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PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

October 7, 2020

Re: DE 19-057, Public Service Company of New Hampshire d/b/a Eversource Energy
Notice of Intent to File Permanent Rate Schedules
Remote Hearing Procedures

To the Parties:

Due to the current state of emergency related to the COVID-19 pandemic, the Commission has decided to waive the portion of New Hampshire Code of Administrative Rules, Puc 201.02(a) that requires hearings to be held at the Commission's offices in Concord. *See* Order No. 26,392 (August 10, 2020). Hearings in this docket will be remote, using Webex video conferencing.

To facilitate the remote hearings, the Commission has adopted the following "Remote Hearing Procedures" for this docket.

1. Prehearing Preparation

a. Pre-Filed Testimony

The Staff of the Commission (Staff) shall assign exhibit numbers for all pre-filed testimony and distribute a preliminary exhibit list for the input of the parties following receipt of these procedures.

Staff shall develop a complete list of exhibits for pre-filed testimony reflecting the input of the parties. No later than 4:30 p.m., at least 3 business days prior to the date the hearing is scheduled, Staff shall submit the exhibit list electronically to ExecutiveDirector@puc.nh.gov with an email subject heading that lists the docket number and hearing date.

The parties shall each be responsible for submitting their pre-filed testimony. No later than 4:30 p.m., at least 2 business days prior to the date the hearing is scheduled, all listed pre-filed testimony shall be submitted electronically to ExecutiveDirector@puc.nh.gov with an email subject heading that lists the docket number and hearing date. Parties are encouraged to submit their pre-filed testimony, prepared as directed below, at least 2 business days prior to the date the hearing is scheduled, in a single, or multiple, email(s), as specified in these procedures.

b. Other Exhibits

For exhibits not previously filed with the Commission, the following provisions shall apply. The proponent of such exhibits must serve electronic copies of a list of the proposed exhibits on the other parties by close of business at least 3 business days prior to the hearing at which such exhibits are to be offered. The parties shall confer and coordinate as to the appropriate numbering of the proposed exhibits. The proponent of such exhibit must serve electronic copies of appropriately marked proposed exhibits on the Commission, service list, and stenographer by close of business at least 2 business days prior to the hearing at which such exhibits are to be offered. For example, for hearings starting at 10:00 a.m. on Monday, October 26, 2020, a party must provide the list of additional exhibits to the other parties by 4:30 p.m. on Wednesday, October 21 and must serve electronic copies of the proposed exhibits on the Commission, service list, and stenographer by 4:30 p.m. on Thursday, October 22.

c. Marking of Exhibits

Parties must pre-mark each exhibit in the upper right-hand corner of each page with the docket number and the exhibit number. *See* N.H. Admin. R., Puc 203.22(d)(1).

Parties must sequentially paginate each exhibit, which should be Bates-stamped with Arabic numerals only. *See* N.H. Admin. R., Puc 203.22(c). The sequential pagination must carry through multi-document exhibits. Bates numbering must appear in the lower right corner of each page of the exhibit, in approximately the same location, unless such placement would cause confusion or block the view of necessary information in the exhibit. If the submitted exhibits are identified in such a way that the resulting Bates number differs from the Bates number on a pre-filed document, **the Bates numbering of the exhibit shall be displayed in red ink**. Bates numbering should match the page numbering of the PDF document.

Parties must name each electronic version of an exhibit using the following naming convention: Docket No. without prefix_Date of Hearing_exh no. [Example: 20-040_2020-04-27_exh_3]. Parties may not include more than one exhibit per electronic file. If a large file exceeds 25 MB in size and has been broken into several smaller parts, this should be reflected in the exhibit number, such as “exh_1 (Part 1 of 5).” Confidential files should be named using the following naming convention: con_ Docket No. without prefix_Date of Hearing_exh no. [Example: con_20-040_2020-04-27_exh_4].

Parties must pre-file all exhibits electronically with the required markings. The Commission has waived the paper copy and previously submitted provisions of Puc 203.22(e). Parties may not use previously submitted documents as their exhibits because those previously submitted documents will not have the required markings. Large files must be broken down into files that do not exceed 25 MB in size, and individual emails may not exceed 25 MB in size. *See* [Secretarial Letter dated March 17, 2020](#).

Failure of the parties to follow the above requirements may result in postponement of the hearing.

d. Witness Lists

There are multiple hearing dates designated for this proceeding. Staff, in consultation with the parties, is directed to establish an agenda for the hearings. The agenda will state the issues to be presented each hearing day and include a witness list, listing witnesses for all parties testifying on a given hearing day. This agenda will serve as a general guide for the hearings and be specific enough to allow the parties to prepare for each hearing day. The agenda shall be provided to the Commission no later than 4:30 p.m., at least 3 business days prior to the date the hearing is scheduled. The Commission may limit the number of witnesses or time for each witness's testimony pursuant to Puc 203.21.

e. Service and Filing

All parties must observe the Commission's rules for service.

Parties may, but are not required to, file paper copies of exhibits and exhibit lists at this time. If parties elect to file only electronically at this time, then they are directed to maintain one paper copy of all filings. The Commission will issue a subsequent order or secretarial letter indicating when that paper copy must be filed.

f. Confidential Information

Due to the technical and logistical issues in connection with virtual evidentiary hearings, parties are instructed to take extra effort and precaution to employ examination measures to avoid the need for a closed hearing. As with all hearings before the Commission, it is accepted practice to develop the evidentiary record without the need to close the hearing.

In the event that a party seeks to introduce confidential information, the following shall apply. No later than 4:30 p.m., at least 2 business days prior to the date the hearing is scheduled, parties must advise the Commission by emailing ExecutiveDirector@puc.nh.gov and the service list whether they will be [discussing or introducing confidential information during the hearing](#). If so, parties should identify the [confidential information in question](#).

2. Conduct of Remote Hearing

- a. Unless the Commission has approved special accommodations prior to the hearing, to speak during the hearing, attorneys, witnesses, and any other persons wishing to speak on behalf of a party must be video-enabled. Parties will be sent a link to the Webex video conference in advance that will enable them to join the hearing. All are encouraged to use a hard-wired, not a wireless, Internet connection and a good quality wired microphone. Access may be facilitated if participants download and test the Webex software in advance of the hearing.
- b. No later than 4:30 p.m., at least 2 business days prior to the date the hearing is scheduled, each person wishing to speak for, or on behalf of, a party during the hearing must register with the moderator¹ at PUCWebModerator@puc.nh.gov by sending an email with a subject heading that lists the docket number, hearing date, and name of the party. A party should submit one email for all of its participants (witnesses, attorneys, etc.) listing the name, email address, and telephone number of each participant. Parties should also identify those individuals (attorney or witnesses) who will actively participate at the hearing. If an individual is interested in monitoring the hearing, that person should be identified as a "non-participant" for

¹ The moderator is a staff member assigned to aid the Commission with the technological aspects of the remote hearing.

the Webex host. The purpose of this request is to make as much band-width as possible available for those actively participating in the proceeding.

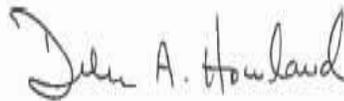
- c. Each participant must clearly identify each exhibit by its pre-marked number before referencing it or introducing it by video during the hearing. If it will be necessary for a party to display an exhibit (or exhibits) on the screen during the remote hearing, then that party must do a run-through with the moderator at least one business day prior to the scheduled hearing to ensure that the party is adequately prepared to maintain the orderly flow of the hearing.
- d. Hearing participants must join the Webex conference at least 30 minutes before the scheduled commencement of the hearing to verify their names and affiliations, resolve any technical issues, and discuss any necessary preparations prior to the commencement of the hearing.
- e. A stenographer will make a record of each of the Commission's remote hearings. Therefore, during the hearing, all participants must choose the "mute" option when they are not speaking to ensure the best sound quality. The moderator will mute any participant causing noise interference.
- f. Active hearing participants are the witness on the stand, attorney for the witness, and cross-examining attorneys conducting cross examination. Active hearing participants shall have their video turned on at all times, but they must mute their microphones when not speaking. To lower bandwidth requirements, other attorneys and *pro se* intervenors will remain hearing participants designated as panelists in Webex. However, they should turn off their video unless needed to speak, at which time they may turn their video on and unmute their audio. Any hearing participant may unmute for the purpose of raising an objection at any time.
- g. All non-active participants and members of the public will be placed in "attende" mode, which will deactivate their microphone and video feed to make it easier for other participants and the Commissioners to focus on the speakers during the hearing and to reduce network saturation. When doing so, non-active participants will still be able to view and hear the hearing, and may message the PUCWebModerator through the Webex chat function to request to be recognized.
- h. Each participant must clearly identify him- or herself before speaking and identify any other persons present at the participant's location. Speakers are advised to face their camera and speak slowly, with frequent pauses, to ensure accurate transcription.
- i. The Commission does not recommend the use of "private chat" to facilitate attorney/client consultations.
- j. Any participant experiencing difficulties obtaining access to, or participating in, the hearing should call the Commission at (603) 271-2431.
- k. Although the Commission will, if necessary, address any confidential matters separately at a single time during the hearing, the Commission may also need to do so at other times during the hearing, at which time public access to the hearing will be suspended. The public and parties who do not have a right to confidential information will not be able to participate in the hearing when this occurs for so long as confidential information is being addressed during the hearing.

3. **Witness Communication**

- a. All private communications to or from witnesses on the subject matter of the proceeding during questioning are prohibited, while that witness is under active examination, including but not limited to emails, texts, private chats, and instant messages.
- b. The Chair may allow exceptions to this prohibition at the request of the witness for the sake of administrative efficiency.

The Commission may issue additional procedures as necessary.

Sincerely,

A handwritten signature in black ink that reads "Debra A. Howland". The signature is written in a cursive style with a large initial 'D'.

Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 19-057

Printed: 10/7/2020

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