

STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

December 13, 2022 - 1:32 p.m.
21 South Fruit Street
Suite 10
Concord, NH

RE: **DG 22-064**
LIBERTY UTILITIES (ENERGYNORTH
NATURAL GAS) CORP. d/b/a
LIBERTY UTILITIES: 2022 Least
Cost Integrated Resource Plan.
(Prehearing conference)

PRESENT: Chairman Daniel C. Goldner, *Presiding*
Commissioner Pradip K. Chattopadhyay
Commissioner Carleton B. Simpson

Alexander Speidel, Esq./PUC Legal Advisor

Doreen Borden, Clerk

APPEARANCES: **Reptg. Liberty Utilities (EnergyNorth**
Natural Gas) Corp. d/b/a Liberty
Utilities:

Michael J. Sheehan, Esq.

Reptg. the Conservation Law Foundation:
Nicholas Krakoff, Esq.

Reptg. Terry Clark:
Richard M. Husband, Esq.

Court Reporter: Steven E. Patnaude, LCR No. 52

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APPEARANCES: *(C o n t i n u e d)*

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

Reptg. New Hampshire Dept. of Energy:
Mary E. Schwarzer, Esq.
(Regulatory Support Division)

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P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. Good

afternoon. This is the prehearing conference for Docket DG 22-064, the Liberty gas LCIRP filed in 2022, following the issuance of Commission Order 26,684, on September 14th, 2022 and Order 26,702, on October 12th, 2022. We note that Order 26,684 established a process whereby the Company would file certain elements of its LCIRP in October 2022, which it has done, and the remaining elements of the LCIRP would be filed no later than May 1st, 2023.

We also note that two motions to intervene have been filed in advance of the prehearing conference by the Conservation Law Foundation and by Mr. Terry Clark. We will address these motions after taking initial appearances.

Addressing the Company, are there any additional preliminary matters that require addressing today?

MR. SHEEHAN: No. Thank you.

CHAIRMAN GOLDNER: Thank you. Okay.

So, let's take appearances, beginning with

1 Liberty.

2 MR. SHEEHAN: Good afternoon,
3 Commissioners. Mike Sheehan, for Liberty
4 Utilities (EnergyNorth Natural Gas) Corp.

5 CHAIRMAN GOLDNER: Thank you. And the
6 Office of Consumer Advocate?

7 MR. KREIS: Good afternoon, Mr.
8 Chairman, Commissioners. I'm Donald Kreis, the
9 Consumer Advocate, here on behalf of residential
10 utility customers.

11 CHAIRMAN GOLDNER: And, finally, the
12 New Hampshire Department of Energy?

13 MS. SCHWARZER: Good afternoon, Mr.
14 Chairman. Mary Schwarzer, for the Department of
15 Energy.

16 CHAIRMAN GOLDNER: Very good. And can
17 the attorneys for Mr. Clark, and then CLF,
18 identify themselves?

19 MR. HUSBAND: Good afternoon, Mr.
20 Chairman and Commission. This is Richard
21 Husband. I'm an attorney representing Terry
22 Clark, who is seated next to me.

23 CHAIRMAN GOLDNER: Okay. Thank you.
24 And CLF?

1 MR. KRAKOFF: Good afternoon, Chairman
2 and Commissioners. I'm Nick Krakoff of the
3 Conservation Law Foundation.

4 CHAIRMAN GOLDNER: Okay. Thank you.
5 So, as mentioned, the Commission has received two
6 petitions for intervention in this docket, one
7 from CLF and one from Mr. Clark. In keeping with
8 the Commission's rules on prehearing conferences,
9 I'd like to develop the record a bit more on
10 these petitions.

11 I'm sure we all know this, but, first,
12 to discuss the standard I'll be using for the
13 record, in adjudicative proceedings at the
14 Commission, petitions for intervention are
15 governed by the Commission's Administrative Rule
16 203.17. This rule, in turn, directs us to the
17 state's Administrative Procedure Act and the
18 statutory standards for intervention in RSA
19 541-A:32. So, looking at the statute, there are
20 two standards for ruling petitions for
21 intervention.

22 First, there is a review for mandatory
23 intervention. This standard has three prongs:
24 Timeliness, a sufficient showing that the

1 petitioner's rights, duties, privileges,
2 immunities, or other substantial interests that
3 may be affected by the proceeding, or is entitled
4 to intervene by law, and granting intervention
5 will not impair the interests of justice or the
6 orderly and prompt conduct of the proceeding.

7 The second is to review for permissive
8 intervention. Under this standard, a presiding
9 officer may grant intervention at any time, if
10 there is a determination that the intervention is
11 in the interest of justice, and would not impair
12 the orderly and prompt conduct of the proceeding.

13 In addition to these two standards, a
14 presiding may -- is granted discretion to impose
15 conditions on an intervention to facilitate
16 prompt and orderly proceedings.

17 Okay. With all that said, I'd like to
18 turn our attention to the specific petitions. I
19 believe that CLF's petition was filed first. So,
20 let's look at the Conservation Law Foundation
21 Petition for Intervention.

22 Counsel Krakoff, I see that the CLF
23 motion states that "The rights, privileges, and
24 interests of CLF...will be affected in this

1 proceeding." Can you help me understand, with
2 specificity, what rights or privileges of CLF are
3 at issue in the proceeding? Or, is the argument
4 only that CLF has substantial interests that will
5 be affected by this proceeding, but not rights or
6 privileges?

7 MR. KRAKOFF: Yes. CLF's members have
8 substantial interests and their rights and
9 privileges will be affected in this proceeding.
10 And I would say that we have ratepayers that are
11 members that are in Liberty's service territory.
12 Obviously, what's done in this docket will affect
13 their interest with respect to rates.

14 Also, a big interest of ours has been
15 the environmental and the public health analyses
16 that are required under the LCIRP statutes. I
17 think it goes without saying that, you know, the
18 public health impacts and the environmental
19 impacts, it will certainly affect New Hampshire's
20 residents, you know, including those members of
21 CLF that reside in New Hampshire.

22 Similarly, CLF's members have a strong
23 interest in energy efficiency. And we've
24 intervened in many matters involving energy

1 efficiency and as part of the LCIRP statutes, the
2 utility is required to analyze energy efficiency
3 and demand-side management alternatives to, you
4 know, to rate-regulated utility spending. You
5 know, ratepayers are interested in those
6 measures, and want to ensure that the rates will
7 not increase too much, and that, you know, the
8 utility will explore energy efficiency
9 alternatives that will, you know, to ensure that
10 those are the least-cost alternatives being
11 proposed by the utility.

12 CHAIRMAN GOLDNER: Okay. Thank you.
13 And maybe just one or two follow-on questions.

14 So, the LCIRP is a planning process.
15 And, so, I'm just trying to understand how it
16 will lead to outcomes that may affect CLF and its
17 members?

18 MR. KRAKOFF: Sure. Well, I mean, I
19 think, you know, the Commission, in the prior
20 docket for Liberty, they really recognized that
21 LCIRPs play a valuable role in utility planning,
22 particularly with respect to ensuring that the
23 alternatives that the utilities select are the
24 least-cost alternative. You know, there's no

1 other proceeding similar to this before the New
2 Hampshire PUC that kind of takes this holistic,
3 comprehensive view of the utility's planning
4 process.

5 And, so, you know, sure, all these
6 matters arise in other dockets, but there's
7 nothing that sort of, you know, looks at
8 everything in a comprehensive manner, as required
9 under, you know, the LCIRP statutes, you know,
10 which requires that the utility look at not only
11 the least-cost alternatives to anything it
12 proposes, but to public health, to environmental
13 impacts, to ensure that what is selected is the
14 right option for New Hampshire.

15 And, so, you know, because there is no
16 other proceeding in which to ensure that all
17 these important issues are looked at
18 comprehensively, this is a very, you know, CLF's
19 members have a direct interest in this proceeding
20 to ensure that the utility follows the statutes
21 and looks at its planning in this comprehensive
22 manner.

23 CHAIRMAN GOLDNER: Okay. Thank you,
24 Attorney Krakoff. That's helpful. Is there

1 anything you'd like to add, before we move to
2 Mr. Husband and Mr. Clark?

3 MR. KRAKOFF: Yes. I would just note
4 that CLF has a history of intervening in not
5 only, you know, many Commission dockets, but
6 particularly LCIRP dockets. We were heavily
7 involved in the Liberty planning -- the LCIRP
8 planning docket that directly preceded this one.
9 You know, we worked closely with Liberty and the
10 other parties in that docket, you know, not only
11 to ensure that Liberty followed the LCIRP
12 statutes, but, you know, to achieve a just
13 settlement in that docket. And, so, -- a just
14 and reasonable settlement in that docket.

15 And, so, I think, you know, not only
16 does CLF bring experience to these dockets, but I
17 think we can play a very constructive role in
18 this docket as well.

19 CHAIRMAN GOLDNER: Okay. Thank you.
20 So, as required by statute, I'll issue an order
21 granting or denying CLF's Petition for
22 Intervention, specify any conditions on
23 intervention, and briefly state the reasoning in
24 the order, and we'll issue that very shortly.

1 Turning our attention to Mr. Clark's
2 petition. Attorney Husband, I'd like to go over
3 the same issues with you, so I can make sure I
4 understand the facts, and appropriately apply
5 them to the statutory standard.

6 So, first, let's address the specific
7 rights, duties, privileges, and substantial
8 interests of Mr. Clark that are at issue in the
9 proceeding. My understanding is that Mr. Clark
10 is a long-time resident of Keene. And my
11 question for you, is he also a Liberty ratepayer?

12 MR. HUSBAND: No, he is not a Liberty
13 ratepayer.

14 CHAIRMAN GOLDNER: Okay. But he is a
15 long-time resident of Keene?

16 MR. HUSBAND: He is a long-time
17 resident of Keene. He's lived there his entire
18 life, except for a brief period of time when his
19 parents moved when he was in high school.

20 CHAIRMAN GOLDNER: Okay. Okay. And,
21 then, I'd like to give you an opportunity to
22 comment on Mr. Clark's specific rights, duties,
23 privileges, or substantial interests at issue in
24 the proceeding.

1 MR. HUSBAND: Thank you. Well, first
2 of all, I'd point out, as I noted in the Petition
3 to Intervene, that he has an absolute right to
4 intervene in this proceeding under the
5 Commission's Order Number 26,087, issued -- I
6 believe it was in Docket DG 17-068, or it may
7 have been in DG 17-152. In either event, the
8 Commission noted that, since Mr. Clark resides in
9 Keene, he does have a direct interest in the
10 matter of the proceedings and would be entitled
11 to intervene.

12 I have also noted some other interest
13 in the Petition to Intervene. And, essentially,
14 I point out that this proceeding really is a
15 pick-up and continuation of the last Liberty
16 LCIRP proceeding. As the Commission itself
17 pretty much noted in its final order closing that
18 case, and in its Order of Notice opening this
19 case, specifically noting in the Order of Notice
20 that two of the matters that would be at issue in
21 this matter would be the two last orders in DG
22 17-152. And, as the Commission knows, Mr. Clark
23 spent five years in DG 17-152 and DG 17-068
24 litigating issues related to Keene, and Liberty's

1 planning, and climate, and the requirements of
2 RSA 378:38 and 39, and many of the matters that
3 the Commission put forth in those last two orders
4 closing out DG 17-152, which are also at issue in
5 this proceeding.

6 So, he has many interests in the case.
7 I'm not sure how I'd divide it between rights and
8 privileges and interests otherwise. But, as a,
9 you know, resident of Keene, I think he has a
10 right there. And, again, he has many interests
11 that are cited in the petition.

12 I would also note one other that I
13 neglected to mention. Mr. Clark is a County
14 Commissioner. And, pursuant to his duties, he
15 has need to -- he certainly could use
16 information, concerning both the particulate
17 issue in Keene and energy issues, information he
18 could probably only get from this proceeding. I
19 don't know how he could otherwise get it. But
20 the information he could glean from this
21 proceeding would be very helpful in his County
22 Commissioner duties as well.

23 CHAIRMAN GOLDNER: Okay. Thank you.
24 Is there anything that you'd like to add in

1 addition to your petition and your comments
2 today?

3 MR. HUSBAND: Just that Mr. Clark would
4 be the only real human party involved the
5 proceeding, so that would be nice.

6 CHAIRMAN GOLDNER: Okay. I'll have to
7 think about that one. I'm not sure if I'm still
8 a real human.

9 Okay. Very good. I would also like to
10 ask the parties if they have any position on the
11 intervention petitions, beginning with the OCA?

12 MR. KREIS: Thank you, Mr. Chairman.
13 Excuse me.

14 The Office of the Consumer Advocate
15 supports the Petition for Intervention of the
16 Conservation Law Foundation. I don't have an
17 opinion about whether it is a "mandatory
18 intervention" scenario or a "permissive
19 intervention" scenario. I'm going to assume, for
20 purposes of what I'm about to say, that we're
21 talking about "permissive intervention".

22 You know that I have said, on several
23 occasions now, that, as Consumer Advocate, I do
24 not "speak for the trees". I am not the Lorax.

1 The Conservation Law Foundation is the
2 Lorax, and represents what I think is an
3 important interest. It's not one that I always
4 agree with. But I think that, as Mr. Krakoff
5 mentioned, the institutional interests of
6 Conservation Law Foundation that wrap themselves
7 around issues like the environmental impacts of
8 the service that this utility provides, and the
9 importance of energy efficiency and non-pipeline
10 alternatives, those are all important issues for
11 the Commission to consider in the context of a
12 docket like this.

13 I can't, meaning the Office of the
14 Consumer Advocate, can't bring those issues fully
15 before the Commission as well as the Conservation
16 Law Foundation can. And, so, therefore, I
17 support their intervention.

18 With respect to Mr. Clark, I have no
19 position. But, should the Commission grant his
20 Petition to Intervene, I would respectfully
21 request that the Commission make clear that Mr.
22 Husband has no authority to file pleadings on his
23 own behalf, other than on behalf of his client.

24 CHAIRMAN GOLDNER: Okay. Thank you,

1 Attorney Kreis. Attorney Schwarzer.

2 MS. SCHWARZER: Thank you, Mr.

3 Chairman.

4 The Department of Energy has no
5 objection to the intervention petition from CLF
6 or from Mr. Clark. We acknowledge that they were
7 granted intervention in the prior LCIRP, in
8 Docket 17-152.

9 And we agree with the OCA's position
10 that Terry Clark, if granted intervention status,
11 is obviously authorized to be represented by his
12 attorney, yet his attorney is not authorized to
13 file independently.

14 Thank you.

15 CHAIRMAN GOLDNER: Okay. Thank you,
16 Attorney Schwarzer. And --

17 MR. HUSBAND: Mr. Commissioner, may I
18 speak to this issue that is being brought up here
19 extraneously?

20 CHAIRMAN GOLDNER: You may. Let me
21 finish the circuit here, --

22 MR. HUSBAND: Okay.

23 CHAIRMAN GOLDNER: -- and then we can
24 potentially come back -- and we will come back.

1 Attorney Sheehan.

2 MR. SHEEHAN: Thank you.

3 I believe, as referenced by either
4 Mr. Krakoff or Mr. Husband, that both of those
5 parties' interventions were litigated in prior
6 cases. And, in both instances, I can't recall if
7 there was a order, or I think, in one case, we
8 actually withdrew our objection.

9 But the point being, this has been
10 addressed carefully in those prior orders, and
11 based on that, we have no objection to their
12 interventions today.

13 CHAIRMAN GOLDNER: Okay. Very good.

14 So, Attorney Husband, what I'd like to
15 do is I'll have -- I'll ask everyone to make an
16 opening statement, in general on the docket, not
17 related to this matter necessarily. But, at that
18 time, if you could -- you can add anything you
19 like relative to the comments on intervention.

20 So, what I'd like to do, for opening
21 statements, is invite the parties and the
22 intervenor petitioners to make opening
23 statements, if they have anything they would like
24 to offer. And I'll begin with the Company.

1 MR. SHEEHAN: Sure. I have nothing
2 dramatic to say.

3 You've seen the filing, maybe you've
4 had a chance to read it or not, but it has all
5 the elements of the IRP that the Commission asked
6 us to include with this October filing: The
7 demand forecast, the assets we will use to meet
8 that demand forecast. We do have a specific
9 section as to Keene, which Mr. Husband and his
10 client have been asking for throughout the last
11 process, and we agreed that it should be
12 addressed, and we have. And we certainly
13 understand that we need to file a supplement in
14 May to address the issues described in the order.
15 We will certainly do that.

16 Last, I have circulated a procedural
17 schedule with the parties last week, received
18 some comments. And it's our expectation, after
19 this session, that we will stay here and hash
20 that out and be able to present that to you
21 either today or tomorrow.

22 So, unless you have particular
23 questions, there's no reason to regurgitate
24 what's already been in the file.

1 CHAIRMAN GOLDNER: I think we'll circle
2 around to some Commissioner questions at the end,
3 after everyone gives their opening statement.

4 Okay. Very good. Let's move to
5 Attorney Kreis, and the Office of the Consumer
6 Advocate.

7 MR. KREIS: Thank you, Mr. Chairman.

8 I do have something potentially
9 surprising to say. And that is to remind the
10 Commission that Rule 9 of the Rules of the New
11 Hampshire Supreme Court authorize administrative
12 agencies, like this one, to transfer questions of
13 law to the Court on an interlocutory basis in
14 appropriate circumstances. And the word
15 "interlocutory", for the non-attorneys in the
16 room, refers to decisions other than final
17 decisions that are subject to the normal route to
18 appeal.

19 Why do I think that this case is ripe
20 for the interlocutory transfer of certain
21 questions? Well, it is no secret that, in Docket
22 Number 17-152, the Commission rejected a
23 settlement agreement that was carefully bargained
24 for amongst its signatories, including the

1 subject utility, and the Commission, for reasons
2 with which I respectfully, but emphatically,
3 disagree, rejected that settlement. And, in the
4 course of that rejection, made a series of
5 rulings about the meaning of certain provisions
6 of the Least Cost Integrated Resource Standard
7 statute, with which the OCA also respectfully
8 disagrees.

9 In light of those disagreements, we and
10 other parties filed motions to rehear the
11 determination in Docket 17-152. And, in response
12 to that, the Commission denied the motions for
13 rehearing, and it did so in a manner that I think
14 was calculated to insulate that particular order
15 from appellate scrutiny. And, in that order, the
16 Commission said that "there will be, in a future
17 docket, appropriate occasions for that kind of
18 appellate scrutiny." That occasion is now.

19 And the reason that occasion is now is
20 that, depending on what the Court might say about
21 the meaning of the Least Cost Integrated Resource
22 Planning Standard statute, much of what we might
23 do here could prove to be a colossal waste of
24 time and resources, both for the Commission and

1 for all of the parties to the docket, including
2 the putative intervenors.

3 Apart from the putative intervenors,
4 the efforts conducted in this docket by all of
5 the other parties are all paid for, in the end,
6 by ratepayers. And, in the interest of those
7 ratepayers, I would like to keep those costs as
8 low as possible.

9 I'm not sure how the Commission would
10 like the OCA to proceed with pursuing this
11 argument. But I tender it in good faith, and in
12 the interest of putting to rest what has been now
13 many years of disagreement over what the Least
14 Cost Integrated Resource Planning statute means,
15 what it requires, whether the utilities can
16 comply with their requirement piecemeal, and
17 whether they can treat the Least Cost Integrated
18 Resource Plan filing obligation as a kind of a
19 homework assignment or a book report, as opposed
20 to something real and substantive. And it is
21 finally time to put those questions to bed, as a
22 matter of law.

23 CHAIRMAN GOLDNER: Thank you, Attorney
24 Kreis. And we'll move to the New Hampshire

1 Department of Energy.

2 MS. SCHWARZER: Thank you, Mr.
3 Chairman, Commissioners.

4 The Department is looking forward to
5 working with the Company and the OCA and any
6 other intervenors on reviewing the Least Cost
7 Plan as submitted. We acknowledge that the bulk
8 of it will be filed on or before May 1st of 2023,
9 and appreciate the materials that have been
10 presented thus far.

11 And expect to have a productive
12 technical session, particularly with regard to
13 establishing a procedural schedule. We have
14 reviewed Liberty's suggested schedule, and have
15 some comments and concerns, which we expect to
16 work out in the technical session.

17 In particular, we look forward to
18 working on Liberty's information about the Keene
19 franchise. Why Liberty's analysis suggests that
20 CNG, LNG, potentially RNG, will be a least-cost
21 supply for Keene, to replace and transition away
22 from propane or propane-air.

23 We look forward to the information that
24 is going to be filed, as I said, on or before

1 May 1st, 2023. Remain open to considering the
2 ongoing nature of the LCIRP requirements, and
3 expect to have productive interactions with all
4 parties.

5 CHAIRMAN GOLDNER: Thank you. Thank
6 you, Attorney Schwarzer.

7 Yes, I should have mentioned, Attorney
8 Kreis, I will return to your concerns before we
9 end the proceeding today. We might need to
10 caucus a little bit, it's a complicated issue.
11 And I don't know that we were completely prepared
12 for that position.

13 MR. KREIS: Indeed. No one ever
14 expects the Spanish Inquisition.

15 CHAIRMAN GOLDNER: That is -- that's a
16 fair point.

17 Let me give the opportunity for the
18 intervenor petitioners to comment as well. We'll
19 begin with CLF, and Attorney Krakoff.

20 MR. KRAKOFF: Good afternoon, Chairman
21 Goldner and Commissioners again. CLF appreciates
22 the opportunity to make its opening statement
23 today.

24 And, as I just said a few minutes ago,

1 CLF participated in the prior Liberty LCIRP
2 Docket DG 17-152. And I say, in this docket,
3 CLF's objectives and purpose are really twofold;
4 one procedural, and the second substantive.

5 With respect to the procedural
6 objective, you know, as you're aware, the prior
7 LCIRP proceeding dragged on for five years, and
8 did not result in an order on the merits.
9 Instead, the Commission denied that LCIRP as
10 "moot due to the passage of time."

11 So, you know, in this docket, CLF will
12 seek to ensure that, you know, number one, the
13 Commission issues an order on the merits for this
14 LCIRP. And, two, that the Commission's final
15 order on the merits is timely, such that it can
16 really aid the Commission in its review of
17 Liberty's capital expenditures in other dockets.

18 I want to acknowledge that the delay in
19 the last proceeding was largely not the fault of
20 the Commissioners on the Bench today. Rather,
21 that docket dragged on, in large part, due to
22 personnel changes on the Commission, as well as
23 Liberty's withdrawal of the proposed Granite
24 Bridge Project, which delayed things by a number

1 of years.

2 But, in this docket, CLF will seek to
3 work with the Commissioners and with the other
4 parties in this docket to avoid a repeat of
5 delays that beset the previous docket, and really
6 try to ensure that this docket can move timely,
7 and that it can aid the Commission in its review
8 of Liberty's planning.

9 The Commission recently recognized the
10 value that LCIRPs provide to both the Commission
11 and ratepayers. For example, recently, in Order
12 Number 26,684, the Commission astutely stated
13 that it "views an LCIRP as an opportunity for
14 regulated utilities to work with interested
15 parties to evaluate supply and capital plans that
16 secure reliable and least-cost service for
17 ratepayers." The Commission also stated that
18 "Going forward, it expects conformity by Liberty
19 to the supply and capital plans developed through
20 the LCIRPs and rate cases, and will expect
21 sufficient notice and justification for any
22 material deviations from those plans." And that,
23 "Going forward, we will consider how each
24 utility's capital investments align with its

1 LCIRP and thus support the goal of securing the
2 least cost resources and minimizing the rate
3 impacts for customers, by taking a unified review
4 of rate cases and LCIRPs."

5 CLF really agrees with these statements
6 that the Commission made, and that LCIRPs should
7 take a more central role in utility planning, and
8 the Commission's review of utility planning.

9 However, in order to ensure that LCIRPs
10 can be of use to the Commission and to other
11 stakeholders, you know, and accomplish those
12 goals that are outlined by the Commission, it's
13 really imperative that the hearings on the LCIRP
14 and the Commission's final order take place
15 sufficiently early during the five-year LCIRP
16 process to be of use to the Commission in other
17 cases.

18 Accordingly, CLF aims to work with the
19 other parties, as well as the Commission, to try
20 to push for a hearing on the LCIRP within the
21 next year, so this LCIRP can accomplish its
22 intended purposes.

23 Second, I have a few comments about the
24 substance of Liberty's LCIRP, and the

1 expectations for the upcoming environmental,
2 public health, and demand-side management
3 analyses that Liberty will provide by May 1st.

4 First, CLF looks forward to learning
5 more about Liberty's LCIRP during discovery, but
6 makes the following initial observations from its
7 review thus far: Preliminarily, CLF believes
8 that Liberty's demand forecast is much more
9 realistic than its prior LCIRP. And, you know,
10 in the past process, CLF viewed that demand
11 forecast as overly optimistic. And I think
12 Liberty has made an improvement in its demand
13 forecasting for this five-year period.

14 In addition, CLF has opposed Liberty's
15 expansion plans in the past. So, CLF is
16 generally supportive of Liberty's conclusion that
17 it does not require incremental resources to meet
18 its forecasted design day planning load, from
19 both a ratepayer and an environmental
20 perspective.

21 While CLF will be interested in
22 learning more about any upcoming contract
23 renewals in this docket, and whether those
24 contract renewals are necessary, it finds it

1 encouraging that Liberty has concluded that it
2 does not require incremental resources for its
3 portfolio.

4 With respect to the upcoming analysis
5 of demand-side management programs and
6 environmental and public health-related impacts,
7 Liberty stated in the LCIRP filing that Order
8 Number 26,684 provides guidance on the content of
9 such analyses. However, in a subsequent order,
10 Number 26,702, which succeeded 26,684, the
11 Commission clarified that its purported guidance
12 in Order Number 26,684 is not binding, and that
13 it has not prejudged the requirements of
14 Liberty's next LCIRP.

15 The Commission also stated that it
16 cannot issue an order of a binding nature for
17 Liberty's next LCIRP, and that it "expressly
18 disclaimed any binding nature of Order Number
19 26,684."

20 The Commission further stated that it
21 "has not applied its interpretations of the LCIRP
22 statute to any LCIRP." And that, until Liberty
23 files its supplemental filings in this docket,
24 "there are no actual facts capable of being

1 adjudicated with respect to the LCIRP elements in
2 dispute."

3 Therefore, based on the language in
4 that order, Liberty should not feel bound by that
5 order with respect to the requirements for the
6 supplemental LCIRP filings, and shall not rely on
7 that order to perform its demand-side management,
8 environmental, and public health assessments.

9 Rather, Liberty should rely on the
10 statutory language of the LCIRP statutes, and
11 that language alone, in determining what to
12 include in its LCIRP analyses.

13 Again, I appreciate the opportunity to
14 make this opening statement today. And look
15 forward to working with the Commission and the
16 other parties in this docket.

17 CHAIRMAN GOLDNER: Okay. Thank you,
18 Attorney Krakoff.

19 Attorney Husband.

20 MR. HUSBAND: Thank you, Mr. Chairman.
21 First of all, is this a preliminary statement or
22 just a statement, an opening statement of some
23 kind?

24 CHAIRMAN GOLDNER: I view it as an

1 "opening statement", your view on the docket
2 itself. And please feel free to address any of
3 the intervenor concerns that you wanted to follow
4 up on.

5 MR. HUSBAND: Right. I just -- I had
6 just a very short preliminary statement. I'll
7 throw in now, if you want. But, if you're going
8 to take them separately later, I'll wait.

9 CHAIRMAN GOLDNER: No, no. This is the
10 opportunity. This will be followed by some, I
11 think, Commissioner questions, and then we'll
12 adjourn.

13 MR. HUSBAND: Thank you.

14 Well, as the Commission knows, my
15 client, Terry Clark, is a resident of Keene,
16 which is included in the LCIRP for this docket.
17 As discussed in his Petition to Intervene, Mr.
18 Clark has emission concerns, both from their
19 impact on Keene's air quality and the need to
20 transition to zero or near net zero emission
21 energy sources as quickly as possible to achieve
22 net zero by 2050.

23 Accordingly, and consistent with the
24 Order of Notice for this proceeding, Mr. Clark

1 intends to explore Liberty's planning, both with
2 respect to its impact on Keene's air quality, and
3 the necessity of achieving net zero in the
4 Company's overall emissions by 2050.

5 Consistent with the Order of Notice for
6 this proceeding, Mr. Clark will do this, at least
7 in part, by addressing issues concerning whether
8 Liberty's planning process is adequate, in light
9 of the requirements set forth in RSA 378:38 and
10 RSA 378:39, under the requirements of Commission
11 Order Numbers 26,684 and 26,702, or otherwise.

12 I'd also add, in relation to why Mr.
13 Clark should be allowed to intervene, is that the
14 Commission twice declared in orders from DG
15 17-068 and DG 17-152 that his concerns regarding
16 the Keene planning would be -- Mr. Clark would be
17 allowed to take them up in the planning phase.
18 And, since DG 17-152 was closed without Keene
19 ever being a part of it, or ever a part of
20 discovery or anything, and it's in this case,
21 this is the only case where Mr. Keene -- or, Mr.
22 Clark is going to be able to litigate his Keene
23 concerns.

24 I just respond quickly to Mr. Kreis's

1 issue about the interlocutory transfer of
2 questions, that I would find that intriguing. I
3 would note Mr. Clark raised that in a prehearing
4 conference for DG 17-152, the possibility that
5 the Commission could transfer some questions to
6 the Supreme Court, and maybe expedite the whole
7 analysis of what goes into, you know, 378:38
8 and 39, we could get it from the Supreme Court,
9 rather than go through all of this. But there
10 wasn't -- I didn't get a response.

11 I would be interested, if there is
12 interest otherwise throughout the room, and
13 possibly pursuing an interlocutory appeal on some
14 of the issues that we've all been wrestling with.
15 Of course, I'd have to see what they are.

16 And, finally, with regard to the
17 objections or the issue that Attorney Kreis and
18 Attorney Schwarzer raised about my "filing
19 pleadings"; I haven't filed any pleadings. I
20 filed a Notice of Counsel Concerns, as I'm
21 obligated to do under the ethical rules of the
22 Bar of the State of New Hampshire. I made that
23 clear in the Notice of Concerns. I don't know
24 why any attorney licensed in New Hampshire would

1 see what I filed as a "pleading", and not as a
2 necessary response to my ethical obligations.

3 I will do in any proceeding what I feel
4 that the ethical rules of New Hampshire require
5 me to do, irrespective of what other attorneys
6 from New Hampshire think I should do. Obviously,
7 the ethical rules aren't designed to allow other
8 attorneys to tell you what to do. I'm going to
9 follow my conscience and the ethical rules in
10 terms of what I should do.

11 I feel a bit blindsided by this
12 anyways, since they both had until yesterday to
13 raise any objections; they didn't say a word.
14 They just came in today and blindsided me with
15 this.

16 I don't intend to file any personal
17 pleadings in this case. I haven't in any of the
18 PUC proceedings to date. And I think the
19 characterization was unfair and unnecessary.

20 CHAIRMAN GOLDNER: Okay. Thank you,
21 Attorney Husband.

22 Let's do this. Let's take ten minutes.
23 The Commissioners need to caucus to discuss this
24 concern voiced by Attorney Kreis, at a minimum,

1 and perhaps another issue as well.

2 So, let's take --

3 MS. SCHWARZER: Mr. Chairman?

4 CHAIRMAN GOLDNER: Yes.

5 MS. SCHWARZER: If I might? The DOE
6 would like to withdraw its comments on the
7 tertiary issue with regard to Attorney Richard
8 Husband's comments in the docket.

9 If necessary, we can raise any
10 procedural issues again at the time. And so, we
11 withdraw our comment.

12 CHAIRMAN GOLDNER: Okay. Okay, very
13 good. Let's take ten minutes. We'll return at
14 2:15 to finish the proceeding.

15 *(Recess taken at 2:05 p.m., and the*
16 *hearing resumed at 2:15 p.m.)*

17 CHAIRMAN GOLDNER: Okay. Back on the
18 record.

19 As the Presiding Officer, I've had the
20 opportunity to reference Rule 9. I have nothing
21 else to add at this time.

22 And we'll move to Commissioner
23 questions, beginning with Commissioner Simpson.

24 CMSR. SIMPSON: I don't think I have

1 any questions at this time. Thank you.

2 CHAIRMAN GOLDNER: Okay. Commissioner
3 Chattopadhyay.

4 CMSR. CHATTOPADHYAY: Let me get into
5 my computer.

6 *[Short pause.]*

7 CMSR. CHATTOPADHYAY: Just out of
8 curiosity, can you tell me whether, in a prior
9 LCIRP, you have used Monte Carlo simulation for
10 forecasting?

11 MR. SHEEHAN: I believe we have. And
12 I'm thinking of maybe the '13 order, going into
13 the -- your order on the '13 Plan, going into the
14 next IRP. I believe that's the case. Subject to
15 check, as the phrase is used around here.

16 CMSR. CHATTOPADHYAY: So, in this, I
17 don't see the Monte Carlo approach. I'm just
18 trying to make sure.

19 MR. SHEEHAN: Correct.

20 CMSR. CHATTOPADHYAY: That is correct,
21 right?

22 MR. SHEEHAN: Yes. So, the Commission,
23 in the order approving the Tennessee contract,
24 one of the conditions Staff raised, and we agreed

1 to, and the Commission adopted, was to go to the
2 so-called "1-in-30" approach. And that sort of
3 takes the place, as I understand it, of what a
4 Monte Carlo would. It's either/or, is my
5 understanding.

6 CMSR. CHATTOPADHYAY: Okay. So, you
7 basically used the conventional econometric
8 approach?

9 MR. SHEEHAN: Right. And, again, that
10 was -- we agreed with it, but that was in a
11 Commission order.

12 CMSR. CHATTOPADHYAY: So, just give me
13 a sense of, by May 1st, what else will the
14 Company be doing on the LCIRP? And try to --
15 please be aware that, in the other docket, the
16 17-152, because I was recused, I have not been
17 part of it for a while. So, for some of you,
18 this may be just repeating the stuff that
19 everybody knows. But I want to get a sense of
20 what's going to happen by May 1st?

21 MR. SHEEHAN: So the backdrop is, as
22 you know from participating in 17-152, there was
23 also a question of "what does the utility have to
24 do to do the environmental, economic, health

1 assessment?" And, from the Company's
2 perspective, we never got an answer. We would
3 file something, there would be pushback, and then
4 the case ended.

5 The Commission's order from this summer
6 laid out some guidances of how to do that. And
7 what we said, in 17-152, is "That's fine, but we
8 don't have time to get that all in by our
9 October 1 deadline for this filing." So, the
10 Commission said "Okay, we will give you till
11 May 1."

12 So, at a high level, the May 1 filing
13 is going to perform the economic, environmental,
14 health impact analysis of whatever options were
15 presented in the IRP.

16 CMSR. CHATTOPADHYAY: And do you have
17 anything else to say about that? Like any -- do
18 you have any further details on how you're
19 planning to do it?

20 MR. SHEEHAN: Well, again, the
21 Commission gave guidance. We will pay them close
22 attention of what, you know, what, and, again, we
23 are, obviously, in a -- not a hard spot, but an
24 interesting spot, where its guidance, but it came

1 from the Commission, so, we, obviously, can't
2 ignore it. We have to look at it carefully.

3 But it did make recommendations of how
4 to -- how to conduct that. What to look at, for
5 example, in an environmental impact, you know,
6 how far up the supply chain you go. And the
7 Commission recommended not going to, you know,
8 source pollutants, *et cetera*.

9 So, I don't have all those details, but
10 they're in the order from this summer, in 17-152.

11 CMSR. CHATTOPADHYAY: Okay. Thank you.
12 I mean, I think I need to refresh my
13 understanding, I have to go back and check other
14 things.

15 But, you know, really, what I was
16 trying to understand is, you are -- you're
17 already working on it, and you know exactly, and
18 you will have something by May 1st?

19 MR. SHEEHAN: Absolutely. And what we
20 filed, as you know, are the core pieces of the
21 Plan. It's the demand forecast, and the
22 assessment of what assets we have to meet that
23 design day, and some other items.

24 CMSR. CHATTOPADHYAY: That's all I

1 have.

2 CHAIRMAN GOLDNER: Yes. Just a couple
3 of things.

4 There was an annotation in your filing
5 relative to the Keene Division moving away from
6 propane-air and the costs that aren't -- can't be
7 estimate or known at this time. Will that be in
8 the May 1st filing?

9 MR. SHEEHAN: Short answer, "I don't
10 know." Here are my thoughts. The order asking
11 for the proposed -- or, the planned capital
12 investments to be included, also required us to
13 update that annually. So, at a minimum, it would
14 be in whenever the next annual update would be.

15 I don't think we're planning on doing
16 an update now, at the end of this year, since we
17 just filed it two months ago, but it would be in
18 the next one, at a minimum.

19 So, to the extent we have numbers
20 before then, I don't see why not, I don't want to
21 promise doing it, and then not have a hook to
22 rest it on. But that is the plan to do that, and
23 we are working on that. It's an active
24 conversation going on at the Company.

1 CHAIRMAN GOLDNER: Okay. Thank you.

2 There's a few items I have, when
3 reviewing your initial filing, which was, I
4 think, very helpful and complete with the pieces
5 that we agreed to move forward with, as opposed
6 to the pieces that we deferred.

7 There are some additional sort of
8 questions or some additional sort of reporting
9 that I'd like to suggest. What we can do is just
10 put that in a procedural order for the May 1st
11 filing. We don't need that before. But maybe
12 what I'll do is we'll just collectively put our
13 minds together and send you what we're looking
14 for. I'll just give you some quick examples, and
15 we'll send you something. So, no need to take
16 notes or anything.

17 But, you know, things like on this
18 leak-prone pipe, that's a big portion of your
19 capital expenditures. So, you know, what would
20 like a scorecard be? How do you know if that's
21 going well? How do you know if that's going
22 poorly? Is \$2.5 million a mile normal? Is it
23 not normal?

24 So, we'll kind of piece together some

1 questions we have on your existing filing, so we
2 can maybe better understand, coming into the May
3 1st piece of it, what's going on, based on what
4 you've filed so far, so we don't have to boil the
5 ocean.

6 And then, I think that the capital
7 requirement reporting was excellent and much
8 appreciated. I think the clarity of that capital
9 filing was excellent. There's some cuts or
10 some -- like an orthogonal view that I'll --
11 we'll publish, but just relative to some
12 high-level summaries. For example, how much of
13 this is growth? How much of this -- how much is
14 this growth pipeline? How much of this is growth
15 storage? How much is system improvements?

16 You know, an observation, I think,
17 Attorney Krakoff mentioned this, is that the vast
18 majority of the spending is in what I'll call
19 "replacement/maintenance work", almost none of it
20 has to do with demand planning or growth of the
21 network. So, very little growth, a lot of other
22 activity that's required. That alone is helpful
23 for us to understand what's going on.

24 So, again, that's appreciated. And

1 we'll publish maybe some cuts of data that would
2 be helpful, to orient us as we move into the next
3 phase.

4 Final thing I'll mention is just kind
5 of an overall capital view. You've got sort of a
6 sectional capital view, like what's new. But
7 then, looking at your existing capital, how that
8 depreciation rolls off, how this capital gets
9 added in, what that total picture looks like over
10 the next five years, is something we'll want to
11 understand, the whole picture, if you will, not
12 just this piece. Which is what we asked for, by
13 the way. So, it's not a criticism. It's just
14 "Now, let's put, you know, Humpty Dumpty back
15 together again."

16 It's not the Lorax, but it's close,
17 Humpty Dumpty. How did I do? I couldn't fit it
18 into *Green Eggs and Ham*. So, I did the best I
19 could.

20 Okay. So, that was all I had,
21 Commissioners. Was there any follow-up or any
22 other questions that you have?

23 CMSR. CHATTOPADHYAY: Nope.

24 CHAIRMAN GOLDNER: Okay. Okay, I just

1 wanted to give you a flavor for the kinds of
2 things that we're seeing in the initial filing,
3 excellent. And maybe some -- just some
4 additional views would be helpful.

5 Okay. Very good. Is there anything
6 else that we need to cover today?

7 MR. KREIS: Yes.

8 CHAIRMAN GOLDNER: Attorney Kreis.

9 MR. KREIS: Mr. Chairman, I think the
10 Commission needs to grapple with the question of
11 the procedural schedule that will govern this
12 docket.

13 When you took your little break, after
14 I invoked Rule 9 of the Rules of the New
15 Hampshire Supreme Court, you came back into the
16 room and said "Well, we heard that", and then you
17 didn't really say anything else.

18 And, so, what I will say in response to
19 that is, I want to tell you what I think I heard
20 or the message that I think I got, based on what
21 you said. And it is this: You did not say "Heck
22 no." And, so, therefore, I think you might have
23 meant, or you might have been suggesting, that,
24 if the OCA filed a motion for the Commission to

1 request such a transfer, you would rule on it in
2 due course, as you would on any motion that any
3 party might file. I think that might be the --
4 at least that's the message, that's my take-home
5 from the way you treated my having raised that
6 issue.

7 So, given that possibility, and given
8 the fact that there won't be a complete least
9 cost integrated resource plan on file for this
10 utility until May, I don't want to waste any time
11 on this docket between now and May, other than
12 trying to get the Court to address some of the
13 issues that I think could be resolved as a matter
14 of law.

15 Mr. Sheehan told you that he has a
16 draft schedule to propose. I think there is very
17 little likelihood that the parties will agree on
18 a procedural schedule. And a prehearing
19 conference is an appropriate forum to have that
20 question out on the record. I think we really
21 ought to do that.

22 CHAIRMAN GOLDNER: Commissioner
23 Simpson.

24 CMSR. SIMPSON: Just a question for the

1 Consumer Advocate.

2 What question or questions of law do
3 you seek to better understand?

4 MR. KREIS: Well, without giving you a
5 definitive list, because I'd want to really go
6 through and tease those out specifically, I think
7 the Commission made a series of incorrect
8 interpretations of the LCIRP statute in its
9 order -- it's the order in 17-152 that it then
10 denied a rehearing of.

11 So, the Commission ruled that
12 environmental issues essentially have no place in
13 the LCIRP process. It determined or it ruled
14 that so-called "incremental energy efficiency"
15 has no place in Least Cost Integrated Resource
16 Planning, and the utilities effectively can kind
17 of check the "energy efficiency" box, because
18 they participate in the NHSaves Programs.

19 The Commission ruled that I guess what
20 I think the order referred to as "second or third
21 order impacts" of using natural gas on the
22 environment are out-of-scope per the LCIRP
23 statute.

24 The Commission ruled that it is okay

1 for utilities to submit their least cost plans on
2 a kind of a -- I guess I would call it a
3 "piecemeal" basis, a ruling that I think flies in
4 the face of the Legislature's intent, which is to
5 have the utilities disclose how they have
6 actually made their resource planning decisions,
7 and then have the Commission rule on that all at
8 one time. I don't see how what the Company has
9 already filed could be considered compliant with
10 the statute.

11 And, so -- and, by teeing the docket up
12 that way, having the Company make its preliminary
13 filing in this fall, I think it was in October,
14 and then a subsequent filing in May, of course,
15 the effect of that is to jigger around the
16 unwelcome consequences that would otherwise apply
17 under Section 40 of the LCIRP statute, RSA
18 378:40.

19 So, that, I would say, are the
20 highlights of the issues I'd like to raise with
21 the Court.

22 CMSR. SIMPSON: Okay. Thanks.

23 CHAIRMAN GOLDNER: Anything else that
24 anyone else -- that anyone would like to raise

1 today?

2 MS. SCHWARZER: Thank you, Mr.

3 Chairman. Just a comment.

4 To the extent that the parties meet
5 hereafter to try to put together a procedural
6 schedule, if there is going to be an
7 interlocutory appeal or a request for one,
8 obviously, that would suspend agreements about
9 data requests or technical sessions going forward
10 on the substantive matters at issue.

11 So, expressing no opinion on the
12 question raised, the DOE was not aware of that
13 question, and we have not considered it. It does
14 sound challenging to reach agreement on the
15 schedule at this time.

16 CHAIRMAN GOLDNER: So, are you asking
17 for a quick filing from Mr. Kreis, and a quick
18 ruling from the Commission? Is that the message?

19 MS. SCHWARZER: No. No, Mr. Chairman,
20 that was not the message. I suppose we can all
21 meet together, do our best to hammer out
22 schedules that seem appropriate to us. And, if
23 necessary, the Commission can review, one, two,
24 three, four, five separate schedules, I suppose.

1 Thank you.

2 CHAIRMAN GOLDNER: Okay. Okay, thank
3 you. That's more clear.

4 So, yes, that sounds like the path
5 forward, is that parties will meet afterwards,
6 and the prospective intervenors, and we'll get
7 between one and five schedules. Happily, it
8 seems like it's maxed at five.

9 So, I think that's the right path
10 forward. And then, the Commission can take that
11 information and go from there.

12 Okay. Anything else? Commissioner
13 Simpson.

14 CMSR. SIMPSON: Did the Supreme Court
15 take up appeals in our prior orders in 17-152?

16 MR. KREIS: No.

17 CMSR. SIMPSON: Or was there --

18 MR. KREIS: No. There were no notices
19 of appeal filed.

20 CMSR. SIMPSON: Okay. So, I mean, if
21 we try to move down a track where we can realize
22 something that's useful, that can be used as a
23 process for this Company to move forward, how do
24 we get there? Do any of the parties have

1 comments, before we go down a road where we ask
2 for a statutory interpretation before the Supreme
3 Court?

4 Because that seems to be what you're
5 positing should be on the table. That we should,
6 under Rule 9, go to the Supreme Court and ask
7 them for an interpretation of the LCIRP statute?

8 MR. KREIS: That is my suggestion,
9 Commissioner Simpson. But I'm not sure I
10 understand the question that you're asking me.
11 You're looking at me, so, I'm assuming you want
12 me to answer it.

13 CMSR. SIMPSON: Well, you raised it.
14 So, I'm wondering, are we able to better
15 understand relative positions that are before the
16 Commission, so that we can efficiently move
17 forward in this proceeding?

18 Because, from a personal perspective, I
19 certainly hope that this, or a plan, or a
20 modification of this Plan is before us in four
21 and a half or five years for approval. I hope
22 that we can realize the goals of the LCIRP
23 statute more expeditiously than that.

24 MR. KREIS: I certainly share that

1 objective, Commissioner, and ready to do
2 whatever. I mean, ultimately, I think a question
3 like "Do we ask to transfer questions to the
4 Court on an interlocutory basis?" Actually, it's
5 not "we", it's you. You have to decide whether
6 you think that would be helpful.

7 And I think you could do that *sua*
8 *sponte*, by the way. But it doesn't sound like
9 you're inclined to do that. And I'm happy to
10 draft a motion. And one benefit of a motion like
11 that would be to articulate, with more precision
12 and thoroughness, the answer to the question you
13 asked about, "exactly what issues do you want the
14 Court to address?"

15 Your question, though, is about the
16 different positions of the parties, and how you
17 can understand them?

18 CMSR. SIMPSON: Well, because,
19 presumably, if we're asking the Supreme Court for
20 a statutory interpretation, it's because we, as
21 the Commission, feel that we don't understand our
22 directives under the statute. And I'm not sure
23 that that's the case at this time.

24 MR. KREIS: That's up to you, right?

1 CMSR. SIMPSON: Right.

2 MR. KREIS: I mean, you could decide --

3 CMSR. SIMPSON: But it's an outstanding
4 question.

5 MR. KREIS: Right, but it's a question
6 for you to resolve. You could decide "Nope. We
7 already know what this statute means. Indeed, we
8 said so in the orders we issued in 17-152, and
9 here those become binding."

10 I mean, it puts the parties in a dicey
11 position. Because the Commission, in 17-152,
12 especially in its rehearing order, was at pains
13 to stress that "the determinations made there are
14 not binding." Well, that was a interesting, but
15 also frustrating, turn of events. Because, as
16 Attorney Sheehan mentioned, you know, it's hard
17 for anybody to ignore even friendly advice from
18 the Commission about a question like "Here's what
19 one of our important enabling statutes means."

20 At the same time, the Commission
21 successfully, in my judgment, insulated itself
22 from appellate scrutiny of those determinations
23 that it made in 17-152.

24 CMSR. SIMPSON: I mean, I would just

1 say, from my perspective, I go into every case
2 with an open mind. And, I mean, I certainly am
3 not the smartest person in the room or in any
4 proceeding. So, I think about opportunities for
5 innovation.

6 MR. KREIS: Indeed, I'm not the
7 smartest person in the room either. That would
8 be Mr. Patnaude, but he's busy taking down the
9 transcript. So, he can't opine.

10 In the end, I think I'd be inclined to
11 file a motion to see if I can convince or
12 persuade the Commission to seek that
13 interlocutory transfer. But, in the end, I'm
14 going to live with whatever you decide on that
15 question.

16 CHAIRMAN GOLDNER: If I can just add,
17 wouldn't you be frustrated, Attorney Kreis, by
18 the 12, 18, 24 months that it might take the
19 Supreme Court to get back with us, and we would
20 be back again where we were with 17-152, in a
21 multiyear filing, with everyone frustrated and
22 lighting themselves on fire?

23 Is there any -- would you have a
24 comment on the time issue?

1 MR. KREIS: Well, it was actually the
2 Conservation Law Foundation that was expressing,
3 I think, all the frustration about the longevity
4 of that docket. That was not -- I mean, I agree
5 that that was a problem, and that that's not --
6 that in itself is not what the Legislature
7 intended to happen. But, as Mr. Sheehan
8 suggested, there were circumstances that explain
9 why that happened. And it wasn't -- it wasn't
10 frustrating me.

11 CHAIRMAN GOLDNER: Okay. So, I would
12 misattribute the time it took 17-152 to be
13 resolved -- or, not resolved, but to be -- the
14 docket to be closed. That was more a CLF
15 comment?

16 MR. KREIS: Well, I don't want to speak
17 for CLF, but I do know that they were concerned
18 about the longevity of that docket in particular.

19 And I guess I'm concerned about making
20 Least Cost Integrated Resource Planning real.
21 And the way the General Court makes it real is by
22 saying "You either have to have an approved plan
23 on file or your plan has to be under
24 consideration in the ordinary course of the

1 Commission. Because, if neither of those things
2 are true, you can't change your rates."

3 I mean, that is a, I guess, an
4 impactful statement of state public policy,
5 because it has real potential consequences.

6 CHAIRMAN GOLDNER: And, at the risk of
7 diving too far down this rabbit hole, I -- well,
8 let me -- let me not go down that rabbit hole.

9 MR. KREIS: I think that's an allusion
10 to Lewis Carroll, if I may.

11 CHAIRMAN GOLDNER: Well done. That's
12 right. That's right.

13 CMSR. SIMPSON: Commissioner --
14 Chairman Goldner is extremely well-read.

15 CHAIRMAN GOLDNER: "Curiouser and
16 curiouser!", said the Rabbit.

17 All right. Is there anything else,
18 Commissioner Simpson?

19 CMSR. SIMPSON: No. I appreciate the
20 opportunity to inquire with some parties.

21 Thanks.

22 CHAIRMAN GOLDNER: Anything else that
23 we need to cover today?

24 *[No verbal response.]*

1 CHAIRMAN GOLDNER: All right. Very
2 good. Well, thank you, everyone, for your time.
3 And we are adjourned.

4 *(Whereupon the prehearing conference*
5 *was adjourned at 2:40 p.m., and a*
6 *technical session was held*
7 *thereafter.)*

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