

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No. DE 23-019

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

Line Extension Rate Filing

MOTION FOR CLARIFICATION OR REHEARING OF ORDER NO. 26,792

Pursuant to N.H. Code of Administrative Rules Puc 203.07 and RSA 541:3, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”), respectfully requests clarification of Order No. 26,792 (the “Order”) issued by the New Hampshire Public Utilities Commission (the “Commission”) on March 29, 2023 in the above-referenced docket. This Motion seeks clarification or rehearing because the Order approved an increase in rates applicable to the Company’s line extension policy effective as of May 1, 2023, rather than as of April 1, 2023 as proposed by the Company and recommended by the New Hampshire Department of Energy (“DOE”), and consistent with the terms of Order No. 25,046 (November 20, 2009) that established the policy and process for Eversource line extension rates. In support of this motion, the Company states as follows:

1. On February 28, 2023, Eversource submitted a filing seeking Commission approval of an increase in the Company’s line extension rates based upon a specified cost per foot, to be effective on April 1, 2023, consistent with the settlement agreement relating to its line extension policy approved by the Commission in Docket No. DE 08-135 by Order No. 25,046 (the “Approved Settlement”). The Company submitted a revised filing on March 24, 2023 that reiterated the request that the proposed line extension rates should take effect April 1, 2023, and

also noted that if no Commission order were to be issued prior to April 1, the proposed rates would take effect April 1 regardless pursuant to Puc 1603.07(a)(2).

2. Under the Approved Settlement, Eversource was to phase-in, over three years, new line extension rates based upon a specified cost per foot. The phase-in period ended March 31, 2013, after which time a methodology was provided for calculating the cost per foot that would apply to line extensions on a going forward basis. Section B.2. of the Approved Settlement provides that the Company will calculate the average cost per foot by construction type for the period April 1 through March 31 of each year using an average of actual costs from the three prior years. The Approved Settlement provides a specific method for calculating and updating the three-year average. In its initial filing, the Company provided the technical statement of George J. Knowles to report on the average cost per foot calculations applicable to the period of April 1, 2023 through March 31, 2024, as required under the Approved Settlement.

3. Consistent with the Approved Settlement, Eversource's delivery service tariff currently provides that the specified line extension rates will be in effect from April 1, 2022 through March 31, 2023. *See* NHPUC No. 10 - Electricity Delivery, Public Service Company of New Hampshire, 2nd Revised Page 26. The current line extension rates were approved by the Commission in Docket No. DE 22-011 by Order No. 26,614 (April 22, 2022), and were only authorized to be in effect until March 31, 2023. Order No. 26,614 was issued on a *nisi* basis, with a specified order effective date of May 23, 2022. Despite Order No. 26,614 being issued after April 1 and not becoming effective until May 23, the Order declared an effective date for the rates of April 1 nonetheless.

4. With respect to the requisite annual adjustment of line extension rates, the Company's Tariff No. 10 provides at Page 27 as follows (emphasis added):

The Company will update the overhead single-phase and underground single-phase average cost per foot figures *for effect on April 1* based upon a sampling of actual line extensions completed in the preceding three calendar years using the methodology contained in the [Approved Settlement].

5. On March 24, 2023, the DOE submitted the Technical Statement of Scott T. Balise, analyzing the Company's proposed increase to its line extension rates and recommending that the Commission "find that the resulting charge adjustments for an effective date of April 1, 2023, are just and reasonable." The Commission acknowledged the DOE's recommendation on page 2 of the Order.

6. Eversource requests that the Commission clarify by rehearing order that the effective date for the approved line extension charge increases is April 1, 2023 rather than May 1, 2023, as the April 1 effective date is consistent with the Approved Settlement, the Company's initial and revised filings, the DOE's recommendation, the Eversource tariff, and the Commission's precedent. Moreover, the Commission issued a procedural order in this docket directing the DOE to submit its recommendation by March 24, 2023 "[t]o enable the Commission to issue an order prior to April 1, 2023," indicating that the Commission was aware of the need for the proposed rates to take effect by April 1, and that the ordered May 1 effective date may have been an inadvertent error.

7. The Commission may grant rehearing or reconsideration where a party states good reason for such relief. *Public Service Company of New Hampshire*, Order No. 25,361 (May 11, 2012) at 4. Good reason may be shown by identifying specific matters that were overlooked or mistakenly conceived by the deciding tribunal, or by identifying new evidence that could not have been presented in the underlying proceeding. *Id.* at 4-5; see also *Liberty Utilities (EnergyNorth Natural Gas) Corp.*, Order No. 26,087 at 3-4 (Dec. 18, 2017). Within 30 days of the filing of a motion for rehearing, the Commission must grant, deny, or suspend the order or decision

complained of pending further consideration, and the suspension may be upon such terms and conditions as the Commission may prescribe. RSA 365:21. Good cause exists for the Commission to grant rehearing or reconsideration through clarification in this instance because the Order appears to have overlooked or mistakenly conceived the unanimous support for and critical importance of the April 1, 2023 effective date to ensure the Company has a line extension rate in place, consistent with the Approved Settlement and the Eversource tariff. Given that the Company's tariff currently sets forth specific rates that are only in effect through March 31, 2023, the effect of the May 1, 2023 effective date specified in the Order would be to leave Eversource without any line extension rates in place for a month, which is an untenable position for the Company.

8. Procedurally, there are no impediments to clarifying the Order to implement an April 1 effective date, as Order No. 26,614 approving last year's line extension rates demonstrates that rate adjustments with an April 1 effective date may be approved by an order with an effective date later than the rate's effective date. So long as there is a *nisi* period that gives interested parties and opportunity for hearing, even if that hearing is after April 1, no irreparable harm can be incurred by implementing the rates effective April 1.

9. Accordingly, rehearing or clarification is warranted under these circumstances and should be granted to designate April 1, 2023, rather than May 1, 2023, as the effective date for the approved adjustment to the Company's line extension rates so that the Company at all times has a line extension rate in place. To prevent any disruption to the availability of line extension rates, the Company respectfully requests that the Commission issue an order clarifying the effective date of the new rates no later than March 31, 2023. The DOE supports this Motion.

WHEREFORE, Eversource respectfully requests clarification and rehearing, for the reasons stated in this Motion, specifically to:


- A. Issue an order no later than March 31, 2023 clarifying that April 1, 2023 is the effective date for the new Eversource line extension rates; and
- B. Grant any such other or further relief as may be just and reasonable.

Respectfully submitted,

Public Service Company of New Hampshire d/b/a Eversource Energy

Date: March 30, 2023

By: _____


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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

Date: March 30, 2023



Jessica A. Chiavara