



ATTACHMENT A

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Matthew J. Fossum
Senior Counsel

603-634-2961
matthew.fossum@eversource.com

October 15, 2018

Brian Buckley, Esq.
Staff Attorney
Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, NH 03301-2429

RE: Docket No. DE 17-136
Electric and Gas Utilities

2018-2020 New Hampshire Statewide Energy Efficiency Plan

Dear Attorney Buckley:

Enclosed please find Public Service Company of New Hampshire d/b/a Eversource Energy's objections to certain of the data requests of the Office of the Consumer Advocate in the above-referenced docket.

A hard copy will not follow unless requested. If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Matthew J. Fossum", with a long horizontal line extending to the right.

Matthew J. Fossum
Senior Counsel

Enclosure
CC: Discovery Service List

ATTACHMENT A

Public Service of New Hampshire d/b/a Eversource Energy
Docket No. DE 17-136

Date Request Received: 10/05/2018

Request No. OCA 2-012

Request from: Office of Consumer Advocate

Date of Response: 10/15/2018

Page 1 of 1

Witness:

Request:

Reference Eversource's Marginal Cost of Service Study filed with the Commission on July 16, 2018.
Please provide a copy of all supporting workpapers in live excel format.

Response:

Eversource objects to this data request on the grounds that the question requests data or information which is not relevant to the issues in this docket concerning the approval of the 2019 plan update. Moreover, Eversource objects on the basis that the information requested is confidential and proprietary information of a third-party. Furthermore, Eversource objects on the basis that compiling the information would be burdensome in the context of this case. Subject to, and without waiving, this objection, Eversource will provide an answer on the date for responses.

ATTACHMENT A

Public Service of New Hampshire d/b/a Eversource Energy
Docket No. DE 17-136

Date Request Received: 10/05/2018

Request No. OCA 2-013

Request from: Office of Consumer Advocate

Date of Response: 10/15/2018

Page 1 of 1

Witness:

Request:

Reference Eversource's June 27, 2018 letter to the Commission regarding the status of its marginal cost of service study stating "The study, while complete, is currently undergoing final review and refinement."

- a. Please provide a copy of the marginal cost of service study as it was originally submitted to the Company by its author, prior to the Company's "final review and refinement."
- b. Please provide a copy of all written communications between the Company and Economists Incorporated, including any attachments which were included in those communications.
- c. Please provide the cost of the Marginal Cost of Service Study and a copy of any invoices Eversource received from their consultant for that study.

Response:

Eversource objects to this data request on the grounds that the request is vague and overly broad. Moreover, Eversource objects on the grounds that documents sought by this request may be subject to attorney-client and/or attorney-work product privileges and are not subject to disclosure. Further, Eversource objects on the grounds that the question requests data or information which is not relevant to the issues in this docket concerning the approval of the 2019 plan update.

ATTACHMENT A

Public Service of New Hampshire d/b/a Eversource Energy
Docket No. DE 17-136

Date Request Received: 10/05/2018
Request No. OCA 2-014
Request from: Office of Consumer Advocate

Date of Response: 10/15/2018
Page 1 of 2

Witness:

Request:

Reference Eversource's Marginal Cost of Service Study filed with the Commission on July 16, 2018, stating "The MCOS study uses available information of regional forecasts of annual peak load growth, along with information on known industrial step load additions at specific bulk stations to estimate the share of the system potentially subject to requiring growth-related expansion over the full five-year period as new load materializes. A review of the station loads and nameplate ratings revealed that some of the high-growth distribution areas will have ample station capacity to serve peak loads during the study period," and that "[t]he Company anticipates that station capacity expansion will be needed in a number of location in order to meet the minimum planning criteria," and that "[t]he MCOS builds upon an in-depth review of the Company's budgeted investments for the upcoming planning period (2019 - 2023). Our review identified specific bulk station and distribution substation expansion projects. El reviewed the nature of these projects and identified the cost associated with capacity expansion in capital planning. These projects generally involve replacement of existing substation transformers with one (or two) larger transformers. These investments intend to address existing or expected overload conditions, serve new step industrial or commercial load additions, and/or offload nearby substations." Please provide all supporting materials relative the analysis performed to determine the marginal cost of capacity constrained areas, including but not limited to the above-mentioned:

- a. Eversource's budgeted investments for the upcoming planning period (2019-2023).
- b. Information on regional forecasts of annual peak load growth;
- c. Information on known industrial step load additions at specific bulk stations;
- d. An estimation of the share of the system potentially subject to requiring growth-related expansion over the full five-year period as new load materializes;
- e. The review of the station loads and nameplate ratings;
- f. On a project by project basis, the specific bulk station and distribution substation capacity enhancements that will be needed in order to meet the minimum planning criteria, along with a description of that criteria, and the current peak loading as a percentage of that criteria, and projected peak loading between 2019 and 2023, and the cost of the investment. Please provide this data in excel format, building upon the template format utilized in Southern California Edison's Grid Needs Assessment.

Response:

Eversource objects to this data request on the grounds that the question requests data or information which is not relevant to the issues in this docket concerning the approval of the 2019 plan update. As described both on page 8 of the April 27, 2016 settlement in Docket DE 15-137 and on page 62 of Order No. 25,932 approving that settlement. That Order reads, in relevant part and with emphasis added:

ATTACHMENT A

We approve the Settling Parties' recommendations for an EERS process, including the pre-filing collaborative preparation of a plan for the first triennium with the assistance of a planning expert. We agree that such a process will likely result in a more efficient and less adversarial adjudicative proceeding following the plan's filing for Commission review and approval. **An *abbreviated annual plan update process during the trienniums, like the process we currently use for the Core dockets, is appropriate and will enable the stakeholders some flexibility to respond to developments in the energy efficiency market during that time.***

In that this docket was intended to be an abbreviated review of an update to existing programs, which do not have geo-targeted investments as part of the proposals, the information about specific projects is not relevant to this docket. Further, and with respect to part f, Eversource objects on the grounds that the question requires speculation and that Eversource is not obligated to create a new analysis or report on behalf of another. Subject to, and without waiving, the above objections, Eversource will provide a response.

ATTACHMENT B

From: [Kreis, Donald](#)
To: [Fossum, Matthew J](#)
Subject: RE: DE 17-136 Eversource Objections to OCA Set 2 Requests
Date: Tuesday, October 16, 2018 9:10:32 AM

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Dear Matthew:

Thank you for this very prompt and forthright reply. I will follow up soon.

Cheers,
Don

From: Fossum, Matthew J [<mailto:matthew.fossum@eversource.com>]
Sent: Monday, October 15, 2018 12:34
To: Kreis, Donald
Cc: Buckley, Brian
Subject: RE: DE 17-136 Eversource Objections to OCA Set 2 Requests

Don –

I must admit, I am still confused why it is that the OCA appears to believe that the marginal cost of service study, which was submitted in another docket and prepared for other purposes, has any bearing on or place in this docket. Therefore, I am likewise confused as to why this information seems essential to you to obtain. The settlement agreement setting up this proceeding, which we reference in the objection to question 2-14, and which you have signed, lays out what the process is supposed to be for these update filings. On page 8 the settlement states:

During the first triennium, and for each 3-year period of the EERS thereafter, annual update filings shall be submitted for review by the Commission in an abbreviated process substantially similar to the mid-period submissions presently used in the Core dockets. Such annual update filings shall serve as an opportunity to adjust programs and targets and address any other issues that may arise from advancements, including but not limited to, evaluation results, state energy code changes, and/or federal standard improvements.

This is not an issue of the Commission "characterizing" the docket in a particular way. You have agreed that this docket would be handled in a specific manner. Thus, I do not see Eversource agreeing that any motion can act as an opportunity to clarify the docket. Your questions, as a whole, appear aimed at gathering information relating to potentially adding new programs, or seeking to play a role in Eversource's distribution planning processes. Neither of those goals are within the scope of this docket as it has been defined by the parties

ATTACHMENT B

to the settlement, including the OCA, as well as by the Commission in its order. These questions have no relevance to this docket and appear only to be attempts to gather information to request or require actions that have nothing to do with the 2019 plan update.

As to the specific issues you raise, on question 2-12, we intend to provide some information behind the filed material in the cost of service study. We do not intend to provide the entire, proprietary model of our consultant by supplying “all supporting workpapers in live excel format” as you have requested.

With respect to question 2-14, again, subject to my comments above that this material is not relevant to this docket, we will be providing some information on budgeted investments, load forecasts, and some of the distribution system information you have requested. Consistent with the objection, we do not intend to respond to part f of the question.

Lastly, and with respect to question 2-13, I too am completely vexed. Your question seeks, first, a draft version of a study performed by our consultant. I am utterly mystified how a draft document that was not filed in any docket has any relevance whatsoever to anything to do with this proceeding. You have the filed document. Next you are looking for “all” written communications between Eversource and its consultant, without any limitations at all. Such a request is clearly overly broad, in addition to seeking information that has absolutely no relevance to this proceeding. As to your final request for all invoices and payments, I cannot see any way to justify asking for that information. If Eversource was seeking cost recovery of that expense in this docket, it would be more plausible that there is some reason to seek that information. In that Eversource is not doing so, there can hardly be any claim that such information matters here. We do not intend to provide any information in response to this question.

By your agreement, this docket has a particular scope and purpose and in the end it appears that you are looking to turn this docket into something it is not. I listened to Brian’s explanation at the technical session in this docket that he believes the study to be relevant “because it is relevant,” and I listened to your statement that relevance is not necessarily the standard that applies to obtaining information. In light of those comments, I can only assume that regardless of what I say here, or what we produce later, you will still file a motion, and we will respond to such motion when and if it is filed. Thank you.

Matthew

Matthew J. Fossum
Senior Counsel
Eversource Energy
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matthew.fossum@eversource.com

From: Kreis, Donald <Donald.Kreis@oca.nh.gov>
Sent: Monday, October 15, 2018 11:45 AM
To: Fossum, Matthew J <matthew.fossum@eversource.com>
Cc: Buckley, Brian <Brian.Buckley@oca.nh.gov>

ATTACHMENT B

Subject: FW: DE 17-136 Eversource Objections to OCA Set 2 Requests

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Dear Matthew:

Given the fast pace of this docket, we are going to file a motion to compel data responses ASAP in response to these objections. As you know, the rule requires us to certify we have made a good-faith effort to resolve the discovery dispute prior to making a motion. In that regard, please advise what if any materials Eversource would be willing to provide in response to these data requests.

As to OCA 2-12, I interpret Eversource's objection as an indication the company will provide a complete request to the DQ as posed, while preserving any applicable evidentiary objections at hearing. I assume we don't need to take up OCA 2-12 in any discovery motion prior to hearing.

As to OCA 2-14, the Company's response is more ambiguous because it expresses an intention to provide some kind of response that is "subject to" the objection you've interposed, which appears to be grounded almost entirely in an implicit claim that because the Commission previously characterized the instant proceeding as an "abbreviated" one certain data that might otherwise be relevant is not relevant here. Perhaps Eversource and the OCA should simply agree that a motion to compel provides a near-term opportunity for the Commission to clarify what "abbreviated" really means in this context. From our standpoint, this is either a contested administrative proceeding or it isn't – there's no such thing as an "abbreviated" process. Alternatively, if there is some narrower data request to which Eversource would be willing to respond without objection we would consider it. What we cannot do is wait for your response to see what "subject to" your objection really means.

As to OCA 2-13, I am completely vexed. I cannot understand how a request for the original version of the MCOS is "vague" or "overly broad." As for the possibility that certain responsive material is privileged, in order to take that claim seriously you would have to provide us with a list of everything that is responsive and an explanation as to what specific items are privileged and why. A claim that some responsive materials "may" be privileged is inadequate. Again, please advise what if anything Eversource is willing to furnish in response to this DQ to avoid submitting this discovery dispute to the Commission for resolution.

Thanks!

Cheers,
Don

ATTACHMENT B

From: Davie, Kristi L [<mailto:kristi.davie@eversource.com>]

Sent: Monday, October 15, 2018 10:16

To: PUC - Discovery; Iqbal, Al-Azad; Desbiens, Allen M; Noonan, Amanda; asbury (unitil.com); bob.reals@libertyutilities.com; Buckley, Brian; brianna@nhsea.org; carroll@unitil.com; Goulding, Christopher J; Plecs, Christopher A; Wright, Craig; cynthia.trottier@libertyutilities.com; Perruccio, Deandra; Kreis, Donald; downesm@unitil.com; Davis, Edward A; ehawes@acadiacenter.org; Nixon, Elizabeth; epler@unitil.com; eric.stanley@libertyutilities.com; Ross, F. Anne; Melanson, Frank A; heather.tebbetts@libertyutilities.com; henry@nhsea.org; Brennan, James J; jarvis@unitil.com; Dudley, Jay E; jbesser@necec.org; Cunningham, Jim; Fontaine, Joe; Swift, Joseph R; jvanrossum@clf.org; Cramton, Karen; karen.sinville@libertyutilities.com; kate@nhsea.org; Peters, Katherine W; kbahny@trcsolutions.com; kerry.holmes@nh.gov; Proulx, Laurel A; Stachow, Leszek; loiter@optenergy.com; lpaskvan@pierceatwood.com; madeleine@nhsea.org; maggie.mccarey@oracle.com; Lemenager, Marc E; Fossum, Matthew J; maureen.karpf@libertyutilities.com; mbirchard@clf.org; mdean@mdeanlaw.net; Goldman, Michael R; michael.sheehan@libertyutilities.com; Ingram, Miles; PUC - OCA Litigation; palma@unitil.com; Dexter, Paul; Chattopadhyay, Pradip K; rburke@nhla.org; rclouthier@snhs.org; Ohler, Becky; Bisson, Rhonda J; Bersak, Robert A; robertbackus05@comcast.net; sarah.knowlton@libertyutilities.com; Scott, Albert (gdsassociates.com); sgeiger@orr-reno.com; smaslansky@nhcdfa.org; snowc@nhec.com; Eckberg, Stephen; Stephen.Hall@libertyutilities.com; Frink, Steve; Elliott, Steven J; steven.mullen@libertyutilities.com; stower@nhla.org; Amidon, Suzanne; taylorp@unitil.com; teamnh@energyservicesgroup.net; Belair, Thomas R; tirwin@clf.org; Frantz, Tom; Fuller, Tomas; trooney@trcsolutions.com; woodsca@nhec.com

Subject: DE 17-136 Eversource Objections to OCA Set 2 Requests

Attached are Eversource's objections to certain OCA Set 2 requests.

Thank you,

Kristi L. Davie

NH Revenue Requirements

Eversource Energy

(603) 634-3303 / (603) 634-2511 fax

kristi.davie@eversource.com

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ATTACHMENT B

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