

1 **STATE OF NEW HAMPSHIRE**

2 **PUBLIC UTILITIES COMMISSION**

3 **January 5,, 2023** - 1:32 p.m.
 4 21 South Fruit Street
 5 Suite 10
 Concord, NH

6 *[Prehearing conference also conducted via Webex]*
 7

8 **RE: DE 22-060**

9 **ELECTRIC DISTRIBUTION UTILITIES:**

10 Consideration of Changes to the Current
 Net Metering Tariff Structure, Including
 Compensation of Customer-Generators.
 11 ***(Prehearing conference)***

12 **PRESENT:** Cmsr. Pradip K. Chattopadhyay, *Presiding*
 Commissioner Carleton B. Simpson

13 Doreen Borden, Clerk and PUC Hybrid
 14 Hearing Host

15 **APPEARANCES:** **Reptg. Public Service Company of New**
 16 **Hampshire d/b/a Eversource Energy:**
 Jessica A. Chiavara, Esq.

17 **Reptg. Liberty Utilities (Granite State**
 18 **Electric) Corp. d/b/a Liberty Utilities:**
 Michael J. Sheehan, Esq.

19 **Reptg. Unutil Energy Systems, Inc.:**
 20 Patrick H. Taylor, Esq.
 Matthew C. Campbell, Esq.

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 23 Court Reporter: Steven E. Patnaude, LCR No. 52
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APPEARANCES: *(C o n t i n u e d)*

**Reptg. Community Power Coalition of
New Hampshire:**

Clifton Below

Reptg. Clean Energy New Hampshire:

Christopher Skoglund

David Littell, Esq. *(Bernstein Shur)*

Reptg. Standard Power of America:

Robert Hayden

Reptg. the Conservation Law Foundation:

Nicholas Krakoff, Esq.

Reptg. Walmart, Inc.:

Melissa M. Horne, Esq.

Reptg. IBEW Local 490:

Marco Lacasse

Nicholas Lydon

Reptg. Consumer Energy Alliance:

Marc Brown

Reptg. Residential Ratepayers:

Donald M. Kreis, Esq., Consumer Advocate

Benjamin Silver, Legal Resident

Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:

Suzanne G. Amidon, Esq.

Elizabeth Nixon, Director/Electric Group

Deandra Perruccio, Electric Group

(Regulatory Support Division)

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P R O C E E D I N G

1
2 CMSR. CHATTOPADHYAY: Good afternoon
3 again. I'm Commissioner Chattopadhyay. I am
4 serving as the Presiding Officer, because
5 Chairman Goldner is unavailable to attend today's
6 hearing. I'm joined by Commissioner Simpson.

7 We are here this morning for a
8 prehearing conference noticed by Order of Notice
9 issued on September 20th, 2022, and revised on
10 September 21st, 2022, in Docket Number DE 22-060.
11 The authority to convene a prehearing conference
12 is derived from RSA 541-A:31, VI(c), and Puc
13 203.15(c), which include the broad goal of
14 simplification of the issues in contested cases.

15 As has been shown in this and other
16 matters, the implementation of changes to net
17 metering tariffs is not simple. So, we hope that
18 this prehearing conference will be productive in
19 simplifying and moving this issue to resolution.

20 As a result of legislation enacted in
21 New Hampshire during the 2022 Legislative
22 Session, including SB 261 and HB 1599, as well as
23 the receipt of the final report of Dunskey Energy
24 Consulting of the Value of Distributed Energy

1 Resources Study, the Commission has determined
2 that it should consider amendments to the net
3 metering tariffs applicable to
4 customer-generators.

5 The Commission has proposed to take
6 administrative notice of the Locational Value of
7 Distributed Generation Study filed in Docket
8 Number DE 16-576 on August 21, 2020. The results
9 of which are to be incorporated into the VDER
10 study per Commission Order Number 26,221,
11 clarified by Order Number 26,227.

12 So, let's start with the appearances.
13 I'll go with the mandatory parties first. Let's
14 go to Liberty Utilities?

15 MR. SHEEHAN: Good afternoon. Mike
16 Sheehan, for Liberty Utilities (Granite State
17 Electric) Corp.

18 CMSR. CHATTOPADHYAY: Thank you.
19 Unitil?

20 MR. TAYLOR: Good afternoon,
21 Commissioners. Patrick Taylor, on behalf of
22 Unitil Energy Systems. Also with me today is
23 Matthew Campbell, our Senior Counsel.

24 CMSR. CHATTOPADHYAY: Eversource,

1 please?

2 MS. CHIAVARA: Hello again, Commission.
3 Jessica Chiavara, here on behalf of Public
4 Service Company of New Hampshire, doing business
5 as Eversource Energy.

6 CMSR. CHATTOPADHYAY: I'm going to go
7 to parties requesting intervention. So, I also
8 want to make sure I've got everyone.

9 So, let's start with Community Power
10 Coalition?

11 MR. BELOW: Good afternoon, Presiding
12 Officer Chattopadhyay. I am Clifton Below, on
13 behalf of the Community Power Coalition of New
14 Hampshire.

15 CMSR. CHATTOPADHYAY: Thank you. Clean
16 Energy New Hampshire?

17 MR. SKOGLUND: Good afternoon,
18 Commissioners. I'm Chris Skoglund, on behalf of
19 Clean Energy New Hampshire. And with me is our
20 expert, Dave Littell, from Bernstein Shur.

21 CMSR. CHATTOPADHYAY: Let's go to
22 Standard Power of America?

23 MR. HAYDEN: Bob Hayden, Standard
24 Power. You hear that?

1 CMSR. CHATTOPADHYAY: I didn't see you.
2 There you go. Okay.

3 Conservation Law Foundation?

4 MR. KRAKOFF: Good afternoon,
5 Commissioners. Nick Krakoff, with the
6 Conservation Law Foundation.

7 CMSR. CHATTOPADHYAY: Granite State
8 Hydro?

9 *[No indication given.]*

10 CMSR. CHATTOPADHYAY: No? Okay.
11 Walmart, Inc.?

12 MS. HORNE: Good afternoon,
13 Commissioners. Melissa Horne, on behalf of
14 Walmart, Inc.

15 CMSR. CHATTOPADHYAY: Thank you. IBEW
16 Local 490?

17 MR. LYDON: Nick Lydon, IBEW Local 490.
18 And here with Marco Lacasse, from IBEW.

19 CMSR. CHATTOPADHYAY: Thank you.
20 Consumer Energy Alliance?

21 MR. BROWN: Thank you. Marc Brown, I'm
22 here on behalf of Consumer Energy Alliance.

23 CMSR. CHATTOPADHYAY: And Colonial
24 Power Group, Inc.?

1 [No indication given.]

2 CMSR. CHATTOPADHYAY: Don't see anyone.
3 Did I miss anybody else, as far as
4 intervenors are concerned?

5 [No indication given.]

6 CMSR. CHATTOPADHYAY: Nope. So, let's
7 go to Office of the Consumer Advocate?

8 MR. KREIS: Good afternoon,
9 Commissioners. I am Donald Kreis, the Consumer
10 Advocate. Of course, my Office represents the
11 interests of residential customers, both those
12 who net meter and those who do not.

13 With me today is Benjamin Silver. He
14 is our brand-new legal resident. That is a term
15 that used to be called, I think, "intern" or
16 "extern", depending on what you like. Mr. Silver
17 is a third-year student at what I can confidently
18 represent to you is the very finest law school in
19 the entire State of New Hampshire, that would be
20 the UNH School of Law right down the street.

21 CMSR. SIMPSON: Welcome.

22 CMSR. CHATTOPADHYAY: That was a lot of
23 information. Department of Energy, please?

24 MS. AMIDON: Thank you. Suzanne

1 Amidon, for the Department of Energy. With we
2 today is Deandra Perruccio, who is with the
3 Sustainable Energy Division; and Liz Nixon, to my
4 far left, who is the Director of the Electric
5 Division, I believe. I may have that wrong, but
6 I apologize in advance.

7 CMSR. CHATTOPADHYAY: Thank you. So, I
8 think it is correct then the Commission has
9 received nine Petitions for Intervention in this
10 docket. In keeping with the Commission's rule on
11 prehearing conferences and the state
12 Administrative Procedures Act, it is appropriate
13 to address the petitions now.

14 I'll start briefly with the legal
15 standard for intervention, then ask each of the
16 petitioners to provide their responses. I'll
17 explain that a little later.

18 So, let's go to the legal standard for
19 intervention. It's the Commission's
20 Administrative Rule Puc 203.17 directs the
21 presiding officer to use RSA 541-A:32 to rule on
22 intervention requests. Under this statute, there
23 are two standards for ruling petitions for
24 intervention. First, there is review for

1 mandatory intervention; second, there is review
2 for permissive intervention.

3 That is the extent of detail I will get
4 into describing the legal standard. But, for
5 each of the nine intervenors, I'm going to
6 provide an opportunity for them to give the
7 reasons why they should be granted intervenor
8 status.

9 So, let's use the same order that was
10 used in the appearances. Please keep the
11 discussion brief and to the point. Community
12 Power Coalition, please?

13 MR. BELOW: Yes. Thank you.

14 The Community Power Coalition is a
15 joint power agency, pursuant to a joint powers
16 agreement under RSA 53-A and RSA 53-E,
17 representing 27 actual or potential municipal or
18 county aggregators under RSA 53-E. And pursuant
19 to 362-A:9, II, such aggregators "may determine
20 the terms and conditions and prices under which
21 they agree to provide generation supply to and
22 credit, as an offset to supply, or purchase the
23 generation output exported to the distribution
24 grid from eligible customer-generators."

1 Because of that statutory authority, we
2 have a direct interest, where rights, duties, and
3 such are implicated by how the Commission might
4 determine new net metering tariffs going forward,
5 and how that relates to our ability to offer such
6 on terms that the statute allows us to do.

7 CMSR. CHATTOPADHYAY: I should make
8 sure that I indicated that if, Commissioner
9 Simpson, you have any questions, you can feel
10 free to do so, even as I'm going through the
11 list.

12 CMSR. SIMPSON: Thank you. I don't
13 have any questions at this time.

14 CMSR. CHATTOPADHYAY: Okay. So, let's
15 go to Clean Energy New Hampshire.

16 MR. SKOGLUND: Thank you,
17 Commissioners.

18 So, Clean Energy New Hampshire is a
19 nonprofit representing a variety of residential,
20 business, and commercial entities, that includes
21 34 municipalities representing almost 300,000
22 citizens in New Hampshire. In addition, we also
23 have, as part of our members, 20 solar companies,
24 with hundreds of employees here in New Hampshire.

1 And many of these companies were previous
2 intervenors in -- sorry about that feedback -- in
3 the previous net metering docket. They have
4 opted to have us represent them in this
5 proceeding.

6 We also represent several of the hydro
7 producers in the state. And furthermore, the
8 three utilities, the regulated utilities, are
9 also members of Clean Energy New Hampshire.

10 Therefore, we have a deep interest in
11 the outcomes of this proceeding, and feel that it
12 would be in the best of interest of the state in
13 our intervention being granted.

14 Thank you.

15 CMSR. CHATTOPADHYAY: Any follow-up?

16 *[Cmsr. Simpson indicating in the*
17 *negative.]*

18 CMSR. CHATTOPADHYAY: Let's go to
19 Standard Power of America.

20 MR. HAYDEN: Thank you. My name again
21 is Bob Hayden, with Standard Power.

22 We participate very significantly in
23 group net metering. How's that? Okay.

24 So, currently, we administer group net

1 metering benefits to 20 school districts and 50
2 communities, and an additional 50 C&I entities
3 across New Hampshire. The aggregation is made up
4 of 30 hydro facilities, and is under contract to
5 provide the same services to several solar
6 facilities that are currently being built out.

7 We have provided millions of dollars of
8 benefits to schools and towns here in New
9 Hampshire through the group net metering program.

10 CMSR. CHATTOPADHYAY: Thank you.
11 Conservation Law Foundation.

12 MR. KRAKOFF: Thank you.

13 Conservation Law Foundation is a
14 nonprofit organization dedicated to protecting
15 New Hampshire's and New England's natural
16 environment. We have 760 members located in New
17 Hampshire alone.

18 You know, many of our members in New
19 Hampshire, they have their own DER resources.
20 And they're very concerned about the implications
21 of continued use of fossil fuels in New Hampshire
22 on the environment and in New England at large.
23 These interests are not represented by any other
24 parties to this docket. Particularly, you know,

1 the concern about climate change, you know, our
2 members are uniquely concerned about that, that
3 problem. And, so, there are no other parties to
4 this docket or intervenors to this docket that
5 can adequately represent those interests.

6 You know, we've been involved in net
7 metering dockets for quite a while now. We were
8 involved in the last preceding docket in this,
9 16-576, that preceded this and led to this
10 docket, as well as the legislation that led to
11 that docket on that matter.

12 So, we're uniquely situated to
13 participate in this docket. And, you know, our
14 members have a very substantial and direct
15 interest in ensuring that their concerns about
16 climate change, their desire to, you know, pursue
17 DER in order to resolve some of the -- or, to
18 address some of the issues of climate change is
19 adequately addressed in this docket.

20 Thank you.

21 CMSR. CHATTOPADHYAY: Thank you. I'm
22 going to skip Granite State Hydro. I'll go to
23 Walmart, Inc.

24 MS. HORNE: Good afternoon.

1 Walmart is a large customer of the
2 three utilities involved in this proceeding,
3 owning and operating approximately 28 retail
4 stores, a distribution center, and related
5 facilities in New Hampshire. And it employs
6 8,129 associates in New Hampshire.

7 Walmart currently has approximately 400
8 on-site solar energy systems deployed throughout
9 the United States. Its sites in New Hampshire
10 may be candidates for solar installations, if
11 conditions support such installations.

12 As such, Walmart will be directly and
13 substantially impacted by the issues and
14 potential tariffs considered in this proceeding.
15 To the extent amendments to the net metering
16 tariffs modify existing rate structures or
17 tariffs, or create new ones, Walmart is
18 interested in ensuring that they are cost-based
19 and properly structured.

20 Therefore, Walmart is a party within
21 the zone of interest protected by RSA Section
22 541-A:32.

23 CMSR. CHATTOPADHYAY: Thank you. IBEW.

24 MR. LACASSE: Marco Lacasse, IBEW.

1 We represent 9,500 electrical workers
2 in this state. Our members do everything from
3 keeping our factories running, keeping our
4 utility lines working, maintaining our existing
5 power plants, which are dwindling, and building
6 our new power generation sites. Turning to our
7 contractors that work exclusively with the IBEW
8 workers and our members, work on a variety of
9 different electrical projects, including solar
10 fields and new renewable energies. With one of
11 our few contractors that are working in solar
12 field, it's a big area that -- it's the only
13 thing we can bring on line right now that can
14 bring more power to the grid. And that's the
15 issues we have right now.

16 We also maintain the state's only
17 nuclear power plant, along with Moderna and
18 Lonza, that helped to build the COVID vaccine.

19 CMSR. CHATTOPADHYAY: Thank you.
20 Consumer Energy Alliance.

21 MR. BROWN: Thank you.

22 Consumer Energy Alliance is a national
23 association made up of both energy producers and
24 consumers. We were intervenors in the previous

1 net metering docket, 16-576.

2 And we have a number of members with
3 footprints in New Hampshire, including General
4 Electric, Nucor Steel, the New Hampshire Business
5 & Industry Association, Sig Sauer, and others.

6 So, therefore, we deserve intervention
7 in this docket. Thank you.

8 CMSR. CHATTOPADHYAY: Thank you. We
9 don't think we have received any written
10 objections to these nine requests to intervene.
11 But, if there are any parties here that want to
12 raise any objection, please do so right now?

13 *[No indication given.]*

14 CMSR. CHATTOPADHYAY: Thank you.
15 There's none.

16 So, I appreciate the discussion on
17 intervention. We are not going to rule
18 immediately. But, as required by statute, we
19 will issue an order granting or denying the
20 Petitions for Intervention, and specifying any
21 conditions on intervention. We will likely
22 include the ruling on intervention in the
23 prehearing order that follows this conference.

24 I want to go to a couple of other

1 preliminary issues. I mentioned one of them, but
2 I'll go there.

3 As far as the administrative notice of
4 Locational Value of Distributed Generation Study
5 is concerned, are there any objections?

6 *[No verbal response.]*

7 CMSR. CHATTOPADHYAY: No. okay.

8 So, let's jump to preliminary comments
9 on the VDER Report. So let's start with Liberty
10 Utilities.

11 MR. SHEEHAN: Thank you.

12 I was not prepared to have comments on
13 the VDER Report. We know it's been filed, we've
14 reviewed it. We will be certainly participating
15 in the conversations about it.

16 As a matter of preliminary statement,
17 we agree with the Commission, it's been a number
18 of years since the existing tariffs went into
19 effect, and it's ripe to take another look. As
20 the Commission suggested in its Order of Notice,
21 the three utilities sketched out a procedural
22 schedule, a proposed schedule, that we circulated
23 to the parties just this morning. That I don't
24 know if you want to talk about it in this session

1 today, or whether it will be after you folks
2 leave.

3 But the structure that we proposed --
4 what I see this docket is, step one, finding out
5 "Is it broken? Does it need to be fixed?" And
6 then, a typical adjudicative process after that.
7 So, the schedule that we've sketched out has a
8 number of stakeholder sessions, where this group
9 will get in a room and talk about what's working
10 and what's not working, and see if there are can
11 be some education of each other of the problems
12 and the benefits, and, as best we can, come to
13 agreements on what the new language should be.
14 After those sessions, there's a date for the
15 utilities to file testimony with proposed
16 language, there's a date -- then discovery, a
17 date for the intervenors to file their own
18 testimony, responding to the utilities, making
19 their own proposals, and rebuttal, and then a
20 hearing.

21 So, that's what we have.

22 CMSR. CHATTOPADHYAY: That sounds good.
23 But I will go through the list here. So, let's
24 go to Unitil Energy Systems.

1 MR. TAYLOR: Thank you, Commissioner.
2 Like Attorney Sheehan, I don't have
3 specific comments prepared relative to the VDER
4 Study that was submitted. I do anticipate that
5 this docket will be an opportunity to examine
6 that study. And, so, we certainly look forward
7 to that.

8 We do have more general opening
9 statements. I don't know if you want to hear
10 those from us at this time or if you wanted to
11 reserve that for another time?

12 CMSR. CHATTOPADHYAY: No. That would
13 be appreciated. Please do.

14 MR. TAYLOR: Okay. Great.

15 Well, first of all, Unitil very much
16 appreciates the opportunity to revisit the net
17 metering tariff applicable to customer-generators
18 in New Hampshire. It's been, as Attorney Sheehan
19 alluded to, five and a half years since the
20 Commission's order in DE 16-576, providing for
21 the adoption of an alternative net metering
22 tariff. And, in the ensuing years, the
23 popularity and adoption of distributed generation
24 has increased at a rapid pace that really shows

1 no sign of abating. Unitil has recently
2 experienced a significant increase in
3 interconnection requests from
4 customer-generators, resulting in an increased
5 deployment of administrative resources.

6 The Company has experience with some of
7 these issues in its Massachusetts territory. And
8 we look forward to bringing that experience to
9 this docket, which we think will be very
10 informative.

11 Unitil supports the expansion of
12 distributed generation in this state. It's
13 consistent with the Company's vision, which I
14 think we've stated on a number of occasions, that
15 the electric distribution system is an enabling
16 platform designed to integrate customers,
17 markets, and new technologies.

18 And the Company looks forward to
19 working with other parties and the Commission to
20 allow interconnection access for
21 customer-generators in a manner that's fair to
22 all customers, and preserves the Company's
23 ability to deliver safe and reliable service.

24 An important consideration in the

1 docket is going to be the value of distributed
2 generation, and the relevance of factors, such as
3 availability, controllability, and reliability of
4 such resources when determining their relative
5 value.

6 This is a timely and important
7 proceeding in the evolution of distributed
8 generation in New Hampshire. And we appreciate
9 the opportunity to provide input and share our
10 experience with the Commission and other
11 stakeholders.

12 Thank you.

13 CMSR. CHATTOPADHYAY: Thank you.

14 So, I'll go a little bit off script,
15 just want everyone to be encouraged to even give
16 your opening statements, along with, you know,
17 what I previously said, just comments on the VDER
18 Report. So, feel free to provide your opening
19 comments as well.

20 Eversource Energy.

21 MS. CHIAVARA: Yes. Thank you.

22 Just to -- sorry. Just to round things
23 out, Eversource also doesn't have any comments on
24 the VDER Report at this time. But we were fully

1 prepared, we figured that would be the topic of
2 conversation in the stakeholder process that we
3 are proposing comes before the commencement of
4 the official procedural schedule that Attorney
5 Sheehan has proposed. So, we'd like to address
6 it then with the relevant stakeholders.

7 As for an opening statement, Eversource
8 believes that this docket is very well timed, as
9 distributed generation in New Hampshire has
10 recently experienced dynamic growth, which shows
11 no signs of slowing, and looks likely to continue
12 and increase in magnitude.

13 The number of DG interconnection
14 requests that Eversource received from its New
15 Hampshire customers increased 280 percent in
16 2022, with the Company receiving up to five to
17 seven times the amount of applications in certain
18 weeks compared with 2021. Customers will
19 continue to be interested in clean energy options
20 for their homes and businesses with increasing
21 climate change concerns and energy supplier
22 prices at an all-time high.

23 This proceeding is an excellent
24 opportunity for stakeholders, the utilities, and

1 the Commission to engage on the issues as to how
2 the utilities can efficiently and equitably
3 provide energy generation options to the growing
4 number of New Hampshire residents and businesses
5 that are interested in them.

6 Among the range of issues noticed for
7 consideration in this docket are regulatory
8 mechanisms and changes to tariffs for
9 customer-generators, as well as what changes may
10 need to be made to utility administrative
11 processes and recovery mechanisms to implement
12 any contemplated modifications or improvements to
13 the current net metering tariff and corresponding
14 rate structures.

15 The Eversource affiliates in
16 Connecticut and Massachusetts have considerable
17 experience in the integration and expansion of
18 distributed generation. And the Company hopes to
19 use that experience to inform the various policy
20 and logistical considerations at issue in this
21 docket.

22 In the other two Eversource service
23 territories that I just mentioned, those
24 affiliates have interconnected nearly 120,000

1 distributed generation facilities, which has
2 added over 3 gigawatts of clean energy to the New
3 England power grid. The Company's experience in
4 these markets has demonstrated that efficiently
5 enabling clean energy generation choices for
6 customers requires the right development and
7 application of resources.

8 No matter what the solutions are that
9 are reached at the conclusion of this docket,
10 Eversource hopes to leverage its cumulative
11 experience to best serve all customers, while
12 advancing and growing the distributed generation
13 market in New Hampshire. We believe this docket
14 can serve as a vehicle to develop and implement
15 the regulatory mechanisms that will enable the
16 utilities to deliver quality service to an
17 expanding number of distributed generation
18 customers, while avoiding cost shifts. And we're
19 looking forward to working with stakeholders to
20 develop forward-looking processes that
21 accommodate and advance this area of growth.

22 Thank you.

23 CMSR. CHATTOPADHYAY: Thank you. Let's
24 go to Community Power Coalition.

1 MR. BELOW: Thank you.

2 I think, as the attorney for Eversource
3 just noted, that the scope of this docket
4 implicates issues around administrative processes
5 and cost recovery that may be related to design
6 of tariffs. I would like to call attention to
7 one matter that's in the net metering statute,
8 RSA 362-A:9, XII -- or, I'm sorry, Roman -- yes,
9 XI(a) [correction: XXI(a)], which raises a
10 question that I think is not explicitly noticed,
11 but by implication is an issue that should be
12 addressed in this proceeding. And what that
13 statute says is: "The Commission shall consider
14 the question of whether or not exports to the
15 grid by customer-generators taking default
16 service should be accounted for as a reduction to
17 what would otherwise be a wholesale load
18 obligation of the load-serving entity providing
19 default service absent such exports to the grid.
20 The Commission shall use its best efforts to
21 resolve such question through an order in an
22 adjudicative proceeding, which may be DE 16-576,
23 issued no later than June 15th, 2022."

24 Obviously, that date has come and gone.

1 And I believe that the Commission has recently
2 closed DE 16-576 and designated this as the
3 successor proceeding. So, I think it would be
4 appropriate for that issue also to be considered
5 in this proceeding. Without going into more
6 detail, I think it has implications, obviously,
7 for what a tariff says about net metering, but
8 also some of the questions -- the other questions
9 that are raised in this proceeding.

10 CMSR. SIMPSON: Could you please repeat
11 that chapter, Mr. Below?

12 MR. BELOW: Yes. It's RSA 362-A:9,
13 which is the whole net metering section, and it
14 is Roman 11, XXI(a) *[sic]*.

15 CMSR. SIMPSON: Thank you.

16 CMSR. CHATTOPADHYAY: Thank you.

17 MR. BELOW: Oh, 21. I'm sorry, that's
18 21. I knew that. It's 21 **[XXI]**, not 11 **[XI]**.

19 CMSR. CHATTOPADHYAY: Let's go to Clean
20 Energy New Hampshire.

21 MR. SKOGLUND: Thank you,
22 Commissioners.

23 We've already used up some of our
24 opening remarks in our previous introduction.

1 But, like some of our -- the other attendees here
2 today, we do not have comments at this time to
3 make on the VDER Study, and are prepared to
4 engage with stakeholders over the term of this
5 docket to do so.

6 Just to keep our comments brief --
7 sorry, I've lost my place. CENH and its members,
8 which include New Hampshire citizens, local
9 governments, businesses, have a strong interest
10 in using clean, affordable, and abundant
11 distributed energy resources. Our members
12 include customer-generators and developers of net
13 metered facilities, as well as many who are
14 interested in becoming so in the future. New
15 Hampshire's net metering program to date has been
16 a foundational policy to enable the deployment of
17 clean energy projects serving New Hampshire
18 businesses and citizens.

19 These projects provide value to the New
20 Hampshire economy, and have been a vital hedge
21 against the price shocks that result from shifts
22 in the global fossil fuel market. This policy
23 represents an administratively efficient and
24 consumer-friendly method of passing on regional

1 transmission and capacity benefits to consumers
2 who invest in local small-scale generation.

3 The outcome of this proceeding will
4 determine whether New Hampshire residents, local
5 governments, and businesses will continue to find
6 investments in behind-the-meter and off-site
7 distributed clean energy projects financially
8 viable.

9 Clean Energy New Hampshire and our
10 expert, David Littell, a former Maine
11 commissioner with expertise in net energy
12 metering across many states, looks forward to
13 working with the Commission and the parties to
14 develop a distributed energy resource tariff that
15 is fair to consumers and to the New Hampshire
16 customer hosts that invest in local clean
17 generation, and to the New Hampshire-based
18 companies that perform that work.

19 The docket has broad implications for
20 our members' interests, and the final DER tariff
21 will determine the financial viability of
22 projects in the short and long term, the scope
23 and scale of local clean energy supply, and the
24 strength of New Hampshire's overall economy.

1 So, while we recognize that we will
2 work on the procedural schedule in the after part
3 of this project -- not "project", this docket, we
4 also wanted to make note that we may want to take
5 administrative action to include the Value of
6 Distributed Energy Resources Study, as it was
7 only referenced in the original order, but had
8 not yet been released.

9 MR. LITTELL: May I add to that,
10 Commissioners?

11 CMSR. CHATTOPADHYAY: Absolutely.

12 MR. LITTELL: Thank you. David
13 Littell, for Clean Energy New Hampshire.

14 To add to what Mr. Skoglund said, I
15 wanted to clarify, the utilities circulated, at
16 least to the parties, a draft schedule this
17 morning, early this morning. And that draft
18 schedule, including stakeholder discussions, we
19 find generally workable.

20 Obviously, things may change. But it
21 may make sense to see if the stakeholders and all
22 those in the room, as well as the Commission, as
23 the Commission deems fit to have representatives
24 in those discussions, can work issues out.

1 I know last time the Commission looked
2 at the net energy metering docket, the resolution
3 was received as generally moderate and well
4 received sort of nationally. And, hopefully, we
5 could come out in the same place, where no one is
6 entirely happy, but we end up with a good
7 resolution.

8 So that -- I just want to be clear that
9 that schedule makes sense to us. On that
10 schedule, we anticipated having the opportunity
11 to submit testimony and detailed comments on both
12 studies. And I'd just clarify on "both studies",
13 the Commissioner noted the "Locational Value of
14 DER Study". I think, with the timing of the
15 notice of this proceeding, the actual Value of
16 DER Study wasn't out yet. But there are two
17 different studies, and we would encourage the
18 Commission to take notice of both of the studies,
19 so that we can submit comments on both of those
20 studies.

21 And I think some of the responses
22 you've gotten from people here today have been
23 referencing the latter study, the Value of DER
24 Study, not the earlier study. They're both

1 important studies, and they both speak directly
2 to the issues of the notice of net metering. So,
3 we would encourage the Commission to take notice
4 of both of those studies.

5 And we certainly do have comments on
6 those studies. That both studies were very well
7 done. The study, the latter study, on the Value
8 of DER, done by Dunsky for the Department, was, I
9 think, added substantially to the sort of
10 national literature on this issue. So, we think
11 it will be important for all the parties to
12 submit comments and to look at that carefully,
13 and offer those comments to the Commission.

14 So, with that, just wanted to be clear
15 that we're in agreement on the schedule. And
16 hope that we have the opportunity and would ask
17 for the opportunity to submit written comments
18 and testimony on those studies at the appropriate
19 time, as the Commission notifies us to do.

20 Thank you.

21 CMSR. CHATTOPADHYAY: Thank you.

22 *[Cmsr. Chattopadhyay and Cmsr. Simpson*
23 *conferring.]*

24 CMSR. CHATTOPADHYAY: I think we'll

1 take the matter under advisement. And, you know,
2 we will get back appropriately.

3 So, let's -- I think I'm going through
4 the list, Standard Power of America.

5 MR. HAYDEN: At this time, we have no
6 real comments. But we will in the future.

7 CMSR. CHATTOPADHYAY: Thank you.
8 Conservation Law Foundation.

9 MR. KRAKOFF: Yes. Thank you,
10 Commissioners.

11 I have a few preliminary comments about
12 the VDER Study, which, as the Commissioners have
13 noticed, you know, will inform their
14 considerations that have been raised in this
15 docket.

16 You know, first off, the VDER Study
17 show that there are significant avoided cost
18 values to the electric system from DER in New
19 Hampshire. The Report also demonstrated there
20 are significant environmental benefits from DER
21 expressed in terms of avoided carbon and nitrogen
22 oxide emissions.

23 For example, as shown in the Report,
24 DER can avoid significant environmental

1 externalities generated by fossil fuel
2 generation. This is especially relevant given
3 what occurred on Christmas Eve, when at one point
4 over 40 percent of the ISO-New England resource
5 mix was from oil, which we haven't seen for a
6 long time. Increased DER can result in less use
7 of such polluting resources and should be
8 considered in this docket, those benefits.
9 Accordingly, when considering the value provided
10 from net metering in this docket, it's really
11 important that the Commission give appropriate
12 weight to these benefits.

13 Additionally, the VDER Study found that
14 any cost-shifting from DER, under either the
15 current net metering tariff or under an avoided
16 cost value alternative, was very minimal. With
17 bill increases of approximately one percent on
18 average, and at most two percent for customers
19 who do not adopt DER. However, for customers
20 that do adopt DG or DER, the study found
21 significant bill reductions under both
22 approaches. This shows that, in an era of high
23 energy costs, DER provides a way for customers to
24 reduce their energy expenditures, while only

1 resulting in very minimal cost-shifting for those
2 customers that do not adopt a DER.

3 In conclusion, as demonstrated by the
4 Report, DER provides significant avoided cost
5 value, as well as environmental benefits, and the
6 current net metering tariff results in very
7 minimal cost-shifting to non-DER customers. When
8 deciding whether to adopt alternatives to the
9 current net metering tariffs, CLF encourages the
10 Commission to appropriately consider and weigh
11 this evidence from the Report.

12 CLF again appreciates the opportunity
13 to give this opening statement, and looks forward
14 to participating in this docket.

15 Thank you.

16 CMSR. CHATTOPADHYAY: Thank you.
17 Walmart, Inc., please.

18 MS. HORNE: Good afternoon.

19 As has been noted, it's been quite a
20 long time since New Hampshire's net metering
21 tariffs were addressed by this Commission. And
22 also as has been noted, this is a rapidly
23 evolving area of consideration, and I think this
24 docket is timely. The issues to be considered

1 are important.

2 Walmart has significant interest in
3 energy efficiency and demand-side management
4 technology. And it looks forward to
5 participating in this docket that will assist in
6 resolving the issues presented in it.

7 Thank you.

8 CMSR. CHATTOPADHYAY: Thank you. IBEW.

9 MR. LYDON: We have no comments at this
10 current time.

11 CMSR. CHATTOPADHYAY: Thanks. Consumer
12 Energy Alliance.

13 MR. BROWN: Thank you.

14 We have no comments on the VDER Study
15 at this time. We look forward to participating
16 in the proceeding, and determining appropriate
17 value for DG exports.

18 I'll just note, you know, CEA supports
19 expansion of renewables. We just want to make
20 sure that they are integrated in a manner that is
21 affordable and reliable for all consumers.

22 So, thank you.

23 CMSR. SIMPSON: Thank you. The Office
24 of Consumer Advocate.

1 MR. KREIS: Thank you. Excuse me.

2 Thank you, Mr. Presiding Officer.

3 Net metered energy is a wholesale
4 product. And we know that because the definition
5 of "wholesale" is very clear: "Sale for resale."
6 And, so, it makes sense that you would not
7 literally spin the meter backwards anymore and
8 provide people or pay to wholesale producers of
9 net metered generation the retail price of
10 electricity. Neither, however, in my opinion,
11 does it make sense to compensate net metering
12 generators at the locational marginal price that
13 is set by ISO-New England in its control room in
14 Holyoke, Massachusetts. There is simply a delta
15 between the value of that energy and the value of
16 energy produced on rooftops and in backyards.

17 So, the correct answer about "how to
18 compensate for net metered energy?", is going to
19 fall somewhere between those two extremes. So,
20 that brings me to the question of "What do I have
21 to say about the VDER Study," which, and Mr.
22 Littell made a very good point, builds on the
23 Locational Value Study. And, so, therefore, it
24 would behoove the Commission to take

1 administrative notice of both of those studies,
2 and take care in the context in this docket to
3 give both of those studies, which I also agree
4 were very well done, the thorough examination
5 that they deserve.

6 I've read the VDER Study, or at least
7 most of it. And I'm not an expert, but I have
8 reached the following conclusion based on the
9 VDER Study: Five years ago, when we all slogged
10 through that very contentious proceeding, DE
11 16-576, and presented two rival settlement
12 agreements to the Commission, causing the
13 Commission to essentially cut the baby in half,
14 find the middle ground between those two
15 settlements, and adopt that result as the net
16 metering tariff, pending the VDER Study. It
17 turns out that we more or less got it right.
18 And, therefore, as I approach the beginning of
19 this proceeding, on behalf of the state's
20 residential utility customers, both those who net
21 meter and of those who do not, I am very, very
22 optimistic.

23 I was asked once at a public meeting
24 "What is the secret to my success, as Consumer

1 Advocate?" And my unhesitating answer was "Avoid
2 public conversations about net metering." But I
3 have changed my mind.

4 I actually think that all of us should
5 lean very creatively and aggressively into this
6 proceeding, because I think that, unlike where we
7 were five and six years ago, we have every
8 prospect here of coming to a consensus view about
9 the role that distributed generation should play
10 in New Hampshire, given the technologies and
11 other realities, and the global markets in which
12 we participate when we rely on natural gas.

13 And, so, therefore, I think that the
14 paradigm that the utilities have proposed, that
15 calls for treating this docket much like the way
16 we treat dockets over triennial energy efficiency
17 plans, makes a lot of sense. In other words, get
18 the stakeholders together and see where the
19 common ground is, because I suspect there will be
20 a fair amount of common ground, or at least I
21 hope there will be. And, at the end of that,
22 hopefully, there's enough of a consensus view
23 that the utilities, and I do think that they are
24 the appropriate parties to do this, can then

1 propose to you a new approach to net metering, it
2 might look a lot like the old approach, that can
3 be approved by the Commission, hopefully with
4 relatively little in the way of hot air and bells
5 and whistles.

6 One issue that I think nobody else has
7 mentioned that I will mention, is the question of
8 "grandfathering". It is very important, in my
9 opinion, for the Commission not to upset the
10 reasonable expectations of customers who have
11 invested previously in the facilities that are
12 necessary to produce net metered energy. And,
13 so, to the extent that the nature, type or degree
14 of compensation changes as a result of this
15 docket, I do think it's only fair to protect the
16 preexisting net metering customers, by giving
17 them the benefit, essentially, of the bargains
18 that they previously struck.

19 Very excited about participating in
20 this docket. Look forward to working with every
21 single party in the room, and am ready to move
22 forward on that basis.

23 CMSR. CHATTOPADHYAY: Thank you. And
24 the Department of Energy please.

1 MS. AMIDON: Thank you.

2 The Department is prepared to
3 participate in this docket. But, as with the
4 other members, we only received the proposed
5 procedural schedule early this morning from one
6 of the utility representatives. So, at this
7 point, the Department can't state agreement with
8 the draft procedural schedule, because we need to
9 consider it with our team and our consultant.

10 And, with the update to the VDER Study
11 that we anticipate receiving at some point, we,
12 the Staff, and Dunsky have had conversations, and
13 that study is underway, we don't know at this
14 point when it will be completed. But the update
15 should provide additional information regarding
16 the value of distributed generation, and update
17 some of the underlying assumptions of the Study
18 based on recent energy market changes.

19 So, what we hope, as to the extent that
20 this Study will be used for this proceeding, the
21 Department would like the parties to consider the
22 fact that this update is going to be coming in
23 and scheduling stakeholder groups, to that it
24 would be available to the participants as we go

1 through any evaluation of proposed tariffs or
2 other discussions.

3 As I said, we are prepared to
4 participate in this proceeding. But the
5 Department would like to respectfully request
6 that the Commission delay approving a schedule,
7 until the parties can reach agreement amongst
8 ourselves on what the appropriate timeframe is
9 for this docket.

10 The schedule that was proposed this
11 morning is quite extended, in terms of the
12 outcome, you know, not foreseeing the outcome
13 until 2024, an order in 2024. And we just want
14 to be able to understand the reasons for the
15 schedule being so attenuated. And we also need,
16 as I said, to talk to our consultants and other
17 members of our team about the schedule.

18 Thank you.

19 CMSR. CHATTOPADHYAY: Thank you. So,
20 I'll go back to the issue of, you know, the
21 procedural schedule later.

22 But let's go to Commissioners'
23 questions or comments first. And we'll start
24 with Commissioner Simpson.

1 CMSR. SIMPSON: Thank you, Commissioner
2 Chattopadhyay.

3 I don't have any procedural questions
4 at this time. I just would note for the record
5 that I'm encouraged by the comments that have
6 been voiced today with respect to a robust
7 stakeholder process. And I echo and encourage a
8 collaborative, open, and respectful process
9 throughout this proceeding, for an issue that is
10 clearly of great importance for the State of New
11 Hampshire.

12 Thank you.

13 CMSR. CHATTOPADHYAY: Thank you. I
14 echo the same sentiments.

15 But, before I wrap up, I do have
16 just -- I will call them "questions", but they're
17 really, in some ways, comments as well.

18 So, it's good to know that Dunsky is
19 working on updating the Report. So, it will
20 probably have other sensitivities, you know, a
21 relook at the sensitivities.

22 I would suggest that, and just reading
23 the Report, it occurred to me that, and I may be
24 wrong, but I'm looking at the -- you know, let me

1 just use the right term here, hold on. The
2 "levelized customer-installed costs", the numbers
3 that are appearing there, those are sort of the
4 base numbers. So, I'm curious whether there are
5 other numbers out there as sensitivities. And
6 what, when you have other numbers, what happens
7 to the results? So, this is just a comment,
8 purely looking at the report.

9 The other, so, you know, so, let me
10 wrap up. So that, if the new study, the updated
11 study also looks at something like that, that
12 will be very helpful to the Commission.

13 The other point I would make, this is
14 about the yellow boxes in the Report, which were
15 not quantified. If you remember, there were
16 different categories that are not quantified. I
17 just, again, the way I look at it is it would be
18 great to have a sense of, overall, in which
19 direction do they take the answers? Okay?

20 Having said that, I am also encouraged
21 that you are all talking about a procedural
22 schedule. In most dockets, that's how it is, you
23 know. So, I would let the folks here sit down
24 and talk through it on their own. And do get

1 back to us with a procedural schedule.

2 Hopefully, you will all be agreeing on that.

3 CMSR. SIMPSON: I'd ask, does anybody
4 have any insight into when we might expect a
5 procedural schedule with general support?

6 MR. SHEEHAN: As several have noted, I
7 circulated it early this morning. So, I hope the
8 conversation we have now will result in maybe
9 some high-level tweaks or changes.

10 And then, I do appreciate that folks
11 need to -- we have specific dates. So, today is
12 Thursday, so sometime next week I would think we
13 could close that loop, if it sounds reasonable to
14 others.

15 CMSR. SIMPSON: Very good.

16 CMSR. CHATTOPADHYAY: We will get back
17 on the intervention status question soon, and
18 hopefully with that order that, you know, follows
19 this prehearing conference.

20 And the other thing I would like to
21 point out, and I'm already seeing that this
22 process is going to be collaborative. So, if
23 intervenor status is granted, if they find they
24 have common interests, it would really help if

1 their representations are consolidated, to the
2 extent they are willing to do it. So, I'm just
3 letting you know that that is always helpful to
4 us.

5 Have I missed anything else?

6 *[No verbal response.]*

7 CMSR. CHATTOPADHYAY: That never
8 happens.

9 *[Laughter.]*

10 CMSR. CHATTOPADHYAY: So, thank you,
11 everyone. We are adjourned.

12 ***(Whereupon the prehearing conference***
13 ***was adjourned at 2:25 p.m., and a***
14 ***technical session was held thereafter.)***

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