



June 9, 2023

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

**Re: Docket No. DE 17-189, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities' Petition to Approve Battery Storage Pilot Program
Conservation Law Foundation's Objection to Liberty's Request to Close this Docket and Transfer the Remaining Issues to Docket No. DE 23-039**

Dear Chairman Goldner,

On May 26, 2023, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities ("Liberty") filed a response to Commission Order No. 26,784 requesting that the Commission close the instant docket and consider Liberty's Phase 2 Battery Storage Pilot program in Liberty's general rate case, Docket No. DE 23-039. Conservation Law Foundation ("CLF") respectfully requests that the Commission deny Liberty's request and, instead, consider Liberty's Phase 2 Battery Storage Pilot in this existing docket.

Liberty contends that a general rate case provides the appropriate forum to address the future of battery storage and would create administrative efficiencies. However, Liberty ignores the burdens on parties with limited resources, like CLF, that would result from considering Liberty's battery storage proposal in a general rate case.

General rate cases are costly and time-consuming endeavors. Data requests and responses are voluminous and settlement conferences and hearings often last days at a time. Where intervenors only have an interest in a relatively discrete matter that could be adjudicated in a separate docket, consolidating the matter with a general rate docket is prejudicial to such intervenors. Requiring intervenors to sit through days of hearings and settlement conference when the discrete matter of interest to the intervenors will be considered in a fraction of the time devoted to the overall case poses an undue burden to intervenors. One example of where this occurred was in Unutil's last general rate case, DE 21-030. There, CLF sought to intervene with respect to Unutil's electric vehicle ("EV") charging proposals. While the EV proposals were also under consideration in a specific case involving EV charging, DE 20-170, the Commission granted Unutil's motion to consider Unutil's EV charging proposals in the general rate case. CLF only has one attorney who works on NH Public Utilities Commission matters; although the Commission granted CLF's intervention in Unutil's general rate case, the time and resources



required for participation in the general rate case effectively precluded CLF from fully participating in the consideration of EV matters in DE 21-030.

Here, the Commission established a docket in 2017 to consider Liberty’s Battery Storage Pilot. Several parties, including CLF, Clean Energy NH, and Acadia Center, intervened in this docket, and worked with Liberty, the Office of Consumer Advocate, and Commission Staff, on a Settlement Agreement that would help ensure the success of Liberty’s pilot.¹ The Commission concluded that the Settlement Agreement was just and reasonable and approved it. Five years later, the Commission issued Order No. 26,784, in which it concluded that “several conditions related to the deployment and evaluation period of Phase 1 of the Battery Pilot have been met” and required Liberty to file a proposal for Phase 2 of the pilot. Order No. 26,784 (Docket No. DE 17-189, Mar. 15, 2023).

The establishment of a standalone docket to consider Liberty’s Battery Storage Pilot proposal helped facilitate the intervenors’ participation in the docket and contribution to the Settlement Agreement and the overall success of the pilot. Closing this docket and allowing Liberty to file its Phase 2 pilot proposal in the general rate case will be prejudicial to CLF and other intervenors that only wish to intervene and participate in consideration of the pilot proposal but otherwise lack the time and resources to participate in the full rate case. Accordingly, CLF urges the Commission to deny Liberty’s motion.

Finally, CLF notes that although the response deadline to Liberty’s request is June 12, and the Commission will presumably not rule on Liberty’s request until after that date, the intervention deadline for intervention in the Liberty general rate case is June 9, 2023. *See* Order No. 26, 829 (Docket No. DE 23-039, May 26, 2023). Because the Commission will decide Liberty’s request in this docket *after* the intervention deadline passes in the general rate case, in the event the Commission grants Liberty’s request, CLF respectfully requests that the Commission extend the intervention deadline in the general rate case to allow current intervenors in this docket sufficient time to intervene in the general rate case.

Sincerely,

/s/ Nick Krakoff

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¹ The City of Lebanon, Sunrun, Inc. and Revision Energy, Inc. also intervened and filed testimony in the docket, but did not join in the Settlement Agreement.