



OFFICE OF THE CONSUMER ADVOCATE  
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January 30, 2022

New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Docket No. DE 21-133  
Low-Income Electric Assistance Program  
2021-2022 Electric Assistance Program Budgets

To the Commission:

Please be advised that the Office of the Consumer Advocate ("OCA") concurs with the recommendations of the other parties, tendered by letter on January 28, 2022 from the Department of Energy, with one exception.

The Department's letter concludes with a request that "premarked exhibits 1-12 filed for the [prehearing conference] be admitted without objection." The OCA, a party to this proceeding, *does* object to the admission of evidence at this time, principally on the ground that it would be premature to do so.

As was made clear at the prehearing conference, it remains to be determined whether the matters at issue in this case should be addressed via the Commission's contested case procedures in the first place. Thus the creation of a formal record is not appropriate at this time. Moreover, even assuming the contested case procedures will apply here, the Commission should not deviate from its longstanding practice of determining which exhibits to admit into evidence at the conclusion of evidentiary hearings.

The Commission, presumably, is aware that the ritual with which every evidentiary hearing ends -- the presiding officer stating that they are "lifting IDs, without objection" -- really means that exhibits marked during the hearing for identification purposes only are then being admitted into evidence officially. There is a reason the Commission makes this determination at the conclusion of a hearing. Although the rules of evidence do not apply before the Commission, the applicable rule (N.H. Code Admin. Rules Puc 203.03) does limit the admissibility of evidence in some circumstances, an assessment that is best made after all of the potential evidence has been presented, and can be evaluated in context.

As are the other parties, the OCA is eager to read the Commission's prehearing conference order so as to obtain a full understanding of what the Commission intends to accomplish via this proceeding. We consider the Electric Assistance Program to be vital to the well-being of all

electric customers in New Hampshire, particularly those who face affordability challenges but ultimately to other customers as well since uncollected billed revenues are recoverable as an operating expense. We further believe that the parameters of the EAP are best developed as they have been historically developed, via stakeholders who share a commitment to the EAP working together (previously, under the aegis of the Commission; now led by the Department of Energy) to develop consensus-based approaches to the relevant policy and practical challenges. This approach is superior to the contested case procedures typically applied by the Commission when the competing interests of utility shareholders and utility customers must be reconciled.

Thank you for considering our views.

Sincerely,

A handwritten signature in blue ink, appearing to read "DKreis", written in a cursive style.

Donald M. Kreis  
Consumer Advocate

cc: Service List, via e-mail