



**OFFICE OF THE CONSUMER ADVOCATE**

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January 10, 2022

New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Docket No. DE 19-197  
Electric and Natural Gas Utilities  
Development of a Statewide, Multi-Use Online Energy Data Platform

To the Commission:

On April 21, 2021, the Office of the Consumer Advocate (“OCA”) and 12 other parties<sup>1</sup> to the above-referenced proceeding filed a Settlement Agreement (tab 88) for the Commission’s approval. The Commission conducted an evidentiary hearing on May 5, 2021 at which there was no testimony in opposition to the Settlement.

The purpose of the Settlement Agreement is to create a pathway through which the Commission can effectuate the directive of the General Court to require the state’s electric and natural gas utilities “to establish and jointly operate a statewide, multi-use, online energy data platform.” RSA 378:51, I. Approval of the Settlement Agreement would not, in itself, lead to the establishment of such a platform. It would, rather, essentially authorize a process via which stakeholders would collaborate on the development of a Request for Proposals whose purpose would be to yield an actionable estimate of the cost of developing the platform pursuant to certain agreed-upon parameters.

Therefore, Settlement approval would not commit the Commission or, indeed, New Hampshire to anything beyond the signatories’ commitment to a consensus-based governance paradigm subject to the plenary oversight of the Commission. Utilities, the OCA, and many other parties committed many hours of effort to the development of the terms of the Settlement.

In these circumstances, and particularly in light of the significant amount of time the Settlement Agreement has been under advisement to the Commission, the Office of the Consumer Advocate respectfully requests an expedited decision of the Commission. If it would be helpful to the

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<sup>1</sup> One of the signatories to the Settlement Agreement was the Staff of the Commission, which became part of the newly created Department of Energy on July 1, 2021. The Department entered an appearance on July 7, 2021 and is therefore properly considered a Settlement signatory.

Commissioners, the OCA would be happy to draft for their consideration, after consultation with the other parties, a proposed Order approving the Settlement.

The OCA understands the resource constraints under which the Commission is presently operating, but respectfully reminds the Commission that when the General Court enacted RSA 378:51 *et seq.* via Chapter 286 of the 2019 New Hampshire Laws with an effective date of September 17, 2019, it directed the Commission to commence this adjudicative proceeding within 90 days. This presumably reflects a legislative judgment that the process of developing the data platform should not be allowed to languish.

I am authorized to state that Acadia Center, Clean Energy New Hampshire, Community Choice Partners, Eversource Energy, the Town of Hanover, the City of Lebanon, Liberty Utilities, Patricia Martin, Kat McGhee, Mission:data, and Unitil – all parties to the proceeding -- concur in this request and are, as noted, ready to collaborate with our office in drafting a proposed Order. A response to this request at the Commission's earliest convenience would be most appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKreis", written in a cursive style.

Donald M. Kreis  
Consumer Advocate

Cc: Service list (via e-mail)