

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

ELECTRIC AND GAS UTILITIES

2018-2020 New Hampshire Statewide Energy Efficiency Plan

Docket No. DE 17-136

OBJECTION TO MOTION FOR RECONSIDERATION

NOW COMES Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) and, pursuant to Puc 203.07, hereby objects to the Motion for Reconsideration (the “Reconsideration Motion”) filed on November 29, 2018 by the Office of Consumer Advocate (“OCA”) regarding the Commission’s ruling in Order No. 26,192 (November 16, 2018) in the instant docket. The Reconsideration Motion presents no new evidence and does not identify any matters that were overlooked or mistakenly conceived by the Commission. Accordingly, the Reconsideration Motion does not demonstrate why reconsideration is warranted and the Reconsideration Motion should be denied. In support of this submission, Eversource says the following:

1. Pursuant to RSA 541:3, the Commission may grant reconsideration when a party states good reason for such relief. *Public Service Company of New Hampshire*, Order No. 25,361 (May 11, 2012) at 4. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding or by identifying specific matters that were overlooked or mistakenly conceived by the deciding tribunal. *Id.* at 4-5. A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Id.* at 5.

2. The underlying motion to compel to which Order No. 26,192 applies sought to have the Commission compel the production material relating to the marginal cost of service study

Eversource filed in Docket No. DE 16-576. In its initial motion to compel, the OCA noted that the professed purpose for seeking the information was to address “geo-targeting [of] ratepayer-funded energy efficiency projects, so that they are deployed specifically to allow PSNH and the other electric utilities to avoid distribution circuit upgrades that would be more expensive for ratepayers.” OCA Motion to Compel at 4. Further, the OCA stated that it believed the marginal cost of service study information was relevant because it would provide a “potential basis . . . for identification of capital projects with sufficient lead time to serve as pilot candidates for deployment of geo-targeted energy efficiency measures.” *Id* at 5. In other words, the OCA sought the information not for the purpose of reviewing the 2019 update plan filing, but for the purpose of attempting to identify potential capital investments on Eversource’s distribution system and possible alternatives to such investments.

3. In its Order, the Commission concluded that:

Accordingly, the EERS framework envisions that plan updates might include, for example, latest results from Evaluation, Measurement & Verification (EM&V) studies, or program shifts to reflect technological changes such as LED lighting supplanting compact fluorescent lighting products. Projected savings targets might be updated as new avoided cost studies were completed. The EERS Settlement did not call for, and the EERS framework does not envision, significant changes in EE program design or implementation during our review of annual plan updates. We find that the issue of geo-targeting of EE programs falls outside the scope of this update. Geo-targeting of EE programs was not included in the 2018-2020 Plan, and would require more resources to analyze than the “abbreviated process” contemplated by the EERS framework would allow in the review of an intermediate annual update.

Order No. 26,192 at 6. In contending that reconsideration is appropriate, the OCA contends that the Commission overlooked or mistakenly conceived factual matters relative to its desire to obtain this information. The OCA does not, however, describe what factual matters were actually overlooked or mistakenly conceived.

4. Rather than point to issues the Commission overlooked or mistakenly conceived, the OCA sets out a variety of arguments about the manner in which it believes targeted energy efficiency would “likely” occur and how it would “not likely” result in major program changes or how various entities and capabilities could be “generally harnessed” to deliver geo-targeted energy efficiency. Reconsideration Motion at 2-3. The manner in which geo-targeting of energy efficiency might be accomplished is not the issue, and is not the reason for which the OCA argued this material was relevant. The OCA was not looking to simply target marketing efforts for current program offerings. The OCA sought this information, and argued that it was relevant, for purposes of establishing a program for reviewing distribution system capital projects and for determining whether or how energy efficiency measures could impact certain specific projects. Such a new program is exactly the kind of significant change in program design or implementation the Commission ruled was not relevant to this proceeding. The OCA’s attempt to recast the nature of its request or the reason for which it believed this information was relevant do not demonstrate that the Commission overlooked or mistakenly conceived anything relative to the underlying questions.

5. Similarly, in the Reconsideration Motion, the OCA attempts to explain that “the geo-targeting of energy efficiency would not require development or implementation of any new programs, and furthermore would require only minimal revision to certain aspects of the existing statewide programs.” Reconsideration Motion at 6. As noted above, however, the OCA sought information from Eversource on the premise that it would support energy efficiency as the “primary capital-asset alternative for nonwires projects.” OCA Motion to Compel at 8. The Commission properly determined that the material sought by the OCA, in light of the professed purposes for which it was sought, “would require more resources to analyze than the

‘abbreviated process’ contemplated by the EERS framework would allow in the review of an intermediate annual update.” Order No. 26,192 at 6. The Commission did not misunderstand the facts surrounding the OCA’s request and motion to compel, and did not err in its Order.

6. Eversource notes that there are at least two other reasons why the Commission’s ruling was appropriate. First, as noted, the OCA’s explicit desire is to pursue non-wires alternatives in place of traditional capital investments. To do so requires a review of a utility’s distribution system and planning processes, but more pointedly, requires the analysis of a suite of potential solutions to a capital need. As previously stated by Eversource and as described in a more recent order of the Commission on essentially the same issue as the instant motion: “Eversource stated that it is not opposed to exploring opportunities where geo-targeted EE could potentially be part of a solution to distribution system needs. Eversource believes that distribution system needs first must be identified before geo-targeting of EE measures is proposed to address those needs.” Order No. 26,196 (November 30, 2018) at 7. Energy efficiency may be part of a solution to an identified system need, but is rarely, if ever, the sole solution, and even if it is to be the sole solution, that determination could only rightly be made following a broader analysis. Most often a solution would involve integration of other items such as distributed generation, storage, or other changes, in addition to energy efficiency. Such review is certainly beyond the scope of the present docket of the 2019 update to the 2018-2020 EERS plan.

7. Second, as the Commission is aware, a settlement agreement was recently signed and submitted by numerous parties, including the OCA, with respect to a battery storage pilot proposed by Liberty Utilities in Docket No. DE 17-189. Relevant to this issue, that settlement agreement, which is currently pending before the Commission, states that “the optimal venue for analyzing an electric distribution utility’s planned capital investments for NWA candidates


would be the review of its least cost integrated resource or similar plan (“LCIRP”).” The acknowledgement in the settlement agreement aligns with a recent conclusion of the Commission in Order No. 26,124 (April 30, 2018) in Docket No. DE 16-576, which Eversource noted at page 6 of its objection to the OCA’s underlying motion to compel. Implementation of non-wires alternatives to distribution system needs is an issue worthy of exploration, but the scope of that issue is larger than could be accommodated in an abbreviated case such as the one in issue here. The Commission’s Order properly understood the scope of this proceeding and the fact that the information sought by the OCA was not relevant to the issues in the case. Moreover, the Commission correctly found that reviewing the matters as requested by the OCA would involve significant resources beyond what was contemplated for this proceeding. The Reconsideration Motion should be denied.

WHEREFORE, Eversource respectfully requests that the Commission:

- A. Deny the OCA's Motion for Reconsideration; and
- B. Grant such further relief as is reasonable and appropriate.

Respectfully submitted this 4th day of December, 2018.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

December 4, 2018
Date



Matthew J. Fossum