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November 20, 2009

Re: DE 09-194, Office of Energy and Planning
Re-allocation of 2008-2009 StayWarmNH Unused Funds

To the Parties:

On October 8, 2009, the Office of Energy and Planning (OEP) filed a request for re-allocation of \$160,553.47 in unused funds that were part of the \$1.2 million the Commission appropriated to OEP pursuant to HB 1653 (2008) from the Greenhouse Gas Emissions Reduction Fund (GGERF) for the 2009 StayWarmNH initiative. According to OEP's request, by statute the funds could only be spent in FY 2009, after which they were to be returned to the GGERF. OEP requests a re-allocation of those funds in order to continue to offer weatherization and winterization services in partnership with the Community Action Agencies in the fall and winter of 2009-2010.

On October 19, 2009, Staff filed a memorandum in support of OEP's request noting that low-income residents would benefit from ongoing weatherization and winterization services and recommended that the Commission approve the request by order *nisi*. On November 2, 2009, the Office of the Consumer Advocate also filed a letter in support of OEP's request.

Inasmuch as the legislative grant of authority to expend \$1.2 million in GGERF funds for the 2009 StayWarmNH expired on June 30, 2009, the Commission must rely on the procedures set out in Puc 2604.01 (b) to select and fund eligible programs from GGERF funds, namely, the issuance of a request for proposals or the conduct of an adjudicative proceeding. The funds cannot simply be reallocated. Given the timing of the request and the procedural steps required under Puc 2604.01 (b), the 2009-2010 winter season would be well under way before a determination could be made on the request. Accordingly, the Commission has determined that, notwithstanding the merits of the StayWarmNH program, OEP should return the \$160,553.47 in unused funds to the GGERF where it will be considered with other funds for distribution to selected awardees pursuant to Puc 2604.01 (b).

Sincerely,

A handwritten signature in blue ink that reads "Debra A. Howland".

Debra A. Howland
Executive Director