



NEW HAMPSHIRE LEGAL ASSISTANCE

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January 25, 2022

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sent via email

Daniel Goldner, Chair
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Docket No. DE 20-092 Electric and Gas Utilities 2021-2023 Triennial Energy Efficiency Plan

Dear Chair Goldner:

On January 21, 2022, the joint utilities filed a proposed procedural schedule in Docket No. DE 20-092 pursuant to Order No. 26,560. LISTEN has a pending petition to intervene in this docket and writes to state that it does not assent to the proposed procedural schedule.

Despite the joint utilities' best efforts to comply with the time frame required by Order No. 26,560, LISTEN is concerned that the proposed schedule does not allow sufficient time for meaningful stakeholder input and review of the new draft plan to be filed on March 31, 2022. Given the requirements in Order Nos. 26,553 and 26,560, the new plan will differ significantly from the one that was developed from November 4, 2019 to September 1, 2020 – the initial plan that was filed in this docket and subject to a four month procedural schedule leading up to several days of hearings. In addition, the proposed schedule does not contemplate any time for settlement discussions because the parties will need their very limited time to focus on discovery and testimony. Past experience demonstrates that allowing sufficient time for stakeholder input and settlement discussions will likely reduce the number and scope of contested issues requiring litigation.

LISTEN agrees with the Consumer Advocate¹ that a better approach would be to extend the charges that were applicable in 2020 and 2021 while the parties and stakeholders work on a plan for the next triennium. This would further the principles of reliability and stability of the programs as well as help to address the negative impact on customer expectations due to the abrupt suspension of the energy efficiency programs.²

Furthermore, the approach suggested by the Consumer Advocate would allow more time to determine if the General Court is going to pass House Bill 549 that would impose different requirements on the energy efficiency plan than Order Nos. 26,553 and 26,560.³ The

¹ See Office of the Consumer Advocate letter re: Docket No. DE 20-092, Jan. 24 2022.

² At the time this letter was submitted, the energy efficiency programs are still suspended. See "Update from the New Hampshire Utility Partners" available at <https://nhsaves.com/utility-partner-update/> (last visited Jan. 25, 2022).

³ HB 549 (2022), Bill Details available at https://www.gencourt.state.nh.us/bill_status/billinfo.aspx?id=729&inflect=2 (last visited Jan. 25, 2022).



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legislation currently has bipartisan support, and Governor Sununu has publicly asked the legislature “to vote to support House Bill 549 as amended and expeditiously move it forward to [his] desk for [his] signature.”⁴ Given this legislative development, there is a risk that the parties and stakeholders will rush to draft a new plan at ratepayer expense that will have to be further modified under different requirements if House Bill 549 becomes law.

For these reasons, LISTEN does not assent to the proposed procedural. Should the Commission decide to continue down the path laid out in Order No. 26,560, LISTEN respectfully requests that the Commission add at least one month to the proposed procedural schedule so that the parties can fully develop the record and engage in meaningful settlement discussions.

Consistent with the secretarial letter of March 17, 2020, this filing is being submitted electronically. Hard copies of the filing will not follow unless requested. Please do not hesitate to contact me should you have any questions. Thank you for your attention to this matter.

Sincerely,

/s/ Raymond Burke

Raymond Burke, Esq.

New Hampshire Legal Assistance

Attorney for LISTEN Community Services

Cc: service list via email

⁴ Governor Christopher T. Sununu Letter Regarding HB 549, Jan. 18, 2022 *available at* <https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/hb549-01182022.pdf> (last visited Jan. 25, 2022).