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**Reptg. the Community Action Agencies:**  
Jeanne Agri, Chief Executive Officer

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

**Reptg. Residential Ratepayers:**  
Donald M. Kreis, Esq., Consumer Adv.  
Michael Crouse, Esq.  
Office of Consumer Advocate

**Reptg. New Hampshire Dept. of Energy:**  
Mary E. Schwarzer, Esq.  
Joshua Elliott, Consumer Services Div.  
Gary Cronin, Consumer Services Div.  
*(Regulatory Support Division)*

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I N D E X

PAGE NO.

<b>OUTLINE FOR THE PREHEARING CONFERENCE BY CHAIRMAN GOLDNER</b>	5
<b>APPEARANCES BY THE PARTIES</b>	8
<b>STATEMENTS RE: PRELIMINARY ISSUE BY:</b>	
Ms. Schwarzer	13
Mr. Crouse	14
<b>JOINT PRELIMINARY STATEMENT BY MS. SCHWARZER</b>	14
<b>QUESTIONS FROM CHAIRMAN GOLDNER TO DOE</b> <i>(Re: DOE recommendations from the Colton Report to be integrated into the 2023-2024 program design, if approved)</i>	21
<b>RESPONSES BY:</b>	
Ms. Schwarzer	21, 22, 23
Ms. Chiavara	22
Mr. Burke	23
<b>DISCUSSION RE: Would parties accept an order nisi for approval of any changes, based on the DOE recommendations</b>	24
<b>QUESTION BY CHAIRMAN GOLDNER TO THE DOE</b> <i>(Re: \$7 million issue regarding software, as well as any relief requested from the PUC)</i> Response by Mr. Elliott	25 26
<b>QUESTION FROM CHAIRMAN GOLDNER TO DOE</b> <i>(Re: Governor &amp; Council review in the future, i.e., with regard to contracting, etc.)</i> Response by Mr. Elliott	26 27

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I N D E X (continued)

PAGE NO.

<p><b>QUESTION BY CHAIRMAN GOLDNER</b>  <i>(Re: If the PUC were to issue an order nisi approving the relevant or certain portions of the DOE recommendations tomorrow, would that be enough time to implement everything by Oct. 1st, 2023)</i></p>	28
<p><b>Response by Ms. Chiavara</b></p>	28
<p><b>QUESTION BY CHAIRMAN GOLDNER</b>  <i>(Re: Procedural schedule for the remainder of the issues)</i></p>	29
<p><b>Responses by Ms. Schwarzer</b></p>	30, 31
<p><b>FURTHER STATEMENTS BY CHAIRMAN GOLDNER</b></p>	30, 31, 34
<p><b>STATEMENT BY MR. ELLIOTT</b>  <i>(Re: Third Party Suppliers)</i></p>	33
<p><b>QUESTION BY CHAIRMAN GOLDNER</b>  <i>(Re: Software issues)</i></p>	34, 35
<p><b>RESPONSES BY:</b></p>	
<p>Ms. Schwarzer</p>	34
<p>Mr. Sheehan</p>	35
<p>Mr. Elliott</p>	35
<p><b>FURTHER STATEMENTS BY:</b></p>	
<p>Chairman Goldner</p>	35, 37, 38, 39
<p>Ms. Schwarzer</p>	36, 37
<p>Ms. Chiavara</p>	38
<p>Mr. Burke</p>	39

**P R O C E E D I N G**

1  
2 CHAIRMAN GOLDNER: Okay. Good morning,  
3 everyone. This is the prehearing conference for  
4 the continued phase of Docket DE 22-043, relating  
5 to the Colton Report recommendations for the  
6 Electric Assistance Program, or EAP, for the  
7 State's electric utilities, including the New  
8 Hampshire Electric Cooperative, and other noticed  
9 matters. This prehearing conference is being  
10 held pursuant to the terms of the Order of Notice  
11 issued by the Commission on July 17th, 2023. I'm  
12 here today with Commissioner Chattopadhyay. We  
13 incorporate all the statutory authorities and  
14 issues presented within the Order of Notice by  
15 reference.

16 To set the stage for today's prehearing  
17 conference, we would first like to outline the  
18 Commission's preliminary approach to this  
19 proceeding, and the lines of inquiry that we will  
20 make of the parties today. These lines of  
21 inquiry are not meant to serve as the evidentiary  
22 final hearing for the questions posited by the  
23 Order of Notice, but rather, they are meant to  
24 inform the Commission and the parties regarding

1 where we are situated in the process today.

2 First, we'll ask the parties to weigh  
3 in on the question of whether the Colton Report  
4 recommendations have been, in some form or  
5 fashion, integrated into the EAP program design  
6 for the upcoming 2023-2024 program year? We see  
7 that the EAP program budgets have been filed,  
8 under Docket DE 23-073, as of last week.

9 Second, keying off the responses we  
10 receive regarding this first question, we will  
11 inquire of the parties regarding how they  
12 envision any roll-out of the Colton Report  
13 recommendations going forward, in light of the  
14 letter of support that the Commission received  
15 from the EAP Advisory Board on September 28th,  
16 2022. This could include a discussion of whether  
17 the Commission could appropriately rule on the  
18 integration of the Colton Report recommendations  
19 into the current, or a future, EAP program year  
20 now, or at some date in the future.

21 Third, we'd like to inquire of the  
22 parties regarding how a procedural schedule could  
23 be structured for the adjudication of the other  
24 issues related to EAP program design for a future

1 EAP program year. The Commission surmises that  
2 the program year for integration of such  
3 potential changes, beyond any Colton Report  
4 recommendations, would be for the 2024-2025 EAP  
5 program year. As a part of this, we would ask  
6 the parties to opine regarding whether a new  
7 docket, with a 2023 docket number, should be  
8 launched, or whether this docket, 22-043, should  
9 be maintained for the broader review -- for this  
10 broader review, I should say.

11 Okay. As an overarching data point,  
12 the Commission notes that it has seen the  
13 struggles of many New Hampshire ratepayers in  
14 meeting the recent surge in electricity costs  
15 reflected by the public comments received in  
16 various dockets. The Commission believes that  
17 the EAP program offers an important tool for the  
18 amelioration of financial stress among our most  
19 vulnerable citizens, and we hope that our work in  
20 this proceeding will serve to improve the  
21 deliverability and accessibility of EAP program  
22 funding for needy Granite Staters. We look  
23 forward to working together with the parties in  
24 this effort, and appreciate the EAP Advisory

1 Board's work related to the Colton Report.

2 One ancillary matter that came to the  
3 Commission's attention after the issuance of the  
4 Order of Notice was the Department of Energy's  
5 letter, signed by Commissioner Chicoine,  
6 regarding the application of some of the  
7 \$7 million in emergency funding, appropriated by  
8 the Legislature to the Department of Energy by  
9 Laws 2022: 346:4, to acquire software for EAP  
10 administration. We are interested in the DOE's  
11 intent in filing this letter, and if the  
12 Department is seeking relief from the Commission.

13 At this time, we'll take appearances  
14 from the parties, and invite brief opening  
15 statements. Following this, we will make our  
16 inquiries of the parties regarding the  
17 preliminary questions that we've outlined this  
18 morning.

19 We'll take appearances in alphabetical  
20 order, starting with the Community Action  
21 Agencies.

22 MS. AGRI: I think I -- did I turn it  
23 on? Yes.

24 Good morning. Jeanne Agri, from the

1 Community Action Agencies.

2 CHAIRMAN GOLDNER: And you can make any  
3 preliminary statement at this time that you like,  
4 or you can wait for the question-and-answer  
5 period.

6 MS. AGRI: I'll wait until the  
7 question-and-answer period.

8 CHAIRMAN GOLDNER: Okay. Thank you.  
9 The Department of Energy?

10 MS. SCHWARZER: Good morning. Good  
11 morning, Mr. Chairman. I'm not sure my  
12 microphone is working.

13 CHAIRMAN GOLDNER: Hmm. Let's pause  
14 for a moment.

15 *[Off the record.]*

16 CHAIRMAN GOLDNER: We'll go back on the  
17 record.

18 MS. SCHWARZER: Good morning, Mr.  
19 Chairman and Commissioner Chattopadhyay. My name  
20 is Mary Schwarzer. I'm a Staff attorney with the  
21 Department of Energy. With me this morning are  
22 Joshua Elliott, who's the Director of the Policy  
23 and Programs Division; and Gary Cronin, a Utility  
24 Analyst with Consumer Services. Amanda Noonan,

1           who's the Director of Consumer Services, was  
2           unable to attend today's hearing, and they are  
3           here in her stead.

4                       CHAIRMAN GOLDNER:   Okay.   Thank you.  
5           Do you have any preliminary statement or would  
6           you prefer to --

7                       MS. SCHWARZER:   I do.   Actually, the  
8           parties have met several times, and I have a  
9           joint opening statement from the parties.  Of  
10          course, this was put together before the opening  
11          remarks that you made at the beginning of the  
12          hearing.

13                      I would like to know your preference.  
14          I can either give that joint statement now, or,  
15          if you would prefer to take appearances, and then  
16          return to me, that is certainly acceptable as  
17          well.

18                      CHAIRMAN GOLDNER:   Okay.   Let's do the  
19          latter then.  We'll return for any opening  
20          statement.

21                      Next is Eversource?

22                      MS. CHIAVARA:   Good morning,  
23          Commission.  Jessica Chiavara, here on behalf of  
24          Public Service Company of New Hampshire, doing

1 business as Eversource Energy.

2 And, as a preliminary statement, I'm  
3 going to defer to the DOE's preliminary  
4 statement.

5 CHAIRMAN GOLDNER: Okay. Thank you.  
6 And Liberty?

7 MR. SHEEHAN: Good morning. Mike  
8 Sheehan, for Liberty Utilities (Granite State  
9 Electric) Corp.

10 And I, too, have supported the  
11 statement that Ms. Schwarzer is about to give.

12 CHAIRMAN GOLDNER: Thank you. LISTEN  
13 Community Services?

14 MR. BURKE: Good morning,  
15 Commissioners. Raymond Burke, from New Hampshire  
16 Legal Assistance, here representing LISTEN in  
17 this docket.

18 And, likewise, we'll defer to  
19 Department of Energy.

20 CHAIRMAN GOLDNER: All right. The New  
21 Hampshire Electric Cooperative?

22 MS. GEIGER: Good morning, Mr. Chairman  
23 and Commissioner Chattopadhyay. This is Susan  
24 Geiger, from the law firm of Orr & Reno. I

1 represent New Hampshire Electric Cooperative.

2 And, as my colleagues from Eversource  
3 and Liberty and others have indicated, I will  
4 also join in the statement that Ms. Schwarzer  
5 intends to make on behalf of the Department of  
6 Energy.

7 CHAIRMAN GOLDNER: Okay. Thank you.  
8 And the Office of the Consumer Advocate?

9 MR. CROUSE: Good morning,  
10 Commissioners. My name is Michael Crouse. I'm a  
11 Staff attorney to the Office of the Consumer  
12 Advocate, representing residential ratepayers in  
13 this matter.

14 My opening statement comes as no  
15 surprise, that we support the statement Mary  
16 Schwarzer will be making shortly.

17 Thank you.

18 CHAIRMAN GOLDNER: Thank you. And,  
19 finally, Unitil Energy Systems?

20 MR. CAMPBELL: Good morning,  
21 Commissioners. Matt Campbell, appearing on  
22 behalf of Unitil Energy Systems, Incorporated.

23 And, similar to the other parties,  
24 Unitil will be joining in the statement made by

1 the Department.

2 CHAIRMAN GOLDNER: Okay. Well, no  
3 pressure, Ms. Schwarzer.

4 *[Laughter.]*

5 CHAIRMAN GOLDNER: But we're ready for  
6 the opening statement. Oh, just a moment please.  
7 Just a moment.

8 *[Chairman Goldner and Atty. Speidel*  
9 *conferring.]*

10 CHAIRMAN GOLDNER: Thank you, Attorney  
11 Speidel, reminding me.

12 Are there any other parties or anyone  
13 else in the room that would like to make a  
14 statement?

15 *[No indication given.]*

16 CHAIRMAN GOLDNER: Okay. Seeing none.  
17 Attorney Schwarzer.

18 MS. SCHWARZER: Thank you, Mr.  
19 Chairman.

20 As a preliminary matter, I would like  
21 to note that my understanding is that the Office  
22 of Consumer Advocate has agreed to and fully  
23 supports the relief that the other parties filed  
24 with the Commission on October 3rd, 2022, in

1 terms of the statement of recommending that the  
2 Colton recommendations be implemented.

3 And perhaps, as a preliminary matter,  
4 that could just be confirmed on the record with  
5 Attorney Crouse at this time?

6 MR. CROUSE: I confirm the statements  
7 by Attorney Schwarzer.

8 CHAIRMAN GOLDNER: Thank you.

9 MS. SCHWARZER: Thank you.

10 The New Hampshire Department of Energy  
11 is offering this opening statement on behalf of  
12 the parties to this docket, to officially  
13 apprise the Commission of the parties' efforts  
14 and concerns, and each party, of course, retains  
15 the liberty to comment individually, or to  
16 otherwise supplement this statement, as  
17 appropriate.

18 These comments will provide the  
19 parties' preliminary statement of position, and  
20 comment and concerns regarding the standard of  
21 review, the scope of this hearing, and the  
22 procedural schedule.

23 As a preliminary matter, we would like  
24 to note that the EAP Advisory Board is not a

1 party to this docket. Yet, all but one member of  
2 the participants in the advisory Board are  
3 individual parties here.

4 The Community Action Agency has a  
5 pending Motion to Intervene, which I understand  
6 is unopposed by all the parties here, and perhaps  
7 the Commission could address that at this hearing  
8 as well. That Motion to Intervene was filed July  
9 28th, in the form of a letter.

10 So, turning to the preliminary  
11 statement of position. On October 3rd, 2022, the  
12 Department, the electric utilities, Community  
13 Action Agency, and LISTEN, filed the New  
14 Hampshire Electric Assistance Program Review of  
15 Performance and Future Directions, which was a  
16 report by independent consultant Roger Colton,  
17 and it discussed his review of the EAP Program,  
18 and contained proposed changes for the Program.

19 All of the parties, including the OCA,  
20 as noted at the beginning of this prehearing  
21 conference, are unanimous in support of the  
22 Colton Report, and we ask that the Commission  
23 approve and adopt those recommendations at this  
24 time.

1           I will note that, with regard to the  
2 Commission's initial question, I believe it is  
3 the parties' understand that, until those  
4 recommendations are approved, it is not possible  
5 to implement them. And, so, my good faith  
6 understanding is that none of them have been  
7 implemented at this time.

8           We note that the Advisory Board also  
9 fully supports the Colton Report's  
10 recommendations, and that their position was  
11 included as an attachment to the Report, as  
12 referenced by the Commission, dated  
13 September 28th, 2022.

14           With regard to the standard of review  
15 applicable to this hearing, which we understand  
16 to be focused upon the review of the Colton  
17 Report recommendations, it is our united belief  
18 and opinion that the standard of proof has been  
19 met to show that the recommendations are  
20 designed -- are consistent with the design of a  
21 low-income program that targets assistance and  
22 has high operating efficiency, so as to maximize  
23 the benefits that go to the intended  
24 beneficiaries of the low-income program. That's

1 a standard that's been applied in other EAP  
2 orders, including Order Number 26,321, and is  
3 consistent with RSA 369-B:1. So, just to  
4 reiterate, we urge the Commission to approve the  
5 Report at this time, and do not see that further  
6 process is necessary.

7 With regard to the scope of this  
8 hearing, as set forth in the Commission's  
9 July 17th, 2023, order, and the format of further  
10 proceedings, in the opinion of the parties, the  
11 Commission's list of issues presented is somewhat  
12 broad in scope. Issue Number 2, whether the  
13 Commission should approve and adopt the Colton  
14 Report, is specific and ripe for review, as is  
15 Issue Number 1, addressing the standard of  
16 review, whether the proposed changes meet the  
17 EAP's overriding directive. These issues seem  
18 ready to be addressed in an adjudicatory hearing,  
19 to be scheduled based on the consultant, Roger  
20 Colton, the parties, and the Commission's  
21 availability to review the Colton Report and the  
22 parties' recommendations on the record.

23 Issue Number 3 appears to be very  
24 broad, and to potentially raise additional issues

1 for consideration that have not been addressed in  
2 the Colton Report or by the parties at this time.  
3 It is our understanding and belief that, to the  
4 extent the Commission wishes to pursue new and  
5 other topics, that that might best be addressed  
6 by either bifurcating this docket into an  
7 adjudicatory portion for the Colton Report  
8 recommendations, and subsequently an  
9 investigative portion for any new issues the  
10 Commission wishes to address, or, in the  
11 alternative, certainly the Commission might open  
12 a separate investigatory docket to pursue other  
13 issues of concern or interest to the Commission  
14 with regard to the EAP Program.

15 Turning to the procedural schedule  
16 question. Following the Commission's July 17th  
17 order, the parties met and held lengthy  
18 discussions on July 25th, July 31st, and  
19 August 3rd. Parties also held internal  
20 discussions, and the exchange of email has been  
21 extensive. We want you to know we take your  
22 concerns and interest very seriously, and worked  
23 hard to consider what a procedural schedule might  
24 look like.

1           But, however, not knowing the focus of  
2           the Commission's inquiry, or why the Colton  
3           Report and recommendations had not been approved  
4           without further hearing, we felt it best to come  
5           prepared to discuss this with the Commission, and  
6           certainly afterwards in a technical session.

7           We are mindful that there is a separate  
8           budget docket, now DE 23-073, with an impending  
9           October 1, 2023 EAP program year, with budgets in  
10          need of independent review and approval by  
11          September 15th, 2023, to allow the utilities to  
12          implement what needs to be done to make the  
13          Program ready.

14          We look forward to the Commission's  
15          input and clarification in order to determine an  
16          appropriate procedural schedule, and anticipate  
17          that that will be provided today. As stated  
18          previously, in the opinion of the parties, this  
19          docket is ready for hearing, and no party feels  
20          the need for further process.

21          We note that, as of July 28th, 2023,  
22          the consultant assisting the EAP Advisory Board  
23          is not available until the week of October 23rd,  
24          2023. And we anticipate that November might also

1 be an option and is open for him at this time.  
2 He is under contract, and that contract has been  
3 fulfilled, but for a small amount of time,  
4 relatively small amount of time remaining, to  
5 allow him to prepare to come to a hearing, and to  
6 attend and testify and answer any questions that  
7 the Commission might have.

8 And this concludes the parties' joint  
9 opening statement. Thank you.

10 CHAIRMAN GOLDNER: Thank you. I think,  
11 at this point, the Commission will take a brief  
12 recess to discuss the opening statement from the  
13 parties. And we'll resume at -- let's make it  
14 9:35, to give us about fifteen minutes.

15 Thank you. We'll go off the record and  
16 return then.

17 *(Recess taken at 9:19 a.m., and the*  
18 *prehearing conference resumed at*  
19 *9:40 a.m.)*

20 CHAIRMAN GOLDNER: Okay. Back on the  
21 record.

22 So, first, the intervenor question from  
23 the CAAs, we'll issue a ruling on that in the  
24 post-PHC order that we'll issue here shortly.

1 But, in the meanwhile, please treat -- please  
2 treat this entity as a party. Number one.

3 Number two, a question for Attorney  
4 Schwarzer. Can the DOE recommendations, if any,  
5 from the Colton Report, be integrated into the  
6 2023-2024 program design, if approved?

7 MS. SCHWARZER: Mr. Chairman, my  
8 understanding is that our submission on  
9 October 3rd of 2022 included a footnote  
10 referencing a maximum eight-week implementation  
11 period. And, based upon discussions among the  
12 parties, it's my understanding that, subject to  
13 some variation between the Co-op and other  
14 utilities about when they implement changes, that  
15 these changes can be implemented, once approved,  
16 within eight weeks, and would be within the  
17 current 2023-2024 budgetary year, given where we  
18 are, I believe.

19 And I would ask the parties to -- the  
20 utilities to confirm that.

21 CHAIRMAN GOLDNER: So, I just want to  
22 start with some math. So, the program  
23 implementation is October 1st, if I'm not  
24 mistaken. So, eight weeks prior to October 1st

1 would be about now, about now.

2 So, I guess the question still stands,  
3 would the parties have time to implement any  
4 changes?

5 MS. SCHWARZER: Mr. Chairman, my  
6 understanding would be that they would implement  
7 them either effective October 1, or perhaps  
8 November 1, that it could be implemented within  
9 the framework of the upcoming season, if you  
10 will, for the EAP budgetary year.

11 But I would ask the parties to confirm  
12 that on the record.

13 CHAIRMAN GOLDNER: Okay. I would, for  
14 one, be a little uncomfortable with some sort of  
15 changes inside of a program year, but I'll let  
16 the parties comment. Would anyone like to  
17 comment on that topic?

18 MS. CHIAVARA: Well, I'll say, for  
19 Eversource, it will take us eight weeks to  
20 implement, so that means we've past the very  
21 advent of the program year. I don't know that  
22 there's anything that would prevent a mid-year  
23 change. I think, probably customer notification  
24 and education, like program participant

1 education, would be helpful there. But we could  
2 implement pretty early on in the program year.

3 CHAIRMAN GOLDNER: Any other comments  
4 on the topic?

5 MS. SCHWARZER: Mr. Chairman, if I  
6 might comment, I believe the Colton Report  
7 recommendations were addressing increasing  
8 benefits to the lower income tiers, and that all  
9 the parties here would like to see that  
10 implemented sooner, rather than later.

11 CHAIRMAN GOLDNER: Yes. I think there  
12 were a total of eight recommendations. I'm not  
13 looking at my screen right now, but I think there  
14 were eight recommendations total. That was, I'll  
15 say, the most substantive of the recommendations  
16 was the changes to the percentages. So, that  
17 was -- that's the one I think is most important.

18 Yes, Attorney Burke.

19 MR. BURKE: I just wanted to note,  
20 Chairman, I don't know that I could find it  
21 quickly, but I think, so subject to checking  
22 this, I think there might be some precedent for  
23 mid-year program changes. I recall a couple of  
24 changes in the past, I think relating to

1 extending the discount to customers of  
2 competitive energy suppliers, and maybe, when the  
3 income tier was changed, that those didn't  
4 necessarily line up smoothly with the start of  
5 the program year.

6 I would want to go back and  
7 double-check those dockets. But I just wanted to  
8 note that, I think, because of the discussion and  
9 when things might end up, depending on what  
10 happens, the timing of everything.

11 CHAIRMAN GOLDNER: Okay. Thank you.

12 MR. BURKE: Sure.

13 CHAIRMAN GOLDNER: Okay. Any other  
14 comments on that topic?

15 *[No verbal response.]*

16 CHAIRMAN GOLDNER: So, if we were to  
17 move forward with those recommendations, in whole  
18 or in part, would the parties accept an order  
19 *nisi* for approval of any of these changes, based  
20 on those DOE recommendations?

21 Who wants to go first?

22 MS. SCHWARZER: I believe all the  
23 parties would. But I would ask that you ask each  
24 individual party.

1 CHAIRMAN GOLDNER: Okay.

2 MS. CHIAVARA: Eversource would, yes.

3 MR. SHEEHAN: Liberty as well.

4 MS. GEIGER: The Co-op would as well.

5 MR. CAMPBELL: Unitil would as well.

6 CHAIRMAN GOLDNER: I see we're going  
7 clockwise, I guess. Mr. Burke?

8 MR. BURKE: Yes, LISTEN would as well.  
9 Thank you.

10 MR. CROUSE: The OCA would as well.

11 MS. AGRI: Community Action would as  
12 well.

13 MS. SCHWARZER: And the Department  
14 would as well.

15 CHAIRMAN GOLDNER: Okay. That is  
16 helpful.

17 I don't think, Attorney Schwarzer, that  
18 you commented yet, and, if you did and I missed  
19 it, my apologies, on this question of the  
20 \$7 million and the software and so forth. And  
21 we're trying to sort out the DOE's position, in  
22 terms of filing in this docket, and if you're  
23 expecting relief from the Commission?

24 MS. SCHWARZER: Thank you, Mr.

1 Chairman. I would like to refer that question to  
2 Joshua Elliott, the Director of Policy in the  
3 Programs Division of the Department. Estimates  
4 for the division.

5 MR. ELLIOTT: The Department is  
6 providing this letter as a courtesy to the  
7 Commission complimentary with the utilities  
8 filing their budgets for the Program.

9 Regarding the Commission's question  
10 whether review and approval are needed, based on  
11 the advice of counsel given to the Department by  
12 the Attorney General's Office, Commission review  
13 and approval is not required. Therefore, the  
14 Department is not seeking relief from the  
15 Commission on this issue.

16 CHAIRMAN GOLDNER: Okay. Okay. And,  
17 so, the letter was just filed sort of for  
18 information purposes?

19 MR. ELLIOTT: That is correct, yes.

20 CHAIRMAN GOLDNER: I do have a couple  
21 of, I guess, follow-up questions on that topic.

22 Is this something that -- I'm  
23 envisioning a Governor & Council review in the  
24 future, and that the DOE would present this to

1 Governor & Council. Is that kind of how this  
2 would work?

3 MS. SCHWARZER: Mr. Chairman, I'm not  
4 sure -- I'm not understanding the legal basis for  
5 involving Governor & Council?

6 CHAIRMAN GOLDNER: Well, I guess, under  
7 what -- this is software that would be, I guess,  
8 developed under a Department RFQ, right?

9 MS. SCHWARZER: With regard to  
10 contracting, if the question is "whether the  
11 contracting would be before Governor & Council",  
12 I understand. Thank you.

13 MR. ELLIOTT: Yes. So, this would go  
14 through the normal RFP process for any other  
15 state services or contracts, can be competitively  
16 bid, go through the usual review process at the  
17 Department of Justice and the Department of  
18 Administrative Services for a Governor & Council  
19 agenda item in the future.

20 CHAIRMAN GOLDNER: Okay. Thank you,  
21 Mr. Elliott. That is helpful.

22 Do the parties have any comments on  
23 this topic of this software spending, anything  
24 that you'd like to comment on?

1                   *[Atty. Chiavara and Atty. Crouse*  
2                   *indicating in the negative.]*

3                   CHAIRMAN GOLDNER: Okay. Very good.  
4                   All right. Let me do a quick consult,  
5                   so we don't have to leave the room again, with  
6                   Commissioner Chattopadhyay and Attorney Speidel,  
7                   to see if there's anything else we need to cover.  
8                   Just a moment please.

9                   *[Chairman Goldner, Cmsr. Chattopadhyay,*  
10                   *and Atty. Speidel conferring.]*

11                   CHAIRMAN GOLDNER: Okay. I think  
12                   you'll find that to be a useful portion of your  
13                   time today, because the next question is, if we  
14                   were to issue an order *nisi* approving the  
15                   relevant portions or certain portions of the DOE  
16                   recommendations, and we were to issue that, say,  
17                   tomorrow, would that be enough time for you to  
18                   implement everything by October 1st?

19                   Because I'm looking at my calendar, and  
20                   I think that's eight weeks, Attorney Chiavara.

21                   MS. CHIAVARA: Then, I will get back to  
22                   my people and try to get them on that  
23                   straightaway.

24                   CHAIRMAN GOLDNER: All right. I think

1           it's important to have clean breaks in the  
2           program, and respecting, Mr. Burke, your comments  
3           that we could potentially do that, it would  
4           still, I think, be much cleaner if we could -- if  
5           we could have a clean transition.

6                     I'm going to count my calendar again,  
7           just a moment please.

8                     *[Short pause.]*

9                     CHAIRMAN GOLDNER: In fairness, it's  
10          more like seven and a half. So, that would be  
11          our request. If we were to issue a *nisi*  
12          tomorrow, that that would be -- we could expedite  
13          that process just a little bit beyond the eight  
14          weeks, it sounds like, in order to have a clean  
15          transition of any changes.

16                    The only other piece I think that I  
17          have is that, for the rest of the matters, for  
18          the broader matters, Attorney Schwarzer, as you  
19          highlighted Number 3 in the Order of Notice in  
20          the Notice of Adjudicative Proceeding, the  
21          timeline there would be the parties would meet  
22          after this session and sort through the  
23          procedural schedule to attend to the rest of  
24          those issues?

1 MS. SCHWARZER: Mr. Chairman, I think  
2 it would be helpful to the parties if we could  
3 understand some of the scope of the broader  
4 issues that the Department is interested in  
5 addressing. Because, without some sense, it's  
6 kind of hard to consider what sort of data  
7 requests or information-gathering might be  
8 necessary.

9 And, if I might ask the Commission as  
10 well, I noted, Mr. Chairman, that you said  
11 "implementing a portion of the recommendations".  
12 Are there some recommendations that would not be  
13 implemented? I'm just not sure about the  
14 integrated -- they seem interrelated in many  
15 ways.

16 CHAIRMAN GOLDNER: Yes. I think some  
17 of them seem somewhat inapplicable. For example,  
18 Number 8 was legislative, had to do with  
19 legislative changes. So, I would say that's  
20 inapplicable. But the substantive changes are  
21 what we're referring to, and we suggest *nisi*  
22 approval.

23 There's other recommendations about,  
24 for example, collaborating with DHHS, which seems

1           like a wonderful idea, but not necessarily  
2           germane to our jurisdiction.

3                       MS. SCHWARZER: Mr. Chairman, subject  
4           to check, I believe working with DHHS is  
5           something that, as noted in the October 3rd  
6           letter, is something that the EAP Board is still  
7           pursuing or has pursued in the past. And, so,  
8           were the Commission to suggest that that's not  
9           appropriate, that might be problematic.

10                      CHAIRMAN GOLDNER: I see. I see. So,  
11           I guess my point, with respect to the DOE's eight  
12           recommendations, some of them are more applicable  
13           than others, and we'll need to review that  
14           quickly.

15                      For sure, Number 8, which sticks in my  
16           mind, is the legislative piece, is sort of not  
17           applicable.

18                      MS. SCHWARZER: Thank you.

19                      CHAIRMAN GOLDNER: Yes.

20                      So, in terms of other matters, you  
21           know, we would be interested in streamlining, for  
22           example. You know, is the process one that's  
23           administratively efficient for folks to, you  
24           know, to get into the system, and to get these

1 benefits? So, streamlining is one thing.

2 Another thing that comes to mind is  
3 that, in the DOE audit, there was a -- there was  
4 a portion that talked about Eversource -- as sort  
5 of a spot audit of Eversource, of some pieces of  
6 the Eversource, what's the word I'm looking for,  
7 they did a spot audit on I think five Eversource  
8 customers and discovered that, of those five  
9 Eversource customers, four were not using default  
10 service. And, because the default service rate  
11 was much higher than the rate that was actually  
12 being charged, because those participants were  
13 using a third party, they actually had a credit  
14 balance.

15 MS. SCHWARZER: Mr. Chairman, we're  
16 prepared to address the issue of third party  
17 suppliers. If we might at this time, I would  
18 turn it over to Mr. Elliott.

19 CHAIRMAN GOLDNER: Oh, no need at a  
20 prehearing conference. You had asked if there --  
21 what kinds of issues, to get a flavor for what  
22 the Commission was interested in for future  
23 process, so beyond the Colton Report. I was just  
24 illustrating a couple of examples of some areas

1           that we would be interested in.

2                   And we can certainly provide more  
3 detail, but you had asked for some specific  
4 examples. I was just providing some examples.

5                   MS. SCHWARZER: Well, some effort and  
6 research has gone into that, and, certainly, I  
7 think you might find it a helpful answer. But if  
8 you're not -- certainly, it's fine not to provide  
9 an answer at this time.

10                   CHAIRMAN GOLDNER: I would love to hear  
11 from Mr. Elliott. I was just, at a prehearing  
12 conference, since it's not testimony, it's just  
13 for informational purposes, that's all.

14                   MS. SCHWARZER: Understood.

15                   CHAIRMAN GOLDNER: But I would be --  
16 the Commission would love to hear from  
17 Mr. Elliott.

18                   MS. SCHWARZER: Thank you very much.

19                   MR. ELLIOTT: Regarding third party  
20 suppliers, there is an administrative difficulty  
21 in keeping track of the third party suppliers,  
22 given that their rates can change on a monthly  
23 basis, you would be literally having to track,  
24 you know, hundreds of different variations and

1           permutations.

2                       Rather than spend the additional funds  
3           in order to get these, you know, various systems,  
4           in order to comply with those variations for very  
5           small customer groups, the decision had been made  
6           to just go with whatever that customer's default  
7           service would have been, just to make the ease of  
8           administration.

9                       CHAIRMAN GOLDNER: I see. Does 450K in  
10          software doesn't solve that problem, potentially,  
11          in the future?

12                      MS. SCHWARZER: Mr. Chairman, I believe  
13          it has to do with the utilities' billing systems,  
14          and I would defer to them on that answer. But my  
15          understanding is it's impossible for them to deal  
16          with those multiple budgets.

17                      CHAIRMAN GOLDNER: And the reason I  
18          bring it up is that, on our own bills that we  
19          receive, you know, the default service rate is on  
20          the bill every month. So, I'm struggling with  
21          sort of administrative difficulties. And, then,  
22          if we're implementing new software, that seems  
23          like a good opportunity to address the issue.

24                      But do the utilities have any comments

1 on this topic?

2 MR. SHEEHAN: I simply don't know the  
3 answer. I could certainly bring it back. And,  
4 as you suggest, maybe this is something we poke  
5 around in in an investigative stage.

6 CHAIRMAN GOLDNER: Yes. Yes. And  
7 that's the thought of the docket here, is to sort  
8 of work through some of these "hanging chads", if  
9 I can call them that, that are things that we can  
10 clean up and streamline in the future. And I  
11 would just suggest that may be something to look  
12 at when scoping out the software in the RFQ.

13 Please proceed.

14 MR. ELLIOTT: Sorry, I apologize. This  
15 is my first run through a PUC process, my  
16 apologies.

17 Regarding the State software  
18 procurement, that is for the intake side of it.  
19 So, that is the income verification, the vetting  
20 of the clients getting enrolled into the system,  
21 rather than the utility side of the systems  
22 talking to each other. So, I just want to  
23 provide that clarity.

24 CHAIRMAN GOLDNER: Okay. That is

1 helpful. So, the 450K won't solve the particular  
2 issue that I'm highlighting. But I would  
3 suggest, as I look at the utilities, that could  
4 be something that could be a topic for further  
5 discussion in this docket down the road.

6 So, I'll just repeat back, just to make  
7 sure I understand. So, if the Commission issues  
8 a *nisi* order approving sort of the -- I'll call  
9 it "certain portions" of the DOE's  
10 recommendations based on the Colton Report, the  
11 substantive pieces, tomorrow, then we would ask  
12 that the utilities implement those changes for  
13 October 1st.

14 Secondly, that the procedural schedule  
15 that the parties talk about after this PUC  
16 session would incorporate a sensible procedural  
17 schedule to talk about some of these other sort  
18 of improvement issues that the Commission has  
19 highlighted in the Order of Notice, understanding  
20 that the topics are somewhat broad, and those  
21 would be -- or, should be taken into account in  
22 the procedural schedule to allow enough time to  
23 work through a broad set of issues.

24 MS. SCHWARZER: Mr. Chairman, will the

1 Commission be bifurcating this docket to  
2 adjudicate the recommendations in the Colton  
3 Report, and then separately have an investigatory  
4 piece of this docket for the other --

5 CHAIRMAN GOLDNER: I think the concept  
6 is, and I'll look to Attorney Speidel for some  
7 help, but I think the concept is to issue a *nisi*  
8 order relative to the substantive pieces of the  
9 Colton Report, i.e., the Department's  
10 recommendations, and -- but to take care of that  
11 now, because I think that is important for the  
12 parties, judging from today's prehearing  
13 conference. And, then, the rest of the issues  
14 would be adjudicated I think in this docket,  
15 Attorney Speidel? In this docket.

16 Does that make sense, Attorney  
17 Schwarzer?

18 MS. SCHWARZER: Certainly, the  
19 Commission is within its authority to make  
20 whatever decision it feels best. I believe the  
21 parties, in looking at Issue Number 3, see it as  
22 sufficiently broad, that it may best be placed in  
23 an investigatory framework.

24 CHAIRMAN GOLDNER: Oh, I think we would

1 want to adjudicate that. We would want to  
2 adjudicate that. The investigatory process has  
3 been met with some resistance in certain quarters  
4 in the state. And, so, I think that we are  
5 already in motion here, and I think we would just  
6 want to keep it in an adjudicative docket, for  
7 timeliness. With the idea being improvements  
8 would be available for the 2024-2025 program  
9 year, and not later.

10 MS. CHIAVARA: Mr. Chairman, if I can  
11 add that, if, and perhaps in the order, the  
12 prehearing order that you issue granting the  
13 Colton recommendations, if you could enumerate  
14 some of those issues that you called -- I now  
15 forget the term, the "hanging" issues left over,  
16 if you could enumerate those, that might help the  
17 parties be better able to put together a  
18 procedural schedule, because then we would know  
19 what it is that we have to discuss and what we  
20 have to ask each other.

21 CHAIRMAN GOLDNER: Okay. We can  
22 certainly -- I think there's a tight timeline to  
23 do the *nisi* and the enumeration. But what we  
24 could potentially do is issue a supplemental

1 notice in a week or two, with a more sort of --  
2 with some more detail on Item 3. I think that  
3 would be okay.

4 MS. CHIAVARA: That would be  
5 appreciated. Thank you.

6 CHAIRMAN GOLDNER: Yes, we can do that.

7 I would just, for purposes of meeting  
8 afterwards, which I know is valuable, because not  
9 every -- it's hard to get everyone in the same  
10 place at the same time, just assume it's  
11 relatively broad, it's a relative broad inquiry  
12 we're interested in. We're interested in  
13 streamlining, you know, we're interested in  
14 refinement of the current program, to make it as  
15 efficient as possible, as administratively  
16 efficient as possible for the low-income  
17 ratepayers. That's our goal.

18 Yes, Attorney Burke.

19 MR. BURKE: It might help, appreciate  
20 the response to Attorney Chiavara's question. I  
21 just wanted to follow up, in -- after reading the  
22 notice that was recently issued, we did go back  
23 and reread the 2002 order that was cited. And  
24 one thing that we noted, in looking back at the

1 history, is that there was an investigatory  
2 docket that preceded that order, that then raised  
3 some issues that were ripe for adjudication, and  
4 then the adjudicative docket was opened.

5 So, given what you just said, I'm just  
6 wondering, when we read the notice, we weren't  
7 sure if the citation to that order, in Issue  
8 Number 3, sort of, and maybe you will address  
9 this in the subsequent order, but I just wanted  
10 to highlight this to make sure, that it seemed  
11 like it -- it wasn't clear to us if we were  
12 looking at a full-scale, you know, almost a new  
13 structure of administration, or if we're trying  
14 to refine it through things like you said, you  
15 know, streamlining the eligibility application  
16 process, or trying to see where we can achieve  
17 efficiencies within the current structure we  
18 have.

19 So, it just might be helpful, I don't  
20 if you are able to say anything today, but in  
21 your order to clarify.

22 Because, in that 2002 order, they were  
23 looking at two program structures, and the  
24 Commission decided which structure was -- met the

1 standard. And, so, we were just hoping -- LISTEN  
2 at least was hoping to clarify where are the  
3 boundaries? Are we trying to tweak or are we  
4 reconsidering the overall structure?

5 CHAIRMAN GOLDNER: Okay. Yes. Thank  
6 you for that. We'll make sure to address that in  
7 the prehearing order. That would be a Commission  
8 discussion. So, I'm hesitant to answer it as  
9 Presiding Officer.

10 Anything else that we need to cover  
11 today?

12 *[No verbal response.]*

13 CHAIRMAN GOLDNER: Okay. Well, I'll  
14 thank everyone for coming today and your  
15 participation and feedback. We'll issue a  
16 prehearing conference order, and take care of the  
17 *nisi* issue as well.

18 Let me see if there's anything else.

19 *[Short pause.]*

20 CHAIRMAN GOLDNER: No, I don't think  
21 so. I'll just ask one last time, if there's  
22 anything else anyone wishes to address today?

23 *[No verbal response.]*

24 CHAIRMAN GOLDNER: All right. Well,

1           thank you, everyone, for your time. The  
2           prehearing conference is adjourned.

3                           *(Whereupon the prehearing conference*  
4                           *was adjourned at 10:04 a.m., and a*  
5                           *technical session was held thereafter.)*

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