

**BEFORE THE  
NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DOCKET NO. DE 23-026**

**Electric Distribution Utilities**

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

**MOTION OF THE  
COMMUNITY POWER COALITION  
OF NEW HAMPSHIRE  
FOR CONTINUANCE**

**July 19, 2023**

**BEFORE THE  
NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

<b>Potential Jurisdictional Conflicts</b>	)	
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**MOTION OF THE  
COMMUNITY POWER COALITION OF NEW HAMPSHIRE  
FOR CONTINUANCE**

Pursuant to Rule 203.07 of the Rules of Practice and Procedure of the State of New Hampshire Public Utilities Commission (“NHPUC” or “Commission”), the Community Power Coalition of New Hampshire (“CPCNH” or “Coalition”) hereby moves for a continuance of the oral arguments scheduled for July 20, 2023 in the above captioned proceeding. Due to an unforeseen medical emergency, the Coalition’s legal counsel is unable to attend the oral arguments either in person or remotely. Accordingly, the Coalition respectfully requests that the Commission grant its request for a continuance of the oral arguments in this proceeding.

**I. RELEVANT BACKGROUND**

The Commission opened this proceeding in Docket DE 23-026 on March 9, 2023 to assess the potential jurisdictional issues related to recently enacted changes to RSA chapter 362-A.<sup>1</sup> In this proceeding, the Commission is examining the following issues regarding the New Hampshire limited producers pilot program: (1) whether any jurisdictional conflicts exist concerning the use of the distribution or transmission system; (2) whether the activities allowed

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<sup>1</sup> Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Commencement of Adjudicative Proceeding and Notice of Prehearing Conference*, rel. March 9, 2023.

by RSA chapter 362-A would require a utility to violate its TOA or require a recalculation of any ISO-NE OATT; and (3) whether such projects produce avoided transmission cost savings.

The Commission designated the 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 “Joint Utilities”) as mandatory participants in this proceeding. On April 28, 2023, the Coalition submitted a Petition to Intervene<sup>2</sup> in this proceeding, which the Commission granted during its May 16 prehearing conference. The Commission’s May 16, 2023 Prehearing Order established June 23 as the deadline for initial written briefs and July 10 as the deadline for written reply briefs.<sup>3</sup> The Coalition, Joint Utilities, and the New Hampshire Office of Consumer Advocates (“OCA”) submitted initial briefs in this proceeding.<sup>4</sup> The Coalition and Joint Utilities submitted reply briefs in this proceeding.<sup>5</sup> The Commission’s Prehearing Order scheduled oral arguments in this proceeding for July 20, 2023.

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<sup>2</sup> Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Community Power Coalition of New Hampshire Petition to Intervene*, filed April 28, 2023.

<sup>3</sup> Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Prehearing Order*, rel. May 16, 2023.

<sup>4</sup> Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Community Power Coalition of New Hampshire Initial Brief*, filed June 23, 2023, but docketed as filed on June 26, 2023. The Coalition timely submitted for filing its Initial Brief at approximately 11:56 PM EST on Friday, June 23, prior to the Commission’s deadline. However, because some of the attachments to the Coalition’s Initial Brief were submitted shortly after the midnight filing deadline, the Coalition’s Initial Brief is docketed as received on Monday, June 26. Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Joint Utilities Initial Brief*, filed May 23, 2023; Docket DE 23-026, State of New Hampshire Public Utilities Commission, *OCA Initial Brief*, at 2-10, filed May 23, 2023.

<sup>5</sup> Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Community Power Coalition of New Hampshire Reply Brief*, filed July 10, 2023; Docket DE 23-026, State of New Hampshire Public Utilities Commission, *Joint Utilities Reply Brief*, filed July 10, 2023.

## **II. MOTION FOR CONTINUANCE**

Due to an unforeseen medical emergency, the Coalition's legal counsel is unable to attend the oral arguments scheduled for July 20 either in person or virtually. On the evening of July 18, 2023, the Coalition's counsel, who was scheduled to attend the oral arguments in this proceeding on behalf of the Coalition, experienced an unexpected family medical emergency. The Coalition's counsel promptly notified the Coalition of the emergency on the evening of July 18. When it became clear on July 19 that the medical emergency was not yet resolved and that the Coalition's counsel would be unable to travel to New Hampshire or participate remotely in the oral arguments, the Coalition promptly notified the counsel of the other parties in this proceeding. The Joint Utilities and OCA have informed the Coalition that they do not oppose this motion. Accordingly, because the Coalition's legal counsel is unable to attend the oral arguments and because the Coalition has acted in good faith to swiftly to notify all parties involved of this unexpected medical emergency, the Coalition respectfully requests that the Commission grant the Coalition's request for a continuance of the oral arguments in this proceeding.

### III. CONCLUSION

WHEREFORE, for the aforementioned reasons, the Coalition respectfully requests that the Commission grant the requested continuance.

Dated: July 19, 2023

Respectfully submitted,

Community Power Coalition of New Hampshire  
By their Attorneys

/s/ Michael Postar

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## **CERTIFICATE OF SERVICE**

I hereby certify that I caused the attached document to be served pursuant to N.H. Code Admin. R. Puc 203.11 to the individuals included on the Commission's service list in this proceeding. Dated at Washington, D.C. this 19th day of July 2023.

/s/ Harry A. Dupre

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