

1 STATE OF NEW HAMPSHIRE
2 PUBLIC UTILITIES COMMISSION

3

4 August 31, 2010 - 9:29 a.m.
5 Concord, New Hampshire

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RE: DE 10-188
7 2011 CORE ELECTRIC PROGRAMS AND
8 NATURAL GAS ENERGY EFFICIENCY
PROGRAMS: Energy Efficiency Programs.
(Prehearing conference)

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11 PRESENT: Chairman Thomas B. Getz, Presiding
12 Commissioner Clifton C. Below
Commissioner Amy L. Ignatius
13 Sandy Deno, Clerk

14

15 APPEARANCES: Reptg. Public Service Co. of New Hampshire:
Gerald M. Eaton, Esq.

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Reptg. Unitil Energy Systems and
17 Northern Utilities:
Rachel Goldwasser, Esq. (Orr & Reno)

18

Reptg. New Hampshire Electric Cooperative:
19 Mark W. Dean, Esq.

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Reptg. Granite State Electric Co. and
EnergyNorth Natural Gas, Inc.:
21 Sarah B. Knowlton, Esq. (McLane, Graf...)
Steven Dutton, Esq. (McLane, Graf...)

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23 Court Reporter: Steven E. Patnaude, LCR No. 52

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2 APPEARANCES: (C o n t i n u e d)

3 Reptg. N.H. Home Builders & Remodelers Assn.:
4 Kendall Buck

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6 Reptg. Community Action Associations:
7 Dana Nute

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9 Reptg. The Way Home:
10 Alan Linder, Esq. (N.H. Legal Assistance)

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12 Reptg. Office of Energy & Planning:
13 Eric Steltzer

14

15 Reptg. Conservation Law Foundation:
16 Jonathan Peress, Esq.

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18 Reptg. US Energy Saver, LLC:
19 Russell Aney

20

21 Jeremy Hill, pro se

22

23 Daniel Ramage, pro se

24

25 Reptg. Residential Ratepayers:
26 Rorie E.P. Hollenberg, Esq.
27 Stephen Eckberg
28 Office of Consumer Advocate

29

30 Reptg. PUC Staff:
31 Suzanne G. Amidon, Esq.
32 Marcia A.B. Thunberg, Esq.
33 Thomas C. Frantz, Director - Electric Div.
34 Al-Azad Iqbal, Electric Division

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I N D E X

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Mr. Eaton

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Ms. Goldwasser

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Mr. Dean

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Ms. Knowlton

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Mr. Buck

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Mr. Reals

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Mr. Peress

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Mr. Steltzer

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Mr. Nute

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Mr. Linder

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Mr. Aney

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Mr. Hill

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Mr. Ramage

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Ms. Hollenberg

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Ms. Amidon

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STATEMENTS REGARDING PETITIONS TO INTERVENE &
JOINT OBJECTION TO PETITIONS TO INTERVENE BY:

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Ms. Knowlton

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Mr. Eaton

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Ms. Goldwasser

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Mr. Dean

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Mr. Buck

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Mr. Peress

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1 P R O C E E D I N G

2 CHAIRMAN GETZ: So, let's open the
3 prehearing conference in docket DE 10-188. On August 3,
4 2010, Granite State Electric Company, New Hampshire
5 Electric Cooperative, Public Service Company of New
6 Hampshire, Unitil Energy Systems, EnergyNorth Natural Gas,
7 and Northern Utilities filed jointly with the Commission
8 proposals for the 2011-2012 CORE New Hampshire Energy
9 Efficiency Programs of the Electric Utilities and the
10 Energy Efficiency Plan of the Gas Utilities for the period
11 January 1, 2011 through December 31, 2012.

12 We issued an order of notice on
13 August 12, setting the prehearing conference for today.
14 I'll note for the record that we have the Notice of
15 Participation filed by the Office of Consumer Advocate.
16 And, according to my list, we have Petitions to Intervene
17 from Daniel Ramage and Jeremy Hill; from the Home Builders
18 & Remodelers Association; from US Energy Savers;
19 Conservation Law Foundation; The Way Home; Community
20 Action Associations; and the Office of Energy & Planning.
21 And, also point out that we have an objection that's been
22 filed jointly by the utilities to the intervention of US
23 Energy Saver and Mr. Ramage and Mr. Hill. I also note for
24 the record that the affidavit of publication has been

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1 filed.

2 So, let's -- okay, so, first, I'd like
3 to just get appearances on the record. Second, we'll take
4 statements of positions from the party. And, then, in the
5 third round, we'll deal with the Petitions to Intervene
6 and the objection. So, starting with Mr. Eaton.

7 MR. EATON: Good morning. My name is
8 Gerald M. Eaton, and I represent Public Service Company of
9 New Hampshire.

10 CHAIRMAN GETZ: Good morning.

11 MR. EATON: Good morning.

12 MS. GOLDWASSER: Good morning. My name
13 is Rachel Goldwasser, and I represent Unitil Energy
14 Systems and Northern Utilities.

15 CHAIRMAN GETZ: Good morning.

16 MR. DEAN: Good morning. Mark Dean,
17 representing the New Hampshire Electric Cooperative.

18 CHAIRMAN GETZ: Good morning.

19 MS. KNOWLTON: Good morning. Sarah
20 Knowlton, with the McLane law firm. And, here with me
21 from McLane is Steve Dutton and Angela Li from National
22 Grid. And, we are here today on behalf of Granite State
23 Electric Company and EnergyNorth Natural Gas, Inc.

24 CHAIRMAN GETZ: Good morning.

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1 MR. BUCK: Good morning. Kendall Buck,
2 with the Home Builders & Remodelers Association of New
3 Hampshire.

4 CHAIRMAN GETZ: Good morning.

5 MR. REALS: Good morning. Bob Reals,
6 with New Hampshire Division of Economic Development.

7 CHAIRMAN GETZ: Mr. Reals, have you
8 filed a Petition to Intervene?

9 MR. REALS: No.

10 CHAIRMAN GETZ: Other appearances?

11 MR. PERESS: Good morning. Jonathan
12 Peress, on behalf of the Conservation Law Foundation.

13 CHAIRMAN GETZ: Good morning.

14 MR. STELTZER: Good morning. Eric
15 Steltzer, representing Office of Energy & Planning.

16 CHAIRMAN GETZ: Good morning.

17 MR. NUTE: Good morning. Dana Nute,
18 with the New Hampshire Community Action Association.

19 CHAIRMAN GETZ: Good morning.

20 MR. LINDER: Good morning. My name is
21 Alan Linder. I'm from New Hampshire Legal Assistance. We
22 represent The Way Home. And, with me, from The Way Home,
23 is Dianne Pitts, the Director of Housing Services. Good
24 morning.

1 CHAIRMAN GETZ: Good morning.

2 MR. ANEY: Good morning. My name is
3 Russell Aney. And, I'm with US Energy Saver, LLC.

4 CHAIRMAN GETZ: Good morning.

5 MR. HILL: Good morning. My name is
6 Jeremy Hill. I'm here to represent myself today.

7 CHAIRMAN GETZ: Good morning.

8 MR. RAMAGE: Good morning. I'm Daniel
9 Ramage. I'm representing myself, and also reserve the
10 right to represent New Hampshire Energy Trust.

11 CHAIRMAN GETZ: Good morning.

12 MS. HOLLENBERG: Good morning. Rorie
13 Hollenberg and Stephen Eckberg, here for the Office of
14 Consumer Advocate.

15 CHAIRMAN GETZ: Good morning.

16 MS. AMIDON: Good morning. I'm Suzanne
17 Amidon. I'm here for Commission Staff. And, I have the
18 pleasure in this docket to work with my colleague,
19 Attorney Marcia Thunberg, who is sitting to my left; to
20 her left is Tom Frantz; and to his left is Al-Azad Iqbal.
21 Tom is the Director of the Electric Division and Mr. Iqbal
22 is an Analyst with the Electric Division.

23 CHAIRMAN GETZ: Good morning. Then,
24 let's start with statements of positions. Mr. Eaton.

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1 MR. EATON: Thank you, Mr. Chairman.

2 This proceeding opens up the investigation of the proposed
3 CORE Energy Efficiency Programs for both the electric
4 utilities and natural gas Energy Efficiency Programs. The
5 filing that was made on August 3rd is consistent with
6 previous orders of the Commission. It is also consistent
7 with the Settlement Agreement that was filed in the last
8 Electric Utility Energy Efficiency proceeding, which was
9 Docket Number DE 09-170. Since the Commission approved
10 the programs for 2010, I'll speak to the electric side.

11 The parties have been very active. You
12 are well aware that budgets needed to be reworked because
13 of the passage of legislation, and that was done early on
14 in 2010. The parties have met on a monthly basis. A
15 subset of the parties, PSNH, the Staff, and the Office of
16 the Consumer Advocate have filed a settlement proposed for
17 the issues involved with the 2 percent set-aside that was
18 allowed under RSA 125-O. And, there have also been
19 discussions concerning the shareholder incentive, and part
20 of that discussion has led to some changes that have been
21 incorporated into the filing.

22 We believe that the parties have done a
23 good job in presenting this to the Commission. And, we
24 look forward to working with all parties to get resolution

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1 and have these programs ready for a two-year approval in
2 2011 and 2012. Thank you.

3 CHAIRMAN GETZ: Ms. Goldwasser.

4 MS. GOLDWASSER: Thank you, Mr.
5 Chairman. We concur with the statements made by Attorney
6 Eaton. In addition, the gas utilities have worked
7 together to present their efficiency programs together
8 with the electric utilities this year, and that's a change
9 from past years. We would respectfully ask that the
10 Commission approve the proposed gas and electric energy
11 efficiency programs, in addition to the specific programs
12 which Unitil included in the proposals.

13 The Company looks -- the Company,
14 Unitil, on behalf of Unitil Energy Systems and Northern
15 Utilities, looks forward to working with the other parties
16 to the docket and Commission Staff in tech sessions in
17 coming months to bring this matter before the Commission.

18 CHAIRMAN GETZ: Thank you. Mr. Dean.

19 MR. DEAN: Good morning. New Hampshire
20 Electric Cooperative was a joint proponent of the
21 August 3rd filing. And, accordingly, we echo the comments
22 made by Attorney Eaton on the electric side. Thank you.

23 CHAIRMAN GETZ: Thank you.

24 Ms. Knowlton.

1 MS. KNOWLTON: Thank you. National Grid
2 is very pleased to be here today making a proposal to
3 continue its gas and electric energy efficiency programs
4 that have been in place. As other counsel have indicated,
5 this is the first time that there has been a joint filing
6 by the gas and electric utilities, which I think makes a
7 lot of sense, is a good idea. We're also very pleased
8 that we're proposing a two-year term. As the Commission
9 may remember, in the past, the gas programs had been
10 authorized for up to three years at a time. The electric
11 has gone on a year-by-year basis. And, I think, for
12 efficiency purposes, it makes sense to have a multi-year
13 term for both programs.

14 Over the past years, National Grid's
15 programs have achieved significant savings. For example,
16 in 2009, there was approximately 121,000 annual MMBtu
17 savings on the gas side of the Company's programs. On --
18 with regard to the electric programs, there has been
19 approximately 5,300 annual megawatt-hours that have been
20 saved as result of the energy efficiency programs.

21 The Company's filing is largely
22 consistent with the prior program offerings. There are a
23 few programs that are unique to National Grid, which are
24 highlighted in those filings. There's some changes that

1 are general for both companies. For example, the
2 shareholder incentive that is proposed to be calculated
3 for the gas programs in the same manner as the electric
4 programs. And, there has been some changes to the
5 commercial and industrial programs, so that their
6 structured on the gas side in a way that's similar to the
7 electric side.

8 So, we look forward to participating in
9 this docket fully with the parties and talking with them
10 about the Company's programs. And, would ask that the
11 Commission review those programs and approve them, so that
12 they can continue as of January 1st, 2011. Thank you.

13 CHAIRMAN GETZ: Thank you. Mr. Buck.

14 MR. BUCK: Thank you, Mr. Chairman. The
15 Home Builders & Remodelers Association looks forward to
16 working with the parties as we move forward through the
17 technical sessions, as we've done over the last couple of
18 years. Representing many in the home building and
19 remodeling industry, it's of great interest to us to help
20 achieve the goals of energy efficiency and energy savings,
21 and we look forward to participating.

22 CHAIRMAN GETZ: Thank you. Mr. Reals,
23 did you want to make a comment?

24 MR. REALS: Later on.

1 CHAIRMAN GETZ: Well, this would be the
2 time. I mean, I guess you have an opportunity whether you
3 want to intervene, whether you would want to monitor,
4 whether you'd like to make a comment at this point?

5 MR. REALS: So, on behalf of -- Bob
6 Reals, on behalf of New Hampshire Division of Economic
7 Development, its part of the Department of Resources and
8 Economic Development. Just interested in supporting the
9 utilities in their collaboration between gas and electric,
10 and encouraging them to expand their collaboration to
11 proactively include the various RGGI, federal Stimulus,
12 ARRA funds and other programs that are blanketing the
13 state and overlapping in many ways the utility CORE
14 programs. So, I'm here to encourage that collaboration in
15 a proactive way.

16 CHAIRMAN GETZ: Okay. Thank you.
17 Mr. Peress.

18 MR. PERESS: Thank you, Mr. Chair. The
19 Conservation Law Foundation, on behalf of its 370 or so
20 members in New Hampshire, strongly supports the deployment
21 of all cost-effective energy efficiency mechanisms and
22 measures, both on the environmental and economic merits.

23 We look forward to working with the
24 parties in this docket. We don't have a specific position

1 on the applications and the filings of the parties at this
2 point in time. We note that there are several significant
3 changes to the proposal by the -- proposals by the
4 utilities, including their two-year length and duration,
5 the collaborative programs between the gas and electric
6 entities, as well as changes in the shareholder
7 incentives. And, we would like to and look forward to
8 working with the parties through the discovery process to
9 get into the details of that and put a proposal before the
10 Commission that all the parties can accept.

11 CHAIRMAN GETZ: Thank you.
12 Mr. Steltzer.

13 MR. STELTZER: Yes. Good morning.
14 Thank you for the opportunity to be here and provide these
15 comments to you. The Office of Energy & Planning have
16 been involved with the CORE proceeding since the inception
17 of the program. This past year we have been attending the
18 monthly meetings, and looking at collaborative efforts on
19 how we can leverage these program dollars with other
20 program dollars. Specifically, the funding that's coming
21 through the Stimulus, the American Recovery Reinvestment
22 Act, including the Beacon Communities Project, the
23 Building Energy Efficiency Program that is operated by
24 DRED, the Energy Enterprise Fund, the Appliance Rebate

1 Program, and the Energy Efficiency and Conservation Block
2 Grant funding.

3 What we'll be focusing in on this
4 hearing is just looking for that collaborative effort,
5 also looking for uniformity of the programs to be
6 consistent amongst the utilities, as well as accessibility
7 not only of the program participants, but also the
8 contractors' ability to participate in these programs as
9 well. Thank you.

10 CHAIRMAN GETZ: Thank you. Mr. Nute.

11 MR. NUTE: Yes. The New Hampshire
12 Community Action Association has been involved with this
13 since the inception of the CORE Program also. And, it's
14 good to see that we're collaborating the gas with the
15 electric, as we've been doing in the field for years.
16 And, it's just -- it adheres to my mission to follow, and
17 hope that everything works out as we plan.

18 And, also, as a member of the Climate
19 Action Collaborative, I just want to oversee and bring
20 back to that 18 member group how we are moving everything
21 in the same direction, without overlapping the programs
22 and the funding.

23 CHAIRMAN GETZ: Thank you. Mr. Linder.

24 MR. LINDER: Thank you. The Way Home,

1 as a advocate for members of the low income community,
2 we'd like the Commission to know that The Way Home is
3 supportive of the filing -- of the filings, and
4 particularly with respect to the low income programs of
5 both the gas and electric utilities. The order of notice
6 references, among other things, the question of whether an
7 increase in funding for the low income programs is
8 reasonable. And, The Way Home's position is that the
9 modest increases are reasonable, particularly in light of
10 the program need and the program demand for the services,
11 and the challenges that the low income community faces to
12 access to energy efficiency services in the private
13 markets.

14 With respect to the electric low income
15 program, there is essentially no increase in the
16 percentage of the statewide budget allocated to the low
17 income programs in 2011. The percentage allocation
18 remains at its current statewide allocation of
19 14.5 percent, and that is after the deduction of the
20 shareholder incentives as ordered by the Commission in the
21 previous orders.

22 There is a modest increase in the
23 electric low income budget for year 2012, and that
24 includes both a dollar increase and a increase in the

1 percentage allocation of the statewide budget to
2 15 percent. And, that modest increase will allow an
3 additional 90 to 100 low income homes to be serviced in
4 2012, as compared to 2011.

5 With respect to the two gas low income
6 programs, there is a modest budget increase, that is both
7 necessary and reasonable. There is, however, little or no
8 increase in the number of low income homes that are
9 projected to be served. However, the utilities' goal is
10 to be able to have sufficient funds for the low income
11 program to do more and deeper energy efficiency measures
12 and services for each low income home, as compared to
13 doing more limited measures and services to a larger
14 number of homes.

15 The Way Home does support the low income
16 budget proposals of both the electric and gas utilities.
17 We look forward to working with the parties in this
18 proceeding. Thank you very much.

19 CHAIRMAN GETZ: Thank you. Mr. Aney.

20 MR. ANEY: US Energy Saver intervened in
21 the docket last year, and wants to continue its ability,
22 its right to participate, in the CORE Energy Efficiency
23 dockets -- or, the Energy Efficiency Programs docket this
24 year, as it continues to struggle to try and find a way to

1 earn a living or to profit from energy efficiency services
2 here in the State of New Hampshire. Thank you very much.

3 CHAIRMAN GETZ: Thank you. Mr. Hill.

4 MR. HILL: Thank you, Mr. Commissioner.
5 I'm Jeremy Hill. And, I'm here today to represent myself
6 and to assert my rights as an industry professional, whose
7 livelihood is substantially at stake in regards to the
8 administration of energy efficiency programs. I would
9 also like to preserve my right to substitute the New
10 Hampshire Energy Trust, which we fully expect to be a
11 certified entity in the next few days. At which time we
12 will begin to submit a proposal to facilitate a more
13 effective program on behalf of the ratepayers and the
14 marketplace.

15 CHAIRMAN GETZ: Thank you. Mr. -- Is it
16 "Ramage" or --

17 MR. RAMAGE: It's "Mr. Ramage".

18 CHAIRMAN GETZ: "Ramage".

19 MR. RAMAGE: I have been involved with
20 the energy efficiency programs in New Hampshire -- in New
21 Hampshire since their inception, and even before their
22 inception, in the residential sector, and also the low
23 income portion of that as well. I have firsthand dealings
24 as a contractor in those programs, dealing with utilities.

1 I am very much aware of the facets and details of the New
2 Hampshire programs, in addition to other states. And, I
3 -- my interests here are to better serve consumers in the
4 marketplace and ramp up the need or facilitate the need
5 for more energy efficiency in the state, and be able to
6 provide solutions to consumers in the marketplace, who
7 either do or do not know that they need energy efficiency
8 improvements to better serve themselves and to better
9 serve the environment.

10 And, as myself, and also on behalf of
11 the New Hampshire Energy Trust, we will have a proposal in
12 place, just as the utilities currently have a proposal in
13 place, to administer the programs to best see fit for the
14 consumers in the marketplace, ratepayers. And, I'm just
15 happy to be here.

16 CHAIRMAN GETZ: Thank you.
17 Ms. Hollenberg.

18 MS. HOLLENBERG: Thank you. Good
19 morning. The Office of Consumer Advocate is pleased to
20 have the opportunity to review both the electric and the
21 natural gas energy efficiency programs in the same docket,
22 and with a proposed cycle of two years. We view this as
23 an efficient use of the parties' resources, as well as the
24 Commission's. We are continuing to review the filing and

1 have no positions on any of the issues at this time.

2 Thank you.

3 CHAIRMAN GETZ: Thank you. Ms. Amidon.

4 MS. AMIDON: Thank you. Good morning.

5 Staff has started the process of reviewing the filing.

6 And, because this filing does include both gas and
7 electric energy efficiency programs, and because it's a
8 two-year program, which -- both elements which are
9 consistent with the Settlement Agreement approved by the
10 Commission in docket DE 09-170, we have already begun
11 discovery and have communicated with the parties on a
12 proposed procedural schedule, so we can get this docket
13 done in an effective manner.

14 Having said that, we don't have a
15 particular position on the docket at this point. But we
16 will be working with the parties over discovery and
17 technical sessions, and hope to have a recommendation for
18 the Commission at the conclusion of that process.

19 CHAIRMAN GETZ: Okay. Thank you. At
20 this time then, let's turn to the Petitions to Intervene
21 and the objection. And, I think -- well, let me clarify
22 this. Is the only objection that's being taken today is
23 to the intervention of Mr. Aney, Mr. Hill and Mr. Ramage
24 and their organizations, is that correct?

1 (No verbal response)

2 CHAIRMAN GETZ: Hearing nothing to the
3 contrary, I take that to be correct. I think, in their
4 statements of their positions, Mr. Aney and Mr. Hill and
5 Mr. Ramage essentially spoke to the issue of why they
6 should be permitted to intervene, and we've also seen
7 their Petitions to Intervene. We have just received or I
8 have just seen for the first time this morning the Joint
9 Objection. So, I would propose, as a procedure, to first
10 let the utilities summarize or speak to their objection.
11 Then, we will allow any other parties who want to weigh
12 in, speak to the objection, and then we'll let Mr. Aney,
13 Mr. Hill, and Mr. Ramage speak last to the issue of the
14 Petitions to Intervene.

15 Is there any objection to that
16 procedure?

17 (No verbal response)

18 CHAIRMAN GETZ: Hearing no objection,
19 then, Mr. Eaton.

20 MR. EATON: Attorney Knowlton will
21 present first.

22 CHAIRMAN GETZ: Ms. Knowlton.

23 MS. KNOWLTON: Thank you. I will begin
24 the statement for the utilities, and my colleagues who

1 have signed the joint objection may join in when I have
2 finished my comments.

3 US Energy Saver, LLC, and Mr. Ramage and
4 Hill submitted Petitions to Intervene in this docket
5 primarily based on their stated intent to form a entity
6 called "New Hampshire Energy Trust". And, I believe, as
7 Mr. Ramage just indicated, that the entity has not yet
8 been formed, but, apparently, that is their intention.

9 I would note that, in the Petition to
10 Intervene that was filed by Mr. Ramage and Mr. Hill, they
11 indicate that they're "individuals domiciled in the State
12 of New Hampshire" on the first page of their petition.
13 Yet, when I look at the cover letter that's signed,
14 Mr. Hill appears to live in North Andover, Massachusetts.
15 So, anyway, it's -- what they're proposing is the New
16 Hampshire Energy Trust. And, this Trust, apparently, and
17 their whole Petition to Intervene is predicated on the
18 interest of this Trust, is going to make a proposal, I
19 suppose to this Commission, though, that's not yet clear,
20 to take over the stewardship of the gas and electric
21 energy efficiency programs. And, on behalf of all of the
22 utilities that have submitted the proposal that's before
23 the Commission today, I would assert that that is not
24 within the scope of this noticed proceeding. The

1 Commission --

2 CHAIRMAN GETZ: Well, let's speak to
3 that issue then.

4 MS. KNOWLTON: Okay.

5 CHAIRMAN GETZ: I want to make sure I
6 have a clear delineation in my mind the difference between
7 their Petition to Intervene, "have they demonstrated a
8 right, duty or interest affected by this proceeding that
9 permits them to intervene? Versus, "what's the
10 appropriate scope of this docket?" Because, ostensibly,
11 you can be allowed to intervene, but you're -- and that's
12 a separate question of whether the issues you want to
13 raise can be raised, correct?

14 MS. KNOWLTON: That's right. And, I
15 think, you know, there's two different perspectives that
16 we take on this. I mean, part of the intervention
17 petition is based on this Trust, and the Trust -- the
18 Trust, which is an entity that doesn't exist yet, so it's,
19 at this point, a fictitious entity, this fictitious
20 entity's interest in participating in this proceeding.
21 And, it doesn't exist. I don't understand how an entity
22 that does not exist and is not recognized at law could
23 have a interest in this proceeding.

24 As to the individuals, you know, from

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1 what I understand, assuming that the facts alleged in the
2 Petition to Intervene, for example, by Mr. Hill and
3 Mr. Ramage is correct, these folks are energy service
4 providers, you know. And, to the extent that they have
5 comments to offer on the proposed programs that are before
6 the Commission today, you know, that may have some
7 relevancy. But, to the extent that they seek to intervene
8 because they want to run the programs, I just don't see
9 that that is a substantial interest that is affected by
10 this proceeding.

11 Furthermore, you know, if the Commission
12 were to allow into a proceeding every professional service
13 provider out there that performs services in the industry
14 in question, you know, this room wouldn't be big enough to
15 include everyone.

16 CHAIRMAN GETZ: Doesn't that become an
17 issue more of consolidation then?

18 MS. KNOWLTON: In what regard?

19 CHAIRMAN GETZ: If you're saying that if
20 they have -- if a number of entities and/or individuals
21 have a right to intervene, and our rules and statute
22 permits for consolidation of common interests, then it
23 becomes an issue of administration, rather than legal
24 right to intervene, doesn't it?

1 MS. KNOWLTON: Right. But I don't think
2 that they're here on behalf of a consolidated entity. For
3 example, like the New Hampshire Home Builders Association,
4 is such a consolidated entity.

5 CHAIRMAN GETZ: I guess my point was
6 that we could consolidate their participation under our
7 rules and under the statute?

8 MS. KNOWLTON: Well, in theory, you
9 could consolidate the participation. But they certainly,
10 I don't think, have any authority to represent generally
11 the interests of energy service professionals in the State
12 of New Hampshire. You know, they're not a trade
13 organization, they don't have any of that standing. I
14 mean, their individuals that, you know, would like to run
15 the energy efficiency programs. And, I just -- I don't
16 see that that gives them standing. And, my concern is
17 that, you know, this Commission, in more recent times, has
18 taken a much more limited view about interventions and
19 where they are appropriate under the statute. And, you
20 know, if they want to comment and have -- participate in a
21 public comment way, I think they're entitled to do that.
22 But I don't think their individual interests are affected
23 here. And, believe that it would not be appropriate to
24 allow their intervention, you know, based on that.

1 As we've indicated in the joint
2 objection, there was legislation that was passed, Senate
3 Bill 323, which has put the issue that they're interested
4 in, in terms of the stewardship and the administration of
5 the energy efficiency programs, before the EESE Board.
6 The EESE Board is studying that. They have issued an RFP
7 to hire an expert. They are going to issue a report in
8 November of this year. I --

9 CMSR. BELOW: Well, just to clarify that
10 statement. Your -- and, this is in Paragraph 10 of your
11 Objection as well. You state that "the EESE Board has
12 been tasked" with that. Probably, as you're aware, the
13 statute actually directs the Commission, this Commission,
14 to issue the RFP, and to do -- for the study or policy
15 review, and to do that in close cooperation and working
16 with the EESE Board. But isn't it actually a joint
17 Commission and EESE Board responsibility to undertake the
18 study, and then the EESE Board has the task of making
19 recommendations to the Legislature?

20 MS. KNOWLTON: Thank you for that
21 clarification. And, I think, based on that, that point,
22 you know, it would not make sense to have parallel tracks
23 going, where, you know, the EESE Board and the
24 Commission's consultant will be examining this issue.

1 And, certainly, US Energy Saver and Mr. Hill and
2 Mr. Ramage are, I'm sure, welcome to participate in that
3 process. And, in fact, in US Energy Saver's Petition to
4 Intervene, it indicates that it offered its services to
5 the EESE Board, you know, to the extent that it could
6 provide assistance in that study. But, to have a parallel
7 track over here in this docket, where we're looking at
8 programs that are proposed for two calendar years and
9 consider that same issue, at a minimum to me, it seems
10 like it creates all kinds of administrative
11 inefficiencies, and it just -- this is not the venue where
12 that should occur.

13 Now, you know, I would also note that,
14 you know, Mr. Aney is correct, that US Energy Saver did
15 participate and was granted intervention status in the
16 prior CORE docket. I don't believe he's participated in
17 the gas energy efficiency dockets in the past. His stated
18 reason for participation in the past CORE docket is
19 different than what he stated today. And, in fact, in the
20 prior CORE docket, we had a provision that allowed for
21 parties to that docket to provide comments to the parties
22 about what the proposals for 2011 and 2012 would contain.
23 And, I don't believe that Mr. Aney, in his capacity as the
24 shareholder of -- or, member of US Energy Saver, LLC, you

1 know, offered any formal comments that there should be
2 this restructuring. He was told at -- I believe at one of
3 the meetings that we had that, you know, he was welcomed
4 to petition the Commission, and to put his best case
5 forward and carry the burden of proof, if he felt that it
6 was appropriate to seek a change in the basic structure of
7 how energy efficiency programs are provided in New
8 Hampshire. He's welcome to do that at any time. But I
9 don't think the CORE docket is the appropriate place for
10 that to happen, when I look at the order of notice and I
11 read the noticed issues that the Commission has told the
12 public are the subject matter of this docket.

13 So, I don't think that this is the
14 venue. I think it makes sense, both legally and just
15 common sense, for the EESE Board to consider the interests
16 that they have raised, and then let's see what the EESE
17 Board study says. And, at that point, if the Commission
18 wants to take up the matter through a docket, you know,
19 that would be the appropriate way to go about doing that.
20 Or, if they want to petition the Commission to open a new
21 docket now to do that. But I don't think that this docket
22 is the place to pursue this.

23 And, I'm very concerned that, you know,
24 these proceedings have gotten more and more contentious.

1 And, you know, there's a lot of expense associated with
2 administration of these proceedings. And, I am very
3 concerned that the discovery process would be used to
4 gather the data to support their position that, you know,
5 they want to be running these programs. And, I just don't
6 think that's what this is about, what this docket is
7 intended to be about.

8 So, for those reasons, I would ask that
9 the Commission deny both of the Petitions to Intervene,
10 and encourage US Energy Saver and Mr. Hill and Mr. Ramage
11 to participate in the EESE Board process, to the extent
12 that they have concerns about how these programs should be
13 structured and who should have the stewardship over them
14 in the future.

15 CHAIRMAN GETZ: Thank you. Mr. Eaton.

16 MR. EATON: I have nothing to add to the
17 comments concerning the objection to the intervention. I
18 would note that the Commission has broad powers, if it
19 seeks to grant or decides to grant intervention, to limit
20 it under RSA 541-A:32, III. And, given the fact that we
21 have a two-year program, with both the gas and electric
22 utilities involved in this proceeding, we have filed
23 earlier than we have in the past, but, still, there's not
24 a great deal of time to complete the tasks that are

1 already in the Commission's order of notice, let alone
2 opening up to extraneous issues that weren't noticed and
3 aren't proper in this proceeding. Thank you.

4 CHAIRMAN GETZ: Thank you. Ms.
5 Goldwasser.

6 MS. GOLDWASSER: I concur with the
7 statements made by Attorney Eaton and Attorney Knowlton.
8 I don't have anything additional to add.

9 CHAIRMAN GETZ: Thank you. And,
10 Mr. Dean.

11 MR. DEAN: Very briefly. I guess all I
12 have to add maybe is hopefully a perspective on, I guess,
13 practicality. Which is, I've practiced before this
14 Commission for more years than maybe you or I would like
15 to admit. But -- and, I know that the Commission has
16 historically been lenient in granting petitions to
17 intervene, and attempted to find a solution to the types
18 of issues that have been raised this morning through
19 limitation of the scope of the proceeding and trying to
20 keep a handle on whether it's in discovery or argument or
21 evidence, keeping the docket under control, because the
22 rules require that the intervention be granted, in part,
23 if we can ensure that there will be an orderly conduct of
24 the proceedings.

1 I think this is a little bit unusual, in
2 that the stated objective of the intervenor -- proposed
3 intervenors, even though they may have standing, if you
4 will, separately to intervene and participate, if they had
5 expressed it differently, but their stated objective is
6 something that I think is clearly far beyond the scope of
7 what we're going to deal with in this docket. And. I
8 have no doubt, from past involvement in CORE proceedings
9 with US Energy Saver, that their beliefs and opinions
10 concerning how programs should be run and who should be
11 running them are strong and sincere, and will be difficult
12 for the proposed intervenors to essentially set aside, if
13 the way you remedy this is to have an intervention, but
14 limit the scope.

15 And, I guess I would point out that, I
16 believe it was this spring, when we had hearings
17 concerning the implementation of the budget adjustments in
18 SB 300. There was a docket where clearly the scope was,
19 you know, singularly narrow in nature. And, I think there
20 was -- it was quite an effort to keep the proceedings on
21 track and on the subject that we were -- the very limited
22 subject we were talking about.

23 So, I guess it is acknowledging concerns
24 that the Commission may have about denying interventions,

1 and I think there has been in the past a desire to fix
2 those problems by limiting the scope of intervention. I
3 just think that we have to go into this with our eyes wide
4 open that that is going to be, I believe, a difficult
5 task. Thank you.

6 CHAIRMAN GETZ: Thank you.

7 (Chairman & Commissioners conferring.)

8 CHAIRMAN GETZ: Okay. Mr. Buck, do you
9 have anything on this issue?

10 MR. BUCK: Thank you, Mr. Chairman.
11 Home Builders Association will not take a position on this
12 issue right now.

13 CHAIRMAN GETZ: Thank you. Mr. Peress?

14 MR. PERESS: We're not taking a position
15 on this issue.

16 CHAIRMAN GETZ: Mr. Steltzer?

17 MR. STELTZER: No position. Thank you.

18 CHAIRMAN GETZ: Mr. Nute?

19 MR. NUTE: No position.

20 CHAIRMAN GETZ: Mr. Linder?

21 MR. LINDER: Mr. Chairman, we have
22 examined the petitions and the objection. And, I think
23 there is a difference between stating a legal interest to
24 a given right to intervene and the scope of the

1 intervention. And, I think Mr. Aney has been an
2 intervenor in prior proceedings and has contributed very
3 productively to the proceedings, is knowledgeable, and has
4 stated an interest, and a legal interest in the
5 proceedings.

6 I think the other two gentlemen have
7 stated a legal interest. I think that the objective,
8 their joint objectives does appear to go beyond the
9 traditional scope of the CORE proceedings we've been
10 involved in for the past 10 or 11 years. I think it does
11 present an issue of manageability and administration. I
12 think the intervention, if granted, certainly could be
13 limited in scope, and probably could be manageable.

14 I think one other alternative that the
15 petitioners for intervention might want to consider, and
16 the Commission might want to consider, is petitioning to
17 open a separate proceeding to examine who and how should
18 administer the CORE programs and the gas programs. I do
19 agree with the previous comment that such an examination
20 would be extremely difficult and challenging to accomplish
21 between now and the end of the year, given the numerous
22 issues involved in these filings. And, I would not want
23 to see an examination of who should be administering the
24 programs and how they should be administered, to delay in

1 any way going into year 2011 with an approved program.
2 And, I think that could easily happen, if we had the broad
3 scope of intervention being proposed by these petitioners.
4 Thank you.

5 CHAIRMAN GETZ: Okay. Thank you.
6 Ms. Hollenberg.

7 MS. HOLLENBERG: Thank you. The Office
8 of Consumer Advocate does not oppose the request for
9 intervention of these three individuals. However, we do
10 take no position on the scope of the intervention. Thank
11 you.

12 CHAIRMAN GETZ: Thank you. Ms. Amidon.

13 MS. AMIDON: Staff takes no position on
14 the Motions to Intervene.

15 CHAIRMAN GETZ: Thank you. Mr. Aney.

16 MR. ANEY: Thank you. I'd first like to
17 recognize or just clarify that there are three different
18 entities petitioning for intervention this morning. US
19 Energy Saver is not Jeremy hill, is not Dan Ramage. US
20 Energy Saver is not the New Hampshire Energy Trust, which
21 is a nonprofit that will be registered with the Secretary
22 of State's Office today. US Energy Saver has its own
23 interest in this docket, as a company in the State of New
24 Hampshire trying to earn a living in the energy efficiency

1 and energy services market.

2 I think a precedent of the PUC denying
3 the participation, full participation of a service
4 professional trying to earn his living in the State of New
5 Hampshire in this marketplace would be terrible. Trying
6 to consolidate multiple energy service providers into one
7 intervening party would be unfair.

8 CHAIRMAN GETZ: Can you speak to that,
9 why that would be so, if there are common interests?

10 MR. ANEY: Because my interest is not
11 necessarily common with Dan Ramage's or with Jeremy
12 Hill's. We could all be serving the different sectors of
13 the market, different customers, provide different service
14 offerings. We are not the same entities, we're not
15 mirrors of each other. We're business professionals, in
16 the private marketplace, trying to seek different ways of
17 serving the needs of the customers in this marketplace in
18 a profitable manner. And, to suggest that we are one or
19 the same is folly.

20 Second, so, you know, fundamentally,
21 Ms. Knowlton suggested that this is primarily -- our
22 interventions are primarily based on the intent to form
23 New Hampshire Energy Trust. That is absolutely not the
24 case for US Energy Saver. US Energy Saver made no such

1 claim in its Petition to Intervene. Okay? I'll let these
2 guys speak for themselves. But I know they are also
3 individually professionals serving this marketplace, but
4 who have also taken a very bold step to form a nonprofit
5 organization and to, in their minds, more effectively
6 administer the SBC funds for the benefit of New Hampshire
7 citizens in the State of New Hampshire, to stimulate and
8 promote energy efficiency services across the state,
9 consistent with the reasons why we're collecting these SBC
10 funds.

11 I'd just like to make a note that the
12 notion that Jeremy Hill was domiciled here in the State of
13 New Hampshire is a typo, and, in fact, it's my fault. I
14 made that, gave them a draft, sent a revised draft, and I
15 accidentally sent the wrong copy. So, that was simply a
16 typo, and, hopefully, the Commission will not hold that
17 against their ability to intervene.

18 Ms. Knowlton suggested that "we want to
19 run the program." Actually, we don't want to run the
20 program, any of us. We are interested in seeing a program
21 that is efficiently administered, that promotes effective
22 programs for the State of New Hampshire, and accelerates
23 this state's progress towards transformation in the energy
24 efficiency services marketplace. None of us wants to run

1 that program.

2 I think it's also important to point out
3 that the utilities have no right to run this program.
4 Yet, there's a pretense in this room that they do. Either
5 because they're the utilities, who collect these funds
6 from their ratepayers, and give those funds to the State
7 of New Hampshire, because, once they're collected, they do
8 become the public monies of the State of New Hampshire,
9 which is then turned around, through the PUC, and giving
10 those funds back to the utilities for effective
11 administration of the energy efficiency programs. This
12 whole docket is about whether the PUC believes -- whether
13 the PUC believes that the utilities are proposing an
14 effective program to deliver energy efficiency services
15 consistent with state law.

16 CMSR. BELOW: Hold on a second there.
17 Why do you say, Mr. Aney, that these funds are public
18 funds, when they never actually enter the State Treasury?

19 MR. ANEY: Because they are collected on
20 behalf of the State of New Hampshire.

21 CMSR. BELOW: How so? What legal
22 authority do you cite to say -- come to that conclusion?

23 MR. ANEY: I don't have the statutes
24 here in front of me, but I believe it's RSA 374-F, X, is

1 that not correct? I apologize. And, I'd like to be able
2 to get back to the Commissioners on that, because I don't
3 have the statutes here in front of me.

4 But this -- the funds, once collected,
5 are actually the -- the spending of those funds becomes
6 the decision of the Commission. And, if the Commission,
7 as an agent of the State of New Hampshire, is not
8 spending, I mean, since the Commission is spending those
9 funds or determining how to best spend those funds, I
10 guess I would think that, even though they don't go to a
11 bank account, from the utilities' bank account to the
12 State's bank account and back to the utilities' bank
13 account, it's still -- they're still State funds, because
14 the Commission is actually determining how to spend them.
15 So, perhaps that argument holds.

16 CHAIRMAN GETZ: Mr. Aney, can you speak
17 to the distinction between whether you should be, you or
18 Mr. Hill or Mr. Ramage, and I'll give them the opportunity
19 as well, should be allowed to intervene, versus the issue
20 of what's the appropriate scope of this proceeding and
21 whether this proceeding should include as well the issue
22 of whether there should be a reworking of how the programs
23 are managed?

24 MR. ANEY: I would say that those are

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1 two very separate and distinct issues. I think, should we
2 be allowed to intervene as full participants, absolutely,
3 that's the case. We're individuals in the energy services
4 marketplace that's dramatically affected by the design of
5 these programs. And, our ability to comment on how the
6 State is spending these funds through the utilities'
7 programs' administration that directly affects our
8 livelihood, I think there can be no discussion as to
9 whether it's appropriate or not whether we have the right
10 or standing to intervene as energy service professionals.

11 I think a second question is in regards
12 to whether the New Hampshire Energy Trust, when it is
13 formed or when it submits a filing, that is -- presents an
14 alternative to the administration of certain programs for
15 certain sectors, whether that should be part of this
16 docket or submitted as a separate filing and in a
17 different docket here at the PUC. We fully intend to have
18 that submitted within the next week or two.

19 Now, we asked this question of the Staff
20 here at the PUC. The PUC Staff advised us to submit it as
21 part of this docket. Their expectation was that it would
22 just be consolidated into this docket anyways. So, it was
23 based on Staff's recommendation that we submitted the
24 intervention as we did.

1 CMSR. IGNATIUS: Mr. Aney, the comments
2 of the utilities on a concern that some of the issues
3 you're raising are, however legitimate, may make it
4 difficult to work through discovery to reach a budget and
5 a decision by the end of this year. You heard those this
6 morning. Do you have any response to that?

7 MR. ANEY: Sure.

8 CMSR. IGNATIUS: Just the practical
9 considerations here.

10 MR. ANEY: As the Commission knows well,
11 this docket was started eight weeks ahead of schedule,
12 compared to last year's docket, which started on a -- in a
13 more typical time frame for the CORE docket that the PUC
14 has been reviewing for the last ten years. We believe
15 that, with that additional time, and that we're still
16 before even when the last year's docket even began, we'll
17 have our filing in before last year's docket even began,
18 that there is plenty of time to consider the alternative
19 approach, in terms of administration and perhaps a design
20 of certain programs as part of this docket. I think it
21 really comes down to a decision as to, you know, "what
22 does the State of New Hampshire believe will serve the
23 interests of its ratepayers and citizens and the state's
24 economy best?" And, we believe that the program that

1 we're going to be putting forward through the New
2 Hampshire Energy Trust will merit decision in favor of
3 that program.

4 CMSR. IGNATIUS: Just a moment ago you
5 used the phrase "alternative design and different
6 approach", I think is how you put it, to the CORE
7 Programs, is something that you would be advancing. Can
8 you -- and, yet, you took issue with Ms. Knowlton's
9 characterization that you were looking at taking over the
10 administration of the programs. Can you flesh out just a
11 little more what it is that you would be advocating in
12 this docket?

13 MR. ANEY: Okay. So, again, I'd like to
14 separate out that I am going to be intervening on behalf
15 of myself and US Energy Saver, okay? That's one set of
16 interests. And, when I was speaking about the New
17 Hampshire Energy Trust, about what to anticipate, to give
18 you a heads-up as to what that is going to include, I said
19 that that New Hampshire Energy Trust filing will include
20 some suggested modifications, perhaps some new programs,
21 for certain sectors, just like their current CORE proposal
22 provides. I mean, so, you know, you're arguing that we
23 may submit, but it's complete speculation, a program that
24 is completely different. Yes, it will be different.

1 Slightly, but not necessarily revolutionary.

2 CMSR. IGNATIUS: But can I ask you what,
3 and you're right to keep making it clear whose entity
4 we're talking about. So, for US Energy Saver, what is the
5 type of input that your organization would be bringing to
6 this docket?

7 MR. ANEY: The type of input that we'll
8 bring is built on my experience and insight gathered
9 through the CORE docket last year, that I've continue to
10 compile and develop other the course of last year. And,
11 also continued to develop through my insights and
12 experience in energy services in other states, and
13 continuing to read up very heavily in that area. As
14 Mr. Linder mentioned, I think I made some very productive
15 insights, revealed some very important aspects of the
16 program that had gone unknown or unseen in prior dockets.

17 I intend to, as an individual
18 entrepreneur, to continue to reveal my perspective with
19 better evidence, better data, and perhaps testimony, in
20 regards to the CORE docket itself, should this just stay
21 in the CORE docket, and/or towards the filing that may
22 come in from the New Hampshire Energy Trust.

23 CMSR. IGNATIUS: All right. And, one
24 other area I wanted to ask you about. The study that's

1 soon to be underway jointly between the PUC and the EESE
2 Board that was required by Senate Bill 323, are you aware
3 of that study?

4 MR. ANEY: Yes, I am actually aware of
5 that study. But, just because there is a study that's
6 going to be published sometime next year, that may suggest
7 some potential changes or opportunities for improvements,
8 doesn't mean we should not act now, if we believe there's
9 opportunity right now to make effective changes to improve
10 the programs. And, to wit, we have the utilities
11 submitting a revised, modified, and supposedly improved
12 program, so they're introducing changes. Why should that
13 prevent us from similarly introducing suggested
14 improvement opportunities that can take effect now? Why
15 do we have to wait for some study by some entity that may
16 not be looking nearly as closely as we're going to be
17 looking at these programs specifically? That study is a
18 broadly overarching study, looking at a whole variety of
19 factors, with a limited budget. And, who knows whether
20 they will effectively get into some of the specifics that
21 we intend to address here, in regards to how to actually
22 deliver some of these programs more efficiently and more
23 effectively and do a better job of stimulating the energy
24 efficiency and conservation markets here in the State of

1 New Hampshire.

2 CMSR. IGNATIUS: All right. Thank you.

3 Very interesting.

4 CHAIRMAN GETZ: Anything further?

5 MR. ANEY: Yes. I actually do have a
6 couple other things. Ms. Knowlton mentioned that the
7 reasons for my participation, my petition, my letter, my
8 intervention petition changed from last year. Well, it's
9 perhaps not too surprising, I've changed. My company has
10 changed, it's evolved. So, I don't see any reason why
11 that should be used against my ability to petition this
12 year.

13 Secondly, there was a suggestion that
14 the intention listed in my petition was contrary to the
15 notion that I was primarily intervening in this docket to
16 promote the New Hampshire Energy Trust alternative filing.
17 I don't make that claim. I object to her making that
18 claim. That's unfair and inaccurate. So, and secondly,
19 to that point, the New Hampshire Energy Trust was not
20 actually the -- has not been developed out of my
21 initiative. The New Hampshire Energy Trust was the
22 initiative of these two individuals here, who have taken a
23 very bold move, and are putting substantial personal
24 capital at risk to promote a program and an entity for

1 administering that program that is going to do a better
2 job serving the needs of New Hampshire. When they
3 discovered, through conversations with folks who had
4 intervened in prior dockets, that I may be able to help
5 them, as both a consultant, as somebody with a long, long
6 history of management consulting background, and somebody
7 who intervened and was very close to this docket last
8 year, they chose to engage me, so that I could help them
9 up the learning curve. Last year I found it very
10 difficult to participate in this docket, and to understand
11 really the details behind these programs. So, it was like
12 a large data discovery process for me in many ways. And,
13 it limited my ability to really effectively intervene or
14 submit testimony, or even to cross-examine. I also
15 represented myself pro se. And, so, I've offered, at a
16 very reduced rate, to help these guys come up that
17 learning curve a little bit.

18 But, I want to be clear, the New
19 Hampshire Energy Trust is not my initiative, it's not US
20 Energy Saver. I'm intervening separately. And,
21 regardless of what you decide to do in regards to New
22 Hampshire Energy Trust, I still intend to intervene and
23 fully participate in this docket. And, I do believe that
24 it would be the benefit -- to the benefit of the PUC and

1 the State of New Hampshire to allow me to do so, because I
2 have a lot to share this year, based on my learning from
3 what I discovered last year.

4 In regards to the expense of the
5 proceeding, Ms. Knowlton also mentioned that this could
6 lead to a lengthy, expensive engagement. Well, as you
7 know, and as you can see again, I'm representing myself
8 pro se. And, I do not intend to petition the PUC for
9 compensation for my time. I'm doing this as a volunteer
10 and as a citizen and as a businessman for the State of New
11 Hampshire.

12 I think the other thing that's important
13 to consider in regards to New Hampshire Energy Trust, even
14 though this is not known, they are going to be submitting
15 a proposal that returns their performance incentive monies
16 that are currently creamed off the top of the -- well, not
17 "creamed off the top", but the performance incentive
18 monies that go to the shareholders and/or back to the
19 members of the Cooperative, and reinvest them back into
20 the programs here in the State of New Hampshire. We also
21 believe that, by using one administrative group for the
22 State of New Hampshire, versus four redundant
23 organizations across New Hampshire, there will be
24 significant additional expense savings.

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1 So, then, when we look at the SB -- the
2 expense of doing this, all of which is funded by the SBC
3 programs, those attorneys over there are funded by the SBC
4 funds, taking monies out of the CORE program service
5 delivery and rebates that go to the ratepayers and
6 citizens of New Hampshire. We will significantly improve,
7 we propose, the return or the amount of money that's
8 actually going into the New Hampshire economy, and in
9 support of energy efficiency, versus what they're
10 proposing. So, to suggest that anybody challenging this
11 is a wasted expense on behalf of the PUC, without even
12 looking at what they have to say, I think is unfair.
13 Again, especially given the amount of money that it takes
14 to administer these programs and to reward their
15 shareholders at a very high profit level for doing so.

16 And, to Mr. Dean's comment, Mr. Dean
17 mentioned that, in the review of the budgets in the second
18 hearing we had in regards to the budgets last year, that I
19 was perhaps difficult to control, or something to that
20 effect, he didn't quite state that simply, directly, but
21 it was implied. One of the things that I wanted to note,
22 and I did note when I was commenting, was that, even
23 though I did not agree necessarily with the settlement of
24 the other parties, but there were multiple levers,

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1 including reduction of the shareholder incentive or
2 reallocation of funds from one utility to another of SBC
3 funds, that could have eliminated the need for the PUC to
4 actually withdraw funds from RGGI, from the RGGI funds,
5 the Greenhouse Gas Emission Reduction Fund, to further
6 supplement the budget of New Hampshire Energy Cooperative
7 -- Electric Cooperative SBC-funded CORE Programs. And,
8 that there was perhaps even additional opportunity for the
9 utilities to reduce their expenses and/or to reduce the
10 amount of discounts that they were providing to provide or
11 serve the same number of people, stimulate as much
12 investment in energy efficiency, with a lower investment
13 of public dollars. And, they chose not to do that. And,
14 I wanted to clarify that those comments or suggestions
15 were made during the discussions in various technical
16 sessions and other forums, yet none of those were actually
17 submitted as part of a solution, and that they could have
18 helped to avoid the need to rob any funds from the RGGI
19 funds.

20 So, I think that, otherwise, I think you
21 should probably -- I will recommend that, rather than rely
22 on the speculation of some others here in regards to what
23 is the New Hampshire Energy Trust, what are their
24 programs, what would be the expense or challenge, that the

1 Commission grant us our intervention rights as individuals
2 on this day, as we requested. Perhaps, just suggesting
3 that, you know, you'll look at the New Hampshire Energy
4 Trust petition for intervention when it comes along, and
5 look at that filing and determine how to handle it when it
6 is submitted. Why do we need to prejudge that, I guess,
7 today, if there's any scope?

8 I think, you know, what I'd really like
9 to request here is that each of us be given the
10 opportunity to fully participate. And, with that, I'll
11 ask Mr. Ramage and Mr. Hill to further comment or
12 elaborate on their desire to individually participate
13 fully in this docket. Thank you.

14 CHAIRMAN GETZ: Mr. Hill.

15 MR. HILL: Thank you. First, what I'll
16 do is I'll address Ms. Knowlton's concern about my
17 domicile. It's true that that was a typo in the original
18 Petition to Intervene. I am currently a resident of
19 Massachusetts. Between 2005 and 2009, I was a resident of
20 New Hampshire. Both of my children were born in New
21 Hampshire, and I was married in New Hampshire. I've done
22 services, both as an energy auditor and through energy
23 efficient upgrades and installations in New Hampshire, in
24 the past, presently, and would hope to in the future as

1 well.

2 The main reason that I would plead for
3 you the right to intervene as a full party through this
4 process is that, consistent with past Commission filings
5 and proclamations, the -- stated over and over that the
6 goal of the CORE Programs is that to facilitate an open
7 marketplace and to not hinder the private market. And, I
8 think that I have a real unique sense of the marketplace,
9 perhaps different than anybody else in the room, which is
10 that I have a substantial history operating inside of, as
11 a contractor or an agent of a contractor, inside of energy
12 efficiency incentive marketplaces, and also in spite of
13 energy efficiency incentive marketplaces. And, we
14 certainly would encourage you to permit the substitution
15 of the New Hampshire Energy Trust, which, again, will be
16 filed with the State today as soon as that happens.

17 Do you have any further questions for
18 me?

19 CHAIRMAN GETZ: Well, yes. I'd like to
20 follow up on this distinction between -- I'm trying to
21 reconcile what I see in the filing about the Trust, that
22 it would "assume the administration and some of the
23 implementation of certain energy programs", in Paragraph
24 4, and Paragraph 7 indicates that you will "demonstrate

1 it's in the best interest...to transfer the administration
2 of at least some, if not all, of the programs to the
3 Energy Trust", which sounds like a fundamental undertaking
4 that's going to take a good deal of time to consider.
5 Versus, Mr. Aney, I think, characterized it as you all may
6 be making some "more modest proposals or changes, similar
7 to what the utilities are doing."

8 So, it seems like this could go in a
9 couple of directions as a matter of fact; something more
10 modest versus something more fundamental. And, how do we
11 address that unknown at this point, with respect to what's
12 the appropriate scope of this proceeding? And, then, I
13 guess ultimately gets to the question of "what do you
14 think the appropriate scope?" Should it be just the more
15 modest changes and improvements of the nature being
16 proposed by the utility or should we be undertaking here
17 the more fundamental review of how programs are
18 administered and implemented?

19 MR. HILL: Well, I think that the
20 Commission has stated in the past that it would favor any
21 avenue that was most cost-effective in terms of program
22 administration, and would facilitate the marketplace and
23 lead towards transformation and the eventual exit of an
24 administrator. So, I would encourage the Commission to

1 grant us the ability to intervene. And, I think what we
2 would do is we would pledge, in good faith, to make it as
3 simple and short as possible.

4 CHAIRMAN GETZ: Okay. All right. Thank
5 you. Mr. Ramage.

6 MR. RAMAGE: Good morning. I would
7 further ask that you dismiss the petition for our full
8 intervention, both --

9 MR. ANEY: Dismiss the objection.

10 MR. RAMAGE: -- request that you would
11 deny or object to the petition to intervene, both for us
12 personally and also as for New Hampshire Energy Trust. I
13 can assure you that the Trust, it's sole designation is to
14 better administer the programs in the best fashion for the
15 public. It is really geared towards the -- what the
16 founding principles of the CORE Energy Efficiency Programs
17 were originally designed to do. And, it's been ten years.
18 I've had firsthand dealings in every avenue of these CORE
19 Programs, Energy Efficiency Programs in New Hampshire,
20 both just as a contractor, both as reporting the energy
21 savings, dealing with customers, dealing with utility
22 companies, and the program administrators for such.

23 I can assure you, like Jeremy had
24 commented, that our proposal will be simple, to the point,

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1 it will not be very, very lengthy, but it will be full of
2 -- I think a lot of the concerns that have come up in the
3 past, those concerns will be addressed, and every possible
4 concern that may be in your mind now, as to, you look at
5 two proposals, they shall be addressed in there. Because
6 we see and appreciate that fact. We want to keep it
7 short, simple, we don't want to excessively stress the
8 proposals, to the fact where it would slow down the
9 implementation of the programs for 2011.

10 I would also like to stress the fact
11 that, even in the event that that did happen, I believe
12 right now, currently, utilities do have authorization to
13 spend next year's budget, at a certain percentage this
14 year, to keep the programs running.

15 Other than that, I mean, if you have any
16 other further questions for me, I don't want to talk too
17 long or too -- in circles.

18 CHAIRMAN GETZ: Well, I think you just
19 need to -- I'm not sure that you -- that I understand
20 exactly what your position is with what you want to
21 dismiss or --

22 MR. RAMAGE: I guess I'll rephrase that.
23 I would request that we do, I, myself, do have full
24 intervention rights to petition to participate --

1 CHAIRMAN GETZ: You would like --

2 MR. RAMAGE: -- to fully participate as,
3 personally, as myself, and also for New Hampshire Energy
4 Trust in all of these proceedings. I think my credibility
5 and my -- what I've done to serve people in the past
6 through these programs does offer some sustainability to
7 the fact that I do have something to offer, and helping
8 these proceedings attain its -- attain its intended goals.
9 Have I clarified it enough?

10 CMSR. BELOW: Well, I have another
11 question, which is --

12 MR. RAMAGE: Sure.

13 CMSR. BELOW: How do you respond to the
14 issue raised in the objection to your Motion to Intervene
15 with regard to the notice for the proceeding? You know, a
16 notice was published, and part of the intent of that is to
17 provide the world, so to speak, or potential interested
18 parties with notice about what the scope and subject
19 matter is of the proceeding. And, the objection raised
20 the concern that other, to the extent there's a proposal
21 to change the administration, that that is not something
22 that was part of the noticed scope. How do you respond to
23 that objection?

24 MR. RAMAGE: I would say that the

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1 utilities brought forward a proposal. The proposal is
2 supposed to be tailored to best serve the interest of the
3 public or the ratepayer dollars that are collected through
4 the SBC funds. I believe that we should have the right to
5 put a proposal on the books as well, because it is serving
6 that interest. We are not proposing to do something
7 totally different. We are proposing to better serve the
8 people at large, the ratepayers, with their funds, or at
9 least funds that were collected from them, to better --
10 better help the energy efficiency marketplace in New
11 Hampshire, but also the economy of New Hampshire. I don't
12 see that as being anything different. It's just a
13 proposal, something similar to what the utilities have
14 done. I mean, they have presented a proposal. We are
15 presenting a proposal. And, it's still in line with what
16 the initial intention of this whole proceeding was for,
17 for energy efficiency measures to be implemented in a
18 cost-effective manner to best suit, fill the needs of New
19 Hampshire.

20 CHAIRMAN GETZ: Okay. Thank you. Is
21 there anything else on this issue? Well, I think, Ms.
22 Amidon, did --

23 MS. AMIDON: Yes, I did. Staff wishes
24 to address Mr. Aney's statement that "Staff directed him

1 to file a proposal in this docket." Staff did speak with
2 Mr. Aney, and explained the docket is under tight time
3 constraints. Mr. Aney indicated he would be making a
4 filing, and Staff acknowledged he could file it. But
5 never implied that it supported the filing or took a
6 position on the filing. And, Mr. Aney's implied support
7 of Staff is incorrect, and we wanted to clarify that.

8 Further, pursuant to the Settlement
9 Agreement approved by the Commission in docket DE 09-170,
10 the parties agreed on a date by which any new innovations
11 or approaches to the 2010 CORE filings would be made. I
12 believe it was April 1, subject to check. The OEP and the
13 OCA did file recommendations on enhancements or
14 improvements that were -- that should be considered in the
15 2010-2011 CORE filings. We did not receive anything from
16 Mr. Aney. And, this -- I just want to clarify that this
17 proposal which is under discussion is something Staff is
18 only aware of in theory, and we haven't seen it and are
19 not aware of the content. Thank you.

20 CHAIRMAN GETZ: Okay. Thank you. All
21 right. We're going to take a brief recess.

22 (Whereupon a recess was taken at 10:41
23 a.m. and the hearing resumed at 10:59
24 a.m.)

1 CHAIRMAN GETZ: Okay. We're back on the
2 record. With respect to the Petitions to Intervene, we
3 will grant all of the Petitions to Intervene, and we will
4 explain, to the extent necessary, in a procedural order
5 whether particular Petitions to Intervene are granted as a
6 matter of right or as a matter of discretion under the
7 statute. With respect to the scope of the proceeding, I
8 think it's difficult to be specific in the abstract,
9 without knowing exactly what's going to be proposed,
10 especially by Mr. Aney, Mr. Hill and Mr. Ramage. I think
11 there's a continuum, where some proposals, whatever they
12 might be, are within the scope of design changes or
13 improvements that may be appropriate to this proceeding.
14 On the other hand, at the other end of the continuum,
15 there may be issues that are such fundamental changes that
16 they would be beyond the scope of this proceeding or we
17 would require a separate proceeding to consider. So, I
18 think we're going to have to wait and see what is
19 proposed.

20 But, along those lines, Ms. Amidon, I'd
21 like -- let me make sure I understand what, and if any of
22 the other parties want to weigh in on this, is the
23 expectation from a procedural schedule, we have the joint
24 filing, is this going to be a typical kind of process,

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1 where there will be discovery, and then opportunity for
2 testimony from other proceedings -- or, from other
3 parties, and then, of course, discovery on that? Is that
4 the --

5 MS. AMIDON: That is -- that is correct.
6 We have two sets of data requests, I think we have three
7 technical sessions, we have opportunity for Staff and
8 Intervenor testimony, and an opportunity for rebuttal
9 testimony. And, all with the hope of having a hearing in
10 December, so that the Commission can deliberate and issue
11 an order for the programs to commence January 1, 2011.

12 CHAIRMAN GETZ: Okay. And, let me -- I
13 guess I would add this. I mean, certainly, it's important
14 that these -- the decisions with respect to next year's
15 programs be made in a timely manner, and that this
16 proceeding proceeds in a prompt and orderly way. So,
17 we'll keep that in consideration when we see whatever
18 proposals may or may not be filed through the reply
19 testimony.

20 Are there any other issues we need to
21 address this morning?

22 MS. AMIDON: I don't believe so.

23 CHAIRMAN GETZ: Okay. Hearing nothing,
24 then we will await a proposal from the parties coming out

1 of the technical session on a procedural schedule. And,
2 we'll take the matters under advisement. Thank you,
3 everyone.

4 (Whereupon the prehearing conference
5 ended at 11:02 a.m., and a technical
6 session was held thereafter.)

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