

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Electric and Gas Utilities
2018-2020 New Hampshire Statewide Energy Efficiency Plan
2019 Plan Update
Docket No. DE 17-136

Motion To Excuse the Attendance of The Way Home's Expert Witness at the December 17, 2018 Hearing, and To Accept the Witness' Sworn Affidavit in lieu of the Witness' Appearance, and Request for an Expedited Ruling on this Motion

NOW COMES The Way Home (TWH), a party in this docket, and files this motion pursuant to N.H. Code Admin. Rules Puc 203.02 and 203.07 to ask that the Commission excuse the attendance of The Way Home's expert witness, Roger D. Colton, at the December 17, 2018 hearing and to accept Mr. Colton's attached affidavit adopting his pre-filed testimony as his sworn testimony in this proceeding. In support of this motion, TWH states as follows:

1. The parties in this docket have reached a Settlement Agreement that resolves all issues with respect to the 2019 Plan Update. The Settlement Agreement was filed on December 13, 2018. A hearing on this Settlement Agreement is scheduled for December 17, 2018.
2. In the Settlement Agreement, the parties agreed to submit all testimony and supporting documentation as full exhibits for purposes of consideration of the Settlement Agreement. Settlement Agreement, Dec. 13, 2018 at 19 (Section M. General Provisions).
3. The parties also agreed to forego the cross-examination of witnesses regarding their pre-filed testimony. *Id.* at 19-20 (Section M. General Provisions).
4. In the context of this unanimous and comprehensive Settlement Agreement, the primary purpose of including all pre-filed testimony is to represent the initial positions of the parties.

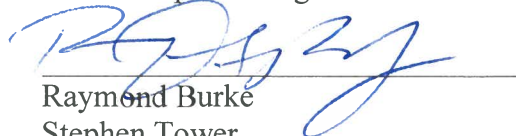
5. TWH and its attorney, New Hampshire Legal Assistance (NHLA), retained Mr. Colton's services at significant cost. As non-profit organizations, TWH and NHLA seek to avoid having to incur the additional costs that would be needed for Mr. Colton to travel from Massachusetts to attend the hearing on December 17, 2018.
6. If Mr. Colton were required to attend in the context of an uncontested proceeding, low income ratepayers and consumer groups could be deterred from hiring expert witnesses in future Commission proceedings.
7. In addition, the requirement of a personal appearance in an uncontested proceeding could constitute a disincentive to entering into future settlement agreements.
8. TWH believes that the attached affidavit complies with the requirements of RSA 541-A:33 and N.H. Admin. Rule Puc 202.23.
9. Advance notice of this motion was provided to all parties in this docket. The following parties concur with the motion: Liberty Utilities, the New Hampshire Electric Cooperative, Inc., Until Energy Systems, Inc., Northern Utilities, Inc., the Staff of the New Hampshire Public Utilities Commission, the New Hampshire Department of Environmental Services, the New Hampshire Sustainable Energy Association, the Conservation Law Foundation, and the Acadia Center. The following parties did not take a position on this motion: the Office of Consumer Advocate. The following parties did not respond: the Public Service Company of New Hampshire d/b/a Eversource Energy. TWH respectfully requests that the Commission:

1. Accept the attached affidavit, signed by Mr. Colton under oath, in lieu of requiring his attendance at the hearing on December 17, 2018 to swear to his testimony in person;

2. Issue an expedited ruling on this motion, if possible; and
3. Grant such other relief as is reasonable and just.

Respectfully submitted,
The Way Home

By Its Attorney
New Hampshire Legal Assistance



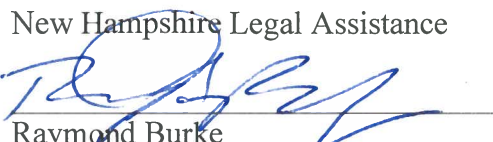
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12/14/18
Date

Certification of Service

I certify that on this date copies of this request were hand delivered to the Commission and filed electronically, and copies were sent electronically to the Office of the Consumer Advocate and parties on the service list in this docket.

12/14/18
Date

New Hampshire Legal Assistance

Raymond Burke
Attorney for The Way Home

**BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Re.	:	
	:	
2018 - 2020 NEW HAMPSHIRE	:	Docket No. DE 17-136
STATEWIDE ENERGY EFFICIENCY PLAN	:	
2019 PLAN UPDATE	:	

AFFIDAVIT OF ROGER D. COLTON

**ON BEHALF OF
THE WAY HOME**

Now Comes Roger D. Colton, duly sworn, and deposes and says as follows:

1. My name is Roger D. Colton. My address is 34 Warwick Road, Belmont, MA 02478. I am a principal in the firm of Fisher Sheehan & Colton, Public Finance and General Economics.
2. I was retained as an expert witness in this proceeding on behalf of The Way Home.
3. I submitted pre-filed, written testimony in this proceeding on behalf of The Way Home, which was filed with this Commission by New Hampshire Legal Assistance on November 2, 2018.
4. My testimony consists of 49 pages, including a cover page and a table of contents. The following documents are attached to my written testimony: 1) Appendix A: Roger D. Colton Vitae, 2) Appendix B: PUC Staff Legal Opinion (09-23-13); 3) Appendix C: Joint Utilities Response to OCA-2-001; and 4) Appendix D: 2017 Low-Income NEI Review.
5. There are no corrections or updates to my above pre-filed, written testimony and attachments.

6. If the same questions were asked of me today that were asked in my above pre-filed, written testimony, my answers would be the same.
7. I hereby adopt my above pre-filed, written testimony as my sworn testimony today in this proceeding.

12/11/18
Date

[Signature]
Roger D. Colton

Commonwealth of Massachusetts
County of Middlesex

Subscribed and sworn to before me on this 11 day of December 2018



JANIEVA MALLORY
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 10, 2024

[Signature]
Notary Public/Justice of the Peace