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August 30, 2021

Dianne Martin, Chairwoman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301-2429

**Re: DE 21-119 Public Service Company of New Hampshire d/b/a Eversource Energy
Proposed Tariff Amendments for Residential Time-of-Day Rate**

Dear Chairwoman Martin:

On August 25, 2021, representatives of Public Service Company of New Hampshire d/b/a Eversource Energy, (Eversource), the Department of Environmental Services, Clean Energy New Hampshire, and the Department of Energy Regulatory Support Division (Division) met in technical session to discuss preliminary issues relevant to this proceeding, including the development of a procedural schedule for the docket.¹

The technical session participants agreed to recommend the following procedural schedule to the Commission:

Action or Event	Date or Deadline
Set 1 Data Requests to Eversource	August 31, 2021
Eversource Responses to Set 1 Data Requests	September 14, 2021
Set 2 Data Requests to Eversource	September 28, 2021
Eversource Responses to Set 2 Data Requests	October 12, 2021
Technical Session	October 25, 2021 1 p.m.
Set 3 Data Requests to Eversource	December 1, 2021
Eversource Responses to Set 3 Data Requests	December 15, 2021
Technical Session	January 21, 2022

¹ Prior to the pre-hearing conference, both Clean Energy New Hampshire and the Department of Environmental Services requested to be added to the service list. If either of those parties intervenes in the proceeding, neither Eversource and nor the Division would object their intervention.

Division/OCA/Intervenor Testimony	March 4, 2022
Data Requests to Division/OCA/Intervenors	March 18, 2022
Division/OCA/Intervenor Responses to Data Requests	April 1, 2022
Technical Session/Settlement Conference	April 4, 2022
Hearing Date Range	April 11-25, except April 13-14.

The Division, on behalf of the technical session participants, respectfully requests that the Commission approve the proposed procedural schedule for this proceeding.

Additional Matters

At the prehearing conference that preceded the August 25, 2021 technical session, the parties also discussed two issues regarding docket administration, and committed to raising those issues to the Commission in this report: (1) hearing scheduling; and (2) treatment of testimony attachments provided in live excel.

Hearing Scheduling

Generally, at the technical session that directly follows the pre-hearing conference in a proceeding, the intervenors review, revise, and agree to a proposed procedural schedule for that proceeding, which is then filed with the Commission for review and approval. Prior to the July 1, 2021 restructuring of the Commission, to ensure the efficiency at the technical session, the Commission Staff Attorney (now, Department of Energy Attorney) assigned to a proceeding would:

- Develop a draft procedural schedule for review by the assigned Commission Staff in light of their participation in multiple concurrent proceedings, and related workload;
- Inquire with Commission administrative staff regarding hearing date available during the period following the final settlement conference or pleading in a case;
- Inquire with the known parties regarding availability during those hearing dates;
- Integrate into the procedural schedule those dates where both the Commission and the parties had availability and finalize the draft proposed schedule; and
- Circulate a draft of that schedule the intervenors prior to the pre-hearing conference and subsequent technical session in a proceeding.

RSA 12:P-5, VII provides that “other than for administrative functions, department employees shall not communicate with the public utilities commission and its staff in connection with any issue in a matter pending before the commission or the department, except upon notice and opportunity for all parties to participate.” At the August 25, 2021 pre-hearing conference in this proceeding, the Division asserted that it may be reasonable to view the scheduling of hearings as an administrative function regarding which the Division and the Commission administrative Staff might communicate, and sought guidance from the Commission on that

matter.² The Division observed that in absence of the ability to communicate with Commission administrative staff regarding hearing scheduling, proposed procedural schedules could instead include a several week placeholder during which a specified number of hearings could be held, but also observed this approach increases the likelihood of scheduling conflicts.³

At the pre-hearing conference, the Commission expressed a preference, for the time being, for the latter of the two approaches, and asked that the parties identify any conflicts within the specified hearing period as part of the proposed procedural schedule.

Request for Live Spreadsheets at the Time of Filing:

Written testimony, settlements, and other filings in Commission proceedings are generally supported with rate schedules and other financial materials. These schedules are generally filed as .pdf attachments, but their native format is generally Excel, and includes numerous links and equations which are unavailable for review in .pdf format. In Order No. 26,502, the Commission directed Eversource to “Going forward, please include the live spreadsheets and other information supporting the financial calculations at the time of filing so that they can be made part of the record available to the Commission in a proceeding.”⁴

At the August 25 pre-hearing conference in this proceeding, the Division observed value in reviewing the spreadsheets associated with a petition prior to the pre-hearing conference, and encouraged the Commission to consider either: (a) posting the live excels spreadsheets it receives to the webpage of that particular proceeding for any potential interested parties to review; or (b) direct the regulated utilities to add at least the Department of Energy and Office of the Consumer Advocate to the same email on which they transmit the excel file to the Commission, on a going forward basis, beginning with Eversource.

Eversource responded and expressed various concerns regarding the potential confidential nature of certain live Excel spreadsheets, particularly if those spreadsheets were intended to be posted to the Commission’s website; the potential for the Commission and its analysts or advisors to use the live Excel spreadsheets to construct analyses different from those presented by the parties in testimony, at hearing, or otherwise on the record, and any extent such analysis would influence an Order that could implicate due process; and that if this was to be a requirement of general application, then under RSA 541-A:1, XV, it may more appropriately be promulgated as a rule subject to the rule making requirements of the Administrative

² The Division notes that State of New Hampshire employees can generally view the outlook calendars of other State of New Hampshire employee (busy or free, only), as well as the internal calendars of other state agencies that are maintained for planning purposes (busy or free, only).

³ Similar to hearing scheduling, there are several other administrative tasks that historically have required communication between Commission administrative staff and the parties to a proceeding. For example, if a party observes an error in the service list, they would reach out to the clerk’s office to correct that error. The same is true for filings that should have been posted to the website but were not, or if a material typographical error is observed in an order.

⁴ This directive was included in the body of Order No. 26,502, rather within the ordering clauses.

Procedure Act. Eversource also noted that the Excel workbooks that support the filings may be requested by the Division and OCA upon the commencement of discovery, regardless of whether they are provided at the time of filing. Eversource also questioned the scope of the Commission directive and whether it was meant in an advisory nature, rather than as a blanket directive, given that it was not included in the ordering clause of Order No. 26,502.

At the pre-hearing conference, the Commission recalled the referenced directive, but expressed an intent to review the precise language of the directive prior to responding to the discussion of the matter.

The parties and intervenors appreciate any guidance the Commission may provide on the hearing scheduling and live spreadsheet production matters described above.

I certify that a copy of this letter will be served electronically on the parties on the service list at the same time it is filed with the Commission.

Sincerely,

/s/ *Brian D. Buckley*

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