

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-019

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

Line Extension Rate Filing

**Order Granting Rehearing and Amending Order *Nisi*
No. 26,792 Approving Updated Line Extension Rates**

O R D E R N O. 26,794

March 31, 2023

This order grants rehearing and amends Order No. 26,792 (March 29, 2023). The amended order *nisi* approves an update to line extension rates for Public Service Company of New Hampshire d/b/a Eversource Energy. Per foot costs to be assessed under the terms of the Eversource tariff of \$30.69 for overhead single phase line extensions, and \$20.32 for single phase underground line extensions. These rate increases are to be effective on a temporary basis as of April 1, 2023, subject to reconciliation if rates change when the order *nisi* becomes final.

I. PROCEDURAL HISTORY

On March 30, 2023, the petitioner, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed a request for clarification or rehearing (Rehearing Request) concerning the effective date in Order 26,792 issued March 29, 2023. (Order) Order No. 26,792 was issued on a *nisi* basis and approved an annual update to the line-extension charges made pursuant to the terms of the policy established and delineated in Order No. 25,046 (November 20, 2009).

On February 28, 2023 Eversource filed its proposed line extension charges for effect April 1, 2023. On March 24, 2023, Eversource updated its costs and proposed line extension charges. The Department of Energy (DOE) filed an appearance on March 8, 2023, and on March 24, 2023, DOE filed its recommendation concerning the updated line extension charges. No other parties requested intervention in this docket.

POSITIONS OF THE PARTIES

A. Eversource

The Rehearing Request 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). Eversource argues that the April 1 effective date is consistent with the terms of Order No. 25,046 (November 20, 2009) that established the policy and process for Eversource line extension rates.

According to Eversource, good cause exists for the Commission to grant the Rehearing Request because the Order appears to have overlooked or mistakenly conceived the unanimous support for, and critical importance of the April 1, 2023 effective date. The Eversource tariff currently sets forth specific rates that are only in effect through March 31, 2023. According to Eversource, 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. Further, Eversource argues that so long as there is a *nisi* period that gives interested parties an opportunity for hearing, even if that hearing is after April 1, no irreparable

harm can be incurred by implementing the rates effective April 1. Eversource claims that the Commission should clarify the Order to make rates effective April 1 in order to prevent any disruption to the availability of line extension rates. Finally, Eversource indicates that the DOE supports the Rehearing Request.

II. COMMISSION ANALYSIS

The Commission may grant rehearing for “good reason” if the moving party shows that an order is unlawful or unreasonable. RSA 541:3; RSA 541:4; *Rural Tel. Cos.*, Order No. 25,291 (November 21, 2011); *see also Pub. Serv. Co. of N.H. d/b/a Eversource Energy*, Order No. 25,970 at 4-5 (December 7, 2016). A successful motion must establish good reason by showing that there are matters that the Commission “overlooked or mistakenly conceived in the original decision,” *Dumais v. State*, 118 N.H. 309, 311 (1978) (quotation and citations omitted), or by presenting new evidence that was “unavailable prior to the issuance of the underlying decision,” *Hollis Tel. Inc.*, Order No. 25,088 at 14 (April 2, 2010).

The Commission has considered Eversource’s claims that the May 1 effective date is inconsistent with the policy established by Order No. 25,046 (November 20, 2009) and that the order *nisi* may approve an earlier effective date for the tariff without causing any irreparable harm.

We agree that the new tariff should pick up without a gap following the expiration of the old tariff, however, it is not good practice to have the *nisi* effective date later than the date new rates take effect. We will grant the Rehearing Request in this instance and amend Order No. 26,927 by substituting the *nisi* ordering clauses below for the ordering clauses contained in Order No. 26,927. We will grant the new rates effective on April 1 on a temporary basis pursuant to RSA 378:27 and 378:29,

subject to reconciliation in the event that rates are adjusted as a result of the *nisi* process.

Nonetheless, we ask that in the future the parties allow more time for line extension rate adjustments in order to allow the Commission time to issue orders *nisi* effective before April 1.

Based upon the foregoing, it is hereby

ORDERED, that the request for rehearing or clarification is GRANTED and Order No. 26,792 is AMENDED by substituting the following new ordering clauses for those contained in Order No. 26,792; and it is

ORDERED NISI, that the line extension charges of \$30.69 per foot for single phase overhead lines and \$20.32 per foot for single phase underground lines are APPROVED as temporary rates pursuant to RSA 378:27 effective on April 1, 2023, and are APPROVED as permanent rates, subject to the effective date below; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this order to be published on its website in a prominent and visible place, such publication to be no later than two business days from the date of this order and to be documented by affidavit filed with this office on or before five business days from the date of this order; and it is


FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than April 10, 2023, for the Commission's consideration; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than April 17, 2023; and it is

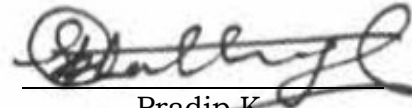
FURTHER ORDERED, that this order shall be effective May 1, 2023, unless the Petitioner fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that the Petitioner shall file a compliance tariff with the Commission on or before April 15, 2023, in accordance with N.H. Code Admin. Rules Puc 1603.02(b).

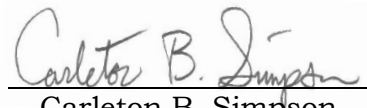
By order of the Public Utilities Commission of New Hampshire this thirty-first day of March, 2023.



Daniel C. Goldner
Chairman



Pradip K.
Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-019

Printed: 3/31/2023

Email Addresses

ClerksOffice@puc.nh.gov
scott.anderson@eversource.com
Scott.T.Balise@energy.nh.gov
jessica.chiavara@eversource.com
Energy-Litigation@energy.nh.gov
jay.e.dudley@energy.nh.gov
thomas.c.frantz@energy.nh.gov
sandra.gagnon@eversource.com
george.knowles@eversource.com
alexandra.k.ladwig@energy.nh.gov
nhregulatory@eversource.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov