

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY

**REQUEST FOR PARTIAL WAIVER OF NEW HAMPSHIRE CODE OF
ADMINISTRATIVE RULES PUC 909.08**

Docket No. DE 15-XXX

Pursuant to Puc 202.01(a), and PART Puc 203, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) hereby requests that the New Hampshire Public Utilities Commission (“Commission”) grant a waiver of the time restriction found in New Hampshire Code of Administrative Rules Puc 909.08(h). In support of this request, Eversource says the following:

1. In 2013, the New Hampshire Legislature enacted certain amendments to portions of RSA chapter 362-A. Among the amendments was the addition of RSA 362-A:9, XIV relating to group net metering. Relevant to this submission, that law provided, in part, “Group hosts shall be responsible for any costs necessary to upgrade a utility’s information systems in order to implement this paragraph, as determined by the commission.” RSA 362-A:9, XIV(d). In light of the various changes made by the legislative amendments, following the passage of the new law the Commission sought to amend its administrative rules in PART Puc 900 relating to group net metering. *See generally* Docket No. DRM 13-311. Those amendments were adopted on January 7, 2015. Among the amendments to the rules was a provision in Puc 909.08(h) stating:

Any distribution utility that seeks to impose upon hosts the costs necessary to upgrade its information systems in order to implement group net metering as authorized by RSA 362-A:9, XIV(d), shall, within 90 days of the effective date of this rule, file with the commission sufficient information for the commission to determine whether the proposed costs are reasonable. Upon receipt of that filing, the commission shall open a docket and expeditiously determine the distribution utility’s reasonable costs necessary to upgrade its information systems in order to implement this chapter, and determine how to allocate those costs among hosts.

The underlying statute contains no time limitation on cost recovery from group hosts. Under the rule, however, should a distribution utility such as Eversource seek to recover costs of information system upgrades necessitated by group net metering from group hosts it is now required to file information on the costs of those upgrades by April 7, 2015. Failure to do so by the time set in the rule appears to foreclose the utility from seeking cost recovery from group hosts. Through this submission Eversource seeks a waiver of the 90-day limitation included within Puc 909.08(h).

2. Under Puc 201.05, the Commission shall waive the provisions of any of its rules when the waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission. In determining whether the waiver will serve the public interest, the Commission must determine whether compliance with the applicable rule would be onerous or inapplicable given the circumstances, or the purpose of the rule would be satisfied by another method.

3. Presently, there are no matters before the Commission relating to this provision. Accordingly, waiver will not disrupt the orderly and efficient resolution of any matter. With respect to the public interest, the Commission's amended rule, along with other rules relating to the relatively new field of group net metering, took effect on January 7, 2015. Given the recent vintage, Eversource has not yet had an opportunity to fully assess whether upgrades to its information systems are needed, nor has the potential scope or cost of any prospective changes been determined.

4. To date, and in light of the volume of group net metering, Eversource has been able to address the needs of the law and rules through the implementation of various manual processes. Should group net metering expand, however, it may become necessary to implement changes to Eversource's systems to address the developing need. There may also be a need to upgrade Eversource's systems to comply with new or expanded statutory or regulatory requirements relating to group net metering. These system upgrades may occur sometime after April 7, 2015. Under the circumstances, it would be onerous to require that Eversource create an analysis of potential costs for systems that have not been

developed, and that will not be developed until a demonstrated need arises, simply to ensure that it is not foreclosed from ever seeking recovery from group hosts for the costs. For clarity, Eversource has not determined that it will, in fact, seek to recover its potential costs from group hosts. Eversource seeks this waiver only to ensure its ability to do so, in line with RSA 362-A:9, XIV, if appropriate.

WHEREFORE, Eversource respectfully requests that the Commission:

1. GRANT Eversource's request for a partial waiver of Puc 909.08(h); and
2. GRANT such further relief as may be just and equitable.

Respectfully submitted this 20th day of February, 2015.

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

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