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September 22, 2023

Daniel C. Goldner, Chairman
Public Utilities Commission
21 S. Fruit Street
Concord, NH 03301-2429

Re: DE 22-043 Low Income Electric Assistance Program, 2022-2023 Electric Assistance Program Budgets, *Parties' Joint Comments Regarding Scoping Matters and Proposed Procedural Schedule*

Dear Chairman Goldner:

On September 11, 2023, the Commission granted the parties' request to extend pending deadlines and permitted the parties to file comments regarding scoping matters and a proposed procedural schedule on September 22, 2023. *See Procedural Order Re: Request to Extend Deadlines*. This letter, filed on behalf of all the parties as identified below by the New Hampshire Department of Energy ("the Department"), provides the parties' proposed procedural schedule and joint comments on the seven Scoping Areas as identified in the Commission's Prehearing Order (Aug. 22, 2023) at 2-3.

The parties note that the procedural schedule is consistent with the parties' comments on scoping areas and limited consulting-contract funds. If the Commission anticipates any additional process or information requests—other than those specific to the *Colton Report*¹ analysis as filed—then a new contract, new funding, and a revised procedural schedule would be necessary, and the parties reserve the right to request such further adjustments.

Comments on Scoping Areas

Scoping Area 1: In the opinion of the parties Scoping Area 1, whether the Commission should approve and implement the Colton Report² Electric Assistance Program Advisory Board's Recommendations No. 5, 6, and 7, will be best addressed at hearing. Mr. Colton will appear as a witness, subject to his schedule availability to address any Commission questions about the report as filed. Parties who may no longer favor funding an arrearage management program with Electric Assistance Program (EAP) funds will file technical statements or pre-filed testimony. The limited contract funds that remain

¹ The *Colton Report* was filed on October 3, 2022 in this docket at, Tab 15 with the then-support of all parties, and of the EAP Advisory Board as summarized in the DOE's cover letter filed that date with the *Colton Report*. *See also Colton Report*, Bates 92-102 (internal summary of Roger Colton's recommendations).

² The *Colton Report* was filed on October 3, 2022 in this docket at, Tab 15 with the then-support of all parties, and of the EAP Advisory Board as summarized in the DOE's cover letter filed that date with the *Colton Report*. *See also Colton Report*, Bates 92-102 (internal summary of Roger Colton's recommendations).

are anticipated to be sufficient to permit Mr. Colton to appear as a witness and prepare for a hearing of one day at most.

Scoping Area 2, 3, 4, and 5: In the opinion of the parties, Scoping Area 2, 3, 4 and 5 were considered and addressed in the *Colton Report* at 45-55, 57-59, 60-63 (Scoping Area 2), 12-16 (Scoping Area 3), 12-16 65-79 (Scoping Area 4), 84-102 i.e., Report Summary of Essential Findings and Summary of Recommendations (Scoping Area 5). The parties cannot identify any analysis that contradicts the *Colton Report* analysis. The parties are in full agreement that the current EAP, as refined by the *Colton Report* as approved, in part, in Order No. 26,870 (August 9, 2023) should continue in its present form.

Scoping Area 6: In the opinion of the parties, Scoping Area 6 is sufficiently and reasonably addressed in Order No. 26,132 (May 4, 2018) (Docket No. 18-057) (approving the extension of the EAP discount to the energy (supply) portion of bills for EAP participants who elect to procure energy from a competitive supplier). *See also Department's Final Audit Report* (dated June 1, 2023) at 24-25 and 43-44 (emphasis in original) (provided to the Department in this docket on July 18, 2023) (Audit Issue #9 identifying anomaly of customers with a greater discount as applied to competitive supplier rates or a credit balance). The utilities shall, and other parties may, submit technical statements or testimony in support of the analyses in Order No. 26,132 and the Department's **Final** Audit Report. *See Department's Final* Audit Report (Audit Issue #9, Audit concurring with the EAP Advisory Board's on-going support of a proxy rate for customers of third-party suppliers).

Scoping Area 7: In the opinion of the parties, Scoping Area 7 is an appropriate topic for the EAP Advisory Board to consider and research, and the Commission may request the EAP Advisory Board to do so. Any resulting EAP Advisory Board recommendation would be filed with the Commission for the Commission's review and approval in the future.

Procedural Schedule

The parties propose the following procedural schedule to provide sufficient time for the Commission to issue an order no later than June 2024. *See Prehearing Order* at 1 (goal of a programmatic integration in the October 2024- September 2025 EAP program year).

<u>Date</u>	<u>Event</u>
January 22, 2024, 2 pm to 4 pm	Parties' Technical Session (remote)
January (TBD) 2024	Parties' Technical Session with Mr. Colton, if needed, regarding Scoping Area 1: no more than one hour (subject to Mr. Colton's availability)
February 6, 2024	Parties file Technical Statements or Testimony regarding Scoping Areas 1-(Colton Recommendation No. 5) and Scoping Area 6

February (TBD) 2024

Exhibits due 5 days in advance of
Hearing Date

February 19th (week) or February 26 (week)

1 Day Hearing (TBD)

These joint comments and the proposed procedural schedule are filed by the Department on behalf of itself and of all the other parties to this docket, including the Community Action Agencies (through their lead agency by Jeanne Agri); and by and through counsel for Public Service Company of New Hampshire d/b/a Eversource Energy (Jessica Chiavara); Unitil Energy Systems, Inc. (Matthew Campbell); the New Hampshire Electric Co-operative (Susan Geiger); Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Michael Sheehan); the Office of the Consumer Advocate (Michael Crouse); and LISTEN, represented by New Hampshire Legal Assistance (Steve Tower and Ray Burke).

Consistent with the Commission's current practice, this letter is being filed solely in electronic form.

Sincerely,

/s/ Mary E. Schwarzer

Mary E. Schwarzer
Staff Attorney/Hearings Examiner

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