

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-026

ELECTRIC DISTRIBUTION UTILITIES

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

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On September 20, 2022, the Commission issued an order of notice in Docket No. IR 22-061 announcing the commencement of an investigation concerning potential jurisdictional issues related to recently enacted changes to RSA chapter 362-A. The order of notice designated the three New Hampshire electric distribution utilities, Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (collectively, the Electric Utilities) as mandatory participants in that docket.

On December 2, 2022, the Electric Utilities submitted a joint motion requesting that Docket No. IR 22-061 be suspended and an “adjudicative proceeding,” as defined in RSA 541-A:1, be commenced and conducted consistent with RSA 541-A:31-36. None of the participants in the docket objected to the joint motion.

On March 9, 2023, the Commission issued Order No. 26,783 in Docket No. IR 22-061 granting the Electric Utilities’ joint motion to commence an adjudicative proceeding and closing the investigatory docket. Pursuant to that order, this adjudication pursuant to RSA chapter 362-A is being commenced. The Electric Utilities shall participate as mandatory parties in the above-captioned docket.

I. ISSUES PRESENTED

This docket presents, *inter alia*, the following issues set out in RSA 362-A:2-b concerning the proposed pilots:

- a. whether any jurisdictional conflicts exist concerning the use of the distribution or transmission system;
- b. whether the activities allowed by RSA chapter 362-A would require a utility to violate its transmission owner operator's agreement or require a recalculation of any Independent System Operator-New England (ISO-NE) open access transmission tariffs; and
- c. whether such projects produce avoided transmission cost savings.

In order to develop a record sufficient to support the analysis required by RSA 362-A:2-b, the Commission requires each of the Electric Utilities to file the following information with the Commission on or before April 21, 2023:

- a. copies of any and all applicable transmission owner operator agreements, accompanied by a description of the process for amending those agreements;
- b. copies of any and all applicable ISO-NE open access tariffs, accompanied by a description of the process for amending those tariffs; and
- c. copies of any studies of avoided transmission costs based upon additional energy resources in the respective Electric Utilities' service territories or within the ISO-NE regional transmission area.

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 party 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 an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, RSA chapter 362-A, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Electric Utilities shall participate as mandatory parties in this docket; and it is

FURTHER 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 May 16, 2023, 9:00 a.m., at which each party 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. 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, immediately following the prehearing conference, the Electric Utilities shall make appropriate personnel available for the parties to hold a technical session to review the issues presented for consideration; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is,

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to the Electric Utilities and any other parties on the service list, on or before April 28, 2023. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before May 9, 2023; and it is

FURTHER ORDERED, that parties 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. Parties 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. All requests to the Commission should be made in a written

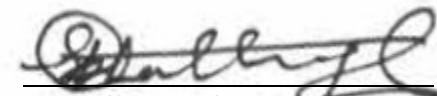
pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

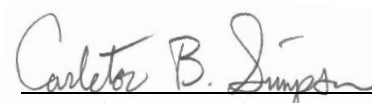
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, the Electric Utilities shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on their websites no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before March 24, 2023. In addition, the Clerk shall publish 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 ninth day of March, 2023.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-026

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