

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

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

*[Hearing also conducted via Webex]*

RE: **DE 23-073**  
**LOW INCOME ELECTRIC ASSISTANCE PROGRAM:**  
2023-2024 Electric Assistance Program  
Budgets.

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

Alexander Speidel, Esq./PUC Legal Advisor

Tracey Russo, Clerk

Doreen Borden, PUC Hybrid Hearing Host

**APPEARANCES:** **Reptg. Unitil Energy Systems, Inc.:**  
Matthew C. Campbell, Esq.

**Reptg. Public Service Company of New  
Hampshire d/b/a Eversource Energy:**  
David K. Wiesner, Esq.

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

**Reptg. New Hampshire Electric  
Cooperative, Inc.:**  
Susan S. Geiger, Esq. (*Orr & Reno*)

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

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

**Reptg. N.H. Community Action Agencies:**

Jeanne Agri, *Belknap-Merrimack*  
*Community Action Program*

**Reptg. Residential Ratepayers:**

Michael Crouse, Esq.  
Office of Consumer Advocate

**Reptg. New Hampshire Dept. of Energy:**

Mary E. Schwarzer, Esq.  
Amanda Noonan, Dir./Consumer Services  
*(Regulatory Support Division)*

**ALSO PRESENT (Appearing via Webex):**

Betsey Andrews Parker, *Community Action Partnership*  
*of Strafford County (SCCA)*

Ryan Clouthier, *Southern New Hampshire Services (SNHS)*

Beth Daniels, *Southwestern Community Services (SWCS)*

Jeanne Robillard, *Tri-County Community Action (BMCA)*

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**PRELIMINARY ISSUE RE: OBJECTION TO  
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**PRELIMINARY ISSUE RE: EAP ADVISORY BOARD'S  
RECOMMENDATION - WAIVER OF DEADLINE BY:**

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**WITNESS PANEL:**

**THERESA WASHINGTON**  
**ADAM YUSEF**  
**DANIEL NAWAZELSKI**  
**KAREN HANKS**  
**JEANNE AGRI**  
**AMANDA NOONAN**

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*[NOTE: Also providing information from CAAs were:  
Betsey Andrews Parker (SCCA), Ryan Clouthier (SNHS),  
Beth Daniels (SWCS), and Jeanne Robillard (TCCA)]*

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**E X H I B I T S**

<b>EXHIBIT NO.</b>	<b>D E S C R I P T I O N</b>	<b>PAGE NO.</b>
1	UES EAP Administrative Revised Budget (August 17, 2023)	<i>premarked</i>
2	UES Revised Tariff Pages (August 22, 2023)	<i>premarked</i>
3	Liberty EAP Amended Administrative Budget (August 23, 2023)	<i>premarked</i>
4	Liberty Corrected Tariff Page (September 14, 2023)	<i>premarked</i>
5	NHEC EAP Administrative Budget (August 1, 2023)	<i>premarked</i>
6	Eversource EAP Amended Administrative Budget (August 15, 2023)	<i>premarked</i>
7	Eversource Compliance Tariff Filing, including updated Pages 48-49 (September 6, 2023)	<i>premarked</i>
8	CAA EAP Revised Administrative Budget (August 4, 2023)	<i>premarked</i>
9	DOE's Position Statement with attachment (September 14, 2023)	<i>premarked</i>
10	EAP Advisory Board Recommendation on Budgets (September 19, 2023)	<i>premarked</i>
11	Joint Utilities Statement of Position (September 15, 2023)	<i>premarked</i>

**P R O C E E D I N G**

CHAIRMAN GOLDNER: Okay. Good morning.

This is the hearing for the DE 23-073 EAP Budget Review proceeding, scheduled pursuant to the Commission's Commencement of Adjudicative Proceeding and Notice of Hearing Order issued on August 25th, 2023, and the statutory authorities and Commission orders cited in that order, specifically, RSA 374-F:4, VIII(a) and (c), and Order 26,870, from August 9th, 2023.

I'm Chairman Goldner. I'm joined today by Commissioner Simpson and Commissioner Chattopadhyay.

Before we begin, I would like to welcome the representatives of the Community Action Agencies from around the state attending here today. First off, we have Ms. Jeanne Agri, Chief Executive Officer of the Belknap-Merrimack CAA here in person and joining the witness panel proposed in the Department of Energy's letter filed on September 14th, 2023.

Also, we have a number of CAA representatives joining by Webex, as requested by the Commission in our procedural order scheduled

1 on September 19th. It is not the Commission's  
2 intent to swear in these representatives or have  
3 them join the witness panel, but rather to enable  
4 them to monitor the hearing today, and to  
5 potentially answer some clarifying Bench  
6 questions regarding the CAA's EAP budget  
7 proposals. Such answers will be given the weight  
8 they are due.

9 We note that the CAAs have proposed a  
10 1.1 percent increase in their collective budgets,  
11 with Southern New Hampshire Services cutting  
12 their budget by a figure of 5 percent, which are  
13 commendable.

14 I further note that Unitil Energy  
15 Systems and New Hampshire Electric Cooperative  
16 motions relating to notice requirements were  
17 approved by procedural orders issued on  
18 September 19th.

19 I see that the parties to this  
20 proceeding, namely, the DOE, OCA, UES,  
21 Liberty-Electric, New Hampshire Electric  
22 Cooperative, Eversource, and the CAAs have  
23 proposed a list of witnesses and exhibits for  
24 consideration here today. There are no

1        intervenors or outstanding procedural motions  
2        pending today.

3                We'll now take appearances in  
4        alphabetical order, and after those are taken,  
5        have the CAA representatives attending by Webex  
6        introduce themselves.

7                So, let's begin with appearances in  
8        alphabetical order, beginning with the Department  
9        of Energy.

10               MS. SCHWARZER: Good morning, Mr.  
11        Chairman. My name is Mary Schwarzer. I'm a  
12        Staff Attorney with the Department of Energy.  
13        And with me this morning is Amanda Noonan, who is  
14        our Director the Consumer Services.

15               CHAIRMAN GOLDNER: Very good.  
16        Eversource?

17               MR. WIESNER: Good morning, Mr.  
18        Chairman, Commissioners. David Wiesner,  
19        representing Public Service Company of New  
20        Hampshire, doing business as Eversource Energy.

21               CHAIRMAN GOLDNER: Thank you.  
22        Liberty-Electric?

23               MR. SHEEHAN: Good morning,  
24        Commissioners. Mike Sheehan, for Granite

1 State -- I'm sorry, Liberty Utilities (Granite  
2 State Electric) Corp.

3 CHAIRMAN GOLDNER: The New Hampshire  
4 Community Action Agencies?

5 MS. AGRI: Yes. Good morning.  
6 Jeanne Agri, Community Action Program  
7 Belknap-Merrimack.

8 CHAIRMAN GOLDNER: I'm sorry, there you  
9 are. Thank you. Very good.

10 And the New Hampshire Electric  
11 Cooperative?

12 MS. GEIGER: Good morning, Mr. --  
13 Good morning, Mr. Chairman and Commissioners.  
14 I'm Susan Geiger, from the law firm of Orr &  
15 Reno, representing New Hampshire Electric  
16 Cooperative.

17 CHAIRMAN GOLDNER: Thank you. The  
18 Office of the Consumer Advocate?

19 MR. CROUSE: Good morning,  
20 Commissioners. On this 21st day of September, my  
21 name is Michael Crouse, Staff Attorney to the  
22 OCA, and not Earth, Wind & Fire, representing  
23 utility -- I'm sorry, representing residential  
24 ratepayers in this matter.



1 CHAIRMAN GOLDNER: Thank you. And UES?

2 MR. CAMPBELL: Good morning,  
3 Commissioners. Matt Campbell, on behalf of  
4 Unitil Energy Systems, Incorporated. And with me  
5 today is Company witness Dan Nawazelski.

6 CHAIRMAN GOLDNER: Very good. So,  
7 let's begin with the CAAs on Webex, if you could  
8 introduce yourself.

9 Is there anyone here from the Community  
10 Action Partnership of Strafford County?

11 MS. PARKER: Yes. Good morning.  
12 Betsey Andrews Parker.

13 CHAIRMAN GOLDNER: Okay. Just a  
14 moment. Thank you. And Southern New Hampshire  
15 Services?

16 MR. CLOUTHIER: Good morning,  
17 Commissioners. My name is Ryan Clouthier. I'm  
18 the Chief Operating Officer with Southern New  
19 Hampshire Services.

20 CHAIRMAN GOLDNER: Thank you. Welcome.  
21 Southwestern Community Services?

22 MS. DANIELS: Good morning. This is  
23 Beth Daniels, from Southwestern Community  
24 Services. I am the Chief Executive Officer.

1 CHAIRMAN GOLDNER: Welcome. And,  
2 finally, the Tri-County Community Action?

3 MS. ROBILLARD: Good morning,  
4 Commissioners. I am Jeannie Robillard. And I am  
5 the Chief Executive Officer of Tri-County CAP.

6 CHAIRMAN GOLDNER: Very good. Okay.  
7 Just a moment.

8 *[Short pause.]*

9 CHAIRMAN GOLDNER: Okay. Thank you.  
10 And welcome.

11 Regarding the joint witness panel, we  
12 presume that the witnesses will remain seated  
13 where they are, given the limited number of seats  
14 in the witness box, or did you have in mind to  
15 have all the witnesses in the witness box?

16 I'll look at Mr. Campbell.

17 MR. CAMPBELL: Yes. I think, unless  
18 anyone in the room objects, I think we just want  
19 to have the witnesses stay where they're seated,  
20 for sake of simplicity.

21 CHAIRMAN GOLDNER: Very good. No  
22 problem at all.

23 So, will each party engage in direct  
24 with their respective witnesses? Is there

1 anything on direct today?

2 MS. SCHWARZER: No, Mr. Chairman.

3 CHAIRMAN GOLDNER: Okay. Do you  
4 expect any -- do we expect any friendly cross  
5 from anyone?

6 *[Multiple parties indicating in the*  
7 *negative.]*

8 CHAIRMAN GOLDNER: All right.

9 MS. SCHWARZER: No. No, Mr. Chairman.

10 CHAIRMAN GOLDNER: Very good. Are  
11 there any other preliminary matters to address  
12 before we begin?

13 MR. CROUSE: Yes, Chairman Goldner.  
14 With respect to the Joint Exhibit List, to the  
15 extent that any attorney has drafted the position  
16 statement they would like to enter as an exhibit,  
17 Rule 3.7 of the New Hampshire Professional Rules  
18 and Responsibility prohibits a lawyer from both  
19 being an advocate and a witness. And I would  
20 politely object to the position statements being  
21 entered as exhibits.

22 CHAIRMAN GOLDNER: Okay.

23 MS. SCHWARZER: Mr. Chairman?

24 CHAIRMAN GOLDNER: Yes.

1 MS. SCHWARZER: If I might respond?

2 CHAIRMAN GOLDNER: Okay.

3 MS. SCHWARZER: Thank you.

4 In administrative hearings, the rules  
5 of evidence do not apply. Moreover, the witness  
6 statements, at least the Department's witness  
7 statement that has been marked as an exhibit,  
8 clearly references that the attorney who signed  
9 it, namely, myself, is referencing the opinion of  
10 Consumer Services Director, who is Amanda Noonan,  
11 seated next to me.

12 So, I would ask that the Department's  
13 position statement be fully admitted.

14 CHAIRMAN GOLDNER: Okay. Do the  
15 utilities have any comments on the OCA's  
16 position?

17 MR. CAMPBELL: UES has no comment on  
18 that position, no.

19 MR. SHEEHAN: On behalf of Liberty, I'm  
20 not sure there's a meaningful distinction between  
21 it being formally an exhibit or simply a  
22 statement that the Commission may consider. So,  
23 I'm not sure that's an issue worth fighting  
24 about.

1 CHAIRMAN GOLDNER: Okay. Thank you.

2 Okay, the Commission will take it under  
3 advisement.

4 Are there any other matters to consider  
5 before we begin?

6 MS. SCHWARZER: Mr. Chairman, just very  
7 briefly.

8 The Department filed the EAP Advisory  
9 Board's recommendation after the deadline,  
10 because the letter did not exist when the  
11 deadline existed, namely, the September 14th  
12 deadline for filing, and the letter was filed on  
13 September 19th.

14 So, all the parties have agreed to  
15 waive the late filing. And I just wanted to  
16 inform the Commission of that and ask that you  
17 approve that admission.

18 CHAIRMAN GOLDNER: Thank you. Thank  
19 you. We'll again take that under advisement as a  
20 Commission.

21 Very good. So, I think that wraps up  
22 the preliminary issues. And, so, let's begin  
23 with direct.

24 Mr. Patnaude, if you could please swear

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1 in the witnesses. And, as a reminder, the Webex  
2 attendees from the CAAs will not be sworn in.

3 (Whereupon **THERESA WASHINGTON,**  
4 **ADAM YUSEF, DANIEL NAWAZELSKI,**  
5 **KAREN HANKS, JEANNE AGRI, and**  
6 **AMANDA NOONAN** were duly sworn by the  
7 Court Reporter.)

8 CHAIRMAN GOLDNER: Okay. As I  
9 understand it, there was no direct and no  
10 friendly cross. So, we would then begin with  
11 Commissioner questions. And I'll begin with  
12 Commissioner Simpson.

13 CMSR. SIMPSON: Thank you. And  
14 appreciate everybody being here today. The work  
15 that you all do for some of the most vulnerable  
16 in the state is really important. So, thanks for  
17 taking the time.

18 BY CMSR. SIMPSON:

19 Q One question on Exhibit 8. There is a reference  
20 to "Lead Agency", relative to the other CAPs. I  
21 was hoping somebody might be able to just explain  
22 the distinction there, whether that's an  
23 independent group or if it's a individual or  
24 individuals from some of the other Community

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1 Action Agencies?

2 A (Agri) Yes. The Community Action Program  
3 Belknap-Merrimack is the Lead Agency for the EAP  
4 Program. And we represent, under that Lead  
5 Agency, we represent the Community Action  
6 Agencies. And we do the monitoring, and compile  
7 the CAA budgets. We provide weekly enrollment  
8 updates, some of the administrative, it's -- and  
9 the salary for a state administrator.

10 Q So, is that column of expenses, is that separate  
11 from the agency's individual budget?

12 A (Agri) Yes.

13 Q So, you're just breaking out that, for statewide,  
14 these are the costs that we incur to facilitate  
15 the statewide effort?

16 A (Agri) Correct.

17 Q Okay. Thank you. And, then, just a few  
18 questions for Eversource. Looking at Exhibit 6,  
19 there is a maintenance cost listed of "69,300".  
20 Would you be able to enlighten us onto some of  
21 the drivers for that maintenance cost?

22 A (Washington) Yes, I would. This is Theresa  
23 Washington, with Eversource.

24 Q Thank you.

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 A (Washington) There is just a routine maintenance  
2 and upkeep of the system as the EAP budget is  
3 held within our core C2 system. And it is  
4 annually kept up and ensured that the Program is  
5 running. So, we just identify just the routine  
6 maintenance costs or any IT work associated with  
7 and maintaining the mainframe systems for that.

8 Q Okay. So, they're IT/system related?

9 A (Washington) Yes. It's a combination of the  
10 IT/system related and upkeep for that.

11 Q And, then, the administrative expense of about  
12 25,000, that's employee-driven?

13 A (Washington) That's employee-driven. And it's a  
14 lot of the work that is captured with the routine  
15 handling of intake for EAP from our agencies  
16 across the state, and ensuring that customer  
17 accounts are enrolled on a daily basis for those  
18 programs.

19 Q Okay. And are there any consulting costs for the  
20 Company reflected here?

21 A (Washington) Not this year. In last year's  
22 budget, there was a \$40,000 consultant fee for  
23 the Roger Colton Report.

24 Q Uh-huh.



[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 A (Washington) But those were the one-time costs.

2 Q Okay. Great.

3 MS. SCHWARZER: Mr. Chairman -- excuse  
4 me, Mr. Commissioner, if the Department witness  
5 could comment briefly on the Eversource budget?

6 CMSR. SIMPSON: Please.

7 MS. SCHWARZER: Thank you. As a point  
8 of clarification.

9 **BY THE WITNESS:**

10 A (Noonan) Sure. This would apply to not just the  
11 Eversource budget, but all the utility budgets.

12 Under prior Commission orders, the only  
13 costs recoverable are those that are incremental  
14 to the Program. And these would be  
15 non-incremental costs that would not be recovered  
16 through the EAP Fund.

17 BY CMSR. SIMPSON:

18 Q Okay.

19 A (Noonan) Yes. There's a footnote on the budget  
20 page, if you might have missed it, that does  
21 highlight that as well.

22 CMSR. SIMPSON: Okay. Thank you.  
23 That's helpful. I appreciate that.

24 I'm all set. I don't have any further

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1 questions, Mr. Chairman. Thank you.

2 CHAIRMAN GOLDNER: All right. Let's  
3 move to Commissioner Chattopadhyay.

4 BY CMSR. CHATTOPADHYAY:

5 Q So, let's go to Exhibit 6 again. So, this is --  
6 I'm just trying to understand what's going on  
7 conceptually.

8 So, as far as the non-incremental  
9 expenses are concerned, that, for example,  
10 appeared in the previous EAP filing, too. So, if  
11 I go to the Program Year 2020-2021, that it was  
12 noted there as well. Where is that cost  
13 recovered ultimately?

14 A (Washington) This is Theresa Washington, with  
15 Eversource. That cost is -- I believe that's  
16 regular just O&M, operating expense, regular  
17 operating expense. So, it's not billed directly  
18 into the recovery under the EAP Program. But we  
19 highlight it, just for budgetary reasons, for  
20 what we would incur for regular routine  
21 maintenance.

22 Q So, ultimately, they get recovered somewhere,  
23 right?

24 A (Washington) Yes, I believe it would be. So, I

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 know we budget for it. I don't think we have an  
2 actual expense. I think we identify any costs  
3 for it. But it's just a budgetary capture of  
4 these costs, versus any actuals.

5 Q This is again for -- I was just using Exhibit 6,  
6 but, for other utilities, do you have a similar  
7 situation?

8 A (Nawazelski) This is Dan Nawazelski, with Unitil.  
9 Unitil does not have any of those, get the right  
10 term, the "non-incremental" budgeted costs. All  
11 the costs we're proposing right now are through  
12 the EAP Program itself.

13 Q Thank you. Any response from Liberty?

14 A (Yusef) This is Adam Yusef, representing  
15 Liberty. We're in the same case as Unitil, where  
16 we don't --

17 Q Okay. So, my guess is it does show up in the  
18 distribution rates somehow?

19 A (Washington) So, unfortunately, I'm not the  
20 expert on that.

21 Q Okay.

22 A (Washington) But what I do believe is here it is  
23 just identifying what IT maintenance costs would  
24 be for the uptake of it, if we were to budget for

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1       it. What this doesn't shown is any actuals,  
2       which I don't think I've seen any actuals of it.  
3       But, just capturing, I think that's probably the  
4       difference between what we submit as a budget is  
5       we're probably the only utility that is showing  
6       estimated budgetary costs that we may set aside  
7       for any routine maintenance.

8               MS. SCHWARZER: Commissioner  
9       Chattopadhyay?

10              CMSR. CHATTOPADHYAY: Yes.

11              MS. SCHWARZER: If I might comment,  
12       just by way of clarification for the Consumer  
13       Services Division?

14              The costs that are covered here and  
15       submitted for the budget are incremental costs,  
16       and that is EAP costs that would not be incurred  
17       but for the Program. So, to the extent those  
18       costs have been identified in Eversource's  
19       budget, those maintenance costs, were there no  
20       EAP Program, would still be required presumably  
21       for those consumers, for their -- the consumer  
22       accounts.

23              CMSR. CHATTOPADHYAY: Okay. I mean, I  
24       understand that only the incremental cost is part

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1 of the EAP budget. So, I'm not asking about  
2 that. I'm just -- I was trying to understand  
3 where the other costs rolled in. That's it.

4 CHAIRMAN GOLDNER: If I could,  
5 Commissioner Chattopadhyay, just so we don't have  
6 to come back around one more time, if I can --

7 CMSR. CHATTOPADHYAY: Okay. Please.  
8 Go ahead. Yes.

9 BY CHAIRMAN GOLDNER:

10 Q So, I guess my question would be, why aren't  
11 these a part of the EAP? I understand there were  
12 some prior Commission orders. And, so, I  
13 understand that. But, if these costs are because  
14 of the EAP Program, why would they not be charged  
15 to the EAP Program?

16 A (Washington) No, that's a great question. And I  
17 think just what Eversource has historically done  
18 in this section is just identified any routine  
19 maintenance or IT work that may be allocated  
20 towards maintaining programs for the state, but  
21 not necessarily just for this item.

22 Administratively, yes. The FTE cost,  
23 the "25,555", that is something that's directly  
24 incurred. But, you know, I appreciate that this

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1 is something that we should move over to bill for  
2 the EAP, we just haven't done that. And just  
3 have kept, you know, direct, like, brochure costs  
4 or any printing costs that are related to the EAP  
5 Program, we've kept those as just the  
6 incremental.

7 CHAIRMAN GOLDNER: Because I think you  
8 would risk non-recovery, because you have costs  
9 that are -- you're saying are attributable to  
10 EPA, you're not charging them to EAP. So, if you  
11 come back in a rate case and ask for recovery,  
12 you'll probably get some questions about that.

13 So, for the consideration of counsel,  
14 there may be something you may consider filing  
15 something on this, or further enlightening the  
16 Commission as to why this is not recovered here,  
17 but is recovered in a rate case. Because I think  
18 it's either in -- one point of view would be it's  
19 either in EAP or it's not.

20 WITNESS WASHINGTON: I'll certainly  
21 take that into note. It's something that, as our  
22 new staff has come on, we've been looking into  
23 trying to understand the differences between the  
24 incremental and the non-incremental. So,

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1 definitely take that back and look at which side  
2 it belongs.

3 CHAIRMAN GOLDNER: And that's -- thank  
4 you. And that's also, just to layer onto what  
5 Commissioner Chattopadhyay was saying, it's also  
6 puzzling that the other utilities have no similar  
7 charges, and Eversource is different than the  
8 others. So, that's why you're getting these  
9 questions, I think, here this morning.

10 WITNESS WASHINGTON: No, I totally  
11 understand that. And I think there's an  
12 assumption that there's always going to be some  
13 sort of maintenance costs that go into running  
14 any program. It's just we're the only utility  
15 identifying it here.

16 CHAIRMAN GOLDNER: Thank you.

17 WITNESS WASHINGTON: You're welcome.

18 CHAIRMAN GOLDNER: Commissioner  
19 Chattopadhyay, sorry.

20 CMSR. CHATTOPADHYAY: No. Thank you.

21 BY CMSR. CHATTOPADHYAY:

22 Q So, let's -- now, this is for the CAAs. So, I'm  
23 going to go to Exhibit 8. And let me know when  
24 you're there.

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 A (Agri) Yes. I'm there.

2 Q Okay. So, and just looking at Bates Page 001, we  
3 notice that, you know, for example, "Fringe  
4 Benefits", if you go across the different CAs,  
5 the percentage that fringe benefits represent of  
6 the total budget vary significantly across the  
7 different CAs. So, I just -- I want to  
8 understand why that is happening? And, in any  
9 ways, if folks here can explain that, that would  
10 be very helpful to the Commission.

11 A (Agri) As each -- each agency is a private  
12 company, and they have benefits that are  
13 according to what each agency adopts. So,  
14 whatever the agency's benefit package is, it  
15 isn't standard across the Program of the  
16 Community Actions, because we're independent. We  
17 do the same work, but we're independent  
18 companies. So, it's really dependent on what the  
19 agencies offer. And their health insurance  
20 rates, what rate did they have for a pension  
21 match, if they have a pension match. So, it does  
22 vary across each agency.

23 Q So, if you look at that exhibit, let's just pick  
24 one example. SWCS, relative to BMCA, okay? The



[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 percentage is significantly higher for SWCS,  
2 relative to BMCA.

3 A (Agri) Correct.

4 Q And you're essentially saying these are all  
5 "independent", within quotes, companies that  
6 are --

7 A (Agri) I might have a lower health insurance  
8 premium than Southwestern. That could attribute  
9 to some of that.

10 Q Okay. And, you know, there's probably no way for  
11 you to explain why it's high for one agency,  
12 relative to some other agency, that you wouldn't  
13 know?

14 A (Agri) Well, Southwestern is here, if you wanted  
15 to --

16 CMSR. CHATTOPADHYAY: So, yes. This  
17 is, really, sort of I'm asking anybody who can  
18 help answer the question. So, we notice that  
19 here. So, can you explain what might be going  
20 on? And whoever is the right person to respond,  
21 you know, can respond to this question.

22 MS. DANIELS: Good morning. I'm Beth  
23 Daniels, for Southwestern Community Services.

24 We do have a pretty robust pension

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1 plan. We have a two-to-one match for our  
2 employees. We did also see some changes, when we  
3 went out for our health insurance, due to some  
4 high-cost -- some high costs related to some  
5 long-term employees and their healthcare. So,  
6 when we had to refigure our healthcare rates, we  
7 did see a little bit of an increase there. I  
8 know there may be a little bit of a difference in  
9 terms of some of our worker comp. rates, things  
10 like that.

11 But, yes, I do absolutely see and  
12 recognize that our fringe rates, in total, are a  
13 bit higher, percentagewise.

14 CMSR. CHATTOPADHYAY: Thank you.  
15 Before I leave this subject, do any of the  
16 Commissioners have any follow-up? Might be more  
17 effective to do that.

18 CHAIRMAN GOLDNER: Yes. It's a  
19 question, I think, directed at the DOE.

20 BY CHAIRMAN GOLDNER:

21 Q So, there seem to be very different benefit plans  
22 with respect to each of the five agencies. And  
23 the EAP ratepayer is subsidizing those fringe  
24 benefits and those agency costs through this

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1 Program, at least in part.

2 What prevents one of the agencies from  
3 having very different benefit plans from another,  
4 and why would the EAP -- why would the ratepayers  
5 pay for benefits that are much higher than let's  
6 call it the sort of "average" agency?

7 A (Noonan) Well, as Ms. Agri alluded to, these are  
8 five independent companies. They choose whatever  
9 packages help them retain and recruit new  
10 employees. It's a difficult industry in which to  
11 retain and recruit staff. And we've seen the  
12 challenges that they have, and understand that  
13 they need to make the decisions that help them do  
14 so.

15 I would also note, as Ms. Daniels  
16 pointed out, that, depending upon the health of  
17 their staff, that significantly affects  
18 healthcare premiums when you go out to market for  
19 new healthcare providers.

20 On a personal note, my daughter pays  
21 for her own healthcare insurance through the  
22 Affordable Care Act. She never goes to the  
23 doctor, she gets money back at the end of every  
24 year. She's not a high health risk.

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1                   But, if you have staff that have health  
2                   issues, either moderate or severe, or longer  
3                   term, that will increase your premiums.

4                   And they are five different companies,  
5                   just like we have different utilities that offer  
6                   different packages to their employees.

7                   CHAIRMAN GOLDNER: Has the Department  
8                   or the OCA, in the past or present, considered a  
9                   reimbursement package from the EAP Program that  
10                  was based on sort of, you know, averages from the  
11                  Northeast or averages across the country, as  
12                  opposed to actual costs from the agencies? Is  
13                  that something that's been considered?

14                  MR. CROUSE: With respect to the OCA, I  
15                  don't think it's been considered. But I can look  
16                  into that.

17                  CHAIRMAN GOLDNER: Okay. Okay. It's  
18                  just -- it's puzzling, from a Commission point of  
19                  view, because SNHS, for example, and Mr.  
20                  Clouthier may -- I'd like to give him an  
21                  opportunity to respond, too, along with SWCS, has  
22                  over 50 percent of personnel costs are showing up  
23                  in fringe benefits, where the other agencies have  
24                  much, much lower costs, to the extent that

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1           they're more like 20 percent than 50 percent.

2                       So, it's such a big difference. If  
3           they were all running about the same, 20 to 25  
4           percent, there wouldn't be any questions. But  
5           we're talking about a doubling of the fringe  
6           benefits. And, since this is a percentage of the  
7           agency, this is the whole company. This isn't  
8           just a small portion.

9                       So, maybe, Mr. Clouthier, could you  
10          maybe comment on why you see costs that are  
11          50 percent or so of personnel?

12                      MR. CLOUTHIER: Thank you. I would  
13          agree with the comments that have been made, in  
14          that we go out to bid for this, for healthcare  
15          and such. And we, too, saw higher rates, based  
16          on some high-cost claimants than we had typically  
17          seen.

18                      But, also, I would just add that, based  
19          on the pay of the employees as well, somebody's  
20          healthcare, the costs -- the premiums are what  
21          they are, the cost is what it is. And somebody  
22          making -- a staff member, let's say, making  
23          \$30,000 a year, and say health costs are, you  
24          know, 15,000, that rate is going to be higher for

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1       somebody at that level making, as opposed to  
2       somebody who might be at 40,000 a year, right?

3               So, it depends on, I think, also the  
4       staff and the salaries, too, how that ratio plays  
5       itself out. The cost doesn't change what our  
6       premium is and where we came in, but how that  
7       percentage might look, as a total fringe, does.

8               CHAIRMAN GOLDNER: And, so, just to  
9       clarify what we're seeing, for your agency, is  
10      personnel costs, based on FTEs, and I'll ask some  
11      questions on that in a minute, but -- and, then,  
12      the fringe benefit is just a percentage across  
13      your whole agency. So, whether you're charging  
14      the FAP Program, or any of the other work that  
15      you do in the community, that percentage is the  
16      same. The EAP is no different. Is that correct?

17              MR. CLOUTHIER: Yes. The cost  
18      associated with fringe don't -- will be the same  
19      for all, yes.

20              CHAIRMAN GOLDNER: Okay. Okay. So,  
21      just to clarify. So, your fringe benefits are  
22      about 50 percent of your personnel costs. So, no  
23      matter who you're charging out to, any program,  
24      that ratio would be the same?

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1 MR. CLOUTHIER: No. No. That it --  
2 the ratio doesn't stay the same, as far as that  
3 percentage, the 52 percent. The 52 percent for  
4 the EAP Program, it might show as "52 percent"  
5 based on the staff in that program, and the  
6 salaries that they make. But, if you were to  
7 move to a different program, where say the staff  
8 salaries were at a higher rate, the fringe rates  
9 still all stay the same, but how view that total  
10 percentage might change.

11 CHAIRMAN GOLDNER: I see. So, really,  
12 it's tied to the individual that's supporting the  
13 Program, right? So, it's like, if you have an  
14 individual that's doing intake, for example, that  
15 individual is reflected here, as opposed to some  
16 sort of average, is that right?

17 MR. CLOUTHIER: Correct.

18 CHAIRMAN GOLDNER: Okay. Thank you.  
19 That's very helpful.

20 Thank you, Commissioner Chattopadhyay.

21 MS. DANIELS: If I may --

22 CHAIRMAN GOLDNER: Oh, yes. Please.

23 MS. DANIELS: -- just follow up on  
24 that?

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1                   With our staff as well, it's a direct  
2                   allocation to the specific Energy staff. And  
3                   just doing a quick tally, I know that, in our  
4                   Energy Program, we have an unusually high number  
5                   of folks who are utilizing the full family  
6                   insurance package, which is significantly more  
7                   than the single-person or two-family, yes,  
8                   two-person plan.

9                   CHAIRMAN GOLDNER: Okay. Because it  
10                  sounds to me, and I don't mean to put words in  
11                  anybody's mouth, but it sounds to me that the  
12                  overhead is more a function of the individuals  
13                  that are assigned to this particular Program,  
14                  than it is anything else. In other words, I'm  
15                  not gathering that the benefit packages from the  
16                  agencies are wildly different. Maybe one has a  
17                  little bit more of a pension than others, and so  
18                  forth. But, mostly, it's healthcare benefits,  
19                  and it's healthcare benefits tied to that  
20                  individual.

21                  *[Ms. Daniels indicating in the*  
22                  *affirmative.]*

23                  CHAIRMAN GOLDNER: Is that fair?

24                  MS. DANIELS: Yes, sir.



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1 CHAIRMAN GOLDNER: Okay.

2 MR. CLOUTHIER: Yes.

3 CHAIRMAN GOLDNER: Thank you. Thank  
4 you. That's very helpful. Thank you.

5 Commissioner Chattopadhyay, please  
6 proceed.

7 CMSR. CHATTOPADHYAY: Yes. Again, that  
8 was helpful, seeing through it.

9 This is a question for the Lead  
10 Agency.

11 BY CMSR. CHATTOPADHYAY:

12 Q Is there any software project that is already in  
13 place that you're still working on? So, like a  
14 special software project or something like that?

15 A (Agri) Well, I'll defer to the Department of  
16 Energy. Are you speaking --

17 Q Go ahead. Finish your thought.

18 A (Agri) Well, we don't have any specific software  
19 project that the Lead Agency is working on.

20 Q No. When --

21 A (Agri) I'm a little confused about your question,  
22 I guess.

23 Q Okay. So, maybe it's -- how about the CAAs? Is  
24 there anything that you're working on together on

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1           some software?

2                   And I'm not asking about the DOE's, you  
3           know, the funding issue. That's not what I'm  
4           asking.

5   A       (Agri) Well, we have the software that runs the  
6           Program --

7   Q       Okay.

8   A       (Agri) -- that we input the data into, that  
9           software. We all use that same software.

10   Q       The same software, okay.

11   A       (Agri) Yes. Yes, we do.

12   Q       Okay.

13                   CHAIRMAN GOLDNER: Commissioner  
14           Chattopadhyay, if I can jump in again?

15                   CMSR. CHATTOPADHYAY: Yes.

16   BY CHAIRMAN GOLDNER:

17   Q       So, for example, on Bates Page 004 of Exhibit 8,  
18           just as an example, I believe this is the Lead  
19           Agency summary. There's a total of "\$14,000",  
20           "\$4,000" for "Software Consultants" and "\$10,000"  
21           for "Software special projects". And, so, I  
22           think what the Commission is trying to sort out  
23           is, what is that, and how is that different than  
24           what the DOE is doing?

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1 A (Agri) When we have to run special reports at the  
2 request of anybody, really, we use our  
3 consultant. The company comes in and will set up  
4 the parameters of that report as an IT function.  
5 I don't have the ability to do that, I mean. So,  
6 we contract with them to come in and run special  
7 reports and maintain the software for us.

8 CHAIRMAN GOLDNER: Okay. Thank you.

9 BY CMSR. CHATTOPADHYAY:

10 Q So, when you say "special projects", that's what  
11 you're talking about?

12 A (Agri) Yes.

13 Q Okay.

14 A (Agri) Yes. I'm sorry about that.

15 Q Okay.

16 CHAIRMAN GOLDNER: If I could,  
17 Commissioner Chattopadhyay, I think there's  
18 another, --

19 CMSR. CHATTOPADHYAY: Absolutely.

20 CHAIRMAN GOLDNER: -- more software  
21 costs in here. Let me see if I can find it  
22 quickly, from another agency. Just a moment.

23 So, for example, on Bates Page 017.  
24 So, this is Southwestern Community Services.

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1       There's a "\$7,000" cost for "IT Service,  
2       Maintenance, and Support". Is that software or  
3       is that hardware? Or, what would that be?

4               MS. DANIELS: Yes. There are two  
5       different types of software and IT expenses  
6       within the agency. One is part of the total  
7       software maintenance costs that we pay into with  
8       the other CAPs toward the maintenance of the  
9       FAP/EAP software system, which is where all of  
10      the applications are managed. And the other one  
11      is our own in-house IT costs related to the work  
12      stations, the, you know, virus, and protections  
13      and security systems, and all of that, for our  
14      own networking, and staff computers, laptops for  
15      outreach sites, and that sort of thing.

16             CHAIRMAN GOLDNER: Excellent. And the  
17      final question would be for Tri-County. There's  
18      a "\$9,660", and it's just called "Software  
19      Support", under Part F, "Contractual", on Bates  
20      Page 022. Is that -- can you please explain what  
21      that is?

22             MS. ROBILLARD: It is similar to what  
23      Southwestern just described. We pay a portion of  
24      support into the EAP/FAP software. And we also

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1       have services of IT to come in and, you know,  
2       make sure that our network is secure, and  
3       upgrades to computer equipment, to make sure that  
4       we can process applications.

5               CHAIRMAN GOLDNER: Thank you. Again,  
6       very helpful.

7               And I just want to say, on behalf of  
8       all the Commissioners, we really appreciate the  
9       senior executives showing up and being here today  
10      from the CAAs on the Webex. This is extremely  
11      helpful for us. It gives us a level of detail  
12      that we really appreciate.

13              So, and maybe, if I could, Commissioner  
14      Chattopadhyay, just follow up with Ms. Noonan.

15   BY CHAIRMAN GOLDNER:

16   Q   Ms. Noonan, could you help explain for the room  
17       and the Commission what the agencies just  
18       described, in terms of their software needs, and  
19       what the DOE is doing with their software  
20       investment, and just help kind of piece that  
21       together for us, in terms of the software piece  
22       of what's happening?

23   A   (Noonan) Certainly. The current software that  
24       the Community Action Agencies use for intake and

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1       certification of Electric Assistance Program  
2       applications, as well as Fuel Assistance Program  
3       applications, is 20-plus years old, well past the  
4       end of its useful life. Has had some rather  
5       severe hiccups in the past couple of years that  
6       have created challenges, not just for the  
7       agencies, but also for the Department.

8               We are embarking on a project to  
9       develop new software that would support Electric  
10      Assistance Program, the Fuel Assistance Program,  
11      and the Weatherization Assistance Program. And  
12      each one of those programs is contributing a  
13      third of what we anticipate to be the total cost.

14             That is not included in these budgets.  
15      It is separate from the System Benefit Charge  
16      funds for the Electric Assistance Program. And  
17      the EAP portion will come from the \$7 million  
18      that was appropriated to the Department by the  
19      Legislature last September. The software will be  
20      owned by the State.

21   Q      And what would you expect to see from the CAAs  
22            moving forward? So, once the Department's  
23            software is in place, would you expect to see  
24            software costs being eliminated from the CAAs'

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1 future filings? I understand, at this point,  
2 your software is not in place yet, but in the  
3 future?

4 A (Noonan) I don't think there would ever be a zero  
5 line item there. They all have their own  
6 internal network and computer systems, and they  
7 require support for those, and aging out of  
8 equipment, and making sure that the networks are  
9 secure. This is very confidential information  
10 that they are receiving and storing and caring  
11 for. And, so, I anticipate they would continue  
12 to have some level of support and maintenance  
13 required.

14 Q Okay. Thank you. And the last question is for  
15 Ms. Agri.

16 From your perspective, in terms of the  
17 Department's software and what's coming, and  
18 versus what you face on your side, with your  
19 agency, how do you see this coming together, and  
20 the benefits from the DOE software, and how that  
21 can help you?

22 A (Agri) I'm very joyful.

23 Q That's good. That's good.

24 A (Agri) A 20 year-old software for our intake and

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1           certifiers to use is extremely challenging. I am  
2           anxiously looking forward to a system that will  
3           be easy, friendly, and report in more detail the  
4           activities of the EAP Program.

5                       I can speak for all of the CAPs when we  
6           say we all are going to be very joyful when this  
7           happens. Because we have had a few hiccups, and  
8           Amanda was very generous saying "a few hiccups".

9   Q       And, in this proceeding, we don't need to get too  
10           far into the weeds. But just maybe help the  
11           Commission understand the vision. So, the DOE  
12           has some software that's really very helpful to  
13           you.

14   A       (Agri) Uh-huh.

15   Q       Now, if you need custom software run or you need  
16           to understand something, how will that work? Do  
17           you call the DOE and ask them for help? Who pays  
18           for that? How does that work?

19   A       (Agri) I don't think we've really kind of drilled  
20           down on the actual implementation. But I would  
21           imagine we're a partner with DOE, and that we  
22           would continue that partnership, in the best  
23           interests of the families, children, and  
24           individuals that we serve.

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[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 Q So, I would think, and, Ms. Noonan, maybe you'd  
2 like to comment, I would think that if there was  
3 custom software that was needed in the future,  
4 that that would be a collaboration between the  
5 CAA and the DOE. That cost would ultimately be  
6 paid for by the EAP Program, because that's what  
7 it's being spent for. But that would be kind of  
8 what we would see on "software" lines in the  
9 future is that kind of collaboration.

10 Ms. Noonan, do I have that right, or  
11 would you like to expand on that?

12 A (Noonan) Our hope is that there would not be any  
13 need for what you just described. That the  
14 software that's going to be developed, and it is  
15 in the early stages, so, a lot of this will be  
16 fleshed out over the next few months, our intent  
17 is to have that be a flexible, scalable,  
18 buildable software. So that, five years from  
19 now, it has the flexibility and capability to be  
20 modified and revised in such a way to meet  
21 whatever future needs might come down the road.  
22 New reporting requirements from the federal  
23 government, new reporting requirements from the  
24 Commission, whatever it might be, that it has

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1           that flexibility.

2                       So, our hope is that, by building  
3           software that does that, that would relieve the  
4           need for any special software for the Community  
5           Action Agencies, robust reporting would certainly  
6           be a very big component of this new software.

7                       And, as Ms. Agri alluded to, the  
8           Department and the Agencies are partners in this  
9           venture, in that we can't build something that  
10          they can't use. They're the ones using it in the  
11          field; we're the ones using it on the other side  
12          for reporting and monitoring. So, we all have to  
13          get what we need from this software.

14    Q       Okay. And this last question is then, and I  
15              think, based on what you're describing, I would  
16              not expect to see any software costs in the  
17              future from the CAAs, once the Department's  
18              software is in place, because, as you said,  
19              there's no need for special reports and so forth.

20                      Is that a fair assumption going into  
21              the project?

22    A       (Noonan) That's certainly our hope, yes, and our  
23              goal.

24                      CHAIRMAN GOLDNER: Okay. Thank you.

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1           Very good.

2                   Commissioner Chattopadhyay.

3 BY CMSR. CHATTOPADHYAY:

4 Q       So, I'm going to go to a conceptual issue here.

5       When the CAAs direct EAP, as well as FAP, funds,

6       is there a way for the CAAs to know that what is

7       being offered to the low-income customer, it

8       doesn't exceed what their actual bills are

9       overall? Is there, like, a way that you do that?

10 A       (Agri) I'm not aware.

11 Q       Okay.

12 A       (Noonan) If I could just offer a clarification,

13       for the Electric Assistance Program that we're

14       talking about today, the Community Action Agency

15       takes the application, certifies the customer as

16       being eligible, and determines which discount

17       percentage is applicable to them, based on their

18       income and their household size, and then they

19       send a EDI transaction to the utility that says

20       "Amanda Noonan is enrolled at Tier 3."

21               The utility then applies that discount

22       each month on the bill. And the Community Action

23       Agencies receive billing information monthly

24       after the fact. So, there's no visibility --

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1 Q Okay.

2 A (Noonan) -- into that piece that you're inquiring  
3 about.

4 Q That is helpful. So, you know, as I said, it's a  
5 conceptual question. So, I'm just trying -- we  
6 know that what happens with -- when the, you  
7 know, the customers who are with energy supply,  
8 there's the possibility that they may be getting  
9 more back than what their bills are.

10 So, I'm not exactly sure, like, how  
11 that can be addressed, because that's not part of  
12 the discussions here. But that really prompted  
13 this thought as to "is there a way to check?"  
14 Like, so, what you're indicating is, the CAAs  
15 don't have the visibility?

16 A *[Witness Noonan indicating in the affirmative]*.

17 Q Okay.

18 CHAIRMAN GOLDNER: If I could just  
19 follow up, Commissioner Chattopadhyay?

20 CMSR. CHATTOPADHYAY: Absolutely.  
21 Makes it more efficient.

22 BY CHAIRMAN GOLDNER:

23 Q Ms. Noonan, you're an expert in this. And, so,  
24 I'd like to get your thoughts on it. I think the

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1 Fuel Assistance Program today, at least according  
2 to the webpage, is all fuel sources are  
3 applicable. So, whether it's electric or gas or  
4 propane, or what have you.

5 So, to Commissioner Chattopadhyay's  
6 point, there's a Fuel Assistance Program where  
7 the Department is providing assistance for folks  
8 on any fuel source. And I think what  
9 Commissioner Chattopadhyay is asking about, and  
10 what I would follow up on is, if there's no  
11 coordination between those programs, there seems  
12 to be a very real possibility that folks are  
13 receiving more than their bill. Because the EAP  
14 Program, I think, today, pays 87 percent at the  
15 final tier. And, if the Fuel Assistance Program  
16 is paying anything at all, then folks would be  
17 receiving more than their bill?

18 A (Noonan) So, the Agencies can certainly chime in  
19 and correct me if I get this wrong. However, the  
20 Agencies today pay fuel assistance benefits based  
21 on the bills they receive from the vendor. So,  
22 if they received a bill with a balance due of  
23 \$20, that's what they would pay. So, by having  
24 an 86 percent discount on my bill and only owed

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1       \$20, that's all that would be remitted.

2   Q     That would be the remainder?

3   A     (Noonan) Uh-huh.

4   Q     Okay. That's extremely helpful. So, really, the  
5       EAP Program goes first, and that that discount is  
6       applied, and then Fuel Assistance would pay any  
7       balance left on the account, potentially?

8   A     (Noonan) Yes. That is correct. It's a very  
9       small number of customers, I would add, that have  
10      electric heat as their primary heat source.

11   Q     So, I do -- this does generate a question from me  
12      for the OCA and for the Department. So, what's  
13      really happening here, the Fuel Assistance  
14      Program is federally funded, Ms. Noonan, is that  
15      right?

16   A     (Noonan) That's right.

17   Q     So, what's really happening is the state is  
18      paying first. So, we're paying the 87 percent.  
19      Then, the federal government is paying the last  
20      13 percent, potentially, on this hypothetical --  
21      on this hypothetical person. Shouldn't it be the  
22      other way around? Shouldn't we -- shouldn't we  
23      take advantage of the federal benefits first, and  
24      then have EAP pay the balance?

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1     A     (Noonan) Well, that's an interesting question.  
2           I'm not sure how that would be accommodated with  
3           any utility billing system, for example, or  
4           within the structure of the federally funded Fuel  
5           Assistance Program.

6                     As I said, the number of households  
7           that have a primary heat source of electric is  
8           very small. And it could, in fact, be that the  
9           cost of making those changes would be far beyond  
10          any benefit that might be seen from doing so.

11                    That's -- and I don't even know if  
12          those changes are possible. I would have to  
13          defer to the utilities.

14                    CHAIRMAN GOLDNER: And I'm just  
15          thinking about an electrified future, if, as we  
16          go through time, more and more people are  
17          receiving electricity as the heat source for  
18          their house. And where we, as a state, are  
19          maybe, if I may be so bold, doing it backwards,  
20          right? We're not taking advantage of the federal  
21          benefits first, and, you know, where the state is  
22          paying maybe more than it needs to.

23                    I guess my question, and I'll direct  
24          this at you, Mr. Crouse, what would you suggest?

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1 I mean, I think, would you agree that it would be  
2 a good idea to take advantage of federal benefits  
3 first, and then state benefits second? Number  
4 one. And, if so, would you have any ideas on how  
5 to take advantage of the federal benefits, before  
6 the state benefits are applied?

7 MR. CROUSE: With respect to  
8 question one, I think, if there are federal funds  
9 available, it would make sense to take advantage  
10 of them. I'm certain that would be a great  
11 benefit.

12 With respect to question two, I'm not  
13 aware of what federal funds we could take  
14 advantage of. We have a new Director of  
15 Economics at the OCA that I'd be happy to ask him  
16 that question. I just don't know the answer.

17 CHAIRMAN GOLDNER: Yes, I would take  
18 you up on that. I think, if the Consumer  
19 Advocate has any thoughts on taking advantage of  
20 federal benefits first, before state benefits  
21 second, I think that would be welcome input for  
22 the Commission, and in a simpler letter in the  
23 docket would be most welcome.

24 MR. CROUSE: Is there an estimate that



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1           you would like that filed by?

2                   CHAIRMAN GOLDNER: I think it's not  
3 needed for the October 1st deadline here. In  
4 fact, if you could file it in the next couple of  
5 weeks, that would be extremely helpful for us.

6                   MR. CROUSE: Certainly. I will pass  
7 that along.

8                   CHAIRMAN GOLDNER: Thank you. And,  
9 Ms. Noonan, if the Department also has thoughts  
10 on this, I think we would appreciate something in  
11 the docket. And I'm also going to direct my  
12 question at the utilities, and perhaps Unitil,  
13 who chose to sit in the first row, so they must  
14 have known that they would be first choice. Do  
15 you have any thoughts on this topic, from the  
16 utility perspective, please share any thoughts on  
17 the topic?

18                   MR. CAMPBELL: I think, conceptually,  
19 what you're saying makes sense to me sitting here  
20 today. I think we'd have to take it back to our  
21 billing folks, and run it by them to see if there  
22 would be incremental costs in order to  
23 accommodate the "federal first/state second"  
24 approach.

{DE 23-073} {09-21-23}

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1                   CHAIRMAN GOLDNER: And could you please  
2 also take a look at that? And, again, just a  
3 letter in the filing would be great. Doesn't  
4 have to be official testimony or anything. But I  
5 would appreciate Unitil's thoughts on this,  
6 because I know you have a very forward-leaning IT  
7 Department and kind of leading-edge.

8                   And, if any of the other utilities  
9 would like to file as well, you know, you won't  
10 be penalized for sitting in the back row. So,  
11 please, please file something as well.

12                  But I'll ask specifically for Unitil,  
13 because of the forward-leaning IT position that  
14 they have.

15                  Please, Commissioner Chattopadhyay.  
16 Sorry again.

17                  CMSR. CHATTOPADHYAY: So, next time,  
18 when you think about sitting in the forward row,  
19 you know, be aware.

20                  MR. CAMPBELL: I think it was more of a  
21 situation where people were looking for  
22 volunteers, and everyone stepped back, and I  
23 didn't step back. So, --

24                  CMSR. CHATTOPADHYAY: Yes.

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 BY CMSR. CHATTOPADHYAY:

2 Q So, this may be for CAA, or maybe for DOE, I'm  
3 not sure. When was the CAA Procedures Manual  
4 updated last?

5 A (Noonan) I would have to check on that. I  
6 couldn't tell you off the top of my head. If I  
7 had to guess, I'd say within the past four to  
8 five years. But we can provide an exact date.

9 Q And can you also provide a copy of that, if  
10 possible, you know, --

11 A (Noonan) They should all be filed in past  
12 Commission dockets. But we can certainly provide  
13 a copy.

14 Q Okay. Thank you. Is there a plan, if the CAAs  
15 want to sort of talk about it, that needs to be  
16 updated, somebody is thinking about it?

17 A (Agri) Yes, we are. The Lead Agency will be  
18 doing that.

19 Q Okay. Do you have any thoughts on when you might  
20 be doing that? I know, this is awkward, but --

21 A (Agri) It is a little awkward. No, we hadn't.  
22 Our Program Administrator is out on medical  
23 leave, and probably not until she comes back.

24 Q Okay.

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1 A (Noonan) I would note, too, for clarification,  
2 that the updating of the EAP Procedures Manuals  
3 is something that the Advisory Board undertakes,  
4 the Electric Assistance Program Advisory Board.  
5 And the Community Action Agency Procedures Manual  
6 is, in large part, based on the Fuel Assistance  
7 Procedures Manual, which the Department updates  
8 every year, because it governs how to count  
9 income, how to count household members, and so  
10 forth, so that the intake and certification  
11 procedures go in lockstep to add administrative  
12 efficiency to the application process.

13 Q Thank you. And what is the status of the EAP  
14 Triennial process evaluations? I think it was  
15 due in -- the last one came in 2019. And I'm  
16 just -- I'm curious where things are?

17 MS. SCHWARZER: Commissioner  
18 Chattopadhyay, respectfully, the Department would  
19 suggest that these topics are pertinent to Docket  
20 Number 22-043, which is certainly anticipated to  
21 be addressed in the future. But it seems outside  
22 the scope of the EAP Program 2023-24 Program Year  
23 budgets being considered for approval this  
24 morning.

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1 CMSR. CHATTOPADHYAY: While I  
2 understand your point, I actually disagree. I'm  
3 not raising anything that has to do with  
4 necessarily the other docket. I'm just curious  
5 about, you know, there's an EAP Triennial process  
6 evaluation. You know, I just want to know, the  
7 last time it was done in 2019, I want to know  
8 what's going on. That's all.

9 MS. SCHWARZER: Do we have answers that  
10 we can provide at this time?

11 WITNESS NOONAN: Thank you. As  
12 Attorney Schwarzer indicated, that is one of the  
13 scoping areas in 22-043, which the Commission  
14 will see shortly.

15 I would just note that Office of  
16 Strategic Initiatives, with whom the Public  
17 Utilities Commission had a memorandum of  
18 understanding to conduct a Triennial process  
19 evaluation, no longer exists, that MOU no longer  
20 exists, and there is no staff that remains to  
21 undertake that evaluation. So, you are correct,  
22 the last one was 2019.

23 CMSR. CHATTOPADHYAY: And that is very  
24 helpful. So, I understand what the situation is.

{DE 23-073} {09-21-23}

[Washington|Yusef|Nawazelski|Hanks|Agri|Noonan]

1 I think that's all I have for now.

2 CHAIRMAN GOLDNER: Okay. Thank you. I  
3 have a few questions.

4 I would like to direct my first  
5 question at Mr. Clouthier. Relative to just, I  
6 think, as the largest agency, I think you can  
7 answer many of my sort of more detailed  
8 questions. And, again, I appreciate attendance  
9 here today.

10 When I look at Exhibit 8, Bates  
11 Page 013, you have, and all the Agencies have, a  
12 total number of FTEs, percentage allocated to  
13 EAP, and then a total amount.

14 How does your agency determine the  
15 FTEs? Are people clocking in and clocking out to  
16 the EAP Program? Are they estimating their time?  
17 Does it become a management estimate? How does  
18 the Company determine the full-time equivalents  
19 assigned to EAP?

20 MR. CLOUTHIER: That is based off of  
21 the allocation of time in previous years' history  
22 of that allocation. So, we base it off of our  
23 staff time allocation.

24 CHAIRMAN GOLDNER: Okay. Is there --

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1       how often is that reviewed or discussed? It  
2       sounds like this is something that you've used  
3       for a while. Has it been revisited in  
4       previous -- in maybe the previous six months?

5               MR. CLOUTHIER: Yes. And it's  
6       something that is reviewed internally within our  
7       agency on a monthly basis with our Fiscal  
8       Department as well.

9               CHAIRMAN GOLDNER: Okay. Okay. So,  
10       these are sort of accounting allocations, where  
11       the individuals, I think as we talked about  
12       before, so, if we take your "Intake" line, the  
13       "6.6" FTEs, so, you might have many people, you  
14       know, 15, 20 people performing this function.  
15       They're allocating a certain percentage of their  
16       time to intake. And then -- and that forms the  
17       basis of not only your direct costs, but your  
18       indirect costs. Do I have that right?

19              MR. CLOUTHIER: That informs it, yes,  
20       for our -- it does for our direct costs. Our  
21       indirect costs are a calculation off of that, off  
22       of that total. So, yes, you're correct, for the  
23       direct costs of the line staff, yes.

24              CHAIRMAN GOLDNER: And I'm sorry, I'm

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1       probably mixing terms. What I really meant,  
2       instead of "indirect costs", I meant "fringe  
3       benefits". So, I think you were describing  
4       before, --

5               MR. CLOUTHIER: Yes.

6               CHAIRMAN GOLDNER: -- if there's 20  
7       individuals to do intake, and you do the  
8       allocation to determine the 6.6 FTEs, those 20  
9       individuals, for their percentage of time and  
10      their personal benefit package would show up on  
11      the fringe benefits below, is that -- do I have  
12      that right?

13              MR. CLOUTHIER: Yes. That sounds  
14      correct.

15              CHAIRMAN GOLDNER: Okay. That's very  
16      helpful. That is extremely helpful. Thank you.

17              And, then, my second question is,  
18      there's a percentage that's allocated to EAP, so,  
19      in your case, between 20 and 50 percent. Who  
20      are -- who is the EAP sharing costs with? Is it  
21      just FAP? Is it many, many, many different  
22      programs, programs across your entire agency?  
23      Who are these costs shared with?

24              MR. CLOUTHIER: Yes. It could be



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1       programs throughout the entire agency. So, we  
2       have over 60 programs. But, primarily, FAP, EAP,  
3       WAP, those kinds of programs. So, the Fuel,  
4       Weatherization, Electric Assistance, those. But,  
5       yes, could involve over 60 programs that we  
6       offer. So, --

7               CHAIRMAN GOLDNER: Okay. And, then, if  
8       it's not proprietary, how many people are  
9       actually in intake in your agency? How many  
10      people total do intake?

11             MR. CLOUTHIER: I don't have that off  
12      the top of my head. I could find out quickly,  
13      though.

14             CHAIRMAN GOLDNER: Yes. And maybe  
15      while we're talking, would it be in the ballpark  
16      of 20, or would it be in the ballpark of 50 or  
17      60? Do you have any, like, individual thoughts?  
18      Or, would you just like some time to find it?

19             MR. CLOUTHIER: I would say ballpark  
20      of -- for this, for the Electric Assistance  
21      Program, I would say ballpark of about 20 to 25.

22             CHAIRMAN GOLDNER: Right. But, in your  
23      agency, you would have many, many more intake  
24      folks than that, because not everyone touches

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1 EAP?

2 MR. CLOUTHIER: Yes.

3 CHAIRMAN GOLDNER: Okay.

4 MR. CLOUTHIER: Correct. Yes.

5 CHAIRMAN GOLDNER: That's what I was  
6 looking for. I don't need an exact number.

7 Thank you. That's what I needed. Okay,  
8 helpful.

9 And, then, I will go to the line called  
10 "Indirect Costs". So, I'll be more specific this  
11 time. And, so, it's "H", "Indirect Costs", and  
12 it's at the bottom of Bates Page 013, and also on  
13 the bottom of Bates Page 014.

14 Can you just explain for the  
15 Commission, you know, what this is and how it's  
16 calculated?

17 You have some notes there, but I  
18 couldn't really grasp what the indirect costs  
19 were.

20 MR. CLOUTHIER: So, the "indirect  
21 costs" are those costs that have been reserved  
22 for common or joint objectives that wouldn't be  
23 readily identified by that program. So, it's a  
24 federally approved rate that we have to go out

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1       for annually, and that percentage is then applied  
2       to all of our programs. So, it would encompass  
3       things like the -- you know, the Fiscal staff at  
4       the high level, so, the CFO and the Fiscal staff  
5       helping to process some of the checks. But it's  
6       a federally approved rate that we have to abide  
7       by for all grants for the year.

8               CHAIRMAN GOLDNER: Okay. I see a note  
9       at the bottom that says "SNHS is 9.1 percent as  
10      authorized by the U.S. Department of Health and  
11      Human Services", which isn't quite the 9.3  
12      percent, but I think that's maybe just a timing  
13      difference. But is that who the authorization  
14      comes from, where this amount comes directly from  
15      the U.S. Department of Health and Human Services?

16              MR. CLOUTHIER: Yes. It's approved by  
17      them. Yup.

18              CHAIRMAN GOLDNER: Okay. And, so, can  
19      you maybe just take a minute and just walk us  
20      through the process by which that approval is  
21      sought and received, because I do note that each  
22      of the agencies have a different percentage? So,  
23      I'm just trying to understand the process of how  
24      you get that number from the Department of Health

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1 and Human Services?

2 MR. CLOUTHIER: So, each year a new  
3 indirect cost rate would be proposed and prepared  
4 and submitted to the feds by us for negotiation  
5 and approval. That rate is determined based off  
6 of the prior year's audited financial statements,  
7 that they would then come back and approve us at  
8 a given rate of whatever that might come out to.  
9 So, --

10 CHAIRMAN GOLDNER: Okay. Thank you.

11 Would any of the other agencies like to  
12 comment on the topic? I notice that some are  
13 much higher than others. Is it you have better  
14 negotiators at some agencies than others? Or,  
15 why are the percentages so different? Some were  
16 as high as, I think, 15, and some were as low  
17 as 9.

18 WITNESS AGRI: I can speak for  
19 Belknap-Merrimack. Ours is at 10 percent,  
20 because we --

21 *[Interruption through the Webex sound*  
22 *system of a train whistle signal.]*

23 CHAIRMAN GOLDNER: Oops.

24 WITNESS AGRI: -- we utilize the 10

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1       percent *de minimus* rate, because our agency  
2       historically has done cost allocations across all  
3       of the programs, and we're moving towards an  
4       indirect cost rate. And we haven't had an  
5       indirect cost rate. So, we were able to adopt a  
6       10 percent *de minimus* rate, as we move forward  
7       for an indirect cost rate, similar to the other  
8       four agencies.

9   BY CHAIRMAN GOLDNER:

10   Q     And where does this money go? So, when you mail  
11         a check for what your agency might be, 20 or  
12         \$30,000, where does the money go to?

13   A     (Agri) It goes towards what Ryan was talking  
14         about. The operational charges for running a  
15         business. The HR Department, Fiscal Department,  
16         those types of activities.

17   Q     So, it stays within the agency?

18   A     (Agri) Yes, it does.

19   Q     It's just money moving around within the agency  
20         to fund the other agency functions?

21   A     (Agri) Yes. Correct.

22   Q     Okay.

23   A     (Agri) Correct.

24   Q     Okay.

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1 A (Agri) Like Ryan said, the commonalities.

2 Q Okay. I just didn't know if it was -- we were  
3 cutting a check to the federal government  
4 somehow --

5 A (Agri) No.

6 Q -- or if it would stay within the agency.

7 A (Agri) No.

8 Q That's what I was asking.

9 A (Agri) We like to take money from them.

10 Q That is the correct answer. Thank you. All  
11 right. That's very helpful.

12 Let me go back briefly to some  
13 additional questions relative to Audit.  
14 Commissioner Chattopadhyay, I think, maybe asked  
15 some of these questions, and maybe I just didn't  
16 grasp the answer. But a question for Ms. Noonan.

17 Does the DOE Audit Division audit the  
18 EAP Program expenditures or any aspect of the  
19 CAAs?

20 A (Noonan) Yes. As part of the audit that the  
21 Department's Audit Division does, they look at --  
22 or, they review the State Treasurer's process for  
23 managing the EAP Reconciliation Reports. They  
24 audit myself and the functions that I perform in

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1 the Department relative to EAP. They review  
2 independent outside auditor reports from the  
3 Community Action Agencies. And they meet with  
4 the State EAP Administrator, who is with the Lead  
5 Agency, Belknap-Merrimack Community Action, and  
6 review the requirements for that position. As  
7 well as do a audit visit to each utility to  
8 review bills and compliance with the requirements  
9 of the Program.

10 Q And who does the audit transactionally? So, the  
11 CAAs are moving money with applicants, and those  
12 transactions, with the CAAs and the applicants,  
13 when money moves there, who does that audit?

14 A (Noonan) There's no money for EAP that moves at  
15 the Community Action Agency level, from the  
16 agency to the applicant.

17 Q It's just reflected on the bill?

18 A (Noonan) The utilities collect the System Benefit  
19 Charge, and each month they pay the discounts on  
20 enrolled household bills, they deduct that from  
21 what they've collected. They submit a monthly  
22 Reconciliation Report, to either get reimbursed,  
23 if they paid more in discounts than they  
24 collected, or to remit the excess that they

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1 collected, and that all goes into the EAP Fund  
2 held by the State Treasurer. So, there is no EAP  
3 money that goes through the Community Action  
4 Agencies for applicant benefits.

5 CHAIRMAN GOLDNER: Okay. Very good.  
6 That is helpful.

7 All right. Let's do this. At this  
8 point, I think the Commissioners can just take a  
9 brief break and make sure that we've asked all  
10 the questions. I expect to wrap up very quickly  
11 after the break.

12 So, let's return at 10:25, and wrap up  
13 then. Thank you. Off the record.

14 *(Recess taken at 10:14 a.m., and the*  
15 *hearing resumed at 10:26 a.m.)*

16 CHAIRMAN GOLDNER: Okay. I think we  
17 just have a couple more questions, and then that  
18 will be it from the Commissioners.

19 BY CHAIRMAN GOLDNER:

20 Q A question for Unitil, and not just because  
21 you're in the front row. How did Unitil recover  
22 the cost of the Colton Report? It wasn't in your  
23 rate case. It wasn't recovered here. How did  
24 you recover it?



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1 A (Nawazelski) I am unsure of that. I can take  
2 that as a record request and get back to you,  
3 though.

4 Q Thank you. I would appreciate that.

5 A (Noonan) Excuse me?

6 Q Yes.

7 A (Noonan) If I could just clarify? The Colton  
8 Report was done through a contract between  
9 Mr. Colton and Eversource. And the only recovery  
10 of the cost of that report came through the  
11 Eversource budget.

12 CHAIRMAN GOLDNER: So, I think,  
13 Attorney Wiesner, I think we tried to ask the  
14 question before, and Eversource I don't think  
15 knew the answer to that. Could we -- could we  
16 get clarification on Eversource's recovery then  
17 of that amount?

18 I remember it was \$40,000 in the  
19 Unitil -- I mean, in the Eversource billing, but  
20 was that the total cost of the report?

21 WITNESS NOONAN: That was the total  
22 cost of the contract, \$40,000. And Eversource  
23 recovered it in its budget filing last year, in  
24 last year's EAP budgets.

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1 CHAIRMAN GOLDNER: But they -- did  
2 they -- I mean, let me check my filing here.  
3 Hold on.

4 *[Short pause.]*

5 CHAIRMAN GOLDNER: Just a moment.  
6 Ms. Noonan, I think you're right about that. But  
7 let me just make sure I'm looking at the right  
8 numbers.

9 Yes. Sure, they did. Yes. Thank you,  
10 Ms. Noonan. Thank you.

11 WITNESS NOONAN: You're welcome.

12 CHAIRMAN GOLDNER: That is correct.  
13 Whew! Okay, one less record request. All right.  
14 Everybody is happy. Okay. Very good.

15 Commissioner Chattopadhyay, I believe  
16 you had a question relative to audits?

17 CMSR. CHATTOPADHYAY: Yes. Very  
18 quickly.

19 BY CMSR. CHATTOPADHYAY:

20 Q The CAAs have audits every two years, right?

21 A (Agri) We -- oh, sorry. Each agency has an audit  
22 every year. We're audited every year. Not just  
23 for EAP, but each agency goes through an audit  
24 annually.

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1 CMSR. CHATTOPADHYAY: Okay. Thank you.  
2 Just wanted to --

3 WITNESS AGRI: Uh-huh.

4 CHAIRMAN GOLDNER: Okay. We'll move to  
5 any redirect. Does anyone have any questions for  
6 their own witnesses?

7 *[Multiple parties indicating in the*  
8 *negative.]*

9 MS. SCHWARZER: Mr. Chairman, I just  
10 have a request of the Department. You asked that  
11 the Department, and I believe Unitil, comment on  
12 the possibility of accessing FAP benefits before  
13 EAP benefits, and you suggested a couple of  
14 weeks. The Department would ask for a month in  
15 order to file a letter to address that topic?

16 CHAIRMAN GOLDNER: Of course. Thank  
17 you.

18 MS. SCHWARZER: Thank you.

19 CHAIRMAN GOLDNER: We appreciate -- the  
20 Commission appreciates filing that information,  
21 that could be helpful for the state, in terms  
22 of -- in terms of budgets.

23 Okay. Very good. So, if there's no  
24 redirect, the witnesses are excused.

{DE 23-073} {09-21-23}

1                   So, I'll say at this point, anything  
2                   else from the Commissioners?

3                   *[Cmsr. Simpson indicating in the*  
4                   *negative.]*

5                   CMSR. CHATTOPADHYAY: No.

6                   CHAIRMAN GOLDNER: Okay. All right.  
7                   So, the Commission would like to thank the  
8                   witnesses, and especially the CAAs joining by  
9                   Webex. We realize that the notice was short, and  
10                  we appreciate you jumping in to answer the  
11                  questions today.

12                  Speaking on behalf of all the  
13                  Commissioners, this has been a very constructive  
14                  session. We understand the EAP Program much  
15                  better now. And we appreciate everyone's time  
16                  today, in terms of helping us with our  
17                  understanding.

18                  I will offer the parties a chance to  
19                  make a brief closing statement, if desired?

20                  MS. SCHWARZER: Mr. Chairman, I think  
21                  we would just ask that the budgets, as  
22                  submitted, be approved as expeditiously as  
23                  possible, in light of the October 1st new program  
24                  year date.

1 Thank you.

2 CHAIRMAN GOLDNER: Absolutely. And I  
3 think the utilities and the OCA would probably  
4 replicate that same request?

5 *[Multiple parties indicating in the*  
6 *affirmative.]*

7 CHAIRMAN GOLDNER: Yes. Okay. Nods in  
8 the room, Mr. Patnaude. All yeses.

9 Okay. Well, thank you very much.  
10 We'll take the matter under advisement, issue an  
11 order in advance of October 1st, as requested.  
12 The hearing is adjourned.

13 ***(Whereupon the hearing was adjourned***  
14 ***at 10:30 a.m.)***

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