

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

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SUPREME COURT
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**APPEAL OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

Docket No. 2018-0305

MOTION FOR LIMITED REMAND

October 24, 2018

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”), the New Hampshire Public Utilities Commission (“Commission”), and the Office of the Consumer Advocate (“OCA”), being all the Parties to this case, jointly request that this Court remand limited jurisdiction over this matter to the Commission to allow the Commission to consider a settlement reached by the Parties as a result of the Court’s mediation program, and to issue an appropriate order.

In support of this Motion, the Parties say:

1. This case arose under Supreme Court Rule 10 as an appeal from an order of the Commission rendered in an adjudicative proceeding under RSA Chapter 541.

2. Per the Court’s case acceptance Order of July 17, 2018, the Parties all consented to the Court’s Rule 12-A mediation process. That mediation session took place on October 18, 2018, with Judge R. Cloutier as the mediator.

3. As a result of the mediation process, the Parties have reached a settlement proposal that would resolve all outstanding issues. However, as this matter is an appeal from an adjudicative order issued by the Commission under RSA Chapter 541, final settlement must include an appropriate Commission order approving the settlement.

4. As the Court recently noted in Appeal of Cole, No. 2017-0295 (October 16, 2018), “an administrative appeal is simply the continuance of the original suit first heard in the administrative forum... .” Slip Op. at 5. “[J]urisdiction vested and the case was transferred to [the] court upon the filing of the appeal document... .” Id.

5. By this Motion, the Parties request a limited remand of this matter back to the Commission in order to provide the Commission with jurisdiction to consider the settlement reached by the parties during mediation. During the remand period, the Parties request that the Court stay further proceedings.

6. If this limited remand is granted, the Parties commit to inform the Court of the status of this settlement process before the Commission via letter to the Court Clerk on the 15th and 30th of each month beginning on November 15 until the Commission has either finally accepted or rejected the settlement proposal.

7. If the settlement proposal is finally accepted by the Commission, this matter will be resolved, and the case withdrawn by Eversource.

8. If the settlement proposal is finally rejected by the Commission, then the limited remand would end, and the appeal process before this Court would resume.

9. Per Rule 7-A(2), a copy of the settlement to be considered by the Commission is attached hereto.

WHEREFORE, the Parties to this proceeding request that this honorable Court:

1. Remand the underlying matter to the New Hampshire Public Utilities Commission for the limited purpose of allowing that Commission to consider the settlement proposal reached during the Rule 12-A mediation session;

2. Stay further proceedings pending the Commission's action on the proposed settlement; and,

3. Grant such further relief as may be just and equitable.

Respectfully submitted,

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

By its Attorneys,

Dated:

October 24, 2018

By:



Robert A. Bersak
N.H. Bar No.10480
Chief Regulatory Counsel

Matthew J. Fossum
N.H. Bar No. 16444
Senior Counsel

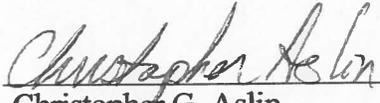
Eversource Energy Service Company
780 N. Commercial Street
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**NEW HAMPSHIRE PUBLIC UTILITIES
COMMISSION**

By its attorneys:

Gordon J. MacDonald
Attorney General

By:

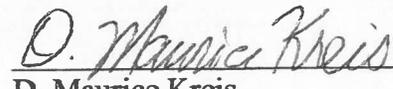
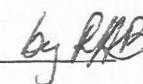
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OFFICE OF THE CONSUMER ADVOCATE

By:

 by 

D. Maurice Kreis
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Consumer Advocate

Office of the Consumer Advocate
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Concord, NH 03301

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2018, a copy of the above was served to the following via U.S. Mail and/or e-mail:

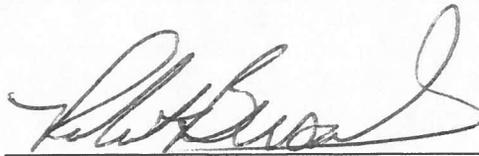
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Robert A. Bersak, Esq.

Attachment per Rule 7-A(2)

Settlement to be Considered by the New Hampshire Public Utilities Commission

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

**APPEAL OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
D/B/A EVERSOURCE ENERGY**

Docket No. 2018-0305

SETTLEMENT AGREEMENT

October 24, 2018

Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”), the New Hampshire Public Utilities Commission (“Commission”), and the Office of the Consumer Advocate (“OCA”), being all the Parties to the above-captioned appeal, hereby agree to the following terms and stipulations in settlement of the issues raised in the instant appeal:

WHEREAS, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) appealed Order No. 26,108 (the “Order”) of the Commission dated March 2, 2018 regarding the Commission’s disallowance of certain Commission and OCA expert consulting costs assessed to Eversource pursuant to RSA 365:38-a and RSA 363:28;

WHEREAS, the Parties all consented to the Court’s Rule 12-A mediation process;

WHEREAS, the Parties participated in a mediation session on October 18, 2018, with Judge R. Cloutier as the mediator, and reached agreement on terms to settle the appeal;

NOW THEREFORE, the Parties hereby enter this Settlement Agreement to resolve the appeal upon the following terms:

1. Conditioned on the Commission entering an order nisi vacating Order No. 26,108 and allowing Eversource to recover the full \$430,569 in expert consulting costs incurred in connection with Commission proceedings in Docket No. DE 16-576 (Net Metering), and such order becoming final, Eversource stipulates and agrees to the following, which stipulations shall be binding on Eversource, its successors and assigns, in all future proceedings before the Commission:

- A. Pursuant to RSA 374:8 and RSA 374:13, the New Hampshire Public Utilities Commission (the "Commission") is authorized to enforce accounting rules adopted by the Commission;
- B. Pursuant to the FERC Uniform System of Accounts, adopted by the Commission pursuant to RSA 374:8, I and Puc 307.04, any costs incurred by Eversource in connection with Commission proceedings for which Eversource desires to seek recovery pursuant to RSA 365:38-a and/or RSA 363:28 as an Other Regulatory Asset must be entered in FERC account 182.3 as deferred costs in the year in which the costs are incurred;
- C. Any costs which had been expensed in a prior financial year, and for which deferral is contemplated, must comply with the restatement of financial statements outlined in the FERC Uniform System of Accounts.

2. In furtherance of the settlement, the Parties further agree to jointly move that the Supreme Court remand the appeal to the Commission for the limited purpose of effectuating the settlement.

3. The Parties further agree that in the event that the Commission is unable to enter a final order as set forth in Paragraph 1 above, this Settlement Agreement will become null and void and the appeal shall be returned to the Supreme Court for resumption of the appeal process.

4. The Parties agree that this Settlement Agreement may be executed in counterparts, contains the entire agreement of the Parties, and any material modifications hereto must be agreed to in writing by all Parties hereto.

5. This agreement constitutes the entire agreement and understanding between the Parties and supersedes all prior agreements and understandings relating hereto.

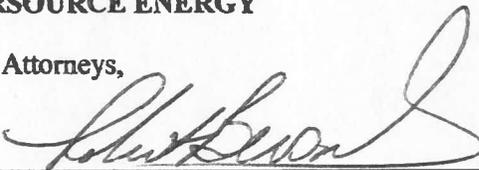
6. This Agreement shall be construed in accordance with the laws of New Hampshire.

Entered and Agreed to this 24th day of October, 2018.

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY**

By its Attorneys,

By:



Robert A. Bersak
N.H. Bar No.10480
Chief Regulatory Counsel

Matthew J. Fossum
N.H. Bar No. 16444
Senior Counsel

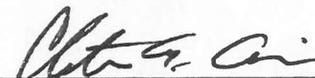
Eversource Energy Service Company
780 N. Commercial Street
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