

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 20-092**

**GAS AND ELECTRIC UTILITIES**

**2021-2023 NEW HAMPSHIRE STATEWIDE ENERGY EFFICIENCY PLAN**

**Order Approving Short-Term Extension of 2020 Energy Efficiency Programs  
and System Benefits Charge Rate**

**ORDER NO. 26,440**

**December 29, 2020**

**APPEARANCES:** Jessica Chiavara, Esq., for Public Service Company of New Hampshire d/b/a Eversource Energy; Patrick Taylor, Esq., for Northern Utilities, Inc., and Unitil Energy Systems; Michael J. Sheehan, Esq., for Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities, Inc., and for Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities; Mark W. Dean, Esq., for New Hampshire Electric Cooperative; New Hampshire Legal Assistance, by Raymond Burke, Esq., for The Way Home; Ryan Clouthier, for Southern New Hampshire Services; Craig A. Wright for the New Hampshire Department of Environmental Services; Nicholas A. Krakoff, Esq., for Conservation Law Foundation; Primmer, Piper, Eggleston & Cramer PC, by Elijah D. Emerson, Esq., for Clean Energy New Hampshire; Stefan Koester, for Acadia Center; Office of the Consumer Advocate, by D. Maurice Kreis, Esq., and Christa Shute, Esq., for residential ratepayers; and Paul B. Dexter, Esq., and Brian D. Buckley, Esq., for the Staff of the Public Utilities Commission.

In this Order, the Commission approves a continuation of the current System Benefits Charge rate and structure of the existing energy efficiency programs until a final order regarding the proposed 2021-2023 Statewide Energy Efficiency Plan is issued. We expect that final order will be issued within eight weeks.

**I. PROCEDURAL HISTORY**

In 2016, the Commission approved an Energy Efficiency Resource Standard (EERS), which established a comprehensive framework for New Hampshire's ratepayer-funded energy efficiency programs. *Energy Efficiency Resource Standard*, Order No. 25,938 (August 2, 2016). The Commission approved the first statewide three year energy efficiency plan under the EERS

framework, covering the years 2018-2020, in early 2018. *Public Service Company of New Hampshire*, Order No. 26,095 (January 2, 2018).

On September 1, 2020, the Joint Utilities<sup>1</sup> filed a statewide energy efficiency plan proposing programs and funding levels for 2021-2023 (2021-23 Plan). On October 29, the Commission Staff (Staff), the Office of the Consumer Advocate (OCA), the Department of Environmental Services (DES), and Clean Energy New Hampshire (CENH) pre-filed direct testimony. On December 3, 2020, the Joint Utilities, OCA, and CENH pre-filed rebuttal testimony. That same day, the Joint Utilities, OCA, DES, Conservation Law Foundation (CLF), The Way Home (TWH), Southern New Hampshire Services (SNHS), and CENH (collectively, the Settling Parties), filed a settlement agreement which called for approval of the 2021-23 Plan with some modifications (Settlement Agreement). Acadia Center and DES both filed letters supporting the Settlement Agreement. Hearings were held to consider the proposed 2021-23 Plan, as amended by the Settlement Agreement, on December 10, 14, 16, 21, and ending on December 22.

The 2021-23 Plan, Settlement Agreement, testimony, exhibits, and other docket filings except any information for which confidential treatment is requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092.html>.

## **II. SETTLEMENT AGREEMENT AND EXTENSION REQUEST**

The Settlement Agreement purports to resolve all issues relating to the 2021-23 Plan which were raised in this proceeding. Through the Settlement Agreement, the Settling Parties agreed to modify various components of the 2021-23 Plan, including the energy savings targets,

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<sup>1</sup> The Joint Utilities are Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities; New Hampshire Electric Cooperative, Inc.; Public Service Company of New Hampshire d/b/a Eversource Energy; Unitil Energy Systems, Inc.; Liberty Utilities (EnergyNorth Natural Gas) Corp d/b/a Liberty Utilities; and Northern Utilities, Inc.

the System Benefits Charge (SBC) rates and budgets, the lost base revenue calculation methodology, plan modification and reporting procedures, budget and SBC rate modification procedures, creation of a stakeholder advisory council, and treatment of certain savings assumptions such as non-energy impacts, net-to-gross figures, and realization rates. The 2021-23 Plan, as modified by the Settlement Agreement, requested rates effective as of January 1, 2021. Settlement Agreement at 4.

The cover letter accompanying the Settlement Agreement requested that, if the Commission is unable to approve the Settlement Agreement prior to the end of the 2020 calendar year, the Commission “extend the current funding and structure of the current EERS plan (as modified and updated by the latest technical reference manual), until the Commission is able to issue a comprehensive Order in this docket in 2021.” The cover letter cited prevention of any disruptions to ongoing energy efficiency program work currently underway or already scheduled as the basis for that extension request.

### **III. COMMISSION ANALYSIS**

The Commission encourages parties to attempt to reach a settlement of issues through negotiation and compromise, as it is an opportunity for creative problem solving, allows the parties to reach a result more in line with their expectations, and is often a more expedient alternative to litigation. *EnergyNorth Natural Gas, Inc. d/b/a National Grid NH*, Order No. 25,202 at 18 (March 10, 2011); *see* RSA 541-A:31, V(a), :38. Even where all parties join a settlement agreement, however, the Commission cannot approve it without independently determining that the result comports with applicable standards. *EnergyNorth Natural Gas, Inc. d/b/a National Grid NH*, Order No. 24,972 at 48 (May 29, 2009). We must analyze settlements to ensure that a just and reasonable result has been reached. *Id.*

The 2021-23 Plan, as modified by the Settlement Agreement, requests significant programmatic and rate changes as compared to the prior triennial plan. 2021-23 Plan at 17; Settlement Agreement, Attachment B. The final day of hearings in this matter was not held until December 22, 2020, and the record yet remains open to receive additional evidence. Given the complexity, importance, and inter-related nature of the many issues presented by the 2021-23 Plan and the Settlement Agreement, we do not believe sufficient time remains available to fully consider and resolve this matter prior to the requested rates effective date of January 1, 2021.

The current energy efficiency programs, electric energy efficiency budgets, and SBC rates were approved until December 31, 2020.<sup>2</sup> Order No. 26,323 at 6 (December 31, 2019). Citing the need to prevent disruption to ongoing energy efficiency program work currently underway or already scheduled, the Settling Parties requested an extension of program funding and the current EERS plan structure until the Commission is able to issue a comprehensive order on the 2021-23 Plan, if that order cannot be issued by December 31. We agree that such disruption would be detrimental to the energy efficiency contractor network and ratepayers who have already invested resources in planned program participation. To avoid such adverse impacts, and to ensure that the Joint Utilities are authorized to continue their support for the statewide energy efficiency programs after December 31, 2020, and until new programs and rates are approved, we grant the requested extension of the current program funding levels and EERS plan structure into 2021 and until a final order is issued in this proceeding. We currently expect that final order will be issued within eight weeks from the date of this order.

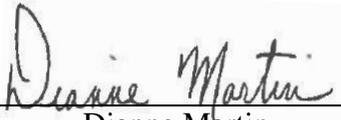
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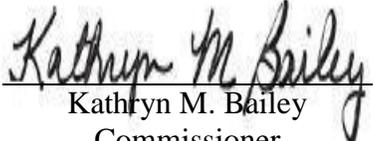
<sup>2</sup> Budgets and funding associated with the proposed gas programs were approved in Order No. 26,419 (October 30, 2020) and Order No. 26,420 (October 30, 2020).

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

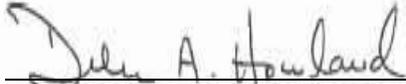
**ORDERED**, that the request for extension of the 2020 energy efficiency program structure and System Benefit Charge rate beyond December 31, 2020, and until the Commission is able to issue a comprehensive order in this proceeding is APPROVED.

By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of December, 2020

  
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Dianne Martin  
Chairwoman

  
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Kathryn M. Bailey  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket#: 20-092

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