

1                                   **STATE OF NEW HAMPSHIRE**  
2                                   **PUBLIC UTILITIES COMMISSION**

3  
4 **April 22, 2021** - 1:41 p.m.

5                                   *[Remote Hearing conducted via Webex]*

6  
7                   **RE: DE 21-030**  
8                   **UNITIL ENERGY SYSTEMS, INC.:**  
9                   **Request for Change in Rates.**  
10                   ***(Prehearing conference)***

11  
12                   **PRESENT:**      Chairwoman Dianne H. Martin, Presiding  
13                                   Cmsr. Kathryn M. Bailey

14                                   Doreen Borden, Clerk  
15                                   Corrine Lemay, PUC Remote Hearing Host

16                   **APPEARANCES:**   **Reptg. Unitil Energy Systems, Inc.:**  
17                                   Patrick H. Taylor, Esq.  
18                                   Gary Epler, Esq.  
19                                   Carleton Simpson, Esq.

20                                   **Reptg. Conservation Law Foundation:**  
21                                   Nicholas A. Krakoff, Esq.

22                                   **Reptg. Clean Energy NH:**  
23                                   Elijah D. Emerson, Esq. *(Primmer...)*  
24                                   Kelly Buchanan, Dir. of Reg. Affairs

**Reptg. The Way Home:**  
                                 Stephen Tower, Esq. *(NH Legal Asst.)*

**Reptg. ChargePoint, Inc.:**  
                                 Melissa E. Birchard, Esq. *(Keyes & Fox)*

                  Court Reporter:      Steven E. Patnaude, LCR No. 52

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**APPEARANCES:** (C o n t i n u e d)

**Reptg. Dept. of Environmental Services:**  
Christopher Skoglund  
Rebecca Ohler

**Reptg. Residential Ratepayers:**  
D. Maurice Kreis, Esq., Consumer Adv.  
Office of Consumer Advocate

**Reptg. PUC Staff:**  
Brian D. Buckley, Esq.  
Paul B. Dexter, Esq.

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**I N D E X**

**PAGE NO.**

**STATEMENTS RE:    INTERVENTIONS BY:**

	Mr. Taylor	9
	Mr. Krakoff	11

**STATEMENTS RE:    MOTION FOR PROTECTIVE  
ORDER BY:**

	Mr. Taylor	12, 22
	Mr. Epler	15, 26
	Mr. Kreis	15
	Mr. Buckley	20

**QUESTIONS BY:**

	Chairwoman Martin	21
	Commissioner Bailey	27

**STATEMENTS OF PRELIMINARY POSITION BY:**

	Mr. Taylor	29
	Mr. Kreis	36
	Mr. Buckley	40
	Mr. Krakoff	47
	Ms. Buchanan	51
	Mr. Tower	53
	Mr. Skoglund	55
	Ms. Birchard	57

**QUESTIONS BY:**

	Chairwoman Martin	59
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**P R O C E E D I N G**

1  
2 CHAIRWOMAN MARTIN: We're here this  
3 afternoon in Docket DE 21-030 for a prehearing  
4 conference regarding the Unitil Energy Systems,  
5 Incorporated, Request for Change in Rates.

6 I need to make the necessary findings  
7 because this is a remote hearing.

8 As Chairwoman of the Public Utilities  
9 Commission, I find that due to the State of  
10 Emergency declared by the Governor as a result of  
11 the COVID-19 pandemic, and in accordance with the  
12 Governor's Emergency Order Number 12, pursuant to  
13 Executive Order 2020-04, this public body is  
14 authorized to meet electronically. Please note  
15 that there is no physical location to observe and  
16 listen contemporaneously to this hearing, which  
17 was authorized pursuant to the Governor's  
18 Emergency Order.

19 However, in accordance with the  
20 Emergency Order, I am confirming that we are  
21 utilizing Webex for this electronic hearing. All  
22 members of the Commission have the ability to  
23 communicate contemporaneously during this  
24 hearing, and the public has access to

1 contemporaneously listen and, if necessary,  
2 participate. We previously gave notice to the  
3 public of the necessary information for accessing  
4 the hearing in the Order of Notice. If anybody  
5 has a problem during the hearing, please call  
6 (603)271-2431. In the event the public is unable  
7 to access the hearing, the hearing will be  
8 adjourned and rescheduled.

9 Okay. We have to take a roll call  
10 attendance of the Commission. My name is Dianne  
11 Martin. I am the Chairwoman of the Public  
12 Utilities Commission. And I am alone.

13 Commissioner Bailey.

14 COMMISSIONER BAILEY: Good afternoon,  
15 everyone. Kathryn Bailey, Commissioner at the  
16 Public Utilities Commission. And I am alone.

17 CHAIRWOMAN MARTIN: Okay. And let's  
18 take appearances please. I see Mr. Epler. Is  
19 Mr. Taylor here as well?

20 MR. TAYLOR: I am here, yes.

21 CHAIRWOMAN MARTIN: Okay. Great. Why  
22 don't we start with you.

23 MR. TAYLOR: Chairwoman, for the sake  
24 of taking appearances, we do have some folks from

1 the Company on the line. So, just before I give  
2 my appearance, would it be preferable that I  
3 simply list the folks who are on the line for the  
4 Company or would you prefer to take individual  
5 appearances?

6 CHAIRWOMAN MARTIN: You can just go  
7 ahead and list them.

8 MR. TAYLOR: Okay. My name is Patrick  
9 Taylor. I'm Senior Counsel for Unitil Service  
10 Corp., representing Unitil Energy Systems. With  
11 me today are Gary Epler, Chief Regulatory  
12 Counsel; Carleton Simpson, Regulatory Counsel to  
13 the Company; Robert Hevert, Senior Vice President  
14 and Chief Financial Officer; Christopher  
15 Goulding, Director of Rates and Revenue  
16 Requirements; Daniel Nawazelski, Lead Financial  
17 Analyst; Karen Asbury, Director of Regulatory  
18 Services; and Daniel Main, Manager of Regulatory  
19 Services and Corporate Compliance.

20 CHAIRWOMAN MARTIN: Okay. Thank you,  
21 Mr. Taylor. And Mr. Kreis.

22 MR. KREIS: Good afternoon, Chairwoman  
23 Martin, Commissioner Bailey, colleagues.

24 I am Donald Kreis, the Consumer

1 Advocate, here on behalf of residential utility  
2 customers.

3 CHAIRWOMAN MARTIN: All right. Thank  
4 you. And Mr. Buckley.

5 MR. BUCKLEY: Thank you, Madam Chair,  
6 Commissioner Bailey.

7 Brian Buckley, appearing on behalf of  
8 the Staff of the Commission. With me today is my  
9 co-counsel, Mr. Paul Dexter. Also with us today,  
10 in "attendee" mode, are various participants from  
11 the Electric Division of the PUC.

12 Thank you.

13 CHAIRWOMAN MARTIN: All right. Thank  
14 you. And for CLF? Mr. Krakoff.

15 MR. KRAKOFF: Thank you. Good  
16 afternoon, Chairwoman Martin and Commissioner  
17 Bailey.

18 Nick Krakoff here for Conservation Law  
19 Foundation.

20 CHAIRWOMAN MARTIN: Thank you. And  
21 Clean Energy New Hampshire? Do we have  
22 Mr. Emerson? I apologize. There are a lot of  
23 people on the screen today.

24 MR. EMERSON: No problem. Thank you.

1 And good afternoon, Chairwoman Martin and  
2 Commissioner Bailey.

3 This is Eli Emerson, from Primmer,  
4 Piper, Eggleston, & Cramer, of behalf of Clean  
5 Energy New Hampshire. And with me today  
6 participating in this hearing is Kelly Buchanan  
7 of Clean Energy New Hampshire.

8 Thank you.

9 CHAIRWOMAN MARTIN: Thank you. And for  
10 The Way Home, who do we have today?

11 MR. TOWER: Good afternoon, Chairwoman  
12 Martin and Commissioner Bailey.

13 This is Stephen Tower of New Hampshire  
14 Legal Assistance, representing The Way Home  
15 today.

16 CHAIRWOMAN MARTIN: Thank you,  
17 Mr. Tower. And for New Hampshire DES?

18 MR. SKOGLUND: Good afternoon,  
19 Chairwoman Martin and Commissioner Bailey.

20 My name is Chris Skoglund. I'm the  
21 Climate and Energy Program Manager with the Air  
22 Division. With me today is Rebecca Ohler, the  
23 Bureau Administrator for the Technical Service  
24 Bureau.



1 CHAIRWOMAN MARTIN: Okay. Thank you.  
2 And ChargePoint?

3 MS. BIRCHARD: Thank you. Good  
4 afternoon.

5 My name is Melissa Birchard of Keyes &  
6 Fox. We are representing ChargePoint. And I'm  
7 joined by Matthew Deal, Manager for Utility  
8 Policy at ChargePoint.

9 Thank you.

10 CHAIRWOMAN MARTIN: Okay. Thank you.  
11 And have I missed anyone who needs to put in an  
12 appearance?

13 *[No indication given.]*

14 CHAIRWOMAN MARTIN: Okay. Seeing none.  
15 Preliminary issues: We have pending  
16 interventions. We've just taken appearances from  
17 most of the folks who have moved to intervene.

18 Are there any objections to the  
19 interventions that we have received?

20 MR. TAYLOR: As a general matter,  
21 Unitil has no objection to any of the individual  
22 motions for intervention. There are a couple of  
23 things that I think we'd like to propose to the  
24 Commission for the orderly administration of

1           their interventions.

2                         With the exception of The Way Home and  
3           New Hampshire Legal Assistance, all of the  
4           intervenors have expressed an interest in  
5           electric vehicle issues that are presented in the  
6           Company's filing. And, as has been fairly common  
7           in these proceedings, we would ask that, to the  
8           extent that the intervenors have a common  
9           interest in this docket, that they work together  
10          when issuing discovery and preparing for other  
11          matters in the proceeding, so that there is a  
12          lack of duplication.

13                        You know, in particular, with recovery,  
14          if all the parties are propounding their own  
15          discovery requests on, for example, electric  
16          vehicles, you will get a lot of duplication.  
17          And, so, we think there are some efficiencies to  
18          be gained by the parties working together there.

19                        We would also ask that, to the extent  
20          the intervenors are going to seek confidential --  
21          or, access to confidential information, that they  
22          sign non-disclosure agreements. Again, that's a  
23          common practice in these proceedings that we've  
24          done before.

1           So, those are the conditions that we  
2 would ask be implemented here. But, otherwise,  
3 we don't generally object to these interventions.

4           CHAIRWOMAN MARTIN: Okay. Thank you,  
5 Mr. Taylor.

6           Would anyone like to respond to that?  
7 If you do, just put your hand up and I'll  
8 recognize you.

9           Mr. Krakoff.

10          MR. KRAKOFF: Yes. In principle, I  
11 don't have any issue with Mr. Taylor's request.  
12 But, you know, I would like to note that, you  
13 know, that there's another docket ongoing at this  
14 time, DE 20-170, that is also, you know, supposed  
15 to be setting rates on EVs, especially TOU rates  
16 for EVs.

17          And, you know, I think, you know, with  
18 Mr. Taylor's concern about efficiency sake, I  
19 think, you know, we should also strive to ensure  
20 that the discovery schedules for both dockets run  
21 in tandem so that we avoid duplication.

22          So, you know, I think to the extent,  
23 you know, we try to, you know, make sure all data  
24 requests are done together by the intervenors,

1           you know, we should also make sure that the two  
2           dockets' discovery schedules run in parallel.

3                   CHAIRWOMAN MARTIN: Thank you for that.  
4           And that's something I think I would say to Mr.  
5           Buckley and Mr. Dexter, to the extent you can  
6           work on that in the technical session with the  
7           parties, that would be very helpful.

8                   Anybody else want to be heard on this  
9           part?

10                   *[No indication given.]*

11                   CHAIRWOMAN MARTIN: Seeing none. We  
12           will treat the parties, for purposes of this  
13           hearing and the technical session, treat the  
14           intervenors as parties, and issue an order on the  
15           interventions.

16                   We also have a Motion for Protective  
17           Order that's pending. Does anyone want to be  
18           heard on that?

19                   *[Some indications given.]*

20                   CHAIRWOMAN MARTIN: Okay. I'd first  
21           ask the Company, if they want to be heard? I do  
22           see a few hands to respond.

23                   Mr. Taylor.

24                   MR. TAYLOR: Thank you, Commissioner.

1 I'm sorry. Was I speaking over someone?

2 CHAIRWOMAN MARTIN: No, it was me. I  
3 was just recognizing you to speak.

4 MR. TAYLOR: Okay. Yes. So, we've  
5 asked for I think a fairly limited amount of  
6 confidential treatment in this initial filing.  
7 And the material for which we've requested  
8 confidential treatment is material that has been  
9 previously given confidential treatment by the  
10 Commission before.

11 So, Schedules TRD-9 and TRD-10, these  
12 are credit agency rating reports. These  
13 constitute proprietary and copyrighted  
14 information. The analyses contained within them  
15 are prepared and provided by the rating agencies  
16 on a subscription basis, and they have value to  
17 these particular agencies.

18 To the extent that there's an interest  
19 in the ratings themselves, we provided those  
20 publicly. And I will note that in the -- there  
21 were two financing dockets last year, for both  
22 Unitil Energy Systems and Northern Utilities, in  
23 which the Commission evaluated the interests of  
24 the public and the interests of the Company and

1 the rating agencies, and determined that the  
2 balance weighed in favor of nondisclosure. And,  
3 so, we think that the Commission should be  
4 consistent and grant the same confidential  
5 treatment to those reports here.

6 With respect to officer compensation,  
7 we have publicly disclosed the compensation of  
8 those officers who are on the board of Unitil  
9 Corporation and whose compensation is already  
10 public. There are some officers whose  
11 compensation is not public, and be requested  
12 confidential information (1) that's very personal  
13 information to those individuals, (2), you know,  
14 as we've stated in the motion, I think that there  
15 would be a concern about being able to attract  
16 individuals to the Company, if it were known that  
17 compensation was going to be made public. And  
18 that's a consideration that the Company -- or,  
19 that the Commission has given in the past.

20 And, so, we've provided that  
21 compensation information in a way that really  
22 only redacts that very sensitive information, but  
23 provides all other information. And, again, that  
24 is something that is routinely granted

1 confidential treatment by the Commission, and we  
2 think that the Commission ought to do so here.

3 Thanks.

4 CHAIRWOMAN MARTIN: Thank you,  
5 Mr. Taylor. Oh, Mr. Epler.

6 MR. EPLER: Yes. If I could just add,  
7 we were formally -- informally advised by  
8 Staff -- excuse me -- in a previous docket with  
9 one or two of the other companies, that there is  
10 a request for aggregate information that, in the  
11 redacted version that we filed with our case was  
12 not provided, and we are prepared to provide that  
13 aggregate information. And we'll provide an  
14 amended redacted version that would be consistent  
15 with what was provided in those other cases.

16 Thank you.

17 CHAIRWOMAN MARTIN: Thank you for that,  
18 Mr. Epler. And I saw Mr. Kreis, and I think I  
19 saw Mr. Buckley. So, why don't we go to Mr.  
20 Kreis.

21 MR. KREIS: Thank you, Chairwoman  
22 Martin.

23 The Office of the Consumer Advocate  
24 opposes Unutil's Motion for a Protective Order

1 and Confidential Treatment. The Company's motion  
2 requests that the Commission treat as secret, and  
3 not subject to public disclosure, two kinds of  
4 information; what Unitil characterizes as  
5 "proprietary and copyrighted information and  
6 analyses from ratings agencies" and information  
7 about compensation for certain high-ranking  
8 employees of the Company.

9 As the Company acknowledges, under RSA  
10 91-A, the Commission must apply a balancing test  
11 that was first adopted by the New Hampshire  
12 Supreme Court in the *Union Leader versus Housing*  
13 *Finance Authority* case. That balancing test  
14 requires the Commission to first take stock of  
15 the privacy interests that are asserted, then  
16 assess the public's interests in disclosure, and  
17 then balance those two things against each other.

18 In the case of the information from the  
19 ratings agency, there is simply no cognizable  
20 privacy interest. Basically, the Company's  
21 argument is that "the material is copyrighted."  
22 Well, three points about that. One, I don't  
23 think the Commission's rules and regulations  
24 contemplate that a utility can pop up and assert



1           some other entity's privacy interests, as opposed  
2           to its own. Second, any protections secured to  
3           the owners of the copyrights in question are not  
4           cognizable under RSA 91-A. It's simply not among  
5           the recognized exceptions to disclosure of  
6           government records under the statute. And,  
7           third, the Company's argument about copyright is  
8           conclusory. And, indeed, as far as I know, there  
9           would be no violation of copyright law simply by  
10          making copyrighted material in the files of the  
11          government subject to public disclosure.

12                        As to the compensation information,  
13          Unitil trots out the familiar argument that  
14          disclosure "could harm future negotiations" on  
15          terms of employment or efforts to attract and  
16          retain employees. That claim is, by its terms,  
17          speculative in nature, and thus it should not be  
18          given any credence in the context of a statute  
19          that is supposed to be interpreted liberally, in  
20          favor of disclosure.

21                        Some day somebody may produce some  
22          empirical evidence of disclosure-related harms to  
23          contract negotiations. But, until that day, I'm  
24          going to keep making this argument.

1           As to both requests for confidential  
2 treatment, Unitil succumbs here to the temptation  
3 that every single utility in New Hampshire  
4 succumbs to, that of completely ignoring the  
5 existence of the public's interest in disclosure.  
6 They just simply wish it away. In that regard,  
7 it's important to keep in mind that the case law  
8 teaches that the public's interest is really a  
9 matter of the public's right to keep track of  
10 what the government is up to. Since, at this  
11 stage, in this rate case, it is impossible to  
12 determine exactly how the analyses of the ratings  
13 agencies, or the information about compensation  
14 of key employees, will actually influence the PUC  
15 and its Staff.

16           The most that can be said of Unitil's  
17 position at this stage is that it would be  
18 premature for the Commission to make any  
19 assessment of the public's interest in  
20 disclosure. But I'd go farther and point out  
21 that, no matter how this rate case comes out, how  
22 financially healthy Unitil is, as objectively  
23 assessed by the ratings agencies, and how  
24 lavishly the Company compensates its most highly

1           compensated employees, those things are key  
2           elements in a process that is supposed to unfold  
3           publicly. So, the public does have a keen  
4           interest in disclosure that the Commission should  
5           recognize now.

6                     Third, it's time the Commission stop  
7           letting utilities getting away with gaining  
8           confidential treatment of information simply by  
9           pointing out that previous iterations of the  
10          Commission have rubber stamped previous requests  
11          for confidential treatment. The Commission is  
12          bound not by its own precedents, but by the case  
13          law of the New Hampshire Supreme Court, of which  
14          there is precisely none cited in the Company's  
15          motion.

16                    The motion should, therefore, in my  
17          respectful opinion, be denied.

18                    CHAIRWOMAN MARTIN: Thank you, Mr.  
19          Kreis. Commissioner Bailey, do you have any  
20          questions?

21                    COMMISSIONER BAILEY: No. But I have  
22          to say I take issue with the idea that the  
23          Commission has rubber stamped confidential  
24          motions in the past.

1 CHAIRWOMAN MARTIN: Thank you. Mr.  
2 Buckley, did you have your hand up?

3 MR. BUCKLEY: Yes. Thank you, Madam  
4 Chair.

5 As far as the credit rating  
6 assessments, Unutil does accurately cite the  
7 recent decision of the Northern Utilities -- or,  
8 for its Northern Utilities proceeding, where  
9 similar assessments were treated as confidential.

10 Staff notes, however, that, in other  
11 instances, these same types of assessment were  
12 not treated as confidential before the  
13 Commission. I am in a case right now where that  
14 is the case. In that context, Staff would  
15 suggest that the Commission reserve judgment on  
16 the confidential nature of these documents.  
17 Direct the parties to treat them as confidential  
18 for the duration of the proceeding, and rule on  
19 their request for confidential treatment at the  
20 end of the proceeding.

21 Now, with respect to the upper level  
22 management compensation, Staff notes that, as  
23 initially filed and as relayed by Mr. Epler, the  
24 request for confidential treatment is not in line

1 with the Commission precedent on that issue,  
2 which requires the companies to present the  
3 aggregate compensation amounts, so that the  
4 ratepayers can better understand whether those  
5 salaries are, in the aggregate, reasonable.  
6 Staff -- or, excuse me, Unitil has agreed to  
7 refile with those amounts set forth.

8 But, with respect to the argument the  
9 Consumer Advocate has made about whether the  
10 compensation should be disclosed outright, we do  
11 see some logic in that argument. That these are  
12 public utilities whose compensation should be  
13 transparent to ratepayers, but withhold judgment  
14 on that issue at this time.

15 Thank you.

16 CHAIRWOMAN MARTIN: Mr. Buckley, just a  
17 follow-up question on your first statement about  
18 "reserving judgment". What if there were to be a  
19 RSA 91-A request for that in the interim? I  
20 guess I'm trying to follow what you're  
21 suggesting.

22 MR. BUCKLEY: Staff would suggest that  
23 we treat them as confidential for the duration of  
24 the proceeding, but then reserve final judgment

1 on the confidentiality until the end of the  
2 proceeding.

3 CHAIRWOMAN MARTIN: But, presumably, in  
4 the interim, if we got a request in, we had to do  
5 the analysis then, correct?

6 MR. BUCKLEY: Yes.

7 CHAIRWOMAN MARTIN: Okay. Thank you.  
8 Commissioner Bailey, any questions on  
9 that?

10 *(Commissioner Bailey indicating in the*  
11 *negative.)*

12 CHAIRWOMAN MARTIN: Okay. Did anyone  
13 else want to be heard on this? I didn't see  
14 other hands.

15 MR. TAYLOR: If I may, Chairwoman  
16 Martin?

17 CHAIRWOMAN MARTIN: Go ahead.

18 MR. TAYLOR: First, I think it's just  
19 worth noting that the Consumer Advocate's  
20 objection to the Company's motion is untimely.  
21 Under the Commission rules, he would have ten  
22 days to respond. The Consumer Advocate elected  
23 not to do that.

24 With respect to the question of the

1 information being copyrighted, we do make note of  
2 that in the motion, and, you know, we stand on  
3 that. But really fundamental to the Company's  
4 motion is the proprietary nature of these  
5 materials, which are provided to the Company.  
6 These aren't actually prepared by the Company,  
7 but they're provided to the Company by an outside  
8 organization with which the Company contracts.  
9 And this is information that is highly valuable  
10 to those agencies, in that they're providing  
11 analysis to us that, if publicly disclosed, would  
12 essentially render the analysis worthless to  
13 those organizations, because this is how they  
14 make their business. And, for us to simply  
15 disclose this information, you know, simply  
16 because it was provided to a public utility, I  
17 think is contrary to the spirit and the letter of  
18 the statute, which very clearly protects  
19 proprietary information.

20 And, so, yes. We don't -- the argument  
21 is not that the public has no interest in these  
22 materials. That is not the argument that we made  
23 in our motion. And I don't think it's fair to  
24 say that the Company simply waves away the public

1 interest in all instances.

2 In this particular case, and as the  
3 Commission -- the Commission can go back and look  
4 at its analysis in our dockets last year, as  
5 Commissioner Bailey has pointed out, it is not a  
6 rubber stamp. The Commission -- the New  
7 Hampshire Public Utilities Commission is always,  
8 I think, quite diligent in its analysis of the  
9 public interest verse the interest in -- private  
10 interests in disclosure -- or, in nondisclosure.  
11 And that happened in our financing dockets last  
12 year. The Commission went through the analysis,  
13 and ultimately weighed, it recognized -- I'm  
14 sorry, I'll step back. It weighed the interests  
15 of the public in disclosure and the interests of  
16 the Company in nondisclosure, and ultimately  
17 found that the factors balance towards  
18 nondisclosure.

19 And, so, you know, it's not  
20 something -- it's not a rubber stamp. There is a  
21 very cognizable privacy and proprietary interest  
22 in these materials. And I think that the  
23 Commission ought to -- ought to, you know,  
24 validate its decision from last year and carry it



1 over into this docket.

2 As for the -- as for the -- I'm sorry,  
3 as for the officer compensation, you know, as  
4 Mr. Epler already noted, we are going to provide  
5 that information on an aggregate basis. And, so,  
6 to the extent that the public has an interest in,  
7 you know, the extent to which senior officers are  
8 compensated, that will be known. It will be  
9 provided in an aggregate basis. And there won't  
10 be -- there's really no public interest in how  
11 each individual officer is compensated, or, to  
12 the extent that there is, it's outweighed by the  
13 interests of those individuals in keeping their  
14 compensation information private.

15 CHAIRWOMAN MARTIN: I'm glad you  
16 qualified that, because I was going to respond  
17 and say "to the extent, you know, one  
18 individual's compensation is very significant, I  
19 do think that that would be something that we  
20 would need to know."

21 Commissioner Bailey, do you have any  
22 follow-up questions on that?

23 COMMISSIONER BAILEY: I do have a  
24 follow-up question. But Mr. Epler has his hand

1 up. So, I don't know if you want to hear from  
2 him first or you want me to ask my question of  
3 Mr. Taylor?

4 CHAIRWOMAN MARTIN: Mr. Epler, were you  
5 following up on what Mr. Taylor said?

6 MR. EPLER: Yes. Just to point out  
7 another, I think, consideration for the  
8 Commission to look at in looking at the  
9 compensation issue.

10 The other electric utilities and gas  
11 utilities within the state are part of a much  
12 larger and much more layered organizations. And,  
13 so, the officers that are subject to the  
14 disclosure requirement under that particular part  
15 of the supplemental filing requirements are at a  
16 very different level than those at issue for  
17 Unitil, which is a local utility.

18 So, I would ask that you take that into  
19 consideration. Those other officers that fall  
20 within the scope of that requirement to the other  
21 companies often have, in other jurisdictions, on  
22 a regular basis, their compensation disclosed.  
23 So, that's one consideration.

24 And the other is to recognize that the

1 disclosure is made in confidential basis to, as  
2 he often points out, the representative of the  
3 residential ratepayers. And, so, he's the  
4 representative of that large section of the  
5 public, and he has ready access to that.

6 And, if you look at the other interests  
7 that are represented here in this docket, and  
8 that have intervened, and we have not objected to  
9 their intervention, we would provide that same  
10 material to them under confidential treatment.  
11 So, there is a lot of disclosure that is already  
12 occurring.

13 Thank you.

14 CHAIRWOMAN MARTIN: Thank you,  
15 Mr. Epler. Commissioner Bailey.

16 COMMISSIONER BAILEY: Now I have a  
17 question for Mr. Epler as well. So, I'll start  
18 with you.

19 You said that some of the other states  
20 require disclosure for some of the larger  
21 utilities. Do any of the other states require  
22 disclosure of your officers for your affiliate  
23 companies?

24 MR. EPLER: To be accurate, I would

1           have to, you know, check that, you know, to make  
2           sure I'm responding correctly. My reconciliation  
3           is that, in Massachusetts, we provide similar  
4           type information under confidential treatment.

5                        But, again, I would, to respond  
6           accurately, I would need to go back and check  
7           that.

8                        COMMISSIONER BAILEY: Okay. Thanks.  
9           I'd appreciate that.

10                      And, Mr. Taylor, when you received the  
11           information from the credit rating agencies that  
12           you're claiming is proprietary, did those credit  
13           range agencies have the expectation that that  
14           information would remain confidential?

15                      MR. TAYLOR: That's my understanding.  
16           That's -- I would say that's subject to check,  
17           and I can certainly follow up on that, if the  
18           Commission would like that information.

19                      But, as I said, that is my  
20           understanding. But I can confirm that.

21                      COMMISSIONER BAILEY: Thank you.  
22           Please do.

23                      CHAIRWOMAN MARTIN: Okay. Anyone else  
24           on this motion?

1                   *[No verbal response.]*

2                   CHAIRWOMAN MARTIN: All right. We will  
3 take the motion under advisement. But, for  
4 today's purposes and for the tech session, all  
5 material marked "confidential" should be treated  
6 as confidential.

7                   All right. Anything else, before we  
8 take initial positions?

9                   *[No verbal response.]*

10                  CHAIRWOMAN MARTIN: Why don't we start  
11 with Mr. Taylor please.

12                  MR. TAYLOR: Commissioners, thank you  
13 very much.

14                  At the outset, I just want to recognize  
15 that this case has been filed and will be  
16 adjudicated while we're also working amid the  
17 ongoing professional and personal challenges of  
18 the COVID-19 pandemic. We appreciate the efforts  
19 of the Commission and the Staff, and the Consumer  
20 Advocate, as well as the other interested parties  
21 under these conditions. We're committed to doing  
22 what we can do to ensure that the docket proceeds  
23 as smoothly and efficiently as possible, and  
24 we'll be sensitive and responsive to any

1 challenges that arise during the case.

2 On April 2nd, 2021, Unitil Energy  
3 Systems filed its first base rate case in five  
4 years. This is an important and, in several  
5 ways, transformative case for the Company. In  
6 addition to seeking an increase in temporary and  
7 permanent rates to recover costs associated with  
8 significant nongrowth capital investments, Unitil  
9 is proposing an innovative suite of time-of-use  
10 rates, including electric vehicle rates, an  
11 electric vehicle infrastructure program to  
12 promote EV charging, a grid modernization plan to  
13 implement critical foundational grid  
14 modernization investments, a full revenue  
15 decoupling mechanism, and an Arrearage Management  
16 Program to assist customers in paying their  
17 bills.

18 Unitil proposes an increase in  
19 permanent rates of \$11,992,392 for electric  
20 service rendered on and after May 2nd, 2021.  
21 This represents an interest of 4.4 percent in  
22 total revenues over present rates, after  
23 accounting for changes to other reconciling  
24 mechanisms. For example, lost base revenues,

1 regulatory assessments, and vegetation management  
2 expense, which are currently collected through  
3 reconciling mechanisms, will be rolled into base  
4 distribution rates.

5 Unitil is also looking to institute  
6 temporary rates effective for service rendered on  
7 and after June 1st, 2021, and until the final  
8 order is issued on permanent rates. The  
9 requested temporary rate increase is \$5,812,761  
10 in annual revenues, or 2.7 percent above present  
11 revenues. And it's proposed to be recovered on a  
12 uniform per kilowatt-hour basis from all rate  
13 classes.

14 The overall rate of return in the  
15 Company's permanent rate request is 7.88 percent,  
16 which is notably lower than the 8.34 percent rate  
17 of return approved in the Company's last base  
18 rate case. It includes a requested return on  
19 equity of 10 percent.

20 As the Commission is aware, the  
21 Company's last rate case, which was based on a  
22 *pro forma* test year for the period ending  
23 December 31st, 2015, was resolved by a  
24 comprehensive Settlement Agreement approved in

1 April 2017. Since that time, the Company's  
2 operating expenses and capital expenditures, the  
3 majority of which are nongrowth-related, have  
4 increased significantly.

5 From the time that the Company filed  
6 its last rate case to the time we filed the one  
7 that is now before you, the Company invested  
8 approximately \$125 million to maintain a safe and  
9 reliable distribution system. And, while the  
10 settlement in the last rate case allowed for  
11 three annual step adjustments, more than 70  
12 percent of the Company's capital investments  
13 since the last rate case filing have not been  
14 recovered through any rate mechanism. During  
15 that same period of time, the Company's sales  
16 volumes have fallen notwithstanding steady  
17 customer growth. The Company's revenue  
18 deficiency in this case is largely driven by  
19 these unrecovered capital costs.

20 As I've noted, the Commission approved  
21 a settlement in the Company's last rate case, DE  
22 16-384, that allowed for three annual step  
23 adjustments. This rate case -- or, I'm sorry,  
24 that rate plan, as well as the rate plan that



1           preceded it, enabled the Company to commit  
2           capital and resources for the benefit of our  
3           customers, and extend the period between formal  
4           base rate filings.

5                       The Company is, therefore, again  
6           proposing a rate plan that is structured similar  
7           to the one approved in the last rate case. In  
8           addition to permanent base rate increases, Unitil  
9           is proposing three annual step adjustments to  
10          recover fixed costs associated with nongrowth  
11          investments in calendar years 2021, 2022, and  
12          2023. These steps would include, among other  
13          things, costs related to foundational grid  
14          modernization projects designed to implement base  
15          functionality required to advance the grid.

16                      And, as with previous rate plans, the  
17          plan proposed includes certain customer  
18          protections, including a rate case stay-out  
19          during the term of the rate plan; a rate cap  
20          limiting annual changes in distribution rates to  
21          2.5 percent of the prior year's total operating  
22          revenues; and an earnings sharing mechanism.

23                      Unitil is also proposing a full revenue  
24          decoupling mechanism, consistent with the

1 Commission's order in DE 15-137. The Commission  
2 will recall that it directed New Hampshire  
3 utilities to seek approval of a decoupling or  
4 other lost recovery -- lost revenue recovery  
5 mechanism in their first distribution rate cases  
6 after the first EERS triennium. This is the  
7 Company's first opportunity to make such a  
8 proposal following that order. The Company's  
9 proposed mechanism will reconcile monthly actual  
10 and authorized revenues per customer by rate  
11 class.

12 A major component of UES's filing, as  
13 evidenced by the stated interests of many of the  
14 intervenors here today, is the Company's proposed  
15 suite of time-of-use offerings and Electric  
16 Vehicle Infrastructure Development Program. The  
17 time-of-use offerings include a domestic  
18 whole-house rate, as well as several EV  
19 time-of-use rates, including domestic and small  
20 and large general service rates. The EV  
21 Infrastructure Development Program includes a  
22 behind-the-meter partnership program to  
23 incentivize residential customers to install  
24 smart Level 2 EV chargers at their homes, and a

1 public "make-ready" EV infrastructure program to  
2 expand the availability of charging stations in  
3 New Hampshire.

4 The Company is also proposing a  
5 Marketing, Communications, and Education Plan to  
6 increase customer awareness of EVs, as well as  
7 the proposed time-of-use rates and EV program  
8 offerings. These initiatives will promote  
9 adoption of transportation electrification and  
10 distributed energy resources, and enable  
11 customers to better manage energy costs by  
12 reducing consumption among peak periods.

13 Finally, the Company is proposing an  
14 Arrearage Management Program for qualifying  
15 residential financial hardship customers. Under  
16 the Program, such customers will be offered  
17 enrollment in a budget bill -- budget billing  
18 payment plan, be referred to a Community Action  
19 Agency Program for fuel assistance, and have a  
20 substantial amount of their arrearage forgiven.  
21 This Program will assist customers in effectively  
22 managing payments and avoiding future arrearages,  
23 and is especially important in light of the COVID  
24 pandemic.

1           Unitil looks forward to working with  
2           the Commission Staff, the Office of the Consumer  
3           Advocate, and the intervenors to answer any  
4           questions that they may have about our filing.  
5           And, similarly, we're happy to answer any  
6           questions that you may have for us today.

7           Thanks.

8           CHAIRWOMAN MARTIN: Thank you,  
9           Mr. Taylor. Commissioner Bailey, do you want to  
10          ask questions of each or do you want to ask them  
11          all at one time?

12          COMMISSIONER BAILEY: No thank you.

13          CHAIRWOMAN MARTIN: Mr. Kreis.

14          MR. KREIS: Thank you, Chairwoman  
15          Martin.

16          On behalf of the residential utility  
17          customers of Unitil Energy Systems, I would like  
18          to thank this company for being an excellent  
19          electric utility, and for filing a rate case that  
20          is comprehensive, thoughtful, well-documented,  
21          and well-calculated to lead in the end to the  
22          establishment of just and reasonable rates.

23          But the fact remains that Unitil is  
24          talking to its residential customers about an

1           increase of 8.1 percent. But the fact is that  
2           this utility is actually asking to increase its  
3           distribution service charges to its Schedule D  
4           customers of nearly 30 percent, not even counting  
5           the subsequent step increases that the Company is  
6           seeking. That's based on the usual custom of  
7           treating a 650 kilowatt-hour usage as the monthly  
8           usage by a typical residential customer, and I'd  
9           be happy to provide the supporting law school  
10          math.

11                    A 30 percent increase in rates, just  
12           four years after the last rate case was over, and  
13           a mere two years after the last step adjustment,  
14           let's just say that such a proposal is worthy of  
15           skeptical scrutiny by my office, and ultimately  
16           by the Commission, and we aim to make it so.

17                    We are just commencing our  
18           investigation of the Company's filing. But,  
19           clearly, to get to a 30 percent increase in  
20           distribution charges, Unutil surely has to be  
21           overestimating the return on equity to which it  
22           is entitled. It must be padding its rate base.  
23           It must be overspending on operating expenses.  
24           And it must be assigning too much of the revenue

1 requirement to residential customers through a  
2 set of cost of service study practices that are  
3 infamous for doing exactly that.

4 On top of it, the Company is cheeky  
5 enough to file a grid modernization plan that  
6 completely ignores the approach to grid  
7 modernization the Commission has previously  
8 indicated it favors. In particular, the idea  
9 that some grid mod investments should be  
10 evaluated according to criteria that differ from  
11 the way the Commission reviews all expenditures  
12 for their used and usefulness, their prudence,  
13 and their consistency with principles of least  
14 cost integrated resource planning.

15 Ordinarily, one would have sympathy for  
16 a utility that has been waiting for years, as we  
17 all have, for an actionable grid mod plan from  
18 the Commission. But, as the Commission and the  
19 Company well know, Unutil successfully cast its  
20 lot with Eversource in its so far successful  
21 effort to thwart the implementation of the  
22 results of the grid modernization docket. The  
23 Company should not be rewarded for that behavior  
24 here.

1           Also, there are enough witnesses for  
2           the Company testifying in this docket as to  
3           warrant giving them statehood and representation  
4           in Congress. I'm concerned about the level of  
5           rate case expenses Unitil is planning on  
6           recovering from customers at the end of this  
7           proceeding. There is some discussion of whether  
8           the EV issues are properly addressed here or in  
9           other dockets, where these important public  
10          policy questions can be addressed on an  
11          industrywide basis. I favor doing whatever is  
12          the most efficient and least costly and  
13          duplicative, both for the Company and for other  
14          stakeholders.

15                 Having said all of that, I have every  
16          confidence that we will work successfully with be  
17          Staff, the other intervenors, and this excellent  
18          utility, to achieve a result here that will be in  
19          the public interest and result in just and  
20          reasonable rates, fairly balancing the interests  
21          of shareholders and the interests of customers.  
22          We look forward to participating actively in that  
23          process.

24                         CHAIRWOMAN MARTIN: Thank you, Mr.

1 Kreis. Mr. Buckley, would you like to go next?

2 MR. BUCKLEY: Sure. Thank you, Madam  
3 Chair.

4 While the Staff is still evaluating the  
5 nearly 2,000 page Petition, we can offer the  
6 following observations about the potential focus  
7 of investigation over the next twelve months. At  
8 a high level, this is a company whose last rate  
9 case test year was 2015, as mentioned before my  
10 turn, meaning that other than step adjustments it  
11 has not filed a rate case in five years. In that  
12 time, the plant in service has grown from  
13 \$283 million in 2015, to \$407 million in 2020, an  
14 approximately 45 percent increase over five  
15 years, a fair amount of which has been absorbed  
16 by the aforementioned step adjustments approved  
17 by the Commission in the Company's last rate  
18 case.

19 Nonetheless, the impact of these rate  
20 increases proposed in this proceeding will result  
21 in a total bill increase for the average  
22 residential customer of approximately 8.2  
23 percent, with a significant portion of that  
24 increase coming from a proposal to increase the



1 fixed customer charge, in spite of the Company's  
2 decoupling proposal, when such proposals are  
3 generally accompanied by a decrease in fixed  
4 charges because of the revenue assurance provided  
5 by decoupling. Staff plans to vigorously  
6 investigate the inputs that lead to these bill  
7 impacts, and associated rate base and expense  
8 increases, to ensure that the Company's  
9 investments were truly least cost, and that those  
10 costs are appropriately allocated.

11 Now, turning to the actual inputs that  
12 make up the requested increase, Staff's planned  
13 evaluation of issues will include, but not be  
14 limited to, the following: Whether the temporary  
15 rates proposed by the Company are just and  
16 reasonable given their relation to the permanent  
17 rates phase of this proceeding, and the Company's  
18 effective return on equity; whether a pandemic  
19 test year presents any concerns moving forward  
20 regarding residential versus commercial sales  
21 volume variations, particularly with respect to  
22 their echoes in the Company's revenue allocations  
23 across customer classes and rate designs; whether  
24 the administrative efficiencies associated with

1 the Company's proposed multi-year rate plan  
2 outweigh the operational efficiencies associated  
3 with the two-year period between rate cases  
4 prescribed by RSA 378:7, which relieves the  
5 Commission of any obligation to investigate a  
6 rate matter which it has already investigated in  
7 the past two years; whether the proposed 60-day  
8 turnaround for what the Company has characterized  
9 as "compliance filings" in its multi-year rate  
10 plan provide Staff, intervenors, and the  
11 Commission with adequate time to review the  
12 prudence of capital investments that would be  
13 requested for recovery in the steps; whether the  
14 cost associated with capital investments  
15 underlying the revenue requirement, including the  
16 Company's new Exeter Distribution Operation  
17 Center and Concord Downtown Rebuild, among other  
18 things, were prudently incurred, and whether  
19 carryover costs associated with the Exeter  
20 facility are appropriate for recovery as a *pro*  
21 *forma* adjustment to the test year, or whether  
22 those costs instead belong in the 2021 step  
23 increase; whether the proposed costs associated  
24 with grid modernization and other future capital

1 investments are appropriately considered in this  
2 rate case, or elsewhere; whether the proposed  
3 10 percent return on equity, ROE collar, and  
4 earnings sharing mechanism, equitably balance the  
5 Company's need to mobilize shareholder capital  
6 against its ratepayers' interest in receiving  
7 service at just and reasonable rates and lowest  
8 reasonable cost; whether the Company's proposal  
9 to move certain costs related to lost base  
10 revenues, regulatory assessments, and the  
11 Vegetation Management Program from its annually  
12 reconciling charges into base distribution rates  
13 is appropriate; whether the Company has  
14 appropriately accounted for known and measurable  
15 adjustments to the test year, including whether  
16 the revenue requirement has been adjusted for the  
17 number of customers per class at year end, or at  
18 some other time during the test year, whether  
19 payroll vacancies have been treated  
20 appropriately, and whether the Company's proposed  
21 treatment of third party credits that generally  
22 offset the Vegetation Management Program costs is  
23 appropriate; whether the entirety of costs  
24 associated with incentive-based pay, or

1 supplemental employee retirement plans, are  
2 appropriate for recovery from ratepayers; whether  
3 the Company's enterprise level costs have been  
4 appropriately allocated to the various  
5 jurisdictions based on the basis for those costs,  
6 be they policy, regulatory, or  
7 reliability-related; whether the Company's  
8 proposal for flowback of Excess Accumulated  
9 Deferred Income Taxes is just and reasonable, and  
10 consistent with prior Commission guidance on the  
11 matter; whether the Company's treatment of  
12 property taxes, payroll taxes, and income taxes  
13 have been properly adjusted to reflect the known  
14 and measurable changes, including recent changes  
15 to the New Hampshire business and profits taxes;  
16 whether the inclusion of prepayments in the  
17 Company's rate base and as counted in the  
18 lead-lag study may represent a double count of  
19 the working capital impacts associated with those  
20 prepayments; whether it's appropriate to consider  
21 certain EDC-related recovery requests in this  
22 base rates proceeding, including waived  
23 payment -- waived late payment charge revenues,  
24 deferred calypso communications storm costs, and

1 incremental wheeling revenues; whether this base  
2 rates proceeding is the appropriate venue for the  
3 Commission to consider, as Unitil has suggested,  
4 opening a generic proceeding to consider active  
5 hardship protected accounts; whether the  
6 Company's proposed sequencing of the elimination  
7 of lost base revenues and transition to  
8 decoupling is appropriate; whether the Company's  
9 Arrearage Management and Fee Free Programs  
10 appropriately balance the interests of  
11 participating customers and non-participating  
12 customers; and whether the Company's filing of  
13 electric vehicle time-of-use rates is consistent  
14 with Order Number 26,394 in the electric vehicle  
15 time-of-use rate investigation, which provided  
16 that "a new docket", singular, "shall be opened  
17 for the Commission to consider utility-specific  
18 electric vehicle time-of-use rate proposals."  
19 And this order was supplemented by a Secretarial  
20 letter in DE 20-170, which required electric  
21 vehicle time-of-use rate filings in that  
22 proceeding on April 30th, 2021.

23 This question is of particular  
24 importance to Staff in light of the

1 administrative efficiencies that would be gained  
2 by reviewing all pending electric vehicle  
3 time-of-use rate filings in a single docket,  
4 rather than what now appears may turn out to be  
5 two, and maybe even three, separate dockets.  
6 Such disaggregated review is both a strain on  
7 internal administrative resources at the  
8 Commission, and has major cost implications for  
9 any consultants that may be brought on board by  
10 the Commission or others to ensure that we all  
11 get this critically important issue right. If  
12 the Commission so chooses, it may be helpful to  
13 provide some initial insights on this issue from  
14 the Bench today for the parties to consider as we  
15 convene our technical session.

16 And now, to end on a positive note,  
17 Staff observes that the Company has elected to  
18 conduct this rate case entirely using existing  
19 in-house counsel. Staff appreciates the  
20 Company's use of in-house counsel as a means of  
21 minimizing rate case expenses, which are, of  
22 course, later passed onto customers. This is  
23 notably out of step with a recent trend for  
24 electric utilities before the Commission, and

1           pleasantly so. We thank the Company for bucking  
2           this somewhat troubling trend towards the use of  
3           typically cost-intensive outside counsel, and  
4           look forward to working with the Company through  
5           its in-house attorneys, and the various  
6           intervenors, to try and reach an amicable  
7           resolution of the issues we have outlined this  
8           afternoon.

9                           Thank you.

10                          CHAIRWOMAN MARTIN: Thank you, Mr.  
11           Buckley. Why don't we go to CLF next.

12                          MR. KRAKOFF: Thank you, Chairwoman  
13           Martin.

14                          As several of the parties correctly  
15           summarized, CLF's main intention for  
16           participating in this docket is regarding  
17           Unitil's time-of-use and electric vehicle  
18           proposals. So, initially, I want to reiterate  
19           what I said earlier about the procedural schedule  
20           and discovery schedule in both this docket and  
21           the time-of-use specific docket, DE 20-170. As I  
22           said previously, it's CLF's position that both  
23           dockets should operate in tandem. You know,  
24           otherwise, it would defeat the purpose of the

1 other docket, and be inconsistent with the  
2 Commission's prior orders.

3 DE 20-170 was established to facilitate  
4 the development of EV TOU rate proposals, and  
5 allowing the discovery schedule here to get ahead  
6 of the proceedings in that docket would obviate  
7 the need for that docket. And it would also  
8 create a greater likelihood of inconsistencies  
9 between the three utilities' different EV TOU  
10 rate proposals, which would be contrary to the  
11 Commission's general preference for residential  
12 EV TOU rate offerings that are consistent across  
13 utilities. So, accordingly, when establishing  
14 the schedule in this docket, it's important that  
15 it be done in parallel with this docket and also  
16 with the new recently established Eversource EV  
17 TOU docket.

18 Turning to the merits briefly, CLF  
19 agrees with many of the aspects of the  
20 residential time-of-use rates proposed by Unitil.  
21 However, CLF has some concerns about the  
22 three-rate structure proposed by Unitil, and  
23 particularly the fact that the off-peak period  
24 follows the peak period, which has a tendency



1 to -- or, which could have a tendency to create a  
2 spike in demand when the peak period ends and we  
3 go into the off-peak period. So, you know, CLF  
4 believes that Unitil should consider the  
5 possibility of following the peak period with a  
6 mid-peak period.

7 Turning to the demand charge holiday,  
8 CLF believes this is a plausible demand charge  
9 alternative. However, based on what has occurred  
10 in other states, CLF takes the position that the  
11 demand charge holiday proposed by Unitil may be  
12 insufficient to encourage electric vehicle supply  
13 equipment. In other states, utilities have  
14 introduced full demand charge holidays for three  
15 to five years, with partial demand holidays in  
16 subsequent years, based on load factor. A more  
17 generous demand charge holiday, like what has  
18 been introduced in other states, might be better  
19 to incentivize EVSE than what Unitil has  
20 proposed.

21 Additionally, given the low price  
22 elasticity of demand for the use of EV charging  
23 stations, CLF questions whether TOUs are  
24 appropriate for public charging stations. For

1           example, in the recently filed Eversource docket,  
2           Eversource is not proposing a TOU rate for public  
3           charging stations.

4                        Finally, CLF is generally supportive of  
5           the proposed residential behind-the-meter EVSE  
6           installation and incentive program, as well as  
7           the make-ready public EV infrastructure program,  
8           and believes these are worthy programs.  However,  
9           again, CLF believes that requiring charging  
10          station owners to enroll in TOU rates to be  
11          eligible for the make-ready program could be  
12          inappropriate, given that consumers who charge  
13          EVs at public stations are typically not in a  
14          position to defer or schedule charging to a  
15          different time.

16                      In sum, CLF looks forward to  
17          participating in this docket, as well as the  
18          other EV-related dockets, to help develop rates  
19          that are in the public interest, that benefit New  
20          Hampshire's electric customers, and that are  
21          consistent across utilities.

22                      Thank you.

23                      CHAIRWOMAN MARTIN:  Thank you, Mr.  
24          Krakoff.  Mr. Emerson.

1                   MR. EMERSON: Yes. Thank you. Ms.  
2 Buchanan is going to give the opening position of  
3 Clean Energy New Hampshire. Turn it over to her.

4                   MS. BUCHANAN: Great. Thank you, Eli.  
5 And thank you, Chairwoman Martin and Commissioner  
6 Bailey, for the opportunity to make opening  
7 remarks before you today.

8                   Based on our review thus far, Clean  
9 Energy New Hampshire appreciates Unitil's  
10 initiative to make detailed proposals related to  
11 a full revenue decoupling mechanism, electric  
12 vehicle make-ready investments, electric vehicle  
13 and whole-house time-of-use rates, outdoor  
14 lighting tariffs, and a foundational grid  
15 modernization plan. We appreciate the effort  
16 that went into developing these proposals, and  
17 look forward to learning more about the details  
18 as we develop a final position.

19                   Many of our individual business and  
20 municipal members live and work in Unitil's  
21 service territory, and stand to be affected by  
22 the outcomes of these items. Our involvement in  
23 this docket serves not only to advocate or to  
24 advance our organizational mission to promote

1 clean energy and technologies, but also to  
2 represent these diverse interests before the  
3 Commission and in discussions with Unitil.

4 It is our hope that by serving as this  
5 voice, we can communicate efficiently with Unitil  
6 to help ensure favorable outcomes for their  
7 ratepayers, many of whom fully support a  
8 transition to a clean economy.

9 Clean Energy New Hampshire thinks it is  
10 important to plan for and execute a more modern,  
11 resilient, and reliable electric grid.

12 Transforming New Hampshire's clean energy economy  
13 and sustaining its citizens' way of life will  
14 require embracing measures that promote energy  
15 efficiency, the expansion of electric vehicle  
16 adoption, innovative rate design, opportunities  
17 for distributed energy resource interconnection,  
18 and advances in technology.

19 We look forward to fulling  
20 participating in this docket, especially on the  
21 items highlighted above, and thank Unitil for  
22 their work on the rate case to date.

23 Thank you very much.

24 CHAIRWOMAN MARTIN: Thank you,

1 Ms. Buchanan. Let's go to Mr. Tower next.

2 MR. TOWER: Thank you, Chairwoman  
3 Martin.

4 The Way Home has petitioned to  
5 intervene in this docket because it's concerned  
6 about the impacts that this rate case will have  
7 on low-income customers and the low-income  
8 clients that The Way Home serves.

9 While OCA and Staff's comments  
10 highlight other elements of Unitil's filing which  
11 may have an impact on low-income residential  
12 customers, The Way Home will be focusing its  
13 resources in this docket towards the Arrearage  
14 Management Program proposed by Unitil.

15 The Way Home applauds Unitil for  
16 proposing the Arrearage Management Program for  
17 certain low-income customers. The Way Home has  
18 been involved in discussions before the Electric  
19 Assistance Program Advisory Board about the need  
20 for arrearage management programs in New  
21 Hampshire, and has been studying programs in  
22 other states, most notably Massachusetts, where  
23 Unitil also operates.

24 The Way Home recently intervened in

1 Eversource's most recent rate case relating to  
2 Eversource's proposed arrearage management  
3 program, New Start, and continues to participate  
4 in the New Start stakeholder group arising from  
5 that rate case.

6 The Way Home agrees with Unitil that an  
7 arrearage management program can be a key  
8 component of providing just and equitable service  
9 to low-income customers, and, when done right, it  
10 can be beneficial for all ratepayers, not just  
11 low-income customers.

12 The Way Home is still analyzing  
13 Unitil's proposal, but will likely have questions  
14 and provide comments about the eligibility  
15 criteria and overall program design, including  
16 the cost recovery mechanism.

17 Furthermore, given Unitil's -- I'm  
18 sorry. Furthermore, given Eversource's recent  
19 adoption of the New Start Program, The Way Home  
20 believes that there is a benefit to New  
21 Hampshire's low-income customers if each  
22 arrearage management program adopted by New  
23 Hampshire's utilities share as similar a program  
24 design as is feasible, so that customers are not

1           faced with completely different program designs  
2           from one utility's service territory to another.

3                     The Way Home reserves the right to take  
4           positions on other aspects during this rate case.  
5           But, at this time, we don't foresee our  
6           involvement extending beyond the issue of the  
7           arrearage management program.

8                     Thank you.

9                     CHAIRWOMAN MARTIN: Thank you,  
10          Mr. Tower. Mr. Skoglund.

11                    MR. SKOGLUND: All right. Thank you,  
12          Chairwoman Martin.

13                    New Hampshire DES is responsible for  
14          implementing the laws, regulations, and polices  
15          that protect the public health and the  
16          environment. The New Hampshire Technical  
17          Services Bureau and the Air Resources Division is  
18          particularly responsible for policy issues  
19          related to air emissions from the transportation  
20          sector, as well as policies related to the  
21          reduction of greenhouse gas emissions across all  
22          sectors, including electric generation. Our air  
23          quality, public health, and climate are directly  
24          impacted by our energy use, and, as such, New

1 Hampshire DES appears before the New Hampshire  
2 Legislature and PUC on a regular basis.

3 At this time, we have no position on  
4 the proposed temporary rates or permanent rates  
5 as proposed. With respect to the potential to  
6 incentivize greater energy efficiency, DER  
7 deployment, and electric vehicle adoption, all of  
8 which can reduce energy costs, while improving  
9 environmental outcomes. We are appreciative of  
10 Unitil's consideration of EV time-of-use rates  
11 and other innovative rate design mechanisms, the  
12 inclusion of EVSE infrastructure programs, full  
13 revenue decoupling, and grid modernization  
14 elements, all of which were mentioned by  
15 Mr. Taylor.

16 We are particularly supportive of the  
17 introduction of rates that will more  
18 appropriately reflect cost causation for EV  
19 charging infrastructure. Appropriate rate  
20 setting for the transportation sector has the  
21 potential to reduce the rates for all ratepayers,  
22 while providing public health and environmental  
23 benefits.

24 We look forward to participating in



1 further discussions with Unitil, Commission  
2 Staff, and other intervenors throughout the rate  
3 case proceedings.

4 Thank you.

5 CHAIRWOMAN MARTIN: Thank you. And  
6 Ms. Birchard.

7 MS. BIRCHARD: Thank you, your Honor,  
8 for the opportunity to make a statement today.  
9 ChargePoint's statement will be very brief.

10 ChargePoint is a world-leading EV  
11 charging network, offering a cloud subscription  
12 platform and smart charging hardware for a wide  
13 range of needs, including Level 2 and DC fast  
14 charging products.

15 ChargePoint's interest in this  
16 proceeding therefore focuses on the subject of  
17 transportation electrification and related rates,  
18 investments, programs, and practices. For  
19 example, ChargePoint is interested to ensure that  
20 the details of the make-ready investment proposal  
21 that Unitil has proposed are consistent with a  
22 number of guiding principles we consider  
23 generally applicable to such investments. Those  
24 principles are to minimize costs and maximize

1 benefits to all ratepayers; enable customer  
2 choice in EV charging equipment and services;  
3 promote competition; provide support for EV  
4 adoption across all income levels; attract and  
5 leverage private investments; and, finally,  
6 promote innovation.

7 Although ChargePoint is, at this early  
8 stage, still in the process of reviewing and  
9 investigating the details of Unitil's EV-related  
10 proposals, we do support Unitil's efforts to  
11 bring forward these important proposals, and we  
12 are also optimistic that the outcome of this  
13 proceeding will contribute positively to  
14 advancing transportation electrification and the  
15 interests of utility customers in New Hampshire.

16 With respect to the question of the  
17 venue for contribution of EV issues, ChargePoint  
18 has taken the position previously, and we  
19 continue to take the position, that we are  
20 receptive to reviewing EV issues in  
21 utility-specific rate cases, such as this one.  
22 It is certainly a common venue for consideration  
23 of these types of proposals.

24 And that concludes our statement.

1 Thank you very much, Chairwoman.

2 CHAIRWOMAN MARTIN: Thank you.

3 Commissioner Bailey, do you have any  
4 follow-up questions for any of the people that  
5 have spoken?

6 COMMISSIONER BAILEY: No thank you.

7 CHAIRWOMAN MARTIN: I have one. One  
8 follow-up for Mr. Taylor on the 91-A question.

9 Commissioner Bailey asked you to go  
10 back and review whether there's any  
11 representation by the Company related to the work  
12 being proprietary. I guess I would ask  
13 specifically if you can provide that, if it's  
14 written. And whether there's anything related to  
15 the outcome of the analysis? I noted that you  
16 spoke about the "analysis", and whether or not  
17 there's something related to the outcome of their  
18 analysis that they produced to you actually being  
19 proprietary, that would be very helpful as well.

20 Is there anything else we need to cover  
21 before the tech session?

22 MR. TAYLOR: I'll just respond briefly  
23 to that request. In terms of the outcome of the  
24 analysis, which would be the credit rating

1           itself, that is something that is public and that  
2           we've provided publicly. So, I'm not sure if  
3           that's what you were asking, but that is  
4           information that we have provided publicly.

5                       CHAIRWOMAN MARTIN: And, so, when you  
6           speak to the "analysis", you're just saying that  
7           their analysis and how they come up with that is  
8           proprietary, and that's what you're objecting to  
9           disclosing?

10                      MR. TAYLOR: Indeed. Yes.

11                      CHAIRWOMAN MARTIN: Okay. Thank you.

12                      All right. Anything else that we have  
13           to cover?

14                      *[No verbal response.]*

15                      CHAIRWOMAN MARTIN: Seeing no one, we  
16           will let you get off to the tech session. We are  
17           adjourned for today. Thank you, everyone.

18                      ***(Whereupon the prehearing conference***  
19                      ***was adjourned at 2:45 p.m., and a***  
20                      ***technical session was held***  
21                      ***thereafter.)***