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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

August 25, 2021 - 1:35 p.m.

[Remote Hearing conducted via Webex]

RE: DE 21-078
EVERSOURCE ENERGY
PETITION FOR ELECTRIC VEHICLE MAKE-READY
AND DEMAND CHARGE ALTERNATIVE
(Prehearing Conference)

PRESENT: Chairwoman Dianne H. Martin, Presiding
Commissioner Daniel C. Goldner

Doreen Borden, Clerk
Corrine Lemay, PUC Remote Hearing Host

APPEARANCES: Reptg. Eversource Energy
Jessica A. Chiavara, Esq.

Reptg. N.H. Dept. of Energy:
Brian D. Buckley, Esq.

Reptg. N.H. Dept. of Environmental Svs.
Christopher Skoglund

Reptg. Clean Energy NH:
Kelly Buchanan, Esq.

Reptg. ChargePoint:
Scott Dunbar, Sq.

Reptg. Conservation Law Foundation:
Nicholas Krakoff, Esq.

Court Reporter: Susan J. Robidas, NHLCR No. 44

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1 P R O C E E D I N G

2 CHAIRWOMAN MARTIN: We're here this
3 afternoon in Docket DE 21-078 for a
4 prehearing conference regarding the
5 Eversource Petition for Electric Vehicle
6 Make-Ready and Demand Charge Alternative
7 Proposals. Let's take appearances, starting
8 with Ms. Chiavara.

9 MS. CHIAVARA: Good afternoon,
10 Chairwoman Martin and Commissioner Goldner.
11 Jessica Chiavara, on behalf of Public Service
12 Company of New Hampshire, doing business as
13 Eversource Energy. This afternoon I have
14 again with me Mr. Edward Davis, and I also
15 have Kevin Boughan.

16 CHAIRWOMAN MARTIN: All right.
17 Thank you. And Mr. Buckley.

18 MR. BUCKLEY: Good afternoon, Madam
19 Chair, Commissioner Goldner. My name is
20 Brian D. Buckley, and I am here today
21 representing the Department of Energy's
22 Regulatory Support Division.

23 CHAIRWOMAN MARTIN: All right.
24 Thank you. And I believe Mr. Kreis is not

1 here. I don't see him on the screen. So
2 he's still traveling. Okay. And that's what
3 I have so far for parties. But we do have a
4 number of interventions, so I will read
5 through those and ask if we have someone
6 present for those.

7 The Town of Derry. Is there
8 someone here for the Town of Derry?

9 [No verbal response]

10 CHAIRWOMAN MARTIN: Okay. New
11 Hampshire DES?

12 MR. SKOGLUND: Chris Skoglund with
13 the New Hampshire Department of Environmental
14 Services.

15 CHAIRWOMAN MARTIN: Okay. Thank
16 you.

17 Clean Energy New Hampshire?

18 MS. BUCHANAN: Good afternoon.
19 Kelly Buchanan with Clean Energy New
20 Hampshire.

21 CHAIRWOMAN MARTIN: Okay. And
22 ChargePoint.

23 MR. DUNBAR: Yes. Good morning.
24 Scott Dunbar of the law firm Keyes & Fox.

1 I'm here on behalf of ChargePoint.

2 CHAIRWOMAN MARTIN: All right.

3 Thank you.

4 And CLF.

5 MR. KRAKOFF: Good afternoon.

6 Nicholas Krakoff on behalf of CLF.

7 CHAIRWOMAN MARTIN: Okay. Thank
8 you.

9 Is there anyone here I haven't
10 recognized?

11 [No verbal response]

12 CHAIRWOMAN MARTIN: All right.
13 Regarding the intervention request, is there
14 any objection to any of the petitions for
15 intervention that have been filed? If you
16 have an objection, please raise your hand and
17 I'll recognize you.

18 [No verbal response]

19 CHAIRWOMAN MARTIN: Okay. Seeing
20 none, we are going to take those petitions
21 under advisement. But for today's purposes,
22 we're going to treat all of those who have
23 petitioned to intervene as intervenors for
24 both the prehearing conference and the

1 technical session that will follow.

2 Anything else we need to cover
3 before we hear initial positions? Mr.
4 Buckley.

5 MR. BUCKLEY: I can note that the
6 Company has filed a request to remove this
7 petition to 20-170. And I might just offer
8 some clarifying remarks relative to the
9 Department of Energy's position on that
10 request?

11 CHAIRWOMAN MARTIN: Sorry about
12 that. Go ahead.

13 MR. BUCKLEY: Certainly. Thank
14 you, Madam Chair.

15 So while we would support removal
16 of this petition to DE 20-170, our support
17 for such an action is expressly conditioned
18 upon consideration of the make-ready proposal
19 outside of the currently established
20 procedural schedule in a later phase of that
21 proceeding. We take this position primarily
22 for two reasons: The existing state of the
23 procedural schedule and the noticed issues in
24 this proceeding.

1 Turning first to the existing state
2 of the procedural schedule in 20-170. As the
3 Commission is aware, it directed that DE
4 20-170 be concluded by a specific time frame
5 so that it might conclude prior to the Unitil
6 rate case, so as to avoid inconsistent
7 policies on the EV-TOU rate matters.
8 Consistent with that directive, the Division
9 filed a proposed procedural schedule on
10 behalf of the parties to that proceeding on
11 June 25th of this year. That procedural
12 schedule provided for four discovery
13 opportunities prior to testimony; three of
14 those opportunities have now come and gone,
15 and the final opportunity, being
16 September 16th, is only 16 business days away
17 from today. Ten business days after that,
18 the utility responses will, in theory, be
19 provided. And I say "in theory" because the
20 utility's representatives we work with, as
21 effective and resourceful as they are, aren't
22 always able to provide their responses within
23 the 10-calendar-day deadline set out in
24 Commission rules, or the 14-calendar-day

1 deadline that is custom during the
2 development of most procedural schedules.
3 Sometimes that's because it simply takes time
4 to gather the requested information, or
5 sometimes that is because there's an initial
6 misunderstanding about what exactly was
7 requested. For example: The Division is
8 currently waiting on certain CIAC calculation
9 sheets for existing high-demand draw chargers
10 in the Eversource territory that was
11 initially requested -- that were initially
12 requested in the very first set of data
13 requests in 20-170 almost two months ago.
14 Those CIAC sheets and related load data could
15 have a material impact on whether certain
16 rate designs are in the best interests of the
17 vast majority of New Hampshire ratepayers who
18 don't drive electric vehicles.

19 One other factor which might
20 further complicate that proceeding includes
21 Eversource and Liberty having chosen not to
22 file the high-demand draw rates that they
23 were directed to file, and Eversource's
24 filing of a load management program proposal

1 that remains a live issue pending before the
2 Commission in a separate proceeding.

3 I provide these anecdotes not to
4 cast aspersions on my utility colleagues, but
5 to demonstrate the complexity of that
6 particular proceeding and identify the
7 limitations of trying to shoe-horn issues
8 unrelated to electric vehicle time-of-use
9 rates into an already complicated --
10 compacted procedural schedule which only
11 provides for one more discovery opportunity
12 prior to testimony, particularly given that
13 the remainder of the procedural schedule
14 after that contains the two months of the
15 year when vacation weeks are very popular.

16 In short, in light of the already
17 somewhat compacted procedural schedule in DE
18 20-170, the Division believes the make-ready
19 proposal should be considered in this
20 proceeding, 21-078, unless the Commission
21 clarifies that the make-ready proposal should
22 be considered in 20-170 in a second phase
23 that occurs after the EV-TOU issues are
24 considered. Consistent with that position,

1 we have circulated a procedural schedule to
2 the intervenors in this proceeding that would
3 provide for hearings during mid-April,
4 allowing approximately 7.5 months of docket
5 process.

6 Now turning to that second issue,
7 the issue of notice. The Commission Order of
8 Notice in this docket focused only on those
9 issues that were delineated in Order No.
10 26,394, the order from Docket 20-004, the
11 investigation prior to this proceeding,
12 namely, electric vehicle time-of-use rate
13 proposals. From the Division's perspective,
14 this includes the demand charge alternatives
15 that the Commission expected the utilities
16 would consider as part of their high-demand
17 draw EV time-of-use rate proposals. It does
18 not include the proposed behind-the-meter and
19 front-of-meter investments that are embodied
20 in the make-ready proposal. Because that was
21 an issue noticed in 20-170, parties have had
22 the opportunity to, and the Division has been
23 serving discovery on that issue since the
24 first set of requests in the 20-170

1 procedural schedule. Therefore, we would
2 support removal of only the demand charge
3 alternative proposal from this proceeding and
4 into 20-170 within the existing procedural
5 schedule. If, in the alternative, the
6 Commission prefers to move the entire
7 petition into 20-170, we would ask that it
8 issue a Supplemental Order of Notice to
9 provide notice for the make-ready issues in
10 that proceeding and ordering that the parties
11 submit a procedural schedule which provides
12 for a second phase of that proceeding where
13 make-ready issues would be considered, and
14 maybe consider changing the title of the
15 proceeding as well. Thank you.

16 CHAIRWOMAN MARTIN: Would anyone
17 else like to be heard on that, and then I'll
18 turn to Ms. Chiavara if she has a response?

19 MS. CHIAVARA: I do have a
20 response, but my response is folded into my
21 preliminary statement. So I can do those all
22 at once.

23 CHAIRWOMAN MARTIN: Okay. All
24 right. Anyone else want to be heard

1 independently on this issue?

2 [No verbal response]

3 CHAIRWOMAN MARTIN: All right.

4 Then let's go to Ms. Chiavara for her initial
5 position.

6 MS. CHIAVARA: Thank you, Chair
7 Martin.

8 The two proposals at issue in this
9 docket, like the proposal discussed this
10 morning, were generated as compliance items
11 to the Settlement Agreement, Section 16.2, in
12 the Eversource distribution rate case.
13 That's Docket No. DE 19-057, approved by
14 Commission Order 26,433. In particular, the
15 settlement specified that Eversource would
16 bring forward a proposal for make-ready
17 investments supporting electric vehicle or EV
18 charging infrastructure in New Hampshire and
19 a proposal for an alternative to demand
20 charges for EV charging rates. In addition
21 to the requirement that these proposals be
22 developed and filed four months from approval
23 of the settlement, the development of the
24 proposals also required meaningful input from

1 stakeholders. That outreach was conducted by
2 a series of meetings with various parties,
3 where Eversource presented the proposals as
4 they were in development and held Q&A
5 sessions to get input from those parties to
6 hear concerns and suggestions. After those
7 meetings, follow-up outreach was done to seek
8 out any additional insight or questions that
9 may have come up for any of the parties since
10 the time of the meeting. And when necessary,
11 additional meetings were held in order to
12 properly address the topics of greatest
13 stakeholder importance.

14 The result of that process is the
15 fully informed proposals that were filed on
16 April 15th and are in front of the Commission
17 today for consideration. Both of these
18 proposals will advance New Hampshire energy
19 and EV policies, while maintaining the
20 principles of just and reasonable rate
21 design. RSA 378:37 articulates an energy
22 policy for New Hampshire that, among other
23 things, aims to meet the energy needs of
24 citizens and businesses of the state while

1 providing for diversity of energy sources,
2 protect the safety and health of citizens and
3 the physical environment of the state. These
4 two proposals applied in tandem are designed
5 to achieve those ends by removing barriers to
6 advancing the electrification of the
7 transportation sector, which will address the
8 needs of electric vehicle drivers and
9 charging station business owners without
10 subsidizing those citizens at the expense of
11 other residents or businesses. These
12 proposals were further tailored by the data
13 and recommendations supplied by the Electric
14 Vehicle Charging Stations Infrastructure
15 Commission, created by SB 517 in 2018.
16 Eversource sized its make-ready investment
17 proposal to enable the spending allocation
18 from the VW Trust that the EV Commission
19 determined was appropriate to jump-start the
20 construction of a fast-charging EV corridor
21 throughout New Hampshire. In a similar vein,
22 Eversource's demand charge alternative rate
23 offering was designed to take into account
24 the specific context of EV market development

1 in New Hampshire while creating a
2 revenue-neutral option for public charging
3 that avoids cross-subsidization between
4 customer classes. The result is a proposal
5 for a volumetric rate -- that is, a rate
6 without a demand charge -- that provides a
7 graduated discount for charging stations up
8 to a certain utilization level, consistent
9 with the current status of the New Hampshire
10 EV market conditions, which Eversource
11 expects to extend out for the next several
12 years.

13 The combination of these two
14 offerings, with their focus on New Hampshire
15 policy and available data, serve to
16 facilitate and sustain EV market entry and
17 growth and the development of the
18 fast-charging EV corridor by addressing the
19 immediate EV issues New Hampshire faces,
20 consistent with existing state energy and EV
21 policies.

22 At this time, I'd like to address
23 the appropriate venue for these proposals,
24 given the current regulatory landscape. As

1 I'm sure the Commission is aware, and as the
2 Department of Energy has referenced,
3 Eversource filed a request on August 11th to
4 remove these two proposals to Docket No. DE
5 20-170, and by reference, the Company
6 reiterates and incorporates that request
7 here.

8 The primary reasons for that
9 request are that removing these proposals to
10 Docket 20-170 and closing this docket would
11 relieve a meaningful administrative burden of
12 participating in both dockets for Eversource
13 and the intervening parties, parties which
14 nearly or entirely overlap between the two
15 dockets, and likely also the Department of
16 Energy staff as well. By keeping the
17 proposals in this docket, there will be two
18 concurrently active EV proposal dockets
19 progressing parallel with one another,
20 effectively doubling the effort for the
21 parties involved, and more specifically,
22 nearly all of the same individuals of those
23 parties. This doubled effort can be easily
24 avoided by incorporating these proposals into

1 Docket 20-170, a move that has the support of
2 all intervening parties to that docket.
3 What's more, should these proposals be
4 incorporated into 20-170, the Commission will
5 be able to consider all pending EV proposals
6 prior to the commencement of Unitil's
7 electric distribution rate case hearings, so
8 that the decision in Docket 20-170 will best
9 inform the Commission when it comes time to
10 deliberate the Unitil EV proposals within its
11 rate case, the conditions this Commission
12 dictated in Order No. 26,486. Both of the
13 proposals currently in this docket, a demand
14 charge alternative rate and a make-ready
15 infrastructure proposal, are proposals that
16 Unitil has included in its suite of EV
17 proposals in its rate case. To be consistent
18 with Commission Order 26,486, and to have
19 Docket 20-170 best inform the Commission, it
20 follows that the two proposals in this docket
21 be moved to Docket 20-170.

22 Now I would like to comment on the
23 Department of Energy's position at this time.
24 It is the DOE's position that if the

1 proposals are to be moved to Docket 20-170,
2 the demand charge alternative rate be
3 considered along with the existing proposals
4 in that docket, while the make-ready proposal
5 be considered in a second phase; otherwise,
6 my understanding is the DOE recommends
7 leaving both proposals in this docket.

8 Eversource disagrees with leaving
9 the two proposals in this docket for the
10 reasons that I just discussed, and also
11 disagrees that there should be a phased
12 approach solely for the make-ready proposal.
13 The demand charge alternative rate offering
14 and the make-ready infrastructure proposal
15 were designed together to address a singular
16 issue identified by the SB 517 EV
17 Committee -- that is, to promote an EV
18 fast-charging corridor in New Hampshire.
19 That singular issue presents two barriers to
20 market entry: The upfront cost of charging
21 stations and the ongoing cost structure for
22 operating those stations. The make-ready
23 infrastructure addresses the former, while
24 the demand charge alternative addresses the

1 latter. Considering only one of these
2 proposals at a time will effectively render
3 both moot until both are fully adjudicated,
4 as both market barriers need resolution to
5 clear the path for market entry of
6 fast-charging EV stations. What's more, the
7 Department of Environmental Services has yet
8 to issue its next RFP for the VW Trust Fund
9 allocation for projects to construct the EV
10 corridor. It is logical to conclude that the
11 outcome of the Eversource make-ready
12 infrastructure proposal could influence that
13 RFP.

14 For these reasons, in addition to
15 the administrative efficiency, and the
16 Commission's directive in Order 26,486,
17 Eversource urges the Commission not only to
18 move both proposals to Docket 20-170, but to
19 consider them at the same time as all other
20 proposals in that docket.

21 And as a note to the discovery
22 issue, the Company has no issue with allowing
23 additional discovery for the make-ready
24 proposal so that all parties have sufficient

1 due process. And we believe that this would
2 be attainable without a second phase to that
3 docket.

4 I would like to make one final note
5 on process and procedure as we move forward
6 this afternoon. This may perhaps be
7 something that I should have made note of at
8 some point this morning.

9 Prehearing conferences have been
10 both traditionally, and by procedure, venues
11 to address and dispense of certain procedural
12 matters, as outlined by PUC Rule 203:15.
13 They have generally not been a forum for
14 substantive discussion of the merits of a
15 docket or filing. We understand that the
16 Commission wishes to expand upon the issues
17 covered in prehearing conferences, and in
18 general we don't object to having meaningful
19 discussions. Eversource, however, does feel
20 it important to note a concern with the shift
21 in activities in prehearing conferences.
22 While, like this morning, Eversource has
23 staff resources on hand to answer substantive
24 questions that may arise in the process of

1 resolving certain procedural matters, like
2 issue simplification, possibility of
3 settlement, or consolidation of witnesses,
4 for example, these staff are not being sworn
5 in and are not testifying to any open issue
6 in the docket. There's also some concern by
7 Eversource that delving into substantive
8 questioning of Company staff prior to any
9 discovery being conducted could change the
10 scope that's been noticed in this proceeding
11 or could indicate that there has been some
12 prejudgment of the outcome prior to any
13 adjudicative procedure being conducted. We
14 ask that these concerns about due process be
15 considered during the prehearing conference
16 and that the Commission generally save
17 substantive discussion and inquiry for the
18 remaining procedural schedule. For today, to
19 the extent that Eversource staff do speak to
20 substantive issues during this proceeding, I
21 would like to note that they are not under
22 oath or testifying, and that any statements
23 made should not be used as such in any
24 remaining part of this docket process.

1 Thank you very much for your
2 consideration. That's all I have at this
3 time.

4 CHAIRWOMAN MARTIN: Thank you, Ms.
5 Chiavara. And I will also note that I did
6 make that exact observation this morning in
7 the other proceeding and would do the same
8 here.

9 Okay. So let's move on to Mr.
10 Buckley.

11 MR. BUCKLEY: Certainly. Thank
12 you, Madam Chair. I'll start with a position
13 on the substance, and then I'll just provide
14 a bit of a response to the Company's position
15 on the preliminary matter.

16 The Department of Energy is still
17 evaluating issues raised in the instant
18 petition but can observe the following issues
19 it intends to further investigate during the
20 docket process and discovery: First, the
21 potential for cost shifting from electric
22 vehicle charging customers to non-electric
23 vehicle charging ratepayers, particularly in
24 light of the likelihood that an electric

1 vehicle charging customer who takes service
2 under the proposed demand charge alternative
3 would shift back to the regular rate after
4 they've reached the inflection point
5 described in the testimony; next, whether it
6 is in the best interest of ratepayers to
7 allow the Company to invest in
8 behind-the-meter infrastructure as part of
9 the proposed make-ready work, given the doors
10 that may open for other such investments;
11 next, whether a utilization rate has been
12 used within the assumptions that relate to
13 the make-ready proposal, and if that
14 utilization rate is an accurate portrayal of
15 the revenues that will accrue to the Company
16 as a result of their investment; and finally,
17 whether any proposed cost-recovery mechanisms
18 are in the best interest of ratepayers, given
19 the limitations placed on the cost-recovery
20 mechanisms approved in the Company's last
21 rate case. The Department of Energy's
22 Regulatory Support Division looks forward to
23 working with the Company and the OCA and the
24 various intervenors to evaluate these and any

1 other issues that might arise to try to reach
2 an amicable resolution of the issues we have
3 outlined this morning.

4 Now turning to the response to the
5 preliminary issue. I understand the
6 arguments made by the Company, as far as
7 administrative efficiency, particularly with
8 respect to review of the demand charge
9 alternative within 20-170. We have demand
10 charge alternative proposals from both Unitil
11 and Liberty in 20-170. I do think -- the
12 Department of Energy thinks that it makes
13 sense to review that particular proposal,
14 Eversource's demand charge alternative
15 proposal in that proceeding, and we have
16 indeed been asking for discovery about that
17 proposal thus far in that proceeding because
18 it was a noticed issue in the Commission's
19 Order of Notice, the high-demand draw EV
20 time-of-use rates that were ordered in the
21 investigation. However, the Company would
22 have you believe that these proposals are
23 joined at the hip, the make-ready proposal
24 and the demand charge alternative proposal,

1 and that is simply not the case. In other
2 jurisdictions, the Company has made rather
3 significant make-ready investments that have
4 preceded the demand charge alternative
5 proposals. The two -- these are beasts of a
6 different nature. One focuses explicitly on
7 rate design, and the other one focuses
8 explicitly on an actual in-field capital
9 investment and, I would argue, may not even
10 be appropriate to review in the 20-170
11 proceeding, given your notice and the state
12 of the procedural schedule in that
13 proceeding. There's simply not enough time
14 remaining in that procedural schedule to
15 adequately review the Company's planned
16 make-ready investments, particularly given
17 the impacts that it could have in the future
18 if larger investments in make-ready are
19 proposed. I think maybe I'll end there.

20 CHAIRWOMAN MARTIN: Okay. Thank
21 you, Mr. Buckley.

22 All right. Mr. Skoglund, did you
23 plan to speak today?

24 MR. SKOGLUND: Not at any great

1 length, but just to note we appreciate the
2 opportunity to intervene in this proceeding.

3 Transportation is -- investments in
4 electric vehicles are consistent with New
5 Hampshire DES's mission, which is to support
6 public environmental health. And as the
7 transportation sector is the largest source
8 of air pollutants and greenhouse gas
9 emissions, it is an area where we are
10 interested in seeing considerable investments
11 in air pollution measures. We look at EVs as
12 being a significant part of that, but
13 recognize that investments in public charging
14 is critical to individuals and companies
15 investing in electric vehicles because of
16 issues --

17 [Court Reporter interrupts.]

18 MR. SKOGLUND: -- related to range
19 anxiety and being sure that they will be able
20 to adequately charge their vehicles. That's
21 all we'll say at this time.

22 CHAIRWOMAN MARTIN: All right.
23 Thank you, Mr. Skoglund.

24 And next, Ms. Buchanan.

1 MS. BUCHANAN: Thank you, Chair
2 Martin and Commissioner Goldner. Thank you
3 for the opportunity to make opening remarks
4 today.

5 Clean Energy New Hampshire
6 appreciates the opportunity to review
7 Eversource's detailed proposals related to
8 alternatives to demand charges and electric
9 vehicle make-ready investments. We
10 appreciate the effort put into developing
11 these proposals, and we look forward to
12 learning more about them as we develop our
13 final position. Many of Clean Energy New
14 Hampshire's individual business and municipal
15 members live and work in Eversource's service
16 territory and stand to be affected by the
17 outcomes of make-ready investments, as well
18 as alternatives to demand charges for EVs.
19 Our involvement in this docket serves not
20 only to advance our mission to accelerate
21 adoption of electric vehicles and the
22 installation of charging infrastructure in
23 New Hampshire, but also to represent
24 diverse interests before the Commission and

1 in discussion with Eversource. It is our
2 hope that by serving as this voice, we can
3 communicate efficiently with Eversource and
4 other intervenors to help ensure favorable
5 outcomes for Eversource's ratepayers, many of
6 whom fully support the adoption of EVs,
7 currently drive an EV, or hope to drive an EV
8 in the future.

9 Clean Energy New Hampshire thinks
10 it's important to support the adoption of EVs
11 to reduce harmful emissions, allow for
12 increased consumer choice in the vehicle
13 market, and to attract and retain the next
14 generation of workforce and visitors to our
15 state. New Hampshire is lagging behind in
16 the race to install EV infrastructure and in
17 the adoption of reasonable EV charging rate
18 structures. We hope that this docket will
19 advance New Hampshire EV infrastructure and
20 will promote charging rates that make us
21 competitive with the region.

22 We look forward to fully
23 participating in this docket and thank
24 Eversource for their work on this matter to

1 date. And thank you. That is all I have for
2 today.

3 CHAIRWOMAN MARTIN: All right.

4 Thank you, Ms. Buchanan.

5 With that, we will take the recess
6 that I mentioned. And I will -- it will
7 be -- we'll return no sooner than 20 past
8 2:00. I'll let the moderator know if I
9 expect it to take any longer. Off the
10 record.

11 (Brief recess taken at 2:04 p.m., and
12 the hearing resumed at 2:29 p.m.)

13 CHAIRWOMAN MARTIN: Let's go on the
14 record. Mr. Dunbar.

15 MR. DUNBAR: Yes. Thank you. I'm
16 sorry, Ms. Chairwoman. Are you calling on me
17 to state our position?

18 CHAIRWOMAN MARTIN: Yes, I am.

19 MR. DUNBAR: Happy to. Thank you.
20 And I realize it is afternoon for you all.
21 It is now afternoon for me here in Colorado
22 as well.

23 So with respect to the procedural
24 matter about removing this docket to 20-170

1 and some of the other issues, ChargePoint
2 takes no position on any of that. So we are
3 flexible.

4 With respect to Eversource's
5 proposals, I don't want to repeat everything
6 that's in our intervention, but ChargePoint
7 certainly expects to be affected, directly
8 affected by the outcome of both the
9 make-ready proposal and the demand charge
10 proposal. The make-ready proposal would
11 affect us because it would affect the cost of
12 installing chargers that qualify for that
13 program.

14 As far as our position, we're still
15 developing it and look forward to diving into
16 the details. But we do have some concern
17 about narrowing the program to only provide
18 funding for projects that already have VW
19 mitigation funding available to them. But,
20 again, we would explore that issue in more
21 detail through our participation in the case.

22 And with respect to the demand
23 charge proposal, we are fairly supportive of
24 that. Again, we need to get into the

1 details, but we greatly appreciate
2 Eversource's recognition that demand charges
3 can significantly impact DC fast charging,
4 especially in the early years while EV
5 adoption is still growing. And we generally
6 support efforts to mitigate those impacts and
7 find alternative ways for the utility to
8 recover its costs and allow DC fast-charging
9 site hosts to plan for their own costs that
10 they experience in a predictable manner.

11 Happy to answer any questions about
12 our position or about ChargePoint, and thank
13 you again for the opportunity.

14 CHAIRWOMAN MARTIN: Thank you, Mr.
15 Dunbar.

16 Mr. Krakoff.

17 MR. KRAKOFF: Good afternoon,
18 Chairwoman Martin and Commissioner Goldner.
19 Many CLF members have EVs or are already
20 interested in EVs and will be affected by
21 Eversource's proposals. Demand charge
22 alternatives and make-ready proposals, like
23 the ones proposed here by Eversource, have
24 the potential to accelerate adoption of EVs

1 in the state, which have lagged here when
2 compared to neighboring states.

3 I'd like to note that CLF is
4 already an intervenor in the two other
5 dockets involving EVs, 21-030 and 20-170.
6 CLF is very interested to learn more about
7 Eversource's proposals here.

8 Volumetric charges, like those
9 included in Eversource's demand charge
10 alternative, have a lot of potential as a
11 demand charge alternative to avoid many of
12 the problems that are associated with demand
13 charges when imposed on low utilization rate
14 EV charging stations. And a lot of these
15 problems are identified in Commission's Order
16 26,394. And volumetric charges have the
17 potential to resolve some of those
18 challenges.

19 I'd also like to note that CLF
20 generally supports Eversource's motion to
21 remove this docket to 20-170, as recognized
22 by Ms. Chiavara. Consolidating the two
23 dockets would reduce administrative
24 inefficiencies, as well as the burdens on

1 parties who are proceeding in two separate
2 dockets. Further, consolidating the two
3 dockets would be consistent generally with
4 the Commission's Order in 26,394, which also
5 talked about demand charge alternatives and
6 the need for utilities to develop demand
7 charge alternatives.

8 One thing I'd like to note is that,
9 given that there have already been three
10 rounds of discovery in 20-170, in the event
11 the two dockets are consolidated, CLF would
12 support additional data request opportunities
13 on Eversource's proposal in 20-170. Thank
14 you very much.

15 CHAIRWOMAN MARTIN: All right.
16 Thank you, Mr. Krakoff.

17 We're going to go to Commissioner
18 questions at this point.

19 Ms. Chiavara, though, I did want to
20 respond to get further clarification on your
21 earlier comment, because I do think the
22 Commission finds it very helpful to be able
23 to ask questions that can inform the request
24 that's before it at this proceeding. And at

1 this morning's discussion, I believe you
2 offered to have your staff member answer
3 questions. And so I guess I'm not clear on
4 your position in light of that. If you could
5 just enlighten us a little bit more, please.

6 MS. CHIAVARA: Yes. And I do admit
7 that the overlap of substance and procedure
8 can be about as clear as mud at times.

9 I did offer up Ed Davis as an
10 excellent resource. And, you know, generally
11 Eversource is supportive of that as, you
12 know, robust discussion is generally a good
13 thing, no matter what. I think it was
14 just -- it got to the line of, even though we
15 said that, you know, Mr. Davis is not sworn
16 in and -- but nonetheless, a court reporter
17 is still here and his statements are still
18 being made a part of the record. So as the
19 questions continued, it was a fairly deep
20 dive into substance. It did feel a little
21 bit more like testimony. And so I just sort
22 of wanted to re-calibrate and maybe -- I
23 guess there's no concise answer clearly to my
24 position. I guess I was just trying to route

1 back into the fact that prehearing
2 conferences, as laid out by the PUC rules,
3 are traditionally to sort out matters of, you
4 know, if we can simplify the issues, if
5 that's possible, you know, the likelihood of
6 settling either some or all of the issues and
7 things of that nature, the preliminary
8 statements. And then to the extent that
9 substance informs the process, I believe
10 that's usually why we have the substantive
11 subject matter experts on hand.

12 I guess I felt that the line might
13 have been blurring a little bit the further
14 we got down into substance without having a
15 discovery framework in front of us. It felt
16 like it was going down the discovery road,
17 like we were getting a bit ahead of the
18 procedural schedule. And so I just wanted
19 to, one, clear up the fact that we are on the
20 record and they're not sworn in, but their
21 answers are still on the record. But I
22 didn't want them to be held to that as if it
23 was their testimony. And then, two, I just
24 wanted to make note of the fact that this is

1 usually a procedurally-focused proceeding.
2 And, you know, again, not trying to shut down
3 discussion of the issues at all, just, I
4 guess, trying to find a little bit more
5 clarity in the Venn diagram of it all, of the
6 procedure and substance. I hope that helps.

7 CHAIRWOMAN MARTIN: Fair enough. I
8 think we're all trying to find that clarity.

9 So I will agree with you that,
10 historically, prehearing conferences at the
11 Commission have been very narrow and
12 primarily focused just on hearing initial
13 positions. I will note, though, that
14 commissioners have historically also asked
15 questions about the petitions or whatever
16 issue is before them. So that is not new.
17 It is certainly more voluminous than it had
18 been. That is in part, and I'm not sure if I
19 have said this at a proceeding that you were
20 at a prehearing conference yet, but certainly
21 in part going more toward the full scope of
22 the rule going forward because of the
23 separation between the Department of Energy
24 and the Commission's former Staff, so that

1 the Commission itself can be informed well in
2 advance of the hearing, which could be months
3 or even a year down the road. So you will
4 see a more broader scope consistent with the
5 rule. At the same time, if you have offered
6 to put forward someone to answer some
7 questions and you feel that it's getting too
8 far out, I would look to you to jump in and
9 say, you know, we're comfortable with putting
10 this person here to answer questions, but now
11 we're getting closer to a line. I'll look to
12 you to do that, because if we have multiple
13 parties, everybody's in agreement, we're
14 going to keep going until we hear from you.
15 Okay?

16 MS. CHIAVARA: Yes. That is fair.
17 Thank you very much.

18 CHAIRWOMAN MARTIN: All right.
19 Mr. Buckley.

20 MR. BUCKLEY: So I'm not going to
21 touch that issue myself, but I just wanted to
22 ask for a brief, very brief 30-second
23 opportunity to respond to some of the initial
24 position statements on the preliminary issue,

1 either before or after the Commissioner
2 questioning.

3 CHAIRWOMAN MARTIN: Why don't we
4 take Commissioner questions first, and then
5 I'll circle back.

6 Okay. Commissioner Goldner.

7 QUESTIONS BY COMMISSIONERS:

8 COMMISSIONER GOLDNER: All right.
9 So I just have a few questions to put forward
10 in sort of the spirit of headlights that the
11 Commission would like to understand. I would
12 say I have no expectation of a dialogue or
13 discussion. So, Ms. Chiavara, you can guide
14 me in terms of how you want to answer or not
15 answer the questions. So I will just start.
16 And we can make them rhetorical or we can
17 have a discussion. And I honestly -- it
18 honestly doesn't matter. I'm just trying to
19 give Eversource and the parties headlights in
20 terms of what the Commission cares about.
21 That's all.

22 [Court Reporter interrupts.]

23 COMMISSIONER GOLDNER: So first on
24 the list is, in the spirit of technology, I

1 saw a lot of information in the filing
2 relative to Level 2 charge, and I didn't see
3 anything with respect to Level 3. There may
4 have been different acronyms that were used
5 and so forth, but I didn't see anything on
6 that end. The Commission would be very
7 concerned about future-proofing technology.
8 What we don't want to have happen is do a lot
9 of work and then come back in in three or
10 four or five years and say, oh, actually, we
11 need to upgrade all this technology. So the
12 Commission will be very interested in a
13 future-proof conversation down the road.

14 So I'll pause there, Ms. Chiavara,
15 and ask you how you want to address that.
16 I'm perfectly happy if these are all
17 rhetorical.

18 MS. CHIAVARA: That's all right. I
19 believe that Kevin Boughan might actually be
20 able to speak to the reason why our proposal
21 is focused on Level 2s.

22 MR. BOUGHAN: Yes. Thank you,
23 Commissioner Goldner. Kevin Boughan with
24 Eversource.

1 I guess I would make the correction
2 that the proposal is primarily focused on
3 providing the funds that would enable a DC
4 fast-charging corridor, a Level 3 corridor.
5 The only reference I think in our proposal to
6 Level 2 is that every site would have at
7 least one Level 2 charger in addition to the
8 thrust of the program, which is the DC fast
9 chargers at each site.

10 COMMISSIONER GOLDNER: Okay. So DC
11 fast charging, in your parlance, is
12 equivalent to Level 3?

13 MR. BOUGHAN: Correct.

14 COMMISSIONER GOLDNER: Thank you.

15 CHAIRWOMAN MARTIN: Commissioner
16 Goldner, I'm sorry to interrupt you. I just
17 want to restate for the record what I said
18 this morning, which is -- I think it's Mr.
19 Boughan? Am I saying that right?

20 MR. BOUGHAN: Yes.

21 CHAIRWOMAN MARTIN: Mr. Boughan is
22 not sworn, and therefore this is
23 informational only.

24 COMMISSIONER GOLDNER: Yup. I

1 understand.

2 Okay. Very good. So once again,
3 just to leave the topic, the conversation of
4 future-proofing will be very important to the
5 Commission when we get to the finish line at
6 the end of this docket.

7 The second question I would have
8 would be with respect to the New Hampshire
9 Trust and the money flow. And again, not
10 necessary to go through all the money flow
11 here. But it's not clear from the docket so
12 far how the money flow works, at least to me.
13 So there's \$2 million that's coming down from
14 the New Hampshire Trust. I'm not really
15 clear on how much Eversource is putting in.
16 I'm not really sure how the money leaves
17 Eversource. So I'd like to request, you
18 know, clarity on that, again, down the road,
19 so that the Commission understands money
20 in/money out, what I'll call "money flow."
21 So we'll make that one rhetorical.

22 The next question is how many
23 stations could be supported if we just used
24 New Hampshire Trust funds. So again, I don't

1 need an answer on that today, Ms. Chiavara.
2 But if we just simplify it to, okay, we just
3 got funds from the New Hampshire Trust. Can
4 we put it in three stations, two stations, no
5 stations. That's the spirit of the question.

6 MS. CHIAVARA: Sure. Actually, I
7 believe, Mr. Boughan might actually have a
8 good answer, a helpful answer to that as well
9 at this time. Kevin --

10 MR. BOUGHAN: So, yeah, by statute,
11 the Volkswagen Trust money may only be spent
12 on the chargers themselves. So they are not
13 able to be spent on either the
14 behind-the-meter infrastructure or the
15 utilities' infrastructure, just as a matter
16 of law.

17 COMMISSIONER GOLDNER: Yeah, no
18 problem. So the chargers themselves in this
19 proposal are paid for -- that's the
20 \$2 million being spent for the five chargers.
21 So, really, the \$2 million funds, five
22 chargers, is the way to read that?

23 MR. BOUGHAN: The \$2 million from
24 the VW funds would fund some number of sites

1 to form a DC fast-charging corridor in New
2 Hampshire, but only insofar as it would pay
3 for the chargers themselves. So the
4 customers who would own and operate those
5 chargers, in absence of any other funding,
6 would need to pay for the rest of the
7 equipment.

8 COMMISSIONER GOLDNER: Okay. So
9 the fund -- and I don't mean to be a beat
10 dead horse -- Ms. Chiavara will jump in and
11 help me if I go too far here. But is what
12 you're saying, that \$2 million divided by 5 I
13 think is 400,000, if I can remember my math,
14 400,000 is provided to each of the charging
15 stations, and then how that money is spent is
16 still kind of up in the air? Is that fair?

17 MR. BOUGHAN: It would depend on
18 ultimately what the OSI/DES, or the trustees
19 decide what the final configuration of the
20 chargers would be.

21 COMMISSIONER GOLDNER: Okay.

22 MR. BOUGHAN: Our best indication
23 is that it would be two 150-kilowatt chargers
24 plus a Level 2 charger. But the final, you

1 know, what the \$2 million would support,
2 would depend on the cost of those chargers
3 and which chargers they chose, et cetera.

4 COMMISSIONER GOLDNER: Perfect.

5 And I'd just like to add again, in the spirit
6 of when we meet up again, the Commission
7 would be very interested in the physical
8 nature of what's going on here. So if you
9 have, you know, six chargers lined up that of
10 Type A and two of type B and one of type C,
11 you know, just physically what you envision,
12 and then the infrastructure to feed that. So
13 you're going to bring it in at, you know,
14 4 billion kilovolts or whatever it is you're
15 doing, understanding what that infrastructure
16 looks like. And again, that kind of feeds
17 into the future-proofing question, to make
18 sure it's kind of a one and done --

19 [connectivity issue]

20 [Court Reporter interrupts.]

21 COMMISSIONER GOLDNER: Next
22 question is in regard to billing. What I
23 wasn't clear on in the docket is how the
24 driver's treated in this transaction. I

1 notice there were some free charging with
2 Level 2, wasn't really clear about Level 3.
3 How does the charging work with respect to
4 the driver, the driver of the automobile?
5 Can anyone maybe touch on how that works?

6 MR. BOUGHAN: So just typically as
7 a utility, we don't own and operate any
8 charging stations. So the customer or the
9 site host or the developer who owns and
10 operates the charging stations determines
11 what the pricing to the driver would be.

12 COMMISSIONER GOLDNER: And would
13 that be something, if we combine this into
14 the other docket, that would be all in one
15 place? Or how can we get a handle on how
16 that would work I guess? In other words, I'm
17 envisioning pulling up to a gas station and I
18 get gas and I put my credit card in and I get
19 gas and I leave. I would assume the charging
20 station works on the same principle. But I
21 know in Europe there's charging stations that
22 are free. I don't know if that's subsidized
23 by their equivalent of the federal government
24 or how that works. But the Commission is

1 just interested in understanding the holistic
2 picture of what we're really doing here. So
3 I'm just trying to understand how we get a
4 handle on that picture.

5 MR. BOUGHAN: Yeah. I mean, I
6 would just again repeat that typically the
7 pricing to the driver is set by the site host
8 based on whatever their business model may
9 be. So whether they want to provide the
10 charging for free as an amenity for some
11 other reason, like to draw customers in to
12 their store or whatever, or they want to make
13 themselves whole, you know, to pay for their
14 ongoing operational costs, or they choose to
15 try to profit from this from a business, it's
16 really the business case of the site host,
17 which we really don't have a part in.

18 COMMISSIONER GOLDNER: Fair, fair.
19 You're supplying electricity and electrons,
20 and they have a business that they're going
21 to be running. Okay. I would like to
22 understand how that will work. But perhaps
23 it's a better question for DES than it is for
24 Eversource, so I'll just table that and just

1 sort of highlight that it's something that
2 ultimately the Commission is interested in
3 understanding, how the entire holistic
4 picture works.

5 All right. Will the Commission --
6 I'm on Bates 19 of the testimony. But will
7 the Commission have visibility into the data
8 collected, the date when the electricity is
9 used, the time-of-use rates potentially,
10 kilowatt draw, et cetera? Is that something
11 that the Commission will have visibility
12 into?

13 MR. BOUGHAN: So, as proposed, yes.

14 COMMISSIONER GOLDNER: As proposed.
15 Okay. Fair. Thank you.

16 All right. Just in the spirit of
17 the other question, again, putting headlights
18 on it and not expecting an answer in the
19 context of what you've been saying, but the
20 anticipated charge for the customer at the
21 pump, if I can call it that, realizing that's
22 not an Eversource issue, perhaps it's better
23 for DES rather, I think, again, a holistic
24 view I think is interesting, and what does

1 this look like at the pump for the customer.
2 Taking everything into account, the
3 Eversource charges and, you know, everything
4 that they're having to pay for, what do we
5 anticipate it will look like from a
6 customer's perspective. Because obviously if
7 it costs the customer, you know, a million
8 dollars to charge, then we're probably going
9 to be wasting everyone's time here.

10 So, very good. Thank you for your
11 time. That's all I have. Thank you.

12 CHAIRWOMAN MARTIN: Okay. Thank
13 you, Commissioner Goldner.

14 I have a couple clarifying
15 questions on the petition. This would be for
16 Ms. Chiavara.

17 On Page 2 of the petition there is
18 a description related to the proposal, where
19 it says that Eversource proposes to provide
20 new service connections for each new charging
21 service location, as well as the requisite
22 new infrastructure, both in front of and
23 behind the meter. And it goes on to describe
24 the work being done in front of the meter by

1 Eversource internal resources and work behind
2 the meter to be contracted with third-party
3 electrical contractors selected by the New
4 Hampshire Trust.

5 Can you clarify the process there?
6 Is that Eversource providing the funding and
7 then the New Hampshire Trust actually
8 overseeing those procurements and the
9 contracts themselves? A little clarity there
10 would be helpful.

11 MS. CHIAVARA: And that might be a
12 level of detail to which I may not be able to
13 speak with the greatest accuracy. Would you
14 mind if I deferred to Mr. Boughan for this?
15 Because I know the general framework, but as
16 far as who contracts where and for what, I'd
17 prefer to defer if possible.

18 CHAIRWOMAN MARTIN: That is fine
19 with me, as long as you're comfortable,
20 because I think it would be helpful to
21 understand the petition. And I don't think
22 it's a hundred percent clear.

23 MS. CHIAVARA: Okay.

24 CHAIRWOMAN MARTIN: Mr. Boughan.

1 MR. BOUGHAN: Yeah, sure. So, you
2 know, as proposed, Eversource pays for and
3 installs itself the work that it typically
4 does today, the utility-side investment; then
5 it would fund the behind-the-meter
6 investment, which would be done by
7 third-party contractors. Now, the details of
8 how those contractors are chosen would in
9 part depend on how the RFP for the
10 fast-charging corridor is ultimately, you
11 know, submitted. You know, the way that
12 typically we do it in other jurisdictions
13 today is that we put out an RFP for
14 third-party electrical contractors and they
15 do the work and we write the rebate basically
16 for that equipment and their time. I hope
17 that answered the question.

18 CHAIRWOMAN MARTIN: When you say,
19 "We put out the RFP," who puts out the RFP?

20 MR. BOUGHAN: So in Massachusetts,
21 Eversource puts out an RFP for the
22 third-party electrical contractors.

23 CHAIRWOMAN MARTIN: But in that
24 case, I presume Eversource then selects the

1 contractors under the RFP, which is different
2 than what this says.

3 MR. BOUGHAN: Correct, in that
4 case. Again, there's some level of detail
5 that's a bit ambiguous because we would need
6 to determine the exact course of how these
7 charging stations will be deployed based on
8 the wording and eligibility in the RFP as put
9 out by DES, which hasn't happened yet. So
10 we're sort of taking a stab at what we think
11 the most likely course would be.

12 CHAIRWOMAN MARTIN: Okay. I will
13 raise that as a potential concern just
14 related to the amount of funding and control
15 if it's ratepayer money. So thank you for
16 the answer, though.

17 Also in the petition was a comment
18 about the Rate GV and how it reduced the
19 demand charge barrier while addressing rate
20 equity concerns. Ms. Chiavara, can you
21 explain that?

22 MS. CHIAVARA: Yes. And Ed can
23 jump in as soon as I start deviating from
24 accuracy here. But yes, the demand charge

1 alternative as an alternative to Rate GV. It
2 eliminates the demand charge, but it takes
3 into concern -- or it takes into account rate
4 equity, in that it's -- I'm sorry.

5 Ed, you're going to have to jump in
6 for me. Words are failing me.

7 MR. DAVIS: Certainly. You know,
8 the equity issue really is a matter of
9 balance between, you know, what's very common
10 among designs of this nature for demand
11 charge alternatives is a discount, per se,
12 or, you know, how far do you modify a rate
13 design. So if we use as our baseline, which
14 we did, a customer could take service under
15 Rate GV. And if we simply discounted, that
16 would effectively be just that. What we have
17 done is design the rate to be neutral to Rate
18 GV at a particular usage point. And what
19 that does -- and in our case, it's a
20 10 percent utilization level. So what that
21 does is provide a rate alternative, but it's
22 not a pure discount. It instead is a
23 utilization-based design that takes into
24 account load factor, effectively. But what

1 it does is it doesn't simply discount. It
2 provides a revenue stream that increases and
3 approaches the design point of a 10 percent
4 utilization, such that you're not necessarily
5 getting as much discount revenue,
6 particularly as you approach the design
7 point.

8 There's a chart in our testimony,
9 the first figure, where there's a couple of
10 graphs that the line cross over. And what
11 you can see is the line approaches the Rate
12 GV level of revenue.

13 So what we're trying to do is
14 strike some equity, a balance between
15 providing an alternative that provides relief
16 at low utilization levels while not fully
17 discounting straight off of Rate GV, and
18 instead saying, look, we have a target
19 utilization point, 10 percent, as charging
20 stations first are installed. As they ramp
21 up to higher utilization levels, you will see
22 more contribution toward the rate class and
23 then the revenue they otherwise would have
24 provided. So we're trying to strike that

1 balance, that was really the main point,
2 while providing stability, known rates,
3 continuity in pricing, all of those features
4 that are in there.

5 CHAIRWOMAN MARTIN: All right.
6 Thank you, Mr. Davis.

7 I would like to turn to the request
8 to transfer. Ms. Chiavara, you mentioned
9 that Eversource would be agreeable to
10 additional discovery related to the
11 make-ready. I'm struggling to see how that
12 will fit within the procedural schedule as
13 currently constituted. The hearing is
14 currently scheduled I believe at the very
15 beginning of January, which obviously follows
16 the holiday. So there's not a lot of time
17 left. How do you see that working?

18 MS. CHIAVARA: Well, the make-ready
19 proposal is a fairly straightforward
20 proposal, and it's not incredibly expansive
21 in its design or its scope. So I believe
22 that -- and I'm not trying to speak for any
23 parties. I want all parties to get their due
24 process. But I believe that discovery

1 between the stakeholder outreach that was
2 done in the development of the proposal and
3 the somewhat significant stakeholder support
4 of this proposal, and it's a pretty
5 straightforward presentation, there's not a
6 ton of complexity to this. I believe that if
7 we dealt with discovery, either on some kind
8 of rolling basis or, you know, made sure that
9 the discovery responses were turned around
10 in, you know, ten calendar days as opposed to
11 ten business days -- I mean, obviously this
12 would require input from the parties and
13 agreement of the parties -- but I do think
14 it's possible for the parties to get -- and,
15 you know, obviously if they agree -- to get
16 sufficient information on this proposal
17 within the timeframe if we, I guess, move
18 them right away.

19 CHAIRWOMAN MARTIN: What is
20 Eversource's response to the energy proposal
21 that the issues essentially be bifurcated and
22 the second issue be heard after?

23 MS. CHIAVARA: Yes. Well, delaying
24 the make-ready and doing it in a second

1 phase, aside from the efficiency argument, is
2 that these two proposals really were designed
3 hand-to-hand. The success of each largely
4 depends, almost entirely depends on the
5 success of the other. So while the
6 make-ready investment is, as has been said
7 today already, is dependent on a successful
8 demand charge alternative being in place, the
9 same thing is true for the demand charge
10 alternative rate. If that's in place without
11 the make-ready investment at the ready, there
12 will be a rate with no takers because folks
13 will not be investing and constructing those
14 stations without the available funding. So
15 if we were to adjudicate one without the
16 other, we'd be effectively delaying both.

17 And then to the other point, to the
18 Commission's order of wanting to hear all
19 proposals that would help inform them, inform
20 the Commission in hearing Unitil's suite of
21 EV proposals in their rate case, they have a
22 make-ready proposal in theirs as well. So
23 intuitively, following that logic, it made
24 sense, along with the fact that these two are

1 intertwined, to deal with them now rather
2 than to push them further down the road.

3 CHAIRWOMAN MARTIN: Mr. Buckley,
4 why would it be more appropriate or a better
5 solution to move the make-ready out, I think
6 you said to an April time frame, as opposed
7 to having it in the current docket and
8 proceed in parallel?

9 MR. BUCKLEY: So we actively tried
10 to design a procedural schedule for review by
11 the parties to this proceeding that would
12 finish much closer to the January, I think it
13 is, hearing dates that are in 20-170, and we
14 just couldn't do it. We couldn't do it while
15 still preserving three opportunities for
16 discovery. The importance of discovery is
17 that you have the ability to follow up when
18 things are provided to you. So if we only
19 have the one opportunity for discovery that's
20 in the existing procedural schedule, that
21 severely limits our ability to conduct our
22 due diligence on the Eversource make-ready
23 proposal. We also tried to tweak the
24 schedule a bit to compress it and add to the

1 existing schedule in 20-170, and we just
2 couldn't find our way to it. From the
3 perspective of the Department of Energy,
4 these two proposals are not necessarily
5 something that are paired at the hip, the
6 demand charge alternative and the make-ready.
7 From our perspective, we do not see a problem
8 with approval of a demand charge alternative
9 proposal, or whatever the Commission's
10 decision is, in a period of, I think it is
11 approximately three months prior to approval
12 of the make-ready proposal.

13 I'd also assert, even though Unitil
14 is not in this proceeding right now, that the
15 Commission is under an obligation to finish
16 the 12-month proceeding that is Unitil's rate
17 case. And if it -- there are no takings
18 issues raised by not approving -- or
19 disapproving future investments in make-ready
20 infrastructure that are planned for the
21 Unitil steps. Conceivably, the Commission
22 could, I don't know, plan to -- if it sought
23 to keep a high level of administrative
24 efficiency, remove the make-ready proposal in

1 particular to this case or some other case
2 where those two things could be considered in
3 tandem.

4 I really do, I identify with the
5 administrative efficiency issues that a
6 couple of the parties here have observed.
7 But we made that argument in the Unutil case,
8 and for better or worse, we were not
9 successful. So I just think that we tried it
10 every which way, and we couldn't preserve
11 three discovery opportunities on the
12 Eversource make-ready proposal and still hit
13 the January date. And we think it's
14 reasonable to allow three more months to
15 review the proposal so that everyone gets
16 their due process and opportunities to "kick
17 the tires" with discovery.

18 CHAIRWOMAN MARTIN: Thank you. You
19 raised a question that I had, which is,
20 didn't we decline to do something along these
21 lines for Unutil regarding the same or
22 similar types of proposals, and why would we
23 do something different here?

24 MR. BUCKLEY: Yes. The then-Staff,

1 now Department of Energy, and the OCA and CLF
2 attempted to remove the electric vehicle rate
3 design issues from the Unitil rate case,
4 given that the Commission had previously
5 ordered that they should be considered on an
6 aggregated basis statewide in 20-170. We
7 weren't successful on that motion, and the
8 Commission instead directed that 20-170 be
9 concluded prior to the Unitil rate case
10 conclusion in order to avoid inconsistent
11 policy directives that might evolve in either
12 one of the proceedings and focus our
13 evaluation of the EV-TOU issues within
14 20-170. So it seems that having made those
15 arguments, the administrative efficiency
16 arguments of not reviewing both proceedings
17 and then not having exactly won the day, it
18 would be inconsistent to use those same
19 arguments here, the administrative efficient
20 argument, to remove the Eversource proposal
21 into 20-170.

22 CHAIRWOMAN MARTIN: Okay. Thank
23 you. That was my recollection as well. I
24 don't believe Commissioner Goldner was here

1 at the time. But I do believe the hope was
2 that the larger, more general docket would
3 inform the other docket, and therefore we
4 mandated that it be completed in advance.

5 Ms. Chiavara, I see your hand.

6 MS. CHIAVARA: Yes, if I may. I
7 see the arguments for administrative
8 efficiency operating a little bit differently
9 here in light of the Commission's order in
10 Unitil's rate case to keep those proposals in
11 that case, mainly because it then framed up
12 Docket 20-170 as the docket made to inform
13 that case. And so aside from the -- or in
14 addition to the administrative efficiency
15 argument, both of these proposals, having
16 exact proposals made by Unitil in their rate
17 case, by moving these into Docket 20-170, it
18 would go straight to the Commission's orders
19 that any -- that the proposals in 20-170
20 inform the Commission's assessment of the EV
21 proposals in Unitil's rate case. So while
22 administrative efficiency wasn't
23 necessarily -- wasn't successful for the
24 purposes of moving the Unitil proposals from

1 their rate case to Docket 20-170, we believe
2 it operates in a different -- as a different
3 function here, in that it is both
4 administratively efficient and is consistent
5 with the Commission's directive and Unitil's
6 rate case.

7 And I guess while I'm at it, as far
8 as the three rounds of discovery, I don't
9 know if DOE's position is that four total
10 rounds of discovery are necessary because the
11 demand charge alternatives got that many
12 rounds of discovery. But I'd be curious to
13 hear from all parties if four rounds of
14 discovery is necessarily -- is necessary for
15 this proposal, being that it is -- it's not a
16 rate design. It's much more straightforward
17 and much more limited in scope than the rate
18 designs at issue in 20-170. And I believe
19 that -- I reiterate that I believe sufficient
20 discovery could be done with the one
21 remaining round that's on the procedural
22 schedule and with additional discovery that
23 we'd be able to fit within the existing
24 procedural schedule. While it might not

1 total four rounds, I think sufficient
2 discovery could be completed. And that would
3 be dependent on party consensus, I imagine.

4 CHAIRWOMAN MARTIN: Mr. Buckley,
5 were you suggesting four rounds of discovery?

6 MR. BUCKLEY: I think that the
7 schedule we designed would provide for three
8 rounds, beginning I want to say August 31st.
9 And that's the one that ended with a hearing
10 in mid-April.

11 As far as the limited scope of the
12 proposal, I would agree that the two -- the
13 actual cost of the proposal, \$2 million,
14 could be described as "limited" if you were
15 looking at Eversource's overall revenue
16 requirements and the like. However, the
17 important thing here is that this proposal is
18 really unprecedented, as far as the utility
19 investing in behind-the-meter, not assets,
20 because they're not planning to own these
21 assets moving forward, but making
22 behind-the-meter investments. And that is
23 something that we certainly would want at
24 least three rounds of discovery to better

1 understand on a going-forward basis. This
2 case, and the Unitil case as well, both will
3 set a precedent here for probably larger
4 proposals in the future.

5 CHAIRWOMAN MARTIN: All right.
6 Thank you both for all of those responses. I
7 believe those are all of my questions. I
8 also see that we have lost Ms. Buchanan.
9 Let's just give her a minute to rejoin.

10 MS. BUCHANAN: I'm here, everyone.
11 I think my camera froze, though.

12 CHAIRWOMAN MARTIN: Looks like
13 you're having a band width issue. But if you
14 can hear us and you're comfortable with us
15 proceeding, that would be great. Are you all
16 set to proceed? Can you still hear me?

17 MS. BUCHANAN: Yes, please go
18 ahead.

19 CHAIRWOMAN MARTIN: Okay.
20 Excellent.

21 All right. Before we wrap up, I
22 just wanted to give any other party the
23 opportunity to weigh in on issues that we
24 just heard from Energy and Eversource on. If

1 you'd like to speak, you can just put your
2 hand up.

3 [No verbal response]

4 CHAIRWOMAN MARTIN: Okay. Well,
5 then, seeing no one, Commissioner Goldner,
6 any other questions?

7 COMMISSIONER GOLDNER: I have none.

8 CHAIRWOMAN MARTIN: All right. We
9 will take all of your arguments into
10 consideration and issue an order and let you
11 get off to your technical session. This
12 prehearing conference is adjourned. Thank
13 you. Have a good rest of the day.

14 (Whereupon the prehearing conference
15 concluded at 3:16 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

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