

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-043

STATEWIDE LOW-INCOME ELECTRIC ASSISTANCE PROGRAM

2022-2023 Program Administrative Budgets

**Order Granting Joint Motion for Rehearing by Parties, Reopening the Record,
and Staying Implementation of Ordering Clause of Order No. 27,031**

ORDER NO. 27,048

August 21, 2024

This order approves a motion for rehearing of the Commission's Order No. 27,031 relating to the administration of the Electric Assistance Program (EAP) and schedules a hearing for November 21, 2024 regarding the issues presented. This order also stays implementation of the relevant ordering clause of Order No. 27,031 for which the moving parties seek rehearing, pending rehearing, and reopens the record in this proceeding, as requested by the moving parties.

I. MOTION FOR REHEARING

On August 8, 2024, the New Hampshire Community Action Agencies (CAAs), LISTEN Community Services, the New Hampshire Department of Energy (DOE), the Office of the Consumer Advocate (OCA), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, New Hampshire Electric Cooperative, Inc., Public Service Company of New Hampshire d/b/a Eversource Energy, and Unitil Energy Systems, Inc. (collectively, 'Utilities'), jointly filed, through counsel for LISTEN Community Services, New Hampshire Legal Assistance, a Motion for Rehearing and Stay of Order No. 27,031 and To Reopen the Record (Motion). Order No. 27,031 had been issued by the Commission in this instant docket, following a hearing on April 18, 2024. These parties, (collectively, 'Moving Parties') requested that: the Commission grant rehearing

on the issues presented in the Motion pursuant to RSA 365:21 and RSA 541:3 and schedule a new hearing date, including a new procedural schedule; stay Order No. 27,031 with respect to modifying the EAP income eligibility threshold (discussed below), pending rehearing pursuant to RSA 365:21; and reopen the record pursuant to N.H. Code Admin. Rules Puc 203.30 to consider the information in a CAA letter appended to the Motion. On August 12, 2024, the DOE filed a letter of support indicating that the advisory board for the EAP program supported the Motion.

The ordering clause with which the Moving Parties took issue in their Motion is as follows: "ORDERED, that for the coming EAP program year (October 1, 2024 through September 30, 2024, and beyond), and for the EAP program budgets to be implemented therein, subject to Commission review and approval, that Tier 2 EAP Discount eligibility is henceforth to the LIMITED to those EAP recipient households with incomes between 150 percent and 200 percent of the Federal Poverty Level..." Order No. 27,031 at 13.

In summary, the Moving Parties, through their Motion, dispute the Commission's ordering of this EAP eligibility reform, as not being legally permissible under the standards governing the EAP program administration by the Commission, as not providing adequate cost-savings, as cited by the Commission in its Order No. 27,031 reasoning, and as not having adequate record evidence in support of the reform.

The Motion and associated docket filings are posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-043.html>

II. COMMISSION ANALYSIS

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be

shown by identifying new evidence that could not have been presented in the underlying proceeding, *O'Loughlin v. N.H. Personnel Comm'n*, 117 N.H. 999, 1004 (1977), or by identifying specific matters that were "overlooked or mistakenly conceived by the Commission, *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *See Abenaki Water Company, Inc.*, Order No. 26,312 at 8-9 (November 27, 2019); *see also Clean Energy Fund*, Order No. 26,600 (March 31, 2022). N.H. Code Admin. Rules Puc 203.30(a) states, "[t]he commission shall, on its own motion or at the request of a party, authorize filing of exhibits after the close of a hearing if the commission finds that late submission of additional evidence will enhance its ability to resolve the matter in dispute."

Upon reviewing the Motion, the DOE August 12, 2024 letter of support, and the record in this docket, the Commission believes that there would be benefit in further development of the record relating to Tier 2 eligibility and program spending, without ceding any specific point presented the Moving Parties' joint position in advance. The Commission therefore believes that a hearing is warranted to further develop the record and hear from the parties with respect to the ordering clause at issue in Order No. 27,031. To this end, we hereby ORDER rehearing of this matter at the Commission on November 21, 2024, at 9:00 a.m. We leave the development of a procedural schedule to the parties themselves, and therefore request that the DOE file a requested procedural schedule with the Commission for its consideration not later than September 4, 2024. We also GRANT the Moving Parties' request for reopening of the record pursuant to Puc 203.30 and STAY the implementation of the ordering clause in Order No. 27,031 at issue, as requested by the Moving Parties, pending rehearing, as it will enhance the Commission's ability to resolve the matter in dispute.

We further ORDER that the Utilities should make sure that the EAP budgets filed in the latest EAP program budget proceedings will incorporate the staying of this ordering clause.

Based upon the foregoing, it is hereby

ORDERED, that the Moving Parties' Motion for Rehearing of Order No 27,031 is GRANTED, with a hearing to be held at the Commission's offices located at 21 S. Fruit Street, Suite 10, Concord, New Hampshire, on November 21, 2024, at 9:00 a.m. Three hours shall be allotted for this hearing; and it is

FURTHER ORDERED, that the Moving Parties' request to reopen the record pursuant to N.H. Code Admin. Rules Puc 203.30 is GRANTED; and it is

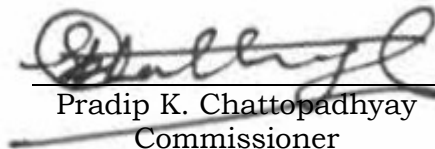
FURTHER ORDERED, that the Moving Parties' request to STAY implementation of the ordering clause for which the Moving Parties seek rehearing is GRANTED, pending the outcome of the rehearing; and it is

FURTHER ORDERED, that the Utilities ensure that EAP budgets filed in the current upcoming EAP program budget proceedings will incorporate the above-ordered stay.

By order of the Public Utilities Commission of New Hampshire this twenty-first day of August, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 22-043

Printed: 8/21/2024

Email Addresses

ClerksOffice@puc.nh.gov
nhregulatory@eversource.com
jagri@bm-cap.org
Michelle.Azulay@libertyutilities.com
john.braswell@eversource.com
rburke@nhla.org
campbellm@unitil.com
jessica.chiavara@eversource.com
Michael.J.Crouse@oca.nh.gov
demeris@unitil.com
Energy-Litigation@energy.nh.gov
joshua.w.elliott@energy.nh.gov
sgeiger@orr-reno.com
gouldingc@unitil.com
hanksk@nhec.com
donald.m.kreis@oca.nh.gov
main@unitil.com
Alyssa.Maston@libertyutilities.com
Erica.Menard@libertyutilities.com
nawazelski@unitil.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
melissa.price@eversource.com
jralston@keeganwerlin.com
ereynolds@capbm.org
leah.l.richards@energy.nh.gov
Melissa.Samenfeld@libertyutilities.com
SaretteR@nhec.com
mary.e.schwarzer@energy.nh.gov
michael.sheehan@libertyutilities.com
david.j.shulock@energy.nh.gov
stearnsj@unitil.com
taylorp@unitil.com
stower@nhla.org
dvenora@keeganwerlin.com
theresa.washington@eversource.com

david.wiesner@eversource.com
Matthew.C.Young@energy.nh.gov
Adam.Yusuf@Libertyutilities.com