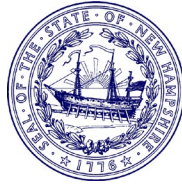


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June 21, 2024

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

Re: DE 24-070, Public Service Company of New Hampshire d/b/a Eversource Energy  
Request for Change in Distribution Rates; *Department's Objection to Eversource  
proposal and Department's alternative recommendation*

Dear Chairman Goldner:

The New Hampshire Department of Energy (Department), objects to a change in standard process concerning data requests and responses suggested by Public Service Company of New Hampshire d/b/a Eversource ("Eversource" or "the Company") on page two of its June 11, 2024 cover letter "Notice of Intent to File Rate Schedules." Specifically, the Company stated:

. . . . [G]iven the breadth of issues involved in this filing, the Company suggests that a process should be put in place to allow for active engagement by the Commission in an earlier stage of the proceeding rather than later. The Company . . . recognizes the processes that currently exist in New Hampshire do not contemplate early engagement by the Commission. *In this case, the unique magnitude and degree of complexity of the Company's filing drives the conclusion that there would be significant value and administrative efficiency for the Commission to have ongoing access to all data requests and responses issued during the proceeding, as well as for the company to respond to inquiries from the Commission throughout the docket to facilitate the Commission's information and understanding of the proposals under consideration as the docket progresses.*" (Emphasis added).

The NH Public Utilities Commission (Commission) has dealt with many complex and novel dockets, including but not limited to innumerable rate cases. Complexity does not merit a significant, spontaneous change in procedure.

Further, as Eversource observes above, “the process that currently exist in New Hampshire do not contemplate early engagement by the Commission.” This is by explicit design. *See* RSA 541-A:31. IV (Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved); RSA 541-A:31 VI (c) (The record in a contested case shall include all . . . evidence received or considered; *NH Administrative Rules*, Puc 203.09 (a)(right to conduct discovery afforded to parties).<sup>1</sup>

The Commission is the ultimate decision-maker on whether Eversource’s proposed change in distribution rates will result in rates that are just and reasonable, and sufficient to provide a reasonable return on investment. *See e.g.*, Dkt. No. DG 21-104 *Northern Utilities, Inc. Request for Change in Rates*, Order No. 26,650 (July 20, 2022) at 12 (citing RSA 378:7, :8). In doing so, the Commission should follow its own rules, rules which create separate categories for “discovery” and “evidence.” *See Appeal of Smithfield Dodge*, 145 N.H. 23, 25 (2000); *Attitash Mt. Service Co. v. Schuck*, 135 N.H. 427, 430 (1992); RSA 541-A:22, *Validity of Rules*: RSA 541-A:31 IV, :31, VI (c), Puc 203.09(a).

Eversource’s proposed departure from established procedure is unnecessary. Following the creation of the Department in July 2021, the Commission and the Department have employed other methods to keep the Commission informed in lengthy dockets, including i) filing data requests, if the Commission wishes, but not data responses; and ii) holding periodic status conferences.

The Department has no objection to filing data requests with the Commission (without filing data responses). *See* DE 23-039 *Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, Request for Change in Distribution Rates* Prehearing Order (June 20, 2023) at 4 (Parties to file data requests into the docket to aid the Commission in being informed as to the progress of the proceeding and topics being examined).

The Department has no objection to holding status conferences periodically. *See Development of Statewide Multi-Use Online Energy Data Platform*, Dkt. DE 19-197 (Commission holds periodic status conferences); Order No. 26,894 (Oct 13, 2023) at 3 (Commission declines to actively participate in informal meetings).

Because the parties are not in agreement with Eversource’s suggested departure from established New Hampshire procedure, the Department respectfully requests that the Commission take no action at this time. If Eversource makes a formal proposal to implement these changes in the standard discovery process, the Department requests that the Commission consider it at a prehearing conference in this docket.

Finally, the Department’s concerns and comments recited above are offered on a preliminary basis. The Department reserves the right to submit further argument(s) in the future, including but not limited to renewing or elaborating upon the concerns and comments provided here.

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<sup>1</sup> Puc 203.09 (a) (The Department construes “staff of the commission” as “staff of the Department of Energy”).

Consistent with the Commission's current practices, this letter is being filed only in electronic form. Thank you for your assistance in this matter.

Sincerely,

*/s/ Mary E. Schwarzer*

Mary E. Schwarzer, Esq.  
Hearings Examiner

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