

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 20-092

ELECTRIC AND GAS UTILITIES

2021-2023 Triennial Energy Efficiency Plan

Order Reopening Record

O R D E R N O. 26,513

September 1, 2021

A hearing in the above captioned matter was held over the course of five-days between December 10, 2020, and December 22, 2020, wherein the Commission heard testimony relating to the merits of the Joint Utilities' 2021-23 Triennial Plan filing and a settlement agreement reached between the parties. In addition to testimony, the Commission received 46 exhibits, including three responses to record requests made by Commissioners. Upon the conclusion of the hearing, the record in this matter was closed and the Commission took the matter under advisement. Subsequent to the closing of the record, one commissioner departed and a new commissioner was appointed.

New commissioners must review the record before participating in the decision on a pending matter. The new Commissioner has now completed his review of the record. The new Commissioner did not sit during the hearings and did not have the opportunity to ask questions. Therefore, the Commission will issue a series of record requests in the next two weeks. The Commissioners act on their own motion to reopen the record and find reopening the record and

taking additional evidence will enhance their ability to resolve matters in this proceeding.

Pursuant to Puc 203.30(a), "The commission shall, on its own motion or at the request of a party, authorize filing of exhibits after the close of a hearing if the commission finds that late submission of additional evidence will enhance its ability to resolve the matter in dispute." Puc 203.30(c) further requires the Commission to consider the probative value of any new exhibit against the parties' right of cross examination.

To the extent the text of procedural rule Puc 203.30 constrains the Commission's ability to re-open the record and schedule additional hearings, we waive the provisions of Puc 203.30 as authorized by Puc 201.05. The Commissioners find that such a waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission. Our finding that waiver is in the public interest is based on the purpose of Puc 203.30, which is to allow for the re-opening of a record prior to the issuance of a decision on the merits to receive relevant, material, and non-duplicative evidence necessary for a full and fair consideration of the issues. This will still be satisfied if an additional hearing is scheduled. And, by scheduling an additional hearing, the Commission ensures the parties' right of cross examination pursuant to RSA 541-A:33, IV is protected.

With regard to the Office of the Consumer Advocate's letter dated July 26, 2021, requesting that a status conference be held in this matter, we construe the letter as a motion to schedule a status conference. In light of the procedure and further hearing set forth herein, we deny the Office of the Consumer Advocate's request at this time.

The Commission does not intend to re-litigate this matter for itself and this Commission action is not an invitation for the parties to propound additional exhibits beyond the scope of the Commissioner's post-hearing record requests, or to seek to re-litigate this matter. The Commission further determines that a full and fair proceeding demands a supplemental hearing to examine this additional evidence; therefore, the Commission will schedule another hearing date to occur approximately two weeks after the receipt of complete responses to the record requests.

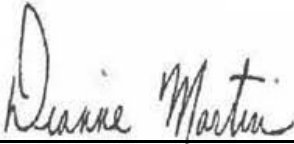

Based upon the foregoing, it is hereby

ORDERED, that the record in this matter is reopened to receive responses to record requests as discussed in the body of this order; and it is

FURTHER ORDERED, that a hearing to examine this additional evidence will be scheduled to occur approximately two weeks after complete responses to the record requests have been filed, as discussed in the body of this order; and it is

FURTHER ORDERED, that the Office of the Consumer Advocate's request for a status conference is DENIED.

By order of the Public Utilities Commission of New Hampshire this first day of September, 2021.

	
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Dianne Martin	Daniel C. Goldner
Chairwoman	Commissioner

Service List - Docket Related

Docket# : 20-092

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Email Addresses

ClerksOffice@puc.nh.gov
asbury@unitil.com
roshan.bhakta@eversource.com
kelly@cleanenergynh.org
brian.d.buckley@energy.nh.gov
bill.bullock@eversource.com
rburke@nhla.org
john.butler@eversource.com
carroll@unitil.com
richard.t.chagnon@energy.nh.gov
brandy.chambers@eversource.com
jessica.chiavara@eversource.com
rclouthier@snhs.org
gary.m.cronin@energy.nh.gov
kristi.davie@eversource.com
mdean@mdeanlaw.net
paul.b.dexter@energy.nh.gov
downesm@unitil.com
kimberly.dragoo@libertyutilities.com
jay.e.dudley@energy.nh.gov
tracy.dyke-redmond@eversource.com
stephen.r.eckberg@energy.nh.gov
steven.elliott@eversource.com
eemerson@primmer.com
sam@cleanenergynh.org
thomas.c.frantz@energy.nh.gov
tomas.fuller@eversource.com
genestj@unitil.com
michael.goldman@eversource.com
gouldingc@unitil.com
dhill@energyfuturesgroup.com
miles.ingram@eversource.com
jarvis@unitil.com
maureen.karpf@libertyutilities.com
nkrakoff@clf.org
donald.kreis@oca.nh.gov
marc.lemenager@eversource.com
elevin@veic.org
jmarks@acadiacenter.org
mcdonald@optenergy.com
nelson.medeiros@eversource.com
frank.melanson@eversource.com

erica.menard@eversource.com
Mosenthal@OptEnergy.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
rebecca.ohler@des.nh.gov
palma@unitil.com
katherine.peters@eversource.com
tina.poirier@libertyutilities.com
ralph.prahl@gmail.com
bryant.robinson@eversource.com
Melissa.Samenfeld@libertyutilities.com
michael.sheehan@libertyutilities.com
david.simek@libertyutilities.com
karen.sinville@libertyutilities.com
christopher.skoglund@des.nh.gov
skumatz@serainc.com
eric.stanley@libertyutilities.com
taylorp@unitil.com
heather.tebbetts@libertyutilities.com
stower@nhla.org
jacqueline.m.trottier@energy.nh.gov
jvanrossum@clf.org
david.k.wiesner@energy.nh.gov
kiersten.williams@eversource.com
wirtino@comcast.net
woodsca@nhec.com