

STATE OF NEW HAMPSHIRE

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November 1, 2018

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

Re: Docket No. DE 17-136  
Electric and Natural Gas Utilities  
2018-2020 Energy Efficiency Resource Standard Implementation Plan

Dear Ms. Howland:

As you know, the procedural schedule adopted by the Commission for the current phase of the above-referenced docket calls for the submission of "statements of legal position" on or before November 27, 2018. As a courtesy to the other parties to this docket, the Office of the Consumer Advocate (OCA) has decided not to wait until this deadline to lay out, at least in part, its position on a legal issue we believe is central to the proceeding in its present posture.

Accordingly, appended to this letter is the OCA's "Statement of Legal Position Regarding Geo-Targeted Energy Efficiency Pilots and the 2019 Energy Efficiency Program Plan Update," which we initially prepared earlier this month to assist our witnesses with the development of the testimony they will file tomorrow. We believe our analysis of this history may be useful to other parties as well, and ultimately to the Commission, in connection with determining whether and to what extent the issue of geo-targeting should impact the Commission's review of the proposed 2019 update of the 2018-2020 plan for implementation of the Energy Efficiency Resource Standard.

The OCA unambiguously believes that geo-targeting of energy efficiency measures, as a means of allowing utilities to defer if not avoid more expensive investments in transmission and distribution infrastructure, is a subject that requires the Commission's immediate attention in this docket at this time. As is made clear by the two pending motions by the OCA to compel discovery, the utilities disagree. The attached document may be helpful in shedding light on the issue.

While we are filing the attached document pursuant to our opportunity to state our legal position on the issues in this docket, we reserve the right to supplement our statement of position on or before the November 27 filing deadline.

Please feel free to contact me if there are any questions or concerns about the foregoing.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Maurice Kreis', written in a cursive style.

D. Maurice Kreis  
Consumer Advocate

Encl.

cc: Service List