

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

2021-2023 NEW HAMPSHIRE STATEWIDE ENERGY EFFICIENCY PLAN

Docket No. DE 20-092

**SETTLEMENT AGREEMENT**

This Settlement Agreement (“Agreement”) for the 2021-2023 New Hampshire Statewide Energy Efficiency Plan (the “2021-2023 Plan”) is entered into by and among Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities; New Hampshire Electric Cooperative, Inc.; Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”); Unitil Energy Systems, Inc. ; Liberty Utilities (EnergyNorth Natural Gas) Corp d/b/a Liberty Utilities; and Northern Utilities, Inc. (collectively, “the NH Utilities”)<sup>1</sup>; the Office of the Consumer Advocate (“OCA”); Clean Energy New Hampshire; Conservation Law Foundation; Southern New Hampshire Services, and The Way Home; (all collectively referred to as the “Settling Parties”) to resolve all issues related to this matter. This Agreement constitutes the recommendation of the Settling Parties for the New Hampshire Public Utilities Commission (“Commission”) to approve the 2021-2023 Plan.

**I. INTRODUCTION AND PROCEDURAL HISTORY**

The Commission established an inclusive process for implementing New Hampshire’s Energy Efficiency Resource Standard (“EERS”) in Order No. 25,932 (August 2, 2016) (the “Planning Order”), requiring the state’s electric and natural gas utilities, as administrators of the programs offered to the public to meet the EERS, to “prepare the triennial EERS plans in

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<sup>1</sup> All references to the NH Utilities for purposes of the Plan and this Agreement shall include NHEC unless explicitly stated otherwise.

collaboration with stakeholders and the EESE Board as Advisory Council.” Planning Order at 10-11. In Docket No. DE 17-136, the Commission approved the first triennial plan with an implementation period of the EERS for years 2018-2020. *See* Order No. 26,095 (January 2, 2018). The 2018-2020 Plan was updated for each of the years 2019 and 2020.

On December 31, 2018, the Commission adopted the 2019 update plan with Order No. 26,207, which included a number of recommendations for the 2021-2023 Plan including a planning process with robust stakeholder input and a filing deadline for a proposed plan of July 1, 2020. On June 5, 2020 the NH Utilities and the OCA filed an uncontested motion, supported by Commission Staff (“Staff”), to amend Order 26,207 and extend the filing deadline so that the NH Utilities, OCA and stakeholders participating in the planning process could account for the rapidly developing and widespread effects of the coronavirus pandemic, as well as incorporate the findings of the energy efficiency studies that was still ongoing, into the draft of the 2021-2023 Plan. The Commission granted the extension, issued an Order *nisi* opening the instant docket for consideration of the 2021-2023 Plan, and extended the filing deadline to September 1, 2020. Order No. 26,375 (June 30, 2020).

After ten months and considerable efforts made by numerous stakeholders including the Settling Parties and Staff, the NH Utilities filed the 2021-2023 Plan on September 1, 2020 with a unanimous vote of support from the EERS Committee and a strong majority vote of support from the EESE Board. Discovery took place from September 8 to October 6. Staff, OCA, and several intervenors filed testimony on October 29. Further discovery was conducted in response to that testimony, and the Settling Parties met with Staff to discuss possible settlement on November 19 and 20. This extended and robust stakeholder planning process and subsequent adjudicative process have produced this Agreement among the Settling Parties.

## **II. SETTLEMENT TERMS**

The Settling Parties agree that the 2021-2023 Plan filed on September 1, 2020 (“September 1 Plan”), as modified and conditioned herein, should be approved by the Commission. The terms set forth in this Agreement constitute a comprehensive settlement and, as such, all terms are interdependent: each Settling Party’s agreement to each individual term is dependent upon agreement with and Commission approval of all terms.

Appended to this Agreement, and incorporated herein by reference, are Attachments A through E, setting forth the annual energy savings goals, program budgets, and resulting rates to which the Settling Parties have agreed. These Attachments are an integral part of this Agreement and, as appropriate, are explained below.

### **A. Plan**

The September 1 Plan is a comprehensive three-year framework that sets forth energy savings targets, budgets, rate impacts of program implementation, program design (including new innovative elements related to energy codes and standards), new elements (i.e., energy optimization, behavioral approaches and active demand management), administrative provisions, descriptions of benefit-cost testing, a marketing plan, a workforce development initiative, a blueprint for Evaluation, Measurement & Verification (“EM&V”) activities, and a framework for stakeholder engagement and collaboration.

### **B. Energy Savings Targets**

To be responsive to concerns voiced by Staff and representatives of the Commercial and Industrial (“C&I”) sector regarding rate impacts given current statewide economic conditions, the Settling Parties stipulate and agree that the budgets and rates should be adjusted from those proposed in the September 1 Plan. The Settling Parties stipulate and agree that these revised budgets are in the public interest, and the revised rates are just and reasonable, because they

address these concerns while still advancing the EERS objective of pursuing all cost-effective energy efficiency to deliver long-term benefits to customers with sensitivity to short-term customer impacts. In addition, the Settling Parties have adjusted the savings targets filed on September 1 to account for changes described in Section D of this Agreement, to correct for minor inconsistencies among the utilities, and to bring the targets into conformity with an updated version of the Technical Reference Manual for Estimating Savings for Energy Efficiency Measures (“TRM”) for the 2021 program year.

Cumulative annual incremental savings achieved by the electric programs shall be adjusted to 4.5 percent of 2019 electric sales, or 474,616 annual kWh, achieved over the 2021-2023 implementation period. Savings targets for each electric utility are set forth in Attachment A. Cumulative annual incremental savings achieved by the natural gas programs shall be adjusted from the September 1 Plan to 2.8 percent of 2019 natural gas sales, or 706,065 annual MMBtus, achieved over the 2021-2023 implementation period. Savings targets for each gas utility are set forth as Attachment A.

### **C. Budgets and Rates**

As proposed in the September 1 Plan, the Settling Parties stipulate and agree that beginning on January 1, 2021 that the energy efficiency portion of the System Benefits Charge (“SBC”) applicable to electric customers shall no longer be uniform but, instead, there shall be two separate SBC rates, applicable to each customer sector (i.e., residential, commercial and industrial) for each electric utility. Further, in order to balance the desire to mitigate short-term rate impacts with the opportunity for achieving additional cost-effective energy efficiency that reduces costs to ratepayers, the Settling Parties stipulate and agree to the following modifications to the budgets, rates and bill impacts set forth in the September 1 Plan.

### **1. Eversource Budget**

The Eversource budget shall be reduced from \$272.5 million to \$258.2 million. The C&I sector budget shall be reduced by \$17.6 million, the residential sector budget shall increase by \$7.4 million, and the budget for the income-eligible program shall be reduced by \$4.1 million, as detailed in Attachment B.

### **2. Other Budgets**

Budgets for the other electric and natural gas utilities shall remain as depicted in the September 1 Plan.

### **3. SBC Rates**

The Settling Parties stipulate and agree the Eversource C&I SBC should be reduced by 4.3 percent in 2021, 12.2 percent in 2022 and 18 percent in 2022 as compared with the respective September 1 Plan rates. Attachment C provides the energy efficiency portion of the proposed Eversource C&I SBC rate. Attachment C also details the total Eversource C&I SBC rate including Lost Base Revenue (“LBR”) and the Energy Assistance Program (“EAP”).

The Settling Parties stipulate and agree that to better balance responsibility among the rate classes for the costs of the 2021-2023 Plan and achieve the recommended savings targets, the Eversource residential SBC rate should increase by 13.9 percent in 2021, 19.1 percent in 2022 and 26 percent in 2023 compared to the September 1 Plan. This increase reflects budget adjustments intended to achieve additional kWh savings in the residential sector over the term of the plan, as well as adjustments to reflect the collection of SBC charges for the income-eligible program based on the kWh sales for each sector. Attachment C represents the energy efficiency portion of the proposed Eversource residential SBC rate as well as the total Eversource residential SBC rate including LBR and EAP.

Sector budgets for Liberty, NHEC and Unitil shall not change as a result of this Agreement, however the level of kWh savings does change as a result of applying evaluation factors described in Section D.

For Unitil this also leads to re-calculation of the LBR portion, resulting in very minor changes to the C&I SBC rate. Attachment D represents the total Unitil Residential and C&I SBC rates including LBR and EAP.

NHEC has updated the sales forecast used for 2021-2023 and incorporated projected carryover funds of \$200,000 residential (excluding income eligible) and \$400,000 commercial from 2020. The resulting change in the SBC from the September 1 filing is reflected in Attachment E.

#### **D. Savings Assumptions**

The Settling Parties stipulate and agree that the following changes shall be made for the purposes of claiming and reporting savings, and that the NH Utilities shall modify their benefit cost models accordingly. The NH Utilities shall file revised benefit-cost models that correspond with the changes in this Agreement.

##### **1. Non-Energy Impacts**

For purposes of the secondary cost-effectiveness test approved by the Commission and adopted in the September 1 Plan, the NH Utilities shall apply a consistent percentage adder by sector based on research into Non-Energy Impacts (“NEI”) factors undertaken over the past two years. For the 2021-2023 term the natural gas utilities shall use a 15 percent adder for both residential (excluding the income-eligible program) and C&I sectors. The electric utilities, for the 2021-2023 term, shall use a 25 percent adder for the residential sector (excluding the income-eligible program) and a 10 percent adder for the C&I sector. The Settling Parties acknowledge

that these adders are not applicable to the Commission-approved primary cost test (i.e., the “Granite State Test”) adopted for the 2021-2023 Plan. The adder for the income-eligible programs, which is included in the Granite State Test, shall remain as filed in the September 1 Plan. If new information related to NEI’s and benefits for the secondary test arises, the NH Utilities shall discuss any potential changes with the EM&V working group.

## **2. Net-to-Gross Figures**

The Settling Parties stipulate and agree that certain changes are necessary to the net-to-gross adjustments that are used in the September 1 Plan to account for “free ridership” (i.e., the fact that some consumers participating in the programs would have acquired the applicable measures with or without EERS-funded incentives) and “spillover” (i.e., the fact that some consumers make more efficient choices due to influence from the programs, but do not directly participate in the programs). Specifically, given the significant market changes taking place in the C&I lighting market, the NH Utilities shall apply a net-to-gross factor to lighting delivered through downstream delivery mechanisms to C&I customers of 94 percent in 2021, 89 percent in 2022, and 84 percent in 2023.

The EM&V working group shall identify any additional measures to which net to gross factors should be applied. For this plan, the incorporation of additional net to gross factors will be accompanied by a corresponding change in the term goals, with updated BC models reflecting the changes to be shared with the Stakeholder Advisory Council described in Section I below and provided to the Commission in an informational filing.

### **3. Realization Rates**

To account for the difference between predicted and actual energy savings, during the 2021-2023 triennium the NH Utilities shall apply a realization rate of 90 percent for C&I, custom large business, small business and municipal program electric non-lighting measures and 87 percent for C&I custom large business and small business program gas measures. A New Hampshire-specific impact evaluation of the Large Business Energy Solutions program shall be completed by the end of the first quarter of 2022. Realization rates for custom measures resulting from that study shall be applied to all custom measure savings results for all three years of the term, as recommended by the evaluation contractor and agreed to by the EM&V working group consistent with Paragraph 6 below.

In addition, the NH Utilities shall conduct at least one C&I custom impact evaluation during each triennium beginning in the 2021-2023 period, adopting any adjustments to gross savings identified in the evaluations, including new realization rates, retroactively for the entire period of the applicable plan, however no evaluation changes will be made to claimed savings after the term report has been duly filed with the Commission..

If data quality checks identify typographical or mathematical errors or misapplication of a TRM value in reported savings, the NH Utilities shall correct the errors as soon as they are identified, including after a program year is complete, and the NH Utilities shall seek to ensure that any similar errors are corrected everywhere they are relevant. If errors are discovered as part of an evaluation based on a sample of projects, they shall be accounted for in realization rates that shall be applied prospectively.



#### **4. Industry Standard Practice Baselines**

The Settling Parties acknowledge that the EM&V working group is in the process of contracting for a comprehensive study of New Hampshire baselines, including an investigation of Industry Standard Practice (“ISP”) baselines. The NH Utilities shall follow the normal practice of implementing recommendations resulting from the study once it has been reviewed by the EM&V working group and is complete.

#### **5. Evaluations of Behavioral Programs**

The Settling Parties acknowledge that the EM&V working group is in the process of updating the strategic evaluation plan, which prioritizes evaluations of EERS programs. The Settling Parties stipulate and agree that the Strategic Evaluation Plan shall include impact evaluations for the Home Energy Report programs offered by Unitil and Liberty to natural gas and electric customers as well as Liberty’s proposed Aerial Infrared Mapping program.

#### **6. EM&V Working group**

The Settling Parties stipulate and agree that the EM&V working group that was authorized in connection with the 2018-2021 triennium shall continue during the 2021-2023 triennium, subject to certain modifications. The EM&V working group shall continue to consist of representatives of the NH Utilities, Staff representatives, a consultant chosen by Staff (paid for out of EERS funds), and a representative of other stakeholders. It shall be the responsibility of the Stakeholder Advisory Council (“Council”), described in Section I below, to choose the stakeholder representative. The consultant shall be independent and assist the entire working group and shall be available to all members for consultation. It shall be the responsibility of the consultant to seek consensus among members of the EM&V working group. In the event consensus is not reached after reasonable efforts, any member of the working group may seek a

Commission determination on the issue. In such a circumstance, the status quo shall continue to apply until the Commission makes a decision. Should no request for a Commission determination be filed within ten calendar days of notification by the working group member who raised the concern, the recommendation of the consultant shall be adopted. Regarding any disagreement on matters of policy (as distinct from technical disagreements) any member of the working group may notify the Council to give the Council the opportunity to address the issue as appropriate.

#### **F. Lost Base Revenue**

Eversource and Unitil, as the only NH Utilities collecting Lost Base Revenue (“LBR”) in 2021-2023 to account for the revenue impacts of the EERS, shall apply a consistent method for calculating planned and actual LBR. Further, Eversource and Unitil shall (1) employ the terminology set forth in the LBR working group report of August 29, 2018 to ensure that the methods used for actual LBR collections are consistent, (2) continue to file quarterly reports with the Commission, using a consistent format, (3) apply 100 percent of the calculated monthly savings using the paid date, which is on average two months after the install date, , to account for the fact that not all installations are made on the first day of each month; (4) cease accruing lost base revenues in the first month following effective date of any decoupling mechanism approved by the commission, , (5) use the average distribution rate in effect at the time of the triennial plan filing, or as updated by Commission order during the term, for planning purposes, while using the actual rate in effect at the time of the reconciliation filing for reconciliation purposes, and (6) determine carrying costs on LBR over and under recoveries using the prime rate, compounded monthly.

## **G. Plan Updates, Reporting and Mid-Term Modifications**

To foster increased clarity and transparency, the Settling Parties stipulate and agree that certain adjustments shall be made to the three-year planning structure as it is outlined in the September 1 Plan. The Settling Parties likewise agree that Commission approval of the 2021-2023 Plan shall constitute the adoption of a true three-year plan as opposed to a framework for the consideration and approval of three individual one-year plans. As outlined in the September 1 Plan, the Settling Parties agree that such use of a true three-year planning period allows for streamlined program implementation with greater efficacy and adoption of energy efficiency measures by energy customers.

### **1. Mid-Term Modification Triggers**

The Settling Parties stipulate and agree that the process for notification of changes to the 2021-2023 Plan as well as that for implementing such changes set forth in section 2.1.6 of the September 1 Plan shall be approved, subject to certain modifications and clarifications. Specifically, the Settling Parties stipulate and agree that the triggers for “midterm modifications” requiring Commission approval shall be removed to the extent they concern projected changes in planned benefits or primary energy savings. The Settling Parties stipulate and agree that the NH Utilities shall notify the Council described in Section I of material program changes such as new programs, suspension or closure of an approved program or increase of a sector’s approved term budget exceeding 110 percent, which the Council may discuss prior to a filing with the Commission by one or more of the NH Utilities requesting such changes.

### **2. Avoided Energy Supply Components Study Update**

The Settling Parties acknowledge that the New England states expect completion of a new Avoided Energy Supply Components (“AESC”) study during the first half of 2021, which

will provide updated values for the marginal avoided costs of electricity, natural gas, and other resources to be applied to the NH Utilities' benefit cost models for the energy efficiency and active demand reduction programs. When the updated values for marginal avoided costs become available, the NH Utilities will update the AESC 2018 values currently used in their benefit cost models, apply the values from AESC 2021 to program years 2022 and 2023, and seek Commission approval for such revisions. The NH Utilities agree that these new calculations shall be used to report actual results in 2022 and 2023. However, the 2021 benefits calculations, based on AESC 2018, shall not be changed for either updating planned benefits goals or for reporting 2021 actual results.

The NH Utilities shall submit amended attachments and benefit cost models to account for the AESC 2021 updates to the Commission by September 1, 2021. Amendments shall be limited to the avoided cost updates resulting from the AESC 2021 study and reflection of this change in the calculation of the component of the performance incentive. Amended attachments to the 2021-2023 Plan shall serve as a notification and automatic update of the 2021-2023 Plan but shall not require the Commission to commence a proceeding.

### **3. Technical Reference Manual Updates**

The savings calculation methods documented in the TRM appended to the September 1 plan, as revised by this Agreement, and reflected in the NH Utilities' benefit cost models once the TRM and the models are fully updated later this month and shall take effect January 1, 2021. The NH Utilities shall submit an update to the TRM to the Commission on or before December 1, 2021 and again on or before December 1, 2022 reflecting all changes in savings assumptions agreed to by the EM&V working group since the filing of the previous year's TRM. The changes reflected in the annual update to the TRM must be finalized and agreed to by November

1 of each year in order to be included and shall take effect with the commencement of the subsequent program year. The TRM in effect for a given year shall provide the basis for calculating the savings achieved by the programs for that year. Realization rates in the TRM for custom programs will be updated according to the provisions in section D paragraph 3.

#### **4. Interim Changes in Program Budgets**

Notwithstanding the provisions of section 2.1.6 of the September 1 Plan, the Settling Parties stipulate and agree to certain adjustments with respect to the obligation of the NH Utilities to notify the Commission of changes to program budgets. Specifically, once budgets are approved by the Commission, there shall be no movement of funds between the residential and C&I customer sectors unless specifically approved by the Commission. In addition, no funds shall be transferred from the Home Energy Assistance (“HEA”) program without prior approval by the Commission. The NH Utilities shall notify the Commission if an individual program’s actual expenditures are forecast to exceed 120 percent of the program’s 36-month budget.

#### **5. Changes in SBC and LDAC Rates**

The true three-year plan structure includes SBC and Local Delivery Adjustment Clause (“LDAC”) rates as proposed for each year of the term. If a change is needed to account for collection adjustments or true-ups, any such change to the SBC or LDAC rates approved for the 2021-2023 Plan shall be filed for review and approval by the Commission.

#### **6. Reporting and Communications**

The Settling Parties stipulate and agree that the NH Utilities will work with stakeholders, via the Council described in section I, to determine the appropriate content for annual and quarterly reports to the Commission. Annual reports shall include but not be limited to updates

on all initiatives identified for exploration or investigation during the 2021-2023 Plan implementation period.

## **H. Adjustments to Plan Programs**

### **1. Increase in Electric Heat to Heat Pump Conversions**

In recognition of additional opportunities for energy savings, the NH Utilities shall increase by 1,200 the planned number of electric baseboard heat to heat pump conversions as described in the September 1 Plan.

### **2. Energy Optimization Pilot**

Prior to implementation of the energy optimization pilot as described in the September 1 Plan, the NH Utilities shall solicit feedback from relevant stakeholders through the Council, and shall make an informational filing with the Commission describing the pilot in greater detail. The evaluation of the pilot shall be developed collaboratively, with oversight from the EM&V working group.

### **3. Active Demand Management**

Prior to offering an electric vehicle managed charging measure for the active demand program, the regulated members of the NH Utilities shall solicit feedback from relevant stakeholders through the Council, and shall make an informational filing with the Commission describing the measure in greater detail. The filing shall also review any interplay between electric vehicle measures within the active demand program and other electric vehicle related docket matters underway at the Commission.

The regulated members of the NH Utilities shall work with the Council beginning in the summer of 2021 to explore the potential savings and benefits related to monthly peak reduction

activity throughout the calendar year. If consensus is reached, the regulated members of the NH Utilities shall file a proposal for review and approval by the Commission. If consensus is not reached, the NH Utilities shall file a report with the Commission describing the opposing views and seeking a Commission decision resolving the disagreements.

#### **4. Eversource RFP program**

As part of the budget adjustments described in Section C, Eversource shall remove funding from the RFP program in favor of focusing efforts for large customers through the Large Business Energy Solutions program, which also allows for collaboration on large multi-measure projects.

#### **I. Stakeholder Advisory Council**

The Settling Parties stipulate and agree that there shall be an ongoing stakeholder advisory process during the 2021-2023 triennium, consisting of a Stakeholder Advisory Council (“Council”) that shall convene as specified below in January of 2021 and which shall hold regular meetings thereafter. The purpose of the Council shall be to serve as the stakeholder forum in connection with the planning process for the 2024-2026 Plan and as a forum for providing feedback opportunities with respect to material changes related to implementation of the 2021-2023 Plan.

The initial members of the Council shall consist of a representative of each of the NH Utilities, Commission Staff, the Office of the Consumer Advocate, and each intervenor in Docket No. DE 20-092, unless any party waives its opportunity to participate. The representative of the OCA shall convene the initial meeting at which, the Council shall determine its leadership and operating rules, including what Plan changes are sufficiently “material” within the meaning of the preceding paragraph so as to warrant Council review, provided that the

Council shall make its decisions on leadership and operation by consensus rather than by voting. The Council shall admit additional members upon request, taking into account, particularly, whether the new member represents the interests of one or more stakeholder groups that do not already have existing or significant representation on the Council. Members of the public shall be permitted to attend and provide comments if they are not Council members. At its initial meeting, the Council shall discuss how to coordinate its activities with those of the EM&V Working group so as to allow and encourage the EM&V Working group to bring policy issues to the Council for its consideration as necessary.

The Council shall rely on an outside facilitator, which it shall choose as expeditiously as practicable and supervise. The outside facilitator shall plan and preside at meetings of the Council and shall provide technical assistance to the Council. One or more of the NH Utilities shall contract with the facilitator, but the contract shall provide that the facilitator reports exclusively to the Council so long as the Council, in turn, abides by the terms of the contract. Expenses of the Council, not to exceed \$150,000 per year, including the cost of the contract with the facilitator, shall be recoverable as an administrative expense of the EERS programs.

Another key responsibility of the Council shall be to maximize consensus among participating stakeholders on the 2024-2026 triennial plan prior to its submission to the Commission. The objective shall be the presentation to the Commission in 2023 of a triennial plan supported by all stakeholders. To the extent that RSA 374-F:3, IV requires SBC increases to be approved in the first instance by the Commission and then by the General Court, beginning in January of 2022 the Council shall seek consensus on any SBC increases so that they may be presented to the Commission for approval during the second half of 2022 for introduction in the General Court during its 2023 session.



The Council shall be the forum for discussion and consensus-seeking with respect to material changes to the 2021-2023 Plan, discussed in both the September 1 Plan and/or Section G of this Agreement requiring Commission approval. The Council shall also provide a forum for discussion of policy issues that arise in connection with Plan implementation, significant changes to program designs, marketing and implementation strategies, and policy items that are referred by the EM&V working group, as discussed in Section D, paragraph 5 of this Agreement, and any other issues germane to the EERS that the Council agrees by consensus to take up. Meetings of the Council shall replace the current quarterly meeting process although the NH Utilities shall continue to file quarterly reports with the Commission.

Nothing in this section shall preclude any party from seeking a Commission decision at any time on any issue within the Commission's jurisdiction, to the extent that such actions are consistent with the general provisions of this Agreement, discussed in the following section.

#### **J. Pending Procedural Matters**

The OCA agrees that upon the Commission's approval of this Agreement the OCA's motion of October 16, 2020, seeking rehearing of Order No. 26,415, and the OCA's letter of October 22, 2020 requesting public deliberations in this docket, shall be deemed to have been withdrawn.

### **III. GENERAL PROVISIONS**

The Settling Parties agree that all testimony and supporting documentation may be admitted as full exhibits for purposes of consideration of this Agreement. Assent to admit all direct testimony without challenge does not constitute agreement by the Settling Parties that the content of the written testimony is accurate nor is it indicative of what weight, if any, should be given to the views of any witness. Reflecting the intent of this Agreement, the Settling Parties agree to forego cross-examining witnesses of the Settling Parties regarding their pre-filed

testimony and, therefore, the admission into evidence of any witness's testimony or supporting documentation shall not be deemed in any respect to constitute an admission by any party to this Agreement that any allegation or contention in this proceeding is true or false, except that the sworn testimony of any witness shall constitute an admission by such witness.

This Agreement is expressly conditioned upon the Commission's acceptance of all of its provisions without change or condition. All terms are interdependent, and each Settling Party's agreement to each individual term is dependent upon all Settling Parties' agreement with all terms. If such complete acceptance is not granted by the Commission, or if acceptance is conditioned in any way, each of the Settling Parties shall have the opportunity to amend or terminate this Agreement or to seek reconsideration of the Commission's decision or condition. If this Agreement is terminated, it shall be deemed to be withdrawn and shall be null and void and without effect and shall not constitute any part of the record in this proceeding nor be used for any other purpose. The Settling Parties recommend approval of this Agreement before the Commission. The Settling Parties also agree that they shall not oppose this Agreement before any regulatory agencies or courts before which this matter is brought but shall take all such action as is necessary to secure approval and implementation of the provisions consistent with Agreement.

The Commission's acceptance of this Agreement does not constitute continuing approval of or precedent regarding any particular issue under this docket, but such acceptance does constitute a determination that this Agreement and all provisions are just and reasonable. All discussions leading to and resulting in this Agreement have been conducted with the understanding that all offers of settlement and discussion relating to these terms are and shall be protected and treated as privileged, and shall be so without prejudice to the position of any party

or participant representing any such offer or participating in any such discussion, and are not to be used in any manner in connection with this proceeding, any further proceeding or otherwise.


This Agreement may be executed by facsimile or electronically and in multiple counterparts, each of which shall be deemed to be an original, and all of which, taken together, shall constitute one agreement binding on all Settling Parties.

#### **IV. CONCLUSION**

The Settling Parties affirm that the proposed Agreement is reasonable, and consistent with the public interest and the requirements of Commission Order No. 25,932.

IN WITNESS WHEREOF, the Settling Parties have caused this Agreement to be duly executed in their respective names by their agents, each being fully authorized to do so on behalf of their principal.

LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. D/B/A LIBERTY UTILITIES

  
By: \_\_\_\_\_ December 3, 2020  
Michael Sheehan, Esq.  
Senior Counsel

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By: \_\_\_\_\_ December 3, 2020  
Mark Dean, Esq.

PUBLIC SERVICE COMP ANY OF NEW HAMPSHIRE D/B/ A EVERSOURCE ENERGY

By: \_\_\_\_\_ December 3, 2020  
Jessica Chiavara, Esq.  
Counsel

UNITIL ENERGY SYSTEMS, INC.

By: \_\_\_\_\_ December 3, 2020  
Patrick H. Taylor, Esq.  
Senior Counsel

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY UTILITIES

  
By: \_\_\_\_\_ December 3, 2020  
Michael Sheehan, Esq.  
Senior Counsel

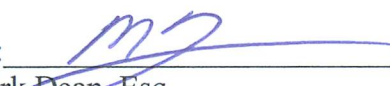
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LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. D/B/A LIBERTY UTILITIES

By: \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel

December 3, 2020

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By:  \_\_\_\_\_  
Mark Dean, Esq.

December 3, 2020

PUBLIC SERVICE COMP ANY OF NEW HAMPSHIRE D/B/ A EVERSOURCE ENERGY

By: \_\_\_\_\_  
Jessica Chiavara, Esq.  
Counsel


December 3, 2020

UNITIL ENERGY SYSTEMS, INC.

By: \_\_\_\_\_  
Patrick H. Taylor, Esq.  
Senior Counsel

December 3, 2020

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY UTILITIES

By:  \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel

December 3, 2020

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LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. D/B/A LIBERTY UTILITIES



By: \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel


December 3, 2020

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By: \_\_\_\_\_  
Mark Dean, Esq.

December 3, 2020

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

  
By: \_\_\_\_\_  
Jessica Chiavara, Esq.  
Counsel

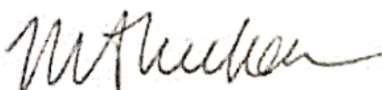
December 3, 2020

UNITIL ENERGY SYSTEMS, INC.

By: \_\_\_\_\_  
Patrick H. Taylor, Esq.  
Senior Counsel

December 3, 2020

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY UTILITIES

  
By: \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel

December 3, 2020

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LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. D/B/A LIBERTY UTILITIES

By: \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel

December 3, 2020

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By: \_\_\_\_\_  
Mark Dean, Esq.


December 3, 2020

PUBLIC SERVICE COMP ANY OF NEW HAMPSHIRE D/B/ A EVERSOURCE ENERGY

By: \_\_\_\_\_  
Jessica Chiavara, Esq.  
Counsel


December 3, 2020

UNITIL ENERGY SYSTEMS, INC.

By:  \_\_\_\_\_  
Patrick H. Taylor, Esq.  
Senior Counsel


December 3, 2020

LIBERTY UTILITIES (ENERGYNORTH NATURAL GAS) CORP. D/B/A LIBERTY UTILITIES

By:  \_\_\_\_\_  
Michael Sheehan, Esq.  
Senior Counsel

December 3, 2020

NORTHERN UTILITIES, INC.

By:   
Patrick H. Taylor, Esq.  
Senior Counsel

December 3, 2020

OFFICE OF THE CONSUMER ADVOCATE

By: \_\_\_\_\_  
D. Maurice Kreis, Esq.  
Consumer Advocate

December 3, 2020

THE WAY HOME

By: \_\_\_/s/ Raymond Burke, Esq.\_\_\_\_\_  
Raymond Burke, Esq.  
New Hampshire Legal Services

December 3, 2020

CONSERVATION LAW FOUNDATION

By: \_\_\_\_\_  
Nicholas Krakoff, Esq.  
Staff Attorney

December 3, 2020

CLEAN ENERGY NEW HAMPSHIRE

By: \_\_\_\_\_  
Madeleine Mineau  
Executive Director

December 3, 2020

SOUTHERN NEW HAMPSHIRE SERVICES, INC.

By: \_\_\_\_\_  
Ryan Clouthier  
Deputy Director

December 3, 2020



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By: \_\_\_\_\_  
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Staff Attorney

December 3, 2020

CLEAN ENERGY NEW HAMPSHIRE

By:  \_\_\_\_\_  
Elijah Emerson  
Attorney

December 3, 2020

SOUTHERN NEW HAMPSHIRE SERVICES, INC.

By: \_\_\_\_\_  
Ryan Clouthier  
Deputy Director

December 3, 2020

#### **TABLE OF ATTACHMENTS**

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ATTACHMENT A: Electric and Natural Gas Program Annual Savings by Utility

	2021	2022	2023	2021-2023	Percentage of 3-year Savings
<b>Electric Annual Savings (MWh)</b>					
Eversource	106,869	118,024	135,058	<b>359,951</b>	76%
Liberty Electric	12,627	13,520	15,025	<b>41,172</b>	9%
NHEC	8,805	7,825	7,157	<b>23,788</b>	5%
Unitil Electric	14,785	16,035	18,887	<b>49,706</b>	10%
<b><u>Total</u></b>	<b><u>143,085</u></b>	<b><u>155,404</u></b>	<b><u>176,127</u></b>	<b><u>474,616</u></b>	<b><u>100%</u></b>

	2021	2022	2023	2021-2023	Percentage of 3-year Savings
<b>Natural Annual Savings (MMBtu)</b>					
Liberty Gas	141,953	178,869	205,385	<b>526,206</b>	75%
Unitil Gas	42,299	58,706	78,854	<b>179,859</b>	25%
<b><u>Total</u></b>	<b><u>184,252</u></b>	<b><u>237,575</u></b>	<b><u>284,239</u></b>	<b><u>706,065</u></b>	<b><u>100%</u></b>

ATTACHMENT B: Eversource Budget Adjustments

		2021	2022	2023	2021-2023
Eversource Budget (\$000)					
C&I and Municipal	Sept. 1 Filing	\$39,239	\$54,573	\$72,401	<b>\$166,213</b>
	Settlement	\$38,008	\$49,356	\$61,221	<b>\$148,585</b>
	% Change	-3.1%	-9.6%	-15.4%	<b>-10.6%</b>
Residential	Sept. 1 Filing	\$17,144	\$16,998	\$17,655	<b>\$51,796</b>
	Settlement	\$18,904	\$19,428	\$20,918	<b>\$59,250</b>
	% Change	10.3%	14.3%	18.5%	<b>14.4%</b>
Income-Eligible	Sept. 1 Filing	\$14,096	\$17,893	\$22,514	<b>\$54,502</b>
	Settlement	\$13,786	\$16,662	\$19,897	<b>\$50,345</b>
	% Change	-2.2%	-6.9%	-11.6%	<b>-7.6%</b>
<b><u>Total</u></b>	Sept. 1 Filing	<b><u>\$70,478</u></b>	<b><u>\$89,464</u></b>	<b><u>\$112,569</u></b>	<b><u>\$272,511</u></b>
	Settlement	<b><u>\$70,699</u></b>	<b><u>\$85,446</u></b>	<b><u>\$102,035</u></b>	<b><u>\$258,181</u></b>
	% Change	<b><u>0.3%</u></b>	<b><u>-4.5%</u></b>	<b><u>-9.4%</u></b>	<b><u>-5.3%</u></b>

ATTACHMENT C: Eversource SBC Rates

		2021	2022	2023
Eversource Energy Efficiency Portion of SBC Rate				
Commercial	Sept. 1 Filing	\$0.01029	\$0.01498	\$0.02062
	Settlement	\$0.00960	\$0.01283	\$0.01637
	% Change	-6.7%	-14.4%	-20.6%
Residential	Sept. 1 Filing	\$0.00651	\$0.00646	\$0.00673
	Settlement	\$0.00756	\$0.00815	\$0.00910
	% Change	16.1%	26.2%	35.2%

Eversource Total SBC Rate - 2021					
		EE Portion	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.01029	\$0.00150	\$0.00091	<b>\$0.01270</b>
	Settlement	\$0.00960	\$0.00150	\$0.00105	<b>\$0.01215</b>
	% Change	-6.7%	0.0%	15.2%	<b>-4.3%</b>
Residential	Sept. 1 Filing	\$0.00651	\$0.00150	\$0.00065	<b>\$0.00866</b>
	Settlement	\$0.00756	\$0.00150	\$0.00080	<b>\$0.00986</b>
	% Change	16.1%	0.0%	24.0%	<b>13.9%</b>

Eversource Total SBC Rate - 2022					
		EE Portion	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.01498	\$0.00150	\$0.00159	<b>\$0.01807</b>
	Settlement	\$0.01283	\$0.00150	\$0.00154	<b>\$0.01587</b>
	% Change	-14.4%	0.0%	-3.2%	<b>-12.2%</b>
Residential	Sept. 1 Filing	\$0.00646	\$0.00150	\$0.00102	<b>\$0.00898</b>
	Settlement	\$0.00815	\$0.00150	\$0.00105	<b>\$0.01070</b>
	% Change	26.2%	0.0%	2.8%	<b>19.1%</b>

Eversource Total SBC Rate - 2023					
		EE Portion	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.02062	\$0.00150	\$0.00220	<b>\$0.02432</b>
	Settlement	\$0.01637	\$0.00150	\$0.00207	<b>\$0.01994</b>
	% Change	-20.6%	0.0%	-5.9%	<b>-18.0%</b>
Residential	Sept. 1 Filing	\$0.00673	\$0.00150	\$0.00118	<b>\$0.00941</b>
	Settlement	\$0.00910	\$0.00150	\$0.00125	<b>\$0.01185</b>
	% Change	35.2%	0.0%	6.1%	<b>26.0%</b>



ATTACHMENT D: Unutil SBC Rates

		2021	2022	2023
Unutil Energy Efficiency Portion of SBC Rate				
Commercial	Sept. 1 Filing	\$0.00867	\$0.01070	\$0.01333
	Settlement	\$0.00867	\$0.01070	\$0.01333
	% Change	0.0%	0.0%	0.0%
Residential	Sept. 1 Filing*	\$0.00615	\$0.00773	\$0.00829
	Settlement	\$0.00615	\$0.00773	\$0.00829
	% Change	0.0%	0.0%	0.0%

\*Reflects corrected Sept 1 filing submitted on December 1, 2020

Unutil Total SBC Rate - 2021					
		EE Portion	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.00867	\$0.00150	\$0.00129	<b>\$0.01146</b>
	Settlement	\$0.00867	\$0.00150	\$0.00128	<b>\$0.01145</b>
	% Change	0.0%	0.0%	-0.8%	<b>-0.8%</b>
Residential	Sept. 1 Filing	\$0.00615	\$0.00150	\$0.00120	<b>\$0.00885</b>
	Settlement	\$0.00615	\$0.00150	\$0.00120	<b>\$0.00885</b>
	% Change	0.0%	0.0%	0.0%	<b>0.0%</b>

Unutil Total SBC Rate - 2022					
		EE Portion	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.01070	\$0.00150	\$0.00121	<b>\$0.01341</b>
	Settlement	\$0.01070	\$0.00150	\$0.00120	<b>\$0.01340</b>
	% Change	0.0%	0.0%	-0.8%	<b>-0.8%</b>
Residential	Sept. 1 Filing	\$0.00773	\$0.00150	\$0.00145	<b>\$0.01068</b>
	Settlement	\$0.00773	\$0.00150	\$0.00145	<b>\$0.01068</b>
	% Change	0.0%	0.0%	0.0%	<b>0.0%</b>

Unutil Total SBC Rate - 2023					
		EE Portion*	EAP Portion	LBR Portion	Total SBC Rate
Commercial	Sept. 1 Filing	\$0.01333	\$0.00150	\$0.00130	<b>\$0.01613</b>
	Settlement	\$0.01333	\$0.00150	\$0.00129	<b>\$0.01612</b>
	% Change	0.0%	0.0%	-0.8%	<b>-0.8%</b>
Residential	Sept. 1 Filing*	\$0.00829	\$0.00150	\$0.00186	<b>\$0.01165</b>
	Settlement	\$0.00829	\$0.00150	\$0.00186	<b>\$0.01165</b>
	% Change	0.0%	0.0%	0.0%	<b>0.0%</b>

\*Reflects corrected Sept 1 filing submitted on December 1, 2020

ATTACHMENT E: NHEC Energy Efficiency SBC Rates and Sales Forecast

		2021	2022	2023
NHEC Energy Efficiency Portion of SBC Rate				
Commercial	Sept. 1 Filing	0.00906	0.01036	0.01004
	Settlement	0.00818	0.01050	0.01000
	% change	-10%	1%	-0.4%
Residential	Sept. 1 Filing	0.00838	0.00873	0.00853
	Settlement	0.00761	0.00848	0.00825
	% change	-9%	-3%	-3%

		2021	2022	2023
NHEC Sales Forecast (MWH)				
Commercial	Sept. 1 Filing	299,137	299,137	299,137
	Settlement	282,441	295,141	300,544
	% change	-6%	-1%	0.5%
Residential	Sept. 1 Filing	469,460	469,460	469,460
	Settlement	490,242	483,522	485,967
	% change	4%	3%	4%