

BEFORE THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

Docket No.: DE 24-112

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

Petition for Adjustment of Stranded Cost Recovery for Effect  
on February 1, 2025

**JOINT MOTION FOR REHEARING OF ORDERS IN THIS DOCKET  
AND  
FOR A PREHEARING CONFERENCE**

The Community Power Coalition of New Hampshire (CPCNH), by counsel, BCM Environmental and Land Law, PLLC; Direct Energy Services LLC, Direct Energy Business, LLC d/b/a NRG Business, NRG Business Marketing, LLC (f/k/a Direct Energy Business Marketing LLC), Reliant Energy Northeast LLC d/b/a NRG Home, and XOOM Energy New Hampshire, LLC (collectively, the “NRG Retail Companies”), by counsel, Robinson & Cole LLP; and Colonial Power Group, Inc. (collectively the “Joint Movants”) move pursuant to RSA 541:3, Puc 203.07, and Puc 203.33 for rehearing of:

(1) the portion of the Commission’s December 12, 2025 Commencement of Adjudicative Proceeding and Notice of Hearing that scheduled the final hearing in this matter for January 21, 2025; and

(2) the Commission’s December 19, 2024 Procedural Order Re: Proposed Procedural Schedule that approved the December 18, 2024 proposed procedural schedule the Department of Energy (“DOE”) provided (“Procedural Order”),

but limited only to the portion of Public Service Company of New Hampshire d/b/a Eversource Energy’s (“Eversource”) original November 20, 2024 Petition For Adjustment of Stranded Cost Recovery Charge for Effect on February 1, 2025 and January 10, 2025 Updated Petition For

Adjustment of Stranded Cost Recovery Charge for Effect on February 1, 2025 (collectively, the “Petition”) proposal to integrate the Energy Service (“ES”) Rate Reconciliation Adjustment Factor charges into collection through the Stranded Cost Recovery Charge (SCRC) (“ES Proposal”).

The Joint Movants further move that the Commission schedule a prehearing conference pursuant to Puc 203.15(a) also limited to only the ES Proposal. The Joint Movants state in support of their motion as follows:

### **I. Background and History**

1. On June 20, 2024, the Commission issued Order No. 27,022 Order Approving Solicitations and Requesting Re-Filing of Energy Service Rates by July 10, 2024.

2. In that Order, the Commission directed Eversource to “prepare a proposal for the integration of the ES Reconciliation Adjustment Factor charges into collection through the SCRC to be filed thirty (30) days *in advance* of the Company’s next SCRC petition filing.” Order No. 27,022, at 9 (emphasis added).

3. The Commission reiterated this in Order No. 27,046 Denying Motions for Rehearing and Referencing NRG Retail Companies’ Motion for Intervention.<sup>1</sup>

4. Eversource, on November 20, 2024, filed the Petition requesting, among other things, that the Commission approve an adjustment to its SCRC that included recovery of ES Reconciliation Adjustment Factors to take effect on February 1, 2025.

5. On December 12, 2024, the Commission issued the Commencement of Adjudicative Proceeding and Notice of Hearing to review and resolve all the issues in the

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<sup>1</sup> In Order No. 27,046, the Commission noted that the OCA and CPCNH / NRG Retail Companies Motions for Rehearing were premature and denied them noting that “no final adjudication of an Eversource proposal to include ES Reconciliation Adjustment Factor charges, including any such charges arising from the \$6.5 million under-collection discussed in [DE 24-046], has been issued by the Commission.”

Petition, setting deadlines of December 27, 2024 and January 7, 2025 to seek and object to intervention, respectively, and scheduling a final hearing on January 21, 2025, at 9:00 a.m. for a full day (the “Hearing”).

6. On December 18, 2024, DOE filed a proposed procedural schedule assented-to by the Office of the Consumer Advocate (“OCA”) and Eversource, stating that DOE, OCA, and Eversource were “the expected parties to this proceeding.”

7. DOE’s proposed procedural schedule had six parts, which likely, because of the compressed proceeding timeline, did not appear to have any relationship with the intervention deadlines or provide for a prehearing conference:

- a. December 20, 2024: DOE/OCA deadline to issue Data Requests – Set 1
- b. January 9, 2025: Company deadline to respond to Data Requests – Set 1
- c. January 13, 2025: Technical Session at 10:00 am
- d. January 14, 2025: Exhibits due
- e. January 15, 2025: DOE Position statement due
- f. January 21, 2025: Final Hearing at 9:00 am

8. In the Procedural Order, the Commission approved the proposed, assented-to procedural schedule.

## **II. Postponement is Warranted as the Most Orderly and Efficient Method to Prevent Violation of Due Process**

9. Pursuant to Puc 203.13(c), the “[C]ommission shall grant a request for postponement of a hearing if it finds that to do so would promote the orderly and efficient conduct of the proceeding.”

10. The Hearing date, and procedural schedule leading up to it, violates constitutional and statutory due process because it prevents the Joint Movants from accessing rights of

parties—including meaningful notice, discovery, cross-examination, and opportunity to be heard—all stemming from the unnecessarily compressed timeframe of the proceeding, especially between the Commencement of Adjudicative Proceeding and Notice of Hearing published on December 12, 2024 and the Hearing scheduled for January 21, 2025.

11. Accordingly, this motion seeks, pursuant to RSA 541:3, Puc 203.07, Puc 203.15, and Puc 203.33, to exclude the ES Proposal from the Hearing currently scheduled for January 21, 2025, to have the Commission schedule a prehearing conference at which the parties can complete any prehearing preparation yet to be had by that time on the ES Proposal, including planning for the date/s and time/s of the hearing on the ES Proposal, and to establish a new procedural schedule regarding the ES Proposal that protects the due process rights of all parties.

### **III. Example of Deprivation of Due Process: Discovery**

12. Any party, including an intervenor, has the right to conduct discovery. Puc 203.09.

13. The party served with discovery, generally, must respond within ten (10) days of receipt. Puc 203.09.

14. The Commission granted the intervention requests of movants CPCNH and NRG Retail Companies on Friday (i.e., January 10, 2025)—one day after the only deadline established in the procedural schedule for Eversource’s responses to data requests.

15. Even if CPCNH and NRG Retail Companies had propounded discovery on the exact same day, January 10, 2025, recipients of those discovery requests would have had until the end of the day on Tuesday, January 21, 2025, to provide responses.<sup>2</sup>

16. This could have CPCNH and NRG Retail Companies receiving discovery responses possibly after the Hearing has concluded. Puc 202.03.

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<sup>2</sup> The tenth day falls on Saturday January 18, 2025, and Monday January 20, 2025 is a federal holiday, which is “excluded from the computation of time.” Puc 202.03.

17. Moreover, those responses would also be received after the only dates established in the current schedule for a technical session, exhibits, and position statements.

18. In other words, the Hearing being scheduled for January 21, 2025, along with the procedural schedule as it is, would render the Joint Movants' right to discovery meaningless.

19. The Colonial Power petition to intervene is still pending, thus, even if it propounds discovery on the same day that it is granted intervention, those responses would not be due until after the Hearing.

20. This same analysis can be had for intervenors' and prospective intervenor's other due process rights, such as meaningful notice, the right to provide evidence and testimony,<sup>3</sup> cross-examination, and a meaningful opportunity to be heard.<sup>4</sup>

21. Intervenors and prospective intervenors essentially have two options: seek and be granted permission for the Commission to adjust the schedule as noted herein or otherwise schedule a prehearing conference; or seek court redress to preserve their due process rights.

22. Only the former would promote the orderly and efficient conduct of this proceeding.

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<sup>3</sup> Pursuant to Puc 203.23(a), all parties, including intervenors, are entitled to offer evidence at a hearing. Pursuant to Puc 203.23(i), that evidence can include data responses of other parties.

<sup>4</sup> See RSA 541-A:31, IV ("Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved").

#### **IV. Positions of the Parties**

23. Eversource does not object to the motion, provided that the issue will be resolved expeditiously, for example, within two months.

24. DOE does not object to the motion.

#### **V. Conclusion**

25. For the foregoing reasons, the Joint Movants respectfully request the Commission grant their motion and do so as promptly as possible for the mutual benefit of all parties interested in the ES Proposal part of this proceeding.

**WHEREFORE**, the Joint Movants respectfully request that the Commission:

- A. Grant the motion for rehearing;
- B. Exclude the ES Proposal from the Hearing scheduled for January 21, 2025;
- C. Schedule a pre-hearing conference for the ES Proposal;
- D. Order Eversource to confer with all parties to establish a new procedural schedule for the ES Proposal; and
- E. Grant such further relief as shall be necessary and proper in the circumstances.

Respectfully submitted,

Dated: January 13, 2025

**Community Power Coalition of  
New Hampshire**

By Its Counsel,

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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 13, 2025

/s/ Amy Manzelli, Esq.  
Amy Manzelli, Esq.