

BEFORE THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No.: DE 24-070

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY

Request for Change in Distribution Rates

**MOTION OF COMMUNITY POWER COALITION OF NEW HAMPSHIRE  
TO COMPEL EVERSOURCE TO RESPOND TO DATA REQUESTS**

The Community Power Coalition of New Hampshire (CPCNH), by counsel, BCM Environmental and Land Law, PLLC, hereby respectfully moves the Public Utilities Commission (“Commission”), pursuant to Puc 203.09(i), to compel Eversource Energy (“Eversource”) to respond to CPCNH’s data requests in CPCNH TS Set 1, issued after the December 11, 2024 technical session in the above-referenced proceeding. In support, CPCNH states as follows:

**I. Procedural Background**

**a. CPCNH Data Request Set 1**

1. CPCNH sent data requests CPCNH 1-1 through CPCNH 1-10 to Eversource on November 15, 2024 (“DR Set 1”), attached as **Exhibit A**.

2. In CPCNH 1-7(g), CPCNH requested: “Please provide the contract executed between the Company and vendor governing the deployment and use of the software, and any updates thereof.”

3. Eversource objected to CPCNH 1-7(g) on grounds that CPCNH had not executed a non-disclosure agreement to receive confidential information from Eversource and that the request was not “germane” to the proposal in this docket.

4. In CPCNH 1-7(h), CPCNH requested: “Please provide all technical manuals and other documentation regarding the load profiling and settlement software in the Company’s possession.”

5. In CPCNH 1-7(i), CPCNH requested: “Please summarize the load profiling and settlement software calculations including the sources and latency of all data required as inputs to the calculations.”

6. In CPCNH 1-7(j), CPCNH requested: “Please confirm that the software is not currently tracking hourly generation exported to the distribution grid by DERs counted as load reducers, whether distribution interconnected under 5 MW or behind-the-meter, and fully crediting Load Serving Entities for such exports adjusted by line losses by decreasing their hourly load settlements. Has the company estimated the cost that would be required to do so in compliance with RSA 362-A:9, II? If so, please provide the cost estimate and all supporting documentation. If not, why not?”

7. In CPCNH 1-7(k), CPCNH requested: “Please confirm that the Company has instead configured its billing system to convert all instances of net generation exports recorded by customer meters into a zero value prior to exporting the data to the load settlement software and describe how all such exports must therefore be allocated to Load Serving Entities in proportion to their profiled load in each hour by the load profiling and settlement software.”

8. In CPCNH 1-7(l), CPCNH requested: “Is the same software used to estimate and report peak hourly demand to ISO-NE for purposes of allocating generation capacity to customers and transmission costs to PSNH? If not, please provide comparable descriptions of the systems, data sources and latency, calculations, and processes relied upon by the Company for

these purposes, and how exports to the distribution grid from DERs counted as load reducers are accounted for.”

9. Eversource also objected to CPCNH 1-7(h) through (l), claiming the requests were not relevant to the proposal in this docket.

10. In CPCNH 1-9(b), CPCNH requested information regarding Eversource’s use of the Piclo market platform in Connecticut.

11. In CPCNH 1-9(d), CPCNH requested: “Please additionally clarify whether the Company has, in Connecticut, incorporated requirements into interconnection agreements to deploy onsite equipment enabling real-time monitoring communications and utility control of DERs, installed DER Gateway devices on customer premises to do so, and established an operating agreement for customers permitting utility control over the DERs for use as a grid asset in exchange for compensation – as the Company also represented were necessary steps prior to sourcing from DERs – or whether these requirements have alternatively been met, provided in other ways, or otherwise been obviated by Piclo’s services.”

12. In CPCNH 1-9(e), CPCNH requested further information about the Company’s hypothetical use of the Piclo market platform in New Hampshire.

13. Eversource objected to CPCNH 1-9(b), (d), and (e), regarding the use of the Piclo Flex market platform to enable cost-effective grid services from DERs, as not germane to the proposal in this docket.

**b. CPCNH Technical Session Follow-Up Questions Set 1**

14. The parties held a technical session on December 11, 2024 during which CPCNH inquired as to the content of the above-described and objected-to requests.

15. At the technical session, Eversource counsel requested that CPCNH follow-up in writing to clarify the relevance of the requests.

16. On December 17, 2024, CPCNH submitted technical session follow-up questions CPCNH TS 1-1 through 1-11 (“TS Set 1”) to Eversource, attached as **Exhibit B**.

17. On Monday, January 6, 2025, Eversource sent its responses to TS Set 1 to CPCNH.

18. In question CPCNH TS 1-5, CPCNH requested information about equipment and method used for load profiles for settlements.

19. Eversource objected to CPCNH TS 1-5, claiming it was not relevant to the proposal in this docket.

20. In question CPCNH TS 1-8(b) and (c), CPCNH reiterated its requests from DR Set 1, CPCNH 1-7(g) through (l), and provided detailed justification for its data request.

21. Eversource renewed its relevancy objection to the requests in CPCNH 1-7(g) through (l).

22. In question CPCNH TS 1-8(f), CPCNH requested Unaccounted for Energy (“UFE”) values as applied to produce load resettlements submitted to ISO-NE.

23. Eversource objected to the request in CPCNH TS 1-8(f), claiming it was irrelevant to the proceeding.

24. In question CPCNH TS 1-8(g), CPCNH requested Eversource’s estimation and calculations of DER generation as avoided sales.

25. Eversource objected to the request in CPCNH TS 1-8(g), claiming the information requested was outside the scope of this proceeding and irrelevant to the issues in this proceeding.

26. In question CPCNH TS 1-10, CPCNH resubmitted its requests from DR Set 1, CPCNH 1-9(b), (d), and (e), and provided detailed justification for its data request.

27. Eversource renewed its objection to the questions in CPCNH 1-9(b), (d), and (e), claiming they were not relevant to the proposal in this docket.

## **II. Legal Standard**

28. In determining whether to grant a motion to compel discovery responses, the Commission considers “whether the information being sought is relevant to the proceeding or reasonably calculated to lead to the discovery of admissible evidence.” DE 11-250; Order No. 25,592.

29. The Commission has long recognized that:

In the context of civil litigation, New Hampshire law favors liberal discovery, *see, e.g., Yancey v. Yancey*, 119 NH 197, 198 (1979), [\*20] and that discovery is regarded as “an important procedure ‘for probing in advance of trial the adversary’s claims and his possession or knowledge of information pertaining to the controversy between the parties.’” *Johnston v. Lynch*, 133 NH 79, 94 (1990) (citing *Hartford Accident etc., Co. v. Cutter*, 108 NH 112, 113 (1967)). Consistent with Superior Court Rule 35(b) regarding the scope of discovery, we require parties to show that the information being sought in discovery is relevant to the proceeding or is reasonably calculated to lead to the discovery of admissible evidence.

*Consolidated Commc’ns Holdings, Inc.*, Order No. 25,997 (March 7, 2017) at 12 (quoting *City of Nashua*, Order No. 24,681 (October 23, 2006) at 2).

30. The Commission “enjoy[s] broad discretion in the management of discovery.” *Public Service Co. of N.H.*, Order No. 24,342 (June 29, 2004) at 23 (quotations omitted).

31. The Commission weighs “the effort needed to gather [the requested information], the availability of the information from other sources, and other relevant criteria.” *Public Service Co. of N.H.*, Order No. 25,595 (Nov. 15, 2013) at 3–4.

32. The Commission denies a request to compel the production of data if it “perceive[s] of no circumstance in which the requested data would be relevant.” *Valley Green Natural Gas, LLC*, Order No. 25,867 (Feb. 17, 2016) at 5.

### **III. Grounds to Compel Eversource’s Response**

33. The objected-to information that CPCNH has requested is directly relevant to this docket.

34. In this docket, Eversource requests cost recovery for distribution assets that determine whether and to what extent Community Power Aggregations and Competitive Electric Power Suppliers are fairly allocated Distributed Energy Resource (“DER”) costs and benefits associated with wholesale supply impacts and, thus, whether non-utility entities can compete to provide DER services including time-varying rates to customers.

35. Eversource requests this cost recovery for additional distribution asset investments to enable it to offer greater DER services to customers and to—ostensibly—better integrate DERs generally into its planning and operations, along with proposed business model reforms including performance incentives related to supporting DER integration.

36. Eversource bases the cost recovery request on load estimates, and it is the utility’s continuing obligation to ensure load estimation and settlement result in fair and accurate allocations to suppliers of the wholesale cost incurred on behalf of the specific customers served by those suppliers.

37. The utility’s obligation includes accurately tracking and allocating DER impacts on hourly energy and daily capacity settlements on a customer- and load asset-specific basis.

38. If the utility were to fail to do so, it would undermine load settlement generally, and increasingly to an extent that would erode the basis for retail market competition and would drive up supplier costs.

39. So, in plain terms, it is fair game to ask for information to help determine if Eversource is meeting this obligation, which is directly relevant to the issues in this docket, including whether their recent load settlement investment was prudently made.

40. Without all the information requested in the objected-to requests in DR Set 1 and TS Set 1, CPCNH is unable to fully review whether Eversource's rate case filing is just and reasonable and in the public interest pursuant to the standards of RSA 378:27 and RSA 378:28.

### **III. Conclusion**

41. The Presiding Officer should grant CPCNH's motion to compel Eversource to substantively respond to its data requests.

42. Pursuant to Puc 203.09(i)(4), CPCNH certifies that it has made a good faith effort to resolve these discovery issues informally with Eversource on multiple occasions including via telephone and email.

**WHEREFORE**, CPCNH respectfully requests that the Commission:

- A. Grant the motion to compel responses from Eversource;
- B. Extend the deadline for CPCNH to file testimony for:
  - a. If the motion is granted, then five (5) days after CPCNH receives responses from Eversource; or
  - b. If the motion is denied, then five (5) days after the denial; and
- C. Grant such further relief as shall be necessary and proper in the circumstances.

Respectfully submitted,

Dated: January 21, 2025

**Community Power Coalition of  
New Hampshire**

By Its Counsel,

BCM Environmental & Land Law, PLLC

/s/ Amy Manzelli, Esq. \_\_\_\_\_

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**CERTIFICATION OF SERVICE**

I certify that a complete copy of the foregoing is being sent on this day to all persons on the official service list for this proceeding.

Dated: January 21, 2025

/s/ Amy Manzelli, Esq. \_\_\_\_\_  
Amy Manzelli, Esq.