

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 16-576**

**Development of New Alternative Net Metering Tariffs and/or  
Other Regulatory Mechanisms and Tariffs for Customer-Generators**

**Order Granting Request for Clarification**

**ORDER NO. 26,227**

**March 20, 2019**

In this order, the Commission grants the request for clarification made by the Office of the Consumer Advocate in its Motion for Clarification and/or Reconsideration of Order No. 26,221 (February 20, 2019). Specifically, the Commission clarifies that the scope of discovery includes the electric distribution utilities' load growth projections, capital investment plans, and other distribution system planning methodologies, as well as their marginal cost of service studies. To accommodate the clarification, the period for discovery is extended for an additional two weeks from the date of this order. The Commission also clarifies that the study consultant can recommend the use of a counterfactual baseline analysis that excludes future projections of historically-observed growth in net-metered distributed generation investment.

**I. PROCEDURAL HISTORY**

In Order No. 26,221 (February 20, 2019), the Commission approved the scope and timeline for completion of a Locational Value of Distributed Generation (LVDG) Study, based on Commission Staff's recommendation, but with a number of modifications. The Office of the Consumer Advocate (OCA) filed a timely "Motion for Clarification and/or Reconsideration" regarding Order No. 26,221 (Motion), to which no objections were filed. The Motion and all other docket filings, other than any information for which confidential treatment is requested of

or granted by the Commission, are posted at <http://puc.nh.gov/Regulatory/Docketbk/2016/16-576.html>.

## II. THE OCA'S MOTION

In its Motion, the OCA asked the Commission to clarify that it intended to provide an opportunity for parties to serve discovery on the utilities on the topics of load growth projections, capital investment plans, and other distribution system planning methodologies, as necessary for the completion of the LVDG study, rather than only relating to the utilities' marginal cost of service (MCOS) studies. Motion at 3. According to the OCA, Eversource's MCOS study contains forward-looking analyses concerning load growth projections, capital investment plans, and other distribution system planning methodologies, while the MCOS studies of the other two regulated electric distribution utilities do not. *Id.* The OCA maintained that the Commission could not have intended to limit discovery in this docket to "two studies which bear almost no relevance to the locational value of distributed generation [(DG)]." *Id.* If the Commission intended to limit the scope of parties' discovery to the MCOS studies, the OCA urged the Commission to reconsider that decision. *Id.*

The OCA also requested that the Commission clarify or reconsider its decision not to require any "counterfactual baseline" analyses in the scope of the LVDG study. *Id.* at 4 (citing Order No. 26,221 at 15). In particular, the OCA maintained that a counterfactual forecast should be incorporated in the study scope that does not include "any future projections of historically observed growth in net metered [DG] investment because the incremental value of those investments is precisely what the study is trying to capture." *Id.* According to the OCA, such a counterfactual analysis should be included in the study because of the "prominence of establishing counterfactual baselines in avoided costs studies generally, the current use of such a

practice in New Hampshire [in the energy efficiency context], and a related example from California.” *Id.* at 5-8.

The OCA asked the Commission to clarify that, in declining to require a counterfactual baseline within the LVDG study scope, it was “not foreclosing such a strategy should one be recommended by the Commission’s locational value study consultant.” *Id.* at 8. If that was not the Commission’s intent, the OCA urged the Commission to reconsider its decision and confirm that the consultant would be permitted to recommend the use of a counterfactual baseline analysis that excludes future projections of historically-observed growth in net-metered DG investment. *Id.*

### **III. COMMISSION ANALYSIS**

Under RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding, *see O’Loughlin v. N.H. Personnel Comm’n*, 117 N.H. 999, 1004 (1977), or by identifying specific matters that were “overlooked or mistakenly conceived” by the Commission, *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Public Service Company of New Hampshire*, Order No. 25,239 at 8 (June 23, 2011).

We have reviewed the OCA’s Motion, and we find that the request for clarification is reasonable and appropriate under the circumstances. It was not our intent to limit the scope of discovery in a manner that might diminish its relevance in the LVDG study context. We therefore clarify that parties should have the opportunity to serve discovery on the three regulated electric distribution utilities with respect to load growth projections, capital investment plans, and other distribution system planning methodologies, as well as their respective MCOS

studies. The time period for that discovery is extended for an additional two weeks from the date of this order.

In Order No. 26,221, we decided not to require that the LVDG study scope include any “counterfactual baseline” analyses. *See* Order No. 26,221 at 15. That decision was made particularly in contemplation of the Joint Stakeholders’ recommendation<sup>1</sup> that the study scope include a “counter-factual accounting of what the distribution system would look like in the absence of [installed] net metered systems.” Joint Stakeholders’ Comments at 3. We did not intend that determination to preclude any forward-looking analysis projection that would exclude future DG deployment projections, where the incremental value of those DG investments is the primary focus of the study itself. We recognize that approach is consistent with avoided cost analyses utilized in the energy efficiency program evaluation context. *See* Motion at 6. We therefore clarify that the LVDG study consultant should be permitted to recommend the use of a counterfactual baseline analysis that excludes future projections of historically-observed growth in net-metered DG investment.

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

**ORDERED**, that the request for clarification contained in the Office of the Consumer Advocate’s Motion for Clarification and/or Reconsideration of Order No. 26,221 is GRANTED; and it is


**FURTHER ORDERED**, that the parties shall have the opportunity to serve discovery on the three regulated electric distribution utilities with respect to load growth projections, capital

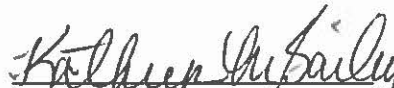
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<sup>1</sup> The “Joint Stakeholders” are Vote Solar, Clean Energy NH (formerly known as New Hampshire Sustainable Energy Association), and Conservation Law Foundation. The Joint Stakeholders filed comments on the draft LVDG study scope and methodology on January 9, 2019 (Joint Stakeholders’ Comments).

investment plans, and other distribution system planning methodologies, as well as their respective MCOS studies, for a period of two weeks from the date of this order.

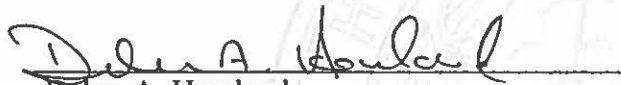
By order of the Public Utilities Commission of New Hampshire this twentieth day of March, 2019.

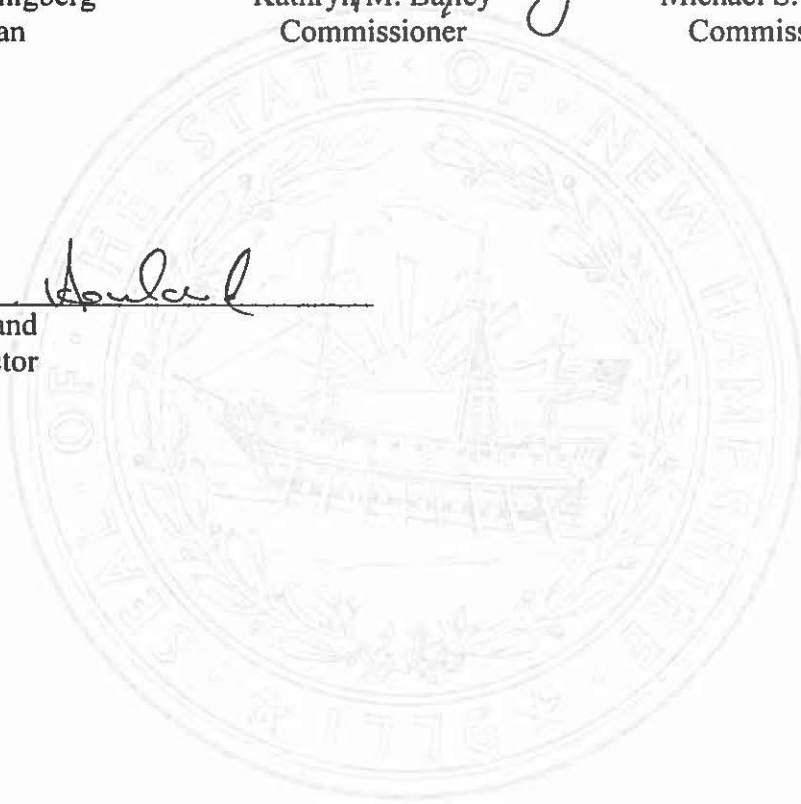
  
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Kathryn M. Bailey  
Commissioner

  
Michael S. Giaimo  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director



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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.

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