

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

IR 22-061

ELECTRIC DISTRIBUTION UTILITIES

**Investigation of Potential Jurisdictional Conflicts Related to
Authorization of Pilot Programs Under RSA 362-A:2-b**

ORDER OF NOTICE

Effective June 17, 2022, RSA chapter 362-A, the Limited Electrical Energy Producers Act, was amended by SB 321 (2022), which authorized the Commission to approve pilot projects allowing limited producers of electrical energy to sell the energy they produce to one or more purchasers other than the franchise electric utility. 2022 N.H. Laws, ch. 218:3 (RSA 362-A:2-b, II, VIII). Before the Commission may approve such projects, SB 321 directed the Commission to open this docket to determine definitively whether such pilot programs would result in any jurisdictional conflicts concerning the use of the distribution or transmission system. *See id.* (RSA 362-A:2-b, III). The Commission must also determine in this docket “whether the activities allowed by [RSA chapter 362-A] would require a utility to violate its transmission owners operators agreement or require a recalculation of any [Independent System Operator-New England] open access transmission tariffs, and whether such projects produce avoided transmission cost savings.” *Id.*

All electric distribution utilities regulated by the Commission (Electric Utilities) shall participate in this docket as mandatory participants. This order of notice and subsequent docket filings in this docket, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission’s website at www.puc.nh.gov/Regulatory/Docketbk/2022/22-061.html .

A prehearing conference will be scheduled, during which the Commission will hear preliminary comments from the Electric Utilities and any stakeholders regarding the issues to be considered in this docket. In addition, the Commission will consider establishing a procedural schedule to govern this investigation. The Electric Utilities and stakeholders are encouraged to file written comments regarding the scope of this investigation prior to the scheduled prehearing conference.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any participant requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on January 5, 2023, at 9:00 a.m., at which each participant should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment

of a procedural schedule governing the remainder of the proceeding. Participants and potential participants are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that any individual or entity may express interest in participating in this investigative docket by submitting a letter to the Clerk's Office no later than December 9, 2022; and it is

FURTHER ORDERED, that participants shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Participants may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov; and it is

FURTHER ORDERED, that the Clerk's Office shall notify all interested entities and individuals of the opportunity to participate in this investigation by publishing

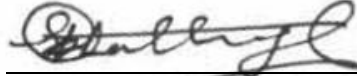
this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this twentieth day of September, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket# : 22-061

Printed: 9/20/2022

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