

STATE OF NEW HAMPSHIRE
before the
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

EVERSOURCE OBJECTION TO CPCNH MOTION TO COMPEL

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07(e), Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) hereby objects to the Community Power Coalition of New Hampshire’s (“CPCNH” or the “Coalition”) Motion to Compel Eversource to respond to certain data requests repeatedly propounded by CPCNH in writing and at party technical sessions (“Motion”). As discussed more fully below, the data requests in question are clearly outside of the scope of the noticed issues in this docket.¹ For CPCNH to argue that these data requests—all related either to how Eversource conducts its load settlement process or Eversource’s treatment of DERs in Eversource’s Connecticut service territory—are relevant to the establishment of distribution rates is willful ignorance at least, but more likely a deliberate attempt to inappropriately alter the scope of this docket to serve its own interests, disrupting the orderly and prompt conduct of this proceeding contrary to RSA 541-A:32(I)(b).

The Company respectfully requests that the Commission not only deny the Motion in its entirety, including the Coalition’s request for an extension for filing testimony, but also limit CPCNH’s intervention to the noticed issues in this docket. While the Commission previously found

¹ The subject matter of the data requests are not even related to the issues of interest listed in CPCNH’s petition to intervene in this docket.

that Eversource’s July 18, 2024 Motion to Limit CPCNH’s intervention was premature, CPCNH’s data requests and Motion demonstrate that this is no longer the case. Significant time and resources have already been expended addressing data requests that are propounded for purposes that are not within the scope of the proceeding and not noticed.² The Company has put forth a painstakingly developed proposal for Performance Based Ratemaking (“PBR”) in addition to its request for distribution rate relief, a decision on which the Company is statutorily entitled to within 12 months of suspension of the proposed rates taking effect consistent with RSA 378:6, I(a). Intervenor testimony is due on January 24, 2025, and rebuttal testimony is due about three weeks later, on February 18, 2025. Settlement negotiations are scheduled to begin in this docket on February 3, 2025, and any settlement must be filed with the Commission by February 18, 2025. At this late date, CPCNH’s intervention should be strictly limited only to those issues properly noticed.

Given the number and complexity of the noticed issues in this docket, it is not reasonable for the Company to expend resources to respond to CPCNH’s exploration of matters outside the noticed issues in this docket and not possible to do so without thwarting the Company’s statutory right to relief. In fact, regardless the circumstances, no party should abuse administrative process and increase the costs of a rate case to cater to an unrelated issue of that party’s interest. All parties to the docket have made great efforts to work collaboratively through a challenging procedural schedule. To allow CPCNH to engage in an exploration of irrelevant subject matter—subject matter

² As provided in Order No. 27,029 issued on June 28, 2024 which commenced these proceedings, the noticed issues are: whether the proposed adjusted rates are just and reasonable, as required by RSA 374:2, and RSA 378:5 and 378:7; whether the proposed temporary and permanent rate increases will yield a just and reasonable rate of return on the prudent cost of plant, equipment and capital improvements used and useful in Eversource's provision of service to the public less accrued depreciation, as required by RSA 378:27 and RSA 378:28; whether the proposed performance based ratemaking/PBR, DSP, and other innovations are alternative forms of regulation and, if so, whether they meet the standards for approval in N.H. Code Admin. Rules Puc PART 206 and RSA 374:3-a; whether the ratemaking methodologies proposed by Eversource for its PBR plan and other rate proposals are accurate, internally consistent, and consistent with all relevant law, regulations, and Commission Orders; whether the burden of proof under RSA 378:8 is met for each rate and ratemaking methodology change proposed; and whether the DSP comports with the standards of RSA Chapter 374-G, 374-F, and other applicable law. Order No. 27,029 at 5-6.

which, it should be noted, it has also shoehorned in to two other active dockets in which it was likewise not noticed—by compelling the Company to respond to the data requests in question would be contrary to the laws previously cited, and disrespectful to the good faith efforts that have been made by parties, including and especially the petitioner, to work within the parameters of this proceeding. In further support of this objection, Eversource states the following:

1. CPCNH provided a lengthy recitation of the procedural history in the Motion, which the Company will not further belabor in this objection. Suffice it to say that the crux of CPCNH's inquiries center around *how* Eversource conducts settlement of ISO-NE wholesale energy supply load and *how* the Company *could* integrate DERs.³

2. The scope of this proceeding is the determination of just and reasonable distribution rates and the appropriateness of the Company's proposed PBR. CPCNH's argument for Eversource's load settlement process for *energy supply* being relevant is that Eversource is seeking cost recovery in distribution rates for assets that are used to settle load, and therefore the load settlement process itself and how it is conducted (or how CPCNH thinks it should be conducted) is relevant to set distribution rates. This logic is deeply and fatally flawed. The only relevance that load settlement assets have on distribution rates is the consideration of whether those expenditures were prudently incurred at the time they were made, which is not the subject of CPCNH's data requests. How Eversource conducts its load settlement process has no bearing whatsoever on the setting of distribution rates.

³ The Company notes that CPCNH falsely asserts that the Company has requested performance incentives relative to the support of DER integration in its filing. The Company has not proposed any performance incentive mechanism in this proceeding.

3. CPCNH's assertion in the motion that "Eversource bases the cost recovery request on load estimates" is not only false but also does not seem to make sense. Eversource's request for cost recovery through distribution rates has nothing to do with energy supply load estimates. The Motion's further assertion that "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" is supported by no authority. But even if it were, any obligation regarding how *wholesale energy supply load* is settled is a matter entirely divorced from the setting of distribution rates and has no bearing on this docket.

4. The Motion's claim at the bottom of Page 6 that "[t]he 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" is similarly asserted with no support or citation. It is a bald claim that is facially irrelevant to this proceeding, as nothing in that statement is related to distribution rates.

5. The Motion goes on to say that "[i]f 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." (Motion at 7). This is yet another completely unsupported statement, the accuracy of which is dubious at best, and a topic on which Eversource witnesses in Docket No. DE 22-060 have strenuously disputed the accuracy of CPCNH's claims. But setting aside the veracity, or lack thereof, of the substance of the claim, it remains that the statement in the Motion is discussing market competition for *energy supply*, and wholesale energy supply at that, which is handled by ISO-NE under the jurisdiction of the Federal Energy Regulatory Commission, which undisputedly not at issue in this docket. While not a determinative factor here, it is worth noting that Eversource conducts load settlement the same

way that every electric utility in the ISO-NE region does – it is a uniform process that still has nothing to do with the setting of distribution rates.

6. The Motion also seeks to compel the Company to respond to data requests related to interconnection agreements in Connecticut and the deployment of the Picolo market platform. CPCNH, however, provided no argument to support the relevancy of these requests, and therefore the request should be denied. The Company is not proposing to implement the Picolo market platform and potential future platforms or changes to interconnection process are not relevant to the establishment of distribution rates in this proceeding.

7. The Motion claims that CPCNH is unable to fully review whether the Company's proposal is just and reasonable and in the public interest consistent with RSA 378:27 and 378:28 without the requested information related to load settlement and DER integration. Not only is that untrue for the reasons just discussed, but it should be noted that CPCNH is not an Eversource customer, and therefore has no interest in nor will be impacted by the level at which Eversource's distribution rates are set. The fact that CPCNH has customers who are Eversource customers does not mean that CPCNH can appropriate their customer's interests and pass them off as its own. CPCNH only represents its customers in the service of electric supply. It has no reasonable grounds to assert an interest in the just and reasonableness of Eversource distribution rates.

8. CPCNH's persistence to explore issues outside the scope of the proceeding also raises the issue of CPCNH's stated interests in this case: interconnection, performance based ratemaking, rate design, energy efficiency and conservation, and advanced demand response. (CPCNH Petition to Intervene at 2). The Company is unaware of any questions asked by CPCNH related to any of these topics, other than the limited questions related to interconnection that is outside the scope of this proceeding. The lack of inquiries on these topics raises questions about the intention

behind CPCNH's petition for intervention. All things considered, evidence points to CPCNH intervening in a case under false premises, only to attempt to use the discovery process in this proceeding to explore issues outside the scope of the proceeding that cater to one specific issue that is important only to CPCNH. As has been asserted in Docket Nos. DE 23-063 and 22-060⁴, CPCNH has alternative and more appropriate venues to pursue its issues. CPCNH is free to file a petition requesting the relief it desires from the Commission and bearing the burden of proof to show such relief has merit. CPCNH is free to do so at any time, but it is not free to compromise the due process rights of the petitioner in this docket by making the baseless claim that load settlement is relevant to Eversource's proposals in this docket. Accordingly, the Company respectfully renews its request to limit CPCNH's scope of intervention solely to issues of interconnection that are directly related to the Company's proposals. Any other issue is either outside the scope of the proceeding or unrelated to CPCNH's basis for intervention.

9. As a final matter, CPCNH's request for an extension to file testimony should be denied, as granting it will likewise disrupt the conduct of this proceeding. CPCNH was first made aware of Eversource's objection to the data requests in question on December 6, 2024. Nothing required CPCNH to continue to pursue the inquiries to which Eversource objected at the December 11, 2024, technical session, nor reiterate their original requests again in data requests submitted on December 17, 2024. CPCNH was free to file a motion to compel, so long as informal efforts to resolve the dispute had been made first consistent with Puc 203.09, as early as fifteen business days after it received Eversource's objection, which is to say as early as December 30, 2024.

⁴ See Joint Utilities Objection to Community Power Coalition of New Hampshire and Conservation Law Foundation Motion, Docket No. DE 23-063, Tab 38; Joint Utility Objection to Community Power Coalition of New Hampshire and Conservation Law Foundation's Response Letter, Docket No. DE 23-063, Tab 42; Joint Parties Initial Brief at pages 9-10, Docket No. DE 22-060, Tab 118; Joint Parties Reply Brief at pages 12-15, Docket No. DE 22-060, Tab 122.

Eversource and the other parties to this docket should not be put at a disadvantage by CPCNH getting an extension to file its testimony simply because CPCNH chose to wait nearly a month, just days before testimony is due, to seek to compel this information it claims is critical to evaluate the just and reasonableness of the Company's proposals. CPCNH has been well aware of the procedural schedule and chose to issue its only set of data requests on the last day of discovery. If there was information critical to its testimony, it should have taken the measures necessary to obtain it and file timely testimony. But this only speaks to the lack of basis for an extension for CPCNH's testimony. Nothing changes the fact that the information sought in the Motion is irrelevant to this proceeding and should be excluded from consideration.

10. If the Commission grants CPCNH any extension to file testimony, the Company respectfully requests that the deadline for the Company to issue data requests to CPCNH be extended to at least five business days following the submission of CPCNH's testimony. Further, if the Commission allows CPCNH to file late filed testimony, the Company's ability to review intervenor testimony and develop rebuttal testimony by the February 18, 2025 deadline will be hindered. Accordingly, to provide sufficient due process and allow the Company a reasonable time to analyze, gather information, and respond to such late-filed testimony, the Company respectfully requests that the deadline for rebuttal testimony be extended by a commensurate period (i.e., a period equal to the number of days that CPCNH has to file testimony). The Company emphasizes that it does not support CPCNH's unwarranted extension of the deadline to file intervenor testimony, as doing so will require extension of other deadlines to preserve due process rights of the Company and creates challenges for all the parties involved in settlement discussions starting on February 3, 2025.


11. Because CPCNH's grounds for the Motion are meritless and nothing but an attempt to interfere with the Company's legitimate and statutorily supported request for relief in this docket, and for all the reasons discussed in this objection, the Motion should be denied in full and CPCNH's intervention should be limited to the noticed issues in this docket.

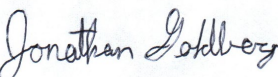
Respectfully submitted,

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

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

1/23/2025



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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.

_____ 1/23/2025 _____
Date

_____  _____
Jessica A. Chiavara