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STATE OF NEW HAMPSHIRE

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PUBLIC UTILITIES COMMISSION

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4

October 14, 2009 - 1:45 p.m.  
Concord, New Hampshire

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RE: DE 09-170  
CORE ENERGY EFFICIENCY PROGRAM:  
Core Energy Efficiency Program for 2010.  
(Prehearing conference)

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PRESENT: Chairman Thomas B. Getz, Presiding  
Commissioner Clifton C. Below  
Commissioner Amy L. Ignatius

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Sandy Deno, Clerk

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APPEARANCES: Reptg. Public Service Co. of New Hampshire:  
Gerald M. Eaton, Esq.

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Reptg. Unitil Energy Systems:  
Susan S. Geiger, Esq. (Orr & Reno)  
Rachel Goldwasser, Esq. (Orr & Reno)

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Reptg. New Hampshire Electric Cooperative:  
Mark W. Dean, Esq.

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Reptg. Granite State Electric Company:  
Sarah B. Knowlton, Esq. (McLane, Graf...)

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Court Reporter: Steven E. Patnaude, LCR No. 52

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2 APPEARANCES: (C o n t i n u e d)

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Reptg. the Jordan Institute:  
D. Dickinson Henry, Jr.

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Reptg. Office of Energy & Planning:  
Joanne Morin

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Reptg. The Way Home:  
Alan Linder, Esq. (N.H. Legal Assistance)

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Reptg. Residential Ratepayers:  
Meredith Hatfield, Esq., Consumer Advocate  
Kenneth E. Traum, Asst. Consumer Advocate  
Stephen Eckberg  
Office of Consumer Advocate

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Reptg. PUC Staff:  
Suzanne G. Amidon, Esq.  
Thomas C. Frantz, Director - Electric Div.  
Al-Azad Iqbal, Electric Division

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## I N D E X

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PAGE NO.

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STATEMENT BY CMSR. IGNATIUS

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RESPONSE BY:

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Mr. Eaton

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10 STATEMENTS OF PRELIMINARY POSITION:

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Mr. Eaton

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Ms. Geiger

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Mr. Dean

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Ms. Knowlton

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Mr. Henry

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Ms. Morin

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Mr. Linder

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Ms. Hatfield

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Ms. Amidon

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1 P R O C E E D I N G

2 CHAIRMAN GETZ: Okay. Good afternoon,  
3 everyone. We'll open the prehearing conference in docket  
4 DE 09-170. On September 30, 2009, National Grid, the New  
5 Hampshire Electric Cooperative, Public Service Company of  
6 New Hampshire, and Unitil Energy Systems filed a joint  
7 proposal for the CORE Energy Efficiency Programs to be  
8 made available in 2010. An order of notice was issued on  
9 October 1 setting the prehearing conference for this  
10 afternoon.

11 I'll note for the record that the Notice  
12 of Participation has been filed by the Office of Consumer  
13 Advocate. And, so far, we have Petitions to Intervene  
14 from the Office of Energy & Planning, the New Hampshire  
15 Community Associations, the Home Builders and Remodelers  
16 Association, the Jordan Institute, and The Way Home.

17 But let's take appearances. And, then,  
18 also, while we're taking appearances, if we can get any  
19 indication of whether there's any objections to any of the  
20 Petitions to Intervene.

21 MR. EATON: Good afternoon. My name is  
22 Gerald M. Eaton, representing Public Service Company of  
23 New Hampshire. We have no objections to the  
24 interventions.

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1 CHAIRMAN GETZ: Good afternoon.

2 MS. GEIGER: Good afternoon, Mr.

3 Chairman, Commissioner Below, Commissioner Ignatius. I'm  
4 Susan Geiger, with the law firm of Orr & Reno. And, with  
5 me this afternoon is my associate, Rachel Goldwasser, from  
6 Orr & Reno; and Lisa Glover, from Unitil Energy Services.  
7 And, Unitil does not have an objection to the Petitions  
8 for intervention.

9 CHAIRMAN GETZ: Good afternoon.

10 MR. DEAN: Good afternoon,  
11 Commissioners. I'm Mark Dean, on behalf of the New  
12 Hampshire Electric Cooperative. And, the Co-op does not  
13 have any objections to the interventions.

14 CHAIRMAN GETZ: Good afternoon.

15 MS. KNOWLTON: Good afternoon. Sarah  
16 Knowlton, from the McLane law firm, here today for Granite  
17 State Electric Company. And, with me from Granite State  
18 is Angela Li. And, the Company does not have any  
19 objections to any of the intervention motions.

20 CHAIRMAN GETZ: Okay. Good afternoon.

21 Other appearances? Mr. Henry.

22 MR. HENRY: Hi. I'm Dick Henry, from  
23 the Jordan Institute. And, we have no objections to the  
24 interventions.

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1 CHAIRMAN GETZ: Good afternoon.

2 MS. MORIN: Joanne Morin, from the  
3 Office of Energy & Planning. And, we also have no  
4 objections to any of the interventions.

5 CHAIRMAN GETZ: Thank you.

6 MR. LINDER: Good afternoon. Alan  
7 Linder, from New Hampshire Legal Assistance, representing  
8 The Way Home. And, seated with me, from The Way Home, is  
9 Dianne Pitts, the Director of Housing Services. And, we  
10 have no objection to any of the Petitions for  
11 Intervention. Thank you.

12 CHAIRMAN GETZ: Good afternoon.

13 MS. HATFIELD: Good afternoon,  
14 Commissioners. Meredith Hatfield, for the Office of  
15 Consumer Advocate, on behalf of residential ratepayers.  
16 And, with me from the Office are Steve Eckberg and Ken  
17 Traum. We not only have no objection to the  
18 interventions, we are actually pleased to see all of these  
19 people who are here to participate in this docket. Thank  
20 you.

21 CHAIRMAN GETZ: Thank you.

22 MS. AMIDON: Thank you. Suzanne Amidon,  
23 for Commission Staff. Good afternoon. With me today is  
24 Tom Frantz, who is the Director of the Electric Division,

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1       and two analysts from the Division, Jim Cunningham and  
2       Al-Azad Iqbal.

3                       CHAIRMAN GETZ:   Okay.   Good afternoon.

4                       MS. AMIDON:   And, we have no objections  
5       to the Motions to Intervene.   Thank you, Mr. Chairman.

6                       CHAIRMAN GETZ:   Thank you.   Is there  
7       anyone here on behalf of the Home Builders and Remodelers  
8       Association?

9                       (No verbal response)

10                      CHAIRMAN GETZ:   Is there anyone else who  
11       is seeking to intervene?   Sir.

12                      MR. ANEY:   My name is Russ Aney.   And,  
13       I'm a ratepayer, but also a U.S. Energy Saver, LLC founder  
14       and CEO.   We're an energy services company based out of  
15       New London, New Hampshire.   As an energy service provider,  
16       I would like to be -- and I believe I have interests  
17       aligned with seeing the growth of the energy efficiency  
18       marketplace, and I would appreciate an opportunity for a  
19       late intervention filing, given that I did not do so on a  
20       timely basis.   Thank you.

21                      CHAIRMAN GETZ:   Okay.   Thank you.   Is  
22       there any objection to that Petition to Intervene?

23                      MR. EATON:   No.

24                      CHAIRMAN GETZ:   Okay.   Hearing no

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1 objection, and recognizing that the various written and  
2 oral petitions for intervention have demonstrated rights,  
3 duties, privileges, or interests affected by this  
4 proceeding, we'll grant all of the Petitions to Intervene.

5 Are there any procedural issues before  
6 we provide an opportunity for statements of positions?

7 (No verbal response)

8 CHAIRMAN GETZ: Commissioner Ignatius.

9 CMSR. IGNATIUS: Thank you, Mr.  
10 Chairman. I do have a procedural matter I would like to  
11 address before we begin. And, that is whether it's  
12 appropriate for me to participate in this case, given the  
13 intervention of the Office of Energy & Planning. I think,  
14 as parties know, I previously served as the Director of  
15 OEP, and worked with people on some matters that involved  
16 Public Utilities Commission dockets, and occasionally  
17 consulting with one of the -- one of the members of the  
18 OEP staff on positions and on submissions that he made to  
19 the Commission.

20 But, notwithstanding that, I don't find  
21 any conflict in or any cause for me to be disqualified  
22 from participating in this docket. And, in order to be  
23 certain there's no appearance of a conflict or any concern  
24 on anyone's part, I wanted to lay out on the record how I

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1 reach that conclusion, and give people an opportunity to  
2 address that, if they find concerns.

3 When I was nominated June 2nd of this  
4 year to serve on the Commission, I informed members of the  
5 OEP staff that I needed to insulate myself from matters  
6 that could come before we at the Commission, if I were to  
7 be confirmed. And, from that date forward, I did not  
8 participate in or be briefed on any matters that were at  
9 issue in open dockets at the Commission. I joined the  
10 Commission July 31st of this year. This docket was opened  
11 later, on September 30th of this year, by a joint filing  
12 made by the utilities and Staff. I've had no involvement  
13 in the development of any of the positions in that filing.  
14 And, I certainly have not prejudged the outcome of this  
15 docket. And, thus, I find no basis to disqualify myself.

16 But, if any party is concerned about my  
17 participation, given my prior involvement at OEP, which is  
18 an intervenor in this case, we have an opportunity today  
19 to consider that before we proceed further in the case.  
20 So, I wanted, before we begin, to put that on the record  
21 and allow anyone who has any concern to express it. Thank  
22 you.

23 CHAIRMAN GETZ: Thank you. Any  
24 statements, positions with respect to Commissioner

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1 Ignatius's statement?

2 MR. EATON: These proceedings have been,  
3 I would say, more in the area of legislative or  
4 collaborative. I don't remember the Office of Energy &  
5 Planning taking any contested issues up. And, we have, in  
6 most cases, come to an agreement as to what the Commission  
7 would approve of. And, therefore, I see no way where your  
8 impartiality could be questioned in this proceeding. It's  
9 not like we've banged heads, and you were the first on this  
10 side. It's just not been that way. So, I can't see why  
11 there would be any way to question your impartiality in  
12 this case.

13 CHAIRMAN GETZ: Okay. Any other  
14 responses? Concerns?

15 (No verbal response)

16 CHAIRMAN GETZ: Okay. Hearing nothing,  
17 then, we'll allow opportunity for statements of positions.  
18 Start with you, Mr. Eaton.

19 MR. EATON: Yes, Mr. Chairman. This is  
20 our annual filing of the CORE Energy Efficiency Programs  
21 to be offered in the year 2010. There has been a  
22 procedural schedule that the parties have worked on, and  
23 we will be submitting that to the Commission, assuming  
24 that all parties can agree to it. In my cover letter, I

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1 ask that the Commission consider giving permission for the  
2 2009 programs to be continued in 2010, because we have a  
3 hearing scheduled for December 22nd in this case, and that  
4 may be part of the Commission's procedural order in this  
5 case.

6 The programs being offered here are  
7 primarily funded by the Systems Benefits Charge, with some  
8 money that comes from Forward Capacity payments in the  
9 transition payments under the Forward Capacity Program.  
10 And, it is not covering programs that have been approved  
11 by the Office of Sustainability that's funded by the  
12 Regional Greenhouse Gas Initiative. We think it's a  
13 proper -- a proper area of inquiry for parties to say "How  
14 are you going to keep the dollars separated? How are you  
15 going to account for services provided under the CORE  
16 Programs versus the RGGI funded programs?" And, that's a  
17 proper form of inquiry. But the programs that have been  
18 approved by the Office of Sustainability will go forward,  
19 and we'd like this case to focus mostly on the programs  
20 that were offered and proposed in the September 30th  
21 filing.

22 CHAIRMAN GETZ: Thank you. Ms. Geiger.

23 MS. GEIGER: Yes. Thank you, Mr.

24 Chairman. Unutil would concur with the statements made by

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1 Mr. Eaton in support of the filing that's been made on the  
2 CORE Energy Efficiency Programs, and would respectfully  
3 ask that the Commission approve them, in addition to the  
4 specific program that Unitil has filed for approval on  
5 separately from the CORE Programs.

6 The Company looks forward to working  
7 with the other parties to the docket and Commission Staff  
8 in the tech sessions in the coming weeks ahead, to  
9 hopefully bring this matter before the Commission in  
10 December, as Mr. Eaton has indicated. And, we look  
11 forward to working with the group on that.

12 CHAIRMAN GETZ: Thank you. Mr. Dean.

13 MR. DEAN: The Cooperative, as a joint  
14 applicant, obviously supports the filing. And, I don't  
15 really have anything to add to Mr. Eaton's summary. I  
16 hope that this docket proves to be another collaborative  
17 or legislative process, as Attorney Eaton described the  
18 past CORE filings.

19 CHAIRMAN GETZ: Thank you.

20 Ms. Knowlton.

21 MS. KNOWLTON: Thank you. National Grid  
22 is pleased to be here jointly proposing the CORE Programs  
23 for 2010, along with the other electric utilities. And,  
24 as the Company has done in prior dockets, is looking

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1 forward to working with all of the parties on these  
2 proposed programs, and would hope that we could reach  
3 consensus on what those programs should be and submit that  
4 consensus to the Commission for its consideration at the  
5 December 22nd hearing.

6 I would also note that the Company is  
7 continuing to work with the Commission Staff on its audit  
8 of its existing programs. And, we look forward to  
9 continuing to provide the Staff with the information that  
10 they need so that they can complete their audit. Thank  
11 you.

12 CHAIRMAN GETZ: Thank you. Mr. Aney?

13 MR. ANEY: I'll pass.

14 CHAIRMAN GETZ: Mr. Henry.

15 MR. HENRY: Commissioners, thank you  
16 very much for this opportunity to comment. The Jordan  
17 Institute is happy to participate on this, and stresses  
18 the need for collaborative efforts made in pulling this  
19 docket together. We're particularly concerned about  
20 several areas. One is fairness in the low income  
21 proposals, which we've expressed a considerable concern on  
22 in earlier meetings. We are also interested in being sure  
23 that these programs take maximum advantage of leveraging  
24 the various additional funds that have become available

1 through ARRA and RGGI and RPS.

2 We also think it's important that there  
3 be a continuity of programs. Many of the programs we've  
4 proposed in this year are pilot programs, and it's  
5 important that there not be a stopping and starting of  
6 these programs, that there needs to be continuity over the  
7 next several years.

8 We have some concerns about the Fuel  
9 Blind implementation, and we're still very interested in  
10 the on-bill financing of energy efficiency, but I will  
11 admit that we have not done as much with that as I had  
12 hoped we would be able to in the past year. I appreciate  
13 the Commission's willingness to continue to let us pursue  
14 those issues. Thank you.

15 CHAIRMAN GETZ: Thank you. Ms. Morin.

16 MS. MORIN: Thank you, Commissioner. I  
17 would like to just thank you for -- we're pleased to  
18 participate in this docket again and work with the  
19 utilities and Staff on these important programs. There's  
20 three areas I'd particularly like to highlight that we  
21 have some concerns on and briefly comment on today that  
22 we're hoping to work with the intervening parties on.  
23 And, that is, first of all, relative to the existing Fuel  
24 Blind Program, we are also concerned that we hope to see

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1     some type of continuation of this program, even if it's in  
2     a pilot form. We're concerned with presenting, you know,  
3     consistency to consumers, and we don't want to create  
4     confusion if that program is going to be at all stopped  
5     for some period of time. So, that's one area of interest  
6     of ours.

7                     A second area is also we understand  
8     there may be ways at relooking at how to develop the  
9     application to low income programs, making perhaps a  
10    formula-based approach, and we certainly would be  
11    interested in talking about what that formula might be and  
12    the aspects of what would go into that formula. That  
13    would be an area we would be greatly interested in.

14                    And, finally, we would like to have  
15    discussions about what monitoring and evaluation would be  
16    conducted going forward. Thank you.

17                    CHAIRMAN GETZ: Thank you. Mr. Linder.

18                    MR. LINDER: Yes. Mr. Chairman and  
19    Commissioners, we -- The Way Home has reviewed the filing.  
20    And, although we haven't come to a full conclusion on all  
21    of the issues, we are supportive of the proposed CORE  
22    Programs and supportive of those budgets for the Program.  
23    I notice that the order of notice in this docket  
24    referenced one possible issue as to the Home Energy

1 Assistance Budget allocations, and whether those are  
2 appropriate, and the Home Energy Assistance is the low  
3 income program.

4 The Way Home is supportive of the  
5 proposed budget for 2010 for the low income program, and  
6 is also supportive of the estimated participation level of  
7 the number of low income folks who can be helped through  
8 that program. There is a significant need for services  
9 for the low income community, and we do support the budget  
10 proposed by the utilities.

11 Earlier, there was mention made in one  
12 of the statements with respect to Forward Capacity funds  
13 that have been coming into the CORE Program. And, we have  
14 one concern, if you will, with respect to that. We became  
15 aware recently of the opening of a new docket, in DE  
16 09-158, which is a Public Service request for approval on  
17 its proposed -- on a proposed Demand Response Program. We  
18 have not intervened in it, but there is one issue or one  
19 item in the order of notice in that case that raises a  
20 potential concern, and may have a potential impact on this  
21 case, and that's docket DE 09-158. Page 2 of the order of  
22 notice said that "the program would be funded with forward  
23 Capacity Market revenues paid to the Company in exchange  
24 for the capacity reductions resulting from the CORE

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1       Programs." The next sentence says "In the event of a  
2       shortfall, the Company proposes to fund the deficit  
3       through the System Benefits Charge." I'm bringing that up  
4       now because that could potentially have an impact on the  
5       funds available for the proposed energy efficiency  
6       programs in this case. And, I would suggest that the  
7       Commission may want to consider taking administrative  
8       notice of the 09-158 docket. There was a request that it  
9       be expedited, so it may be running in parallel with this  
10      docket. And, because of the potential impact, the  
11      Commission may want to consider taking administrative  
12      notice of that.

13                       And, lastly, we agree with the  
14      suggestion that, in the event that the Commission is not  
15      able to issue a final order in this case prior to  
16      January 1st of 2010, that the program -- that this program  
17      be allowed to go forward so that there's no disruption in  
18      delivering services to all potential recipients of the  
19      programs. Thank you.

20                       CHAIRMAN GETZ: Thank you. Ms.  
21      Hatfield.

22                       MS. HATFIELD: Thank you, Mr. Chairman.  
23      The OCA is still in the process of reviewing the Company's  
24      filings. But, to try to follow the quick schedule that

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1 we'll have in this docket, we have already issued one  
2 round of data requests. We share several of the same  
3 concerns that have already been raised, so I'll try to be  
4 brief. One is the Fuel Blind Pilot and whether or not  
5 it's important to at least continue that through this  
6 heating season, in order to get enough results from the  
7 pilot in order to do a good evaluation of the program.

8 We are deeply concerned about what we  
9 understand is possibly a proposal to reduce funding for  
10 the very successful Low Income Energy Efficiency Program,  
11 and so we'll be watching that very closely. We agree with  
12 several prior statements that the significant need for  
13 that program has been well documented, and we do not  
14 support a reduction in funding for low income energy  
15 efficiency. We think, in fact, we should be moving in the  
16 opposite direction.

17 We also share Mr. Linder's concerns,  
18 that there is another docket that he referenced related to  
19 PSNH's proposal for their PeakSmartPlus Program. We're  
20 very concerned about the funding proposal in that docket,  
21 because, as he said, it would, at a minimum, utilize the  
22 Forward Capacity Market funds that have been going to the  
23 CORE Programs, or, as he also referenced, could cause some  
24 of the System Benefits Charge funds to go into that

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1     program. And, we are concerned that the two dockets are  
2     separate, but that they could have an impact on each  
3     other.

4                     And, we also share the concern that OEP  
5     raised about monitoring and evaluation. We find ourselves  
6     in October of 2009, and I do not believe that at this  
7     time, in this year, there is an approved M&E Program  
8     planned for this year, despite the fact that M&E is  
9     critical to these programs and to the participation of the  
10    Forward Capacity Market, and the fact that 5 percent of  
11    the budget is set aside for monitoring and evaluation.  
12    So, we've actually asked data requests to utilities asking  
13    for an update on the status of their pending requests,  
14    which I believe is before the Commission, as to the plan  
15    for 2009, as well as the M&E plan for 2010.

16                    And, we will work with the parties and  
17    with Staff to do everything we can to finish this docket  
18    by the end of December. And, I also did want to add that  
19    we have had prior conversations with both the electric and  
20    gas utilities that I believe you're aware of, where the  
21    parties have discussed the possibility of having a truly  
22    joint statewide proposal among the gas and electric  
23    utilities in 2010, for programs starting in 2011. And,  
24    it's my hope that, while this docket probably needs to

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1 focus on this filing that is before us, that we can also  
2 be thinking proactively about starting earlier in the year  
3 next year and really taking a fresh look at the programs  
4 that the utilities offer, the delivery systems that we  
5 use, and really taking a top-to-bottom look at what could  
6 we be doing differently, what could we be doing better,  
7 and how could we leverage all of the other funds that are  
8 available to try to really achieve the very high  
9 efficiency goals that we've set for ourselves in the  
10 state. Thank you.

11 CHAIRMAN GETZ: Thank you. Ms. Amidon.

12 MS. AMIDON: Thank you. Staff has only  
13 begun its review of the filing, but we have a few  
14 observations for the record at this point. First,  
15 regarding the Fuel Blind proposal, the Electric Division  
16 staff is concerned that the Fuel Blind Pilot Project,  
17 which was approved by the Commission in June, is being  
18 offered as a CORE Program, although it's only being  
19 offered in the pilot by two companies, Unitil and PSNH.  
20 In addition, although PSNH and Unitil represented in the  
21 last proceeding, the 2009 CORE proceeding, that there were  
22 no more electric heat customers who were interested in  
23 participating in the traditional Home Energy Solutions  
24 Program, which was targeted at electric heat customers.

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1 The filing shows that about 900 electric heat customers  
2 participated in the 2009 Home Energy Solutions Program.

3 Finally, enrollment in the Pilot Program  
4 appears to be lower than what was permitted by the  
5 Commission, which was 200 customers for PSNH and 100 for  
6 Unitil, bringing the successful evaluation of the Pilot  
7 Program into question. These issues will be further  
8 explored in discovery.

9 Second, although the Division is aware  
10 that the low income issue is highly controversial, the  
11 Division notes that there's no methodology at present to  
12 support the Home Energy Assistance budget. And, I have  
13 heard that -- I understand, although I'm not a  
14 mathematician, that it's roughly 14 percent of the budget  
15 as proposed for the 2010 programs. After reviewing the  
16 process to establish an HEA budget number, the Division  
17 produced a formula approach to setting Home Energy  
18 Assistance in the future, and intends to submit that as an  
19 alternative for the Commission to consider in determining  
20 how to set the Home Energy Assistance budget.

21 Finally, well, no, it's not "finally",  
22 we plan to complete the audit hopefully in the next  
23 several weeks, once we received all the responses. And,  
24 we appreciate National Grid's willingness to give priority

1 to that.

2 We also share the concerns that Mr.  
3 Linder and the Office of Consumer Advocate made about the  
4 PeakSmart Start, and whether it's appropriate for CORE  
5 monies or monies that would otherwise go to the CORE  
6 Programs to be used to support that program. But we  
7 understand the Commission will be dealing with that in  
8 another docket.

9 And, finally, the Staff did note that  
10 the filing really took advantage of the results of the GDS  
11 Energy Efficiency Potential Study, which was a major  
12 monitoring and evaluation activity that was done in 2009  
13 -- 2008 and through early, the first quarter, I think, of  
14 2009. That's reflected in this filing. And, we're very  
15 happy that the utilities took advantage of that study to  
16 explore potentials for energy efficiency.

17 And, in closing, I would say that I  
18 would also agree with the requests that the Commission  
19 continue the authority of the utilities to operate the  
20 2009 CORE Programs, if an order in this docket is not  
21 entered by December 31st, 2009. Thank you.

22 CHAIRMAN GETZ: Okay. Thank you. Okay.  
23 Is there anything further this afternoon?

24 (No verbal response)

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1                   CHAIRMAN GETZ: All right. Then,  
2       hearing nothing, we'll close the prehearing conference and  
3       await further recommendations about scheduling and other  
4       matters from the parties. Thank you, everyone.

5                   (Whereupon the prehearing conference  
6                   ended at 2:12 p.m., and the Parties and  
7                   Staff convened a technical session  
8                   thereafter.)

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