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August 26, 2020

Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

RE: Docket No. IR 20-089

Dear Ms. Howland:

The following is Staff's report of the technical session held in this matter on August 4, 2020.

Report to the Commission on the August 4, 2020 resumed Technical Session:

The following parties met on August 4, in a resumed technical session: Staff, OCA, NHLA, LISTEN, Eversource, Unitil/Northern (electric and gas), Liberty (electric and gas), NH Electric Cooperative, and several water companies: Aquarion, Pennichuck, Lakes Region and Hampstead Area Water.

Summary of Discussion of Protections:

Participants continued discussing protections for residential (financial hardship and non-financial hardship) and commercial customers concerning collection and disconnection following the Governor's issuance of Emergency Order 58, which ended the moratorium on utility service disconnections imposed by Emergency Order 3.

Prior to the session, Staff counsel used the list of provisions for restarting collection activities that constituted the agreement between the Commission's Director of Consumer Services and External Affairs and the electric and gas utilities to create a draft agreement, using a more traditional contract format (*e.g.* by adding prefaces, signatures etc.), and incorporated the provisions for financial hardship customers proposed by the electric and gas utilities at the July 27th technical session. Also, prior to the session, Staff provided an outline of its legal analysis regarding the agreement between the Commission's Director of Consumer Services and External Affairs and the electric and gas utilities, concluding that the agreement was legal under the Governor's executive and emergency orders.

The session began with Staff, OCA, and NHLA discussing the legality of the agreement. Staff stated it was firmly convinced that the agreement was in conformance with the plain language of the Governor's emergency and executive orders. The OCA remained unconvinced and re-affirmed its position that these matters should be handled by emergency rulemaking. NHLA generally agreed with the OCA's position but stated that an agreement could provide protections more quickly than an emergency rulemaking and that it supported working to reach an agreement, which would then be submitted to the Commission for approval. NHLA stated that during that approval process, the Commission could, as needed, issue a waiver of any of the PUC 1200 rules that would be altered by the agreement during the pandemic. NHLA also stated that the Commission should hold a hearing on the agreement to hear from parties and then should issue an order approving the agreement and changing PUC Order No. 26,343, which states that no disconnections can take place during the state of emergency.

The remainder of the session focused primarily on the substantive terms of the revised agreement. Generally, the gas and electric utilities were in agreement with the terms, while the water utilities thought the agreement needed to be better tailored to suit their size and their situation. The OCA, NHLA and LISTEN requested more flexibility for customers when certifying as financial hardship, especially as many customers are seeking financial assistance the first time, due to the economic conditions created by the pandemic.

The session concluded with the utilities agreeing to review the revised agreement in more detail and provide a revised agreement reflecting the technical session discussions. No date was set for a subsequent technical session; the group instead agreed to wait for the revised agreement before discussing the need and value of further technical sessions. The utilities cautioned that due to the impending tropical storm heading towards the northeast, it might be several days before a further-revised agreement was circulated. (Note – the utilities circulated the revised agreement on August 18, and parties are currently reviewing and exchanging comments via email).

Additional Issues Discussed:

The group briefly discussed the utilities' request that the Commission allow deferral of pandemic related costs. Staff reported that it was working on a recommendation memorandum to the Commission. Staff, in fact, filed a recommendation in IR 20-089 regarding the establishment of a deferral account on August 18, 2020.

The group briefly discussed, and agreed to, meet monthly, to provide a forum for discussing emerging pandemic related issues.

Conclusion:

The parties continue to work towards a comprehensive agreement, establishing the policies and practices for the resumption of collection activity through the first part of 2021. If a revised agreement is reached, Staff, on behalf of the group, plans to file the agreement for review and approval of the Commission (although under the Governor's Emergency Order #58, the Commission's Consumer

Services and External Affairs division is empowered to enter into the agreement, arguably without Commission approval). If Staff and the group believe that additional technical sessions are needed, the Staff will request that the Commission schedule additional sessions. The group plans to continue to meet monthly, as necessary, to serve as a forum for addressing emerging pandemic related issues.

Sincerely,

/s/ Paul B. Dexter

Paul B. Dexter
Staff Attorney

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