

NHPUC 26APR'19PM1:54

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** April 26, 2019

**AT (OFFICE):** NHPUC

TCF

**FROM:** Rich Chagnon  
Utility Analyst – Electric Division

**SUBJECT:** DE 19-061, Joint Petition of Public Service Company of New Hampshire d/b/a Eversource Energy and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities to Alter Their Franchise Areas in Windham, New Hampshire

**TO:** Commissioners  
Debra Howland, Executive Director

**CC:** Tom Frantz, Director, Electric Division  
Amanda Noonan, Director, Consumer Services and External Affairs  
Les Stachow, Assistant Director, Electric Division  
Mary Schwarzer, Staff Attorney

### Summary

On March 26, 2019, Eversource Energy (Eversource) and Liberty Utilities (Liberty) filed a joint petition with the New Hampshire Public Utilities Commission (Commission) in which they requested the Commission issue an order approving a change in the franchise areas served by the two utilities in the town of Windham, New Hampshire, so as to accommodate the request to have Eversource provide electric service to the entirety of the MidTrail Crossing and Lilac Ridge subdivisions.

Staff has reviewed the petition and recommends that the Commission grant the joint petition by Eversource and Liberty to alter the franchise territory in Windham to allow Eversource to provide service to the entirety of the MidTrail Crossing and Lilac Ridge subdivisions, and find that it is in the public good. As authorized in RSA 374:26, the Commission shall grant such permission to alter a franchise territory when it is in the public good to do so.

Staff also recommends that the Commission grant such approval without hearing as all parties are in agreement. As authorized in RSA 374:26, when all parties agree, the Commission may grant the permission request without a hearing. Furthermore, Staff recommends that the Commission approved the joint petition on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

## **Background**

On March 26, 2019, Eversource and Liberty filed a joint petition with the Commission in which they requested the Commission issue an order approving a change in the franchise areas served by the two utilities in the town of Windham so as to accommodate the request to have Eversource provide electric service to the entirety of the MidTrail Crossing and Lilac Ridge subdivisions.

The petition states that the public interest would be served by the amendment of their respective franchise areas in the area of Windham, so as to permit Eversource to provide service to all lots within the above-named subdivisions, and to otherwise align their service territories with the facilities in the field.

Eversource and Liberty (collectively, “the Utilities”) each serve portions of Windham. The customer, developer GBQ Homes, is seeking to both reconfigure the existing area and to construct new homes. Presently, most, but not all, of the proposed new development is within Eversource's territory and would be more efficiently and cost-effectively served by Eversource.

Each of the parties recognizes that due to the specific physical location of the proposed development, the extension of electric utility distribution services from Eversource's nearby facilities is substantially less costly than the construction that would be required to bring service from Liberty's existing facilities. Moreover, the franchise adjustment necessary to place the development entirely within Eversource's territory is less disruptive than an alternative adjustment. Furthermore, in recognition of the presently existing structures being served by Eversource and Liberty respectively, making this franchise adjustment also provides an opportunity to set lines more appropriate to the areas being presently served, and that will be served by each utility in the future.

Eversource and Liberty agree to adjust their respective franchise areas in Windham as shown in the Attachments A and B of the joint petition.

RSA 374:22 (I) provides that no person or business entity may commence business as a public utility in New Hampshire or exercise any right or privilege under any franchise without first obtaining the Commission's approval. The Commission may approve a franchise request, after due hearing or without a hearing when all interested parties are in agreement, if it finds the franchise would be for the public good. RSA 374:26.

## **Recommendation**

Staff has reviewed the petition and concludes that amending the franchise line to connect the site to Eversource's facilities is substantially less costly than other available options, is reasonable and appropriate, and would align the Utilities' service territories with their respective facilities in the field, and therefore would be for the public good.

Staff recommends that the Commission grant the joint petition by Eversource and Liberty to alter the franchise territory in Windham to allow Eversource to provide service to the entirety of the MidTrail Crossing and Lilac Ridge subdivisions, as mapped in Petition Attachment A and B, because this alternation is in the public good. See RSA 374:26 (the Commission shall grant such permission to alter a franchise territory when it is in the public good to do so).

Staff also recommends that the Commission grant such approval without hearing as all parties are in agreement. See RSA 374:26 (when all parties agree, the Commission may grant the permission request without a hearing). Furthermore, Staff recommends that the Commission approved the joint petition on a *nisi* basis to ensure that all interested parties receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

Please contact me if you have any questions regarding this recommendation.

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