

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-060

ELECTRIC DISTRIBUTION UTILITIES

**Consideration of Changes to the Current Net Metering Tariff Structure, Including
Compensation of Customer-Generators**

Order on Motion for Rehearing and Clarification

ORDER NO. 28,101

February 10, 2025

On November 18, 2024, the Commission issued order No. 27,074, which ruled on a number of proposals submitted by the parties for changes to the currently effective net metering tariff (NEM 2.0) in New Hampshire. That same day, and consistent with that order, the Commission issued a supplemental order of notice (Supplemental Notice) advising the parties and the public that it would consider additional changes to the net metering tariff in this docket. A coalition of parties, which included all active parties in this docket except the New Hampshire Department of Energy (DOE) and the Community Power Coalition of New Hampshire (CPCNH), submitted a joint recommendation in the form of a settlement agreement amongst themselves (Settlement Agreement). A subset of those parties, which the Commission will refer to as the “Moving Parties,”¹ now move for rehearing and clarification of certain aspects of Order No. 27,074 and the Supplemental Notice. For the reasons

¹ The Moving Parties include the following, all of whom were signatories to the Settlement Agreement, Granite State Hydropower Association; Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty; Public Service Company of New Hampshire d/b/a Eversource Energy; Unitil Energy Systems, Inc.; Clean Energy New Hampshire; and Conservation Law Foundation. It appears the Moving Parties included all of the signatories to the Settlement Agreement except the Office of the Consumer Advocate, Standard Power of America, and Walmart, Inc.

below, the Commission DENIES the motion to the extent it seeks rehearing, and clarifies its order as appropriate.

I. BACKGROUND

By way of brief background, the Commission convened this docket to review changes to NEM 2.0 in September of 2022. In April of 2024, the Commission issued an order requesting that all parties to this docket file recommendations for any changes that they desired the Commission make to NEM 2.0.

On August 1, 2024, the Moving Parties, as well as the other signatories to the Settlement Agreement, *see* Note 1, *supra*,² filed the Settlement Agreement, which contained four recommendations that they jointly presented. These recommendations included: (1) retaining the existing compensation levels for customer-generators contained in NEM 2.0; (2) establishing a new rolling “legacy period” for individuals who newly interconnect under NEM 2.0; (3) allowing the electric distribution utilities to charge interconnection fees; and (4) sanctioning an eighteen-month data collection process led by the utilities that would culminate in the utilities submitting a future petition with suggested changes to the net metering program based on the collected data.

One of the other parties to this docket, CPCNH, did not join the Settlement Agreement, but largely supported the recommendations within. In addition, CPCNH submitted several of its own recommendations. In general, these recommendations came in two styles. First, CPCNH recommended that the Commission direct the parties to convene working groups to consider changes in the manner customer-generators are compensated. Second, CPCNH recommended that the Commission

² The Moving Parties do not include all of the signatories to the Settlement Agreement. However, for the purposes of this order, the Commission will use the term “Moving Parties” to refer to both the settling parties and the parties who filed this motion to avoid confusion.

direct the state's electric distribution utilities to develop proposals for a broad range of issues, and the other parties would subsequently be able to conduct discovery and litigate the proposals in a future adjudication. The remaining active party, the DOE, likewise did not join the Settlement Agreement. Although it supported most of the recommendations therein, it objected to the proposed legacy period.

The Commission held an evidentiary hearing in August of 2024, at which each of the parties had with the opportunity to present evidence in support of its recommendations. In addition, the Commission allowed the parties to submit both initial and reply post-hearing briefing. As is relevant to the Moving Parties' motion, they presented evidence against CPCNH's recommendations at hearing and argued against them in their briefing.

On November 18, 2024, the Commission issued Order No. 27,074 in which it ruled on the parties' recommendations. Among other rulings, the Commission accepted the Moving Parties' recommendations with respect to the compensation levels and interconnection fees and sanctioned their data collection proposal, although in a slightly modified manner. However, the Commission rejected their proposal for a new legacy period.

With respect to CPCNH's requests, the Commission noted that CPCNH was not asking the Commission to take immediate action on the record before it but was instead asking that the Commission direct the parties to engage in further process to consider its recommended changes to the net metering tariff. The Commission approved CPCNH's recommendations in part, finding that they merited further consideration. However, it stated that rather than direct the parties to engage in working groups or the utilities to formulate proposals in the first instance, the Commission preferred to establish a record to justify the need for any changes prior to

directing the utilities to take any action. Therefore, the Commission stated that it would notice the issues to be considered in subsequent stages of this proceeding.

That same day, the Commission issued the Supplemental Notice. In the Supplemental Notice, the Commission created a three-phase process to consider additional issues related to net metering. Phase I included several issues that the Commission believed to be straightforward and that could be resolved in several months. Because many of the issues in Phase I related to concerns about how the Commission administered the net metering program, the Commission issued a series of record requests to the utilities and requested that the utilities respond by mid-December. Phase II included the issues recommended by CPCNH. The Commission suggested that those could be resolved at an April 2025 hearing. Phase III included the electric distribution utilities data collection effort. The Commission directed the utilities to file a scoping document for the data they intended to collect in this process by mid-January.

On December 3, 2024, the electric utilities filed a motion to stay Order No. 27,074 and the Supplemental Notice until either the close of the statutory period for motions for rehearing or the Commission's resolution of all motions for rehearing, whichever was later. The Commission granted the motion in part.³ As is relevant to this order, the Commission suspended all deadlines related to the supplemental process except those related to the data requests, which the Commission noted that it desired regardless of any reconsideration of Order No. 27,074. The Commission also

³ The Commission did not suspend Order No. 27,074 because, with minor exceptions, that order largely retained the status quo and thus there was nothing to suspend. While Order No. 27,074 did authorize interconnection fees, all parties to this docket who appeared at the hearing supported the implementation of those fees and there was thus no reason to assume they would be the subject of a motion for rehearing. Finally, while Order No. 27,074 did sanction additional process in this docket, the actual deadlines for that process were contained in the Supplemental Notice, which the Commission did suspend in relevant part.

scheduled a prehearing conference to finalize the three-phase process it outlined in the Supplemental Notice. On December 18, 2024, the Commission received several motions for rehearing and clarification, including the Moving Parties' instant motion. On December 20, 2024, the Commission received the utilities' partial responses to its data requests, which, with Commission approval, they supplemented on January 21, 2025.

On January 3, 2025, the Commission issued a procedural order in which it stated that the representations in the motions for rehearing and clarification and the utilities' responses to the record requests clarified many of the immediate concerns related to Phase I. The Commission further observed the issues noticed in Phase I could be resolved in the later stages of this proceeding and thus cancelled the schedule for Phase I, effectively continuing the suspension of the deadlines in the Supplemental Notice in the December 5 procedural order. The Commission noted that it would resolve the substantive issues in the parties' motions in subsequent orders, and scheduled a prehearing conference for February 13, 2025 to finalize the issues to review and scheduling for the additional process in this docket.

On January 15, 2024, CPCNH filed a proposed procedural schedule for the resolution of the issues in Phase II. The associated cover letter explained that CPCNH anticipated the resolution would take longer than the April hearing originally suggested by the Commission. CPCNH attached a proposed a schedule that included a discovery schedule and a final hearing date of August 18, 2025. On January 31, 2025, the electric distribution utilities filed a letter representing that the timeline in CPCNH was too tight and recommending that the Commission move the issues into an investigatory docket or set a schedule that includes a hearing eighteen months in the future. On February 5, 2025, CPCNH filed a response, in which it indicated it would

be receptive to extending the hearing by several months but urging the Commission against the creation of an investigatory docket or an eighteen-month extension.

II. ISSUES AND ANALYSIS

The Moving Parties' motion requests that the Commission either rehear or clarify certain aspects of both Order No. 27,074 and the Supplemental Notice under RSA 541:3. Under RSA 541:3, "any party to the action or proceeding before the commission . . . may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion all grounds for rehearing, and the commission may grant such rehearing if in its opinion good reason for the rehearing is stated in the motion."

The Commission addresses each request in the Moving Parties' motion subject to this standard in turn.

A. Rehearing: Violation of RSA 363-17-b for Not Ruling on Settlement Agreement

The Moving Parties first contend that the Commission violated RSA 363-17-b because, rather than rule on their Joint Recommendation as a whole, the Commission considered and ruled on each recommendation separately. Specifically, the parties cite RSA 363-17-b as stating that the Commission "shall issue a final order on all matters presented to it" and that "a final order shall include . . . [a] decision on each issue including the reasoning behind the decision." The Moving Parties contend that an "issue" that the Commission had to consider was their Settlement Agreement and that the Commission was therefore required to issue a decision on that settlement as a whole and explain its reasoning for rejecting or accepting the Settlement Agreement.

The Commission disagrees that Order No. 27,074 violated RSA 363-17-b on this basis. As an initial matter, the Commission explained its reasoning with respect to all

four of the recommendations in the Settlement Agreement. In the Commission's view, this satisfied its statutory obligations under RSA 363-17-b.

The Commission understands the Moving Parties' argument to say that the Commission had to consider all of the recommendations in the Settlement Agreement together, balance the good with the bad, and determine whether, on the whole, the Settlement Agreement satisfied the statutory standard. Presumably, if the Commission found that the Settlement Agreement had more good than bad, the Commission would be obligated to approve it in its entirety. Or, conversely, if the Commission found it had more bad than good, the Commission would have been obligated to reject the agreement in its entirety.

This argument, however, is premised on the fundamental misconception that the Commission was obligated to either approve the Settlement Agreement or take no action at all in this docket. The Moving Parties have cited no authority for that proposition, and there is no such requirement in RSA 363-17-b or RSA 362-A:9, XVI, which authorizes the Commission to develop new net metering tariffs, or any other statute that the Commission is aware of. Rather, RSA 362-A:9, XVI obligates the Commission to review and develop new alternative net metering tariffs, not review proposals filed by the parties. There is no requirement in the statute that the Commission only approve tariff terms recommended by parties to the docket. The Commission can, and has in the past, approved tariff terms that were not recommended by any party based on the evidence in the record. *See* Order No. 26,029, at 54-55 (June 23, 2017) in Docket No. DE 15-576. Therefore, the Commission could adopt only the recommendations in the Settlement Agreement that it found appropriate. In fact, it would be a violation of the Commission's statutory obligations if

it approved tariff terms that it did not find appropriate and consistent with statutory standards.

Critically, not only is the Moving Parties' suggested interpretation of the statute void of legal support, it would be impossible to apply because there were three proposals with separate, and conflicting, recommendations before the Commission. Thus, how should the Commission have ruled if it found that, on the whole, each of the proposals contained more good than bad? Obviously, it could not have approved all of them. It is unclear why the Moving Parties believe their recommendations should take precedence over those of the other parties to this docket.

Accordingly, Order No. 27,074 did not violate RSA 363-17-b on the grounds raised in the Moving Parties' motion and the Moving Parties have not shown good reason for rehearing on this basis. In closing, the Commission notes it was surprised by the Moving Parties' argument on this point because it has long been the practice of the Commission to partially accept settlement agreements or accept them as modified by Commission order. Notably, NEM 2.0 itself is the product of two competing settlement agreements in Docket No. DE 15-576. In Order No. 26,029, which approved NEM 2.0, the Commission reviewed each settlement agreement's recommendations, considered the evidence in favor of each, and adopted the recommendations it found just and reasonable. In fact, some aspects of NEM 2.0, such as the compensation formula for small customer-generators, were not recommended by any party at all, but were set by the Commission given the evidence available to it. *See* Order No. 26,029 at 54–55. Notably, the Moving Parties have taken the position that the compensation levels approved in NEM 2.0 were just and reasonable. It is not clear why the Moving Parties believe that this long-standing practice, which is consistent with statute and has proven to be an effective manner of resolving dockets, should now be abandoned.

B. Rehearing: Violation of RSA 541-A:35 for Not Ruling on Settlement Agreement

Next, the Moving Parties, in a similar argument, contend that the Commission violated RSA 541-A:35 by failing to rule on the Settlement Agreement as a whole. That statute states that: “A final decision or order adverse to a party in a contested case shall be in writing or stated in the record. A final decision shall include findings of fact and conclusions of law, separately stated.” RSA 541-A:35. The Moving Parties contend that they requested that the Commission review and approve the Settlement Agreement as a whole and that the Commission’s failure to do so was thus an “order adverse” to them. They argue that the Commission therefore violated RSA 541-A:35 by failing to make factual findings and conclusions of law about the Settlement Agreement as a whole consistent with their request.

The Commission rejects this argument for substantially the same reasons that it rejects the Moving Parties’ arguments under RSA 363-17-b. The Commission made findings of facts for each of the recommendations and explained why it ruled the way it did on each of them. That satisfied the Commission’s obligations under the statute. In addition, the Commission disagrees with the suggestion that it had to make findings of fact on the Settlement Agreement as a whole simply because the Moving Parties requested it. Because the Commission had no obligation to either approve or reject the Settlement Agreement as a whole, any finding about the Settlement Agreement as a whole would have been pointless. Therefore, the Moving Parties have not shown good reason for rehearing on this basis.

C. Rehearing: Violation of Due Process for Not Ruling on Settlement Agreement

The Moving Parties next contend that the Commission violated the Moving Parties’ due process rights by failing to rule on the Settlement Agreement as a whole, and instead ruling on the individual recommendations separately. Specifically, the

Moving Parties note that by joining the Settlement Agreement, each of the Moving Parties forewent providing its own recommendations to the Commission, and submitting evidence to support those recommendations during the hearing, in favor of supporting a unified position that included compromises between the parties' positions. They contend that by reviewing and ruling on each recommendation separately, the Commission deprived them of the benefit of their compromise and thus violated their due process rights.

As an initial matter, due process is a fundamental constitutional right in both the New Hampshire and United States Constitutions. There are at least two centuries of case law laying out the parameters of what constitutes a cognizable due process claim. However, beyond stating that the Commission violated their due process rights, the Moving Parties did not cite any case law or in any way explain how the Commission's violated their due process rights under the applicable law. The Moving Parties did not even explain whether they were alleging that the Commission was violating their federal or state due process rights. Because the parties made no effort to lay out a cognizable argument that the Commission violated their constitutional rights, the Commission will not consider it. *See State v. Blackmer*, 149 N.H. 47, 49 (2003); *see also State v. Chick*, 141 N.H. 503, 504 (1996) (passing reference to constitutional claim renders argument waived); *Keenan v. Fearon*, 130 N.H. 494, 499 (1988) (noting that "off-hand invocations" of constitutional rights supported by neither argument nor authority warrant no extended consideration).

That said, the Commission does not believe it provided an unfair process to any of the parties involved in this docket. The Commission publicly noticed this docket. It granted intervention status to every party that filed a request by the applicable deadline. It allowed every party to serve discovery and file testimony. It provided an

opportunity for every party to file recommendations to the Commission on potential changes to NEM 2.0. It allowed every party the opportunity to present witnesses and cross-examine opposing witnesses at hearing and, notably, the majority of the Moving Parties presented their own witnesses at hearing. Finally, it permitted all parties the opportunity to file post-hearing briefing, even if they were part of the Settlement Agreement. Notably, one of the Moving Parties (the Conservation Law Foundation) did so, and the Commission addressed its specific concerns in its order. Simply put, the Commission does not find that this process was unfair to the Moving Parties.

In sum, the parties have not shown that the Commission violated their due process rights. Nor have they shown that the Commission otherwise deprived them of a fair hearing. The Moving Parties have therefore not shown good reason for rehearing on this basis.

D. Rehearing: Violation of RSA 363-17-b and RSA 541-A:35 for failure to rule on CPCNH's Recommendations⁴

Next, the Moving Parties argue that Order No. 27,074 violated RSA 363-17-b and RSA 541-A:35 because rather than approve or reject CPCNH's recommendations, the Commission found that they merited further consideration and provided additional process to review them in this docket. The Moving Parties contend that CPCNH proposed these recommendations prior to the evidentiary hearings, presented evidence at the hearing in favor of them, and advocated for them in its post-hearing brief.

Likewise, the Moving Parties contend that they presented evidence against each of the recommendations at hearing and argued against them in their post-hearing briefs.

They contend that the record on these issues was therefore complete and the

⁴ The Moving Parties also contend that the Commission violated, or is in the process of violating, their due process rights on this basis. Again, the Commission is not going to consider their arguments on this ground because they failed to cite any law or make any explanation as to how the Commission violated their due rights under the applicable law. *Blackmer*, 149 N.H. at 49.

Commission should have ruled on each of the recommendations, and that the Commission's failure to do so violated the intent of RSA 363-17-b and RSA 541-A:35 to issue final orders on the matters presented to it. The Moving Parties argue that if there was insufficient evidence in the record to support CPCNH's recommendations, the Commission should have ruled against them.

Relatedly, they contend that it is unfair to subject them to further process in this docket regarding issues they believe have already been fully briefed. They maintain that CPCNH was unable to introduce sufficient evidence prior to the August hearing, it should file a new petition with its recommendations for the Commission to consider. The Moving Parties contend that the Commission has effectively relieved CPCNH of the obligation of filing a petition under the appropriate pleading standards.

After reviewing the Moving Parties' arguments, the Commission finds they have not shown that Order No. 27,074 violated RSA 363-17-b or RSA 541-A:35. Given the nature of this docket and the Commission's obligations under RSA 362-A:9, XVI, to "continue to develop and periodically review new alternative net metering tariffs," it is not possible to apply the final ruling requirements in RSA 363-17-b and RSA 541-A:35 in the manner the Moving Parties suggest. This is not a docket in which a party filed a petition requesting relief that the Commission is able to resolve through an up or down decision. The "issues" that the Moving Parties have analogized to requests for relief come in the form of recommendations that the Commission solicited from the parties to provide structure to the evidentiary hearing. These recommendations are not comparable to a request for relief in a petition and they did not set the parameters for what the Commission can consider in this docket and when it must do so.

Rather, this is a docket the Commission convened to generally consider changes to the net metering tariff. As part of that process, the Commission has the

discretion to consider issues relevant to its statutory obligation, as well as how it is going to consider them. *See Appeal of Morin*, 140 N.H. 515, 517–519 (1995) (noting that an administrative agency, “like a trial judge, has broad discretion over the conduct of its hearings”). In the context of the Commission’s independent, ongoing obligation to review and develop net metering tariffs, it is not inconsistent with RSA 363-17-b and RSA 541-A:35 to reasonably determine that an issue raised in the docket required additional development after a final hearing.

Moreover, the Commission reasonably determined that this was appropriate here given the nature of CPCNH’s recommendations. None of CPCNH’s recommendations were for immediate action, but to establish process for the further development of its proposals, essentially by requiring the utilities to either gather more data, participate in working groups, or submit tariff amendments to implement CPCNH’s proposals, which would be subsequently litigated by the parties. Thus, at least in the Commission’s view, CPCNH did not present concrete proposals before the Commission to approve. And, as noted in Order No. 27,074, the Commission did not believe it was appropriate to direct the utilities to take action prior to establishing the evidentiary basis for that action.

But that does not mean that CPCNH did not raise important proposals for the net metering system. For example, CPCNH proposed that the Commission direct the utilities to develop tariffs that would facilitate the participation of storage in net metering. Other states have implemented tariffs that allow storage to participate in net metering to maximize the benefits provided by intermittent distributed energy resources and it is worthwhile to consider how such participation could be facilitated in New Hampshire. In the Commission’s view, it is appropriate to consider this issue

in this docket as part of the Commission's ongoing obligation to review and develop new net metering tariffs through an adjudicative proceeding.

In reaching this conclusion, the Commission acknowledges that its authority to develop new alternative tariffs must be exercised in a reasonable manner. It would be an unreasonable exercise of the Commission's discretion to force the utilities to perpetually litigate issues without arriving at a final decision. That is not the case here, however. The last time the Commission substantially changed the net metering tariff was in June of 2017, which was almost eight years ago. The primary vehicle for considering additional changes has been this docket, which included a hearing in August of 2024. Based on the current proposals for a procedural schedule, the earliest a hearing would occur on the challenged issues would be between one and 1.5 years from the August 2024 hearing. Based on this history, the Commission does not find that it has placed an unreasonable burden on the utilities with respect to the development of net metering tariffs.

For these reasons, the Moving Parties have not shown that the Commission violated RSA 363-17-b or RSA 541-A:35 by ruling that it would establish further process for the consideration of CPCNH's proposals. It will therefore not rehear its order on this basis.

That said, the Commission takes the Moving Parties' concerns in their motion for rehearing and clarification seriously. The Commission appreciates that the Moving Parties have already articulated their opposition to, and submitted evidence against, CPCNH's proposals. The Commission does not want any party to duplicate work they have already done in this docket. For this reason, any procedural and discovery schedule the Commission approves must reflect the prior work in this docket on these issues.

In addition, the Commission appreciates the timing concerns raised by the Moving Parties in both their motion for clarification and in their position statement on CPCNH's proposed procedural schedule. The Commission will consider the timing concerns of the Moving Parties carefully when reviewing CPCNH's proposed procedural schedule.⁵

E. Rehearing: Issues Contained in Puc 900 Rules

The Moving Parties' next argument is that the Commission cannot consider the issues in Phase I in an adjudicative docket because they do not meet the contested cases requirement in RSA 541-A:1, IV. Their argument requires a little explanation. They first contend that several of the issues in Phase I, specifically those related to the categorization of customer-generators and the types of net metering hardware the utilities utilize, fall within the "jurisdiction" of the DOE because they are included in the existing New Hampshire Code of Administrative Rules, Puc chapter 900. Notably, they cite no law for the proposition that jurisdiction over the Puc 900 rules was transferred to the DOE. Second, they state that these issues were not of the type that the Legislature instructed the Commission to consider when contemplating modifications to the net metering tariffs. However, the Moving Parties offer no statutory analysis for this conclusory statement.

Based on their arguments, the Moving Parties contend that the Commission lacks the authority to make any changes related to the issues noticed in Phase I. While they suggest that the Commission could review these issues in an investigatory docket pursuant to its broad investigatory authority over public utilities, they maintain that

⁵ The Moving Parties request, in the alternative, that if the Commission does not reconsider its ruling on its CPCNH's proposals, then the Commission should amend the Supplemental Notice to move a concern about recovery of renewable portfolio standard credits from Phase I to Phase II. The Commission effectively provided this relief in its January 3, 2025 procedural order.

the Commission cannot do so in an adjudicative docket because the Commission cannot affect any parties' rights, interests, or privileges with respect to issues over which it does not jurisdiction and thus it would not be "contested case" within the meaning of RSA 541-A:1, IV.

The Commission addressed substantially similar concerns in its analysis of the DOE's motion for clarification in Order No. 28,102 and the Commission incorporates that analysis into this order. In short, the Commission believes it does have jurisdiction over these issues and believes they should be resolved in this proceeding as part of the review and development of new net metering tariffs.

F. Rehearing: Timelines for Supplemental Notice

The Moving Parties next request that the Commission provide substantially more time for the consideration of the issues noticed in the Supplemental Notice. As an initial matter, the Commission noted that it will consider the Phase I issues in later stages. As for the remaining issues, the Commission appreciates the Moving Parties' concerns. The Commission notes that it has provided process for the development of a procedural schedule for Phase II and a scoping document for Phase III. The Commission believes that the Moving Parties' concerns about scheduling can be best addressed through the formation of the procedural schedule for Phase II and the scoping document for Phase III.

G. Clarify Scope of Inquiry for the Issues Covered by the DOE's 900 rules

The Moving Parties maintain that certain issues in the Supplemental Notice appear to be in the "within the [DOE's] jurisdiction under the Puc 900 rules. Since the Commission and the [DOE] are independent sister agencies which cannot overrule one another, it is unclear how the Commission would proceed on issues that are explicitly covered by the Puc 900 rules." Moving Parties' Mot. at 27. As with their similar request

for rehearing, the Commission believes that its analysis and conclusions in Order No. 28,102 are responsive to the Moving Parties' concerns on this point and incorporates that analysis in this order.

H. Clarify: Scope of Phase III

Finally, the Moving Parties request clarification on the scope of Phase III. In the Supplemental Notice, the Commission directed the electric distribution utilities to file a proposed outline of "(1) the data they seek to collect . . . relevant to [the] benefits of distributed energy resources in New Hampshire and the implementation of TOU net metering rates; (2) a description of how they will collect this information, such as, for example, whether they will commission an expert analysis, etc.; and (3) a proposed timeframe for collecting this information." Suppl. Notice at 7. The Commission further noticed that it would "address the potential implementation of future changes to the net metering tariff compensation mechanism and the imposition of TOU rates" in Phase III *Id.* The Moving Parties seek clarification because they contend that they do not know what comprises Phase III or how the Commission intends to adjudicate the issues in Phase III.

In fashioning Phase III, the Commission believed that it was largely consistent with the Moving Parties' proposal for a "stakeholder process," which was included in the Settlement Agreement. In the Settlement Agreement, the Moving Parties stated that they intended to "undertake an 18-month data collection effort that further elucidates the costs and benefits of [net metering] to residential customers." Settlement Agreement at 5. As part of the Settlement Agreement, the Moving Parties represented that they would "confer and agree upon the data elements to be collected." *Id.* The Moving Parties further agreed that the electric utilities would develop a net metering "TOU rate informed by the data collect effort and stakeholder process," which

they would submit within a two-year time frame. *Id.* at 3. Based on this proposal, the Commission understood that the Moving Parties were essentially proposing to collect additional data on net metering costs and benefits to ratepayers to inform a future proposal for a new alternative net metering tariff.

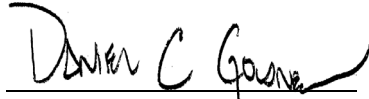
In requesting a scoping document for the data collection effort, the Commission wanted to know what questions the utilities are trying to answer, what “data points” the electric utilities intend to collect to answer those questions, how they intend to collect that data, and the timeframe in which they intend to collect it. The Commission wanted to ensure that there is a clear process in place for the collection of this data, which is intended to inform future proposals for net metering tariffs, that is mutually agreeable to the parties and Commission. Specifically, the Commission wanted to ensure that this data collection effort is directed towards a clear end goal, is gathering relevant information, and is productive.

The Commission has now received the electric distribution utilities’ initial scoping document. The Commission’s intention was that the scoping document would contain the utilities’ initial proposal, and that the other parties to this docket could provide input. In the Commission’s view, this scoping document should be the basis for the data collection effort contained in Phase III and a process for the creation of a final scoping document can be established during the February 13, 2025, prehearing conference.

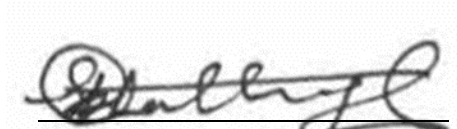
Based upon the foregoing, it is hereby

ORDERED, that the Commission DENIES the Moving Parties’ Motion for Rehearing and Clarification to the extent it seeks rehearing of Order No. 27,074 or the Supplemental Notice. In addition, the Commission clarified Order No. 27,074 and the Supplemental Notice as appropriate in this order.

By order of the Public Utilities Commission of New Hampshire this tenth day of
February 2025.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 22-060

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