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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

January 22, 2021 - 1:20 p.m.

[REMOTE HEARING VIA WEBEX]

RE: DE 20-002
UNITIL ENERGY SYSTEMS, INC.
2020 LEAST COST INTEGRATED RESOURCE PLAN
[Hearing]

PRESENT:

Chairwoman Dianne Martin, Presiding
Commissioner Kathryn M. Bailey

Jody Carmody, Clerk

APPEARANCES:

Reptg. Unitil Energy Systems, Inc.:
Gary Epler, Esq.

Reptg. Residential Ratepayers:
D. Maurice Kreis, Esq.

Reptg. Commission Staff:
Brian D. Buckley, Esq.

COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44

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EXHIBITS		PAGE
1	Unitil 2020 LCIRP and attachments	Premarked
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6	Settlement Agreement	Premarked

1 P R O C E E D I N G S

2 CHAIRWOMAN MARTIN: Let's go on the
3 record. We're here this afternoon in Docket
4 DE 20-002 for a hearing regarding the Unitil
5 Energy Systems, Incorporated 2020 Least Cost
6 Integrated Resource Plan. A Settlement
7 Agreement has been filed.

8 I have to make the necessary
9 findings because this is a -- I'm sorry. Did
10 someone need to say something?

11 CLERK CARMODY: No. I'm sorry.

12 CHAIRWOMAN MARTIN: That's okay.

13 Okay. As Chairwoman of the Public
14 Utilities Commission, I find that due to the
15 State of Emergency declared by the Governor
16 as a result of the COVID-19 pandemic, and in
17 accordance with the Governor's Emergency
18 Order No. 12, pursuant to Executive Order
19 2020-04, this public body is authorized to
20 meet electronically.

21 Please note that there is no
22 physical location to observe and listen
23 contemporaneously to this hearing which was
24 authorized pursuant to the Governor's

1 Emergency Order. However, in accordance with
2 the Emergency Order, I am confirming that we
3 are utilizing Webex for this electronic
4 hearing. All members of the Commission have
5 the ability to communicate contemporaneously
6 during this hearing, and the public has
7 access to contemporaneously listen and, if
8 necessary, participate.

9 We previously gave notice to the
10 public of the necessary information for
11 accessing the hearing in the Order of Notice.
12 If anyone has a problem during the hearing,
13 please call (603)271-2431. In the event the
14 public is unable to access the hearing, the
15 hearing will be adjourned and rescheduled.

16 Okay. We have to take a roll call
17 attendance. My name is Dianne Martin. I'm
18 the Chairwoman of the Public Utilities
19 Commission, and I am alone.

20 Commissioner Bailey.

21 COMMISSIONER BAILEY: Good
22 afternoon, everyone. Kathryn Bailey,
23 Commissioner at the Public Utilities
24 Commission, and I am alone.

1 CHAIRWOMAN MARTIN: Okay. Let's
2 take appearances. Mr. Epler.

3 MR. EPLER: Thank you. Good
4 afternoon. My name is Gary Epler. I'm the
5 chief regulatory counsel for Unitil and
6 appearing this afternoon on behalf of Unitil
7 Energy Systems, Inc. Thank you.

8 CHAIRWOMAN MARTIN: Thank you.
9 Mr. Kreis.

10 MR. KREIS: Good afternoon,
11 everyone. I am Attorney Donald Kreis. I am
12 the Consumer Advocate, and my role, as you
13 all know, is to represent the interests of
14 residential utility customers.

15 CHAIRWOMAN MARTIN: Thank you.
16 And Mr. Buckley.

17 MR. BUCKLEY: Good afternoon, Madam
18 Chair, Commissioner Bailey. My name is
19 Brian D. Buckley, and I'm here on behalf of
20 the Commission Staff. And I am joined today
21 by Mr. Kurt Demmer, analyst with the
22 Commission Electric Division.

23 CHAIRWOMAN MARTIN: Okay. Great.
24 Thank you.

1 For preliminary matters, I have
2 that we have a pending motion for
3 confidential treatment. And we will treat
4 the material identified as "confidential" as
5 confidential during this hearing.

6 We also have a request for
7 acceptance of a late-filed Settlement
8 Agreement.

9 Mr. Buckley, would you like to be
10 heard on that?

11 MR. BUCKLEY: Yes. So, Madam
12 Chair, although the parties worked to
13 complete the Settlement Agreement as
14 expeditiously as possible, we did not meet
15 the five-day deadline, though we don't think
16 that having missed the deadline prejudices
17 any of the potential participants in this
18 proceeding -- the parties in this proceeding,
19 rather. And we do believe that acceptance of
20 the late-filed Settlement Agreement would be
21 reasonable given the circumstances.

22 CHAIRWOMAN MARTIN: Okay. And I
23 noted that the Settlement Agreement mentioned
24 the late filing and the two parties there

1 agreed to that. But, Mr. Kreis, do you have
2 any objection?

3 MR. KREIS: I have no objections,
4 Chairwoman Martin. Although we did not sign
5 the Settlement Agreement, the settling
6 parties were kind enough to include us in the
7 loop as they worked toward their agreement.
8 And there is no element of surprise here from
9 our standpoint, and I don't see any reason
10 why we shouldn't go forward today.

11 CHAIRWOMAN MARTIN: Okay. Great.
12 Thank you.

13 Then we will grant the request and
14 permit the acceptance of the late-filed
15 Settlement Agreement, finding that it does
16 not disrupt the orderly and efficient conduct
17 of the proceeding and will not impair the
18 rights of any of the parties.

19 Any other preliminary matters
20 before we move on?

21 MR. BUCKLEY: Yes. Just one more,
22 Madam Chair.

23 CHAIRWOMAN MARTIN: Go ahead.

24 MR. BUCKLEY: So there is a pending

1 motion to compel that Staff had filed
2 relative to certain discovery requests.
3 Since the time of that filing, the Company
4 was able to accommodate the Staff's request,
5 so Staff would like to now withdraw that
6 motion to compel.

7 CHAIRWOMAN MARTIN: Okay. The
8 request to withdraw is granted.

9 Anything else? I do have the
10 Exhibits 1 through 6 having been prefiled and
11 premarked, and I note for the record that
12 Exhibit 6 has been replaced with the
13 corrected version.

14 Anything else related to the
15 exhibits?

16 [No verbal response]

17 MR. BUCKLEY: I think that's it.

18 CHAIRWOMAN MARTIN: Okay. All
19 right. Are we ready to move to witnesses?

20 MR. EPLER: Yes, the Company is
21 ready to move. Before I do so, if there are
22 no objections, I have a very brief opening
23 statement I'd like to make, if that's okay
24 with the Commission.

1 CHAIRWOMAN MARTIN: That's fine.
2 Does anyone else want to make an opening
3 statement? Okay.

4 MR. KREIS: Madam Chair, I think it
5 depends on what Mr. Epler says before I can
6 tell you whether I have anything to say.

7 CHAIRWOMAN MARTIN: Fair enough,
8 fair enough. Let's hear from Mr. Epler.

9 MR. EPLER: Thank you, Madam Chair,
10 Commissioner Bailey.

11 The Company recognizes that the
12 statute that requires the filing of a Least
13 Cost Integrated Resource Plan has undergone
14 some modifications over the years, and we
15 also understand that there has at times been
16 some differences of opinion as to exactly
17 what the requirements are.

18 We also recognize that the actual
19 planning requirements that's expected of the
20 utility company are a matter that's been
21 under review by the Commission and interested
22 parties before the Commission for quite some
23 time, in that the industry is changing, and
24 along with that, the expectations on the

1 companies, and rightly so, and the
2 expectations as to what the industry should
3 be providing and the direction of the
4 industry. Those are all in flux, under
5 review, and we're all hopeful and engaged in
6 trying to move that process forward.

7 With that, the Company made an
8 attempt to provide as much current
9 information as it was able to in terms of
10 trying to comply with the statute. And we
11 thought that the process was helpful. We
12 appreciate the involvement of the Staff and
13 the Consumer Advocate in the number of
14 technical sessions and discovery sessions
15 that we have had.

16 We think it was beneficial to us as
17 a Company. And we hope it was beneficial to
18 those two parties as well. We think we
19 learned some things, and we look forward to
20 the process moving forward.

21 Now, we also appreciate the efforts
22 of the Staff in reaching a Settlement
23 Agreement. We think the particular matters
24 we were able to work through, through that

1 process, we were able to reach a greater
2 level of understanding as to the questions
3 and concerns of the Staff, and I think it's
4 something that will benefit our process going
5 forward.

6 That's my complete opening
7 statement. Thank you.

8 CHAIRWOMAN MARTIN: Okay. Thank
9 you.

10 Commissioner Bailey, do you have
11 any questions?

12 [No verbal response]

13 CHAIRWOMAN MARTIN: I do have one,
14 and this can go to all counsel and you can
15 answer it in your closing.

16 But just in response, Mr. Epler, to
17 what you just raised, I'm interested in the
18 Company's position on whether or not the
19 statutory language requires a waiver for
20 anything that's no longer relevant or whether
21 it doesn't.

22 MR. EPLER: Certainly if the
23 Commission feels that a request for a waiver
24 is required, we would provide one as quickly

1 as possible. However, I think that if there
2 are provisions that are no longer applicable,
3 based on the status of the Company as a
4 distribution-only utility, I would think that
5 a waiver isn't required, that the status of
6 the Company can be noted as a fact.

7 CHAIRWOMAN MARTIN: Okay. Thank
8 you. And do you know -- or is the Company
9 involved in any effort to have legislation
10 change the requirements to address the
11 current state of affairs?

12 MR. EPLER: I don't believe so. I
13 mean, as a regular course of business, we do
14 have registered lobbyists and we do certainly
15 follow and engage in efforts that address
16 utility matters. But I don't believe that
17 there's any specific initiative by the
18 Company with respect to the statutes involved
19 in this proceeding.

20 CHAIRWOMAN MARTIN: Okay. Thank
21 you.

22 Mr. Kreis, Mr. Buckley, if you'd
23 like to respond, or if you wanted to give an
24 opening, that's fine.

1 MR. KREIS: Just very briefly,
2 Chair Martin, I don't have any concerns about
3 anything Mr. Epler said in his opening
4 statement. I thought it was a reasonable
5 articulation of the Company's position, and I
6 know the Company is working earnestly to meet
7 his statutory obligations and to keep the
8 Commission happy. Some of those issues are
9 matters that I hope to address in my closing.

10 I would just say up front, when it
11 comes to the question that you asked -- the
12 questions that you asked, I do not believe --
13 I'm familiar with the waiver provisions in
14 the LCIRP statute, and I don't think that the
15 deficiencies in the Company's filing can be
16 cured by your granting a waiver.

17 And I can also confidently tell
18 you, as somebody who's monitoring what's
19 happening at the Legislature very closely,
20 that there are no bills pending that would
21 change the Least Cost Integrated Resource
22 Planning statute either from a utility or
23 from anybody else who has an interest in the
24 subject. It simply is not on the agenda for

1 the current legislative session.

2 CHAIRWOMAN MARTIN: Okay. Thank
3 you, Mr. Kreis.

4 Mr. Buckley, anything on that or an
5 opening?

6 MR. BUCKLEY: Nothing at the
7 moment. We may respond to questioning about
8 the necessity of waiver during closing, I
9 think.

10 CHAIRWOMAN MARTIN: Okay. Let's
11 proceed with the witnesses.

12 Ms. Robidas, can you swear in the
13 witnesses.

14 (WHEREUPON, KEVIN E. SPRAGUE, JOHN B.
15 BONAZOLI, JACOB S.DUSLING were duly
16 sworn and cautioned by the Court
17 Reporter.)

18 KEVIN E. SPRAGUE, SWORN

19 JOHN B. BONAZOLI, SWORN

20 JACOB S. DUSLING, SWORN

21 CHAIRWOMAN MARTIN: Okay. Thank
22 you. Mr. Epler.

23 MR. EPLER: Thank you. The Company
24 has three witnesses that it would like to

1 present as a panel, if there are no
2 objections.

3 CHAIRWOMAN MARTIN: That's fine
4 with the Commission. Go ahead.

5 DIRECT EXAMINATION

6 BY MR. EPLER:

7 Q. Okay. Starting then with Mr. Sprague, can
8 you please introduce yourself and your
9 position with the Company.

10 A. (Sprague) Yes. Good afternoon. My name is
11 Kevin Sprague. I am the vice-president of
12 engineering for Unitil.

13 Q. And Mr. Bonazoli, same question. Please
14 introduce yourself and your position with the
15 Company.

16 A. (Bonazoli) Sure. My name is John Bonazoli.
17 I'm the manager of distribution and
18 engineering for Unitil.

19 Q. John, I would note that at least on my end
20 you're coming through a little low. So you
21 may want to speak up.

22 A. (Bonazoli) Is that a little better? I just
23 adjusted my mic.

24 Q. Yes. Thank you.

1 And Mr. Dusling, same thing. Please
2 identify yourself and your position with the
3 Company.

4 A. (Dusling) Sure. I'm Jacob Dusling. I'm a
5 senior distribution engineer for Unitil.

6 Q. Okay. And Mr. Sprague and Mr. Bonazoli, can
7 you confirm you have testified -- you have
8 appeared and testified before this Commission
9 before? Is that correct?

10 A. (Sprague) Yes, I have.

11 A. (Bonazoli) I have as well.

12 Q. Okay. Mr. Dusling, you have not appeared
13 before this Commission; is that correct?

14 A. (Dusling) That's correct.

15 Q. Okay. Could you just review your
16 professional qualifications, please.

17 A. (Dusling) Sure. I have a bachelor's of
18 science in electrical engineering from the
19 University of New Hampshire and a master's of
20 science from WPI in power systems management.

21 I've worked as a distribution engineer,
22 a design engineer, and a senior distribution
23 engineer with Unitil for about 17 years now.

24 Q. And are you a registered professional

1 engineer?

2 A. (Dusling) I am, in the state of New
3 Hampshire, yes.

4 Q. Okay. Thank you very much.

5 There are several exhibits that I would
6 ask you to identify. And in fact, I'll turn
7 to Mr. Sprague to do that.

8 The first is what's been marked as
9 Exhibit No. 1, which is the Unitil Energy
10 Systems, Inc. Least Cost Integrated Resource
11 Plan. Has that been prepared by you or under
12 your direction, along with the other
13 witnesses in this docket?

14 A. (Sprague) Yes, it has.

15 Q. Okay. And what has been identified as
16 Exhibit 2 Confidential are the confidential
17 portions of the planning studies. Were those
18 prepared by you or under your direction?

19 A. (Sprague) Yes, they were.

20 Q. And Exhibit 3 was a supplemental filing, a
21 Grid Needs Assessment, a one-page Excel file.
22 Was this prepared by you under you direction?

23 A. (Sprague) Yes, it was.

24 Q. Okay. Thank you.

1 And then Exhibit No. 5 was the joint
2 rebuttal testimony of you, along with Mr.
3 Bonazoli and Mr. Dusling. Was that prepared
4 by you, along with those two other witnesses?

5 A. (Sprague) Yes, it was.

6 Q. Okay. And do you have any changes or
7 corrections to any of these exhibits?

8 A. (Sprague) Not at this time.

9 Q. Okay. And now if you can turn to what's been
10 marked as Exhibit No. 6, the Settlement
11 Agreement. Are you familiar with this
12 docket? Excuse me. Are you familiar with
13 this document?

14 A. (Sprague) Yes, I am.

15 Q. And did you participate on behalf of the
16 Company in the negotiations that led up to
17 the reaching of the Settlement Agreement?

18 A. (Sprague) Yes, I did.

19 Q. And are you prepared to briefly walk through
20 the substantive portions of the Settlement
21 Agreement?

22 A. (Sprague) Yes, I can do that.

23 Q. Okay. If you could, please, turn to that and
24 indicate -- so we're looking at Exhibit

1 No. 6.

2 A. (Sprague) We can start on Page 3.

3 Q. Thank you very much. If you could review
4 that, please.

5 A. (Sprague) Okay. Part A of the Settlement
6 Agreement. Essentially, the Staff and the
7 Company agree that the portions meet the RSA,
8 and the Commission should accept the filing.

9 Part B is a modification that the
10 parties have agreed to for the Company's
11 planning criteria to allow for an additional
12 engineering review when loads exceed normal,
13 but do not exceed the long-term emergency
14 rating. And that additional review may
15 consider factors such as load cycles,
16 clearances and conductor characteristics.

17 Part C, the Company has agreed to
18 purchase power monitoring equipment that can
19 be temporarily applied through different
20 portions of the distribution system and
21 substations where existing measurements may
22 not be already installed, the idea being to
23 verify the circuit models and the modeling
24 software to make sure that the projects that

1 are being designed are implemented in the
2 year when they need to be implemented. And
3 these would be verified for projects that are
4 estimated to be over \$250,000 in cost.

5 Part D, this one's a little bit --
6 requires a little bit of background. We have
7 a development that's going in off of Exit 17
8 off of I-93, known as the Market Basket
9 Development. As part of this development,
10 there is a plan to install some electric
11 vehicle charging in that development. So the
12 Company has agreed to provide the Staff with
13 our calculation of the Contribution In Aid of
14 Construction prior to finalizing that and
15 providing it to the customer.

16 So the Company has agreed to meet
17 with the Staff to discuss the assumptions for
18 utilization of the electric vehicle charging
19 within 10 days of drafting the Contribution
20 In Aid of Construction and prior to providing
21 it to the customer. And based upon that, we
22 would propose a standardized approach for
23 determining high-voltage direct current and
24 clustered Level Two electric vehicle charging

1 utilization rates within our next rate case.

2 Part E, the Company has agreed to
3 work with Staff further on integration of and
4 consideration of non-wire solutions into its
5 planning -- into our planning analysis for
6 projects that are greater than \$250,000. In
7 our next area planning study of the Bow Bog
8 area, we will consider these non-wires
9 solutions as alternatives to traditional
10 investment.

11 This non-wire solution should
12 include, but not be limited to, energy
13 efficiency, active demand reduction, combined
14 heat and power and battery storage.

15 The parties agree that the Company
16 may request rate recovery through
17 distribution rates consistent with the
18 statute. And prior to future non-wire
19 solutions solicitations, the Company agrees
20 to provide a draft of that solicitation to
21 Staff and incorporate input before that
22 solicitation would be finalized.

23 And then Part F, the Company agrees
24 to file within our most recent Least Cost

1 Integrated Resource Plan proceeding our
2 annual planning studies, and those would be
3 filed by the end of the first quarter each
4 year. And within that filing, we agree to
5 provide a comparison of our 10-year historic
6 load with the prior 90-10 forecast.

7 So I think that hits on the
8 substantive points.

9 Q. Thank you, Mr. Sprague.

10 Mr. Bonazoli or Mr. Dusling, do you have
11 any anything to add?

12 A. (Bonazoli) I do not.

13 A. (Dusling) No, I do not.

14 Q. Thank you.

15 MR. EPLER: Madam Chair, with that,
16 I've completed my direct examination of these
17 witnesses. Thank you.

18 CHAIRWOMAN MARTIN: Okay. Thank
19 you.

20 Mr. Kreis.

21 MR. KREIS: Madam Chairwoman, I
22 have no questions for the Company's
23 witnesses.

24 CHAIRWOMAN MARTIN: Okay.

1 Mr. Buckley.

2 MR. BUCKLEY: So, Madam Chair, I
3 think the plan is to also introduce Mr.
4 Demmer as a part of this panel, have him
5 provide his proverbial "2 cents" on the
6 Settlement Agreement as well, and then open
7 the panel to questions of the Commission as a
8 Joint Settlement panel.

9 CHAIRWOMAN MARTIN: Okay. That's
10 fine. We can proceed with Mr. Demmer right
11 now.

12 MR. BUCKLEY: Great. Thank you.

13 DIRECT EXAMINATION

14 BY MR. BUCKLEY:

15 Q. Mr. Demmer --

16 MR. BUCKLEY: Do we need to swear
17 in Mr. Demmer?

18 CHAIRWOMAN MARTIN: We did all the
19 witnesses at the beginning.

20 MR. BUCKLEY: Okay.

21 CHAIRWOMAN MARTIN: Just to let you
22 know, I'm going to step away for one second,
23 but I can hear and see. I'm just going to
24 get my cat out of the room and close the

1 door. I'll be right back.

2 (Pause in proceedings)

3 Q. Mr. Demmer, if you could please state your
4 name and position with the Commission.

5 A. (Demmer) Yes. Good afternoon. My name is
6 Kurt Demmer. I'm employed as a senior
7 analyst with the Electric Division of the
8 New Hampshire Public Utilities Commission.

9 Q. And Mr. Demmer, if you could please describe
10 your involvement in the instant proceeding to
11 date.

12 A. (Demmer) I've been the Staff lead in this
13 proceeding reviewing the LCIRP, developing
14 discovery, developing testimony,
15 participating in technical sessions, and
16 participating in the settlement conferences.

17 Q. And the testimony you prepared, is that the
18 document initially filed with the Commission
19 in the instant docket on September 23rd and
20 which has been premarked as Exhibit 4?

21 A. (Demmer) Yes, it is.

22 Q. And do you have any corrections or updates
23 you would like to make to that testimony at
24 this time?

1 A. (Demmer) No, I do not.

2 Q. And to the best of your knowledge and belief,
3 were the answers presented in your testimony
4 accurate at the time your testimony was
5 filed?

6 A. (Demmer) Yes, they were.

7 Q. And do you adopt those answers as your sworn
8 testimony in this proceeding today?

9 A. (Demmer) Yes, I do.

10 Q. Okay. Now, moving to a little bit more
11 substance, can you tell me what was the
12 purpose of your testimony in this docket?

13 A. (Demmer) I reviewed the Company's LCIRP
14 filing for consistency in the provisions of
15 RSA 378:38.

16 Q. And what was the outcome of your review?

17 A. (Demmer) My review of the Company's LCIRP and
18 subsequent discovery found that the LCIRP was
19 generally in compliance with RSA 378:38.
20 Unitil's LCIRP filings have historically been
21 very comprehensive and allow for a greater
22 transparency into the five-year capital plans
23 than other investor-owned utilities in
24 New Hampshire. That review did raise some

1 further questions for Staff which have
2 largely been resolved by the Settlement.

3 Q. And was your review of Unitil's LCIRP during
4 this proceeding any different than LCIRP
5 reviews during previous proceedings? And if
6 so, can you explain how?

7 A. (Demmer) Yes, it was. Historically the focus
8 of Staff's review of the Company's LCIRPs was
9 on how the Company planned its system. While
10 the Company's planning criteria and processes
11 remain a component of Staff's review, during
12 this proceeding Staff also focused on what
13 future investments the Company is planning,
14 as detailed in Pages 14 through 18 of my
15 testimony.

16 Q. And did you find value in that prospective
17 review of Company investments?

18 A. (Demmer) Yes, I did. For example, as I
19 described in Pages 14 through 15 of my
20 testimony, a right-of-way rebuild the Company
21 is planning in the next few years has
22 potential to be one of the larger projects
23 the Company's undertaken. In light of the
24 concerns expressed by Staff regarding the

1 cost of a rebuild versus repair of that
2 right-of-way during technical sessions, the
3 Company agreed to work with Staff on an RFP
4 scope of work to better develop the cost
5 estimates for the rebuild versus the repair
6 options. The outcome of that analysis is not
7 a document filed in this proceeding, but it
8 is very possible that an analysis will make
9 for review of that decision to undertake the
10 investment less contentious when the Company
11 requests recovery of those costs relating to
12 that investment in the rate case.

13 As an aside, that prospective review of
14 the investments was, I think, a key component
15 of the Commission's as-expressed expectation
16 and now the suspended grid modernization
17 order.

18 Q. Now, Mr. Demmer, you mentioned the grid
19 modernization order, and we heard some
20 discussion of that order earlier upon opening
21 from Mr. Epler.

22 At Bates Page 7 of your testimony, and
23 then again in the conclusion, you recommended
24 that the Commission direct the Company to

1 participate in processes set forth by that
2 grid modernization order to develop its next
3 LCIRP and that the substance of the LCIRP
4 should align with the expectations expressed
5 by the Commission in that order; is that
6 correct?

7 A. (Demmer) Yes, it is.

8 Q. And are there any provisions in the
9 Settlement that align with those
10 recommendations?

11 A. (Demmer) Again, unlike many of the historical
12 LCIRP settlements, this Settlement being
13 considered before the Commission today does
14 not prescribe what needs to be in the next
15 LCIRP. While one might interpret some of the
16 provisions of the Settlement as consistent
17 with the grid modernization order, such as
18 the requirement that the Company file annual
19 updates of its planning studies, which
20 includes a revised capital plan, the
21 substance of the Company's next LCIRP and the
22 processes used to develop it are not included
23 in the Settlement as they are a subject of a
24 rehearing motion now pending before the

1 Commission.

2 Q. So, Mr. Demmer, would it be accurate to say
3 that the Settlement in this proceeding does
4 not preclude any sort of an outcome -- or
5 presume any sort of an outcome on the
6 rehearing?

7 A. (Demmer) Correct. Yes.

8 Q. And so given the discussion of the Settlement
9 that we've heard from the Company, do you
10 view the provisions of the Settlement
11 described earlier as in the public interest?

12 A. (Demmer) Yes.

13 Q. Thank you, Mr. Demmer.

14 MR. BUCKLEY: That's all Staff has.

15 CHAIRWOMAN MARTIN: Okay. Any
16 questions from you, Mr. Kreis?

17 MR. KREIS: Just one or two
18 questions for Mr. Demmer.

19 CROSS-EXAMINATION

20 BY MR. KREIS:

21 Q. First of all, good afternoon, Mr. Demmer.

22 A. (Demmer) Good afternoon.

23 Q. I believe that I heard you testify that you
24 concluded that the Company's filing is

1 compliant with RSA 378:38. Did you -- did I
2 hear you correctly?

3 A. (Demmer) In large part, yes.

4 Q. In large part --

5 A. (Demmer) Yes.

6 Q. -- is there any section in which you find the
7 Company not to have been in compliance with
8 RSA 378:38?

9 A. Not necessarily not in compliance. But as
10 Mr. Epler stated earlier, there are some
11 parts of 378 that don't -- that no longer
12 apply to the Company.

13 Q. Okay. Did you or your colleagues on the
14 Commission Staff evaluate whether the plan
15 filed by the Company is compliant with RSA
16 378 --

17 CHAIRWOMAN MARTIN: Mr. Kreis, I
18 think you may have hit your microphone. We
19 can't hear you well.

20 Q. Oh, sorry. Am I back in business?

21 A. (Demmer) Yes.

22 Q. All right. Sorry. I'm not sure what I did,
23 but hopefully I managed to undo it.

24 Mr. Demmer, did you or your Staff

1 colleagues evaluate the Company's plan for
2 its compliance with RSA 378:39?

3 A. (Demmer) Could you please explain that
4 particular statute.

5 Q. Well, RSA 378:39, the title of that section
6 is "Commission Evaluation of Plans." And
7 while it really isn't appropriate for me to
8 be answering questions from the witnesses --
9 well, I can -- let me do this.

10 There's a sentence in RSA 378:39 that
11 I'm going to read to you. It says, "In
12 deciding whether or not to approve the
13 utility's plan, the Commission shall consider
14 potential environmental, economic and
15 health-related impacts of each proposed
16 option."

17 Did Staff undertake any effort to
18 analyze the extent to which the potential
19 economic -- or excuse me -- the potential
20 environmental, economic and health-related
21 impacts of each proposed option were
22 compliant -- are compliant with the overall
23 Least Cost Integrated Resource Plan
24 extension?

1 A. (Demmer) Staff did review the -- a
2 cross-section of projects the Company was
3 undertaking, and the Company's processes do
4 incorporate environmental aspects or impacts
5 with each of those particular projects. So
6 we did review those projects. And with the
7 Company's process being -- having an
8 environmental compliance piece of it or
9 ranking, as in my testimony, that piece of
10 that review was done by Staff, as far as
11 economic, being a least cost option, as far
12 as Staff's concerned, is part of the economic
13 review.

14 Q. Thank you.

15 MR. KREIS: I think those are all
16 my questions, Madam Chairwoman.

17 CHAIRWOMAN MARTIN: Okay. Thank
18 you. And Mr. Epler?

19 MR. EPLER: Thank you. I have no
20 questions for this witness. Thank you very
21 much.

22 CHAIRWOMAN MARTIN: Okay.
23 Commissioner Bailey.

24 COMMISSIONER BAILEY: Thank you. I

1 have no questions.

2 CHAIRWOMAN MARTIN: I don't have
3 any questions other than the ones I asked.
4 So we're moving quickly through this.

5 Okay. Then let's see where we go
6 next. I'm assuming no follow-up, so we're
7 done with these witnesses?

8 MR. BUCKLEY: Yes.

9 CHAIRWOMAN MARTIN: Okay. Great.
10 Any objection to the Exhibits 1
11 through 6?

12 [No verbal response]

13 CHAIRWOMAN MARTIN: Mr. Kreis?

14 MR. KREIS: No objections from me.

15 CHAIRWOMAN MARTIN: Okay. Then we
16 will strike I.D. on Exhibits 1 through 6 and
17 admit them as full exhibits.

18 Anything else we need to do before
19 we hear closings?

20 [No verbal response]

21 CHAIRWOMAN MARTIN: Okay. Seeing
22 none, Mr. Kreis, are you prepared to start?

23 MR. KREIS: Yes, I am. And let me
24 start by saying that I don't have any

1 quibbles or concerns when it comes to the
2 commitments that the Staff of the Commission
3 extracted from Unitil in exchange for the
4 recommendation from Staff to accept the
5 Company's Least Cost Integrated Resource Plan
6 as compliant with the statute.

7 Nevertheless, unfortunately, I
8 cannot concur with Staff's recommendation
9 that you find the plan to be consistent with
10 the Least Cost Planning statute. And really
11 to understand why I have that view, you don't
12 have to look anywhere past the cover page of
13 Exhibit 1. It gives this title for the
14 Company's plan, "Report on Least Cost
15 Integrated Resource Planning 2020." The
16 problem is that the statute does not call for
17 each electric and natural gas utility to
18 submit a "report" on its Least Cost
19 Integrated Resource Planning. Rather, the
20 statute requires an actual plan, how the
21 Company evaluated the various options
22 available for capital deployment and whether
23 the actual choices it made are least cost in
24 light of the requirement to advance the

1 state's energy policy as enumerated in RSA
2 378:37.

3 Now, Mr. Demmer just gave a really
4 interesting answer to my question when I
5 asked him about RSA 378:39. And he talked
6 about how he and his colleagues looked at the
7 process the Company used and how it evaluated
8 different projects that the Company is
9 planning on undertaking. That is not the
10 same as taking a look at all the options that
11 are before the Company and figuring out
12 whether the options that the Company chose
13 advanced the energy policy in the statute and
14 whether they are, in fact, least cost.

15 The plain language in RSA 378:39 is
16 the language from the LCIRP statute that
17 tells the Commission how it has to evaluate
18 the plans. The key sentence, which I've
19 already read, reads as follows: "In deciding
20 whether or not to approve the utility's plan,
21 the Commission shall consider potential
22 environmental, economic and health-related
23 impacts of each proposed option."

24 Now, the word "option" in that

1 sentence cannot, I respectfully suggest, mean
2 anything other than each proposed course of
3 action, each decision the Company plans to
4 make or could make for how to deploy its
5 resources in order to meet the utility's
6 service obligations while advancing the
7 state's energy policy.

8 If there's any doubt, and I don't
9 think that there is, language that appears
10 later in Section 39 would eliminate any
11 ambiguity. The penultimate sentence in
12 Section 39 reads: "The Commission's approval
13 of a utility's plan shall not be deemed a
14 preapproval of any actions taken or proposed
15 by the utility in implementing the plan."
16 The implications of that language are
17 obvious: You're supposed to be considering
18 actions taken or proposed.

19 Finally, the last sentence in
20 Section 39 explains what you're supposed to
21 do when, quote, "The Commission determines
22 the options and equivalent financial costs,
23 equivalent reliability and equivalent
24 environmental, economic and health-related

1 impacts." That sentence becomes an absurdity
2 unless the LCIRP statute is understood as
3 obliging the Commission to review how the
4 Company has decided to deploy its resources
5 as opposed to the adequacy of the process the
6 Company uses. Now, as far as I'm concerned,
7 and as far as you should be concerned, it
8 wouldn't matter if the Company used a Ouija
9 board to make its planning decisions, as long
10 as the result of those decisions are least
11 cost.

12 Now circling back to the issue
13 Chairwoman Martin raised at the very
14 beginning of the hearing. I don't think the
15 waiver provisions contained in RSA 378:38-A
16 are helpful here either to the Company or to
17 the Commission. The waiver provision allows
18 you to waive specific requirements for plan
19 contents that are laid out in the preceding
20 section, Section 38. The most obvious case
21 for such a waiver has to do with the
22 Section 38 requirement that says there has to
23 be an assessment of supply options.
24 Obviously, there's really only one supply

1 option left for the Company, the competitive
2 default service procurement process. Fair
3 enough. But Section 38-A does not allow the
4 Commission to waive any requirements of
5 Section 39. And that's the problem. You
6 have no way under Section 39 to evaluate the
7 investment options before the Company for
8 their impacts and to determine whether the
9 Company has elected options that are least
10 cost.

11 Now, as everybody here knows, and
12 certainly as you Commissioners know, this is
13 not the first time I've come before the
14 Commission with such an argument. I'm sure
15 it's growing tiresome. But here's the thing:
16 The LCIRP statute is fundamentally a consumer
17 protection measure. When we talk about the
18 service of a utility being "least cost," we
19 mean least cost from a customer perspective.

20 But the key word in all of this is
21 actually "integrated." Least cost integrated
22 resource planning became a compelling policy
23 tool in the 1970s and 1980s as everyone
24 realized that even the most gargantuan

1 investments, how about, say, a \$7 billion
2 nuclear plant on the New Hampshire seacoast,
3 could be justified on reliability grounds
4 when considered in isolation.

5 But when considered in combination
6 with all the possibilities, both supply side
7 and demand side, it became obvious that there
8 were cheaper and better ways of meeting
9 electric utility service obligations. But
10 don't take my word for that. Read "Profits
11 and Progress through Least Cost Planning,"
12 the 1989 White Paper written for NARUC by
13 former Maine PUC Commissioner,
14 David Moskovitz, or just read the forward by
15 former Central Maine Power CEO, John Rowe,
16 who later went on to be the CEO of Exelon,
17 and who is famous for his aphorism about
18 utility incentives, "The rat must smell the
19 cheese."

20 Some people think least cost
21 integrated resource planning has become
22 obsolete or even impossible now that we don't
23 have vertically integrated electric utilities
24 anymore. I respectfully disagree with that

1 view. But more importantly, in the 20
2 years -- and this goes to a point that
3 Chairwoman Martin made at the very beginning
4 of the hearing. In the 20 years since
5 restructuring began happening in earnest, the
6 general court has had plenty of opportunities
7 to repeal the least cost integrated resource
8 planning statute and on every occasion has
9 doubled down on it. The Legislature even
10 extended the requirement to natural gas
11 utilities, and it is not even now considering
12 any modifications to the statute. And yet,
13 year after year, this Commission has not only
14 looked the other way in the face of
15 non-compliance, it has actually told
16 utilities to do exactly what this utility has
17 done: Ignore the actual requirements of the
18 statute and instead file a plan that talks
19 about how the utility plans for the future.

20 Now, I was beginning to think I
21 would have to stop complaining and start
22 appealing until something remarkable happened
23 on May 22nd of last year. That is when the
24 Commission issued Order No. 26,358 entitled,

1 "Guidance on Utility Distribution System
2 Planning and Order Requiring Continued
3 Investigation." That, of course, is the
4 order more commonly referred to as the "Grid
5 Mod Order."

6 Now, obviously I don't need to tell
7 you what the grid mod order said because you
8 wrote it. To me, though, it was a
9 break-through because it offered up a new and
10 different approach to this whole problem.
11 Basically, the idea of the grid mod order, as
12 I understand it, is to open up and even, dare
13 I use the word, "democratize" the utility
14 planning process.

15 As the advocate for residential
16 ratepayers, I read the order and thought:
17 Well, I'm ready to stand down now because the
18 grid mod order, when implemented, will give
19 me and other stakeholders, including the
20 Staff of the Commission, a way to assure
21 ourselves that utilities are confronting the
22 uncertainties properly and are not just
23 gold-plating their systems while ignoring or
24 playing down the alternatives, which is

1 exactly the problem the LCIRP statute was
2 intended to address.

3 Of course, with an order that good,
4 there had to be a rehearing motion, a notably
5 intemperate one, filed by Eversource and,
6 unfortunately, endorsed at the last minute by
7 the utility that's before you today. And as
8 you know, the Commission responded by
9 suspending the effectiveness of the grid mod
10 order, and we are still awaiting your order
11 on rehearing.

12 I earnestly beg you. Rule on the
13 rehearing motion still pending in Docket IR
14 15-296. I beg you to do that before you
15 issue an order in this docket either
16 approving or rejecting the Settlement
17 Agreement before you today.

18 Right now, least cost integrated
19 resource planning and grid modernization are
20 in limbo. And that's not fair to anyone,
21 especially the utilities. We need a path
22 forward, and the grid mod order offers an
23 excellent one. In the meantime, without that
24 kind of clarity, I think you really do have

1 to reject the Settlement Agreement in this
2 docket and instead tell this utility to go
3 back to the drawing board and file a real
4 Least Cost Integrated Resource Plan, and
5 lickety split, in fact, in light of Unitil's
6 stated intention to file a rate case later
7 this year because, as you know, RSA 378:40
8 says no approved LCIRP, no rate increase.

9 So that's what I have to say about
10 the Settlement Agreement that's pending
11 before you. I'd obviously be happy to answer
12 any questions. And with that, I will stand
13 down.

14 CHAIRWOMAN MARTIN: Thank you,
15 Mr. Kreis. I have a quick follow-up
16 question.

17 So I hear your comments on the grid
18 mod order. How does, if it does, the grid
19 mod order resolve the issue with the statute?

20 MR. KREIS: Well, that's a great
21 question. And I think it only resolves the
22 issue in the statute in the sense that it
23 would cause me as the principal source of
24 complaint about the Commission's compliance

1 with the statute to look -- to look away from
2 the LCIRP statute as it exists in black
3 letter law and lean into the process in the
4 grid mod order as really the right way for
5 all of this to work, given what the
6 Commission has to do, given what the
7 utilities have to do, given what the Staff
8 has to do, and given what I'm supposed to do.

9 So it still leaves that problem out
10 there that the statute and reality don't
11 align with each other very well. But I think
12 the Commission has the authority to do what
13 it did in the grid mod order. And therefore,
14 I really hope to see an order from you soon
15 saying that you deny the rehearing motion.

16 But even if you grant the rehearing
17 motion, it would be so helpful to know that
18 sooner rather than later.

19 CHAIRWOMAN MARTIN: Do you think
20 that the Commission has the discretion to not
21 apply the requirements of 39?

22 MR. KREIS: The black letter
23 language in Section 39 would suggest not.
24 But as far as I know, if we move forward with

1 the process in the grid mod order, there
2 won't be anybody standing here in the virtual
3 or real hearing room telling you to do
4 anything other than what you are doing. So,
5 you know, there's sort of no right without a
6 remedy; right? So with nobody complaining
7 about whether you're complying with
8 Section 39, you're in the clear.

9 CHAIRWOMAN MARTIN: That's an
10 interesting analysis.

11 Mr. Buckley.

12 MR. KREIS: Thank you.

13 CHAIRWOMAN MARTIN: I'm sorry.
14 Commissioner Bailey, I think I jumped you
15 because I asked a question. Would you like
16 to ask questions?

17 COMMISSIONER BAILEY: Mr. Kreis, do
18 you think that the Commission's prior orders
19 approving the planning process should have
20 been appealed? And why didn't you appeal
21 them?

22 MR. KREIS: That is a great
23 question. And, you know, as with any party,
24 I have to make decisions about whether it

1 makes sense to appeal or not appeal any
2 decision based on the resources I have, based
3 on what I deem to be the likelihood of
4 success, and what appears to me to be the
5 harm of letting an order I disagree with
6 stand. I'm sure you can appreciate that it
7 would be improvident of me to appeal every
8 decision that gets made by the PUC or by
9 anybody else that I disagree with. And so
10 I've made in each of those instances a
11 prudent -- I guess, prudential decision not
12 to appeal.

13 And, you know, frankly, Unitil, as
14 a relatively small electric utility, is less
15 of a problem with respect to least cost
16 integrated resource planning than the big
17 gorilla in the electric industry, Eversource,
18 because it really -- just by virtue of its
19 size, it has more capability to sort of point
20 us in a better direction that would be more
21 cognizant or more likely to take advantage of
22 demand side options and alternatives to these
23 sort of traditional things that legacy
24 utilities do.

1 Hopefully you found that as
2 interesting as Chairwoman Martin found my
3 last answer.

4 COMMISSIONER BAILEY: Thank you.

5 CHAIRWOMAN MARTIN: Okay.

6 Mr. Buckley.

7 MR. BUCKLEY: Thank you, Madam
8 Chair.

9 So Staff is confident that the
10 Settlement by the parties appropriately
11 resolves all the issues in this case and that
12 the approval of the Settlement would be in
13 the public interest and recommends,
14 therefore, the approval of the Settlement by
15 the Commission.

16 To the Chair's question relating to
17 whether a waiver is necessary, Staff would
18 note that Mr. Demmer's testimony at Pages 7
19 through 13 speaks directly to each of the
20 seven provisions in the LCIRP statute
21 enumerated as Roman numerals I through VII.

22 His testimony does clarify that the
23 emphasis on two of those provisions are
24 really no longer as relevant for restructured

1 distribution utilities; namely, RSA 378:38,
2 III, which is focused on supply options for
3 energy supply, and the section of RSA 378:38,
4 IV, which would consider transmission needs.

5 Nonetheless, as the Demmer
6 testimony does note, the Company has, in
7 fact, provided information relative to these
8 provisions. So from Staff's perspective, the
9 Company has satisfied those requirements, in
10 spite of the fact that those provisions of
11 the statute are what Staff might describe as
12 "waning" in relevance for restructured
13 distribution utilities. Because of this, we
14 do not view a request for a waiver as
15 necessary in this proceeding.

16 Now, with respect to the Consumer
17 Advocate --

18 CHAIRWOMAN MARTIN: Mr. Buckley,
19 before you move off of that, can I just ask
20 you some questions?

21 So, for the provisions that Staff
22 would say are no longer applicable in the
23 current times, would you say that what was
24 filed meets the requirements there in the

1 statute despite that?

2 MR. BUCKLEY: I think the exact
3 phrasing I used was "waning in applicability"
4 or less applicable for a restructured
5 distribution utility. And if I spoke in
6 terms of absolutes, I'd like to correct
7 myself now.

8 Staff would suggest that there is
9 some value in analysis related to both energy
10 supply options and transmission options. One
11 example -- and I think Mr. Demmer actually
12 touched on this in his testimony. One
13 example would be as a result of the Algonquin
14 case that went before the Supreme Court, the
15 State Supreme Court, approximately two years
16 ago, where the Supreme Court clarified that
17 the restructuring act, really the purpose of
18 it -- or the primary purpose of it was to
19 lower costs rather than provide for the
20 absolute separation of generation from the
21 rest of the traditional utility business
22 model.

23 In just such a scenario, it's
24 conceivable that at some point something

1 similar to that, either a plan to buy gas
2 capacity that might reduce overall energy
3 costs, or maybe if you look to our neighbors
4 to the south, a plan to enter into a
5 long-term contract for off-shore wind, might
6 be -- might come before the proceeding --
7 before the Commission, rather, in a
8 proceeding such as the least cost integrated
9 resource planning proceedings. In that case,
10 those provisions would really no longer be
11 waning, and they would become of rather
12 increasing importance.

13 I think that the amount of
14 treatment given to both transmission needs
15 and to energy supply needs provided by the
16 Company in this Least Cost Integrated
17 Resource Plan is adequate. It is minimal.
18 But given the context of a restructured
19 distribution utility, Staff does view it as
20 adequate.

21 CHAIRWOMAN MARTIN: Okay. Thank
22 you. Go ahead with your closing.

23 MR. BUCKLEY: Thank you, Madam
24 Chair.

1 Now, with respect to the Consumer
2 Advocate's concerns relating to RSA 378:39,
3 the review of each proposed option, Staff
4 did, in fact, complete review of several
5 proposed options of the largest planned
6 capital investments, a process that we think
7 speaks to the heart of what the Legislature
8 intended through RSA 378:38, which requires
9 the plan to detail distribution system needs.

10 As Mr. Demmer noted, we reviewed
11 the economic considerations relating to those
12 investments and various options, the
13 environmental and health-related impacts,
14 which we view as very much related. And we
15 reviewed those options in an integrated
16 manner to consider both supply-side and
17 demand-side investments, as suggested by
18 Mr. Demmer's review of the -- or, rather,
19 traditional and demand-side investments, as
20 suggested by Mr. Demmer's review of the 37
21 line for non-wire solution opportunities, as
22 well as the commitment to considering
23 displacement of the Bow Bog upgrade through
24 potential non-wire solution as embodied in

1 the Settlement.

2 We are, in fact, though, cognizant
3 of the Consumer Advocate's concerns related
4 to the process he describes as in "limbo"
5 during suspension of the grid modernization
6 order. But we raise the Commission's
7 attention to the fact that the now-suspended
8 grid modernization order directs that the
9 near-term LCIRPs model themselves on Unitil's
10 LCIRP and propose at least one non-wire
11 solution to defer or avoid a traditional
12 investment.

13 Unitil has, in fact, satisfied
14 many, if not all, of the expectations of the
15 Commission for this near-term LCIRP as
16 expressed in the grid mod order, in that it
17 filed rather extensive capital plans as
18 attachments to its LCIRP, and that it had
19 indeed solicited a non-wire solution for the
20 37 line. And in fact, it also is considering
21 non-wire alternatives for the Bow Bog
22 project.

23 With that said, while we're
24 cognizant of, and I dare say sympathetic of

1 the Consumer Advocate's concerns, we believe
2 the Company has satisfied the requirements of
3 RSA 378:38 in its 2020 LCIRP. And we have
4 reviewed the Plan with the requirements of
5 378:39 in mind and recommend its approval by
6 the Commission. Thank you.

7 CHAIRWOMAN MARTIN: Commissioner
8 Bailey, any questions?

9 [No verbal response]

10 CHAIRWOMAN MARTIN: I have a
11 question.

12 So I think what I understand you
13 saying is something somewhat similar to the
14 OCA's argument, which is I think you said
15 something along the lines of it complies with
16 the spirit or the intention of the statute or
17 something like that.

18 But I'm going to ask you the same
19 question that I asked Mr. Kreis: Does the
20 Commission have the discretion to not follow
21 the plain language of the statute? And if --
22 depending on your answer there, is there a
23 way that the Commission can approve what's
24 before it and still comply and follow the

1 law?

2 MR. BUCKLEY: Staff would suggest
3 that even the plain language of the statute,
4 which, you know, at its most extreme
5 encourages a distribution utility to review
6 transmission needs, which, you know, are not
7 something that are the subject necessarily of
8 Commission jurisdiction, I would suggest, or
9 at least would only be so in a limited
10 manner, the Commission needs to review that
11 fine language in the broader context of the
12 utility landscape that Unitil exists within.

13 Now, Unitil has, in fact, provided
14 an assessment of transmission-related needs.
15 And they have provided, I believe it is a
16 report, a joint report with Eversource, and
17 possibly a joint report with -- no, I think
18 it was just Eversource. And that provides an
19 assessment of transmission-related needs.

20 But I do think that as the
21 Commission reviews what has been provided by
22 the Company, it needs to do so keeping in
23 mind the broader context of the fact that we
24 are now a restructured jurisdiction.

1 CHAIRWOMAN MARTIN: Okay. Thank
2 you.

3 Mr. Epler.

4 MR. EPLER: Thank you, Madam Chair,
5 Commissioner Bailey. Well, certainly the
6 Consumer Advocate has thrown a lot up against
7 the wall. But I think if we look at the
8 wall, you'll find it hasn't really stuck.

9 What the Consumer Advocate ignores
10 is much of what is in this report and ignores
11 the history of the Company in providing this
12 information. And in each successive IRP that
13 it has filed, including more and more
14 information and opening up its planning
15 process and the procedures that it goes
16 through to a greater and greater extent,
17 recognizing that the industry is evolving,
18 the expectations on the companies are
19 evolving, and we are attempting to evolve
20 along with it.

21 Now, this is going to take me a
22 little time here. But this report is close
23 to 600 pages, and it's -- there's an
24 incredible amount of valuable information on

1 the Company, on how it goes about planning,
2 the criteria it includes, the considerations
3 it includes, what it has done in the past and
4 what it is planning to do in the future.

5 And so I am very comfortable
6 representing to you that, as a Commission,
7 and being cognizant of the requirements of
8 RSA 378:39, that this plan does meet those
9 requirements and that you can faithfully
10 fulfill your duties as a regulatory body and
11 find with no hesitation that our plan meets
12 the requirements of the statute.

13 I would draw your attention to a
14 number of things just very quickly.

15 No. 1 is, if you look at Page 21 of
16 the report, and what is repeated and
17 demonstrated in other sections, the Company
18 states that it believes the primary role of
19 the Company, first and foremost, is to
20 provide safe and reliable service while
21 implementing technologies, investments and
22 programs aimed at making the grid more
23 efficient, economic and secure.

24 So it is clear -- now, this is

1 repeated throughout our planning documents.
2 It is clear that we take the environment, the
3 efficiency, economics, safety and security
4 into account in our plan in everything that
5 we do. And you are most welcome to verify
6 that by asking these witnesses those
7 questions. The OCA chose not to do that.
8 But these witnesses are fully prepared to
9 walk through the planning efforts they
10 undertake and the considerations that they
11 make in presenting proposals to our senior
12 management and to our board for approval, I
13 mean, taking into account the considerations
14 that are reflected in the statutory sections.

15 I'd also draw your attention to --
16 bear with me, please -- Exhibit 1, Part 4 of
17 6, which starts at Page 401 of the Plan. See
18 if I can find it myself here.

19 Now, this is a planning study for
20 the future, for the period 2020 to 2024. And
21 in this discussion there are particular
22 projects in the future that are planned. And
23 we go through the considerations that were
24 made in coming up with those recommendations,

1 what concerns they address. And then if you
2 look at other sections of our plan, we talk
3 about exactly what considerations and
4 concerns we make in our planning and how we
5 go about doing that. And that clearly shows
6 that, again, in every step we take
7 environmental, economic and health-related
8 impacts into account.

9 Similarly, you can turn to Part 5
10 of Exhibit No. 1, which is the Seacoast
11 Planning Study. So Part 4 is the Capital
12 Planning Study and Part 5 is the seacoast
13 planning study. Again, we go through the
14 same kind of an analysis. And again you see
15 the projects that are proposed. There's a
16 discussion of why -- of what elements they
17 are intended to address, why they were
18 chosen.

19 The planning documents themselves
20 that are found in other sections of the
21 report, in our planning guideline that is
22 found at 384 to 396, and our projection
23 guidelines, 397 to 406, our rating
24 procedures, our evaluation process, all those

1 indicated -- indicate and explain how we go
2 about planning and how -- and what
3 considerations go into the projections that
4 we make.

5 We also -- and we had many
6 technical sessions with the Staff. There
7 were opportunities to ask for discovery. We
8 did go dig into the details of this report,
9 the details of our upcoming investments. We
10 engaged with the Staff engineer fairly
11 extensively, answered all questions that he
12 had about these future investments,
13 considered alternatives, considered whether
14 the alternatives were economic, were
15 environmentally appropriate. I mean, we
16 spent a lot of time, for example, on the
17 planned reconfiguration of a circuit that
18 goes through a seacoast area that's a marsh
19 area. And there are significant
20 environmental concerns associated with that.
21 And there are also significant economic
22 concerns associated with that line in terms
23 of the safety impacts, in terms of providing
24 adequate service to the Seabrook power plant

1 and service to other areas along that
2 distribution system.

3 We spent a great deal of time
4 talking about that. And appropriately so,
5 the Staff pressed us to make sure that we
6 were making the correct investment decision
7 going forward as to how we were addressing
8 that line, whether there were other
9 alternatives, other non-wires alternatives,
10 other kinds of investments that could have
11 been chosen. And I think we rose to the
12 occasion and we embraced that effort and we
13 included Staff in that effort. And we also
14 made a commitment in this Settlement
15 Agreement to continue and expand our
16 consideration of non-wires alternatives going
17 forward and to provide planning documents on
18 a yearly basis to the Commission. Those are
19 both things that are covered in the
20 proposed -- in the now-suspended grid mod
21 order.

22 So I just, on a fundamental basis,
23 really disagree with the representations and
24 the arguments that were made by the OCA. I

1 think that what you have in front of you is a
2 very extensive, comprehensive effort to
3 comply with the statute. I think it's a
4 good-faith attempt to do so. I think it does
5 meet the criteria. I think that the
6 Commission can be satisfied and comfortable
7 in approving this and finding that we've met
8 the statute.

9 And certainly, if there are
10 additional efforts that the Commission seeks
11 to have us undertake in the future, the
12 Company is very much willing to meet with the
13 Commission to discuss those and to satisfy
14 your requests. If there are things in this
15 docket that you find that are wanting, we're
16 certainly available to discuss those and see
17 if there's some way that we can meet your
18 concerns and considerations.

19 This Company really does try to be
20 as transparent as it believes it's required
21 to be and to address and meet this Commission
22 on a good-faith basis in everything that we
23 do. And we believe we do. If we fall short,
24 please indicate so and we will remedy that.

1 Thank you very much.

2 CHAIRWOMAN MARTIN: Thank you.

3 Commissioner Bailey, do you have
4 any questions?

5 COMMISSIONER BAILEY: Mr. Epler, I
6 just want to make sure I understand your
7 argument. And so I'm going to tell you what
8 I heard and ask you if it's accurate.

9 I think what you're saying is that
10 your report outlines the planning process
11 that you used that is consistent with the
12 requirements of the statute and identifies a
13 plan for high-level investments that you have
14 decided were the least cost investments based
15 on your planning process. Is that accurate?

16 MR. EPLER: Yes.

17 COMMISSIONER BAILEY: Thank you.

18 CHAIRWOMAN MARTIN: Mr. Epler, I
19 just want to follow up on a few things we
20 heard today.

21 First, the OCA mentioned the title.
22 Why is it called a "report" rather than a
23 "plan"?

24 MR. EPLER: Quite frankly, no

1 particular reason. If that's a failing,
2 that's on my part for not catching that and
3 just calling it a "plan" instead of a
4 "report." But I think in the past we called
5 it a "report," and so we just continued along
6 with that.

7 If you'll hold on one moment...
8 There was a... I'm sorry. I'm taking up
9 time here. I'm just...

10 CHAIRWOMAN MARTIN: That's fine.
11 Take all the time you need.

12 MR. EPLER: I was a little tongue
13 and cheek when I did this. But the OCA asked
14 us a data request on this very issue. And
15 just to indicate that there was really no
16 significance in using the title of "report"
17 versus "plan," I did include a reference to
18 Romeo and Juliet, Act 2, Scene 2, the famous
19 "Rose is a rose" quotation. So using that,
20 there's no particular significance to the
21 fact that it's labeled "report."

22 CHAIRWOMAN MARTIN: Okay. So it's
23 substantively the same, just a different
24 heading.

1 MR. EPLER: Yes.

2 CHAIRWOMAN MARTIN: Okay. 378:38
3 has the requirements for the plan. It says
4 "if applicable." Does the Company -- is it
5 the Company's position that it met all of
6 those requirements? I think you have three
7 options here. One is that it met all the
8 requirements; two, that the requirements are
9 not applicable and therefore didn't have to
10 meet them; or three, it's a waiver under 38-A
11 -- (connectivity issue).

12 [Court Reporter interrupts.]

13 CHAIRWOMAN MARTIN: As required. I
14 note that a waiver request has to come from
15 the Company.

16 So I just want to hear, Mr. Epler,
17 if you think under 38 if there is --
18 everything is there or if the "if applicable"
19 language means it doesn't have to be there or
20 if a waiver is necessary.

21 MR. EPLER: I think it's either
22 there or it's not applicable.

23 CHAIRWOMAN MARTIN: And if it's not
24 applicable, you don't think a waiver request

1 is necessary under 38-A?

2 MR. EPLER: I don't. I don't think
3 so. But, however, if the Commission feels
4 otherwise, I would be happy to very quickly
5 file the appropriate waiver request.

6 CHAIRWOMAN MARTIN: Okay. And so I
7 think that's a separate issue from 39 and the
8 option language that Mr. Kreis referred to,
9 and so I want to make sure I understand.

10 You're saying that the plan as
11 filed and the process meets -- allows the
12 Commission to conduct the required review
13 under the statute.

14 MR. EPLER: Yes, that's correct.

15 CHAIRWOMAN MARTIN: Okay. Thank
16 you.

17 Commissioner Bailey.

18 COMMISSIONER BAILEY: May I ask
19 Mr. Kreis some questions?

20 CHAIRWOMAN MARTIN: Go ahead.

21 COMMISSIONER BAILEY: Mr. Kreis,
22 you didn't provide a witness today to
23 adjudicate whether some of the land
24 investments were not least cost, did you?

1 MR. KREIS: I do not have a witness
2 today. No, I do not.

3 COMMISSIONER BAILEY: And can you
4 look at Exhibit 1, Part 5 of 6, Page 10, just
5 as an example?

6 MR. KREIS: Exhibit -- I can in
7 theory. I just have to make sure I can get
8 to it.

9 COMMISSIONER BAILEY: Yeah, Part 5.

10 MR. KREIS: Okay. I've just got
11 8,000 things opened up on my screen at the
12 moment. Oh, okay. I have Exhibit 1 open.
13 What page are you telling me to go to?

14 COMMISSIONER BAILEY: You're at
15 Part 5. There's five -- six parts of
16 Exhibit 1.

17 MR. KREIS: Okay.

18 COMMISSIONER BAILEY: Okay. So
19 Part 5, Page 10, which is Page 457 of the
20 Plan --

21 MR. KREIS: Okay. I'm almost
22 there. 457. Sorry. I'm having trouble.

23 COMMISSIONER BAILEY: Well, if you
24 go to PDF Page 10, there's only 38 pages in

1 Part 5, so...

2 MR. KREIS: I'm sorry,
3 Commissioner. I'm having trouble. Can you
4 just give me the Bates number again?

5 COMMISSIONER BAILEY: Sure. In the
6 total Plan, if it's all combined, it's
7 Page 457 of 590.

8 MR. KREIS: Okay. I'm sorry. I
9 can't seem to get there. I don't know why
10 that is. The version that I have in front of
11 me does not seem to have that page in it.

12 MR. EPLER: If I may, maybe I can
13 help direct him.

14 COMMISSIONER BAILEY: Please do.

15 MR. EPLER: Mr. Kreis, do you have
16 Exhibit 1, Part 5 of 6? I e-mailed that
17 yesterday.

18 MR. KREIS: Okay. Yeah, that's
19 what I thought I was opening up, but...
20 Okay. I'm almost there. Sorry about this.
21 All right. So you're talking about
22 Appendix M.

23 COMMISSIONER BAILEY: Yes.

24 MR. KREIS: All rightie. And which

1 page of that do you want me to go to?

2 COMMISSIONER BAILEY: Page 457,
3 which is Page 10 of 38 in the PDF file.

4 MR. KREIS: Okay. I'm almost
5 there. Again, apologies. There's just a lot
6 of paper here, and on my desk it's all
7 electronic. Okay. There I am at Page 457.

8 COMMISSIONER BAILEY: Okay. Now,
9 this looks to me like a list of plans -- like
10 a plan to resolve the issue that they have
11 identified that needs to be resolved in the
12 next five years. Does it not look like that
13 to you?

14 MR. KREIS: Yes.

15 COMMISSIONER BAILEY: And you
16 didn't choose to adjudicate this. These
17 plans were not least cost. So I don't
18 understand what the failure is here.

19 MR. KREIS: Well, first of all, I
20 don't carry a shred of the burden here. It
21 is not my job to compile the report, to
22 present the report, or even to critique the
23 report. It's the Company's job to present it
24 to you, and it's your job to evaluate it.

1 And so what I did or didn't do is, with all
2 due respect, is immaterial.

3 So it is true that what the Company
4 has sent you is a list of projects that it
5 has decided to undertake. And it tells you
6 that it needs to undertake those projects
7 because it needs to meet the needs of its
8 customers from a safety and reliability
9 standpoint. But what these -- this focus
10 lacks is a big picture about what the effect
11 of what the Company does is on the overall
12 state energy policy, and it doesn't tell you
13 about what all the potential things that the
14 Company could do to meet its needs really
15 are. So I don't know how else to answer that
16 question.

17 But, you know, it is true that what
18 the Company has told you, the Commission, is
19 here are the projects that we're undertaking,
20 and here is why we're doing them.

21 COMMISSIONER BAILEY: And they got
22 to that by evaluating the factors in the
23 statute.

24 MR. KREIS: Well, I guess I can't

1 quite go that far. It got to that by going
2 through its own planning process. And I know
3 I seem to have made Mr. Epler exasperated.
4 I'm not questioning the good faith of the
5 Company or the thoroughness of its process.
6 I'm very sympathetic. It's very difficult
7 for any utility, let alone this one, to
8 comply with these requirements. I mean, we
9 definitely have a statute here that doesn't
10 fit very neatly into the reality that an
11 electric distribution company confronts.
12 But, you know, that doesn't mean that either
13 utilities or the Commission are free to just
14 say, well, that's all right, we don't have to
15 bother.

16 COMMISSIONER BAILEY: Okay. Thank
17 you.

18 MR. KREIS: So let me just say,
19 when I look at a report like this, I look at
20 the part of the report that talks about
21 energy efficiency, for example. And what the
22 Company is telling you in its report is,
23 well, we punched that ticket because we
24 participate in the ratepayer-funded NH Saves

1 energy efficiency programs. And it does.
2 And it does a good job. But that doesn't
3 answer the question about whether there's
4 some bigger role that energy efficiency could
5 play and whether the Company could actually
6 devote some of its resources that it funds
7 through distribution rates to even more
8 energy efficiency because some of those
9 things might be least cost in comparison to
10 some of these more traditional projects.

11 COMMISSIONER BAILEY: Okay. Thank
12 you.

13 CHAIRWOMAN MARTIN: Mr. Epler, you
14 had your hand up before. Did you have
15 something else to say, or are you all set?

16 MR. EPLER: You know, I would just
17 point out again -- thank you, Madam Chair. I
18 would just point out again that if you look
19 at Section 378:39, it talks about each
20 proposed option. We do discuss, as
21 Commissioner Bailey pointed out, detailed
22 recommendations of each proposed option in
23 Part 4 and Part 5 of Exhibit No. 1. If you
24 then -- you have to look at this report on a

1 comprehensive basis, because if you also then
2 look at our planning criteria, we talk about
3 how we arrive at and do the least cost
4 analysis. So you've got to -- you can't
5 just, you know, look at a particular page.
6 You've got to look at the whole process that
7 we outline here, what the Company goes
8 through and the considerations that it makes,
9 and then taking all those criteria into
10 account, we come up with these
11 recommendations. And we also talk here about
12 that it didn't meet the threshold for
13 non-wires alternatives to be reviewed. And
14 we indicate in the discussion why that was
15 so. We provide the cost estimates. We
16 provide the year that these efforts would be
17 undertaken.

18 And so, you know, that's our
19 burden. We came forward doing that. And any
20 party to this docket had the opportunity to
21 pick any one of these or all of these that
22 are proposed for the next five-year period
23 and challenge us as to whether or not any one
24 or all of these projects meet the criteria

1 that are laid out in 378:39.

2 It's our argument and our
3 presentation and our initial filing that it
4 does, and there's no evidence on the record
5 in this docket that it doesn't. There's only
6 argument at this point in this proceeding
7 after a long period and a long period for
8 evaluation that it doesn't. Thank you.

9 CHAIRWOMAN MARTIN: I appreciate
10 that, Mr. Epler. And I do appreciate your
11 efforts here today.

12 I would just say that the record
13 and the evidence have to be reviewed by the
14 Commission ultimately. And so that's what I
15 was trying to get at: Is this compliant with
16 the statute and give you the opportunity to
17 make that statement?

18 Any other questions or responses?

19 MR. KREIS: Yeah, I just want to
20 respond again by saying I don't have the
21 burden to do anything here. What I have
22 failed to do or done, what evidence I have
23 adduced or failed to adduce is absolutely
24 irrelevant. And I just want to be clear

1 that, you know, anything I did or didn't do
2 in this hearing or throughout this docket has
3 no significance whatsoever.

4 CHAIRWOMAN MARTIN: Mr. Kreis, I
5 think that's understood.

6 Anything else before we close?

7 [No verbal response]

8 CHAIRWOMAN MARTIN: All right then.
9 Thank you, everyone. I do appreciate the
10 dialogue and the argument, and I thank you
11 for all of that. We'll take this matter
12 under advisement and issue an order. We are
13 adjourned. Have a good weekend.

14 COMMISSIONER BAILEY: Thank you,
15 everyone.

16 (Hearing adjourned at 2:50 p.m.)

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