OCA’s disagreement, however, does not mean that Eversource was attempting to “flout” or “circumvent” the Commission’s rules or surprise the parties. Eversource, based upon a reasonable interpretation and application of the rules, properly requested confidential treatment of material submitted in a routine proceeding. If a party did not agree with that request, there was a process by which disclosure could be sought.

Eversource takes seriously its obligations to abide by the Commission’s requirements, particularly as regards the treatment of confidential materials, and Eversource rejects the OCA’s implication that it acted inappropriately or in a manner inconsistent with the Commission’s rules.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,



Matthew J. Fossum  
Senior Counsel

Cc: Service List