

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DG 19-126

NORTHERN UTILITIES, INC.

2019-2024 Integrated Resource Plan

Order *Nisi* Extending Deadlines

O R D E R N O. 26,510

August 20, 2021

In this order, the Commission approves Northern Utilities, Inc.'s (Unitil) request for the extension of filing deadlines established by Order No. 26,382 (July 23, 2020) associated with a working group report and its next Least Cost Integrated Resource Plan.

I. BACKGROUND

On July 22, 2019, Unitil filed its 2019 Least Cost Integrated Resource Plan (LCIRP). On July 24, the Office of the Consumer Advocate (OCA) filed a notice of participation in this proceeding pursuant to RSA 363:28. On August 2, the Commission issued an Order of Notice.

On February 24, 2020, Unitil filed a revised LCIRP. On April 10, 2020, the OCA filed the testimony of Dr. Pradip Chattopadhyay, and Staff of the Commission, now with the Department of Energy (Energy), filed the testimony of Al-Azad Iqbal. Unitil, the OCA, and Energy (together, the "Settling Parties") reached agreement on certain issues raised in the proceeding and filed a settlement agreement on May 27, 2020 (Settlement Agreement).

Pertinent to this order, the Settlement Agreement recommend the establishment of a working group to discuss potential approaches and recommendations regarding

the assessment of environmental, economic, and health-related impacts in future LCIRPs, as required under RSA 378:37-40. The scope of working group discussions would include, but not be limited to, the exploration of renewable natural gas, as well as non-gas and non-pipeline alternative resources. Recommendations of the working group would take into consideration whether proposed revisions to Unitil's LCIRP planning process are feasible and practical. The Settling Parties agreed to provide a report detailing the working group's recommendations to the Commission by June 1, 2021. The Settling Parties further agreed that Unitil's next LCIRP filing pursuant to RSA 378:37-38 would occur twelve months after the Commission issued an order responding to the working group's recommendations.

The Commission issued Order No. 26,382 (July 23, 2020) accepting the Settlement Agreement, however, the order imposed a deadline of July 1, 2021, for the Settling Parties to file a report of working group discussions and any agreement reached on the content of future LCIRP filings, as well as a deadline of July 1, 2022, for Unitil to file its next LCIRP.

On June 17, 2021, Unitil filed a Request for Extension of Time to File Working Group Report (Request). In its Request, Unitil stated that the parties have engaged in numerous productive meetings to formulate recommendations, however the parties now agree that the assistance of a third party expert would be beneficial with respect to certain subject areas. Unitil requested the Commission extend the deadline for the Settling Parties to file the working group report to December 31, 2021, and also extend the deadline for Unitil to file its next LCIRP to December 31, 2022. Unitil stated that the Settling Parties agreed that additional time to file a working group report is

appropriate, and assented to the extension to the working group report deadline. Unitil also stated that the OCA assented to the extension of Unitil's next LCIRP filing deadline, but that Energy did not take a position on that component of the Request. Unitil noted that RSA 378-38-a permits the Commission to waive a statutory requirement that Unitil's next LCIRP be filed within two years of the Commission's order approving its prior LCIRP, arguing that good cause exists for the Commission to extend this filing deadline because it will result in a more informative and efficient adjudication of its next LCIRP.

Unitil's Request, as well as other docket filings in this matter, other than any information for which confidential treatment is requested of or granted by the Commission, are available at

<https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-126.html>.

II. COMMISSION ANALYSIS

Unitil, on behalf of itself and Settling Parties, requested the Commission accept and approve an extension to the deadline to file a working group report that was established by the Commission. *See* Order No. 26,382 (July 23, 2020) at 7. Additionally, Unitil, on behalf of itself and with the assent of the OCA, requested that the Commission accept and approve an extension to the deadline to file its next LCIRP that was also established by the Commission. *Id.*

The Commission has the authority "to alter, amend, suspend, annul, set aside, or otherwise modify" its prior orders pursuant to RSA 365:28. The authority granted under this provision is to be "liberally construed." *Appeal of the Office of the Consumer Advocate*, 134 N.H. 651, 657 (1991); *Meserve v. State*, 119 N.H. 149, 152 (1979).

We exercise our authority under RSA 365:28 to modify the filing deadlines contained in Order No. 26,382 (July 23, 2020) as requested by Unitil. Granting the working group additional time to complete a report on its discussions and any agreement reached on the content of future LCIRP filings, as well as granting Unitil the opportunity to produce its next LCIRP giving due consideration to those discussions, agreements, and any Commission guidance issued in response to the report may result in a more informative and efficient adjudication of Unitil's future LCIRP filings under RSA 378:39. We note, as does Unitil, that the filing deadline extension request related to Unitil's next LCIRP results in a deadline occurring more than two years after the Commission's final order on Unitil's prior LCIRP but within five years of Unitil's prior LCIRP filing, violating one of the timeframes established by RSA 378:38. Pursuant to RSA 378:38-a, the Commission may waive any requirement under RSA 378:38 for good cause shown. For the reasons set forth herein above, we find that it is in the public interest to approve the modification to the working group reporting deadline, and that good cause has been shown to extend Unitil's next LCIRP filing deadline pursuant to RSA 378:30-a.

Consistent with RSA 365:28's hearing requirement, we issue this order on a *nisi* basis to ensure that interested persons receive notice and have the opportunity to comment or request a hearing before the order becomes effective.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Order No. 26,382 is modified as discussed in the body of this order to: 1) extend deadline to December 31, 2021, for the Settling Parties to file a report of working group discussions and any

agreement reached on the content of future LCIRP filings; and 2) extend the deadline to December 31, 2022, for Northern Utilities, Inc. to file its next Least Cost Integrated Resource Plan; and it is

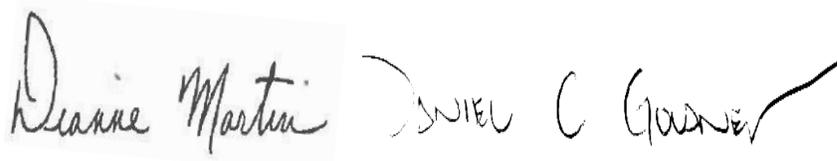
FURTHER ORDERED, that Northern Utilities, Inc., shall cause a copy of this order to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted and posted to its website, such publication and posting to be no later than August 30, 2021, and to be documented by affidavit filed with the Commission on or before September 16, 2021; and it is

FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than September 7, 2021 for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than September 14, 2021; and it is

FURTHER ORDERED, that this order *nisi* shall be effective September 20, 2021, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twentieth day of August, 2021.



Deanne Martin Daniel C. Gouvier

Dianne Martin
Chairwoman

Daniel C. Goldner
Commissioner

Service List - Docket Related

Docket# : 19-126

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