

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-026**

**ELECTRIC DISTRIBUTION UTILITIES**

**Potential Jurisdictional Conflicts Related to Authorization of  
Pilot Programs Under RSA 362-A:2-b**

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

On September 20, 2022, the Commission issued an order of notice in Docket No. IR 22-061 announcing the commencement of an investigation concerning potential jurisdictional issues related to recently enacted changes to RSA chapter 362-A. The order of notice designated the three New Hampshire electric distribution utilities, Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (collectively, the Electric Utilities) as mandatory participants in that docket.

On December 2, 2022, the Electric Utilities submitted a joint motion requesting that Docket No. IR 22-061 be suspended and an “adjudicative proceeding,” as defined in RSA 541-A:1, be commenced and conducted consistent with RSA 541-A:31-36. None of the participants in the docket objected to the joint motion.

On March 9, 2023, the Commission issued Order No. 26,783 in Docket No. IR 22-061 granting the Electric Utilities’ joint motion to commence an adjudicative proceeding and closing the investigatory docket. Pursuant to that order, this adjudication pursuant to RSA chapter 362-A is being commenced. The Electric Utilities shall participate as mandatory parties in the above-captioned docket.

## **I. ISSUES PRESENTED**

This docket presents, *inter alia*, the following issues set out in RSA 362-A:2-b concerning the proposed pilots:

- a. whether any jurisdictional conflicts exist concerning the use of the distribution or transmission system;
- b. whether the activities allowed by RSA chapter 362-A would require a utility to violate its transmission owner operator's agreement or require a recalculation of any Independent System Operator-New England (ISO-NE) open access transmission tariffs; and
- c. whether such projects produce avoided transmission cost savings.

In order to develop a record sufficient to support the analysis required by RSA 362-A:2-b, the Commission requires each of the Electric Utilities to file the following information with the Commission on or before April 21, 2023:

- a. copies of any and all applicable transmission owner operator agreements, accompanied by a description of the process for amending those agreements;
- b. copies of any and all applicable ISO-NE open access tariffs, accompanied by a description of the process for amending those tariffs; and
- c. copies of any studies of avoided transmission costs based upon additional energy resources in the respective Electric Utilities' service territories or within the ISO-NE regional transmission area.

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 chapter 362-A, and the Commission's procedural rules; and it is

**FURTHER ORDERED**, that the Electric Utilities shall participate as mandatory parties in this docket; and it is

**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 May 16, 2023, 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. 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, the Electric Utilities shall make appropriate personnel available for the parties to hold a technical session to review the issues presented for consideration; 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 the Electric Utilities and any other parties on the service list, on or before April 28, 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 May 9, 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

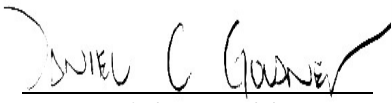
**FURTHER ORDERED**, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov). All requests to the Commission should be made in a written

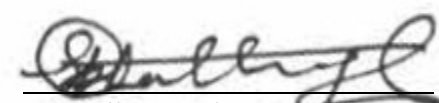
pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

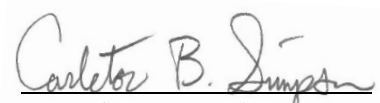
**FURTHER ORDERED**, that pursuant to N.H. Admin. R., Puc 203.12, the Electric Utilities shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on their websites no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before March 24, 2023. 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 ninth day of March, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket#: 23-026

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Email Addresses

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ClerksOffice@puc.nh.gov  
pjaesd@comcast.net  
bargetsinger@keyesfox.com  
jessica.arnold@libertyutilities.com  
Christopher.aslin@doj.nh.gov  
pbean@solarcity.com  
beaulieuc@unitil.com  
andrew.belden@eversource.com  
Clifton.Below@CPCNH.org  
jeb.bradley@leg.state.nh.us  
john.braswell@eversource.com  
christian.brouillard@libertyutilities.com  
mbrown@consumerenergyalliance.org  
rburke@nhla.org  
callnanb@nhec.com  
camerinos@nhec.com  
campbellm@unitil.com  
carroll@unitil.com  
jessica.chiavara@eversource.com  
dclapp@revisionenergy.com  
sconnuck@eastpointenergy.com  
Corson@unitil.com  
edward.davis@eversource.com  
debski@unitil.com  
demeris@unitil.com  
Energy-Litigation@energy.nh.gov  
donoghue@norwichtech.com  
downesm@unitil.com  
cdykema@nexamp.com  
eisfeller@unitil.com  
belder@eq-research.com  
joshua.w.elliott@energy.nh.gov  
eemerson@primmer.com  
sam@cleanenergynh.org  
kfiori@nexamp.com  
thomas.c.frantz@energy.nh.gov  
kfriend@nexamp.com

furino@unitil.com  
lgallant@preti.com  
sgeiger@orr-reno.com  
christopher.gilrein@easycleanenergy.com  
golding@communitychoicepartners.com  
gouldingc@unitil.com  
Adam.Hall@libertyutilities.com  
jaimie@granitestatesolar.com  
b.hayden@standardpower.com  
isabelle.hazlewood@eversource.com  
greg@clearpath.energy  
henry@cpcnh.org  
steveh@revisionenergy.com  
dholt@consumerenergyalliance.org  
kaminski@nhec.com  
maureen.karpf@libertyutilities.com  
david@clearpath.energy  
bking31415@gmail.com  
sarah.knowlton@libertyutilities.com  
nkrakoff@clf.org  
donald.m.kreis@oca.nh.gov  
rlabrecque@agilitasenergy.com  
leonardc@nashuanh.gov  
david.lepie@libertyutilities.com  
alesko@preti.com  
Paul@greenmntsolar.com  
alinder@nhla.org  
dlittell@raponline.org  
main@unitil.com  
erik.mellen@eversource.com  
Erica.Menard@libertyutilities.com  
mandymerrill60@gmail.com  
tmichelman@seadvantage.com  
clayaz@comcast.net  
fortunat@revisionenergy.com  
steven.mullen@libertyutilities.com  
kat@solarendeavors.com  
info@mainstreetbookends.com  
nhregulatory@eversource.com  
elizabeth.r.nixon@energy.nh.gov  
amanda.o.noonan@energy.nh.gov  
ran@essexhydro.com  
jim\_obrien@tnc.org  
ocalitigation@oca.nh.gov  
rebecca.ohler@des.nh.gov  
lee.oxenham@leg.state.nh.us

palma@unitil.com  
mark.parker@libertyutilities.com  
deandra.m.perruccio@energy.nh.gov  
perrym@nashuanh.gov  
katherine.peters@eversource.com  
daniel.t.phelan@energy.nh.gov  
melissa.price@eversource.com  
vprovenzano@capbm.org  
kim.quirk@gmail.com  
jralston@keeganwerlin.com  
crauscher@sunrun.com  
bob.reals@libertyutilities.com  
brian.rice@eversource.com  
Griffen.J.Roberge@energy.nh.gov  
bross@consumerenergyalliance.org  
Melissa.Samenfeld@libertyutilities.com  
Laura.Sasso@libertyutilities.com  
mary.e.schwarzer@energy.nh.gov  
michael.sheehan@libertyutilities.com  
david.j.shulock@energy.nh.gov  
karen.sinville@libertyutilities.com  
chris@cleanenergynh.org  
jsohn@safarienergy.com  
sprague@unitil.com  
eric.stanley@libertyutilities.com  
stettenheim@norwichtech.com  
anthony.strabone@libertyutilities.com  
taylorp@unitil.com  
heather.tebbetts@libertyutilities.com  
stower@nhla.org  
cynthia.trottier@libertyutilities.com  
mulin@revisionenergy.com  
jvanrosum@clf.org  
dvenora@keeganwerlin.com  
michael.vose@leg.state.nh.us  
theresa.washington@eversource.com  
tanya.p.wayland@energy.nh.gov  
dweeks@revisionenergy.com  
rick.white@eversource.com  
Matthew.C.Young@energy.nh.gov  
andrew@tosdalapc.com