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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

February 9, 2023 - 1:30 p.m.
21 South Fruit Street
Suite 10
Concord, NH

RE: DE 22-080
NEW HAMPSHIRE ELECTRIC COOPERATIVE,
INC: Petition for Waiver of
Portions of Puc 2200 Rules.
(Prehearing conference)

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

Eric Wind, Esq./*PUC Legal Advisor*

Tracey Russo, *Clerk*

APPEARANCES: **Reptg. New Hampshire Electric**
Cooperative, Inc.:
Douglas L. Patch, Esq. (*Orr & Reno*)
Jeremy Clark (*NHEC*)

Reptg. Community Power Coalition of
New Hampshire:
Clifton Below, Chair

Reptg. Colonial Power Group, Inc.:
Stuart Ormsbee, Vice President

Reptg. New Hampshire Dept. of Energy:
Mary E. Schwarzer, Esq.
Amanda Noonan, Dir./Consumer Affairs
Scott Balise, Electric Group
(*Regulatory Support Division*)

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

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P R O C E E D I N G

1
2 CHAIRMAN GOLDNER: Okay. Good
3 afternoon, everyone. I'm Commissioner Goldner.
4 I'm joined today by Commissioner Simpson and
5 Commissioner Chattopadhyay.

6 We're here in Docket DE 22-080, in
7 which the Commission will address New Hampshire
8 Electric Cooperative's Petition for Waiver of
9 Various Rules in Puc Chapter 2200. The Notice of
10 Adjudicative Proceeding in this docket lists
11 those requests by rule number and the duration of
12 the waiver requested on Pages 2 and 3. Some of
13 these requests were only through December 2022.
14 So, we will certainly give NHEC an opportunity to
15 update the Commission on the status of its
16 request, and to identify any requests that no
17 longer need to be addressed.

18 First, let's take appearances,
19 beginning with NHEC.

20 MR. PATCH: Good afternoon,
21 Commissioners. Doug Patch, with Orr & Reno. And
22 with me at the table today is Jeremy Clark. He's
23 the Financial Planning Analysis and Rates Manager
24 at the Co-op.

1 CHAIRMAN GOLDNER: Thank you. Very
2 good.

3 And let's move to the Department of
4 Energy.

5 MS. SCHWARZER: Good morning, Mr.
6 Chairman. My name is Mary Schwarzer. I'm A
7 Hearings Examiner/Staff Attorney with the
8 Department of Energy. With me today is Amanda
9 Noonan, Director of Consumer Affairs, and Scott
10 Balise, who is a Utility Analyst.

11 CHAIRMAN GOLDNER: Very good. Thank
12 you.

13 And let's move to CPCNH.

14 MR. BELOW: Good afternoon,
15 Commissioners. Clifton Below, I'm Chair of the
16 Board of Directors of the Community Power
17 Coalition, on behalf of the Coalition.

18 CHAIRMAN GOLDNER: Very good. And is
19 Colonial Power Group here today?

20 MR. ORMSBEE: Yes, sir. Stuart
21 Ormsbee, Vice President with Colonial Power
22 Group.

23 CHAIRMAN GOLDNER: Okay. Welcome, Mr.
24 Ormsbee.

1 So, for preliminary matters, at the
2 outset, CPCNH submitted a timely Petition to
3 Intervene, which was not objected to. Does
4 anyone have anything further to say with respect
5 to CPCNH's Petition to Intervene?

6 [No verbal response.]

7 CHAIRMAN GOLDNER: Seeing none. So, we
8 reviewed and determined that CPCNH's intervention
9 would be in the interest of justice, and would
10 not impair the orderly and prompt conduct of
11 these proceedings, and therefore grant
12 intervention pursuant to Puc 203.17 and RSA
13 541-A:32, II.

14 Next, Colonial Power Group submitted a
15 Petition to Intervene after the deadline. Are
16 there any objections to this Petition to
17 Intervene or other comments on it?

18 [No verbal response.]

19 CHAIRMAN GOLDNER: Okay. So, seeing
20 none. The Commission has reviewed it, and
21 determined that Colonial Power Group's
22 intervention would be in the interest of justice,
23 and would not impair the orderly and prompt
24 conduct of the proceedings, and therefore grants

1 prevention pursuant to Puc 203.17 and RSA
2 541-A:32, II.

3 Are there any other matters that need
4 to be raised before we take preliminary
5 positions?

6 *[No verbal response.]*

7 CHAIRMAN GOLDNER: Okay. Seeing none.
8 Let's turn to the Petition, where we'll hear from
9 NHEC first, with a summary of its request and any
10 potential updates, and then hear from other
11 parties. Mr. Patch.

12 MR. PATCH: Thank you.

13 I mean, our request I think is pretty
14 straightforward. There are some of the dates
15 that we had provided in the Petition of
16 December 31st of 2022, which have since come and
17 gone. And some of those, and I could ask Mr.
18 Clark to give you more detail, if you wanted it,
19 but some of those, you know, they're in good
20 shape on. There may be a couple that they're
21 still working on. And that, at this point in
22 time, I'm not sure that it makes a huge
23 difference on those, because I don't know that
24 anybody is actually ready to be able to take

1 advantage of it.

2 But we've had some discussions, too,
3 just so you know, in terms of a procedural
4 schedule with the other parties. And we're still
5 working on that. But I don't see any difficulty
6 with coming up with something that, you know, may
7 even result in just a recommendation to the
8 Commission, possibly not the need for a hearing.

9 But, anyway, that's still under
10 discussion, and we've exchanged some emails about
11 that.

12 CHAIRMAN GOLDNER: Okay. Thank you,
13 Mr. Patch.

14 Let's move to the Department of Energy.

15 MS. SCHWARZER: Thank you, Mr.
16 Chairman.

17 With regard to NHEC, the Department is
18 mindful that there's a special provision in the
19 rules, 2201.03(b), which alters the standard of
20 review somewhat from the standard waiver
21 provisions.

22 It's likely that the waivers requested,
23 pending software changes to be made December
24 31st, 2022, are moot. And we expect some

1 discovery in this docket will explore whether
2 those changes have been made timely, and they
3 resulted in the utility's ability to obtain
4 information.

5 We expect this docket to focus on the
6 other waivers requested, and what compliance with
7 the rule requires, as to whether the -- what
8 value the missing information would provide, and
9 whether the missing information is mission
10 critical.

11 We want to ascertain whether, once the
12 POR plans are in effect, missing information will
13 indeed be relevant. And we look forward to doing
14 that with NHEC and the other parties to this
15 docket.

16 CHAIRMAN GOLDNER: Thank you, Attorney
17 Schwarzer.

18 Let's move to CPCNH.

19 MR. BELOW: Thank you.

20 In general, we understand the Co-op's
21 need for some of these, some, if not all, the
22 rule waivers. I think there's one or two of them
23 that we'll want to discuss with them, whether
24 they need to be fully waived or whether there is

1 a way to partially meet the intention of the
2 rules. But we're happy to work with the Co-op
3 and DOE and Colonial Power to sort things out.

4 Thank you.

5 CHAIRMAN GOLDNER: Thank you, Mr.

6 Below.

7 And the Colonial Power Group?

8 MR. ORMSBEE: Yes.

9 I mean, briefly, you know, Colonial is
10 actually quite encouraged with the work that the
11 Co-op has undertaken already, based on some
12 preliminary conversations that Mr. Patch
13 alluded -- touched on.

14 You know, the devils are going to be in
15 the details, in terms of getting some of the core
16 information available for programs to launch
17 successfully. We haven't quite gotten into all
18 those details. But I know, you know,
19 conversations will continue. So, I'm encouraged
20 by the process so far.

21 CHAIRMAN GOLDNER: Very good. Thank
22 you, Mr. Ormsbee.

23 Let's move now to Commissioner
24 questions, beginning with Commissioner Simpson?

1 CMSR. SIMPSON: Thank you, Mr.
2 Chairman. I don't have any questions.

3 CHAIRMAN GOLDNER: Very good. And
4 Commissioner Chattopadhyay?

5 CMSR. CHATTOPADHYAY: A very quick one.
6 Can you update me on where the POR
7 Program is right now? Like, is it -- what's the
8 status of it?

9 MR. CLARK: Thank you, Commissioner.
10 We are currently working on a proposal.
11 And we expect to have a proposal filed before the
12 March 21st date.

13 CMSR. CHATTOPADHYAY: Thank you.
14 That's all I have.

15 CHAIRMAN GOLDNER: Okay. Any other
16 questions?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: No. I'm sorry.

19 Okay. So, do the parties have any
20 comments for the Commission on establishing a
21 procedural schedule to govern the remaining of
22 this proceeding? Or, would you prefer to discuss
23 this in technical session and get back to the
24 Commission with a proposal?

1 *(Multiple parties indicating in the*
2 *affirmative.)*

3 CHAIRMAN GOLDNER: The latter it looks
4 like.

5 MR. PATCH: Yes.

6 MS. SCHWARZER: Yes.

7 CHAIRMAN GOLDNER: Thank you. For the
8 stenographer, there were a lot of nodding of
9 heads out there.

10 Okay. Is there anything else we need
11 to discuss today, before you move to technical
12 session?

13 *[No verbal response.]*

14 CHAIRMAN GOLDNER: Okay. A new world
15 record: Seven minutes.

16 *[Laughter.]*

17 CHAIRMAN GOLDNER: Thank you, everyone.
18 We are adjourned.

19 ***(Whereupon the prehearing conference***
20 ***was adjourned at 1:38 p.m., and a***
21 ***technical session was held thereafter.)***

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