

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DG 23-086

NORTHERN UTILITIES, INC

Petition for Approval of Revenue Decoupling Adjustment Factor

THE DEPARTMENT OF ENERGY’S ASSENTED-TO MOTION TO EXPAND TIME
ALLOTTED FOR INVESTIGATION OF NORTHERN’S REVENUE DECOUPLING
ADJUSTMENT FACTOR AND TO MAKE ANY APPROVAL OF RDAF RATES
DESIGNATED FOR RECOVERY CONTINGENT, SUBJECT TO FINAL HEARING IN
DOCKET NO. DG 23-086

NOW COMES the New Hampshire Department of Energy (DOE), pursuant to New Hampshire Administrative Rule Puc 203.09 (right to conduct discovery) and Puc 202.04 (extensions of time), and files this assented-to motion asking the Commission to grant DOE and other parties approximately two months of additional time to investigate the application of Northern Utilities Inc. (“Northern” or “the Company”)’s revenue decoupling adjustment factor (RDAF). The DOE also asks the Commission to make any approval of RDAF rates designated for recovery in Northern’s proposed 2023-2024 rates contingent upon a second, final hearing following the (preliminary) hearing currently scheduled for October 23, 2023. *See* Dkt No. DG 23-086 Testimony of Elena Demeris at 2-3, Dkt. No. DG 23-085 Attachment NUI-SED-3. Pursuant to the terms of the Settlement approved in DG 21-104, RDAF amounts designated for deferral will remain contingent, to be resolved in the Company’s next rate case. *See* Dkt. No. 21-104, Exhibit 13, (Settlement Agreement at 10.); Order No. 26,650 (July 20, 2022) Section III C at 6. Finally, DOE asks that the Commission allow the parties to submit a proposed procedural schedule for Docket No. DG 23-086 on or before October 31, 2023 setting forth a

discovery schedule and proposed second, final hearing date with regard to RDAF rates proposed for collection during the 2023-2024. In support, DOE states as follows:

I. DOE PROPOSES THAT ADDITIONAL TIME BE ALLOTTED TO DOE AND OCA TO INVESTIGATE NORTHERN'S REQUEST FOR RDAF RECOVERY AND THAT ANY COMMISSION APPROVAL OF AN RDAF PROPOSED FOR COLLECTION IN 2023 -2024 RATES BE CONTINGENT UPON A FUTURE FINAL HEARING IN DOCKET NO DG 23-086.

1. Given the October 23, 2023 RDAF hearing the Commission recently scheduled, the DOE and the Office of the Consumer Advocate (OCA) will have had no more than five weeks in which to investigate Northern's first request for RDAF recovery. *See Commencement of Adjudicative Proceeding and Notice of Hearing* (Oct. 4, 2023). In the opinion of the DOE this timeframe is insufficient given that this is Northern's first RDAF application, notwithstanding that parties may propose specific treatment of any carried [deferred] balances remaining in Northern's next rate case.

2. DOE filed initial data requests ten business days after Northern made its RDAF filing, and DOE will not receive data responses until October 12, 2023. This is less than ten business days before a proposed final hearing in this docket. Parties have a right to conduct discovery. *See Puc 203.09 (a)*. An enlarged discovery period in connection with this first RDAF filing will aid in DOE's ability to determine whether the rates Northern proposes are just, reasonable and in the public interest.

3. DOE request for additional time meets the Commission's administrative requirements. *See Puc 202.04*. Without additional time to investigate Northern's first proposed RDAF recovery, DOE will be prejudiced in its ability to offer an opinion on whether Northern proposes reasonable and prudent RDAF rates. This would cause undue hardship and inconvenience. *See Puc 202.04(c)(1)*.

4. Further, the extension will not unduly delay the proceeding or adversely impact the rights of any party. *See* Puc 202.04(c)(2). DOE is not asking the Commission to deny the RDAF charges Northern has proposed for collection on November 1, 2023 at this time. Rather DOE asks that Northern's total RDAF proposed for collection be approved *contingent upon* further investigation and a second hearing in Docket No. DG 23-086.

5. If, as Northern asserts, the RDAF recovery is appropriate and reasonable, additional time will permit DOE to recommend recovery, albeit a number of months after implementation. If calculations require amendment, if additional time is granted, Northern's RDAF figures will not have become final and will (appropriately) remain subject to review and adjustment. Finally, consistent with Puc 202.04 (b) requirements, DOE has made a good faith effort to gain the consent of the other parties, and those parties-- Northern and the OCA – assent to a two-month enlargement of time depending upon Northern's proposed contingent RDAF taking effect as filed on November 1, 2023

6. Northern does not assent to the requested enlargement of time if the contingent RDAF does not take effect on November 1, 2023 as filed...

II. RELIEF REQUESTED

WHEREFORE, for the reasons explained above, the New Hampshire Department of Energy respectfully requests that this Commission:

- A. GRANT DOE's assented-to request for additional time for parties to investigate Northern's first request for RDAF recovery in DG No. 23-086, deferring final review and approval for two months from the November 1, 2023 RDAF effective date;
- B. GRANT DOE's assented-to request that any Commission approval of Northern's RDAF rates proposed for recovery in 2023-2024 to be effective November 1, 2023,

and May 1, 2024, be consistent with the soft cap and contingent upon further investigation and a final order after a second hearing in Docket No. DG 23-086;

- C. HOLD a preliminary hearing on October 23, 2023 for review of contingent RDAF rates consistent with the relief requested above; and
- D. GRANT DOE's request that parties consult with each other and file a proposed procedural schedule(s) no later than October 31, 2023 outlining further discovery and a proposal for hearing no later than mid-December 2024; and
- E. GRANT such other and further relief as may be just and reasonable.

Respectfully submitted,

October 10, 2023

/s/ Mary E. Schwarzer
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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2023, consistent with current Commission policy, a copy of the foregoing motion is being sent to the Service List solely in electronic format.

/s/ Mary E. Schwarzer
Mary E. Schwarzer
Staff Attorney/Hearings Examiner