

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

August 17, 2023 - 9:03 a.m.
21 South Fruit Street
Suite 10
Concord, NH

RE: **DE 23-063**
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY, LIBERTY
UTILITIES (GRANITE STATE ELECTRIC) CORP.
d/b/a LIBERTY, AND UNITIL ENERGY
SYSTEMS, INC.: Petition for Waiver of
Certain Provisions of the Puc 2200 Rules
and Request to Recover Costs of
Implementing the Puc 2200 Rules.
(Prehearing conference)

PRESENT: Chairman Daniel C. Goldner, *Presiding*
Commissioner Pradip K. Chattopadhyay
Commissioner Carleton B. Simpson

Eric Wind, Esq./PUC Legal Advisor

Doreen Borden, Clerk

APPEARANCES: **Reptg. Public Service Company of**
New Hampshire d/b/a Eversource Energy:
Jessica A. Chiavara, Esq.

Reptg. Liberty Utilities (Granite State
Electric) Corp. d/b/a Liberty Utilities:
Michael J. Sheehan, Esq.

Reptg. Unitil Energy Systems, Inc.:
Patrick H. Taylor, Esq.

Court Reporter: Steven E. Patnaude, LCR No. 52

APPEARANCES: *(C o n t i n u e d)*

Reptg. Colonial Power Group:

Stuart Ormsbee

**Reptg. Community Power Coalition of
New Hampshire:**

Clifton Below, Chair

Brian Callnan, Chief Executive Officer

Reptg. Residential Ratepayers:

Donald M. Kreis, Esq., Consumer Adv.

Michael Crouse, Esq.

Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:

Matthew C. Young, Esq.

Amanda Noonan, Dir./Consumer Services

Elizabeth Nixon, Dir./Electric Group

Scott Balise, Electric Group

Stephen Eckberg, Electric Group

(Regulatory Support Division)

I N D E X

PAGE NO.

ISSUE RE: PETITIONS FOR INTERVENTION 7

AGENDA FOR THE PHC BY CHAIRMAN GOLDNER 8

STATEMENTS RE: TEMPORARY WAIVERS BY:

Ms. Chiavara 8

Mr. Sheehan 11

Mr. Taylor 11

Mr. Young 11

Mr. Kreis 12

Mr. Ormsbee 12

Mr. Below 13

STATEMENTS OF PRELIMINARY POSITION BY:

Ms. Chiavara 15

Mr. Sheehan 21

Mr. Taylor 22

Mr. Young 23

Mr. Kreis 24

Mr. Ormsbee 27

Mr. Below 27, 38, 46, 48

Mr. Callnan 30

I N D E X (continued)

**STATEMENTS RE: ADMINISTRATIVE NOTICE OF
DE 23-063, DE 23-047, AND IR 22-076 BY:**

Mr. Below 38

Ms. Chiavara 45

REPLY STATEMENTS RE: CPCNH's COMMENTS BY:

Ms. Chiavara 56

Mr. Kreis 61

Mr. Young 61

Mr. Taylor 62

QUESTIONS BY:

Cmsr. Simpson 63, 74, 81

Cmsr. Chattopadhyay 65

Chairman Goldner 70

STATEMENTS RE: PROCEDURAL SCHEDULE BY:

Ms. Chiavara 76

Mr. Below 77

Mr. Taylor 77, 79, 80

Mr. Kreis 78

Chairman Goldner 79

Cmsr. Simpson 80

P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. Good morning.

I'm Chairman Goldner. I'm joined by Commissioner Simpson and Commissioner Chattopadhyay. We're here for a prehearing conference in Docket Number DE 23-063, in which the Commission docketed Public Service Company of New Hampshire, doing business as Eversource, Liberty, and Unitil Electric Systems' Petition for a waiver of certain provisions of the PUC 200 rules and a request to recover costs of implementing the PUC 200 rules.

First, let's start by taking appearances, beginning with Eversource.

MS. CHIAVARA: Good morning, Commission. Jessica Chiavara, here for Public Service Company of New Hampshire, doing business as Eversource Energy.

CHAIRMAN GOLDNER: Thank you. And Liberty?

MR. SHEEHAN: Good morning. Commissioners. Mike Sheehan, for Liberty Utilities (Granite State Electric) Corp.

CHAIRMAN GOLDNER: Very good. And

1 Unitil Energy Systems?

2 MR. TAYLOR: Good morning,
3 Commissioners. Patrick Taylor, on behalf of
4 Unitil Energy Systems, Inc.

5 CHAIRMAN GOLDNER: Thank you. The
6 Department of Energy?

7 MR. YOUNG: Good morning,
8 Commissioners. Matthew Young, on behalf of the
9 Department of Energy. With me today is Amanda
10 Noonan, who is the Director of Consumer Services;
11 Steve Eckberg, who is a utility analyst working
12 on this matter; Liz Nixon, who is the Director of
13 the Electric Division; and Scott Balise, who is
14 also a utility analyst.

15 CHAIRMAN GOLDNER: Very good. And the
16 Office of the Consumer Advocate?

17 MR. KREIS: Good morning, Commissioners
18 I'm Donald Kreis, the Consumer Advocate. As you
19 know, we are here representing the interests of
20 residential utility customers.

21 CHAIRMAN GOLDNER: Thank you. And
22 we'll also go through the potential intervenors,
23 beginning with Colonial Power Group?

24 MR. ORMSBEE: Good morning. Stuart

1 Ormsbee, on behalf of Colonial Power Group.

2 CHAIRMAN GOLDNER: Thank you. And the
3 Conservation Law Foundation?

4 *[No indication given.]*

5 CHAIRMAN GOLDNER: Is CLF here today?

6 MR. BELOW: They are not. But I note
7 that Nick Krakoff is on parental leave right at
8 the moment. So, he indicated he was not
9 available this week.

10 CHAIRMAN GOLDNER: Okay. Thank you.
11 And the Community Power Coalition of New
12 Hampshire?

13 MR. BELOW: Good morning,
14 Commissioners. Clifton Below, Chair of the
15 Community Power Coalition. And with me here
16 today is our new CEO, Brian Callnan.

17 CHAIRMAN GOLDNER: Thank you.

18 Okay. For the pending intervention
19 requests, I'll note that no objections have been
20 received. Is there anything anyone would like to
21 add on interventions?

22 *[No verbal response.]*

23 CHAIRMAN GOLDNER: Okay. Seeing none.
24 We have reviewed and determined that the Colonial

1 Power Group, Conservation Law Foundation, and the
2 Community Power Coalition of New Hampshire, their
3 intervention would be in the interest of justice,
4 and would not impair the orderly and prompt
5 conduct of the proceedings, and therefore grant
6 intervention pursuant to Puc 203.17 and RSA
7 541-A:32, II.

8 Okay. Today we plan to hear party
9 positions on the requests for temporary waivers;
10 then preliminary positions of the parties on the
11 remainder of the requests for relief; and then,
12 finally, to discuss a procedural schedule, in
13 those three steps.

14 Before we get onto those topics, are
15 there any over preliminary matters or issues that
16 should be on the agenda today?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: Okay. Seeing none.
19 Let's begin with the topic of temporary waivers;
20 then we'll go to preliminary positions; and then
21 we'll go to procedural schedule, but just one at
22 a time, if you could please. And we'll start
23 with temporary waivers, and Eversource.

24 MS. CHIAVARA: Thank you, Chairman

1 Goldner. I actually had a combined total initial
2 statement. So, I will skip to the part about
3 temporary waivers. If you could give me just a
4 moment?

5 CHAIRMAN GOLDNER: Thank you.

6 MS. CHIAVARA: So, as you know, the
7 purpose of this docket is to determine if the
8 implementation of Puc 2205.16(d)(1) is in the
9 public interest, and the utilities have presented
10 as detailed a picture as possible as to how
11 implementation can be accomplished. But, since
12 any implementation would necessarily be quite a
13 ways off, the utilities would respectfully
14 reiterate our request for the Commission to grant
15 a temporary waiver from Puc 2205.16(d)(1) in a
16 prehearing order until such time as the
17 Commission makes a determination on
18 implementation. And, if the decision is to
19 implement bill-ready billing, then to extend that
20 waiver until the functionality is available, as
21 none of the utilities will be capable of
22 complying with this provision until all requisite
23 implementation work is complete.

24 The utilities likewise seek

1 clarification in a prehearing order from the
2 Commission, as requested in the Petition,
3 regarding whether the references in both Puc
4 2204.02(a)(2) and Puc 2205.13(a)(7) to "usage
5 data" includes "exports to the grid from customer
6 generators in kilowatt-hours for each reported
7 interval", language which only appears in Puc
8 2203.02(d). It would not appear that the
9 definition of "usage" inherently includes
10 exports, as exports are not used by the customer,
11 nor does the reference to export data in Puc
12 2203.02(d) apply to the other reporting
13 provisions, as there is no cross reference that
14 appears in any of the provisions at issue.

15 However, should the Commission
16 interpret "usage data" in 2204.02(a)(2) and Puc
17 2205.13(a)(7) to include export data, Eversource
18 would also need a temporary rule waiver from
19 providing such export data until that information
20 can be provided upon completion of the necessary
21 IT modifications, which I will note are underway
22 right now, and so would also respectfully request
23 that the Commission grant such a waiver in a
24 prehearing order as well.

1 Thank you.

2 CHAIRMAN GOLDNER: Thank you. Moving
3 to Liberty?

4 MR. SHEEHAN: Liberty has nothing to
5 add to what Eversource said. Ms. Chiavara's
6 statements apply on all fours to Liberty as well.

7 CHAIRMAN GOLDNER: Okay. Thank you.
8 Unitil Energy Systems?

9 MR. TAYLOR: I will reiterate what
10 Liberty and Eversource have already said. We all
11 have worked very closely on this. We are all
12 similarly situated. And, so, certainly, with
13 respect to the provision Puc 2205.16(d)(1), which
14 covers what is referred to as "bill-ready
15 billing", we would also seek temporary waiver of
16 that particular provision.

17 CHAIRMAN GOLDNER: Thank you. We'll
18 move to the Department of Energy?

19 MR. YOUNG: Department of Energy I
20 think would just reiterate our position in the
21 August 8th letter we filed with the Commission,
22 regarding the temporary waiver of Puc
23 2205.16(d)(1), we would take no position.

24 Regarding Eversource's request to

1 temporarily waive Puc 2204.02(a)(2) and Puc
2 2205.13(a)(7), should the Commission interpret
3 these provisions to require the provision of
4 export data, the Department does not oppose a
5 temporary waiver of these provisions for
6 Eversource only, and for the three-month period
7 beginning June 14th, 2023, to September 14th,
8 2023, as was indicated in the Joint Utilities'
9 Petition.

10 CHAIRMAN GOLDNER: Thank you. And
11 moving to the Office of the Consumer Advocate.

12 MR. KREIS: Thank you, Mr. Chairman.

13 The Office of the Consumer Advocate
14 opposes the requested temporary waivers. In our
15 opinion, the utilities have failed to demonstrate
16 why they have not, to date, acted diligently to
17 bring themselves into compliance with the PUC's
18 rules.

19 CHAIRMAN GOLDNER: Thank you. And
20 let's move on to Colonial Power Group?

21 MR. ORMSBEE: Mr. Chairman, Colonial
22 Power Group doesn't have any comments to offer at
23 this time. We will be fully supporting those
24 comments presented by the Coalition, who you will

1 be hearing from shortly.

2 CHAIRMAN GOLDNER: Thank you. And the
3 Community Power Coalition of New Hampshire?

4 MR. BELOW: Thank you.

5 The Coalition would support at least a
6 temporary waiver regarding the bill-ready billing
7 provision. We would go a step further and
8 suggest that an indefinite waiver be granted, and
9 that the substance of the testimony on that
10 matter essentially be deferred to a later date,
11 as a way to simplify the issues in this
12 proceeding.

13 I think, with the estimated 8.9 million
14 cost, and the fact that we're not able to access
15 net metering data, time-of-use data, or interval
16 data on an ongoing basis, that it's somewhat moot
17 to move towards bill-ready billing until other
18 issues are resolved. And it may be some years
19 before that's appropriately considered.

20 And it seems that the New Hampshire EDI
21 Working Group being reconstituted could start to
22 look at that issue. But I think it's premature
23 to try to litigate that at this point.

24 With regard to the temporary waivers,

1 we believe that they should only be granted with
2 some conditions, to mitigate the problems that
3 have arisen as a result of not being able to
4 serve net-metered customers, as the statute
5 entitled us to do, and I think the intent of the
6 rules was as well.

7 And we'd like to speak to that in the
8 form of an offer of settlement, noting that Puc
9 203.15, concerning prehearing conferences, notes
10 that "such conferences shall include
11 consideration of one or more of the following:
12 Offers of settlement; simplification of the
13 issues;" and "other matters which aid in the
14 disposition of the proceeding."

15 There's a fair amount of context we'd
16 like to offer in that regard. So, you know, if
17 it's okay, we would like to do that as part of
18 the package in terms of our overall view on the
19 case.

20 CHAIRMAN GOLDNER: Sure. Thank you.
21 That would be -- that would be perfect.

22 Let's move to any Commissioner
23 questions on the topic of temporary waivers.
24 And, then, after that, we'll move to the

1 preliminary positions of the parties.

2 Any questions, Commissioners?

3 CMSR. SIMPSON: No. I'd like to hear
4 what Mr. Below noted first.

5 CHAIRMAN GOLDNER: Okay. Commissioner
6 Chattopadhyay?

7 CMSR. CHATTOPADHYAY: No. I don't have
8 any questions.

9 CHAIRMAN GOLDNER: Okay. Let's move
10 straight then to preliminary positions, beginning
11 with Eversource.

12 MS. CHIAVARA: Good morning again.

13 The utilities appreciate the
14 Commission's consideration of this matter and we,
15 as the utilities, work diligently to find a path
16 forward for implementation for these novel rules
17 that govern municipal aggregation. As referenced
18 in comments during the rulemaking, as well as in
19 the Petition for this docket, the utilities face
20 many systemic modifications to implement these
21 rules, and the utilities' efforts began the
22 moment the rules were adopted last October.
23 Since that time, there have been numerous
24 projects that have been completed to comply with

1 the rules, which the utilities have been taking
2 in order of priority. And this meant addressing
3 the various reporting requirements first, as
4 those were the first items that would be needed
5 by newly forming aggregations.

6 Once the reporting work was complete,
7 the utilities turned to Puc 2205.16(d)(1), the
8 subject of this docket, and what the utilities
9 are calling "bill-ready billing". But the
10 utilities struggled with the lack of detail in
11 the new directive of Puc 2205.16(d)(1) for
12 several months before concluding that we should
13 craft a detailed proposal that satisfies the
14 high-level requirements, while being compatible
15 with our tightly synchronized meter-to-cash
16 processes and systems.

17 To be completely candid, it seems that
18 the need for bill-ready billing was quite a ways
19 off, and, as I just mentioned, there were more
20 pressing matters regarding the 2200 rules'
21 implementation that needed addressing first.
22 Nonetheless, the utilities turned to bill-ready
23 billing as soon as the reporting requirements --
24 reporting frameworks had been completed and the

1 reports were being successfully generated.

2 But bill-ready billing is not nearly as
3 straightforward as the work that was required to
4 create the reports for the 2200 rules, but the
5 utilities wanted to devise a viable long-term
6 solution, rather than prop up an expedient but
7 not well-thought out approach. The changes
8 needed to implement bill-ready billing are
9 complex and far-reaching, with many moving parts,
10 some of which are out of the utilities' control
11 entirely.

12 With this context in mind, the
13 utilities designed a bill-ready billing solution
14 to prevent cumbersome core utility systems from
15 stifling supplier experimentation, so we designed
16 a solution that provides maximum flexibility,
17 while ensuring that any CPA or supplier's
18 approaches comply with the utilities' parameters.
19 The creation of the design itself took some time,
20 and then the required work to implement the
21 solution had to be scoped so that supporting cost
22 estimates could be developed; and, in total, this
23 process took a number of months.

24 As soon as the proposal that is now

1 before the Commission was complete, the utilities
2 filed the Petition package for this docket. We
3 understand that this has taken a better part of a
4 year from the time of the adoption of the rules,
5 and to that all the utilities can say is that
6 we've been working in good faith to navigate the
7 changes to utility systems required by these new
8 rules, and doing so as quickly as possible.

9 Any arguments that the utilities should
10 have undertaken this work decades ago upon the
11 advent of the Electronic Data Interchange in New
12 Hampshire overlook the fact that no one was
13 requesting this functionality until the
14 development of the 2200 rules. And the only
15 authority in New Hampshire regarding EDI, the EDI
16 Working Group report entitled "Consensus Plan for
17 the Transmission of Electronic Data in New
18 Hampshire's Retail Electric Market", from Docket
19 Number 96-150, required that competitive
20 suppliers using utility complete billing would be
21 "limited to the rate structures, customer class
22 definitions and availability requirements that
23 are within the capabilities of the Distribution
24 Company's billing system." That same report says

1 that the first step in the EDI change control
2 process is for the party who wants a change to
3 EDI petitioning for the convening of the EDI
4 Working Group. No such petition was ever made,
5 and no proposal to add this functionality was
6 ever put forward until the 2200 rules. So, there
7 was no justifiable reason for the utilities to
8 unilaterally implement unnecessary functionality.

9 The 2200 rules were adopted without the
10 convening of the EDI Working Group and without
11 the EDI change control process that was outlined
12 25 years ago, which is entirely appropriate
13 because it was a rulemaking and not an
14 adjudication or stakeholder process. I'm not
15 suggesting that the Commission should have done
16 either, as neither of those processes were even
17 mentioned during the rulemaking. I only mention
18 it now because these rules are novel, with many
19 that entail technical processes that are not
20 enumerated in the provisions and provide no road
21 map for implementation.

22 This has required a certain amount of
23 trial by fire on the part of the utilities, as
24 well as aggregation stakeholders. The unknowns

1 that were attendant with the 2200 rules were a
2 core concern of the utilities during the
3 stakeholder process prior to the rulemaking and
4 were expressed in Joint Utility comments in the
5 rulemaking docket. For those who may assert that
6 the utilities should have undertaken these
7 changes sooner, either during the rulemaking or
8 prior, reaching back to 25 years ago, I would
9 assert that taking such an approach would have
10 been an imprudent course, as the utilities did
11 not know what the final rule requirements would
12 be until it became relatively certain what the
13 final rules would look like, and undertaking the
14 implementation work prior to knowing if that work
15 would, in fact, be used and useful would have
16 ill-advised. And, as for implementation of this
17 functionality prior to the 2200 rules, expecting
18 the utilities to unilaterally make systemic
19 changes to EDI and to utility billing systems
20 outside of the processes established by the EDI
21 Working Group, when no one was requesting them or
22 even petitioning for the necessary processes to
23 make such changes, is an unreasonable
24 expectation, and unsound from both business and

1 policy perspectives.

2 But looking to the recent or distant
3 past will not resolve the matter at hand. The
4 purpose of this docket is to determine if
5 implementation of Puc 2205.16(d)(1) is in the
6 public interest.

7 The utilities are mindful of the
8 sensitivity and complexity of these issues
9 required to make a determination on
10 implementation of bill-ready billing, and are
11 eager to have a productive and forward-looking
12 discussion throughout the course of this docket
13 to forge a path to a solution space that allows
14 community aggregations to succeed in a manner
15 that maximizes benefits to New Hampshire electric
16 customers.

17 Thank you.

18 CHAIRMAN GOLDNER: Thank you. Let's
19 move to Liberty.

20 MR. SHEEHAN: As before, Liberty joins
21 the statement by Ms. Chiavara. The utilities
22 have been working closely on the underlying work
23 and today's presentation.

24 Thank you.

1 CHAIRMAN GOLDNER: Thank you. Unitil.

2 MR. TAYLOR: Thank you.

3 As usual, Ms. Chiavara has done a very
4 good and thorough job or reiterating the
5 utilities' positions.

6 I just want to, you know, reiterate and
7 make clear that Unitil supports community
8 aggregation, and works closely, or -- and is
9 willing to work closely with any municipality
10 that wants to pursue that path. And, so, I want
11 to be very clear about that. This is not
12 something where Unitil or I think any of the
13 other companies are resistant to community
14 aggregation as a concept. That simply isn't
15 true. And, to my knowledge, this particular
16 functionality, bill-ready billing, is not
17 something that serves as an impediment to the
18 launch of community aggregations.

19 With respect to Unitil, I would just
20 note that any sort of change to the billing
21 system like this would necessarily be on an
22 enterprisewide basis. And this is not something
23 that is actually required at this time in the
24 Company's other jurisdictions.

1 It is something that we are looking at,
2 and we are scoping out, both in terms of time to
3 implement and in terms of cost. And, you know,
4 we look forward to working in this docket and
5 reaching a solution.

6 Thank you.

7 CHAIRMAN GOLDNER: Thank you. The
8 Department of Energy?

9 MR. YOUNG: Thank you, Mr. Chairman.

10 As previously mentioned, I don't think
11 the Department has anything to add to our
12 August 8th letter. I think what I will note is
13 that the Department takes no position on the
14 permanent waiver request of the bill-ready
15 billing provision of Puc 2205.16(d)(1).

16 If the Commission does determine that
17 the cost of implementing bill-ready billing to be
18 reasonable, and directs the utilities to
19 undertake the necessary billing system changes,
20 it is the Department's preliminary position that
21 suppliers should be required to provide the
22 utility with all information necessary for
23 compliance with Puc 1203.06(b).

24 The Department also takes no position

1 regarding the Joint Utilities' request to
2 authorize a reconciling rate mechanism.

3 And, as previously stated, we would
4 support a limited temporary waiver for Eversource
5 only of Puc 2204.02(a)(2) and Puc 2205.13(a)(7).

6 CHAIRMAN GOLDNER: Thank you. And the
7 Office of the Consumer Advocate?

8 MR. KREIS: Thank you, Mr. Chairman.

9 The discussion so far today is the
10 latest in a series of events that have made me,
11 as the Consumer Advocate, feel very, very old.
12 And the reason I say that is, I'm probably one of
13 the few people in the room, I might even be the
14 only person in the room, who has actually been to
15 a meeting of the EDI Working Group, back when the
16 EDI Working Group existed. And I guess I have
17 two sort of potentially contradictory
18 observations to make.

19 One, I want to acknowledge all of the
20 good faith that goes into the way the utilities
21 approach these questions today. And I note that
22 two of our three electric distribution companies
23 have different owners than they did back in the
24 era of the EDI Working Group, when the transition

1 into a restructured electric industry was still
2 being worked out. So, what I'm about to say
3 might be unfair. But it seems to me that, over
4 the entire course of that time, going back to
5 what I observed at EDI Working Group meetings,
6 right up to what I read in the Petition that
7 triggered this docket, I worry, as the ratepayer
8 advocate, that what we have here are companies
9 that are not adequately leaning in to the kinds
10 of transitions that we are talking about.

11 Because, after all, competition day was
12 22 years ago. And, while it's true that the 2200
13 rules are essentially the newest of the PUC's
14 rules, and so recently promulgated, the changes
15 that we're talking about here have been coming,
16 and have been, I think, fairly obvious to
17 everybody who watches the industry, or who is
18 part of the industry, for a couple of decades
19 now.

20 And, so, to be sitting here now
21 listening to people talk about how diligently
22 they have been working, and how it would have
23 been imprudent for us to do anything other than
24 just kind of sit around and wait for the PUC to

1 adopt the final version of its rules, I just --
2 that doesn't summon a great deal of sympathy in
3 me.

4 And I'm tempted to come here and say
5 that, rather than grant waivers and tell the
6 utilities that they can recover massive sums of
7 money, what the utility -- what the Commission
8 should actually be doing is invoking its
9 authority under 365:41 to impose penalties, and
10 tell the utilities that any cost recovery is the
11 reason we have rate cases.

12 However, I've also listened to what the
13 Community Power Coalition has already said. I
14 have some notion of what they are going to say,
15 because I've talked with them before we convened
16 here today. And I think their approach to this
17 docket is probably more constructive than mine.
18 Which is to say, I heard them tell you that
19 they're willing to look at or consider a waiver
20 of the rule that is the primary focus here,
21 2205.16(d)(1), in exchange, I think, for more
22 timely resolution of the other issues in the
23 docket. I think that's a good approach, and I
24 think we should take their proposal very

1 seriously.

2 I'm impressed by the fact that they are
3 invoking the explicit authority in both the
4 statute and the Commission's procedural rules, to
5 actually talk at prehearing conferences about
6 ways of settling disputed issues in cases,
7 because there are some of that that could be
8 accomplished right here on the record.

9 So, I think that's all I have to say,
10 at least at this juncture.

11 CHAIRMAN GOLDNER: Okay. Thank you.
12 And we'll move to Colonial Power Group?

13 MR. ORMSBEE: Thank you. I don't have
14 any opening statements to provide. I'm going to
15 defer to those comments offered by the Coalition.

16 CHAIRMAN GOLDNER: Okay. Thank you.
17 The Community Power Coalition?

18 MR. BELOW: Thank you.

19 The Joint Utilities' filing estimates
20 that it will cost at least \$8.9 million to
21 implement bill-ready consolidated billing, while
22 substantially modifying New Hampshire's EDI
23 standards, and suggests that this expense will
24 need to be authorized to enable CPAs to offer net

1 metering programs for customers.

2 We view this proposal as having three
3 tracks, which have many interrelated aspects, but
4 are separate enough to warrant individual
5 discussion and consideration in that context:
6 One, the first is the implementation of
7 bill-ready consolidated billing; two, the second
8 is enforcement of New Hampshire EDI standards,
9 and then updates to those standards; and three is
10 the provision of services and data that utilities
11 need to provide CPAs in order for CPAs to be able
12 to administer their own net metering programs.

13 The Coalition agrees that bill-ready
14 consolidated billing implementation entails
15 significant changes to the utility EDI systems
16 and utility business processes. Consequently, we
17 agree that it will be necessary for the
18 Commission to waive Puc 2205.16(d)(1), requiring
19 utility provision of bill-ready consolidated
20 billing services to CPAs at least for the time
21 being temporarily or indefinitely. The New
22 Hampshire EDI Working Group should be
23 reconstituted, as a forum to discuss and plan
24 updates to data interchange systems and

1 processes, which should be considered alongside
2 planned upgrades to utility billing and meter
3 data management systems, and the Statewide Energy
4 Data Platform, so as to minimize overall
5 implementation costs. This is a renewed
6 requirement for the New Hampshire market created
7 by the Commission's adoption of the Puc 2200
8 rules.

9 Separately, however, the Coalition
10 observes that the Joint Utilities have each
11 deviated from New Hampshire EDI standards and are
12 therefore now unable to rely upon their EDI
13 systems to transmit net metered export data and
14 3-part Time-of-Use data. These requirements are
15 not new, but have been, in fact, disregarded by
16 utilities for the last quarter century and
17 contrary to their own tariffs.

18 Lastly, while the Coalition is
19 generally supportive of opportunities to
20 modernize utility services in support of New
21 Hampshire's competitive retail marketplace, we
22 view the Joint Utilities' proposal as somewhat of
23 a premature initiative, and, quite frankly, a
24 distraction to the more pressing issue of

1 enabling CPAs to serve all customers as the
2 default -- as the alternative default service
3 provider in the communities that we serve on an
4 opt-out basis. Specifically, there is a much
5 easier way to enable CPAs to serve net metering
6 customer generators, at practically no additional
7 cost, and over a matter of months, instead of
8 multiple years as proposed by the Joint
9 Utilities.

10 I've invited the CEO of CPCNH, Brian
11 Callnan, who, in his prior occupation, was Vice
12 President of Power Resources and Access at the
13 New Hampshire Electric Cooperative, to explain
14 how CPA net metering can be readily implemented.

15 After he does so, I'll conclude the
16 Coalition's preliminary statement on the waiver
17 request, and offer -- and make -- elaborate on
18 the offer of settlement.

19 MR. CALLNAN: Thank you, Clifton. And
20 good morning, Chairman and Commissioners. I'm
21 happy to be here today, and appreciate the
22 opportunity to provide these comments.

23 The Coalition is appreciative of the
24 Commission's leadership, in adopting rules to

1 enable New Hampshire's Community Power market,
2 and all of the customer savings and innovative
3 potential that come with it. Our first rate
4 offering created \$5.8 million in customer
5 savings, \$8.1 million in reserves for our
6 communities. We anticipate our current rates
7 will deliver an additional \$5.5 million in
8 customer savings, and another 1.7 million in
9 community reserves, for a total of more than
10 \$21 million in value for New Hampshire
11 communities in less than a year. And
12 congratulations, Community Power is working.

13 On a personal net, I'd like to say it's
14 the chance to offer the promise of non-profit
15 public power opportunities to communities
16 throughout New Hampshire as one of the main
17 reasons I joined the Coalition, and I look
18 forward to working closely with the Commission,
19 utilities, and our communities to implement
20 practical solutions that create real value for
21 our customers and communities.

22 As Clifton described, we view the
23 utilities' \$9 million update upgrade proposal as
24 more appropriate of consideration and refinement

1 within the New Hampshire EDI Working Group. We
2 do view a waiver for bill-ready functionality as
3 necessary, because it will take several years for
4 the utilities to implement the proposed upgrades.
5 One of the first questions I hear when visiting
6 communities interested in the Coalition is if
7 they can join if they are a net-metered customer.
8 Our answer is "No, they should not, and the
9 reason is that there are technical limitations."
10 I usually see a frown with that answer.

11 There is a near time lower cost
12 solution to changing this answer. It does
13 require the utilities to perform three distinct
14 services: The first is that utilities tell us
15 which customers are net metered, prior to
16 enrollment, so we can identify them. The second
17 is that the utilities send us net metered
18 customer usage data on a regular monthly basis.
19 The third is that the utilities properly account
20 for net metered generation as a reduction to our
21 wholesale load obligations. These services can
22 be readily implemented this year at a much lower
23 cost to the utilities. The utilities, in fact,
24 have already implemented, or are in the process

1 of implementing, the first two services. The
2 third service is required to not double count the
3 export energy from net metered systems. It is
4 also required by law and Puc 2200 rules.

5 Combined, these three services would
6 enable CPAs to offer their own terms, conditions,
7 and prices for net metered customer generators,
8 on a dual billing basis. CPAs would have all the
9 data necessary to run the program, perform the
10 internal accounting, and send separate supply
11 bills to net metered customers. While this
12 reduces the efficiency of consolidated billing
13 and introduces new costs to the Coalition, it
14 will help our communities enroll these net
15 metered residents.

16 There are specific considerations for
17 each of these services that warrant the
18 Commission's direction. All of the utilities are
19 currently performing the first required service,
20 that is identifying net metering customers for us
21 prior to enrollment by including the data on the
22 2204.03 and the 2205.05 reports.

23 The utilities began providing this data
24 at the Coalition's request after we explained

1 that we needed to identify net metering customers
2 and exclude them from being automatically
3 enrolled onto Community Power service, until such
4 time as we could offer our own net metering
5 programs, because, if we didn't get that data,
6 and the customers were automatically enrolled,
7 they might be financially harmed. Unfortunately,
8 that has occurred in a few instances in recent
9 weeks, where net metered customers were not
10 identified in the reports provided by the
11 utilities. Those customers, despite being told
12 that they would not be automatically enrolled,
13 were switched, and, as a result of that switch,
14 lost their net metering supply credits. One
15 recent incident involved a group net metering
16 host that lost a substantial sum of close to
17 133,000 -- \$130,000 in the period of a couple
18 months. This is why we need the utilities to
19 identify net metering customers in these reports.

20 The second required service, ongoing
21 sharing of net metered customer usage data from
22 utilities to CPAs, is similarly straightforward
23 to implement. As described in the Joint
24 Utilities' waiver filing, Unitil and Liberty have

1 already incorporated net metered customer usage
2 data in 2205.13 reports, and Eversource is
3 planning to include the same data beginning later
4 this fall. 2205.13 reports are customer-specific
5 reports sent to CPAs after each customer is
6 switched. However, Puc 2200 rules don't actually
7 specify how often the utilities will send these
8 reports to CPAs. To ensure that CPAs will be
9 able to independently administer their own net
10 metering programs, the Commission should clarify
11 that the utilities send us these reports on an
12 ongoing billing cycle basis.

13 The third service needed to enable CPAs
14 to serve net metering customers is for the
15 utilities to subtract net metering output when
16 they construct our wholesale load settlement
17 profiles, which is required by Puc 2205.15 and
18 RSA 362-A:9, II. I should also say "net of any
19 applicable line loss adjustments, as approved by
20 the Commission."

21 Reducing the wholesale load settlement
22 for Community Power Aggregations requires
23 shifting load from the Load Asset IDs of the CPA
24 to the utility's ISO-New England Load Asset ID.

1 This process will stop the double counting of
2 energy from net metering exports. Not doing so
3 would have the Community Power Aggregation
4 crediting the customer for their export, while
5 the utility receives the value of that export in
6 reduction of their own ISO-New England
7 settlement, which effectively requires the CPA to
8 pay twice for that export.

9 Every Electric Aggregation Plan by law
10 has to describe "How net metered electricity
11 exported to the distributing grid by program
12 participants, including for group net metering,
13 will be compensated and accounted for." Our
14 Members' Electric Aggregation Plans, which the
15 Commission has approved, have detailed how our
16 CPAs intend to create new value for customers by
17 offering innovative net metering services, and
18 how the utilities will modify their calculation
19 of our wholesale settlement profiles for CPA net
20 metering programs.

21 As an example, from Nashua's approved
22 Electric Aggregation Plan, it states "The surplus
23 generation from both NEM, Net Energy Metering,
24 1.0 and Net Energy Metering 2.0

1 customer-generators will be tracked and netted
2 out from the program's wholesale load obligations
3 by Eversource." Identical language was included
4 in other Commission-approved CPA Electric
5 Aggregation Plans where Unitil and Liberty
6 Utilities will provide these services, pursuant
7 to Puc 2205.15(b) and RSA 362-A:9, II.

8 In closing, I'd like to reiterate my
9 appreciation for the Joint Utilities' proposal.
10 It is a valuable starting point, and longer-term
11 framework for enabling important aspects of the
12 Commission's rules. We look forward to
13 collaborating with the utilities in the EDI
14 Working Group.

15 Today, however, I'm hopeful that we can
16 begin down the path to offer a solution to
17 Community Power Communities that want to enroll
18 their net metering customers in just a matter of
19 months. If the Commission was to order the
20 utilities to identify net metered customers,
21 something the utilities are already doing on a
22 voluntary basis; share net metered customer usage
23 data in a regular matter on the 2205.05 reports,
24 which the utilities are also offering to do on a

1 voluntary basis; and, third, properly account for
2 net metering generation as a reduction to CPA
3 wholesale load obligations, as the Commission has
4 already been approved in our Electric Aggregation
5 Plans.

6 Thank you so much for the
7 consideration, and I look forward to any
8 questions the Commission may have on this.

9 Clifton has a number of additional
10 insights to contribute. So, I'll turn this back
11 to him now.

12 MR. BELOW: Thank you.

13 We appreciate the utilities' statements
14 that they want to look for practical solutions
15 that benefit -- maximize benefits to ratepayers
16 and communities, and want to be supportive of
17 community power aggregation. And I know they
18 have done a lot of work over this past year to
19 help us launch, in spite of a number of hiccups
20 along the way.

21 I do want to agree that we would
22 support the PUC going in and making a ruling at
23 an early stage on whether usage data for all
24 purposes should include dual channel meter

1 data -- meter usage data, both imports and
2 exports, for net metered customers, based on both
3 the utilities' filing and what I'm going to say
4 here today, and by taking administrative notice
5 pursuant to Puc 203.27(a)(2) of the relevant
6 record in DE 23-047, the Harrisville complaint
7 against Eversource regarding net metering; DE
8 23-062, CPCNH's complaint against Eversource; and
9 CPCNH's complaint against Eversource in the New
10 Hampshire Department of Energy and related
11 comments, which can be found at Tab 65 in docket
12 book IR 22 -- in the docket book for IR 22-076,
13 Investigation of Whether Current Tariffs and
14 Programs are Sufficient to Support Demand
15 Response and Electric Vehicle Charging Programs.

16 After sort of explaining why we think
17 the ruling should conclude that that data should
18 be included at each step of the way where usage
19 data is provided, I'd like to then explain a bit
20 more about the settlement offer, and what we
21 think should be appropriate conditions for
22 granting a waiver of that rule.

23 And I also note, in terms of the
24 settlement offer, RSA 53-E:7, X, provides that

1 "the commission shall adopt rules to implement
2 this chapter and, to the extent authorities
3 granted to municipalities and counties by this
4 chapter materially affect the interests of
5 electric distribution utilities and their
6 customers, to reasonably balance such interests
7 with those of municipalities and counties for the
8 public good, which may also be done through
9 adjudicative proceedings to the extent specified
10 or not addressed in rules."

11 So, some of the issues I'm going to
12 talk about are not addressed in the rules
13 directly, but I think the law makes clear that
14 you can resolve those matters through an
15 adjudicative proceeding as well. We don't have
16 to go back to modify the rules necessarily.

17 That being said, one of the things that
18 the utilities argued is that, you know, if you
19 think about the common meaning of "usage", it's
20 "consumption", it's not "production". So, they
21 argue that the initial reference that's explicit
22 in the aggregated anomalous data, the first data
23 option in the rules, that that has a provision
24 that allowed rates and says "usage should include

1 both import and exports." It's not in the
2 definition section. And, so, they argue that,
3 according to the negative implication canon of
4 statutory interpretation, the exclusion of one
5 thing -- inclusion of one thing implies the
6 exclusion of others, and argue that there's
7 nothing in the text that recent [sic] states or
8 reasonably implies that -- that requirement for
9 import and export usage data extends beyond the
10 first aggregated dataset. And they also point
11 out that the New Hampshire Supreme Court treats
12 rules as statutes when it reviews them, and the
13 same logic applies here.

14 So, what I'd like to point to that's in
15 both of those complaints is some explanation that
16 we cited that we need to look at the overall
17 context in which this data is being provided, and
18 cites four New Hampshire Supreme Court cases, and
19 I'll just sort of cite how they're paraphrased.
20 You know, the citations are in those documents I
21 suggested could be -- that the Commission could
22 take administrative notice of.

23 But, basically, they say that statutes,
24 or, in this case, rules should not be read in

1 isolation. Isolated words or phrases should
2 not -- should be looked at in the overall context
3 of overall purpose and effect of the RSAs, or the
4 rules or the statutes. Legislative intent is to
5 be determined from words of the statute
6 considered as a whole. Statutes are to be
7 interpreted not in isolation, but in the context
8 of the overall statutory scheme. In *Appeal of*
9 *Pennichuck Water Works*, various statutory
10 provisions to be construed harmoniously insofar
11 as reasonably possible.

12 We went on to explain that RSA 53-E
13 provides community power aggregators, CPAs, with
14 the power to determine the terms and conditions
15 and prices under which they will supply
16 generation and credit or purchase the generation
17 output exported to the grid. It specifically
18 provides, in RSA 53-E:6, that municipalities or
19 counties may develop an aggregation program to
20 provide universal access for all classes of
21 customers. And it states that such a plan shall
22 detail how net metered electricity exported to
23 the distribution grid by program participants,
24 including for group net metering, will be

1 compensated and accounted for.

2 That is also in the context of the net
3 metering statute, which, for 25 years ago
4 starting this month, when it first became law,
5 provided that competitive power suppliers would
6 be able to determine their own terms and
7 conditions for net metering. It gives them that
8 authority.

9 The rules look to implement the statute
10 and the authorities given to the CPAs. And, when
11 we look at the three major steps for providing
12 usage data in the rules, each one of them
13 references information about customers who net
14 metered. And it sort of makes no sense to say
15 "Okay, we'll give you information about exports
16 to the grid on an aggregated basis, but that's
17 it." When it's pretty clear that the overall
18 intent or even obligation of the rules is to
19 enable us to be able to serve net metered
20 customers. And, so, it just doesn't, on the face
21 of it, make sense that you get to the point of
22 getting individual customer data, and you no
23 longer supply that data, which is necessary to
24 both plan to serve those customers and to

1 actually serve them.

2 Moreover, it's really important to note
3 that New Hampshire law recognizes that, in the
4 context of net metering, usage includes exports
5 to the grid. "Negative usage data" is actually a
6 term used in our statutes when it comes to
7 determining net metered usage.

8 So, citing RSA 362-A:9, IV(a), and
9 IV(a) is about facilities with peak generation
10 capacity of not more than 100 kilowatts. And it
11 says "When billing a customer-generator under a
12 net energy metering tariff that is not
13 time-based, the utility shall apply the
14 customer's net energy usage when calculating all
15 charges that are based on kilowatt-hour usage.
16 Customer net energy usage shall equal the
17 kilowatt hours supplied to the customer over the
18 electric distribution system minus the kilowatt
19 hours generated by the customer-generator and fed
20 into the electric distribution system over a
21 billing period." And then, it goes on and talks
22 about facilities, in IV(b), with generating
23 capacity of more than 100 kilowatts, --

24 CHAIRMAN GOLDNER: Mr. Below, I'm just

1 going to --

2 MR. BELOW: Yes.

3 CHAIRMAN GOLDNER: I'm sorry, let me
4 interrupt you real quick. This seems like an
5 oral argument. And I'll sort of reach out to the
6 other parties, if they wish to be heard, on the
7 request to take administrative notice of the
8 dockets that Mr. Below mentioned. So, I'd just
9 like to pause there, Mr. Below.

10 MR. BELOW: Sure.

11 CHAIRMAN GOLDNER: I think you
12 mentioned "23-063", "23-047", and "22-076".
13 Would the parties like to be heard on this?

14 MS. CHIAVARA: Yes, please.

15 To the extent that the Commission were
16 to take administrative notice of the materials in
17 that docket, Eversource would ask, as they are
18 the party to all of those dockets, that
19 Eversource's comments are administratively
20 noticed, as well as the Coalition's.

21 CHAIRMAN GOLDNER: Okay. Thank you.
22 Would anyone else like to be heard on this topic?

23 *[No verbal response.]*

24 CHAIRMAN GOLDNER: No? Okay. Please

1 proceed, Mr. Below. And are you almost done?

2 MR. BELOW: Well, I'm getting there.

3 CHAIRMAN GOLDNER: Because I noticed
4 you had about seven pages, so, --

5 MR. BELOW: Well, there's just a few
6 things. I'm not reading from the whole thing.

7 CHAIRMAN GOLDNER: Thank you.

8 MR. BELOW: There's just a few things
9 to cite.

10 CHAIRMAN GOLDNER: All right. Thank
11 you.

12 MR. BELOW: In RSA 362-A:9, V, the law
13 says "When a customer-generator's net energy
14 usage is negative", usage is negative, "(more
15 electricity is fed into the distribution system
16 than is received) over a billing period, such
17 surplus shall either be: (a)", I won't read all
18 this, but it's basically "credited to the account
19 on an equivalent basis for use in subsequent
20 billing cycles", and it goes on with some
21 options. But it then ties it back, this notion
22 of usage when net energy usage is negative, to
23 both under 100 kW systems and over 100 kW
24 systems, as applicable.

1 So, my point is, when it comes to
2 thinking about "net metered usage", New Hampshire
3 law already makes clear of the concept of
4 "negative energy usage".

5 So, what has occurred here is they're
6 requesting the temporary waivers in that regard.
7 And, you know, I think I have pretty much covered
8 that. So, that being said, I want to turn to
9 just a couple other issues.

10 One is the request to authorize a
11 reconciling rate recognize -- excuse me --
12 authorize a reconciling rate mechanism that
13 allows for recovery of all prudently incurred
14 incremental costs associated with the Joint
15 Utilities' implementation of the Puc 2200 rules,
16 or, alternatively, authorize a deferred
17 accounting treatment for recovery in the next
18 rate cases.

19 CHAIRMAN GOLDNER: Mr. Below, I'm
20 sorry, I'm going to interrupt one more time.

21 MR. BELOW: Yes.

22 CHAIRMAN GOLDNER: Would it be easier
23 to make a briefing on this? Because you have a
24 lot of very intricate and important topics that

1 you're covering today, I'm just wondering if it
2 might be more efficient to cover this in the form
3 of a briefing?

4 MR. BELOW: Well, I'm well over halfway
5 through it. And happy to -- well, not "happy",
6 but I can write it up.

7 CHAIRMAN GOLDNER: I think it would be
8 helpful to the parties.

9 MR. BELOW: Yes.

10 CHAIRMAN GOLDNER: I mean, everyone can
11 wait for the court reporter and so forth. But I
12 think it might be -- that might be efficient.
13 So, we can offer, in the next portion, in the
14 procedural schedule, --

15 MR. BELOW: Okay.

16 CHAIRMAN GOLDNER: -- we can talk about
17 a briefing schedule, and a reply brief.

18 But, in the meanwhile, if you want to
19 hit a couple of the high points, --

20 MR. BELOW: Okay.

21 CHAIRMAN GOLDNER: -- I think that may
22 be helpful to the parties.

23 MR. BELOW: I'll just hit the high
24 points then.

1 A key point, the New Hampshire EDI
2 standards, which are referenced in all the
3 utilities' tariffs and/or supply agreements, and
4 reference back to the EDI Working Group and the
5 PUC order approving that, has some rather
6 interesting specific provisions. In the 8100 EDI
7 report, that's usage and billing information, it
8 was structured to only provide a field for
9 positive usage data. So, we don't disagree --
10 or, we agree that the 8100 EDI reports, in the
11 original standard, don't provide for negative
12 usage data. However, the 867 reports for
13 historical usage data do, in fact, choose two
14 separate fields that are specifically for any
15 measurement requiring a sign, plus or minus, for
16 any measurement where a positive value can not be
17 assumed, then use MEA 05 [sic] as the negative
18 value and MEA 06 [sic] as the positive value.
19 And those values, those units, are kilowatt
20 hours, in the original EDI standards.

21 So, our point is, none of the utilities
22 are providing -- are using those two fields to
23 differentiate between positive and negative usage
24 data, even though the original EDI standards

1 provided for it.

2 And, so, our assumption throughout this
3 process, and as you know from reading our
4 Electric Aggregations Plan, is that we
5 anticipated serving net metered customers. When
6 we realized we could not serve net metered
7 customers out of the gate, which sort of came
8 about in February of this year, we realized we
9 had a problem doing this launching on an opt-out
10 basis, because we would substantially harm net
11 metered customers if we couldn't serve them as we
12 planned to. We couldn't -- we wouldn't have
13 their negative usage data, so we couldn't credit
14 them. And we wouldn't know that that exports
15 would be used to offset our wholesale load
16 obligation.

17 So, in a couple of meetings with the
18 utilities, and with follow-up emails that are
19 attached to those complaints, we asked the
20 utilities to say "what we need is flags for net
21 metered customers, so we simply don't enroll them
22 until we're able to serve them." And we don't
23 put the burden on those customers to have to opt
24 out, and then subsequently opt in at a later

1 date.

2 So, the point being that the utilities
3 did eventually realize that was appropriate. And
4 I think we engaged with the Consumer Services
5 Director, Amanda Noonan, who also thought that
6 that was a good idea, and that has by and large
7 worked. But, in a few instances, the utilities
8 didn't -- they missed the flag, they didn't flag
9 the customer. So, we enrolled them.

10 And, as Mr. Callnan noted, in the most
11 recent case, this is costing the host and their
12 participants, you know, on the order of \$130,000
13 of missing revenue. And what's interesting about
14 that particular case is that used to be a
15 settlement-only generator, or it still is a
16 settlement-only generator, before they converted
17 to group net metering. And, as a condition to do
18 that, they agreed or contracted with Eversource
19 to assign that revenue stream to Eversource.
20 And, as far as we understand, that customer,
21 Eversource is collecting the revenue for this
22 same period of time, but we don't even know what
23 those kilowatt hours are, except from the
24 customer, and we're not able to serve them.

1 So, as happened in one or two instances
2 before that, we went -- Calpine went to
3 Eversource and said "Could you please reverse
4 this? And let's fix this problem, since you
5 missed the flag." And Eversource's response was,
6 in bold underlined letters, "Eversource will no
7 longer process cancel/rebills for these or any
8 other customers that are enrolled contrary to
9 their wishes, unless there's a clear Company
10 error." And they disclaimed responsibility for
11 incorrectly flagging these customers. So, they
12 said "You can't count on our flags. And, if we
13 missed the flag, tough luck."

14 And we don't think that's appropriate,
15 in the context in which they arguably aren't
16 complying with the original EDI standards, and
17 they arguably missed the opportunity, when they
18 could comment on all the electric aggregation
19 plans, to point out, until we realized it in
20 February of this year, that we wouldn't be able
21 to serve net metering customers. And that's
22 going to continue. And, so, that's the source of
23 the temporary waiver.

24 And, so, what we would ask, in the

1 settlement proposal we propose, is that we
2 support that waiver, but with conditions. And
3 the conditions being that they provide us that
4 flag. And, if they fail to file the flag --
5 provide the flag, that we be able to reverse that
6 situation as soon as it comes to our attention,
7 so we don't harm the customer or impose costs on
8 us for which we have no source of recovery.
9 There's no offset to our load obligation, and we
10 don't even necessarily know what those exports
11 are.

12 So, that's the long and short of it. I
13 do want to just touch on something else, which
14 is, even though the Petition and the testimony
15 never mentions "time-of-use rates", in
16 Eversource's cost estimate, in their Attachment
17 JU-1, Page 3 of 6, as well as Page 2 of 6, there
18 are references, and maybe it's only on the second
19 document, but in the second document, Page 3
20 of 6, there are references to amending the EDI
21 867 reports or records to include net metering
22 and time-of-use data.

23 The problem with that is, again, the
24 original EDI standard expressly provided for

1 3-part time-of-use usage data in all of the usage
2 reports. That's very clear. Those were enabled
3 fields. They're not providing that. We can't
4 serve time-of-use rate customers. So, the same
5 issue arises. We think they should be
6 responsible for flagging customers, all three
7 utilities, that have time-of-use -- that are on
8 time-of-use rates, and that that data be provided
9 to us, so that we can serve them at least on a
10 dual billing basis.

11 So, that is pretty much it. I just
12 want to comment on one other thing. One other
13 issue that came up is the Puc 1203.06 bill forms
14 rule that applies to utilities, and provides that
15 "utilities providing metered service, bills shall
16 indicate at a minimum:...(6) All factors
17 necessary to compute the charges."

18 We don't disagree that that rule would
19 apply to a utility-issued bill if it was in
20 bill-ready billing. I think the problem, and
21 this sort of is a reason to sort of set that
22 whole issue aside for the time being and grant an
23 indefinite waiver, is that part of the intent,
24 from our point of view, of bill-ready billing is

1 to allow more innovative rate structures, such as
2 more -- a variety of time-varying rates,
3 transactive energy rates, hourly rates. And some
4 of these would have too complex of a set of
5 factors to compute the charge to print on a bill.

6 So, either -- I don't deny that
7 customers should have access to that. I think
8 the problem is the notion that you could print
9 all factors, if you have, you know, if somebody
10 takes a pass through real-time price or day-ahead
11 price, which some of our customers do that
12 through other suppliers, or they used to do it,
13 before they became our customers. But that's not
14 an option we can really offer at this point. It
15 is something that someday might make sense in
16 bill-ready.

17 But the point being that there's no
18 need to rule on that issue at this time, if we
19 decide that the whole issue of bill-ready billing
20 should be waived indefinitely at this point, and
21 held for future consideration probably at least a
22 year or two out in the future, perhaps longer.

23 And, in the meantime, we can think
24 about how that rule might need to be modified to

1 accommodate, if bill-ready was ever to proceed,
2 how that might accommodate more innovative rate
3 structures that couldn't be easily described on a
4 printed bill.

5 Thank you.

6 CHAIRMAN GOLDNER: Okay. Thank you. I
7 think, before we move to Commissioner questions,
8 I'll just, given the length and depth of the
9 Community Power Coalition's preliminary
10 statement, I'll offer an opportunity to the other
11 parties to reply.

12 We will also have a prehearing
13 conference order. We will offer the opportunity
14 for briefs and reply briefs. So, you can also
15 attend to it there.

16 But, if there are any comments, the
17 Commission would be happy to take those at this
18 time?

19 MS. CHIAVARA: I do have a few things
20 to say. I don't know that I could address all of
21 those. But there are a few things that I would
22 like to address.

23 Starting with the EDI standards: I
24 would argue that the utilities, and the other

1 utilities may wish to clarify for themselves, but
2 I would argue that the utilities are complying
3 with the EDI standards. I'm not an IT expert.
4 But the EDI standards themselves, the forms to
5 which Mr. Below is referring, are not regulatory
6 mandates in and of themselves. Order 22,919 was
7 the order that approved the EDI Working Group's
8 report, and it -- all the order approved was the
9 recommendations within that report. The EDI
10 standards were an addition, they were an
11 attachment to that report.

12 But, in that report, on Page 19, as I
13 had mentioned in my opening statement, the report
14 explicitly states that "competitive suppliers
15 using a utility complete billing would be limited
16 to the rate structures, customer class
17 definitions, and availability requirements that
18 are within the capabilities of the distribution
19 company's billing system." That is how, to the
20 best of our knowledge, because, as Mr. Kreis
21 pointed out, most of the people here today were
22 not here when the EDI Working Group was around,
23 but, to the best of our knowledge, we developed
24 EDI based on the limitations and capabilities of

1 our billing systems at that time.

2 Regarding the net metering flag: The
3 net metering flag, Mr. Below is referring to a
4 flag that was added voluntarily to the Puc
5 2204.03 Report at the request of the Coalition,
6 the utilities voluntarily added this. It is not
7 a rule requirement. At the time of implementing
8 the flag, Eversource had significant concerns
9 about using the flag, because, when customers,
10 under the original net metering tariff, were
11 entered into the system, for whatever reason,
12 being that it was many years ago or I can't say
13 for sure, for whatever reason, they were not
14 flagged in a way that they were identifiable by
15 this net metering flag functionality that was
16 added.

17 It is not that Eversource "dropped the
18 ball" on the flag. We said from the outset "we
19 are not capable of identifying customers that are
20 on the original net metering tariff." We cannot
21 see into -- we just cannot see some customers
22 that are net metered.

23 Regardless, I don't believe that the
24 2200 rules outline an opt-out system. It is the

1 customer's responsibility to opt out of the
2 program. That the Coalition decided to employ a
3 business practice that absolved or advised
4 customers that they did not have to opt out, I
5 believe, was ill-advised, and they should have
6 required customers to opt out, if they wanted to
7 ensure that customers were not enrolled with
8 Community Power.

9 As for Eversource's cancel/rebill
10 function: Cancel and rebilling is used for a
11 very specific purpose, and that is for clear
12 errors in calculations of customer bills. It is
13 not used to go back into customer bills and
14 rewrite history by changing, like, theoretically,
15 who the customer was being supplied by. It is
16 for clear calculation errors, such as, you know,
17 a customer was billed \$7.00 a kilowatt-hour,
18 instead of 7 cents. That's a clear calculation
19 error, we make those corrections. And,
20 typically, those are corrections, when those
21 errors are made by the Company, that's when we
22 make those corrections.

23 Doing cancel/rebiling for a customer
24 who was, from the Eversource perspective, was

1 properly enrolled, because an EDI enrollment was
2 submitted to the Company, we are not supposed to
3 second guess those, according to the 2200 rules.
4 So, we properly enrolled that customer. We do
5 not see why cancel/rebilling would be appropriate
6 in that instance.

7 So, to the extent that Mr. Below's
8 comments somewhat mischaracterized that
9 situation, I wanted to clear that up a bit, even
10 though I believe it kind of strayed from the
11 scope of the current docket.

12 But, regarding the offer of settlement,
13 I did not necessarily track what the offer was.
14 But I think that, you know, Puc 203.15 that says
15 that "prehearing conferences would entertain
16 offers of settlement", usually those are
17 settlements, I would imagine, that the parties
18 have agreed to. And, right now, Mr. Below has
19 proposed a number of things that contain issues
20 that would likely be contested. And, so, I would
21 say that any of those offers of settlement should
22 rather be the subject of an adjudication, and
23 subject to full due process by all parties. I
24 think deciding any of those in a prehearing order

1 would be premature. And I would say that, as far
2 as the legal issues, that briefing would be the
3 appropriate course for those.

4 And that's all I have. Thank you very
5 much.

6 CHAIRMAN GOLDNER: Thank you. Would
7 anyone else like to comment?

8 MR. KREIS: I just would like to say
9 that I found that -- I found what I just heard to
10 be disappointing. I mean, what the Community
11 Power Coalition is basically saying here is, that
12 "Consistent with the Commission's rules and the
13 relevant provision of the Administrative
14 Procedure Act, we're prepared to narrow the
15 issues, resolve some of them, and litigate
16 others."

17 And what Eversource just said is "Oh.
18 Well, that wouldn't be appropriate." I don't get
19 how it's inappropriate, when the rules and the
20 Administrative Procedure Act tell us that that is
21 what we should be doing at gatherings like this.

22 CHAIRMAN GOLDNER: Okay. Thank you.
23 Mr. Young?

24 MR. YOUNG: The Department does

1 appreciate all parties' attempts to offer
2 settlement and simplify the issues in this
3 docket, and I guess, really, for any docket. But
4 I think, at this point, I think we would want
5 to -- we would take no position on the settlement
6 at this time. I think we would want to learn a
7 little more at the tech session following, and
8 potentially in further discovery.

9 CHAIRMAN GOLDNER: Thank you. Let's
10 move at this time to Commissioner questions, if
11 any?

12 Oh, I'm sorry. Did Mr. Sheehan or Mr.
13 Taylor want to comment?

14 MR. TAYLOR: I was just going to say,
15 and I -- and, you know, at the risk of being
16 repetitive --

17 *[Court reporter interruption.]*

18 CHAIRMAN GOLDNER: The microphone, he's
19 having a hard time hearing.

20 MR. TAYLOR: Oh. At the risk of
21 repeating anything that Attorney Chiavara said,
22 you know, we do think that, with respect to the
23 EDI standards, you know, unfortunately, our EDI
24 expert was not able to appear today, being on a

1 previously scheduled vacation. I'm confident
2 that he would tell you that the utilities, and
3 Mr. Lambert is here with me today, that Unitil is
4 compliant, and believes that it is complying with
5 the EDI standards.

6 But, you know, it would be a good task
7 for the EDI Working Group to try to clarify the
8 intent for the use of the 867 standard, and
9 whether it should be or could be used for the
10 purposes outlined by CPCNH.

11 And, so, I think, rather than deeming
12 that's something where the utilities are not
13 compliant, because we disagree with that, that
14 just further -- it just further militates in
15 favor of the EDI Working Group being
16 reconstituted to address these things.

17 CHAIRMAN GOLDNER: Okay. Thank you.

18 We'll move to Commissioner questions,
19 beginning with Commissioner Simpson.

20 CMSR. SIMPSON: Thank you, Mr.
21 Chairman. A question for Attorney Chiavara, for
22 my understanding.

23 Did you explain that, in terms of
24 flagging net metered customers on the prior net

1 metering tariff, that the Company isn't able to
2 flag those, in terms of identification?

3 MS. CHIAVARA: That is correct.

4 CMSR. SIMPSON: How do you bill them
5 then?

6 MS. CHIAVARA: It's, and that's --
7 we're going to hit the limit of my IT knowledge
8 pretty quickly. They were not coded with any
9 kind of identifiable flag to be able to pick them
10 up in a report. We, obviously, do bill these
11 customers, which I believe is on a banked
12 kilowatt hour, rather than a monetary credit
13 system.

14 I'd have to say that's the limit of my
15 knowledge. I can't answer your question further
16 than that.

17 CMSR. SIMPSON: Okay. So, I'd be
18 interested in learning more about that through
19 the process of this proceeding.

20 And, then, with respect to Order 22,919
21 that you mentioned, I wasn't here at the time.
22 There's an ordering clause from our predecessors
23 pertaining to "the pending outcome of a
24 rulemaking to implement EDI standards." Is

1 anyone here aware of that ever occurring?

2 MS. CHIAVARA: No.

3 *[Mr. Below indicating in the negative.]*

4 CMSR. SIMPSON: Okay. And I would ask
5 whether convening that rulemaking may be a proper
6 settlement term recommended to the Commission, in
7 addition to our own deliberations at the end of
8 this proceeding.

9 Thanks.

10 CHAIRMAN GOLDNER: Commissioner
11 Chattopadhyay?

12 CMSR. CHATTOPADHYAY: So, I have -- I
13 would characterize this as "30,000 feet-level"
14 questions.

15 The first one is, in this changing
16 environment where you have also issues like grid
17 modernization and other developments that are
18 taking place, this is purely out of curiosity, if
19 you're going to end up implementing all of that,
20 do all of the others also impact EDI development?

21 And, I'm asking the utilities here.

22 MS. CHIAVARA: Again, my IT limits are
23 going to probably govern my answer. But, to my
24 knowledge, what impacts EDI transactions the most

1 has to do with transactions with competitive
2 suppliers and municipal aggregations. It has to
3 do with those third-party transactions.

4 So, to the extent that grid
5 modernization, advance rate designs, to the
6 extent that third parties want to offer those, I
7 believe those would all have EDI implications.

8 CMSR. CHATTOPADHYAY: Yes. And I was
9 suspecting that that might be what it would be.

10 So, you have an estimate here of sort
11 of 8 -- of \$8.9 million. Is that strictly for
12 what we are talking about here, which is to have
13 bill-ready billing?

14 MS. CHIAVARA: Yes. And, actually,
15 it's only sort of a subset of what we're talking
16 about here for bill-ready billing. All the
17 utilities could estimate was what the internal
18 work would cost for enterprise billing system
19 modifications and our side of the EDI process.
20 But there is another component of the EDI
21 process, which the EDI Working Group would have
22 to be convened. And I believe there would be a
23 price tag associated with that as well.

24 CMSR. CHATTOPADHYAY: Okay. Assuming

1 that the other changes that's happening to the
2 electric industry, and as I just mentioned, you
3 know, grid modernization, and perhaps we can't
4 even see for now, but there might be other things
5 that might happen, is it possible that all of the
6 investments here could be done better, so we can
7 deal with all of those issues together? And
8 maybe, you know, when you think about how to get
9 CPNH [sic] into the mix here, it's probably going
10 to cost less per kilowatt-hours, you know, at the
11 end of the day.

12 So, I'm just curious whether we are
13 being constrained by thinking one step at a time?
14 Maybe it's better to look at everything together,
15 and there may be -- the cost-effectiveness may be
16 more there.

17 So, do the utilities have any comments
18 on it?

19 And I know that you mentioned that I'm
20 probably pushing the limits on your IT
21 information, but, you know, I'm going to ask that
22 question anyway.

23 MS. CHIAVARA: I think that -- I think
24 that, to the extent that a more comprehensive,

1 more wide-angle lens, larger picture view
2 approach might be possible, I think there's
3 probably some -- I would assume there is some
4 merit in that. That is probably a question for
5 people smarter than me.

6 But the Petition that we put in front
7 of you was due to an immediate compliance need
8 with a particular rule, and so that necessitated
9 this particular proposal. It does not
10 necessarily rule out other approaches. And I
11 think, to the extent that waivers would resolve
12 the compliance issues of the utilities, I don't
13 think we would foreclose other approaches to
14 comprehensive solutions to these issues.

15 CMSR. CHATTOPADHYAY: Okay. Do the
16 utilities have Community Power in other
17 jurisdictions, and I'm talking about non-New
18 Hampshire jurisdictions?

19 MS. CHIAVARA: Eversource does
20 municipal aggregation in Massachusetts, yes. It
21 looks quite a bit different than it does in New
22 Hampshire, though.

23 CMSR. CHATTOPADHYAY: Do they have
24 bill-ready billing?

1 MS. CHIAVARA: No, they do not.

2 MR. TAYLOR: I can tell you that
3 Unitil, most of its service territory is under
4 community aggregation in Massachusetts. And
5 there is no bill-ready billing in Massachusetts.

6 MR. SHEEHAN: And New Hampshire's only
7 electric affiliates are not -- are vertically
8 integrated. So, we don't have anything close to
9 this, California and the middle of the country.

10 CMSR. CHATTOPADHYAY: Okay. So, the
11 issue that CPCNH is raising here, did you go
12 through similar issues in the other
13 jurisdictions?

14 And I'm just curious, you know, whether
15 you're able to do much of what the CPN --
16 sorry -- CPCNH is talking about that could be
17 done, is that already being done in other states?

18 MS. CHIAVARA: To my knowledge, it is
19 not being done in other Eversource service
20 territories. It's not being done in
21 Massachusetts under that municipal aggregation
22 model. And there is no municipal aggregation in
23 Connecticut at this time.

24 CMSR. CHATTOPADHYAY: Okay. Thank you.

1 That's all I have.

2 CHAIRMAN GOLDNER: Just a couple of
3 questions.

4 This, whether it's \$9 million, or it
5 ends up being a different number, what's the
6 utility position on who pays for that? Is that
7 all Eversource ratepayers, for example? Is that
8 just the ones in the community aggregation zones?
9 Who bears the -- who would bear the cost?

10 MS. CHIAVARA: That is a good question.
11 The \$8.9 or \$9 million is a quote for all three
12 utilities. This is -- these costs come out of
13 the implementation of the 2200 rules, which would
14 be a state mandate, which I think in, you know,
15 utility rate recovery speak, would be an
16 "exogenous event", a nonrecurring event that is
17 not in the ordinary course of utility operations.

18 So, yes. I believe the approach would
19 be to recover from all ratepayers.

20 CHAIRMAN GOLDNER: Okay. Mr. Taylor?

21 MR. TAYLOR: I don't disagree with what
22 Attorney Chiavara just said. And I would also
23 point out that the Consumer Advocate earlier
24 suggested that it was something that ought to be

1 dealt with in a rate case, which also suggests
2 that would be the position of the Consumer
3 Advocate.

4 I just want to clarify something that I
5 had said earlier. Which is that any change to
6 our billing system would necessarily have to
7 occur on an enterprisewide basis. That being
8 said, with our other jurisdictions not requiring
9 bill-ready billing, and with that functionality
10 not being something that is currently implemented
11 in those states, it would not be appropriate for
12 us to allocate the costs to those states. And,
13 so, that is something that would be allocated on
14 a New Hampshire only basis, I think.

15 CHAIRMAN GOLDNER: Okay. Thank you.

16 Any other parties wish to comment on
17 who should pay?

18 We can, obviously, discuss that further
19 later, but I just wanted to understand the
20 preliminary positions.

21 MR. KREIS: I feel like, since Mr.
22 Taylor mentioned the Consumer Advocate, I ought
23 to say something, because that is a question that
24 I have been thinking about.

1 I don't want to take a definitive
2 position. But I think my hypothesis is that the
3 utilities are probably right. That it's probably
4 a cost that should be recovered from all
5 customers, and not just those who reside or take
6 service in a community power aggregation
7 municipality.

8 CHAIRMAN GOLDNER: Okay. Thank you.

9 Okay. And, then, the final question
10 I'll direct to Mr. Below.

11 Would any -- I'm sorry, you're getting
12 the microphone, yes. Would any settlement
13 discussions include all the matters in your
14 Docket 23-062? The matters seem, to me at least,
15 as somewhat overlapping.

16 MR. BELOW: I agree that they're
17 overlapping. I'm not sure all the matters in
18 that proceeding would be addressed here, in terms
19 of the scope. I mean, I think there's a clear
20 nexus to the net metering issues and to the
21 time-of-use issues. But there are a few others
22 in that complaint that sort of fit -- don't
23 clearly fit within the scope of this proceeding.

24 CHAIRMAN GOLDNER: Okay. Okay. Just I

1 guess my encouragement would be, if it is
2 possible, that might simplify matters. If it's
3 not possible, then it's not possible.

4 Okay. Anything else, before we move to
5 the procedural schedule, Commissioner
6 Chattopadhyay?

7 CMSR. CHATTOPADHYAY: Yes. I have a
8 note from my attorney, so -- and he's telling me
9 that Colonial Power Group representative wanted
10 to respond to my last question. And I've already
11 forgotten what the last question was. But,
12 please.

13 MR. ORMSBEE: Thank you for the
14 opportunity.

15 One of your questions is you were
16 asking the utilities "Whether or not, in
17 Massachusetts, there's a similar issue with
18 respect to net metering?" And it may be helpful
19 to understand that the net metering tariffs in
20 Massachusetts are different than, as well as the
21 statute, as it is in New Hampshire. And, so, in
22 large part, the reason why this issue hasn't come
23 up in Massachusetts is the aggregation programs
24 don't necessarily need bill-ready billing.

1 A customer who is a net metering
2 customer in Massachusetts, if they are enrolled
3 in an aggregation program, the utility companies
4 continue to do the crediting for the net
5 metering. They retain that, that responsibility.

6 CMSR. CHATTOPADHYAY: Thank you.

7 CHAIRMAN GOLDNER: Commissioner
8 Simpson.

9 CMSR. SIMPSON: Thank you. One more
10 question.

11 At the beginning of this prehearing
12 conference, there was a lot of discussion
13 pertaining to the term "usage" in the rules and
14 "usage data". So, I'm interested in better
15 understanding throughout the course of this
16 proceeding how the utilities distinguish net
17 metering customers' imports with respect to usage
18 and their exports with respect to usage. And I
19 ask whether the utility's position is that, when
20 a net metered customer is exporting energy, are
21 they not using your system or systems?

22 MS. CHIAVARA: Are you --

23 CMSR. SIMPSON: You're free to respond
24 now, or, if you want to put it in the briefing,

1 you can do that, too.

2 MS. CHIAVARA: Okay. Fantastic. Thank
3 you.

4 CHAIRMAN GOLDNER: All right.

5 MR. YOUNG: Mr. Chairman, I think I
6 would just like to note, too.

7 CHAIRMAN GOLDNER: Yes.

8 MR. YOUNG: I'm sorry. To your point,
9 the discussion about "who should be responsible
10 to pay these costs?", I think I would just again
11 refer the Commissioners to the Department's
12 letter, and specifically RSA 53-E, V. And just
13 as -- I think I just want to flag that as
14 something that the Department is looking at as
15 well as this proceeding continues forward.

16 CHAIRMAN GOLDNER: Okay. Did you have
17 a position at this point or it's something that
18 you're researching?

19 MR. YOUNG: It is something that we're
20 going to look into, kind of as we get into
21 discovery and subsequent technical sessions.

22 CHAIRMAN GOLDNER: Okay. Thank you.

23 Okay. Very good. So, let's move to
24 the final leg here on the procedural schedule. I

1 don't know what would be most efficient. But
2 let's start with Eversource, and any thoughts or
3 comments you would have on proceeding with a
4 procedural schedule.

5 MS. CHIAVARA: Sure. We -- Eversource
6 circulated a starting place for a procedural
7 schedule, I believe that -- I think it was the
8 beginning of this week. The Community Power
9 Coalition revised that schedule. The parties
10 have been looking at it. So, we are working
11 towards an agreed-upon procedural schedule. And
12 I believe the hope is that we would use the
13 technical session to try to hammer that out and
14 provide you with a unified recommendation.

15 CHAIRMAN GOLDNER: Okay. Anyone else
16 have any comments on the procedural schedule?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: No? That would be
19 good. So, if we put in the prehearing conference
20 order that -- to sort of require a procedural
21 schedule, would a week be enough time? Two
22 weeks? I don't want to --

23 MS. CHIAVARA: I really hope so, yes.

24 CHAIRMAN GOLDNER: Okay. All right.

1 Sometimes it makes it easier to have a deadline.
2 So, we'll put "two weeks" in there, and then --
3 and that may make matters easier.

4 Mr. Below.

5 MR. BELOW: You had raised the
6 possibility of briefing -- or, more than a
7 possibility, you suggested that we should do
8 that, and reply briefing. I'm just wondering if
9 the parties felt that maybe there wasn't a need
10 for reply briefing? Because, in a sense, both
11 sides of the issue have already laid out their
12 initial position.

13 My hope would be that we could expedite
14 this and do it with just a round. And then, just
15 want to check to make sure that would be okay
16 with you, as we discuss the procedural schedule?

17 CHAIRMAN GOLDNER: Do the parties -- do
18 you have any comments, Mr. Taylor?

19 MR. TAYLOR: Well, I was just, on the
20 briefing, and briefing versus reply briefing,
21 just based on the procedural posture, and I think
22 what you contemplated, is that, and you can
23 correct me if I'm wrong, is that CPCNH, I guess,
24 would provide their briefing, and then other

1 parties would have an opportunity to react to it.
2 Because, otherwise, we wouldn't really -- if it
3 was a briefing where everybody put their initial
4 briefs in at the same time, we wouldn't really
5 know what the issues we're to be briefing beyond
6 what's already in our Petition.

7 And, so, if there's to be some
8 additional briefing, I think the initial briefing
9 would come from CPCNH, and then we would have an
10 opportunity to react to that.

11 CHAIRMAN GOLDNER: That's a good
12 summary of what I meant. And is everyone fine
13 with that process?

14 MR. KREIS: My recommendation would be
15 to just set an initial briefing date, and then a
16 date for reply briefing. And, if the utilities
17 would like to just wait to see that CPCNH has to
18 say in its initial brief, I don't have any
19 problem with them doing so. I understand why
20 they might take that view.

21 I guess, as a lawyer, I am stuck with
22 my legal training, which tells me that any time
23 you offer a briefing opportunity, you pretty much
24 have to give people an opportunity to reply to

1 it.

2 CHAIRMAN GOLDNER: I think that's
3 right. And I think I did use the word
4 "opportunity" for the first round as well. So,
5 we would offer the opportunity for a briefing and
6 the opportunity for a reply briefing. So, the
7 parties can feel free to file both, if they wish.
8 So, --

9 MR. TAYLOR: And just to clarify, the
10 briefing would be on the issues raised in the
11 Petition?

12 Because I did hear Mr. Below actually
13 raise some things that arguably went beyond the
14 scope of what's in the Petition, and they haven't
15 actually made any sort of filing in the case yet.
16 So, I think that's where I'm getting a little bit
17 hung up on, everybody coming in with initial
18 briefing at the same time.

19 We have a Petition that's before the
20 Commission right now, which to then put a
21 briefing on it would be somewhat unusual, but --

22 CHAIRMAN GOLDNER: I wouldn't presume
23 to encourage the utilities in one direction or
24 another. But my thought was that Mr. Below

1 presented a number of issues today, and to give
2 him the opportunity to document those issues, and
3 then for the utilities and the other parties to
4 reply, I think was the vision. But I wouldn't
5 want to stop anyone from filing a briefing on any
6 relevant topic that they wish.

7 Mr. Simpson.

8 CMSR. SIMPSON: I guess my thought was
9 that briefing would pertain to matters raised at
10 this prehearing conference.

11 CHAIRMAN GOLDNER: Correct. Oh, yes.
12 Yes, please don't send us a briefing on your trip
13 to Portugal.

14 *[Laughter.]*

15 CMSR. SIMPSON: Well, but it seems as
16 if there have been some new issues raised here,
17 and we have the initial Petition. So, if it
18 could be focused on what we've heard today, that
19 might be the most productive.

20 MR. TAYLOR: And, if I may add to that,
21 I think --

22 *[Court reporter interruption.]*

23 MR. TAYLOR: If I may add to that, I
24 think, again, on the issue of briefing, if we

1 were to brief the issues raised in the Petition,
2 that would seem to be skipping over a very large
3 number of procedural steps. And, so, that's my
4 other concern, is that we would be briefing
5 something without a record, you know, issues of
6 fact that are not really -- haven't borne out
7 yet.

8 So, those are just kind of some of my
9 concerns. And I just want to make sure, from a
10 resource standpoint, we're responding to the
11 right things.

12 CMSR. SIMPSON: So, I would ask whether
13 there would be general agreement of limiting
14 briefing at this stage to matters raised at this
15 prehearing conference?

16 *[No verbal response.]*

17 CHAIRMAN GOLDNER: All right. Seeing
18 none, we'll take briefing on matters raised at
19 the prehearing conference.

20 Okay. I think we've gotten through the
21 procedural schedule.

22 Is there anything else that we need to
23 cover today?

24 *[No verbal response.]*

1 CHAIRMAN GOLDNER: All right. Seeing
2 none. We'll issue a prehearing conference order
3 shortly. And we are adjourned. Thank you.

4 ***(Whereupon the prehearing conference***
5 ***was adjourned at 10:35 a.m., and a***
6 ***technical session was held thereafter.)***
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