

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 24-070**

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

**Request for Change in Distribution Rates**

**Procedural Order Re: Eversource Motion to Modify Procedural Schedule**

On June 28, 2024 the Public Utilities Commission (Commission) issued Order No. 27,029 in this instant docket, which served as the Commencement of Adjudicative Proceedings and Notice of Prehearing Conference and Hearing Order for this proceeding. Pursuant to RSA 541-A:31 and RSA 541-A:33, Order No. 27,029 established dates for not only the initial prehearing conference and temporary rates hearing, but also the following:

- Prehearing Technical Conferences Regarding Performance-Based Ratemaking (PBR): October 2, 3, 8, and 9, 2024 (All Day)
- Prehearing Technical Conferences (Topics to be Determined): Nov. 19 and 20, 2024 (All Day)
- Prehearing Technical Conferences (Topics to be Determined): Jan. 7 and 8, 2025 (All Day)
- Deadline for Filing of Settlement Agreement by Parties: February 3, 2025
- Final Hearings on the Merits: March 11, 12, 13, and 18, 2025 (All Day);  
March 19 and 20 (if Necessary)

Additionally, the parties were instructed to file a procedural schedule proposal for the Commission's consideration, adding-in the advisable procedural schedule features

beyond those delineated. *See* Order 27,029 at 8. No motion for reconsideration was filed concerning Order No. 27,029.

On September 20, 2024 Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) notified the Commission that the parties could not agree on a procedural schedule. The dispute surrounded the dates for final hearing. *See* September 20, 2024 correspondence at Tab 51, pg. 1. Eversource indicated that it would be amenable to extending the date for final hearing to April 2025 and the date for issuance of the Commission's final order to July 15, 2025. Eversource, as part of its September 20 filing, attached a proposed procedural schedule, for which it requested Commission approval, that includes both the Commission-attended prehearing technical sessions and deadlines for party discovery. Furthermore, post-final hearing dates were listed for briefing and the date the Commission would be expected to issue the final order. Eversource noted that it did not have the full concurrence of all of the other parties for its proposal's procedural features, including hearing dates. Eversource did not specify as to which parties withheld concurrence for which features in its September 20 filing, other than generic references to 'many parties' and the like. *See Id.* at 2, 4.

On September 23, 2024 the Department of Energy (DOE) filed an independent response to Eversource's motion for a revised procedural schedule. The DOE proposed to adopt Eversource's proposed procedural schedule with modifications. The modifications included final hearings commencing on April 3, 2025, and continuing on April 8, April 9, April 10, April 22, and April 23. The DOE's proposal also included dates for post-hearing briefing and a date on which the Commission's final order would be expected and the date for which the rates established by the final order would become effective. The DOE's filing indicated that the Office of the Consumer

Advocate assented to the proposed schedule. See September 23, 2024 correspondence at Tab 52, pg. 2.

The requirements for notice for Commission's administrative hearings are contained in Puc 203.12 and RSA 541-A:31, III. When issuing Order No. 27,029 the Commission considered the time that would be needed to review a settlement agreement, if filed, and to prepare for final hearing, either on the merits or a final hearing on a proposed settlement. Further, when drafting the order of notice, the Commission considered the amount of time that would be needed by the Commission to review the record after the hearings before it would be ready to issue a final order. The Commission is not without sympathy that due to the complexity of this case, and the parties' concerns centering upon their own schedules, witness availability, and analytical needs the parties have filed motions<sup>1</sup> to amend the schedule as outlined in Order No. 27,029. In order to provide an efficient response concerning the pending deadlines which will allow the parties ample time to engage in discovery and coordinate witnesses and evidence for hearing, the Commission has determined to WAIVE the 10-day time frame for responses to the September 20, 2024 Motion to Amend Procedural schedule under N.H. Code Admin. R. Puc 203.07(e), as such waiver serves the public interest, and will not disrupt the orderly and efficient resolution of matters before the Commission. N.H. Code Admin. R. Puc 201.05.

Administrative agencies comparable to the Commission have broad discretion over the calendaring and conduct of its proceedings. See *Appeal of Morin*, 140 N.H. 515, 517 (1995). In exercising its discretion, the agency must provide fair procedures

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<sup>1</sup> The dates contained in Order No. 27,029 were not suggested dates. Order No. 27,029 instructed the parties to develop a procedural schedule that enhanced the established dates as the parties felt necessary. The Commission is considering Tab 51, filed by Eversource, and Tab 52, filed by the DOE to be akin to a motion to reschedule previously established dates for submission of settlement and final hearing.

and due process to the parties. *See Id.* The agency must also balance the purpose of the regulating issuing statutes. The purpose of RSA 378 is to provide oversight for all rates charged by public utilities. The rates charged must be just and reasonable. *See* RSA 378:7. It is the Commission's statutory duty to review the matters before it to determine whether the rates proposed are just and reasonable.

In the Commission's procedural rules Puc 203.29 contemplates that any hearing may be continued if to do so will promote the orderly and efficient conduct of the proceedings. *See* N.H. Admin. R. Puc 203.29. If the Commission were to grant the parties motions to continue the previously established dates as suggested, the Commission would not have sufficient time to review and decide the Petition. Furthermore, whether post-hearing briefings are necessary is entirely within the purview of the Commission and not the parties. *See* N.H. Code Admin. R. Puc 203.22.<sup>2</sup> Therefore, the Commission will not approve a procedural schedule that includes these proposed procedural schedule features as mandatory requirements on the Commission.

In the interest of balancing due process and fairness to the parties and the Commission's scheduling constraints, including the statute of limitations imposed by RSA 378:6, I (a), the Eversource motion to modify the procedural schedule is GRANTED IN PART, as delineated below.

Given the amount of information to be presented in either a settlement hearing or final contested hearing, the Commission will begin its final hearings on this matter on March 25, 2025, and will conclude these hearings by April 9, 2025, as provided for

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<sup>2</sup> Puc 203.22 states that although any party may request to submit briefs, the Commission must only grant that request if it determines that the briefing would assist the Commission in its determination of the issues.

in the updated schedule delineated below. Furthermore, as established in Order No. 27,029, the Commission requires that the settlement be presented with significant time for the Commission to review and prepare for final hearing. Therefore, the date for submission of any proposed settlement has been moved from February 3, 2025 to February 17, 2025. The Commission declines to set dates for post-hearing briefing and the date the Commission's order will issue. Finally, the Commission is aware that this updated schedule may be problematic if witnesses are unavailable to attend hearings. The parties have ten days from issuance of this order to notify the Commission of conflict. If the parties are unavailable on the dates proposed, the Commission will issue an order reverting back to the original noticed schedule established in Order No. 27,029.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the Eversource motion to modify the procedural schedule in this proceeding is GRANTED IN PART, as delineated below. The date for the filing of a Settlement Agreement by the parties shall be no later than February 17, 2025; and it is

**FURTHER ORDERED**, that the Commission will hold a final prehearing conference in this matter to review evidentiary presentation for the final hearings and any pending motions on March 11, 2025; and it is


**FURTHER ORDERED**, that the final hearings on the merits of Eversource's rate filing proposal be held by the Commission at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on March 25, 26, 27, and April 3, April 8, 9, 2025, with hearings to be held on those days if necessary. Each day of hearings shall commence at 9:00 a.m., with the full day allotted for each; and it is

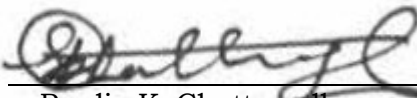
**FURTHER ORDERED**, that all additional requests for post-hearing dates contained in the parties request to reschedule are DENIED; and it is

**FURTHER ORDERED**, that the 10-day response deadline for the Eversource September 20, 2024 motion to modify the procedural schedule is WAIVED pursuant to N.H. Code Admin. R. Puc 201.05; and it is

**FURTHER ORDERED**, the parties shall file a jointly-developed procedural schedule proposal for the Commission's consideration, adding-in these Commission- established dates for pre-hearing conferences (both technical and final), submission of settlement deadlines, and final hearing dates, established in this procedural order, no later than October 14, 2024.

So ordered, this twenty-seventh day of September, 2024.

  
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Daniel C. Goldner  
Chairman

  
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Pradip K. Chattopadhyay  
Commissioner

# Service List - Docket Related

Docket#: 24-070

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