

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

DOCKET NO. DE 22-083

Unitil Energy Systems, Inc.

Petition for Approval of LED Outdoor Lighting Service Tariff Changes

**MOTION FOR CLARIFICATION OR, ALTERNATIVELY, WAIVER AND FINDING
OF SUBSTANTIAL COMPLIANCE**

NOW COMES Unitil Energy Systems, Inc. (“Unitil” or the “Company”) and, pursuant to N.H. Admin. Rule Puc 203.07, respectfully moves the New Hampshire Public Utilities Commission (the “Commission”) to (1) clarify the notice requirement in the Order *Nisi* issued in the above-captioned matter on June 2, 2023 and find that the Company has complied with the notice requirement OR (2) grant a waiver of the requirement that the Company “inform each of its customers of [the Order *Nisi*] through written notice, such notice to be made no later than June 6, 2023,” and find that the Company has provided sufficient notice of the Order *Nisi* by posting it to the Company’s website.

In support of this Motion, the EDCs state as follows:

1. On June 2, 2023, the Commission issued Order No. 26,838, an Order *Nisi* approving Unitil’s proposed changes to its Light-Emitting Diode (LED) Outdoor Lighting Service Tariff (“LED Tariff”). DE 22-083, Unitil Energy Systems, Inc., Order *Nisi* at 3-4 (June 2, 2023). As required by the Settlement Agreement approved in DE 21-030, the Company had proposed changes to its existing tariff to “align more closely with Liberty Utilities’ LED-2 and Eversource’s EOL tariff rate to allow options for municipalities to install advanced lighting controls and to allow municipalities to own and maintain lighting fixtures.” Id. at 1. The approved tariff effective date is August 1, 2023. Id. at 4.

2. The Order *Nisi* includes the following notice requirement: “UES shall inform each of its customers of this order through written notice, such notice to be made no later than June 6, 2023.” Id. Unitil serves approximately 77,800 customers.

3. Unitil can find only one other Order *Nisi* requiring that notice be made on “each of [an entity’s] customers”: DW 23-042, Mill Brook Water System, Order No. 26,831 (May 31, 2023). The Commission issued this Order *Nisi* two days before issuing Order No. 26,838 in the above-referenced docket. Mill Brook Water District serves 43 customers, id. at 1, making direct written notice to each customer feasible.

4. Notwithstanding the Mill Brook Water System Order *Nisi*, the Commission routinely requires utilities satisfy notice requirements by posting *Nisi* Orders on their respective websites. See, e.g., DE 22-072, Public Service Company of New Hampshire, Order *Nisi* (April 21, 2023); DE 22-017, Unitil Energy Systems, Inc., Order *Nisi* (September 9, 2022).

5. Unitil believes that the notice requirement in Order No. 26,838 requires clarification by the Commission. If interpreted to mean that the Company must provide “written notice” to each of its approximately 77,800 customers within two business days, then the notice requirement cannot feasibly be satisfied. If interpreted to mean that the Company can make “written notice” upon its customers indirectly by posting the Order *Nisi* on its website in two business days – as has been the case in most *Nisi* Orders issued by the Commission in the last several years – then the Company has already complied with the requirement. An Affidavit attesting to the publication of Order No. 26,838 on the Company’s website is attached hereto as Attachment 1.

6. Unitil believes that the Commission did not intend for the Company to provide direct written notice of the Order *Nisi* upon all of its 77,800 customers, the large majority of

which are not affected by the change in the Company's LED Tariff, within two business days. Until believes that the Commission more likely intended that the Company be able to satisfy the notice requirement by posting the Order *Nisi* to the Company's website within two business days. Until respectfully requests that the Commission clarify that this indeed the case and find that the Company has complied with the Order *Nisi*'s notice requirement.

7. Alternatively, Until requests a waiver of the notice requirement to the extent that it requires direct written notice to each of its customers within two business days. The logistics and cost of meeting such a requirement are prohibitive. For a mass mailing, Until would need to schedule the work with its billing vendor, and then coordinate and proof files. The Company estimates that this would take at least 20 business days and would cost approximately \$45,000. Sending out notices with bills, via a bill message, was also not workable, as it takes approximately one full month to hit all the customer billing cycles.

8. The Company also cannot provide direct written notice to each of its customers via email, as the Company does not have valid email addresses on file for all of its customers. Even is the Company were able to provide notice to a majority of its customers via email, it would not be in compliance with the notice requirement. Moreover, the Order *Nisi* approves changes to the Until's LED tariffs that provide certain opportunities to municipalities, and are not directly relevant to the majority of the Company's customers. As such, a mass email from the Company directly to customers regarding this change has the potential to cause confusion.

9. In light of the prohibitive logistical and cost-related issues associated with direct written notice to each of Until's customers, the Company requests that the Commission (a) grant a waiver of the notice requirement in Order No. 26,838; (2) find that posting the Order *Nisi* to the Company's website by June 6, 2023 constitutes sufficient notice; and (3) allow the LED Tariff to

take effect on August 1.

WHEREFORE, the Company respectfully requests that the Commission:

- A. Clarify the Order *Nisi* as requested above;
- B. Alternatively, grant a waiver of the notice requirement in the Order *Nisi*;
- C. Find that the Company has provided sufficient and compliant notice under the Order *Nisi* by posting the Order to its website prior to June 6, 2023; and
- D. Grant such additional relief as is just and appropriate.

Dated this 6th day of June, 2023.

Respectfully submitted,



Patrick H. Taylor
Chief Regulatory Counsel
Unitil Service Corp.
6 Liberty Lane West
Hampton, NH 03842
603-773-6544
taylorp@unitil.com

CERTIFICATE OF SERVICE

I certify that I have caused copies of the above to be served on the service list in Docket No. DE 22-083.

Dated: June 6, 2023.



Patrick H. Taylor