

**THE STATE OF NEW HAMPSHIRE**  
**before the**  
**PUBLIC UTILITIES COMMISSION**

Public Service Company Of New Hampshire d/b/a Eversource Energy

**Docket No. DE 24-070**

Request For Change In Distribution Rates

**MOTION TO LIMIT INTERVENTION BY COMMUNITY POWER COALITION OF  
NEW HAMPSHIRE**

Pursuant to RSA 541-A:32, N.H. Code of Admin. Rules Puc 203.07, and the Commission’s Order No. 27,029 (June 28, 2024), Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) hereby moves that the intervention of the Community Power Coalition of New Hampshire (“CPCNH”) be limited exclusively to interconnection issues directly related to the Company’s proposal for a change in distribution rates, to the extent that there are any, and demand response only to the extent that it relates to the demand response reporting metric included in the Company’s filing in this docket. CPCNH’s stated interests in issues related to performance-based ratemaking (“PBR”), distribution rate design, energy efficiency and conservation, and active demand response are either not relevant to this proceeding or outside its role as a joint power supply agency that procures alternative power supply on behalf of the municipal aggregations noted in the CPCNH petition.

In support of this motion, Eversource states as follows:

1. This proceeding pertains to a request by Eversource under RSA 378 to increase distribution rates and approval of a four-year PBR plan for those rates. In this proceeding the Commission will determine whether the proposed adjusted rates are just and reasonable; whether the proposed rate increase will yield a just and reasonable rate of return on the prudent cost of plant, equipment and capital improvements used and

useful in the provision of service to the public less accrued depreciation, as well as whether to approve the Company's proposed PBR plan which allows for adjustments to distribution rates (Order No. 27,029, at 5-6).

2. On July 12, 2024, CPCNH timely filed a petition to intervene seeking full intervenor status.
3. RSA 541-A:32(I)(b) states the Commission shall grant a petition to intervene if: “[t]he petition states facts demonstrating that the petitioner’s rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law” and “[t]he presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.”
4. The Company does not object to allowing CPCNH to participate in the proceeding so long as the scope of its participation is clearly and narrowly defined. The need to limit the scope of CPCNH’s intervention is critical to the orderly conduct of this proceeding.
5. CPCNH operates a joint powers agency that procures and supplies electricity to its member municipal aggregations (CPCNH Petition to Intervene at 1). Although its operations relate to electric supply, CPCNH asserts that it should be allowed to participate in this proceeding because its member aggregations receive distribution service from Eversource and those communities have a substantial interest in the proceeding as it relates to the distribution system and costs (CPCNH Petition to Intervene at 2). Although CPCNH entered into agreements with its member aggregations that allow it to intervene on behalf of the aggregations in “germane regulatory proceedings,” it has not demonstrated that this is such a germane proceeding.

CPCNH has not demonstrated how the Company's request for an increase in distribution rates and approval of a PBR plan that adjusts distribution rates impacts the rights and duties of CPCNH, or its members, to provide electric supply services to its end use municipal aggregation customers. The one possible exception is CPCNH's citation to interconnection, but even that should have reasonable limits to it, as the Company's discussion of interconnection is also limited. Given the reliance in the CPCNH petition on issues outside the scope of the docket, there is a legitimate concern that CPCNH may seek to raise issues that are not relevant to this proceeding, jeopardizing the prompt and orderly conduct of the docket, which already has a very tight procedural schedule to comply with the legal limitation on the duration of rate cases.

6. The Company's concern about the potential for an improper expansion of the issues in this proceeding in part resides with CPCNH's summary of the issues they intend to investigate. CPCNH asserts that it has "a strong interest in" certain subject areas which may be directly or indirectly impacted by this proceeding. (CPCNH Petition to Intervene at 2). A "strong interest" in certain subjects, however, is not a legal basis for intervention. Additionally, many of the issues identified by CPCNH are either (i) not within the scope of this proceeding, or (ii) have no impact on the services CPCNH provides aggregations. Specifically, CPCNH indicates that it would like to participate in issues related to interconnection, PBR, rate design, energy efficiency and conservation, and advanced demand response. (CPCNH Petition to Intervene at 2). Other than the inclusion of a demand response reporting metric under the PBR plan mentioned above, energy efficiency, conservation, and demand response are not within

the scope of this proceeding. Programs related to these issues are considered in separate dedicated proceedings. As for the Company's proposed PBR and rate design, those solely impact distribution rates and have no impact on the ability of CPCNH to provide energy supply services to its member aggregations. Therefore, the Company's proposal related to investments to improve the interconnection process is the only substantive issue that CPCNH can arguably have an interest in participating.

7. The Commission has the authority to limit an "intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition." RSA 541-A:32(III)(a). Such limitation must be imposed here to ensure the prompt resolution of this proceeding is not thwarted. Rate case proceedings must be completed within the statutory timeframe established in RSA 378:6, and investigation of issues outside the scope of the proceeding or outside a party's grounds for participation in that proceeding is improper and contrary to law. Additionally, CPCNH raising issues outside the scope of proceedings is likely to have a material impact on the timely and orderly resolution of docketed matters before the Commission.<sup>1</sup> Therefore, the Company respectfully requests that CPCNH's participation in this proceeding be limited to relevant issues identified in its petition for which CPCNH also has standing, i.e., interconnection and the reporting metrics for interconnection and demand response. Inquiries regarding distribution rates and the proposed PBR plan should be prohibited as CPCNH has no standing to intervene on these issues, and energy efficiency, conservation and "advanced demand response" should be likewise excluded from CPCNH's scope of intervention as those topics are outside the scope of this docket

---

<sup>1</sup> See, e.g., Docket No. DE 23-063. The docket was initiated by a petition for relief from the joint utilities, but more than a year after the start of the docket the scope of the docket is still being contested.

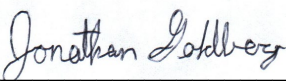
and are the subjects of separate dedicated proceedings. Limiting CPCNH's intervention will prevent unreasonable and avoidable disputes regarding irrelevant discovery, testimony and questions during hearings, and the objections and motion practice attendant with those disputes. Accordingly, the Company respectfully requests that the Commission limit CPCNH's participation to relevant issues on which it has standing in this proceeding, as discussed above, to ensure that the orderly and prompt conduct of the proceeding is not impeded.

WHEREFORE, Eversource respectfully requests that the Commission:

- A. Limit CPCNH's intervention as described above; and
- B. Grant any further relief as may be just and equitable.

Respectfully submitted,  
**PUBLIC SERVICE COMPANY OF NEW  
HAMPSHIRE d/b/a EVERSOURCE ENERGY**

By:   
\_\_\_\_\_  
Jessica A. Chiavara, Senior Counsel  
Public Service Company of New Hampshire d/b/a  
Eversource Energy  
780 N. Commercial Street  
Manchester, NH 03101  
603-634-2972  
[Jessica.chiavara@eversource.com](mailto:Jessica.chiavara@eversource.com)

By:   
\_\_\_\_\_  
Jonathan A. Goldberg, Esq.  
Keegan Werlin LLP  
99 High Street, Ste. 2900  
Boston, Massachusetts 02110-3113  
617-951-1400  
[jgoldberg@keeganwerlin.com](mailto:jgoldberg@keeganwerlin.com)

Date: July 18, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.



---

Jessica A. Chiavara, Senior Counsel  
Public Service Company of New Hampshire  
d/b/a Eversource Energy

Date: July 18, 2024