



NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971

DE 17-136

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21 DEC '17 PM 4:28

December 21, 2017

Via Hand Delivery and Electronic Mail

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Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Concord Office
117 North State Street
Concord, NH 03301
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**Re: DE 17-136, 2018-2020 Statewide Energy Efficiency Plan
Letter from the OCA Dated December 19, 2017 (Docket Tab 27)**

Manchester Office
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Suite 7
Manchester, NH 03104
603-668-2900
1-800-562-3174
Fax: 603-935-7109

Dear Ms. Howland:

Portsmouth Office
154 High Street
Portsmouth, NH 03801
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1-800-334-3135
Fax: 603-431-8025

One December 19, 2017, the Office of the Consumer Advocate (OCA) filed the affidavit of Jeffrey Loiter together with a cover letter of the same date (*see* Docket Tab 27 in DE 17-136). In his cover letter, Attorney Kreis requested that the Commission discontinue a newly adopted Commission practice. That practice would require, at a hearing on approval of a full settlement agreement, that every witness who submits pre-filed written testimony for inclusion in the record pursuant to the settlement agreement must do so under oath or file an affidavit under oath adopting the pre-filed testimony as his or her sworn testimony in the proceeding.

We are writing on behalf of The Way Home (TWH) in support of the OCA's above letter and its request to reconsider the above practice.

Berlin Office
1131 Main Street
Berlin, NH 03570
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The Way Home believes that this practice does not serve the purpose of RSA 541-A:33 and PUC Rule 203.23 in the context of a hearing on approval of a unanimous and comprehensive settlement agreement. In this context, the witnesses are not testifying under oath in a litigated matter subject to cross examination, and the Commission does not make determinations of credibility. Instead, the purpose of the hearing is for the parties to explain all of the settlement terms to the Commission and to respond to any questions that the Commissioners might have with respect to the items covered in the settlement agreement. In this context, the inclusion of the pre-filed testimony of the parties in the record is meant to reflect the initial positions of the parties.

Administration
117 North State Street
Concord, NH 03301
603-224-4107
Fax: 603-224-2053

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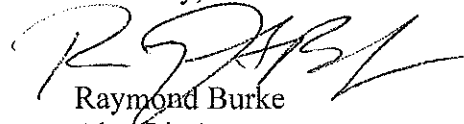
As non-profit organizations, both New Hampshire Legal Assistance (NHLA) and TWH will be adversely affected by this newly adopted practice. Similar to the Office of Consumer Advocate, NHLA and TWH retained the services of an expert witness at a significant cost in Docket No. DE 17-136. The reason that The Way Home's expert was

not present at the hearing on December 13, 2017 was that The Way Home did not wish to incur what then appeared to be an unnecessary further expense in view of the fact that all of the parties joined in a full settlement agreement, which was filed with the Commission.

The Way Home believes that this newly adopted practice could act as a disincentive for low-income and non-profit organizations to participate in proceedings before the Commission and could deter future settlement agreements.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Burke', written over the printed name 'Raymond Burke'.

Raymond Burke

Alan Linder

New Hampshire Legal Assistance

Attorney for The Way Home

RAB:blg

Enclosures

Cc: Service list by electronic mail only