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DEPARTMENT OF ENERGY
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September 8, 2023

Daniel C. Goldner, Chairman
Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301-2429

Re: DE 22-043 Low Income Electric Assistance Program, 2022-2023 Electric Assistance Program Budgets, *Parties' Joint Request to Enlarge both Filing Deadlines, i.e., September 8 (procedural schedule) and September 15 (regarding scoping matters) to September 22*

Dear Chairman Goldner:

The New Hampshire Department of Energy (“the Department”), with the support from and on behalf of all parties to this docket (the “Parties”), as set forth below, respectfully files this joint request to enlarge both pending deadlines of September 8, 2023 and September 15, 2023 to September 22, 2023. In support, the Department states as follows.

The Commission’s August 22, 2023 *Prehearing Order* set a September 8 deadline for the Parties to submit a proposed procedural schedule, consistent with a final Commission hearing in the second quarter of 2024. The Commission also identified seven “areas of scoping focus” to “aid the parties in their development of discovery, testimonial evidence, and recommendations to the Commission.” *See Prehearing Order* (Aug. 22, 2023) pp 2-3. The Commission also set a September 15 deadline for optional responsive filings from parties “regarding the scoping matters discussed above [in the Order].” *See id.* p 3.

The Parties jointly seek additional time due to the procedural complexity presented by the scoping matters identified by the Commission. The Parties met at length and discussed in detail the Commission’s *Prehearing Order*, and have found that determining a procedural schedule goes hand in hand with drafting scoping comments, and neither task is straightforward. Upon initial review, the Parties find many matters identified by the Commission for adjudication to have been resolved by the recent analysis contained in the *Colton Report*¹ (including but not limited to scoping matters 2, 4, and 5). Further, the Parties cannot identify any analysis that contradicts the *Colton Report’s* analysis.² Therefore, the parties are challenged with regard to developing a process for addressing these issues

¹ The *Colton Report* was filed on October 3, 2022 in Docket No DE 22-043, Tab 15 with the support of all parties, and of the EAP Advisory Board, as summarized in the DOE’s cover letter filed that date with the *Colton Report*. *See also Colton Report*, Bates 92-102 (internal summary of Colton’s recommendations).

² As a policy matter, the Parties note that some individual entities’ position on Recommendation #5 in the *Colton Report* has changed somewhat. Parties to this docket support all NH electric utilities developing and adding Arrearage Management Programs (AMPs). Some individual parties no longer support the use of EAP funding (SBC funds) to do so.

(e.g., discovery, evidence, and testimony) as there is no disagreement among the parties concerning the *Colton Report*. The same challenge exists with regard to the development of an efficient and cost-effective procedural schedule. (The parties note that scoping matter 1 could be addressed with a hearing at which Roger Colton, the author of the *Colton Report*, would discuss the report and answer Commission questions about his report, subject to Mr. Colton's availability. Alternatively, if it is determined that the Commission is requesting prefiled testimony or written responses to the other scoping matters, Mr. Colton's contract would likely need to be amended to include additional time and funding.

In sum, despite the Parties' best efforts to finalize a procedural schedule for filing today, given that there are ongoing questions about the broad "areas of scoping focus" the Parties require additional time to consider how to proceed with a schedule and request for comments regarding scoping matters. Specifically, the Parties believe that having the date extended to September 22, and that the date apply to both the procedural schedule and scoping comments would be most administratively efficient and in the public interest for prompt resolution of this docket.

The Parties' joint request for enlargement of time is consistent with Commission requirements. See N.H. Code of Admin. Rules Puc 202.04. Circumstances "would cause undue hardship or inconvenience unless the request is granted" because without additional time, the Parties are unable to develop a procedural schedule or consider a way to understand the Commission's concerns or to otherwise identify the factual evidence the Commission may be relying upon that is different from the conclusions reached in the *Colton Report*. In the opinion of the Parties, the enlargement of time would not unduly delay the proceeding or adversely affect the rights of any party because the Commission has targeted a final hearing for the second quarter of 2024. See *Prehearing Order* (Aug. 22, 2023) at 3.

This joint request for an enlargement of time is filed by the Department on behalf of itself and all the other parties in this docket, including the Community Action Agencies (by Jeanne Agri); and by and through counsel for Eversource (Jessica Chiavara); Unitil (Matthew Campbell); the N.H. Electric Co-operative (Susan Geiger); Liberty Utilities (Michael Sheehan); the Office of the Consumer Advocate (Michael Crouse); and Listen, represented by New Hampshire Legal Assistance (Ray Burke and Steve Tower).

Consistent with the Commission's current practice, this letter is being filed in electronic format.

Respectfully Submitted,

/s/ *Mary E. Schwarzer*

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