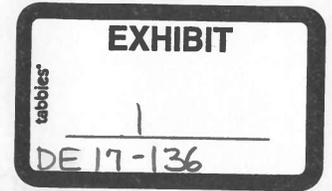


THE STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION



2018-2020 NEW HAMPSHIRE STATEWIDE ENERGY EFFICIENCY PLAN

Docket No. DE 17-136

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) relating to the implementation of the 2018-2020 New Hampshire Statewide Energy Efficiency Plan (the “Plan”) is entered into this 8th day of December, 2017, by and among: Liberty Utilities (Granite State Electric) Corp. (“Granite State”); Unitil Energy Systems, Inc. (“UES”); Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”); and the New Hampshire Electric Cooperative, Inc. (“NHEC”) (collectively, the “Electric Utilities”); Liberty Utilities (EnergyNorth Natural Gas) Corp. (“EnergyNorth”) and Northern Utilities, Inc. (“Northern”) (collectively, the “Gas Utilities”) (the Electric Utilities and Gas Utilities are collectively referred to as the “Utilities”¹); the Staff of the New Hampshire Public Utilities Commission (“Staff”); the Office of the Consumer Advocate (“OCA”); the Department of Environmental Services (“DES”); The Way Home (“TWH”); the Conservation Law Foundation (“CLF”); Acadia Center (“Acadia”); and the New Hampshire Sustainable Energy Association (“NHSEA”) (all collectively referred to as the “Settling Parties”), with the intent of resolving the issues discussed herein. This Settlement Agreement constitutes the recommendation of the Settling Parties with respect to the Commission’s approval of the Plan for the 2018-2020 implementation period.

¹ In recognition of the limited jurisdictional status of NHEC, references to the Utilities or the Electric Utilities will be deemed to include NHEC, except where noted.

I. INTRODUCTION AND PROCEDURAL HISTORY

In 2015, the Commission commenced a proceeding, Docket No. DE 15-137, to establish an Energy Efficiency Resource Standard (“EERS”) in New Hampshire. Following an extensive proceeding, numerous parties, including essentially all of the Settling Parties to this Agreement, reached a settlement calling for the implementation of an EERS beginning in 2018. That settlement was filed with the Commission on April 27, 2016, and approved in Order No. 25,932 (August 2, 2016).

Pursuant to that settlement and Order, the Energy Efficiency and Sustainable Energy (“EERE”) Board created pursuant to RSA 125-O:5-a took on the role of an “enhanced stakeholder” board and, through its EERS Committee, convened a series of meetings in June and July to consider a draft version of the Utilities’ EERS implementation plan. The EERE Board unanimously adopted a series of recommendations for revisions to the draft plan on July 21, 2017. On September 1, 2017, the Utilities filed the Plan describing their proposal for the implementation of the EERS for the 3-year period of 2018-2020.

The parties engaged in discovery and on November 1, 2017, testimony was filed by the Staff, the OCA, and TWH, along with comments from Acadia Center. Thereafter, the Settling Parties engaged in settlement discussions that have culminated in this Agreement presented for the Commission’s consideration.

II. SETTLEMENT TERMS

The Settling Parties agree that the Settlement Agreement as described below should be approved by the Commission. These terms are intended to comprise a comprehensive settlement

and, as such, all terms are interdependent and each Settling Party's agreement to each individual term is dependent upon all Settling Parties' agreement with all of the terms.

A. Plan

The Settling Parties agree that the 2018-2020 Plan as filed and modified by this Agreement meets the energy savings goals set forth in Order No. 25,932 with a cost-effective portfolio of comprehensive electric and natural gas programs and a secondary focus on fuel-neutral savings. The Settling Parties agree and recommend that the Plan filed with the Commission be implemented by the Utilities, except as modified or described herein.

B. Non-Energy Impacts (NEI)

The Utilities have, since 2001, employed the Total Resource Cost (TRC) test to determine whether the benefits of a particular program or measure exceed its costs to utilities and participants so as to justify the program or measure for inclusion among ratepayer-funded programs.² The Plan calls for continued use of the TRC test in 2018-2020 but revises the formula to include in the numerator an adder of ten percent of total electric, gas, and other fuel benefits.³ The purpose of the adder is to account for non-energy impacts (NEIs) of energy efficiency programs and measures. The Settling Parties agree that the Commission should approve the inclusion of this 10 percent adder in the application of the TRC test for 2018-2019 because it is a reasonable proxy for NEIs that have not, as yet, been calculated with precision in New Hampshire. The Settling Parties further agree that the Evaluation, Measurement and Verification (EM&V) Working Group (discussed further in Paragraphs C and I, *infra*) shall

² The TRC test estimates present value of the benefits to utilities and participants over the life of program measures and uses this estimate as its numerator. The denominator is the present value of utility and participant costs. A ratio of 1.0 or greater means the measure or program is cost-effective.

³ Other fuels include oil, propane, wood, and kerosene. The proposed adder will not be applied to water savings, to avoid double counting.

begin to develop New Hampshire-specific, evidence-based studies of NEIs in early 2018 with a goal of applying study results to the relevant provisions of the 2020 (i.e. Year 3 of the first EERS triennium) Plan update. In addition to studies using New Hampshire-specific raw data, evidence-based research may include the research supporting NEIs from other jurisdictions where such research can reasonably be applied to New Hampshire.

C. Income Eligible Non-Energy Impacts

The Settling Parties agree that the EM&V Working Group shall prioritize the evaluation of income-eligible non-energy impacts⁴ as they relate to New Hampshire utilities and customers, and shall provide relevant updates during Quarterly Meetings to inform the Parties and the Benefit/Cost (B/C) Working Group (described below in Section II.M.(3)). The BC Working Group shall discuss the following NEI issues (but will not be limited to these items):

- (1) Whether it is appropriate to adopt an income - eligible adder for inclusion in the TRC test, separate from the portfolio-wide 10 percent adder adopted in the Plan, and, if so, the level of such low-income adder;
- (2) Whether the New Hampshire-specific NEI studies undertaken pursuant to this Settlement should include a separate, evidence-based, income-eligible NEI study; and
- (3) Whether any adder adopted in this proceeding should be extended through the 2020 program year until such time as the above NEI studies are substantially completed and New Hampshire-specific NEI values are either adopted or rejected by the Commission, and if adopted, implemented in a timely manner.

⁴ “Income-eligible non-energy impacts” refers to NEIs that are specific to customers participating in the Home Energy Assistance program described in Section 6.1 of the Plan.

The B/C Working Group shall keep the EM&V Working Group informed about the discussions and recommendations, if any, of the B/C Working Group with respect to the above issues.

D. Demand Reduction Induced Price Effects (“DRIPE”)

Consistent with Order No. 25,976 in Docket DE 14-216, in 2017 the Utilities began including DRIPE in the calculation of benefits for purposes of applying the TRC test to specific programs and measures.⁵ For purposes of this Settlement Agreement, the Settling Parties agree that DRIPE specific to New Hampshire should continue to be included but that Rest of Pool (“ROP”) DRIPE shall be removed from the Benefit/Cost Test. Other DRIPE benefits as identified in the proposed 2018-2020 Plan shall remain. The Utilities agree that they shall re-file the pages in the 2018-2020 Plan that are impacted by this adjustment, which pages are included in Attachment A to this Settlement Agreement. The Settling Parties recognize that the exclusion of ROP DRIPE may cause the Benefit/Cost ratio for some programs to fall below 1.0 for 2018. The Settling Parties agree that those programs may continue as contemplated in the Plan. As part of its discussions and recommendations, the B/C Working Group shall include discussions of ROP DRIPE, as well as results from the region-wide 2018 Avoided Energy Supply Costs (AESC) Study in which Commission Staff and the Utilities are participating, and shall make recommendations for adjustments to the Benefit-Cost Model in future annual updates or plans.

E. Performance Incentive

In Order No. 25,932, the Commission determined that the Utilities should continue to recover a reduced Performance Incentive (PI) according to the same formula they had previously been using. The Utilities’ Plan for 2018-2020 likewise calls for continued application of the

⁵ DRIPE is an acronym standing for “demand reduction induced price effect.” It refers to the reduction in wholesale market prices for energy and/or capacity resulting from energy efficiency and demand reduction programs. “Rest of Pool” DRIPE refers to reductions in such wholesale prices that occur outside of New Hampshire as the result of energy efficiency programs in New Hampshire.

existing PI formula. The Settling Parties agree that the Performance Incentive calculation included in the Plan should be approved and shall remain in effect for 2018 and 2019. A Performance Incentive Working Group, discussed below in Section II.M.(1), shall be formed in 2018 to review potential PI calculation methodologies that could further promote the achievement of New Hampshire's EERS goals. Likely candidates for study include (but are not limited to) metrics to cover income eligible participation and peak load reductions. The PI Working Group shall make recommendations for the 2020 Plan update. The Settling Parties further agree that any of the Settling Parties may make recommendations about the Performance Incentive for the 2020 Plan update in addition to any recommendations made by the Performance Incentive Working Group.

F. Lost Revenue Adjustment Mechanism (“LRAM”)

Order Nos. 25,932 and 25,976 authorized the Utilities (other than NHEC, which is not investor-owned) to apply a Lost Revenue Adjustment Mechanism (LRAM) to allow them to recover the base revenues lost by the investor-owned Utilities due to the installation of energy efficiency measures under the programs they administer. The investor-owned Utilities implemented the LRAM in 2017 pursuant to Order No. 25,976. The Settling Parties agree that the LRAM shall remain in place and that Lost Base Revenue (LBR) from energy efficiency measures installed in 2017 shall be calculated for the lifetime of the measures based on the same methodology (i.e. average distribution rate that combines the energy and demand components, where applicable) as approved in the 2017 Plan in DE 14-216. Likewise, LBR from measures installed in 2018 shall be calculated for the life of the measures using the same methodology (i.e. average distribution rate that combines the energy and demand components, where applicable) as presented by the Utilities in the Plan. LBR from measures installed in 2019 and forward shall be

calculated using the method proposed by Staff in its November 1, 2017, testimony in this docket, consisting of separate average distribution rates based upon the kWh and kW components, but incorporating appropriate kW savings value. A working group shall be established in 2018 to determine the appropriate kW savings value for the Commercial and Industrial sector.

Specifically, the LBR Working Group, discussed below in Section II.M.(4), shall consider the general impact of customer peak, and the general impact of demand charge ratchets. The Settling Parties agree that LBR calculations are based upon averages and that it is not feasible to identify the impacts stated above with precision, and further agree that it is not feasible to track demand charge impacts on a customer-by-customer basis.

G. Eversource's Customer Engagement Platform ("CEP")

As a company-specific program, Eversource launched its CEP in 2015 to increase participation in energy efficiency programs throughout the New Hampshire, Connecticut and Massachusetts service territories of it and its electric utility affiliates. The CEP is an internet-based interactive tool that provides customers with targeted and customized energy-efficiency recommendations based on their current energy usage and owner or business profile.

The Plan proposes that Eversource continue to operate the CEP as a company specific program. The Settling Parties agree that the CEP is appropriate for continued funding, subject to the understanding that Eversource has begun efforts to increase participation in and use of the CEP. Eversource agrees that it shall track its marketing campaigns to promote the use of the CEP, and shall provide an update of its marketing campaigns at Quarterly Meetings as appropriate. Eversource agrees that it shall make relevant adjustments throughout 2018 to optimize the marketing efforts to drive additional traffic, achieve enhanced engagement, and increase participation in utility-administered energy efficiency programs. In the event that

marketing efforts carried out during the first six-months of 2018 do not result in comparable increases in customer access to the platform as achieved and recently reported by Eversource for the CEP in Connecticut and Massachusetts, any of the Settling Parties may propose alternative strategies.

H. Continuity: Multi-year Project Budget Approval, Budget Transfers, and Changes in Incentives

The Settling Parties agree that the criteria specified on page 35 of the Plan relating to Multi-year Project Budget Approval shall be modified as follows. The total of all customer commitments, in any program in any future year, will not exceed 50 percent of the total amount budgeted for that program in the current year without prior concurrence of Staff and the other Settling Parties. Any such commitments will be monitored and reported in the Quarterly Report.

Additionally, the Quarterly Report shall include information showing original program budgets and any transfers made. Transfers of 20 percent or less of a program's budget shall not require a notification beyond inclusion in the Quarterly Report. Transfers of greater than 20 percent of a program's budget shall require notification as described on page 35 of the Plan.

The Quarterly Report shall also include information related to any changes in incentives made during the course of any program year.

I. Evaluation, Measurement & Verification (EM&V)

A framework for EM&V is laid out in Section 10 of the Plan, including an EM&V Working Group, stages of evaluation, and a tentative schedule for EM&V activities. The Settling Parties agree that the Commission should approve this framework, as modified below.

The Plan states that the EM&V Working Group shall consist of Commission Staff members, representatives of the Utilities, an independent expert (separate from the independent planning expert described in Section II.K. below) to be hired and supervised by the Commission,

and a representative of the EESE Board. The Settling Parties agree that the representative of the EESE Board appointed by the EESE Board Chair will not necessarily be a member of the EESE Board.

The Settling Parties further agree that all parties involved in the EM&V Working Group shall work expeditiously to build upon the current evaluation work underway in 2017 and transition to the new accelerated Framework for 2018 as described in the Plan. The EESE Board representative and the independent expert will represent the interests of stakeholders and Settling Parties. In addition to the stakeholder input points already described in Section 10 of the Plan, the EM&V Working Group shall provide regular updates at Quarterly Meetings and, when pertinent, to the EESE Board. In addition, the EM&V Working Group shall share information, and coordinate its efforts, with the BC Working Group.

J. Funding and Financing

The Settling Parties agree that a Funding and Financing Working Group, described below in Section II.M.(2), shall be convened in early 2018. The Funding and Financing Working Group shall research potential funding and financing mechanisms for energy efficiency services. If potential funding or financing options are found and determined to be reasonable and appropriate, the Working Group shall work with the Utilities to test such potential funding or financing options and shall make recommendations for incorporation of such options in annual Plan Update filings and in the 2021-2023 Plan.

K. Planning Process and Stakeholder Consultant

As contemplated in the 2016 EERS settlement and Order No. 25,932, in 2018 and 2019 the Utilities shall file annual Plan Updates for the 2019 and 2020 program years, with review and discussion at Quarterly Meetings. The subsequent three-year plan covering 2021-2023 will be

developed through an enhanced stakeholder process beginning in the fall of 2019. To assist in the development of the 2021-2023 plan, an independent planning expert shall be hired by the Commission, with a budget not to exceed \$95,000 which will come from the EM&V Budget. The independent planning expert, shall provide advice and assistance to the EESE Board, its EERS Committee, the Settling Parties, and other stakeholders, as requested and appropriate, and shall be subject to the ultimate control of the Commission.

L. Peak Reduction

As described in Section 9.3 of the Plan, the Utilities shall monitor peak demand reduction demonstrations being tested elsewhere in New England and will look for opportunities to incorporate technologies as appropriate for New Hampshire. As more information is gained from these initiatives, the Utilities agree to provide updates as appropriate at Quarterly Meetings regarding the peak demand reduction demonstrations in other jurisdictions and shall discuss their possible applicability to New Hampshire.

M. Docket No. DE 17-136 Working Groups

The Settling Parties agree to create the following four working groups:

- (1) Performance Incentive Working Group (see Section II.E. above): The Performance Incentive Working Group shall review potential Performance Incentive calculation methodologies with the goals of promoting achievement of New Hampshire's EERS goals, and will make recommendations for implementation in the 2020 Plan Update.
- (2) Financing and Funding Working Group (see Section II.J. above): The Financing and Funding Working Group shall research potential funding and financing mechanisms. If viable options are found, the Working Group shall work with the

Utilities to test procurement strategies and will make recommendations for incorporation in annual Plan Update filings and in the 2021-2023 Plan.

(3) Benefit/Cost Working Group (see Sections II.C. and D. above): The BC Working Group shall discuss elements and issues related to New Hampshire's Benefit/ Cost Test, as well as results from the in-progress AESC Study, and will make recommendations for adjustments in future annual Plan Updates or three-year Plans. The BC Working Group and the EM&V Working Group shall share information, especially with regard to NEIs and DRIPE.

(4) The Lost Base Revenue Working Group, (see Section II.F. above): The LBR Working Group shall convene in 2018 and shall focus on kW savings in the Commercial and Industrial sector for use in calculating LBR for measures installed in 2019 and forward. Specifically, the LBR Working Group shall consider the general impact of customer peak, and the general impact of demand charge ratchets. The LBR Working Group will make recommendations for consideration for inclusion in the 2019 Plan Update.

Working Groups shall be chaired by a PUC Staff member who shall assume responsibility for developing agendas in consultation with each of the Working Groups and shall provide administrative support as necessary. Working Groups shall determine their own meeting schedules, reflecting the timing considerations set out in this Agreement. Working Groups shall provide updates at each Quarterly Meeting. Working Groups are not precluded from sharing information and recommendations with each other between each Quarterly Meeting as those Working Groups deem appropriate. Working Group members will include but not be limited to representatives of parties to this docket. The parameters for the Working Groups listed in this

section do not include the EM&V Working Group, which is covered by the EM&V Framework detailed in Section 10 of the Plan and addressed in Section II.I. above.

N. Reporting

(1) The Utilities will submit electronic spreadsheets associated with the benefit/cost test as part of any future annual Plan Update filings and Plan filings. The assumptions for each measure shall be clearly listed in the spreadsheets to allow for the ease of use and to ensure consistent use of assumptions among the Utilities.

(2) In future annual Plan Update filings and Plan filings, the Utilities shall include trend charts showing the actual and planned budgets, the actual and planned savings (in kWh, kW, and MMBtu), and the \$/kWh saved, \$/kW saved, and the \$/MMBtu saved.

O. General Provisions

The Settling Parties agree that all testimony and supporting documentation may be admitted as full exhibits for purposes of consideration of this Agreement. Agreement to admit all direct testimony without challenge does not constitute agreement by the Settling Parties that the content of the written testimony filed on behalf of the other Parties is accurate nor is it indicative of what weight, if any, should be given to the views of any witness. Furthermore, in light of the fact that they have entered into this Agreement, the Settling Parties agree to forego cross-examining witnesses regarding their pre-filed testimony and, therefore, the admission into evidence of any witness's testimony or supporting documentation shall not be deemed in any respect to constitute an admission by any party to this Agreement that any allegation or contention in this proceeding is true or false, except that the sworn testimony of any witness shall constitute an admission by such witness.

This Agreement is expressly conditioned upon the Commission's acceptance of all of its provisions without change or condition. All terms are interdependent, and each Settling Party's agreement to each individual term is dependent upon all Settling Parties' agreement with all of the terms. If such complete acceptance is not granted by the Commission, or if acceptance is conditioned in any way, the Settling Parties shall have the opportunity to amend or terminate this Settlement Agreement or to seek reconsideration of the Commission's decision or condition. If this Settlement Agreement is terminated, it shall be deemed to be withdrawn and shall be null and void and without effect, and shall not constitute any part of the record in this proceeding nor be used for any other purpose. The Settling Parties agree to support approval of this Agreement before the Commission. The Settling Parties agree that they shall not oppose this Settlement Agreement before any regulatory agencies or courts before which this matter is brought. The Settling Parties shall take all such action as is necessary to secure the approval and implementation of the provisions of this Settlement Agreement.

The Commission's acceptance of this Agreement does not constitute continuing approval of or precedent regarding any particular issue in this proceeding, but such acceptance does constitute a determination that, as the Settling Parties believe, the provisions set forth herein are just and reasonable. The discussions which have produced this Agreement have been conducted on the understanding that all offers of settlement and discussion relating thereto are and shall be privileged, and shall be without prejudice to the position of any party or participant representing any such offer or participating in any such discussion, and are not to be used in any manner in connection with this proceeding, any further proceeding or otherwise.

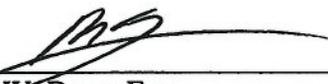
IN WITNESS WHEREOF, the Settling Parties have caused this Agreement to be duly executed in their respective names by their agents, each being fully authorized to do so on behalf of their principal.

LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP.
D/B/A LIBERTY UTILITIES

By: 
Michael Sheehan, Esq.
Senior Counsel

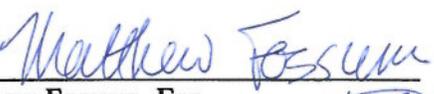
Date: 12-8-17

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By: 
Mark W. Dean, Esq.

Date: 12/8/17

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

By: 
Matthew Fossum, Esq. 
Senior Counsel

Date: 12-8-17

UNITIL ENERGY SYSTEMS, INC.

By: _____
Patrick H. Taylor, Esq.
Senior Counsel

Date: _____

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP.
D/B/A LIBERTY UTILITIES

By: 
Michael Sheehan, Esq.
Senior Counsel

Date: 12-8-17

IN WITNESS WHEREOF, the Settling Parties have caused this Agreement to be duly executed in their respective names by their agents, each being fully authorized to do so on behalf of their principal.

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D/B/A LIBERTY UTILITIES

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Michael Sheehan, Esq.
Senior Counsel

Date: _____

NEW HAMPSHIRE ELECTRIC COOPERATIVE

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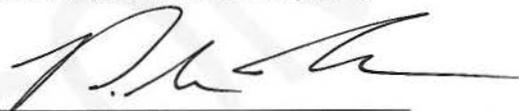
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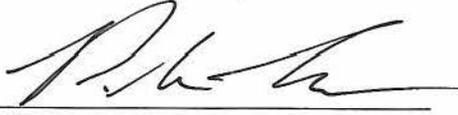
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By: _____
Michael Sheehan, Esq.
Senior Counsel

Date: _____

NORTHERN UTILITIES, INC.

By: 
Patrick H. Taylor, Esq.
Senior Counsel

Date: 12/8/17

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION STAFF

By: _____
Paul Dexter, Esq.
Staff Attorney

Date: _____

OFFICE OF CONSUMER ADVOCATE

By: _____
D. Maurice Kreis, Esq.
Consumer Advocate

Date: _____

DEPARTMENT OF ENVIRONMENTAL SERVICES

By: _____
Rebecca Ohler
Administrator, Technical Services Bureau

Date: _____

THE WAY HOME

By: _____
New Hampshire Legal Assistance
Alan Linder, Esq.
Raymond Burke, Esq.*
Stephen Tower, Esq.
*Admitted in MA and NY

Date: _____

NORTHERN UTILITIES, INC.

By: _____
Patrick H. Taylor, Esq.
Senior Counsel

Date: _____

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION STAFF

By: Paul B. Dexter
Paul Dexter, Esq.
Staff Attorney

Date: 12/8/2017

OFFICE OF CONSUMER ADVOCATE

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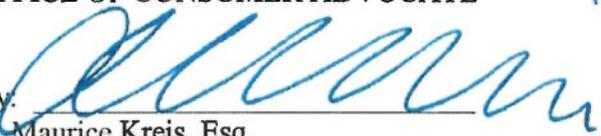
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By: _____
Paul Dexter, Esq.
Staff Attorney

Date: _____

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D. Maurice Kreis, Esq.
Consumer Advocate

Date: 12/8/2017

DEPARTMENT OF ENVIRONMENTAL SERVICES

By: 
Rebecca Ohler
Transportation/Energy Programs Manager

Date: 12-8-17

THE WAY HOME

By: _____
New Hampshire Legal Assistance
Alan Linder, Esq.
Raymond Burke, Esq.*
Stephen Tower, Esq.
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Date: _____

CONSERVATION LAW FOUNDATION

By: _____
Melissa Birchard, Esq.
Staff Attorney

Date: _____

NORTHERN UTILITIES, INC.

By: _____
Patrick H. Taylor, Esq.
Senior Counsel

Date: _____

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION STAFF

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Paul Dexter, Esq.
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CONSERVATION LAW FOUNDATION

By: _____
Melissa Birchard, Esq.
Staff Attorney

Date: _____

ACADIA CENTER

By: Ellen B. Hawes
Ellen Hawes
Senior Policy Analyst

Date: 12/8/17

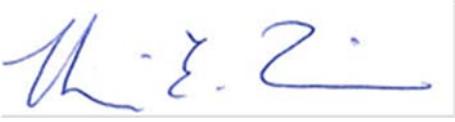
NEW HAMPSHIRE SUSTAINABLE ENERGY ASSOCIATION

By: _____
Kate Epsen
Executive Director

Date: _____

CONFIDENTIAL

CONSERVATION LAW FOUNDATION



By: _____
Melissa Birchard, Esq.
Staff Attorney

Date: 12-8-17

ACADIA CENTER

By: _____
Ellen Hawes
Senior Policy Analyst

Date: _____

NEW HAMPSHIRE SUSTAINABLE ENERGY ASSOCIATION



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Kate Epsen
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