

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 22-072**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE  
d/b/a EVERSOURCE ENERGY**

**Petition for Approval of a Regulatory Asset and  
Petition for Waiver of Puc 2203.02(b)(5)**

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING  
AND NOTICE OF PREHEARING CONFERENCE**

On October 27, 2022, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a petition requesting that the Commission authorize it to create a regulatory asset to recover the costs of complying with the newly adopted Chapter Puc 2200 “Municipal and County Aggregation Rules.” Eversource filed a second petition requesting a partial waiver of Puc 2203.02(b)(5) pursuant to Puc 201.05. The initial filing and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission’s website at [www.puc.nh.gov/regulatory/Docketbk/2022/22-072.html](http://www.puc.nh.gov/regulatory/Docketbk/2022/22-072.html).

**I. BACKGROUND AND PROCEDURAL HISTORY**

The Commission adopted the Puc 2200 rules, which became effective on October 12, 2022, in Docket No. DRM 21-142. The purpose of the rules is to implement certain provisions of RSA chapter 53-E by regulating “the implementation and operation of community power aggregation programs [(CPAs)] and their interactions with electric distribution utilities.” N.H. Admin. R., Puc 2201.01.

Among other things, the Puc 2200 rules require electric distribution utilities to provide CPAs with certain information and services. Puc 2203.02(b)(5) requires a

utility to provide certain load information for the customers it serves in a municipality or county, including

Until such time as the utility offers a commission approved purchase of receivables program pursuant to RSA 53-E:9, revenues billed, actual receipts, and past due accounts receivable for utility default service for each rate class or by small customer group and large customer group for each of the most recent 12 months available, if readily available.

Alternatively, Puc 2203.02(b)(5) allows “the utility [to] provide such information on a system-wide basis for a recent 12-month period.”

Requests to waive provisions of the Puc 2200 rules filed by parties other than a rural electric cooperative will be determined pursuant to Puc 201.05. N.H. Admin. R., Puc 2201.03(a). After Eversource filed a motion requesting a partial waiver of Puc 2203.02(b)(5) in Docket No. DRM 21-142, the Commission issued an order denying this request without prejudice and indicating that requests to waive portions of the Puc 2200 rules should be filed in a separate, adjudicative docket. *See* Order No. 26,707 (October 18, 2022).

In the petitions filed in the above-captioned docket, Eversource stated that it would require upgrades to its two enterprise billing systems costing an estimated \$1.9 million before it could fully comply with the Puc 2200 rules. It requested the Commission’s approval to defer these costs to a regulatory asset,<sup>1</sup> which would allow it to seek recovery of the costs in its next base distribution rate proceeding. Eversource requested a partial waiver of Puc 2203.02(b)(5), stating that it is unable to comply with all requirements of the rule, even in the alternative, because: (1) its enterprise billing system for residential and small commercial customers cannot provide historical “past due accounts receivable,” but can only provide current past due accounts receivable;

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<sup>1</sup> According to the Uniform System of Accounts, “regulatory assets” are created by regulatory agencies and permit a utility to include specific expenses or losses in a different accounting period for the purpose of developing rates. *See* 18 C.F.R. pt. 101(31) (defining “Regulatory Assets and Liabilities”).

and (2) its enterprise billing system for large commercial and industrial customers and municipal street lighting customers cannot provide actual receipts or past due accounts receivable, because it is unable to separate utility default service from any other part of the bill.

Eversource requested that the Commission grant both of its petitions by order *nisi*. The Commission, however, grants Eversource's petition for a partial waiver of Puc 2203.02(b)(5) on an interim basis only, until it can fully consider Eversource's filing, as well as any responses.

## **II. ISSUES PRESENTED**

The filing presents, *inter alia*, the following issues: whether creation of a regulatory asset to recover the costs of compliance with the Puc 2200 rules is warranted under New Hampshire law in these circumstances; assuming that creation of such a regulatory asset is authorized, whether the rates and charges resulting from the regulatory asset would be just and reasonable, as required by RSA 374:2, and RSA 378:5 and :7, and would not implicate impermissible cross-subsidization by one class of Eversource customers of another class of Eversource customers; and whether a partial waiver of Puc 2203.02(b)(5) is warranted under Puc 201.05, and to what extent. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the

prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

**Based upon the foregoing, it is hereby**

**ORDERED**, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA 374:2, RSA 378:5 and :7, Puc 201.05, and the Commission's other procedural rules; and it is

**FURTHER ORDERED**, that the Commission grants Eversource's petition for a partial waiver of Puc 2203.02(b)(5), on an interim basis, until it can fully consider Eversource's filing, as well as any responses;

**FURTHER ORDERED**, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on February 9, 2023, at 9:00 a.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

**FURTHER ORDERED**, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

**FURTHER ORDERED**, that, immediately following the prehearing conference, Eversource shall make appropriate personnel available for the parties to hold a technical session to review the filing; and it is

**FURTHER ORDERED**, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

**FURTHER ORDERED**, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to Eversource and any other parties on the service list, on or before January 20, 2023. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

**FURTHER ORDERED**, that any party objecting to a petition to intervene make said objection on or before February 2, 2023; and it is


**FURTHER ORDERED**, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

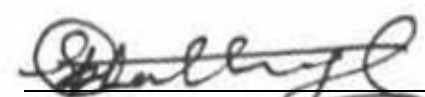
**FURTHER ORDERED**, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov). All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

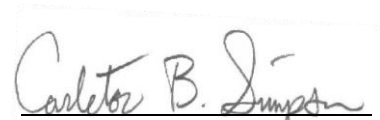
**FURTHER ORDERED**, that pursuant to N.H. Admin. R., Puc 203.12, Eversource shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before December 20, 2022. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

**FURTHER ORDERED**, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this second day of December, 2022.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

# Service List - Docket Related

Docket#: 22-072

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Email Addresses

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