

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 17-189**

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP.  
d/b/a LIBERTY UTILITIES**

**Petition to Approve Battery Storage Pilot Program**

**Order on Requests to Continue**

**ORDER NO. 26,588**

**February 25, 2022**

**I. PROCEDURAL HISTORY AND BACKGROUND**

On February 9, 2022, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) filed a letter requesting the continuance of an interim review hearing and related requests for information, with respect to the company's Battery Storage Pilot Program (Pilot Program). The Pilot Program is currently in Phase One, with a potential future second phase contingent on successful implementation of Phase One showing positive net benefits.

By a procedural order dated December 22, 2021, the Commission scheduled the interim review hearing to occur on March 2, 2022, based on a directive contained in Commission Order No. 26,537 (October 29, 2021) relating to Liberty's request to recover costs associated with the Pilot Project. In Order No. 26,537, issued in Docket DE 19-064, the Commission stated that, based on its review of Exhibit 80A filed by Liberty in that matter, an interim review of Liberty's Pilot Program was warranted.<sup>1</sup> The December 22, 2021 procedural order also contained a series of eight requests for information, due 15 days before the March 2, 2022 interim review hearing.

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<sup>1</sup> *Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities*, Order No. 26,537 at 3 (October 29, 2021).

In Liberty's February 9, 2022 Letter, the company requested: 1) the continuance of the March 2, 2022 interim review hearing for at least 30 days; 2) the continuance of the deadline to respond to the Commission's fourth and fifth requests for information, due 15 days before the interim review hearing, for at least 30 days; and 3) the deferral of responses to the remaining requests for information until August 31, 2022. Liberty stated that information necessary to respond to requests for information four and five would not be available to the company until February 15, 2022. Liberty went on to state that analysis responsive to the remaining six requests for information has not yet been performed, will be performed by a consultant, is otherwise due by August 31, 2022, would result in excess costs if the consultant's review were accelerated, and would not likely be ready for several months. Liberty stated that the New Hampshire Department of Energy, the Conservation Law Foundation, the City of Lebanon, and Clean Energy NH did not object to its continuance request, and that other parties did not state a position.

Liberty's letter and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-189.html>.

## **II. COMMISSION ANALYSIS**

We will continue the hearing in this matter for at least 30 days to provide Liberty the opportunity to respond to the Commission's record requests with the most up-to-date information available, including any new data available to the company.

With respect to the six requests for information that Liberty claims it cannot respond to absent the final report on Phase One of the Pilot Program, which will be generated by a consultant, we clarify that the requests for information are directed at Liberty, not its consultant, and request analysis from Liberty relating to its interim

evaluation of the Pilot Program to date, not a final review of Phase One of the Pilot Program. Liberty provided ample forecasted analyses in its petition and settlement agreement in this matter; therefore, we are not persuaded that an analysis based on actual data is currently unavailable or overly burdensome. The Commission understands, based on prior filings from the company,<sup>2</sup> that dozens of Liberty customers have enrolled in the Pilot Program. It is unclear to us how or why historical data related to the applicable Pilot Program customer's usage is unavailable to Liberty. In order to accommodate Liberty's request for additional time, we continue the deadline for Liberty to respond to all eight of the Commission's December 22, 2021 requests for information until April 4, 2022.

Furthermore, the Commission directs Liberty to respond to the following additional requests for information by April 4, 2022:

- 9) Are the Tesla batteries used in Phase One of the Pilot Program still available to Liberty from Tesla for future installations? If so, are the same batteries also available for retail sales to customers outside of the Pilot Program?
- 10) Please provide an overview of the data sets, energy software, and analyses Tesla performs based on Liberty Pilot Program customer usage. See <https://www.tesla.com/support/energy/tesla-software>.
- 11) Please provide a record showing the number of customers who withdrew from and/or were added to the Pilot Program during Phase One. For each customer that withdrew from the program, provide a record showing how they complied with any requirements to make up payment commitments and otherwise accounting for the costs associated

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<sup>2</sup> See, e.g., Qtr. 4 2021 Battery Storage Program Rpt., February 15, 2022.

with their early withdrawal from the Pilot Program as per the company's tariff, Rate D-11 Battery Storage Pilot.

12) For all 11 questions, provide all data in live Excel files with formulae intact.

Upon receipt and review of Liberty's responses to the Commission's requests for information, the Commission will make a determination whether an interim review hearing remains warranted and will provide the parties notice of its decision.

As reiterated above, a potential second phase of the Pilot Program may "proceed only if positive net benefits are demonstrated through a new benefit-cost analysis that incorporates updated assumptions as well as the actual experience of Liberty and its customers during Phase [One]." Order No. 26,209 at 33 (January 17, 2019).

Commission approval of a potential second phase of the Pilot Program is contingent upon a demonstration by the company of net positive benefits resulting of Phase One at a public hearing. The Commission hereby schedules such a hearing to occur on October 4, 2022, at 9:00 a.m. In addition to any interim review, Liberty is expected to address the final benefit-cost analysis and customer experience during Phase One of this Pilot Program at that hearing.

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

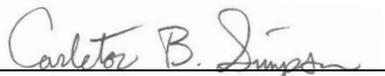
**ORDERED**, that the March 2, 2022, interim review hearing in this matter is continued, with no hearing date scheduled as of the issuance of this order, as discussed herein; and it is

**FURTHER ORDERED**, that a final hearing on Phase One of the Pilot Program is scheduled for 9:00 a.m. on October 4, 2022; and it is

**FURTHER ORDERED**, that Liberty is directed to respond to all of the Commission's requests for information contained in the procedural order dated December 22, 2021 and herein, no later than April 4, 2022.

By order of the Public Utilities Commission of New Hampshire this twenty-fifth of February, 2022.

  
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Daniel C. Goldner  
Chairman

  
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Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket# : 17-189

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