

1 **STATE OF NEW HAMPSHIRE**2 **PUBLIC UTILITIES COMMISSION**

3 **January 27, 2022** - 1:33 p.m.
4 21 South Fruit Street
5 Suite 10
6 Concord, NH

7 *[Hearing also conducted via Webex]*

8 **RE: DE 21-133**
9 **LOW INCOME ELECTRIC ASSISTANCE PROGRAM:**
10 2021-2022 Electric Assistance Program
11 Budgets. *(Prehearing conference)*

12 **PRESENT:** Chairman Daniel C. Goldner, Presiding
13 Special Commissioner F. Anne Ross
14 Michael Haley, N.H. Asst. Atty. General
15 *(N.H. Department of Justice)*
16 Doreen Borden, Clerk
17 Corrine Lemay, PUC Hybrid Hearing Host

18 **APPEARANCES:** **Reptg. Public Service Company of**
19 **New Hampshire d/b/a Eversource Energy:**
20 Jessica A. Chiavara, Esq.
21 **Reptg. Liberty Utilities (Granite State**
22 **Electric) Corp. d/b/a Liberty Utilities:**
23 Michael J. Sheehan, Esq.
24 **Reptg. Unutil Energy Systems, Inc.:**
 Matthew J. Fossum, Esq.
 Reptg. New Hampshire Electric
 Cooperative:
 Susan S. Geiger, Esq. *(Orr & Reno)*

 Court Reporter: Steven E. Patnaude, LCR No. 52

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APPEARANCES: (C o n t i n u e d)

Reptg. LISTEN Community Services:
Raymond Burke, Esq. (*N.H. Legal Asst.*)
Angela Zhang, Program Services Dir.

Reptg. Community Action Program:
Christopher Vought

Reptg. Residential Ratepayers:
Donald M. Kreis, Esq., Consumer Adv.
Julianne Desmet, Esq.
Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:
Mary E. Schwarzer, Esq.
Amanda O. Noonan, Dir./Consumer Services
(*Regulatory Support Division*)

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E X H I B I T S

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EXHIBIT NO.	D E S C R I P T I O N	PAGE NO.
1	Unitil Energy Systems Inc. 2021-2022 Electric Assistance Program (EAP) Budget	<i>premarked</i>
2	Eversource Energy (Eversource) 2021-2022 EAP Budget	<i>premarked</i>
3	Eversource 2021-2022 updated Budget filed August 17, 2021 (confirmation email dated August 17, 2021 from with attached budget spreadsheet)	<i>premarked</i>
4	Liberty Utilities (Granite State Electric) d/b/a Liberty 2021-2022 EAP Budget	<i>premarked</i>
5	New Hampshire Electric Cooperative, Inc. 2021-2022 EAP Budget	<i>premarked</i>
6	Community Action Agency 2021-2022 EAP Program Budget	<i>premarked</i>
7	[Utilities'] Joint Petition for Approval of the 2021-2022 EAP Budgets	<i>premarked</i>
8	New Hampshire Department of Energy Recommendation dated August 20, 2021 (Amanda O. Noonan) and cover letter (Then-Interim Commissioner Jared S. Chicoine) dated September 29, 2021	<i>premarked</i>

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EXHIBIT NO.	D E S C R I P T I O N	PAGE NO.
9	New Hampshire Department of Energy Recommendation dated October 4, 2021 (Amanda O. Noonan) and cover letter (David J. Shulock, Esq.)	<i>premarked</i>
10	Joint Utility Response to DOE Recommendation dated October 5, 2021 (filed by Eversource)	<i>premarked</i>
11	New Hampshire Department of Energy Letter Requesting Commission approval of the EAP Administrative Budgets 2021-2022, dated November 23, 2021 (Then-Interim Cmsr. Jared S. Chicoine)	<i>premarked</i>
12	New Hampshire Department of Energy's Annual Report to the Legislative Oversight Committee to Monitor the Transformation of Delivery of Electric Services - Results and Effectiveness of the System Benefits Charge, dated October 1, 2021 (see especially pp. 12-16 discussing the EAP)	<i>premarked</i>

P R O C E E D I N G

1
2 CHAIRMAN GOLDNER: We're here this
3 afternoon in Docket DE 21-133 for a prehearing
4 conference regarding the Low Income Electric
5 Assistance Program '21-'22, called at the request
6 of the OCA. He's raised a number of issues that
7 we intend to get to.

8 But, first, the Commission has a few
9 comments, questions, and thoughts, excuse me,
10 that we'd like to share that may resolve some of
11 the concerns. The OCA and other parties will
12 have an opportunity to discuss anything not
13 resolved by the initial discussion.

14 Appearances. Let's take appearances,
15 starting with Eversource?

16 MS. CHIAVARA: Good afternoon,
17 Commission. This is Jessica Chiavara, here on
18 behalf of Public Service Company of New
19 Hampshire, doing business as Eversource Energy.
20 With me today I have Theresa Washington and John
21 Braswell.

22 CHAIRMAN GOLDNER: Okay. Thank you.
23 All right. Liberty Utilities?

24 MR. SHEEHAN: Good afternoon. Mike

1 Sheehan, for Liberty Utilities (Granite State
2 Electric) Corp.

3 CHAIRMAN GOLDNER: Thank you. Unutil?

4 MR. FOSSUM: Good afternoon. Matthew
5 Fossum, here for Unutil Energy Systems.

6 CHAIRMAN GOLDNER: Thank you. NHEC?

7 MS. GEIGER: Good afternoon. Susan
8 Geiger, on behalf of New Hampshire Electric
9 Cooperative.

10 CHAIRMAN GOLDNER: Thank you. LISTEN
11 Community Services?

12 MR. BURKE: Good afternoon. Raymond
13 Burke, from New Hampshire Legal Assistance,
14 representing LISTEN Community Services. And with
15 me today is Angela Zhang, LISTEN's Program
16 Services Director.

17 CHAIRMAN GOLDNER: Thank you.
18 Community Action Agencies?

19 MR. VOUGHT: Good afternoon. This is
20 Christopher Vought, representing the Community
21 Action Program.

22 CHAIRMAN GOLDNER: Thank you. Office
23 of Consumer Advocate?

24 MR. KREIS: Good afternoon,

1 Commissioners. I'm Donald Kreis, the Consumer
2 Advocate. With me today is our Staff Attorney,
3 Julianne Desmet. We represent the interests of
4 residential utility customers.

5 CHAIRMAN GOLDNER: Thank you. And New
6 Hampshire Department of Energy?

7 MS. SCHWARZER: Good afternoon, Chair
8 Goldner. I'm Mary Schwarzer, Staff Attorney with
9 the Department of Energy. And with me today is
10 Amanda Noonan, the Director of the Department of
11 Energy's Consumer Services Division.

12 I apologize, since this is hybrid, I'm
13 having trouble seeing the Bench as a whole. I
14 can tell someone is sitting next to you, but I
15 can't identify that person.

16 CHAIRMAN GOLDNER: Sure. Here we
17 have -- this is Commissioner Goldner, and I'm
18 joined today by Commissioner Ross.

19 MS. SCHWARZER: Thank you, sir.

20 CHAIRMAN GOLDNER: Thank you. Okay.
21 Preliminary issues, before we hear initial
22 positions. In Order 26,530, dated September
23 30th, 2021, the Commission determined that it
24 must develop a more complete record before

1 approving this EAP and the Advisory Board
2 recommendations.

3 Excuse me. So, now, we'll turn to
4 Commissioner concerns, to develop a more complete
5 record, before we move to a discussion and the
6 position of the parties.

7 Commissioner Ross.

8 SPECIAL CMSR. ROSS: Good afternoon. I
9 have a few issues I just wanted to identify as
10 areas of concern that I hope will be addressed by
11 the parties in the final hearing in this matter.

12 The first is information on the
13 relationship between the New Hampshire median
14 income and 60 percent of the New Hampshire median
15 income and the 150 percent of the federal poverty
16 level, and the reasons behind creating the top
17 tier of the EAP program at the 60 percent of the
18 New Hampshire median income level.

19 The second issue that I have an
20 interest in is an update on the \$3,785,789
21 balance shown in the October report for EAP, and
22 an estimate, with the assumptions disclosed, of
23 how likely -- what the balance will look like at
24 the end of this twelve-month period. And, also,

1 a recommended adjustment, if necessary, to the
2 rate, in order to bring the balance to a million
3 dollars or less at the end of the current
4 twelve-month period.

5 I would also like to see updated
6 enrollment that could be added to the chart
7 that's on Bates Page 013 of Exhibit 12, showing
8 enrollment with the most recent data available.

9 And, finally, I would like to see
10 copies of any recent audits by the DOE Audit
11 Staff of the EAP programs.

12 CHAIRMAN GOLDNER: Thank you,
13 Commissioner Ross. I'll just follow up on
14 Commissioner Ross's questions with a few
15 additional.

16 I'm interested in understanding the
17 methodology in the cost allocations between the
18 Fuel Assistance Program and EAP.

19 Secondly, I'm interested in operational
20 efficiency and efficiency benchmarks, considering
21 anything like management consolidation and
22 competitive cost analysis.

23 I'm interested in participant
24 management, including active yearly

1 re-enrollment, tracking participants to change
2 address and residency requirements.

3 And, then, I have a couple of -- a
4 couple of questions relating to the Annual Report
5 to the Legislative Committee, dated October 21st,
6 2021. And I won't -- let's see. I'll just read
7 these into the record, because my question is
8 based on a paragraph in that Annual Report, which
9 is also Exhibit 12, I believe.

10 So, it says "On June 16th, 2021, the
11 EAP Advisory Board filed a recommendation with
12 the Commission to issue an RFP for a consultant
13 to undertake a review, analysis, and evaluation
14 of the EAP program design. The Advisory Board
15 noted the results of the program review would aid
16 in the development of recommendations for
17 improving the effectiveness and efficiency of the
18 EAP in fulfilling program goals and for prudently
19 spending down a portion of the EAP fund in
20 compliance with applicable law. As of the date of
21 this report, no action has been taken on the
22 Advisory Board's recommendation."

23 And, so, I just would have some
24 questions regarding the work of the consultant,

1 including, following up on Commissioner Ross's
2 comment, would one of those considerations be
3 giving excess funds back to ratepayers?

4 Second, another couple of questions,
5 they're a little bit technical. Just a moment
6 please.

7 Okay. So, it says in that same report
8 that "EAP enrollment levels were relatively
9 consistent between 2010 and 2016. Enrollment
10 between 2017 and 2020 declined slightly over
11 prior years. While 2021 enrollment remains lower
12 than pre-2017 enrollment levels, the Community
13 Action Agencies have projected an increase in
14 enrollment over the next few months as the
15 Emergency Rental Assistance Program funding
16 attracts more eligible households to the CAAs for
17 assistance." So, I'd be interested in knowing if
18 this is, in fact, what happened.

19 And, finally, "As of the end of
20 August 2021, 17 percent of enrolled households
21 received a discount of 76 percent; 20 percent
22 received a discount of 52 percent; 17 percent
23 received a discount of 36 percent; and 16 percent
24 received a discount of 16 percent; and 30 percent

1 of enrolled households received a discount of
2 8 percent." Again, this is from the Annual
3 Report.

4 And, so, my question there would be,
5 does this align with targeted participation? And
6 then, the Commission would be very interested, I
7 would be very interested in understanding how the
8 targeted participation was derived.

9 Okay. So, that completes this section.
10 And we'll move on to positions. And I'll
11 recognize each party to give a statement of
12 position, starting with the movant, the Office of
13 Consumer Advocate, and I'll recognize Mr. Kreis.

14 MR. KREIS: Thank you, Mr. Chairman.

15 As you just noticed, since we're here
16 today at this prehearing conference, in this
17 docket, because I, in fact, asked for it, I
18 suppose the OCA really ought to explain itself
19 fully, I will try to do my best.

20 We represent the interests of
21 residential utility customers. A lot of them are
22 low income. It's fine to call them that. But
23 let's not forget that "low income" is a
24 euphemism. We're talking about poor people,

1 ratepayers who cannot afford their electric
2 bills. And we're talking about them at a time
3 when default service rates, and thus the electric
4 bills of low-income customers, are soaring.

5 My phone has been ringing over the hook
6 these past few days, as Unitil customers, for
7 example, are finally noticing what a default
8 service rate of 17 and a half cents does to their
9 bills.

10 Low-income discounts for electric and
11 natural gas customers have been a "thing" in New
12 Hampshire since at least the 1980s, based on a
13 word search that I conducted through the annals
14 of the Commission.

15 The idea of a statewide program of
16 assistance to low-income customers, rather than
17 utility-specific programs, was born on February
18 28th, 1997. That is the day this agency issued
19 its Statewide Utility Restructuring Plan
20 implementing the 1996 Restructuring Act. That
21 was a Friday.

22 First thing Monday morning, the state's
23 electric utilities were all in federal court
24 obtaining an emergency injunction. But, despite

1 the years of litigation that that triggered,
2 because of which restructuring took 22 years to
3 implement, nobody in that time has ever
4 challenged the idea or the parameters of what
5 became known as the "Electric Assistance
6 Program", until now.

7 The Commission adopted the
8 recommendations of its Low Income Working Group
9 and authorized the Electric Assistance Program,
10 or "EAP", by Order Number 23,573, issued on
11 November 1st, 2000. All of the familiar
12 parameters are in there, including the role of
13 the Community Action Agencies as Program
14 Administrators, by virtue of having been chosen
15 via a Commission-administered RFP process.

16 Here's what the Commission said at that
17 time: "The statewide program makes the most
18 effective use of limited dollars by targeting the
19 most amount of assistance to those customers with
20 the least ability to pay. This approach
21 maximizes the benefits to the intended
22 participants. We believe this is the most
23 equitable method of distributing program
24 benefits. It also ensures that only those who

1 need the benefits to make their bills affordable
2 receive them."

3 In approving the Electric Assistance
4 Program, the Commission relied on the "universal
5 service" principle, one of the restructuring
6 policy principles laid out in RSA 374-F,
7 Section 3. The Commission zeroed in on this
8 phrase from Paragraph V of that section endorsing
9 "Programs and mechanisms that enable residential
10 customers with low incomes to manage and afford
11 essential electricity requirements."

12 Notably, when the Commission commenced
13 this adjudicative proceeding via the notice it
14 issued on November 30th, there was no mention of
15 this language. The Commission identified one
16 issue, and one issue alone, as the subject of
17 this docket. "Whether the proposed EAP budgets
18 for the 2021-2022 program year are consistent
19 with RSA 374-F:4, Paragraph VIII, Subparagraph
20 (a) and (c), and are reasonable."

21 Well, unlike the restructuring policy
22 principles laid out in Section 3 of the
23 Restructuring Act, Section 4 is all about the
24 mechanics of implementation. I am at a loss when

1 it comes to understanding how the program budgets
2 relate to those mechanics. And, yet, here we
3 are, well into the 2021-2022 Program Year for the
4 EAP still seeking budget approval, on the morning
5 after what has been perhaps the coldest night of
6 the winter. Sub-zero temperatures, and 17 and a
7 half cents for default service, at least where I
8 live in Concord. My professional obligation as
9 an attorney, to show respect for the tribunals
10 before which I appear, precludes me from saying
11 what I think about that.

12 But here's what I can say. The
13 Commission should approve the proposed program
14 budgets today, right now, from the Bench. There
15 are no facts in dispute.

16 At the very least, the Commission owes
17 the parties guidance about what sort of evidence
18 it expects the parties to marshal at the hearing
19 scheduled to take place in less than a month.
20 And, then, you should tell us by what statutory
21 standard you intend to assess that evidence.

22 And, you know, I concede that we have
23 heard a little bit more in the way of guidance
24 from the Commission, based on what Commissioner

1 Ross and Chairman Goldner just laid out. But I
2 think much of that is well beyond the scope of
3 what was noticed here for this proceeding.

4 I'm not saying there's nothing to
5 decide. But, as best I can tell, the decisions
6 all amount to policy choices. That's what your
7 questions tell me. Do we want the many to pay a
8 little extra on their electric bills, 1.5 mills
9 per kilowatt-hour, to help the few who are in
10 need, or don't we?

11 I'll just say, as the person tasked
12 with representing all residential customers, both
13 the many and the few, my conscience is clear, in
14 light of the present arrangements.

15 The Commission should acknowledge that,
16 as a quasi-judicial decision-making organization,
17 it is ill-suited to make the policy choices at
18 issue here. Instead, the Commission should defer
19 to the budget approval recommendation of the
20 Department of Energy, an agency that is all about
21 policy.

22 I note that Senate Bill 264, which
23 Senator Watters was kind enough to introduce at
24 my request, would transfer the relevant authority

1 to the Department.

2 Today is the 266th anniversary of the
3 birth of Wolfgang Amadeus Mozart. He would have
4 qualified for the EAP, by the way. As someone
5 whose teenage rebellion consisted of being a
6 Mozart fanboy, the subject of today's proceedings
7 naturally brings to mind the Mozart opera Don
8 Giovanni. Against the backdrop of some of the
9 most beautiful melodies ever written, Don
10 Giovanni is a story of someone who abandons all
11 sense of morality and conscience. The opera ends
12 with the title character being consumed by the
13 flames of Hell.

14 I doubt any of us will suffer a similar
15 fate if we don't resolutely defend and even
16 strengthen the Electric Assistance Program, at a
17 time when energy costs are soaring, but neither
18 can I rule it out.

19 That's all I have to say.

20 CHAIRMAN GOLDNER: Okay. Thank you.
21 We'll move to the New Hampshire Department of
22 Energy.

23 MS. SCHWARZER: Thank you, Commissioner
24 Goldner and Commissioner Ross.

1 There are just a very preliminary
2 matter, before I give a broader opening
3 statement. In the interest of clarifying the
4 record and supporting record that makes it
5 possible for the Commission to review and approve
6 the budgets at this time, the Department would
7 like to note there are a few factual
8 discrepancies in what has been filed.

9 Notably, Exhibit 6, the Commission
10 [Community?] Action Agency budgets, on Page 1,
11 contains a reference that says "Percentages
12 provided by PUC", there's an asterisk remark with
13 that at the bottom of the third chart.

14 The Department of Energy would like to
15 clarify, and certainly hopes that the Chair will
16 check with the Community Action Agencies, a.k.a.
17 the CAP Programs, the percentages were provided
18 by Department of Energy Staff in July of 2021,
19 shortly after House Bill 2 created the separate
20 departments or divisions of the PUC and the DOE.

21 So, we'd like to clarify that, on
22 Page 2 of Exhibit 6. And, on Page 2 of Exhibit
23 6, there is a chart in the middle that has
24 decimal points instead of commas, making it look

1 as if the total funding request were \$1,816.271,
2 instead of \$1,816,271, as is reflected in the top
3 and bottom charts. So, all of the three numbers
4 in the middle chart should have a comma, and not
5 a decimal point.

6 Finally, in our Exhibits 8 and 9, the
7 Department references an update done by
8 Eversource of its budget on August 17th, 2021.
9 The exhibits submitted today, for today's
10 proceeding, include Exhibit 3 from Eversource.
11 The Department hopes the Commission will check
12 with Eversource's counsel as well, but we wish to
13 clarify that the revised budgets referenced in
14 our recommendations appears as "Exhibit 3". And
15 that it is our understanding that the revised
16 budget figures were incorporated into the
17 parties' -- into the utilities' Joint Petition
18 for Approval.

19 So, with those minor corrections, which
20 we hope makes it ideal and easy for the
21 Commission to track all the spending requests and
22 the budgets, I will go to my opening statement.

23 To just say that, as the Commission is
24 aware, and as summarized in DOE's report to the

1 Legislative Oversight Committee, our marked
2 Exhibit 12, at Pages 12 and 16, the EAP program
3 has a long history of successfully making
4 electric bill discounts available to New
5 Hampshire low-income consumers, subject to the
6 oversight of the Legislature and as regulated, of
7 course, by the PUC.

8 I'm somewhat new to the EAP docket, and
9 reviewing past dockets, it's my understanding
10 that administrative budgets have been approved
11 based on a record review and without a hearing
12 for 2017 through 2020. And that, before that
13 time, *nisi* orders, based on a record review,
14 without hearing, were held from 2009 through
15 2016.

16 And, so, while hearings have been held
17 on other EAP matters, and may certainly be within
18 the Commission's discretion, the Department is
19 anxious that the standard practice for the review
20 and approval of administrative budgets be what it
21 has always been, which would be a record review.

22 Perhaps it would be possible to
23 bifurcate this proceeding to expeditiously
24 approve those administrative budgets, with the

1 qualifications that the Department is correct
2 that some very minor issues with regard to
3 figures, as previously stated.

4 In the view of the Department, and
5 other parties, given the exhibits as updated,
6 those exhibits are sufficient to support the
7 Commission's review and approval of the EAP
8 2021-2022 budgets as just and reasonable, without
9 further process.

10 Returning to the history of the EAP
11 dockets, certainly major design changes that have
12 been done have been done in the context of
13 hearings, though minor design changes have
14 proceeded without hearing as well.

15 Any contemplated changes or inquiry is
16 likely to require evidence that is a
17 significantly different nature than the evidence
18 needed to permit the Commission to review and
19 approve the administrative budgets at issue in
20 this docket.

21 We would like to emphasize that the
22 administrative budgets are independent from any
23 potential design changes. They illustrate merely
24 the costs to administer the current program

1 effective for the program year starting August --
2 October 1st, excuse me, and running through
3 September 30th. And, because they are sort of
4 self-contained and specifically directed to
5 administration of the Program as it is unfolding
6 now, it is the Department of Energy's view that
7 any contemplated change or inquiry into design
8 changes would be best accommodated in a separate
9 docket, or perhaps a bifurcated proceeding in
10 this docket. The timing at issue is such that
11 the Department would ask that the budgets be
12 approved forthwith.

13 Thank you, sir.

14 CHAIRMAN GOLDNER: Thank you. LISTEN
15 Community Services, I'll recognize Mr. Burke.

16 MR. BURKE: Thank you, Mr. Chairman.
17 Good afternoon again.

18 Before making some statements, I just
19 wanted to note LISTEN's Petition to Intervene is
20 still pending. And it might be helpful for us to
21 know if the Commission has any thoughts about how
22 that is to be resolved, so we know if we have
23 full party status before making some preliminary
24 statements.

1 I don't know if the Commission intended
2 to address that in a different order, but I just
3 wanted to ask that question before beginning, if
4 I may?

5 CHAIRMAN GOLDNER: Yes. Just a moment
6 please.

7 *(Chairman Goldner conferring with*
8 *Special Cmsr. Ross.)*

9 CHAIRMAN GOLDNER: Okay. Mr. Burke,
10 the Commission grants your petition as a party.
11 So, please proceed.

12 MR. BURKE: Thank you. Very much
13 appreciate that clarification and the granting of
14 that petition.

15 So, I would note, as some of the other
16 parties have already said, that LISTEN strongly
17 supports the Electric Assistance Program, and the
18 approval of the submitted budgets, as clarified
19 just a moment ago. In LISTEN's review of the
20 budgets, we believe they are just and reasonable,
21 and propose modest increases, which include
22 paying for a needed software upgrade, to make
23 sure the Program can continue to be administered
24 efficiently.

1 As others mentioned, the Electric
2 Assistance Program is crucial for low-income
3 families and seniors on fixed incomes.
4 Low-income customers have a higher energy burden
5 than non-low-income households, and that means
6 they spend a larger percentage of their household
7 income on their utility costs. And, so,
8 approving the budgets will ensure that customers
9 can continue to access the Program without
10 interruption, especially as energy costs have
11 increased and are projected to increase in the
12 near term.

13 LISTEN would like to note that the
14 Regulatory Assistance Project has stated that
15 that the Electric Assistance Program stands as a
16 model rate design structure for low and moderate
17 income customers in New England and nationally.
18 Although, in that same issue brief, it did also
19 note that an area of potential improvement is
20 participation rates, which, at the time the issue
21 brief was published, were below 50 percent of the
22 estimated eligible households. And LISTEN
23 believes this demonstrates that the budget items
24 for outreach to increase awareness of the Program

1 are critical, so that eligible customers can
2 access the Program at this crucial time.

3 LISTEN appreciates the clarification
4 that the Commission gave at the start of this
5 prehearing conference. And would respectfully
6 request, which I think might be along the lines
7 of what the Department of Energy had just
8 suggested, perhaps maybe a little different, but
9 LISTEN would respectfully request that the
10 budgets be approved expeditiously, and either
11 that a separate docket be open from this one, to
12 review some of the other matters that the
13 Commission asked about, which, you know,
14 LISTEN -- LISTEN definitely thinks those matters
15 are worth exploring further, but believes it will
16 take more time to develop the record than at
17 least the time that's expected and sketched out
18 so far in this proceeding, with a March hearing.
19 And, so, if we are able to somehow open a
20 separate docket or at least approve the budgets,
21 while we continue reviewing those other matters,
22 this would allow for the Program to continue to
23 run for the program year without any concerns.

24 I don't want to speak for the utilities

1 and the Community Action Agencies, but it can be
2 challenging to run a program on an interim basis,
3 and to incur costs for necessary upgrades and
4 outreach, especially when there's some
5 uncertainty about whether those expenditures will
6 be approved.

7 And, as I think was alluded to as well
8 a moment ago, opening a separate docket to
9 resolve these other matters would be consistent
10 with past Commission practice. For example, in
11 2018, the Commission opened a separate docket,
12 apart from the docket to review the
13 administrative budgets, in order to consider
14 whether the EAP discount should be extended to
15 customers of competitive energy suppliers. That
16 was Docket DE 18-057. And, in 2019, the
17 Commission opened a separate docket to consider,
18 which I think this is what Commissioner Ross was
19 asking about, to consider whether to raise the
20 income limit for the Program so that it aligned
21 with the income limit on the Fuel Assistance
22 Program, which then OSI had set at 60 percent of
23 the state median income. That was Docket DE
24 19-192.

1 So, as I mentioned, opening a separate
2 docket would give us more time to develop the
3 record on those matters. The Electric -- no,
4 excuse me. The EAP Advisory Board has actually
5 been discussing some of these matters, and has a
6 meeting tomorrow, where it will continue -- its
7 agenda is set to continue discussion of several
8 of the items that the Commission mentioned at the
9 start of the proceeding. And it may be helpful
10 for the Commission to hear further from the
11 Advisory Board on several of these matters, and a
12 separate docket would allow time for the Board to
13 continue those discussions and perhaps provide
14 any recommendation or information on some of the
15 topics the Commission is interested in.

16 And, so, you know, to close, you know,
17 LISTEN, again, supports the budgets, and
18 respectfully asks that they be approved. And, to
19 the extent that this proceeding continues to take
20 up other issues, LISTEN would reserve the right
21 to provide additional exhibits or testimony, or
22 to take other positions, as it continues to
23 review any additional filings. But these
24 statements this afternoon are just a general

1 overview of where LISTEN's position is at this
2 time.

3 Thank you.

4 CHAIRMAN GOLDNER: Thank you,
5 Mr. Burke. We'll move to the Community Action
6 Agencies, Mr. Vought.

7 MR. VOUGHT: Yes. The Community Action
8 Agencies are dedicated to effectively and
9 accurately support our low-income --

10 *[Court reporter interruption.]*

11 MR. VOUGHT: -- Electric Assistance
12 Programs with the guidance and support of the New
13 Hampshire utilities and New Hampshire Department
14 of Energy.

15 I would also like to confirm on the
16 record that Mary's statement on the correction of
17 the factual information in Exhibit 6 has been
18 recognized and updated in our records.

19 That's all I'd like to say. Thank you.

20 CHAIRMAN GOLDNER: Mr. Patnaude, do you
21 need any clarification?

22 *(Court reporter indicated there were*
23 *difficult audio issues early on.)*

24 CHAIRMAN GOLDNER: Mr. Vought, we had a

1 hard time hearing you at first. I'm sorry.

2 Could you please repeat your statement?

3 MR. VOUGHT: Yes. I apologize. How is
4 that? Is that a little bit better?

5 CHAIRMAN GOLDNER: Much better. Thank
6 you.

7 MR. VOUGHT: All right. Yes. The
8 Community Action Agencies are dedicated to
9 effectively and accurately support our low-income
10 community through the Electric Assistance
11 Programs, with the guidance and support of the
12 New Hampshire utilities and the New Hampshire
13 Department of Energy.

14 And I would also like to confirm that,
15 on record, that Mary's statement on the
16 correction of the factual information in
17 Exhibit 6 has been recognized and updated in our
18 records.

19 Thank you.

20 CHAIRMAN GOLDNER: Thank you.

21 MR. PATNAUDE: Thank you.

22 CHAIRMAN GOLDNER: Okay. We'll move to
23 the utilities, beginning with Eversource. I'll
24 recognize Ms. Chiavara.

1 MS. CHIAVARA: Thank you, Chair
2 Goldner.

3 Eversource strongly supports the
4 continued offering of the Electric Assistance
5 Program without interruption, and advocates for
6 the approval of the submitted budgets as they
7 have been proposed. Eversource believes this can
8 be done without any further process, as all
9 interested parties, including the Department of
10 Energy, agree that the budgets are reasonable,
11 and should be approved as is, as they have been
12 done consistent with approved past practices,
13 leaving no contested issue on this part of the
14 matter.

15 Approving the budgets expeditiously,
16 without further administrative process, will
17 provide certainty for a pivotal program providing
18 essential services to New Hampshire residents in
19 need right now when they need it the most.

20 As noted by the Consumer Advocate, the
21 Commission's Commencement of Adjudicative
22 Proceeding and Notice of Hearing, issued on
23 November 30th, 2021, presented the issue of
24 "whether the proposed EAP budgets for the

1 2022-2021 program year are consistent with RSA
2 374-F:4, VIII, Subparts (a) and (c) and are
3 reasonable." But the referenced statute pertains
4 to the accumulation of the low-income program
5 funds, rather than the budget approval for the
6 Program. And, because of this distinction,
7 between the referenced statute and approval of
8 the budgets, Eversource maintains that the
9 Commission may conduct examination regarding the
10 referenced statute, and still approve the
11 proposed budgets right away and without
12 additional process.

13 The Company appreciates the direction
14 of the Commission provided at the outset of this
15 proceeding, as it provides greater clarity on
16 what issues are to be examined at the hearing
17 currently scheduled for March 10th in this
18 docket.

19 But, given the number of issues listed
20 by the Commissioners today, Eversource echoes the
21 assertions made by other parties that more than a
22 month's worth of process may be appropriate to
23 sufficiently build an appropriate record for a
24 well-informed hearing, and would hope the

1 Commission would stay open to the possibility of
2 pushing the hearing out to a time when a fulsome
3 record has been built.

4 Eversource would also support the
5 bifurcation or a separation of this matter into
6 separate dockets, so that immediate budget
7 approval may occur unimpeded, while the remaining
8 separate issues may get full and fair
9 consideration.

10 Thank you.

11 CHAIRMAN GOLDNER: Thank you, Ms.
12 Chiavara. We'll move to Liberty Utilities. And
13 I'll recognize Mr. Sheehan.

14 MR. SHEEHAN: Thank you.

15 Liberty concurs with every word of Ms.
16 Chiavara's statement, and really has nothing
17 further to add. I'm fully onboard with what she
18 just said.

19 Thank you.

20 CHAIRMAN GOLDNER: Thank you, Mr.
21 Sheehan. We'll move to Unitil. And I'll
22 recognize Mr. Fossum.

23 MR. FOSSUM: Thank you. And good
24 afternoon.

1 Like Liberty, Unitil also supports the
2 statements just offered by Eversource.

3 And I'll note just a couple of other
4 things, while I have the floor, is I do agree
5 that the -- as the Chair led off, is that the
6 initial order of September 30th did indicate that
7 a more complete record would be necessary, but,
8 at that time, did not identify what that more
9 complete record would look like or need to
10 contain. Then, on its November 30th -- or, I'm
11 sorry, in the November -- yes, the November 30th
12 order referenced the statute that has been
13 referenced by the Consumer Advocate and
14 Eversource, but did not reference anything
15 else -- anything further.

16 The Consumer Advocate then requested
17 that this prehearing conference be convened, and
18 indeed it has, and I'm grateful that it has,
19 because it's clear that the Commission has a
20 number of certainly worthwhile questions
21 regarding the EAP, its history, present, and
22 future. And those are certainly questions worth
23 asking and worth answering.

24 However, we do agree that those aren't

1 issues that would be ripe for discussion today,
2 particularly because we didn't learn about them
3 until just a few moments ago. And, further,
4 Unitil agrees that it would not be ripe -- that
5 they would not be fully ripe for discussion in
6 approximately a month, six weeks, at the time of
7 the hearing that's presently scheduled in this
8 matter.

9 So, for those reasons, Unitil supports
10 the approval of the budgets now, as has been
11 requested by others, but likewise supports either
12 extending this proceeding, to address those other
13 issues that have now been identified by the
14 Commission, or opening a separate proceeding to
15 address them appropriately.

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you,
18 Mr. Fossum. I'll move to NHEC, and recognize
19 Ms. Geiger.

20 MS. GEIGER: Thank you, Mr. Chairman.

21 NHEC concurs in the remarks made by Ms.
22 Chiavara, and concurs with the comments that
23 Mr. Fossum just made regarding the issues that
24 are at play here.

1 In terms of the process, though, NHEC
2 would respectfully ask that, if the issues that
3 the Commission expressed at the outset of this
4 prehearing conference are to be considered, that
5 the parties be given sufficient information about
6 a schedule and the process that the Commission
7 intends to employ.

8 I think that one of the reasons that we
9 are here this afternoon is that the order that
10 scheduled the hearing in this matter, simply the
11 record parties to file documents and evidence and
12 other documents, but failed to provide any
13 deadline for doing so, did not provide for any
14 discovery opportunities, or any opportunities for
15 settlement.

16 So, I think that it's incumbent on the
17 Commission to attend to the procedural aspects of
18 this docket, and perhaps in another docket, if
19 one is open.

20 I very much appreciate the information
21 that was provided at the beginning of this
22 prehearing conference by Chairman Goldner and
23 Special Commissioner Ross. However, I believe
24 that that information needs to be reduced to

1 writing, so that the parties are informed of
2 exactly what is expected, in terms of issues to
3 be covered, either in this docket or others. And
4 would respectfully request that, pursuant to RSA
5 541-A:31, V(d), that the Commission issue a
6 prehearing conference order memorializing the
7 information that it requested or expressed at the
8 beginning of this prehearing conference, or, in
9 the alternative, issue a new Order of Notice that
10 outlines with specificity exactly what issues are
11 supposed to be addressed by the parties to that
12 proceeding.

13 Thank you for the opportunity to make
14 these comments.

15 CHAIRMAN GOLDNER: Thank you, Ms.
16 Geiger. Just a moment.

17 *(Chairman Goldner, Special Cmsr. Ross,*
18 *and Mr. Haley conferring.)*

19 CHAIRMAN GOLDNER: Okay. So, we'll
20 continue.

21 So, the Commission approves the
22 recommended budgets. We'll continue in this
23 docket with a prehearing order. And we'll ask
24 the parties to convene a technical conference,

1 and come back to us with a procedural schedule
2 and recommended hearing date.

3 Is there anything else that we need to
4 cover today? Yes, Ms. Schwarzer.

5 MS. SCHWARZER: Chairman Goldner?

6 CHAIRMAN GOLDNER: Yes.

7 MS. SCHWARZER: Thank you very much,
8 Mr. Chairman, and thank you, Special Commissioner
9 Ross.

10 I wanted to ask that a written summary
11 of the questions or comments, or perhaps a record
12 request, with regard to what the Commission is
13 hoping to hear from us later on, be issued by the
14 Commission.

15 I would also like to support the other
16 parties' request that additional time be granted.
17 That the March date is premature, given the scope
18 of what has been raised.

19 And it's not clear to me, I know that
20 there's a stenographer present, but it's not
21 clear to me if a transcript will be prepared or
22 when that might be issued. And I just wanted to
23 inquire.

24 CHAIRMAN GOLDNER: So, your request

1 will be in the prehearing order. So, I think we
2 have that part covered. And we'll allow
3 additional time behind the March 10th date. We
4 hope it will be timely, in terms of the proposal.
5 But we'll allow additional time beyond
6 March 10th.

7 MS. SCHWARZER: Mr. Chairman, does that
8 mean that the hearing will be rescheduled?

9 CHAIRMAN GOLDNER: Yes. If desired.
10 You may still have it on the 10th, if you wish.

11 MS. SCHWARZER: Would the Commission
12 wish to hear from the parties in the form of a
13 motion?

14 CHAIRMAN GOLDNER: Just a moment.

15 *(Chairman Goldner, Special Cmsr. Ross,*
16 *and Mr. Haley conferring.)*

17 SPECIAL CMSR. ROSS: Sorry for the
18 informality, but we are trying to rule from the
19 Bench.

20 I just want to -- let me make sure the
21 parties understand. We have tried to give you a
22 fairly general description today of the areas
23 that we're interested in exploring. And we're
24 hoping that's enough detail, so that the parties

1 who happen to be assembled today anyway for the
2 prehearing conference, could do what we have
3 often done in our dockets, which is to convene a
4 short technical session, to see if you can come
5 up with a recommended procedural schedule and
6 hearing date.

7 We don't need to keep the 10th, because
8 we've approved your interim budgets, and we will
9 include that approval in our prehearing
10 conference order. However, the sooner you can
11 make a recommendation, and we can settle on a
12 schedule, the sooner these issues can get
13 resolved.

14 And, so, we're just trying to encourage
15 you to take the most efficient path forward.

16 MS. SCHWARZER: Special Commissioner
17 Ross, if the Department might comment?

18 It is our understanding that tech
19 sessions are public hearings. And, normally,
20 there is some notice in a record of some kind
21 alerting the public to their opportunity to
22 attend, whether or not the public chooses to do
23 that.

24 And, so, it would be a challenge to

1 hold a technical session immediately, at this
2 time. Perhaps the parties could informally
3 convene and submit a recommended procedural
4 schedule to the Commission in this somewhat
5 unusual procedural posture?

6 SPECIAL CMSR. ROSS: That works. We do
7 often mention the technical session in the Order
8 of Notice, and we didn't in this instance. But
9 that certainly doesn't prevent you from convening
10 after this hearing for that purpose.

11 MS. SCHWARZER: Thank you, Special
12 Commissioner.

13 CHAIRMAN GOLDNER: Let me recognize Mr.
14 Kreis.

15 MR. KREIS: Thank you.

16 I guess, just for the record, I have to
17 disagree, respectfully, with the Department. You
18 know, a technical session is, in fact, an
19 informal gathering of the parties. And that's
20 exactly what you two Commissioners have rather
21 sensibly suggested that we all do. And I think
22 we can do that, and then get back to you with a
23 recommendation from the parties about how best to
24 proceed.

1 Beyond that, I just want to thank the
2 Commission. My rather intense peroration was
3 intended and rather explicitly did ask you to do
4 exactly what you just did, and I want to
5 acknowledge that and thank you. And say I guess
6 I should have maybe referred to "The Magic Flute"
7 or something, instead of "Don Giovanni".

8 And the other thing I wanted to point
9 out, just to make sure it's clear to everybody,
10 the EAP Advisory Board is meeting tomorrow. And,
11 historically, the Commission hasn't conducted
12 adjudicative proceedings about the EAP or its
13 budgets, and has relied, since the 1997 order
14 that I alluded to, has relied on a kind of an
15 informal collaborative process centered around
16 the EAP Advisory Board, wrestling with the kinds
17 of issues that the both of you just raised, and
18 then making consensus-based recommendations to
19 the Commission, which have tended to be adopted.

20 And I think it might help to have a
21 feel for whether you think the role of the
22 Advisory Board is changing, or whether you think
23 it would be useful for the Advisory Board to
24 ruminate on some of the issues that you laid out

1 earlier this afternoon, or not. But I just
2 wanted to flag that as an opportunity to hash out
3 some of these issues, in addition to anything
4 that's happening in the context of this fully
5 adjudicative docket.

6 CHAIRMAN GOLDNER: Thank you, Mr.
7 Kreis. Just a moment.

8 *(Chairman Goldner, Special Cmsr. Ross,*
9 *and Mr. Haley conferring.)*

10 CHAIRMAN GOLDNER: Thank you, Mr.
11 Kreis.

12 Any other -- any other comments? I
13 don't see any other hands up. I'm just looking
14 for hands. Ms. Geiger.

15 MS. GEIGER: Yes. Thank you, Mr.
16 Chairman.

17 One question that I have is, in the
18 normal tech session process, where parties are
19 collaborating on a procedural schedule, we
20 typically need to come up with a hearing date or
21 a suggested hearing date for inclusion in the
22 schedule.

23 And I would appreciate some guidance
24 from the Commission as to how best to go about

1 obtaining dates for a hearing, based upon the
2 Commissioners' availability. In the past, we've
3 been able to rely on Commission Staff to perform
4 the function of accessing the Commission's
5 calendar for that purpose. But, now, we don't
6 have that tool available to us.

7 So, I would respectfully ask for some
8 guidance on how to arrive at a hearing date, you
9 know, in these circumstances?

10 CHAIRMAN GOLDNER: Just a moment.

11 (*Chairman Goldner, Special Cmsr. Ross,*
12 *and Mr. Haley conferring.*)

13 CHAIRMAN GOLDNER: Yes, Ms. Geiger.

14 Our suggestion is that we're not available the
15 first two weeks in April. But, otherwise, using
16 the public calendar would be fine for the
17 Commission.

18 MS. GEIGER: Thank you very much.

19 CHAIRMAN GOLDNER: Any other hands or
20 comments?

21 MR. PATNAUDE: Ms. Schwarzer.

22 CHAIRMAN GOLDNER: Oh, I didn't see --
23 Ms. Schwarzer, I'm sorry. Ms. Schwarzer, yes.

24 MS. SCHWARZER: Thank you, Mr.

1 Chairman.

2 This is more of a question to my fellow
3 parties. It's not clear to me if everyone is
4 available at this time? I believe the Webex is
5 being discontinued. And perhaps we'll see if
6 it's possible, once the hearing is closed.

7 CHAIRMAN GOLDNER: Anything else?

8 MR. KREIS: Indeed, Mr. Chairman, it
9 might make sense, actually, since we're talking
10 about logistics. As you know, I'm present in the
11 hearing room. But it probably would make more
12 sense for us to jump onto some Web-based confab
13 to talk about tech session-type issues of the
14 sort that are being kicked about here. So,
15 that's what we would do.

16 CHAIRMAN GOLDNER: Okay. Okay, very
17 good.

18 Looking for additional hands? No?

19 MR. PATNAUDE: Doreen.

20 CHAIRMAN GOLDNER: Okay. Yes. Oh,
21 sorry. Doreen? Ms. Borden?

22 MS. BORDEN: I just wanted to add that,
23 if the parties choose the Web -- this Web remote
24 setup, it can continue. And I can just assign

1 somebody else the host. So, that is available to
2 everyone right now.

3 CHAIRMAN GOLDNER: Mr. Kreis, would you
4 like to do that?

5 MR. KREIS: Sure. You just need to
6 give me a couple of minutes to scurry back to the
7 World Headquarters of the OCA and sign on to that
8 Webex.

9 CHAIRMAN GOLDNER: Okay. All right.
10 Well, I think we've -- I don't see any
11 more hands. So, we'll take this under advisement
12 and issue a prehearing order.

13 Thank you, everyone. We are adjourned.

14 ***(Whereupon the prehearing conference***
15 ***was adjourned at 2:26 p.m.)***

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