

**THE STATE OF NEW HAMPSHIRE**  
**Before the**  
**PUBLIC UTILITIES COMMISSION**

**DE 19-197**

**ELECTRIC AND NATURAL GAS UTILITIES**

**Development of a Statewide, Multi-Use Online Energy Data Platform**

**MOTION TO SCHEDULE A PREHEARING CONFERENCE**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and 203.15, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty; Public Service Company of New Hampshire d/b/a Eversource Energy; Unitil Energy Systems, Inc. (UES); Liberty Utilities (EnergyNorth Natural Gas) Corp d/b/a Liberty; and Northern Utilities, Inc. (Northern) (collectively the “NH Utilities”), parties to Docket No. DE 19-197 and with the assent of the parties to the settlement agreement<sup>1</sup> respectfully request that the New Hampshire Public Utilities Commission (“Commission”) schedule a prehearing conference to clarify issues relating to the directives in Order No. 26,589 in this docket.<sup>2</sup> In support of this motion the NH Utilities state the following:

1. On March 2, 2022 the Commission issued Order No. 26,589 (the “Order”), approving the settlement agreement entered into by the NH Utilities and several other parties to this docket. Among the items approved in the settlement agreement were the establishment of the governance council for the statewide, multi-use online energy data platform (“Platform”); certain security

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<sup>1</sup> Assent was provided by the Office of the Consumer Advocate (“OCA”) however, the OCA’s assent is provided without prejudice to the relief requested in its motion for rehearing and/or clarification on Order No. 26,589.

<sup>2</sup> While the Department of Energy (“DOE”) joins the NH Utilities and the parties to the settlement agreement in the relief requested in this motion, DOE would also like to discuss additional matters at the prehearing conference, not specifically identified in this motion. However there was insufficient time to gain the parties’ assent to listing those issues in the motion and so accordingly, DOE will file a separate letter identifying those matters in greater detail, for the Commission’s consideration.

and privacy measures and registration protocols for the Platform; Platform design; a trajectory for developing and issuing the RFPs necessary to execute the work of constructing the component parts of the Platform; a process for selecting a vendor to construct the Platform once costs are known, and finally; selecting and recommending to the Commission for review and approval bidders to construct the Platform.

2. In addition to approving the settlement agreement, the Commission also found “that additional Commission involvement prior to the issuance of an RFP is warranted to ensure that the bids result in a software development process that is successful and provides the lowest cost for implementation” (Order at 12), and enumerated a series of action items, mostly listed in “Section D: Commission Oversight”, discussed in further detail below, for the NH Utilities and the parties to the settlement agreement to undertake over the course of this year. These items are to culminate in the issuance of the RFPs, the bid selection process, and bid recommendations for construction of the Platform to the Commission.

3. After multiple meetings and discussions among the NH Utilities and with the parties to the settlement agreement, the NH Utilities have concluded and the parties to the settlement agreement concur that additional information and clarification is needed to fulfill the various directives of the Order pertaining to the “additional Commission involvement” to ultimately arrive at a bid recommendation for the Commission. Generally, the NH Utilities seek clarity on the expectations of the Commission for these directives including the sequence of execution of the additional action items, expected deliverables of each item and any corresponding filing requirements, and whether there will be any subsequent Commission action or response required prior to proceeding to the next item. The specific information sought for each item is listed below.

4. The NH Utilities also seek further information on how to approach cost recovery for the work leading up to the selection and proposal of bids to the Commission. By approving the settlement agreement the Commission generally provided for cost recovery of this work if such work is “reasonable, prudently incurred and in the public interest” and that “Commission review of prudently incurred deployment and recovery of costs will occur in one docket for the combined NH Utilities. Costs associated with the Platform Hub and other shared costs between the NH Utilities shall be allocated by the preceding year’s total New Hampshire retail revenue.” (Order at 8).

5. However, the Order also states “*[a]t a later stage when the costs of the data platform are known*, the Commission is required to approve the mechanisms for the utilities to recover the costs from utility customers and other users of the data platform.” (Order at 10, emphasis added). The NH Utilities have been directed by the Commission in the Order to conduct a substantial amount of work over the course of this calendar year, some of which requires hiring contractors, to arrive at the stage where Platform costs would be known. For this present stage of work, further clarity on cost recovery is sought.

6. Upon a motion by any party to a docket the presiding officer may, under Puc 203.15, schedule a prehearing conference “[i]n order to facilitate proceedings” and such a prehearing conference can include “[a]ny . . . matters which aid in the disposition of the proceeding.” As described above, and provided in further detail below, the NH Utilities, with the assent of the parties to the settlement agreement, need further information from the Commission to be able to meet the requirements as they are laid out in the Order. A prehearing conference would provide a venue in which the Commission may provide such information and direction, and engage in discussion with the parties as needed so the parties may ascertain how to effectively proceed

with this next phase of the docket consistent with the Order, and would therefore aid in the disposition of the proceeding.

7. As to the particular action items the NH Utilities seek further information and clarity, the following list provides those items, as well as the information sought.

- “The Commission also requires that the stakeholders initiate the development of a cost-benefit methodology before moving forward with requests for proposals. The development of the cost-benefit methodology will inform required cost benefit analysis after the result of the requests for proposals is finalized.” (Order at 1-2).
  - The NH Utilities seek further detail on this cost-benefit methodology, and clarity on whether it needs to be filed with the Commission and whether Commission action is necessary prior to moving forward with RFP preparation.
- “We will require additional detail on the registration process, to ensure compliance with current best [privacy and security] practices in the utility industry, as the parties prepare the RFP for Platform development.” (Order at 14).
  - The NH Utilities seek clarity on when this additional detail would be required, how it should be provided, and if any Commission action will be necessary before proceeding with RFP preparation.
- “We direct the parties to develop a more detailed description of the data and functions needed for platform operation. The customer interface should be illustrated in a way that describes the customer or third-party experience with the API. An actual demonstration of the user experience with the Data Platform API would be most helpful.” (Order at 15).
  - The NH Utilities seek further information and detail regarding what the Commission would like the parties to submit, how it should be submitted,

presented, or filed, and if any Commission action is necessary before proceeding with RFP preparation.

- “[E]ach of the electric and gas utilities are directed to conduct customer surveys of a statistically valid representative sample of their New Hampshire customer classes to determine for each of the customer classes, the current level of customer interest and the likelihood of customers opting-in to the use of the data platform . . . [w]e also direct that the survey data collected through the survey be filed with the Commission in this docket.” (Order at 15).
  - The NH Utilities seek information on if any Commission action will be necessary after filing the survey data before proceeding with RFP preparation. The NH Utilities also submit for the Commission’s consideration certain alternatives to the survey that could achieve similar results and save time and expense.
- “[B]efore proposing the form of an RFP for the Platform, the parties should survey existing software, and software under development in other jurisdictions, to determine whether any costs can be saved through licensing existing technology. We request that the parties report on the status of any development or implementation of a similar data platform in utility service territories outside New Hampshire.” (Order at 15-16).
  - The NH Utilities seek additional detail on what the software survey should entail, level of effort that should be expended, if there is any filing requirement included here (i.e. the requested status report), and if Commission action is necessary before proceeding with RFP preparation.


WHEREFORE, the NH UTILITIES respectfully request that the Commission:

- (1) Schedule a prehearing conference as proposed in this motion; and
- (2) Order such further relief as may be just and equitable.

Respectfully submitted,

**Public Service Company of New Hampshire d/b/a  
Eversource Energy; Liberty Utilities (Granite State  
Electric) Corp. d/b/a Liberty; Unitil Energy Systems,  
Inc.; Liberty Utilities (EnergyNorth Natural Gas) Corp  
d/b/a Liberty; and Northern Utilities, Inc.**


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04/01/2022  
Date

By: \_\_\_\_\_  
  
Jessica A. Chiavara  
Counsel, Eversource Energy  
o/b/o the NH Utilities  
780 North Commercial Street  
Post Office Box 330  
Manchester, New Hampshire 03105-0330  
(603) 634-2972  
Jessica.chiavara@eversource.com

### 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.

\_\_\_\_\_  
04/01/2022  
Date

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Jessica A. Chiavara