

**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: Department of Energy’s Motion to Modify Procedural Schedule

On January 10, 2025, the Department of Energy (DOE) filed a partially assented-to motion to amend the procedural schedule in this matter, beginning with the filing deadline for the DOE, OCA, and Intervenor testimony due on January 24, 2025. Having reviewed the parties’ motions, objections, and responses, the DOE’s motion to modify the procedural schedule is DENIED. However, in the interest of addressing the DOE’s concerns regarding filing testimony before the final audit is released the Commission establishes a modification to the schedule.

The procedural schedule in this matter was established by the Public Utilities Commission (Commission) via Order No. 27,029 and the procedural orders of the Commission issued on September 27, 2024 and November 5, 2024. The approved procedural schedule includes the following dates:

Approved Date	Event
01/24/2025	DOE, OCA and Intervenor Testimony
01/29/2025	Eversource DRs to Intervenors and Other Parties'/Intervenors' DRs to each other.
02/03/2025	Settlement Conference - 10 am to 4 pm Remote
02/05/2025	Settlement Conference - 10 am to 4 pm Remote
02/07/2025	Settlement Conference - 1 pm to 4 pm Remote
02/11/2025	Intervenor DR Responses to Eversource and other parties due
02/11/2025	Settlement Conference - 10 am to 4 pm Remote

02/12/2025	Settlement Conference - 10 am to 4pm Remote
02/13/2025	Settlement Conference - 1 pm to 4 pm Remote
02/18/2025	Deadline for Parties file Settlement Agreement (if reached)
02/18/2025	Eversource Rebuttal Testimony (if needed)
02/25/2025	Tech Session on Rebuttal Testimony - 10 am to 4 pm Remote
03/11/2025	Final Prehearing Conference
03/25/2025	Hearing on the Merits
03/26/2025	Hearing on the Merits
03/27/2025	Hearing on the Merits
04/03/2025	Hearing on the Merits
04/08/2025	Hearing on the Merits
04/09/2025	Hearing on the Merits

On January 10, 2025, the Department of Energy (DOE) filed a partially assented motion to amend the procedural schedule deadlines beginning with the January 24, 2025 date established for the filing of DOE, OCA and Intervenor testimony. The DOE argues it requires additional time to prepare its written testimony due to (1) untimely discovery responses received from Eversource Energy (Eversource or the Company); (2) work the DOE must perform in other Commission dockets; (3) a need to review its final audit report, which is set to be released by the DOE Audit division on January 31, 2025, and (4) additional Commission record requests in this docket that arose from the Commission-led technical session on January 8, 2025.

Eversource objects to the DOE's motion. It asserts that the Company (1) relied on the schedule as set forth in Order No. 27,029 and the procedural orders of the Commission issued on September 27, 2024 and November 5, 2024, respectively; and (2) disagrees with the DOE position that the discovery delay was Eversource's fault. On January 16, 2025 the DOE filed a further response, reiterating that additional time is needed to file testimony.

The Commission's September 27, 2024 procedural order explained, in detail, the timeframe that the Commission needs to review the Settlement agreement prior to hearing. Furthermore, the Commission noted in its September 27 Order that 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 and due process to the parties. Furthermore, as directed by *Morin*, the Commission is cognizant that Eversource, the petitioner in this matter, has the burden of proof and its interest in adhering to the previously approved procedural schedule is persuasive. *See Id.*

After establishing certain filing deadlines, including the settlement filing deadline and hearing dates, the Commission allowed the parties to set their own schedule to fulfill the remaining requirements necessary to effectuate the Commission's schedule. After the September 27 Order, the parties submitted the finalized schedule that was subsequently adopted. It is reasonable that Eversource has relied on this schedule including the dates for settlement conferences when planning its litigation strategy and managing workflow. Moving these dates, even without moving the final hearing date, is unreasonable because it predisposes all parties' availability. Furthermore, the Commission's reasoning around the filing of the settlement has not changed. The Commission requires that the settlement agreement be filed on February 18, 2025 to allow time for the Commission and its staff to review and prepare for March hearings. The Commission understands that other dockets, not associated with this matter, continue to exist; however, this complication also equates to more work for the Commission. Therefore, adherence to the previously established schedule is even more important to allow the Commission to continue the work of the

Commission while providing this matter the necessary attention needed to effectuate a thorough review.

Notwithstanding the above, the Commission does agree that with only a preliminary audit available to prepare its testimony, the DOE requires the ability to update its testimony after review of the final audit. Therefore, an additional date is being added to the procedural schedule by this order. The DOE will have until February 7, 2025 to file supplemental testimony to amend the preliminary testimony, filed by January 24, 2025, based on any additional or changed testimony that has arisen after review of the final audit.


Based upon the foregoing, it is hereby

ORDERED, that the Department of Energy motion to modify the procedural schedule in this proceeding is DENIED.

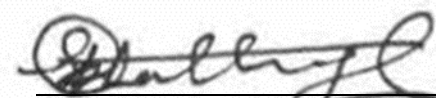
FURTHER ORDERED, that the procedural schedule is amended to allow the Department of Energy to file supplemental testimony by February 7, 2025. Supplemental testimony to be limited to any updates necessary after reviewing the Department of Energy's final audit.

FURTHER ORDERED, the remainder of the procedural schedule, including the date to submit a settlement agreement to the Commission remains the same as outlined in the September 27 procedural order.

So ordered, this seventeenth day of January, 2025.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Mark W. Dell'Orfano
Commissioner

Service List - Docket Related

Docket#: 24-070

Printed: 1/17/2025

Email Addresses

ClerksOffice@puc.nh.gov
Aaguirre@clf.org
Marie-Helene.B.Bailinson@energy.nh.gov
Clifton.Below@CommunityPowerNH.gov
rborowski@preti.com
rburke@nhla.org
brian.callnan@communitypowernh.gov
jessica.chiavara@eversource.com
mtclark@CAEnergy.com
john@johncoffman.net
Michael.J.Crouse@oca.nh.gov
nacrowley@CAEnergy.com
wdejeanlouis@synapse-energy.com
Deana.Dennis@CommunityPowerNH.gov
Energy-Litigation@energy.nh.gov
jjdevirgilio@gmail.com
paul.b.dexter@energy.nh.gov
jay.e.dudley@energy.nh.gov
Stephen.R.Eckberg@energy.nh.gov
joshua.w.elliott@energy.nh.gov
sam@cleanenergynh.org
Matthew.J.Fossum@oca.nh.gov
sandra.gagnon@eversource.com
aglaserschoff@synapse-energy.com
jgoldberg@keeganwerlin.com
golding@communitychoicepartners.com
tgriset@preti.com
dghansen@CAEnergy.com
bhavumaki@synapse-energy.com
mhershberg@keeganwerlin.com
mhorne@hcc-law.com
tklaes@blueridgecs.com
nkrakoff@clf.org
donald.m.kreis@oca.nh.gov
Matt.LHeureux@unh.edu
alexandra.k.ladwig@energy.nh.gov
Molly.M.Lynch@energy.nh.gov

Katie.I.McLaughlin@energy.nh.gov
scook@schoodiccapital.com
dmullinax@blueridgecs.com
smurphy@mpm.com
nhregulatory@eversource.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
cpalmer@synapse-energy.com
eperkins@competitive-energy.com
aaron@rothschildfinancial.com
srowe@hancocklumber.com
noel.rutherford@na.crh.com
mary.e.schwarzer@energy.nh.gov
chris@cleanenergynh.org
dsoutter@necta.info
jjs@rathlaw.com
mark.p.toscano@energy.nh.gov
stower@nhla.org
jacqueline.m.trottier@energy.nh.gov
Charles.J.Underhill@oca.nh.gov
jvanrossum@clf.org
Marc.H.Vatter@oca.nh.gov
willoughbyconsulting@gmail.com
twoolf@synapse-energy.com
jrw@psu.edu