

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 20-092**

**ELECTRIC AND GAS UTILITIES**

**2021-2023 Triennial Energy Efficiency Plan**

**Order of Suspension**

**O R D E R N O. 26,520**

**September 21, 2021**

In this order the Commission suspends Commission Order No. 26,513 pending further consideration of the recent motions for rehearing. Accordingly, the record in this proceeding will remain closed and the Commission will not issue written record requests as it further considers the motions for rehearing.

**I. BACKGROUND**

On September 1, 2020, the Joint Utilities<sup>1</sup> filed the Second Triennial Statewide Energy Efficiency Plan (Plan) for review and approval by the Commission. The Commission subsequently opened this docket to consider the matter under its rules governing contested administrative proceedings. *See* Order of Notice (September 8, 2020). On December 3, 2020, multiple parties to the proceeding filed a proposed Settlement Agreement. Over the course of five days in December 2020, the Commission conducted a hearing to consider the issues noticed, including the proposed Settlement Agreement. In addition to testimony, the Commission received 46 exhibits, including three responses to record requests made by Commissioners. Upon the conclusion of the hearing, the Commission closed the record in this matter and

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<sup>1</sup> The “Joint Utilities” are Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty; New Hampshire Electric Cooperative, Inc.; 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.

took the matter under advisement. Subsequent to the closing of the record, one commissioner departed the Commission and another commissioner was appointed. The new commissioner conducted a review of the record in order to participate in this docket. The new Commissioner did not sit during the hearings and did not have the opportunity to ask questions. Therefore, on September 1, 2021, the Commission issued Order No. 26,513 reopening the record in this proceeding in order to allow for the filing of responses to record requests issued by the Commission. The Order also stated that an additional hearing would be scheduled after the receipt of supplemental evidence responsive to those requests in order for all parties to respond to the supplemental evidence and present argument.

## **II. MOTIONS FOR REHEARING**

### **A. The Joint Utilities**

On September 16, 2021, the Joint Utilities filed a “Motion for Reconsideration and Clarification of Order No. 26,513” pursuant to N.H. of Admin. R. Puc 203.07 and RSA 541:3. The Joint Utilities state that Order No. 26,513 creates a level of uncertainty that needs to be reconsidered or clarified by the Commission.

### **B. The Office of the Consumer Advocate & Conservation Law Foundation**

On the same day as the Joint Utilities, the Office of the Consumer Advocate (“OCA”) and the Conservation Law Foundation (“CLF”) filed a Joint Motion for Rehearing of Order No. 26,513. The OCA and CLF take the position that the Commission cannot reopen the record in this proceeding to receive supplemental evidence responsive to Commission-generated record requests.

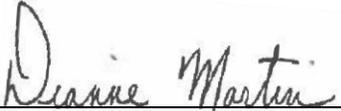
**III. COMMISSION ACTION**

Under RSA Chapter 541 and RSA 365:21, within 30 days of a filing of a motion for rehearing, the Commission must either grant or deny the motion, or suspend the order or decision complained of pending further consideration. As described above, Commission Order No. 26,513 ordered the reopening of the record for the purpose of receiving supplemental evidence responsive to written record requests issued by the Commission. While the Commission considers the motions for rehearing, the Commission suspends Order No. 26,513. Accordingly, no record requests will be issued at this time and the record in this docket will remain closed.

**Based upon the foregoing, it is hereby**

**ORDERED**, that Commission Order No 26,513 is **SUSPENDED** pending further consideration of the motions for rehearing.

By order of the Public Utilities Commission of New Hampshire this twenty-first day of September, 2021.

  
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Dianne Martin  
Chairwoman

  
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Daniel C. Goldner  
Commissioner

## Service List - Docket Related

Docket# : 20-092

Printed: 9/21/2021

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