

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Docket No. DE 21-078

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
d/b/a EVERSOURCE ENERGY

**Petition for Electric Vehicle Make-Ready and Demand Charge Alternative Proposals**

**MOTION FOR CLARIFICATION OF ORDER NO. 26,690**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) hereby requests clarification from the New Hampshire Public Utilities Commission (“Commission”) of Order No. 26,690 issued September 28, 2022. (the “Order”) in the instant proceeding. The issues for which clarification is sought pertains to the scope of the hearing the Commission scheduled for October 24, 2022, and whether Eversource witnesses need be present.

1. The Order on page 3 states “the Commission, on its own motion, believes that a further hearing regarding the matters discussed in the Motion would be valuable, and may help to develop the record further regarding the Commission’s interest in the ratemaking features it established for this novel EV program, proposed in connection with the VW EV Settlement, in Order No. 26,667, and the ratemaking principles touched upon by the Moving Parties in their Motion.”

2. The two issues raised by the Joint Motion for Rehearing filed on September 14, 2022 (the “Motion”) pertained to the \$650,000 limit on capital spending eligible for a rate of return imposed by the Commission in Order No. 26,667 (August 15, 2022). Specifically, the Motion asserts “setting the limit at \$650,000 is arbitrary and contradicted by record evidence”

and that the limit “impermissibly prohibits the Company from receiving a reasonable return on its capital investments, contrary to legal precedent.” (Motion at 4-5).

3. Eversource would like to be best prepared for the Commission’s questions at the October 24 hearing, and so seeks confirmation or greater clarity regarding what “ratemaking features” and “ratemaking principles” are being referred to in the Order as the topic for the hearing. Eversource’s interpretation, in comparing the arguments asserted in the Motion with the language from the Order, is that the Commission desires to discuss the ability of a utility to earn a rate of return on capital expenditures, and whether the Commission has authority to determine which capital spending is eligible for a rate of return. If this is not an accurate or complete assessment of the scope of the October 24 hearing, it would be helpful to Eversource for the Commission to provide guidance as to the scope and topics regarding ratemaking that are to be the subject of the upcoming hearing.

4. Both the Motion and the Order pertain to legal arguments related to capital investments and a utility’s rate of return. Since the factual record is complete in this matter, and the topics at issue pertain only to legal arguments where no findings of fact need to be made, Eversource also seeks confirmation that the Eversource witnesses are not needed at the October 24 hearing. To Eversource’s knowledge, no new facts exist pertaining to the matter in dispute that would warrant a reopening of the record pursuant to the N.H. Code of Administrative Rules Puc 203.30(a). However, if the Commission intends for the witnesses to be present and reopen the record, Eversource would alternatively request clarification as to what new facts the Commission seeks information, so that the witnesses may be adequately prepared for the hearing. Additionally, Eversource notes that the four Eversource witnesses have competing commitments and would respectfully request that if witnesses are to attend the October 24

hearing that remote participation accommodations be made on their behalf so that they can tend to all matters for which they are needed.

**WHEREFORE**, EVERSOURCE requests clarification for the reasons stated in this motion.

Specifically, Eversource requests that the Commission:

- A. Confirm or clarify the scope of the hearing;
- B. Confirm that Eversource witnesses are not needed at the hearing, or if they are needed, clarify to what the witnesses will be expected to testify;
- C. That the Eversource witnesses, if required to attend, be allowed remote access accommodations for the October 24 hearing; and
- D. Grant any such further relief as may be just and reasonable.

Respectfully submitted,

Public Service Company of New Hampshire d/b/a Eversource  
Energy

Date: October 06, 2022

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.



Date: October 06, 2022

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Jessica A. Chiavara