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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

September 20, 2023 - 1:06 p.m.
21 South Fruit Street
Suite 10
Concord, NH

[Hearing also conducted via Webex]

RE: **DE 23-002**
UNITIL ENERGY SYSTEMS, INC.:
Proposed Purchase of Receivables
Program.

PRESENT: Eric J. Wind, Esq.
(Presiding as Hearings Examiner)

Doreen Borden, Clerk & PUC Hybrid
Hearing Host

APPEARANCES: **Reptg. Unitil Energy Systems, Inc.:**
Matthew C. Campbell, Esq.

**Reptg. Community Power Coalition
of New Hampshire:**
Clifton C. Below, Chair/CPCNH

Reptg. NRG Retail Companies:
Joey Lee Miranda, Esq. *(Robinson & Cole)*

Reptg. New Hampshire Dept. of Energy:
Alexandra K. Ladwig, Esq.
Elizabeth Nixon, Dir./Electric Group
Amanda Noonan, Dir./Consumer Services
Scott Balise, Electric Group
(Regulatory Support Division)

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

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I N D E X

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PRELIMINARY MATTER BY MR. CAMPBELL 6
(Re: Presentation of witnesses)

* * *

NOTE: All potential witnesses were 8
sworn in at the same time, consisting of
Christopher Goulding, S. Elena Demeris,
Gary Mathews, Jeffrey Pentz, Clifton C.
Below, Elizabeth R. Nixon, Amanda O.
Noonan and Scott T. Balise

WITNESS PANEL: CHRISTOPHER J. GOULDING
S. ELENA DEMERIS

Direct examination by Mr. Campbell 9

WITNESS PANEL: ELIZABETH R. NIXON
AMANDA O. NOONAN
SCOTT T. BALISE

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WITNESS: CLIFTON C. BELOW

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(To all witnesses collectively as a panel)

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14		E X H I B I T S	
15	EXHIBIT NO.	D E S C R I P T I O N	PAGE NO.
16	1	Joint Direct Testimony of Christopher J. Goulding and S. Elena Demeris and Attachments (01-10-2023)	<i>premarked</i>
17	2	New Hampshire Department of Energy Technical Statement of Amanda O. Noonan, Elizabeth R. Nixon, and Scott T. Balise and Attachments (06-08-2023)	<i>premarked</i>
18	3	NRG Retail Companies' Comments and Attachments (06-09-2023)	<i>premarked</i>
19	4	Community Power Coalition of New Hampshire Testimony of Clifton C. Below and Attachments (06-09-2023)	<i>premarked</i>
20	5	Joint Settlement Agreement and Attachment (09-06-2023)	<i>premarked</i>

P R O C E E D I N G

HEARINGS EXAMINER WIND: All right.

Good afternoon. We are here this afternoon in Docket Number DE 23-002, which is the Unitil Energy Systems' Proposed Purchase of Receivables Program. The applicable statute is RSA 53-E:9, which sets forth the parameters for what the Purchase of Receivables Program shall include. This is a hearing on a Settlement Agreement that has been reached by the Parties.

My name is Eric Wind. I am a Senior Advisor at the Commission. And, pursuant to a procedural order on September 1, 2023, I have been assigned as Examiner in this, for this hearing. In that role, I will report the facts and draft a recommended order to the Commission.

So, let's begin by taking appearances, beginning with Unitil.

MR. CAMPBELL: Good afternoon, Hearing Examiner Wind. My name is Matt Campbell. And I'm appearing on behalf of Unitil Energy Systems, Incorporated.

HEARINGS EXAMINER WIND: Welcome.
Department of Energy?

1 MS. LADWIG: Good afternoon. Alexandra
2 Ladwig, appearing on behalf of the Department of
3 Energy. And, then, with me today, also from the
4 Department, I have Amanda Noonan, who is the
5 Director of Consumer Services; Liz Nixon, who is
6 our Electric Director; and Scott Balise, who is a
7 Utility Analyst with the Department.

8 HEARINGS EXAMINER WIND: Thank you.
9 NRG Retail Companies?

10 MS. MIRANDA: Good afternoon. Joey Lee
11 Miranda, from Robinson & Cole, on behalf of the
12 NRG Retail Companies.

13 HEARINGS EXAMINER WIND: And the
14 Community Power Coalition of New Hampshire?

15 MR. BELOW: Good afternoon. Clifton
16 Below, on behalf of the Community Power Coalition
17 of New Hampshire.

18 HEARINGS EXAMINER WIND: All right.
19 Thank you.

20 Preliminary procedural matters. I will
21 just briefly address the motion filed this
22 morning, and give my initial thoughts on it.
23 I've reviewed the docket, going back to the
24 beginning of this docket. And on, I believe,

1 February 2nd [3rd?], we had an initial Motion for
2 Hybrid Hearing, and I reviewed that, and I think
3 that it covered the entire proceeding. And, to
4 the extent that there was ambiguity, it was in
5 the follow-up order that, although it granted the
6 motion, it only referenced the prehearing
7 conference.

8 So, my inclination is that, to the
9 extent needed, the motion is granted, but if
10 anyone wants to be heard on it? We're obviously
11 here in a hybrid format. I see the witness is on
12 the screen already. So, we can go forward
13 without discussing that one further?

14 *[No verbal response.]*

15 HEARINGS EXAMINER WIND: Great.

16 Other preliminary matters, I have
17 before me the five prefiled exhibits that have
18 already been marked and heard at -- considered at
19 this hearing.

20 Are there any other preliminary matters
21 from the Parties?

22 MR. CAMPBELL: I did have one
23 preliminary matter.

24 I just wanted to point out to you that

1 our proposal for today's sort of proceeding is to
2 present two Company witnesses, Mr. Goulding, who
3 is here in the hearing room, and Ms. Demeris, who
4 is appearing virtually.

5 I would note I'm also joined by
6 Mr. Gary Mathews and Mr. Jeff Pentz. Mr.
7 Matthews is a Supervisor in the Company's Rate
8 and Reconciliation Regulatory Compliance Group,
9 and Mr. Pentz is a Senior Energy Analyst in the
10 Energy Contracts Group.

11 Neither Mr. Mathews, nor Mr. Pentz
12 sponsored testimony in this case. But, to the
13 extent that they can be helpful in answering any
14 questions that either Mr. Goulding or Ms. Demeris
15 cannot answer, I'm happy to have them sworn in as
16 witnesses.

17 And I understand, and, certainly, DOE
18 can correct me if I'm wrong, they're proposing to
19 take a similar approach. They have witnesses
20 here present today, but aren't planning to swear
21 them in, unless necessary, to answer any
22 questions in support of the Settlement Agreement.

23 HEARINGS EXAMINER WIND: Okay. I think
24 that makes perfect sense to me. To the extent

1 necessary, we'll swear in anyone who is in
2 support of the Settlement Agreement.

3 Okay. Then, I will turn it over to
4 you, and your witnesses to start.

5 MR. CAMPBELL: Okay. Thank you. I'm
6 going to begin with Mr. Goulding.

7 *[Court reporter interruption regarding*
8 *the swearing in of witnesses.]*

9 HEARINGS EXAMINER WIND: I guess, for
10 the sake of efficiency, let's swear in all
11 potential witnesses, including the Company,
12 Department of Energy, and Mr. Below, just so that
13 we can proceed through, even though we're going
14 to do it as a Company panel first, and then any
15 follow-on questions.

16 So, thank you. Mr. Patnaude, please
17 swear in the four Company witnesses, Department
18 of Energy witnesses, and Mr. Below.

19 *(Whereupon **CHRISTOPHER J. GOULDING,***
20 ***S. ELENA DEMERIS, GARY MATHEWS,***
21 ***JEFFREY PENTZ, CLIFTON C. BELOW,***
22 ***ELIZABETH R. NIXON, AMANDA O. NOONAN,***
23 *and **SCOTT T. BALISE** were duly sworn by*
24 *the Court Reporter.)*

[WITNESS PANEL: Goulding|Demeris]

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CHRISTOPHER J. GOULDING, SWORN

S. ELENA DEMERIS, SWORN

DIRECT EXAMINATION

BY MR. CAMPBELL:

Q Okay. Mr. Goulding, could you please state your full name, employer, the position that you hold with the Company, and your responsibilities in that position?

A (Goulding) My name is Chris Goulding. I'm the Vice President of Finance and Regulatory for Unitil Service Corp., which is a subsidiary of Unitil Corp., that provides managerial, financial, accounting, regulatory, engineering, and information technology service to Unitil Corp.'s subsidiaries.

My responsibilities include all rate and regulatory filings, financial planning and analysis, treasury operations, budget, and insurance and loss control programs.

Q Mr. Goulding, Hearing Exhibit 1 is the Company's initial filing in this case with regard to its proposed Purchase of Receivables Program. And included in this filing is the prefiled direct testimony that you co-sponsored with Ms. Demeris,

[WITNESS PANEL: Goulding|Demeris]

1 as well as a supporting attachment. Was that
2 joint testimony and the supporting attachment
3 prepared by you or under your direction?

4 A (Goulding) Yes, it was.

5 Q Do you have any corrections to the joint
6 testimony that you'd like to make on the stand
7 today?

8 A (Goulding) Yes. There is some descriptions in
9 there on Bates Page 022, Bates Page 023, and
10 Bates Page 024. There's a reference to "Standard
11 Complete Billing". That's the name that we use
12 in Massachusetts for the billing process. Those
13 "Standard Complete Billing" names or references
14 should be stricken, and replaced by "Consolidated
15 Billing Services", which is the term used in New
16 Hampshire.

17 Q And, subject to those corrections, do you adopt
18 the joint testimony and the supporting attachment
19 as your sworn testimony today?

20 A (Goulding) Yes, I do.

21 Q Thank you. Good afternoon, Ms. Demeris. Could
22 you please state your full name, employer, the
23 position that you hold with the Company, and your
24 responsibilities in that position?

[WITNESS PANEL: Goulding|Demeris]

1 A (Demeris) Yes. My name is Elena Demeris. I'm a
2 Senior Regulatory Analyst for Unitil Service
3 Corp. I'm responsible for preparing regulatory
4 filings, pricing research, regulatory analysis,
5 tariff administration, revenue requirements
6 calculations, customer research, and other
7 analytical services.

8 Q And Hearing Exhibit 1 is the Company's initial
9 filing in this case with regard to its proposed
10 POR Program. And included in this filing is the
11 prefiled direct testimony that you co-sponsored
12 with Mr. Goulding, as well as a supporting
13 attachment. Was this joint testimony and the
14 supporting attachment prepared by you or under
15 your direction?

16 A (Demeris) Yes, it was.

17 Q And do you have any corrections to the joint
18 testimony that you'd like to make on the stand
19 today?

20 A (Demeris) No. Aside from the corrections made by
21 Mr. Goulding, I do not have any additional
22 corrections.

23 Q And, subject to the corrections made by Mr.
24 Goulding, do you adopt your joint testimony and

[WITNESS PANEL: Goulding|Demeris]

1 the supporting attachment as your sworn testimony
2 today?

3 A (Demeris) Yes, I do.

4 MR. CAMPBELL: Thank you, Ms. Demeris.
5 At this point, I'd like to circle back to Mr.
6 Goulding, and ask a few specific questions about
7 the Settlement Agreement.

8 BY MR. CAMPBELL:

9 Q Mr. Goulding, did you participate in the
10 negotiation of the Settlement Agreement, which
11 has been entered into the record as "Hearing
12 Exhibit 5"?

13 A (Goulding) Yes, I did.

14 Q And are you familiar with the terms of the
15 Settlement Agreement?

16 A (Goulding) Yes, I am.

17 Q And could I ask you to briefly summarize the
18 major elements of that Settlement Agreement?

19 A (Goulding) Sure. So, starting on Bates Page 003,
20 Section 2.2 and 2.3 provides that all suppliers
21 on consolidated billing are automatically
22 enrolled in the POR Program, and must sell all of
23 their accounts receivables to the Company.

24 Section 2.5 provides that Unitil will

[WITNESS PANEL: Goulding|Demeris]

1 calculate separate Discount Percentage Rates for
2 the Residential Class and the General Service
3 Class.

4 Section 2.6 of the Settlement Agreement
5 sets forth in great detail how the discount rate
6 percentage will be calculated, and that the
7 calculation is based on the Company's actual
8 uncollectible rate adjusted for the cost of
9 program implementation.

10 Section 2.7 provides how the payments
11 to suppliers will be -- how the payments will be
12 made to suppliers on a monthly basis, less the
13 Discount Percentage Rate. The specific payment
14 date will be calculated based on the lead/lag
15 methodology approved by the Commission in the
16 Company's most recent rate case and Default
17 Service filings.

18 Section 2.8 provides that the Company
19 will purchase all existing receivables from the
20 suppliers upon the commencement of the Program.

21 Section 2.9 provides for periodic
22 adjustments to the Discount Percentage Rate,
23 through an annual reconciliation filing that will
24 be submitted to the Commission on or before

[WITNESS PANEL: Goulding|Demeris]

1 March 1st of each year, for effect on May 1st of
2 that year.

3 And, finally, Section 3 provides a
4 process to complete the work of POR
5 implementation. Specifically, the Parties have
6 proposed a second phase to provide the time
7 necessary to revise the Company's tariff and the
8 related Trading Partner Agreement, to reflect the
9 terms of the Settlement Agreement and fully
10 implement the POR Program.

11 Q Thank you, Mr. Goulding. And, when you just
12 summarized Section 2.6, you stated that the
13 "Discount Percentage Rate will be adjusted for
14 the cost of program implementation." To put a
15 finer point on that, would it be accurate to say
16 that the Company will recover its program
17 implementation costs through the Administrative
18 Cost Percentage component of the DPR rate, and it
19 will not include such costs in the Company's base
20 distribution rates?

21 A (Goulding) Yes, that is correct.

22 MR. CAMPBELL: Thank you. That's all I
23 have for direct. Mr. Goulding and Ms. Demeris
24 are available for cross.

[WITNESS PANEL: Nixon|Noonan|Balise]

1 HEARINGS EXAMINER WIND: Okay. Thank
2 you. Give me just one moment.

3 Since all the witnesses are sworn in,
4 why don't we go ahead and qualify the other
5 witnesses, so that I can ask questions of the
6 group as though they were a panel.

7 So, Attorney Ladwig, will you qualify
8 one or all of your witnesses?

9 MS. LADWIG: Yes.

10 **AMANDA O. NOONAN, SWORN**

11 **ELIZABETH R. NIXON, SWORN**

12 **SCOTT T. BALISE, SWORN**

13 **DIRECT EXAMINATION**

14 BY MS. LADWIG:

15 Q So, I'll have my three witnesses each state your
16 name and position with the Department?

17 A (Noonan) Good afternoon. Amanda Noonan, Director
18 of the Consumer Services Division with the
19 Department of Energy.

20 A (Nixon) Liz Nixon, Electric Director at the
21 Department of Energy.

22 A (Balise) Scott Balise, Utility Analyst --

23 *[Court reporter interruption.]*

24 **BY THE WITNESS:**

[WITNESS PANEL: Nixon|Noonan|Balise]

1 A (Balise) Oh, sorry. So, it's Scott Balise. I'm
2 a Utility Analyst in the Electric Division.

3 BY MS. LADWIG:

4 Q And were you each involved in settlement
5 negotiations in this matter?

6 A (Noonan) Yes, I was.

7 A (Nixon) Yes.

8 A (Balise) Yes.

9 Q And did you prepare a technical statement in this
10 matter that has been marked as "Exhibit 2"?

11 A (Noonan) Yes, I did.

12 A (Nixon) Yes.

13 A (Balise) Yes.

14 Q Do you have any changes or updates you want to
15 make to that technical statement today?

16 A (Noonan) No changes or corrections.

17 A (Nixon) No.

18 Q And does this technical statement represent your
19 opinion and recommendation regarding the Purchase
20 of Receivables Program as proposed by Unitil?

21 A (Noonan) Yes, it does.

22 A (Nixon) Yes.

23 A (Balise) Yes.

24 Q And are you in support of the Settlement

[WITNESS PANEL: Nixon|Noonan|Balise]

1 Agreement that's been proposed, sorry, that's
2 been marked as "Exhibit 5"?

3 A (Noonan) Yes.

4 A (Nixon) Yes.

5 A (Balise) Yes.

6 MS. LADWIG: Thank you. That's all we
7 have for our witnesses.

8 HEARINGS EXAMINER WIND: Thank you.
9 And, Mr. Below, are you going to be qualified by
10 Attorney Campbell?

11 MR. CAMPBELL: Yes.

12 **CLIFTON C. BELOW, SWORN**

13 **DIRECT EXAMINATION**

14 BY MR. CAMPBELL:

15 Q Mr. Below, could you please state your full name,
16 employer, and the position that you hold with
17 your employer?

18 A (Below) Yes. My name is Clifton Cross Below. I
19 am Chair of the Community Power Coalition of New
20 Hampshire.

21 Q And Hearing Exhibit 4 is your testimony in this
22 case with regard to the Company's proposed
23 Purchase of Receivables Program?

24 A (Below) Yes, it is.

[WITNESS: Below]

1 Q Was that testimony prepared by you or under your
2 direction?

3 A (Below) Yes.

4 Q Do you have any corrections to that testimony
5 today?

6 A (Below) No.

7 Q And are you familiar with the terms of the
8 Settlement Agreement that's being presented for
9 Commission approval?

10 A (Below) Yes, I am. I participated in the
11 negotiations.

12 Q And do you support approval of the Settlement
13 Agreement that's being presented for Commission
14 review?

15 A (Below) I do. The Coalition fully supports the
16 proposed Settlement Agreement as for the public
17 good.

18 MR. CAMPBELL: Thank you, Mr. Below.

19 HEARINGS EXAMINER WIND: Thank you.

20 I guess, by nature of being the third
21 hearing on the same topic in two days, I'm going
22 to have to review my questions for a moment,
23 because most of them were answered pretty spot-on
24 by the witness. So, just give me a moment to

[WITNESSES (as a panel):
Goulding|Demeris|Noonan|Nixon|Balise|Below]

1 review my notes.

2 [Short pause.]

3 BY HEARINGS EXAMINER WIND:

4 Q So, to the Company witnesses, in the
5 Administrative Cost Percentage, there are some
6 costs that are directly related to the
7 implementation of the Purchase of Receivables
8 Program. Can you summarize what those costs are?

9 A (Goulding) Yes. So, the Company has included an
10 estimate of an implementation cost of \$5,250.
11 And what those are for is the Company employees a
12 vendor to assist with EDI interchange
13 transaction. And the Company will need to
14 conduct testing to integrate Purchase of
15 Receivable data into this process. The testing
16 will include validating filename conventions,
17 ensuring data fields are correct for processing
18 properly formatted EDI files for suppliers into
19 EBT.

20 Q So, the Company's testimony here today is that
21 those are estimates. Is it the Company's
22 understanding that those costs will be reviewed
23 in subsequent proceedings as the Purchase of
24 Receivables Program is actually implemented?

[WITNESSES (as a panel):
Goulding|Demeris|Noonan|Nixon|Balise|Below]

1 A (Goulding) Yes. So, in the reconciliation or the
2 first reconciliation of the Purchase of
3 Receivables Program, they will include the
4 actual -- actual cost associated with the
5 transaction -- or, transition.

6 Q And, to the Department of Energy witnesses, is
7 that consistent, are those two answers consistent
8 with your understanding of the Settlement
9 Agreement, that the costs are estimates, and will
10 be subject to future review?

11 A (Noonan) Yes. That's correct.

12 Q And, Mr. Below, if you'd like to answer that as
13 well?

14 A (Below) Yes, I agree.

15 Q Thank you. To the Company witnesses, can you
16 turn to Bates Page 015 of the Settlement
17 Agreement?

18 A (Goulding) Okay. I'm there.

19 Q And can you just walk me through the illustrative
20 calculation that you have here?

21 A (Goulding) Sure. So, what we have here is this
22 is calculation of the illustrative actual
23 uncollectible rate. And what it is is, on
24 Line 1, we have the Residential supply

[WITNESSES (as a panel):
Goulding|Demeris|Noonan|Nixon|Balise|Below]

1 write-offs. Those are on Line 1 and 2. Those
2 are supply write-offs by class. Line 4 and 5
3 would be the total supply revenues. And, then,
4 Line 7 and 8 is the class-specific write-offs,
5 divided by the class-specific revenues, to come
6 up with the Uncollectible Percentage.

7 Q And, for the class-specific figures, can you
8 point me to where those figures would be derived?

9 A (Goulding) They would come from our billing
10 system.

11 Q From the billing system.

12 A (Goulding) And, then, from our general ledger
13 systems, in terms of the write-offs.

14 *[Court reporter interruption for*
15 *clarification.]*

16 **CONTINUED BY THE WITNESS:**

17 A (Goulding) Billing system and general ledger
18 system. So, it would be actual uncollectibles
19 and actual -- or, actual write-offs, excuse me,
20 and actual billed revenues. And these would just
21 be for the supply portion of the revenues.

22 BY HEARINGS EXAMINER WIND:

23 Q Okay. I think I will turn to next steps in this
24 docket.

[WITNESSES (as a panel):
Goulding|Demeris|Noonan|Nixon|Balise|Below]

1 Can one of the Company witnesses let me
2 know how you envision the next steps in this
3 docket going, including whether it would stay in
4 this docket or be on a consolidated basis between
5 utilities?

6 MR. CAMPBELL: Since that's sort of a
7 procedural question, --

8 HEARINGS EXAMINER WIND: Sure.

9 MR. CAMPBELL: -- would it be all right
10 if I address that?

11 HEARINGS EXAMINER WIND: Certainly.

12 MR. CAMPBELL: So, actually, the
13 Company doesn't have a strong opinion on
14 consolidation. I think it may make sense just to
15 continue in the format we've been using just thus
16 far, and have three separate proceedings for each
17 company. I think that's worked well so far. And
18 I don't see any reason to change, in terms of the
19 procedural framework.

20 HEARINGS EXAMINER WIND: And, specific
21 to this docket, does the Department of Energy
22 agree with that or take any other position on
23 future process?

24 MS. LADWIG: We would agree with what

[WITNESSES (as a panel):
Goulding|Demeris|Noonan|Nixon|Balise|Below]

1 Unitil said.

2 HEARINGS EXAMINER WIND: And Mr. Below?

3 WITNESS BELOW: Likewise, we agree.

4 HEARINGS EXAMINER WIND: Well, when the
5 Examiner is struggling to find questions to ask,
6 I think it's a good thing. It seems like things
7 were pretty closely tailored to issues that I
8 raised in the prior matters. So, I think I'm
9 pretty satisfied with the answers that the
10 witnesses have been able to provide. And I thank
11 you all for showing up and coming here to provide
12 testimony.

13 So, at this time, I will strike
14 identification on the five exhibits, noting that
15 the exhibit provided by NRG Companies was not
16 sworn to, and, so, therefore, is documentary in
17 nature.

18 And why don't we go ahead and move to
19 closings, beginning with NRG.

20 MS. MIRANDA: Thank you very much.
21 You've heard my closing in the other two cases,
22 it's going to be very similar.

23 NRG Retail does support the Settlement
24 Agreement. We believe it's just and reasonable

1 and in the public interest. We also believe that
2 the application of the POR Program to all CEPSS,
3 not just CPAs and CEPSS serving CPAs, is in the
4 public good, and complies with the statute, per
5 our written comments, that you've already
6 received.

7 In addition, it's our understanding
8 from the utilities that, if the Commission were
9 to decide to only apply it to CPAs or CEPSS
10 serving CPAs, the costs would be borne by that
11 smaller group of suppliers, therefore increasing
12 the cost on them for implementation. In
13 addition, my understanding is, from the
14 utilities, that the costs to create a system that
15 had some suppliers in and some players out would
16 also increase, that making an even exponentially
17 larger burden for the CPAs and the CEPSS serving
18 CPAs to bear.

19 And for those -- and, if the Commission
20 were to decide that only CPAs and CEPSS serving
21 CPAs could use the Program, the other option is
22 to require all non-CPA suppliers to do dual
23 billing. But small commercial and residential
24 customers typically do not want two bills. So,

1 it would create disincentives for the competitive
2 market and have negative impacts on that market.

3 We agree to continue the individual
4 proceedings for a Phase II as appropriate. If
5 additional notice is provided by the Commission
6 with respect to Phase II of these proceedings, we
7 do request that it be a notice that is limited
8 and discrete to POR and, to the extent necessary,
9 to cover CPAs and their role under the terms and
10 conditions and supplier agreements for Unitil.

11 With that, I thank you very much for
12 the opportunity to speak.

13 HEARINGS EXAMINER WIND: Thank you.
14 Mr. Below.

15 MR. BELOW: Yes. Thank you.

16 The Coalition concurs with the comments
17 or closing remarks of Attorney Miranda on behalf
18 of NRG. And I would just add a bit.

19 That we do think it's advisable to
20 provide an additional Order of Notice that this
21 next phase will be considering amending the terms
22 and conditions and the supplier agreement to
23 incorporate the POR Program, as it may be
24 approved by the Commission. As well as to

1 address any issues that arise in applying that to
2 Community Power Aggregations, and how they are
3 written into the terms and conditions and the
4 supplier agreements.

5 HEARINGS EXAMINER WIND: Thank you.
6 Attorney Ladwig.

7 MS. LADWIG: Thank you.

8 DOE also concurs with what's been said
9 by NRG and CPCNH, and is in support of the
10 Settlement Agreement. We also thank Unitil for
11 putting together a comprehensive plan for a
12 Purchase of Receivables Program that's consistent
13 with RSA 53-E:9.

14 We had pretty productive and
15 comprehensive settlement discussions in this
16 matter. And I think we came to a Settlement
17 Agreement that's consistent with the requirements
18 of the statute, and is going to be pretty, I
19 think, successful going forward.

20 We ask that the Commission, therefore,
21 find the Settlement is consistent with the
22 requirements of 53-E:9, and approve the
23 Settlement.

24 HEARINGS EXAMINER WIND: Thank you.

1 Attorney Campbell.

2 MR. CAMPBELL: Thank you. In
3 compliance with Section 9, Unitil filed its plan
4 for a POR Program on January 1st. In that plan,
5 the Company set forth its initial proposal for
6 calculating the discount rate percentage and
7 other essential program elements.

8 With that initial proposal as a
9 starting point, the Company, the Department of
10 Energy, the Community Power Coalition of New
11 Hampshire, and the NRG Retail Companies invested
12 considerable time and effort to refine that
13 proposal, and reached the Settlement Agreement
14 that has been presented for your consideration
15 today.

16 The terms of this Settlement are
17 consistent with the requirements of Section 9 of
18 RSA 53-E. Section 2.2 of the Settlement makes
19 the POR Program available to all suppliers. I
20 concur with Attorney Miranda that making the POR
21 Program available to all suppliers is in the
22 public good. It is in the public good to include
23 all suppliers, because it more broadly promotes
24 retail choice and customer access to competitive

1 markets, which is consistent with the core
2 purpose of the state's Restructuring law.

3 I also note that the state's
4 Restructuring law, and I'm looking specifically
5 at RSA 374-F:3, Section VII, there it provides
6 that "The rules that govern market activity
7 should apply to all buyers and sellers in a fair
8 and consistent manner in order to ensure a fully
9 competitive market." If the POR Program were
10 available only to suppliers serving municipal
11 aggregations and aggregators serving as LSEs,
12 that would not constitute fair and consistent
13 treatment of suppliers and would not be in the
14 public good.

15 Section 2.6 of the Settlement Agreement
16 sets forth how the discount rate percentage will
17 be calculated, and consistent with Section 9,
18 that calculation is based on the Company's actual
19 uncollectible rate, adjusted for the cost of
20 program implementation.

21 Also, as required by Section 9, Section
22 2.7 of the Settlement Agreement provides for
23 timely payment of the amounts due to suppliers
24 from customers for electricity supply, less a

1 Discount Percentage Rate.

2 Section 2.9 of the Settlement, as
3 required by RSA 53-E, Section 9, provides for
4 periodic adjustment to the Discount Percentage
5 Rate as approved by the Commission.

6 And, lastly, the Settlement Agreement
7 provides a process to complete the work of POR
8 Program implementation. Specifically, the
9 Parties are proposing a second phase for this
10 proceeding, to provide the time necessary to
11 revise the Company's tariff and the related
12 Trading Partner Agreement to reflect the terms of
13 the Settlement Agreement and fully implement the
14 POR Program.

15 To wrap up, I'd like to thank the
16 Department of Energy, the Community Power
17 Coalition of New Hampshire, and the NRG Retail
18 Companies for their hard work, and for remaining
19 committed to a collaborative process, which I
20 think is reflected in this Settlement Agreement.

21 Unitil encourages the Commission to
22 approve the Settlement Agreement without delay,
23 so the Parties and other interested stakeholders
24 can begin the work of integrating the major

1 elements of the Program, and to the terms and
2 conditions of the Company's tariff and the
3 related supplier agreement.

4 Thank you.

5 HEARINGS EXAMINER WIND: One brief
6 follow-up on the "public good" standard. Would
7 it present challenges to Unitil if the -- to
8 provide consolidated billing without the Purchase
9 of Receivables Program?

10 MR. CAMPBELL: So, I'm not sure I
11 followed that question. But let me try and
12 reframe it a bit.

13 I guess I would reiterate exactly what
14 Attorney Miranda would say. If we had a scenario
15 where we had one class of suppliers who were on
16 consolidated billing and weren't in the POR
17 Program, and another class of suppliers that were
18 on consolidated billing and were in the POR
19 Program, we'd have to set up dual systems. And
20 the complexity and cost of that model would
21 probably be prohibitive, and certainly not in the
22 public good.

23 HEARINGS EXAMINER WIND: Thank you.
24 That was exactly the question I was asking you.

1 MR. CAMPBELL: You're welcome.

2 HEARINGS EXAMINER WIND: All right.

3 So, at this point, for process going
4 forward, once I close this hearing, the next step
5 will be that I will file a report and a
6 recommended order. The September 1st procedural
7 order outlined some process that will follow
8 that, including giving ten days for comments or
9 exceptions. So, I'll note here, as I've done in
10 the other dockets, that, if the Parties wish to
11 waive that right to file comments or exceptions,
12 then doing so in writing in the docket would be
13 able to move the docket forward more quickly,
14 since, as you've noted, you're seeking an
15 expedited order.

16 So, are there any questions on process
17 going forward?

18 *[No verbal response.]*

19 HEARINGS EXAMINER WIND: All right.

20 Well, I thank everyone very much for their time
21 here today and in this docket in general.

22 The case is closed. Thank you.

23 ***(Whereupon the hearing was adjourned***
24 ***at 1:39 p.m.)***