

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DOCKET DE 19-197

IN THE MATTER OF:      Electric and Natural Gas Utilities  
   Development of a Statewide, Multi-Use  
   Online Energy Data Platform

DIRECT JOINT TESTIMONY

OF

Stephen R. Eckberg  
Utility Analyst, Electric Division

And

Jason Morse  
Utility Analyst, Sustainable Energy Division

August 12, 2020

1 **Q. Please state your full names.**

2 A. Stephen R. Eckberg.

3 A. Jason Morse.

4 **Q. By whom are you employed and what is your business address?**

5 A. [Eckberg] I am employed as a utility analyst with the Electric Division of the New  
6 Hampshire Public Utilities Commission. My business address is 21 South Fruit Street, Suite  
7 10, Concord, NH, 03301.

8 A. [Morse] I am employed as a utility analyst with the Sustainable Energy Division of the New  
9 Hampshire Public Utilities Commission. My business address is 21 South Fruit Street, Suite  
10 10, Concord, NH, 03301.

11 **Q. Please summarize your relevant education and professional work experiences.**

12 A. [Eckberg] I was employed as a Utility Analyst with the New Hampshire Office of Consumer  
13 Advocate (OCA) from 2007 to 2014. In 2014 I joined the Commission's Sustainable Energy  
14 Division. In 2019 I joined the Commission's Electric Division. I have a Master of Science  
15 degree in Statistics from the University of Southern Maine and have worked in a variety of  
16 energy related analytic and program administrative roles for over 20 years. More complete  
17 details of my education and professional work experience are included as Attachment SRE-  
18 JM-1 to this joint testimony.

19 A. [Morse] I received a Bachelor of Science degree in Business Administration from the  
20 University of New Hampshire in 2010. I received a Master of Liberal Arts degree in  
21 Sustainability from Harvard University's Extension School in 2018. I joined the  
22 Commission's Sustainable Energy Division as a Utility Analyst in January, 2019. Prior to  
23 joining the Commission, I worked for seven years as an Analyst for the consulting firm GDS

1 Associates where I handled a wide variety of clients, projects, roles, and responsibilities  
2 within the energy efficiency, renewable energy, and utilities sectors. More complete details  
3 of my education and professional work experience are included as Attachment SRE-JM-2 to  
4 this testimony.

5 **Q. What is the purpose of your joint testimony?**

6 A. The purpose of our testimony is to outline one potential path toward determining whether the  
7 costs of any proposed statewide, multi-use online energy data platform are reasonable and in  
8 the public interest.

9 **Q. Please summarize the nature of the proceedings in this docket to date.**

10 A. SB 284-FN (2019) amended RSA chapter 378 by adding a new subdivision entitled “Multi-  
11 Use Energy Data Platform,” effective September 17, 2019. A copy of SB 284-FN is included  
12 as Attachment SRE-JM-3 to our testimony. The new subdivision, consisting of RSA 378:50-  
13 :54, provides for the establishment of a statewide online energy data platform that would  
14 facilitate access to and sharing of energy data by utilities, customers, and third parties.  
15 Pursuant to that subdivision, the Commission issued an Order of Notice on December 13,  
16 2019. Many parties requested intervention in the proceeding and after a pre-hearing  
17 conference the Commission granted the intervention of all parties seeking intervention, with  
18 some being granted intervention on a consolidated basis.

19 To inform the issues that might be addressed by the parties in their testimony, the  
20 Commission solicited comment from the parties on various topics relating to the statewide,  
21 multi-use online energy data platform including: 1) Functionalities; 2) Existing Opportunities  
22 for Energy Data Access; 3) Database Structure and Management; 4) Community Level Data;  
23 5) Cost and Benefits; 6) Phasing/Deferral; 7) Privacy Thresholds; and 8) Obligations of

1 Database Users. The parties filed extensive comments responsive to the scoping comment  
 2 solicitation, and after an initial technical session many of the parties filed use case proposals.  
 3 A number of Technical Sessions were held to discuss the scoping comments, use case  
 4 proposals, and other technical issues. A listing of Technical Sessions is provided in the table  
 5 below.

Session	Date	Discussion Topics
Prehearing T.S.	2/3/2020	Presentations by parties, Docket process
T.S. #1	3/18/2020	Responses to PUC Staff’s scoping questions, Docket scope, process, and timeline, Consolidation of parties
T.S. #2	3/20/2020	Use cases of the platform and data elements required to support those use cases
T.S. #3	4/17/2020	Parties’ proposed use cases submitted via written comments
T.S. #4	4/22/2020	Opportunity for parties to ask clarifying questions regarding the Joint Utilities’ written comments on other parties’ proposed use cases
T.S. #5	4/24/2020	Use cases and Data element requirements
T.S. #6	5/8/2020	EDI, APIs, Use case prioritization, Determining costs
T.S. #7	5/28/2020	“Virtual platform” concept, Customer data privacy, Standards for aggregated and anonymized customer data, Cyber-security standards, Data accuracy, retention, and availability standards, relevance of system data to this docket.
T.S. #8	6/25/2020	Governance of the platform, Update on external bilateral discussions.
T.S. #9	7/6/2020	Update on external bilateral discussions.
T.S. #10	7/16/2020	Procedural Schedule

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7 **Q. Are you providing testimony regarding all of the issues identified in the scoping**  
 8 **comments, use cases, and during the technical sessions?**

9 A. No. The scope of our testimony will not focus on all of the technical issues identified by the  
 10 scoping solicitation, party comments, use cases, or technical sessions. Instead, our testimony

1 will outline a process through which the Commission might determine whether the cost of  
2 any proposed statewide, multi-use online energy data platform is reasonable and in the public  
3 interest.<sup>1</sup> If the Commission finds the costs of the platform are not reasonable and in the  
4 public interest, RSA 378:51, III provides that the Commission shall defer implementation of  
5 the platform.

6 **Q. How does the Commission generally determine whether costs of an investment are**  
7 **reasonable and in the public interest?**

8 A. The Commission generally considers several factors when evaluating whether the decision to  
9 make an investment with ratepayer dollars is reasonable, prudent, and in the public interest.  
10 These factors include, but are not limited to, the costs and benefits associated with an  
11 investment, the decision-making process and information used to justify an investment, the  
12 size of an investment, the level of risk associated with an investment, the likelihood that the  
13 projected benefits will actually occur, whether an investment represents the lowest  
14 reasonable cost means of achieving the desired benefit or satisfying a system need, and  
15 whether deployment of an investment was prudently managed.

16 In some cases, the Commission can determine whether the costs of a planned investment  
17 are reasonable and in the public interest through a balancing of that investment's projected  
18 costs against its quantifiable monetary benefits. In other cases, a substantial portion of the  
19 benefits of an investment may be hard to quantify and the Commission must rely on its  
20 judgment regarding the value of those qualitative benefits and balance that against the costs  
21 of the investment, among other considerations. The key to any such balancing is that only  
22 after costs are identified and quantified can the Commission accurately weigh those costs

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<sup>1</sup> Staff reserves the right to address the technical issues identified by the scoping solicitation, party comments, use cases, or technical sessions within its rebuttal testimony.

1 against the potential quantitative benefits, qualitative benefits, and the likelihood that such  
2 benefits will occur.

3 **Q. How might the Commission determine whether the cost of the platform is reasonable**  
4 **and in the public interest?**

5 A. We suggest a two phase approach to determining whether the cost of the platform is  
6 reasonable and in the public interest. The first phase would focus on the threshold issues  
7 identified within RSA 378:51-53,<sup>2</sup> the scoping comment solicitation in this docket,<sup>3</sup> and the  
8 resulting comments from parties. This first phase, in which we are currently engaged, would  
9 occur during the currently approved procedural schedule of this docket. We anticipate that  
10 party testimony will address the many technical issues discussed thus far and would inform a  
11 Commission decision in the first phase of this docket on a data platform scope and  
12 corresponding technical requirements.

13 The second phase would focus on the *cost* of any proposed data platform and whether  
14 that cost is reasonable and in the public interest.<sup>4</sup> After an initial order from the Commission  
15 on platform scope and other threshold issues resulting from the first phase of the docket, a  
16 request for information (RFI) and/or request for proposals (RFP) process could be used to  
17 develop an estimate of the development, deployment, and ongoing costs associated with the  
18 data platform. If an RFP approach is employed, the RFP could be issued subject to  
19 regulatory approval, so that the Commission retains the final decision regarding whether the  
20 costs provided by the winning respondent are reasonable and in the public interest, whether a

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<sup>2</sup> RSA 378:51-53. Available at: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXIV-378.htm>

<sup>3</sup> Staff Proposed Procedural Schedule, Attachment Scoping Comment Solicitation. Tab 18. Available at:  
[https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/LETTERS-MEMOS-TARIFFS/19-197\\_2020-02-10\\_STAFF\\_PROP\\_PROC\\_SCH.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/LETTERS-MEMOS-TARIFFS/19-197_2020-02-10_STAFF_PROP_PROC_SCH.PDF).

<sup>4</sup> Some intervenors may provide general estimates of costs and/or benefits in their initial testimony and rebuttal, though it is unlikely that these general estimates will provide an adequate basis for the Commission to determine whether the project costs are reasonable or should be deferred.

1 modified approach should be pursued, and whether development of the platform should be  
2 deferred until some later date.

3 **Q. Would a Commission decision that costs appear reasonable and in the public interest**  
4 **guarantee recovery of costs associated with the platform from ratepayers?**

5 A. No. A Commission determination that the costs of the platform are reasonable, in the public  
6 interest, and should not be deferred would merely represent an expression by the  
7 Commission that, based on the facts provided within the docket process, a decision to  
8 proceed with development of the statewide energy data platform appears on its face to be  
9 reasonable and in the public interest. It would not preclude retrospective review of the costs  
10 associated with a statewide data platform's development and management during future  
11 requests for rate recovery.

12 **Q. Are you aware of any analogous processes at the Commission?**

13 A. Although it is not exactly analogous, there are similarities between the RFP process we  
14 describe above and the process by which the utilities procure program evaluation contractors  
15 for New Hampshire's Statewide Energy Efficiency Programs.

16 **Q. How do the utilities procure program evaluation contractors for New Hampshire's**  
17 **Statewide Energy Efficiency Program?**

18 A. We understand that in the context of the statewide energy efficiency program evaluation, a  
19 single utility issues an RFP on behalf of all utilities within the state. As part of the process,  
20 there is an opportunity for potential RFP respondents to inquire in writing regarding aspects  
21 of an RFP to ensure that their not-to-exceed bids are accurate and conform as closely as  
22 possible to the scope of work specified in the RFP. The RFP might specify and/or bidders  
23 might include in their work proposal additional tasks and corresponding incremental costs.

1 Responses to the RFP are evaluated by a group of stakeholders known as the Evaluation,  
2 Measurement, and Verification (EM&V) Working group. The EM&V Working Group  
3 includes representatives from each of the utilities, the Commission, and the New Hampshire  
4 Energy Efficiency and Sustainable Energy (EESE) Board.<sup>5</sup> The EM&V Working Group  
5 provides a collaborative framework for overcoming information asymmetries, vetting party  
6 positions, and developing consensus where consensus is possible. This collaborative  
7 framework is used to determine the winning bidder of RFPs. In the event that an issue under  
8 discussion cannot be resolved by consensus of the EM&V Working Group, the framework  
9 provides that non-consensus issues may be elevated to the Commission for a decision.

10 **Q. How might the scope of work within an RFI or RFP for the energy data platform be**  
11 **structured?**

12 A. SB 284 and RSA 378:51-53 list certain functionalities that would be provided by the data  
13 platform including: (1) the ability for a customer to download and share their data with a  
14 third party in a manner that will be certified by the Green Button Alliance under its Green  
15 Button “Connect My Data” protocol; and (2) the ability to provide aggregated and  
16 anonymized community-level energy data.<sup>6</sup> These functionalities represent the minimum  
17 viable, or core, scope of the platform.

18 RSA 378:50, II defines “individual customer data” which the platform must support as  
19 including "the customer’s name, address, opt-in status pursuant to RSA 374:62, energy usage

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<sup>5</sup> Docket No. De 17-136. 2018-2020 New Hampshire Statewide Energy Efficiency Plan. Page 158-161.  
(Describing the EM&V Working Group Framework and Processes). Available at:  
[https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136\\_2018-01-12\\_NH\\_UTILITIES\\_REV\\_EERS\\_PLAN.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2018-01-12_NH_UTILITIES_REV_EERS_PLAN.PDF). See also, EM&V Working Group Agendas. Available at:  
[https://www.puc.nh.gov/EESE%20Board/EERS\\_Working\\_Groups.html#em&v](https://www.puc.nh.gov/EESE%20Board/EERS_Working_Groups.html#em&v)

<sup>6</sup> Although not explicitly mentioned in RSA 378:51-53, the findings section within SB 284 states that “aggregation and anonymization of community-level data and requiring a consent-driven process for access to or sharing of customer-level energy usage data” would open the door to innovative business applications, allow customers to make better use of utility services, and facilitate municipal and county aggregation programs.

1 as recorded by meters supplied by electric and natural gas utilities,” but also states that the  
2 platform may include “other data segments established and authorized by the Commission.”

3 It is possible that, based on the parties’ testimony and subsequent cost estimates derived from  
4 an RFP, the Commission may find that the cost of incorporating certain data elements or data  
5 sets other than those explicitly included in the definition of “individual customer data,” and  
6 other than those required to fulfill the core functionality of the energy data platform, may be  
7 reasonable and in the public interest to also include in the scope of the platform.

8 However, it is important to make the distinction between those data elements and data sets  
9 which are *required* to be incorporated into platform scope in order to achieve the core  
10 functionalities, and those data elements and data sets which the Commission *may* find to be  
11 reasonable to include within the platform scope. An RFI or RFP scope of work could be  
12 structured to incorporate this distinction so that the Commission could accurately and  
13 appropriately judge the reasonableness of incremental costs that may be associated with  
14 various additional functionalities and related data requirements. The core scope of work  
15 could be for the core functionalities and associated data requirements which are required by  
16 RSA 378:50-54 , but the RFI or RFP could ask respondents to also price add-on options  
17 related to additional functionalities and associated data requirements identified by the parties.

18 **Q. Please summarize your testimony.**

19 A. Our testimony outlines one potential path toward determining whether the costs of any  
20 proposed statewide, multi-use online energy data platform are reasonable and in the public  
21 interest. This path is based on a two phase approach where: (1) In the first phase, the  
22 Commission makes a determination regarding the scope of work to be included within an  
23 RFP and other technical issues related to the statewide energy data platform; and (2) the

1 Commission makes a determination, based on the costs derived from the RFP, regarding  
2 whether the costs of the platform are reasonable and in the public interest, or should be  
3 deferred. We also make recommendations regarding the minimum viable platform and one  
4 potential approach to structuring an RFP Scope of Work that accommodate the possibility the  
5 Commission might find it reasonable to include data sets beyond those necessary to fulfill  
6 needs of the minimum viable platform.

7 **Q. Does that complete your testimony?**

8 A. Yes.