

**BEFORE THE NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DOCKET DE 23-039**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY**

**Request for Change in Distribution Rates**

**Conservation Law Foundation Data Requests Set 1 for Liberty Utilities**

October 4, 2023

Conservation Law Foundation (“CLF”), by CLF’s attorney, Nick Krakoff, serves the following Data Requests on Liberty Utilities.

1. If there are any questions regarding the data requests below, please contact Nick Krakoff, CLF Senior Attorney, at 603-369-4787 or nkrakoff@clf.org.
2. If information fully responsive to the questions below is not available, please so state, explain why that information is not available, and provide the closest possible approximation of a fully responsive answer.
3. To the extent that a question below inadvertently duplicates or overlaps with another party’s data request, please provide a cross-reference. Please provide a separate response as to any areas of divergence from the other party’s question.
4. If any information requested is already publicly available, please provide a URL or other direct means to access the information.
5. If there is an objection to any data request, please state the basis of the objection. If the objection is based on privilege, identify the privilege and the facts on which privilege is based. If a claim of privilege is asserted with respect to a document, provide the date, title or number of the document, the identity of the person who prepared or signed it, the identity of the person to whom it was directed, a general description of the subject matter, the identity of the person holding it and the location of its custody. If any document requested has been destroyed, lost or its otherwise unavailable, please list and identify the document, describe the document with as much detail as possible, and state the circumstances of its loss, destruction or unavailability.
6. For each response, please identify the person who provided the response and who will be responsible for testimony concerning each request. Also, for each response, identify each individual who supplied any information in response to the question.
7. Please furnish data responses by the date provided in the procedural schedule in this docket; *i.e.*, by October 19, 2023.

## **Definitions**

1. The word “document” means all writings of any nature whatsoever and all non-identical copies and drafts thereof, in your possession, custody or control, regardless of where located, and without limitation the following items, whether printed or recorded or filmed or reproduced by any other mechanical or electrical process, or written or produced by hand, including but not limited to agreements, contracts, memoranda of understanding, correspondence or communications, including intra-company correspondence and communications, e-mail, texts, reports, notes and memoranda, summaries and recordings of conversations, meetings and conferences, summaries, minutes and records of telephone conversations, meetings and conferences, summaries and recordings of conversations, manuals, publications, calendars, diaries, technical and engineering reports, data sheets and notebooks, photographs, audio and video tapes and discs, models and mockups, expert and consultant reports, and drafts of originals with marginal comments or other markings that differentiate such copies from the original.
2. “Workpapers” and “supporting documentation” refer to all data, assumptions, calculations, and the source and basis for all data and assumptions.
3. “The Company” or “Liberty” refers to Liberty Utilities.

## **Data Requests Set 1**

### **CLF 1-1**

Refer to the Direct Testimony of Dmitry Balashov (Battery Storage), Page 12.

- a. Please explain why Liberty proposes to limit initial enrollment in the proposed Bring Your Own Device (“BYOD”) battery storage program to 150 customers for the first three years from the date of the Commission’s approval of the program?
- b. Please explain whether Liberty considered increasing the initial enrollment to more than 150 customers and, if so, provide any documents in which Liberty considered and/or analyzed increasing the initial enrollment of the BYOD program?
- c. The November 19, 2018 Settlement Agreement filed in Docket No. DE 17-189 provided that Liberty’s upcoming proposed BYOD program would include “up to 500 additional batteries . . . not owned by Liberty.” Settlement Agreement, at 6 (DE 17-189). Please explain why Liberty is not proposing in this docket to limit enrollment in the BYOD program to 500 customers and, instead, is proposing to limit enrollment to only 150 customers?

### **CLF 1-2**

Refer to Direct Testimony of Dmitry Balashov (Battery Storage), Page 8.

- a. Please provide the list of technologies or vendors that the Company currently anticipates including in its BYOD program.

**CLF 1-3**

Refer to Direct Testimony of Dmitry Balashov (Battery Storage), Pages 10-11.

- a. Please explain the extent to which Liberty expects to either propose or reevaluate a BYOD program offering that includes an element for coordinated discharge of stored energy into the grid during times of anticipated upstream system coincident peaks as a future program offering.
- b. Please explain when Liberty expects to either propose or reevaluate a BYOD program offering that includes coordinated discharge of stored energy and if Liberty expects to propose or reevaluate such a program offering following its completion of the BYOD program evaluation (discussed on page 8 of the Dmitry Balashov Direct Testimony), which Liberty expects to take place at the third anniversary of the BYOD program.
- c. Please explain whether Liberty conducted any analysis on the potential for a BYOD program that includes coordinated discharge of stored energy into the grid, including potential compensation levels. If so, produce such analyses.

**CLF 1-4**

Refer to Direct Testimony of Dmitry Balashov (Battery Storage), Page 12.

- a. Please provide an itemized list of all costs associated with enrollment and administration for the proposed BYOD program that justify Liberty's proposal to require a one-time BYOD program enrollment charge of \$500 and monthly BYOD program administrative charges of \$50.

**CLF 1-5**

Refer to Direct Testimony of Dmitry Balashov (Battery Storage), Page 13.

- a. The November 19, 2018 Settlement Agreement filed in Docket No. DE 17-189 permitted Liberty to own 500 total batteries for Phases 1 and 2 of the pilot. Given that Liberty deployed 100 batteries in Phase 1, please explain why Liberty only proposes an additional 150 batteries for Phase 2 (for a total of 250 batteries combined for both phases) instead of 400 batteries for Phase 2 (which combined with Phase 1 would total 500 batteries).
- b. Given that Liberty proposes a BYOD battery storage program in this docket, please explain why Liberty proposes to increase the number of utility owned batteries in Phase 2 of the battery storage pilot and provide a detailed description of any advantages (if any) that the proposed Phase 2 utility-owned battery pilot provides over the proposed BYOD program.

- c. Please explain whether Liberty has performed a cost-benefit analysis for the Phase 2 utility-owned battery storage pilot and, if so, produce such analysis.

#### **CLF 1-6**

Refer to Direct Testimony of Greg Tillman (Advanced Rate Design), Page 17.

- a. Please confirm that Liberty's proposed peak hours for its proposed residential whole-home TOU rate option and small commercial TOU rate option (3 P.M. to 8 P.M. on non-holiday weekdays) and mid-peak hours (8 A.M. to 3 P.M. on non-holiday weekdays) accurately reflect current load profiles on the Company's distribution system. If not, please explain why the peak and/or mid-peak hours do not accurately reflect the Company's load profiles.

#### **CLF 1-7**

Refer to Direct Testimony of Greg Tillman (Advanced Rate Design), Pages 13, 14.

- a. Please explain why Liberty's proposed residential whole-home TOU rate option and small commercial TOU rate option are opt-in, instead of opt out?
- b. Has Liberty considered developing opt-out TOU rates for its NH service territory? Please produce any analysis or other documents Liberty has developed as part of any such consideration.
- c. Has Liberty considered that in jurisdictions where TOU rates are opt-in, TOU adoption rates tend to remain extremely low? *See, e.g.*, Presentation on Four Reforms for a More Active Demand Side in Connecticut, NRG Energy, at Slides 113, 119-120 (Nov. 2022), [https://portal.ct.gov/-/media/DEEP/energy/ConserLoadMgmt/Master-Slide-Deck\\_TM-5\\_DR.pdf](https://portal.ct.gov/-/media/DEEP/energy/ConserLoadMgmt/Master-Slide-Deck_TM-5_DR.pdf). Conversely, is Liberty aware that in jurisdictions where TOU rates are opt-out, TOU rates can often exceed 90 percent? *See*, CLF Final Comments, at 3 (Docket No. IR 22-076, June 13, 2023), [https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/LETTERS-MEMOS-TARIFFS/22-076\\_2023-06-13\\_CLF\\_FINAL-COMMENTS.PDF](https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/LETTERS-MEMOS-TARIFFS/22-076_2023-06-13_CLF_FINAL-COMMENTS.PDF). Given this discrepancy in adoption rates, why does Liberty propose TOU rates that are opt-in?
- d. Please explain why Liberty's proposed customer education & outreach plan and best bill guarantee promise for TOU rates would not obviate any potential concerns regarding the adoption of TOU rates that are opt-out.
- e. Please explain if Liberty is aware of any utilities in other jurisdictions that have implemented TOU rates that are opt-out and, if so, list them. Further, please indicate whether any of Liberty's affiliates have implemented TOU rates that are opt-out. Please describe Liberty's understanding of the success, or lack thereof, of opt-out TOU rates in other jurisdictions and/or by Liberty's affiliates, and produce

any analysis or other documents the Company has drafted describing such opt-out TOU rate programs.

**CLF 1-8**

Refer to Direct Testimony of Greg Tillman (Advanced Rate Design), Page 28.

- a. Please provide any analyses and other documents that Liberty has developed concerning the lack of adoption of Rates EV-L and EV-M by its customers.
- b. Please explain whether Liberty has determined that the retention of a demand charge for Rates EV-L and EV-M is the primary reason that these rates have no subscribers or if Liberty has determined that there are other reasons for the lack of subscribers. Has Liberty received any customer feedback relating to the lack of subscriptions and, if so, what feedback has been provided by customers?
- c. In docket No. DE 20-170, Liberty proposed a 50 percent demand charge reduction for proposed Rates EV-L and EV-M, but now, in this docket, proposes optional Rates EV-L and EV-M with 100 percent demand charge reductions. Please explain why Liberty's position on demand charge reductions has shifted between Docket No. DE 20-170 and this docket.
- d. Please provide the full time period (in years) for which Liberty intends to offer the optional Rates EV-L and EV-M that include a 100 percent demand charge reduction.

**CLF 1-9**

Refer to Direct Testimony of Philip Q. Hanser (Performance Based Ratemaking), Page 24 and Direct Testimony of Greg Tillman (Advanced Rate Design), Pages 13, 26.

- a. Please explain why Liberty determined that a TOU rate adoption of 0.5 percent is an appropriate level for its proposed TOU Rate Adoption Performance Incentive Mechanism ("PIM"). Please explain whether Liberty considered/analyzed any different and/or higher TOU rate adoptions for this proposed PIM and produce any analysis or other documents that Liberty developed in consideration of alternative TOU Rate Adoption PIMs.
- b. Based on the proposed TOU Rate Adoption PIM, does Liberty expect to only enroll 0.5 percent of its residential customers in TOU rates by the end of Rate Year 3?
- c. Has Liberty conducted any analysis on the number of customers it would expect to enroll in TOU rates if such rates were opt-out and, if so, produce such analysis?
- d. Please provide the approximate number of customers that would need to enroll in Liberty's newly proposed TOU rates for it to receive the proposed PIM incentive for achieving TOU rate adoption of 0.5% of residential customers. If this number is lower than the 440 customers currently enrolled in Liberty's existing residential

TOU rate, Rate D-10, please explain why Liberty believes it should be rewarded for enrolling fewer customers in its newly developed residential TOU rate than the number of customers that are currently enrolled in Rate D-10.

- e. Please explain why Liberty is developing a customer education and outreach plan for its newly developed TOU rates that only expects to enroll 0.5 percent of Liberty's customers by the end of Rate Year 3?
- f. Please explain why Liberty is not proposing a PIM related to load reduction resulting from customer adoption of TOU rates?

#### **CLF 1-10**

Refer to the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Page 10.

- a. Please explain why of the four proposed PIMs, only the reliability PIM includes a penalty in addition to a financial reward?
- b. Please explain why Liberty proposes PIMs that are "intentionally conservative" and "unlikely to lead to dramatic results" and why Liberty is not proposing more meaningful PIMs in this docket?
- c. Please produce any documents in which Liberty considered, discussed, or analyzed the PIMs that are proposed in this docket.
- d. Please explain whether Liberty considered additional PIMs other than the four PIMs proposed in this docket and, if so, list the PIMs that were considered. Provide any documents in which Liberty considered, discussed, or analyzed these other PIMs.

#### **CLF 1-11**

Refer to the Direct Testimony of Greg Tillman (Advanced Rate Design), Page 7 and the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Page 21.

- a. Please produce any analysis or calculations Liberty has developed regarding the (a) reductions in peak load demand, (b) load shifting, (c) reductions in capacity and transmission charges, (d) reductions in GHG emissions or other pollutants and/or (e) lower customer costs that Liberty expects will result from its TOU rate proposal.
- b. If Liberty has developed any analysis or calculations on the potential (a) reductions in peak load demand, (b) load shifting, (c) reductions in capacity and transmission charges, (d) reductions in GHG emissions or other pollutants and/or (e) lower customer costs that would result from an opt-out TOU rate, please produce them.

### **CLF 1-12**

Refer to the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Page 21.

- a. Please explain why Liberty believes that a TOU adoption rate of only 0.5% creates a meaningful incentive for the Company to enroll more customers into TOU rates?
- b. Please provide Liberty's cost estimate for Liberty's TOU rate customer and outreach plan and a list of the specific activities Liberty intends to undertake as part of the customer and outreach plan.
- c. Given that Liberty seeks approval of rate-based funding of the customer and outreach plan, please explain why the TOU rate adoption PIM does not include a penalty for failure to attain a 0.5 percent TOU adoption rate.

### **CLF 1-13**

Refer to the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Pages 19-23.

- a. Is Liberty aware of other utilities (including Liberty affiliates) that have implemented TOU rate adoption PIMs? If so, list them.
- b. For the utilities listed in response to CLF 1-13(a), please provide the TOU adoption rate required to earn the PIM incentive.
- c. For the utilities listed in response to CLF 1-13(a), please provide the year in which the TOU rate adoption PIM was first implemented.
- d. For the utilities listed in response to CLF 1-13(a), please provide the rate of TOU adoption at the three-year mark following adoption/approval of TOU rates.

### **CLF 1-14**

Refer to the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Pages 24-25.

- a. Regarding the proposed Interconnect PIM in which Liberty would earn an incentive for shortening the Supplemental Review required for interconnection of DER greater than 10 kVA but less than 100 kVA to an average time of 25 days or less, has Liberty received complaints from customers and/or DER developers that the 40-day time period required under the Company's tariff to complete Supplemental Reviews for DER interconnections causes too much delay? Please provide an estimate of the number of complaints Liberty has received regarding interconnection processing times.

- b. Please provide the Company's existing average time for completing Supplemental Reviews.
- c. Is Liberty aware of other utilities (including Liberty affiliates) that have implemented similar Interconnection PIMs? If so, please list them.
- d. For the utilities listed in response to CLF 1-14(c), please provide the average supplemental review completion time required to earn the PIM incentive.

**CLF 1-15**

Refer to the Direct Testimony of Erica L. Menard (Performance Based Ratemaking and Performance Incentive Mechanisms), Page 31 and Attachment ELM-PBR-1.

- a. For *each* of the recommended PIMs listed in Attachment ELM-PBR-1 that Liberty is not proposing in this docket, please explain Liberty's decision to not propose the PIM in this docket.
- b. Please produce any documents in which Liberty discussed, considered, or analyzed the PIMs listed in Attachment ELM-PBR-1 that Liberty is not proposing in this docket.
- c. Ms. Menard states in her testimony that Liberty is not proposing a PIM based on savings related to Non-Wires Alternatives ("NWAs") in this docket, in part, because NWAs are a focus of the Least Cost Integrated Resource Planning ("LCIRP") plans and the Company believes that it would be appropriate and efficient to leave the evaluation and reporting of the benefits of NWAs to those proceedings. Now that the LCIRP requirements have been repealed, please explain whether Liberty plans to reconsider the possibility of implementing an NWA savings PIM?
- d. Please explain whether Liberty currently monitors, tracks, and/or assesses the two performance metrics related to equity that are listed on Pages 2 and 3 of Attachment ELM-PBR-1.
- e. Please explain whether Liberty has considered a PIM related to emissions reductions.

**CLF 1-16**

Refer to the Direct Testimony of Philip Q. Hanser (Performance Based Ratemaking), Page 19.

- a. Mr. Hanser states that PIMs should be set such that a utility can realistically achieve the desired performance level, even if it requires a "stretch," but conversely should not be too easily achieved. Please explain whether Liberty considers the TOU rate adoption of 0.5 percent required to earn the TOU rate adoption PIM incentive a "stretch" or easy to achieve?

**CLF 1-17**



Refer to the Direct Testimony of Philip Q. Hanser (Performance Based Ratemaking), Page 27.

- a. Mr. Hanser states that it has taken Arizona utilities a decade to achieve a 50 percent participation rate in their current TOU rate. Please explain whether this was an opt-in or opt-out rate?
- b. Is Liberty aware of the percent participation rate in the TOU rate offering for Arizona utilities at the three-year mark following initial adoption/approval of TOU the rates? If so, please provide this information.

Sincerely,

/s/ Nick Krakoff

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