

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 21-030**

**UNITIL ENERGY SYSTEMS, INC.**

**Request for Change in Rates**

**Order Denying Motion to Remove Electric Vehicle Time of Use Rate Proposals**

**ORDER NO. 26,486**

**June 9, 2021**

In this Order, the Commission denies a motion to remove Unitil's proposed Electric Vehicle Time of Use rate proposals from this rate case. Instead, we will modify the procedural schedule in Docket No. DE 20-170, which is a continuation of our generic investigation into electric vehicle time of use rates so that investigation is completed prior to the anticipated conclusion of this proceeding, and we may use resolution of that investigation to inform our decision in this rate case.

**I. PROCEDURAL HISTORY**

On March 1, 2021, Unitil Energy Systems, Inc. (Unitil or the Company) filed a notice of intent to file rate schedules. On March 17, the Office of the Consumer Advocate filed a letter of participation. Clean Energy New Hampshire (CENH), Conservation Law Foundation (CLF), the New Hampshire Department of Environmental Services (NHDES), ChargePoint, Inc., and The Way Home requested, and were granted, intervention.

On April 2, 2021, Unitil filed a petition for temporary and permanent rate increases, accompanied by the pre-filed written testimonies, schedules, and work papers of: Robert B. Hevert; Christopher J. Goulding and Daniel T. Nawazelski; John F. Closson and Joseph F.

Conneely; John F. Closson; Kevin E. Sprague; Cindy L. Carroll, Carleton B. Simpson, and Carol Valianti; Mark A. Lambert; Daniel J. Hurstak; Todd R. Diggins; Sara M. Sankowich; Carole A. Beaulieu; Jonathan A. Giegerich; Ronald J. Amen; John D. Taylor; Timothy S. Lyons; Jennifer E. Nelson; and Ned W. Allis. The petition requested, among other things, approval of proposed time of use rate proposals, including three Electric Vehicle Time of Use (EV TOU) rate proposals in the prefiled testimony of Cindy L. Carroll, Carleton B. Simpson, and Carol Valianti.

On April 6, 2021, the Commission issued Order No. 26,467 suspending Unitil's proposed tariffs and scheduling a prehearing conference. The prehearing conference was held on April 22. Commission Staff (Staff) filed a proposed procedural schedule on behalf of the parties on April 29. The Commission approved the proposed procedural schedule by secretarial letter issued on May 4.

On May 12, 2021, Staff filed a Motion to Remove Electric Vehicle Time of Use Rate Proposals (Motion). Staff requested that the Commission issue an order removing Unitil's EV TOU proposals from this proceeding and direct that review of the proposals instead occur only in Docket DE 20-170. Staff represented that the OCA and CLF supported its Motion.

On May 20, 2021, CENH filed an objection to the Motion (CENH Objection). On May 21, Unitil filed an objection to the Motion (Unitil Objection). On May 24, NHDES and ChargePoint, Inc. each filed a letter in support of Unitil's Objection.

The petition, Motion, objections, and other docket filings, except any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-030.html>.

## II. POSITIONS OF THE PARTIES AND STAFF

### A. Staff

According to Staff, the basis for its Motion includes Order No. 26,394, in which the Commission directed that a new docket be opened for the Commission to consider utility-specific EV TOU rate proposals; the Order of Notice issued in Docket DE 20-170, in which the Commission directed that the investigation be used to facilitate development and review of utility-specific EV TOU rate proposals; and the Commission's approved procedural schedule in Docket DE 20-170, where a deadline for utilities to submit EV TOU rate and feasibility assessments was set for April 30, 2021. Motion at 1. Staff noted that Until plans to file EV TOU proposals in both the instant proceeding and in Docket DE 20-170. *Id.* at 3.

In support of its position, Staff argued that review of Unutil's EV TOU proposals in both dockets would be duplicative and inefficient. *Id.* According to Staff, review of EV TOU proposals from all electric distribution utilities in one docket would avoid confusing or conflicting policies. *Id.* Staff argued that, in light of the short timeframes associated with rate cases, it would be administratively efficient to remove Unutil's EV TOU proposals from this proceeding so that the EV TOU proposals can be reviewed alongside other such proposals submitted by other utilities. *Id.* According to Staff, the relief requested would promote focusing resources, such as consultant testimony, into a single proceeding, with potential cost savings to ratepayers. *Id.* Lastly, Staff noted that in Unutil's most recent prior rate case, Docket DE 16-384, the Commission suspended an analogous investigation of Unutil's Domestic Distributed Energy Resources schedule citing, among other things, administrative efficiency, limited resource allocation, and judicial economy, where a generic docket had been opened to determine a new alternative net metering tariff. *Id.* at 3-4.

**B. OCA**

According to Staff, the OCA supported its Motion.

**C. CLF**

According to Staff, CLF supported its Motion.

**D. CENH**

CENH objected to the Motion because it disagreed that removal would result in any increase in efficiency, or aid in review of either Unitil's rates generally or the EV TOU proposals specifically. CENH Objection at 1-2.

CENH argued that it is good policy to review Unitil's EV TOU proposals in the context of Unitil's other electric vehicle proposals, including its electric vehicle make-ready programs and demand charge holiday. *Id.* According to CENH, removing the EV TOU proposals from this docket would not be administratively efficient because parties interested in EV TOU rates are also interested in Unitil's other electric vehicle programs, and would still participate in both dockets. *Id.* CENH also argued that it would be easier, from the perspective of Unitil's ratepayers, to follow one docket that contains all rate proposals that could affect their interests. *Id.* at 3.

**E. Unitil**

Unitil objected to the Motion, arguing that Staff failed to show it is reasonable to remove the EV TOU proposals from the rate case proceeding. Unitil Objection at 1. Unitil also argued that removal would prejudice the Company, could prejudice ratepayers, and could delay the implementation of electric vehicle adoption in New Hampshire. *Id.* According to Unitil, the provisions of Order No. 26,394 and the Order of Notice in Docket DE 20-170 do not require that generic investigation to be the exclusive proceeding for considering EV TOU rates, nor do they

preclude an electric energy distribution company from proposing EV TOU rates in a base distribution rate case. *Id.* at 2. Unitil noted that its EV TOU proposals are part of a “comprehensive suite” of proposals relating to electric vehicles and time of use infrastructure including rates, electric vehicle infrastructure, marketing, communications, and education, and rate design testimony, including illustrative tariffs. *Id.* at 3.

In support of its position, Unitil argued that its EV TOU proposals are inextricable from that suite of proposals, which are linked by common witnesses and policy objectives. *Id.* at 4-5. According to Unitil, removal of the proposed EV TOU rates would hamper the evaluation of the Company’s other related proposals by compelling the Company’s witnesses to “carve out” EV TOU rates from their respective testimonies and testify in separate proceedings on separate procedural tracks. *Id.* The Company argued that would result in confusion, a lack of complete contextual information in each respective docket, and inefficient use of resources including its witnesses’ time. *Id.*

Unitil asserted that Staff had failed to demonstrate that removal of Unitil’s EV TOU proposals is reasonable, characterizing Staff’s arguments of potential harms as speculative. *Id.* at 5-7. Unitil questioned whether any administrative efficiencies can truly be captured by removing its EV TOU proposals when weighed against the disruption and inefficiencies that would result from such removal. *Id.* Unitil argued that Staff’s concerns about confusing or conflicting policies between utility franchise areas is unfounded because the Commission had prescribed guidelines for EV TOU rates in Docket IR 20-004. *Id.* Unitil distinguished its EV TOU rate proposals from the proposed Domestic Distributed Energy Resources schedule contained in its prior rate case. *Id.* Lastly, Unitil argued that Staff had agreed to, and the

Commission had approved, the consideration of its EV TOU proposals through the procedural schedule approved in the instant proceeding. *Id.* at 7-8.

**F. NHDES**

NHDES filed a letter in support of Unitil's Objection.

**G. ChargePoint Inc.**

ChargePoint Inc. filed a letter in support of Unitil's Objection.

**H. The Way Home**

The Way Home did not take a position on the Motion.

**III. COMMISSION ANALYSIS**

We have reviewed the Motion and arguments presented by the parties. We acknowledge Staff's position that both substantive and administrative benefits might be achieved by investigating Unitil's EV TOU proposals in the generic investigation being conducted in Docket DE 20-170. We agree with the objecting parties, however, that countervailing benefits also may be realized by evaluating Unitil's EV TOU proposals as a part of the rate case in conjunction with its other proposals relating to electric vehicles and time of use infrastructure. With respect to potential administrative efficiencies, we believe it is likely that intervenors primarily interested in electric vehicle development or time of use rates generally would still participate in this case even if the identified EV TOU proposals were removed and considered only in the generic investigation docket. We also recognize the potential benefits of reviewing all of the Company's proposals related to electric vehicles and time of use offerings, including its specific EV TOU proposals, at the same time in a single proceeding.

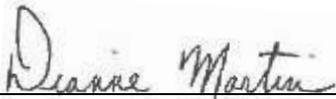
We are nonetheless concerned about the potential for inconsistent policies adopted through a single utility's rate case while a separate generic investigation proceeds on the same

basic issues. Recognizing that Unital's EV TOU proposals will also be considered in Docket DE 20-170, we intend to direct that the procedural schedule in Docket DE 20-170 be modified so that a final resolution will be completed prior to the anticipated conclusion of this proceeding, and that resolution may inform our decision in the instant rate case. We therefore find that removal of the EV TOU proposals is unnecessary and we deny the relief sought in the Motion.

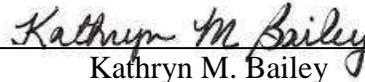
**Based upon the foregoing, it is hereby**

**ORDERED**, that Staff's Motion to Remove Electric Vehicle Time of Use Rate Proposals is DENIED, and those proposals shall be contemporaneously investigated in Docket DE 20-170.

By order of the Public Utilities Commission of New Hampshire this ninth day of June, 2021.

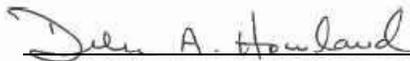


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Dianne Martin  
Chairwoman



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Kathryn M. Bailey  
Commissioner

Attested by:



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Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket#: 21-030

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