

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

Docket No. DE 17-136

ELECTRIC AND GAS UTILITIES

2018-2020 New Hampshire Statewide Energy Efficiency Plan

STATEMENT OF LAW
OF CONSERVATION LAW FOUNDATION

Conservation Law Foundation (“CLF”) appreciates the opportunity to provide this brief Statement of Law. Consistent with the rules of this Commission, CLF reserves the right to make additional legal filings or motions as appropriate.

With respect to the Joint Utilities’ apparent position that the working groups established in this proceeding should either be halted completely or relegated to an agenda item in Quarterly Meetings, the Settlement Agreement dated December 8, 2017 in Docket No. DE 17-136 governs. That Settlement Agreement, as described at Section II:M, pages 10-12, established four working groups. It further provided as follows as to those working groups (at 11-12):

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 III. above.

Halting the working groups prior to completion of their efforts would violate the Settlement Agreement. It would also set poor precedent.

The creation and scope of the working groups were key elements of the Settlement Agreement. Violating or throwing out these portions of the settlement would create an environment of bad faith and lack of trust in future proceedings. CLF sincerely appreciates the general environment of positive cooperation that has existed in past energy efficiency proceedings and would prefer to avoid a negative or combative atmosphere in future energy efficiency proceedings. Expecting the utilities to abide by the terms of a settlement agreement to which they are a signatory is not too much to ask. The utilities are, however, free to discuss with CLF and other parties the possibility of consolidating meetings of the working groups. CLF believes that a reasonable compromise can be reached through agreement of the parties, such as consolidating meetings into one monthly meeting of the EERS Committee. Indeed, consolidation could have efficiency benefits. Disbanding the groups prematurely, however, would violate the agreement reached by all parties.

The Settlement Agreement also governs the scope and general focus of the working groups. CLF objects to any efforts by the Joint Utilities, or any other signatory to the agreement, to violate the Settlement Agreement by narrowing the scope of the working groups. The scope as established in the Settlement Agreement at pages 10-12, and also discussed at 3-9, must remain the guidepost.

Finally, CLF notes that the Settlement Agreement, which was approved by the Commission on January 2, 2018, see Order No. 26,095, specifies that a number of substantive

changes will be considered for adoption in annual updates in the subsequent two years.¹ As a general principle, CLF believes that it is typically preferable not to make substantial changes during annual updates rather than triennially. But the terms of the Settlement Agreement that was signed in fall of 2017 reflect compromise by all parties, as well as the general imperative to launch the inaugural 2018 energy efficiency programming in a timely manner. CLF, Staff, and other parties agreed to the three-year plan on the express condition that certain specific subjects would be further addressed in annual update proceedings, after appropriate review in the working groups and as ultimately approved by the Commission. Certain subjects were expressly reserved for consideration in the 2019 program update, while others were reserved for the 2020 program update proceeding, in accordance with the parties' determination as to which year would be most fitting. Indeed, as a result of the good efforts of the working groups to date, the Joint Utilities have proposed a number of positive substantive changes for adoption in the 2019 Plan Update, including expanded on-bill financing measures. These and other subjects identified in the Settlement Agreement, and within the scope of the working groups, should be evaluated by the Commission as part of the 2019 and 2020² annual update processes.

¹ For example, the agreement at page 11 indicates that “[t]he LBR Working Group will make recommendations for consideration for inclusion in the 2019 Plan Update,” and at page 6 provides that “[t]he PI Working Group shall make recommendations for the 2020 Plan Update.”

² While the subjects reserved for 2020 ultimately may not be raised by the parties for consideration by the Commission in the 2020 plan update proceeding, it would be both reasonable and within the rights of the parties to raise any such issues at that time.

Respectfully submitted,

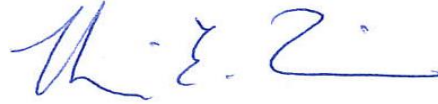


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Dated: November 27, 2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Statement of Law has on this 27th day of November, 2018 been sent by email to the service list in Docket No. DE 17-136.

A handwritten signature in blue ink, appearing to read "M.E. Birchard", written over a horizontal line.

Melissa E. Birchard