

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

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

Petition for Intervention of
LISTEN

Petitioner, LISTEN Community Services, moves for leave to intervene in this proceeding pursuant to Puc 203.17 and RSA 541-A:32, and states as follows:

1. LISTEN Community Services is located at 60 Hanover Street, Lebanon, NH 03766. The Executive Director of LISTEN is Kyle Fisher, and the Program Services Director is Angela Zhang.
2. LISTEN is a non-profit 501(c)(3) organization that was incorporated in New Hampshire in 1972. It is currently registered with and in good standing with the Office of the Secretary of State. LISTEN is funded by in part by housing and homeless services program grants and charitable donations.
3. LISTEN is a commercial electric customer of Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty. LISTEN's original purpose was to "involve the low-income citizens of Lebanon and surrounding areas in programs which will improve their ability to meet the economic, cultural, social and environmental needs of their families." LISTEN currently envisions an Upper Valley community generously supporting individuals and families in their efforts to achieve and maintain successful independence. LISTEN's Housing Helpers and Heating Helpers programs are a critical part of the Upper Valley's safety net by providing assistance to

individuals and families, especially the elderly and those with young children, who are struggling to cover their housing and utility costs.

4. Many clients of LISTEN are eligible for the Electric Assistance Program (EAP) discount, and LISTEN regularly helps its clients apply for the EAP. LISTEN also help clients resolve issues with their utility company when a client is struggling to afford service and facing a potential disconnection.

5. Therefore, LISTEN and clients of LISTEN have an interest in this proceeding.

6. The rights, duties, privileges, and other substantial interests of LISTEN and its clients will be affected by this proceeding.

7. LISTEN seeks the status of full party intervenor in this proceeding on behalf of its clients.

8. LISTEN is represented by New Hampshire Legal Assistance in this proceeding. New Hampshire Legal Assistance has represented low-income individuals and organizations before this Commission in numerous electric, gas, and telecommunication proceedings.

9. The granting of this petition will not impair the prompt and orderly conduct of this proceeding, will not result in delay, and will not prejudice the interest of any party.

10. The interests of justice will be promoted by allowing the intervention of LISTEN in this proceeding.

11. LISTEN supports the recommendations of the Advisory Board, the Consumer Advocate, the utilities, and the Department of Energy to approve the 2021-2022 EAP budgets for the full program year.

12. LISTEN supports the Advisory Board's recommendation that the Commission develop and issue a Request for Proposals to solicit proposals for a consultant to review, and

evaluate the current EAP design, which was filed with the Commission on June 16, 2021 and is still pending.

13. LISTEN respectfully requests that the Chair request a special commissioner pursuant to RSA 363:20 to establish a quorum to issue an order granting this petition should one be needed. A single Commissioner cannot issue an order. *See* RSA 363:16; *see also Public Service Company of New Hampshire Investigation of Merrimack Station Scrubber Costs and Cost Recovery*, DE 11-250, Order No. 25,622 (Jan. 23, 2014) (“RSA 363:13 requires a quorum of two commissioners to issue an order.”).

14. During his confirmation hearing before the Executive Council, Commissioner Simpson stated that he will recuse himself from matters such as this one that involve his former employer, Unitil Energy Systems, Inc. As the Department of Energy stated in its letter dated November 23, 2021, Commissioner Chattopadhyay served on the EAP Advisory Board when he served as Assistant Consumer Advocate. Therefore, it is possible that he will also need to recuse himself from this docket.

15. If Commissioner Simpson and Commissioner Chattopadhyay must both recuse themselves, LISTEN respectfully requests that the Chair apply to the Governor and Executive Council under RSA 363:20 for the appointment of either one or two Special Commissioners, whichever is needed to result in a full Commission for consideration of this petition and other matters at issue in this docket, and that at least one of the Special Commissioners be an attorney licensed to practice law in New Hampshire and that at least one of the Special Commissioners have background, experience or both in one or more of the following: engineering, economics, accounting or finance pursuant to RSA 363:1.

Wherefore, LISTEN respectfully requests that the Commission:

- A. Grant its request for leave to intervene as a full party intervenor in this proceeding;
- B. Apply to the Governor and Executive Council under RSA 363:20 for the appointment of a Special Commissioner who is an attorney licensed to practice law in New Hampshire to substitute for Commissioner Simpson in this docket;
- C. Apply to the Governor and Executive Council under RSA 363:20 for the appointment of a Special Commissioner to substitute for Commissioner Chattopadhyay in this docket; and
- D. Grant such other relief as may be just and appropriate.

Respectfully submitted,
LISTEN

By Its Attorney
New Hampshire Legal Assistance

12/22/2021
Date

/s/ Raymond Burke
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Certification of Service

I hereby certify that on this date a copy of this petition was filed electronically with the Commission, and a copy was sent electronically to the service list in Docket No. DE 21-133 consistent with the secretarial letter of March 17, 2020 and the Commission's Commencement of Adjudicative Proceeding and Notice of Hearing dated November 30, 2021.

New Hampshire Legal Assistance

12/22/2021
Date

/s/ Raymond Burke
Raymond Burke, Esq.
Attorney for LISTEN