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Via electronic mail only

Daniel Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: Docket No. DE 22-060 - Consideration of Changes to the Current Net Metering Tariff Structure, Including Compensation of Customer-Generators
Joint Utility response to CPCNH procedural schedule for “Phase 2”

Chairman Goldner:

In response to the procedural schedule filed by the Community Power Coalition of New Hampshire (“CPCNH” or the “Coalition”) in this docket on January 15, 2025, Public Service Company of New Hampshire d/b/a Eversource Energy; Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty; and Unital Energy Systems, Inc. (the “Utilities”) provide the following information.

As an initial matter, the Utilities would like to note that the motion for reconsideration of Order No. 27,074 filed on December 18, 2024, to which the Utilities were signatories, is still pending. RSA 541:5 requires the Commission to issue an order on any motion made pursuant to RSA 541:3 within 30 days, which would have been by January 18.¹ That motion asks critical questions regarding any additional process in this docket, and a decision on that motion would aid all parties in best proceeding with this docket, particularly the Utilities, which bear the responsibility of administering the net metering program, and to which the predominant share of the administrative burden of this next phase would fall.

The Utilities appreciate CPCNH’s efforts to arrive at a more developed procedural schedule, but the seven-month trajectory which was proposed by the Coalition is not reasonably feasible, nor would it afford the Utilities proper due process on the six issues (seven including the issue from Phase 1 that was moved into Phase 2) outlined for this new phase of this docket. While technically there is no petitioner in this docket, the rights, duties, and obligations of the Utilities as well as many intervenors in this docket will be directly impacted by any decision rendered in an adjudicated proceeding on the issues outlined in the Supplemental Order of Notice on November 18, 2024 (“Notice”). Any one of the issues outlined for Phase 2, all of which pertain to some extent to rate design and contain issues of significant policy and pragmatic complexity, is

¹ RSA 541:5 actually states that decisions on 541:3 motions must be rendered in 10 days, but the legislature made an exception for the Commission and in HB 1384 in 2014 extended the deadline to 30 days to “either grant or deny the motion, or suspend the order or decision complained of pending further consideration, and any order of suspension may be upon such terms and conditions as the commission may prescribe.”

sufficient to warrant its own docket, the duration of which would typically exceed twelve months.² The net metering docket prior to this one took 13 months to adjudicate,³ and the proceeding that the parties just concluded took more than two years, and the scope outlined for Phase 2 of this docket is equally if not more involved than both the previous net metering docket and this docket up to this point. The consideration of adding battery storage alone could easily take a year to discuss in earnest.⁴

If these issues are to be adjudicated with a resulting order that impacts the rights, duties and obligations of the participating parties, all parties must be afforded proper process under the Administrative Procedures Act. As a practical matter, aside from the nuanced policy considerations entailed in the noticed issues for Phase 2, the adjudication of the Phase 2 issues will likely necessitate the production of multiple rate designs, cost estimates, and the development of a plan on how to execute any of the items that have been suggested by CPCNH at hearings and in its brief. CPCNH has still not put forward a proposal on how any of its suggestions would come to pass – the Phase 2 issues are no more than ideas and will require a great deal of examination and development before they would be in a condition appropriate for the Commission to review and render a decision upon. For example, a single detailed utility cost estimate for a capital project takes several weeks, and up to a couple of months to produce. Seven months does not provide nearly enough time for the Utilities to participate in any meaningful and productive way without compromising daily utility duties and obligations. If these issues are rushed through adjudication, not only will due process of the parties be compromised, but there runs a high risk of modifications, possibly costly modifications, to the net metering tariff that cannot be successfully implemented or sustained. Not only would the parties to the docket be impacted, but such decisions would also impact net metered and non-net metered customers.

For these reasons, the Utilities respectfully recommend two options. If the Phase 2 issues were to be moved to an investigatory docket it would give participants time and room to discuss the many intertwined policy and logistical considerations involved with each of the Phase 2 issues, and more fully flesh out what is and is not possible with each. An investigation could also help inform the Commission and refine the scope as to what a future adjudication should consider for future amendments to the net metering tariff, consistent with its statutory duty under RSA 362-A:9. Alternatively, should the Commission continue this adjudication, the Utilities would recommend a minimum 18-month procedural schedule, which is less than the portion of the docket that was recently concluded.

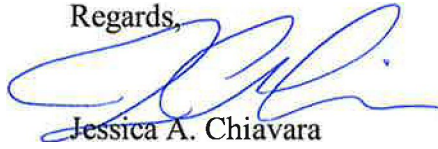
² See Docket Nos. 21-119 (Tariff Amendments to Residential Time-of-day Rate) 14 months; DE 21-078 (Electric Vehicle Make-Ready and Demand Charge Alternative Proposals) 20 months; DE 22-083 (Light Emitting Diode Outdoor Lighting Service Tariff Changes) 10 months without hearings and decided by order *nisi*; DE 23-002, 003, 004 (Purchase of Receivables Program) 24 months and still ongoing; DE 23-063 (Joint Utilities' Petition for Waiver of Certain Provisions of the Puc 2200 Rules) 18 months and discovery has not yet commenced.

³ Docket No. DE 16-576 was open for approximately five years, but an order approving the “alternative net metering tariff” was issued approximately 13 months after the order of notice was issued.

⁴ The Utilities note that it would likely require an act of the Legislature to make battery storage eligible under the net metering statute RSA 362-A.

Consistent with Puc 203.04 this filing is being made electronically only; paper copies will not follow. Thank you for consideration of these concerns.

Regards,



Jessica A. Chiavara

Senior Counsel, Eversource Energy
o/b/b the Utilities

cc: DE 22-060 service list