

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-136, DE 20-092

ELECTRIC AND GAS UTILITIES

2021-2023 Triennial Energy Efficiency Plan

Order *Nisi* Granting Motion to Extend Submission Date

ORDER NO. 26,375

June 30, 2020

This order extends the July 1, 2020, deadline for filing the 2021-2023 Triennial Energy Efficiency Plan. This order is being issued on a *nisi* basis to ensure that interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing.

I. BACKGROUND

On January 2, 2018, the Commission issued Order No. 26,095, approving a settlement agreement, which would implement the 2018-2020 energy efficiency (EE) plan for electric and gas utilities. The electric utilities include: Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities; the New Hampshire Electric Cooperative, Inc.; Public Service Company of New Hampshire d/b/a Eversource Energy; and Unitil Energy Systems, Inc.; and the gas utilities include: Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities; and Northern Utilities, Inc. d/b/a Unitil; (collectively, the electric and gas utilities).

The electric and gas utilities subsequently filed a 2019 update to the 2018-2020 EE plan (2019 Update Plan). After a hearing, the Commission issued Order No. 26,207 (December 31, 2018), in which it approved a settlement agreement providing for implementation of the 2019 Update Plan. In Order No. 26,207, the Commission established a filing deadline of July 1, 2020, for the 2021-2023 Triennial EE Plan (Triennial Plan). That Order explained that a July 1 filing would provide the Commission with more time to review the Triennial Plan, which would “be

developed with significant stakeholder input and set out parameters for timelines, the role of the EERS Committee of the Energy Efficiency and Sustainable Energy (EESE) Board, and consulting help.” *Id.* at 9.

On June 5, 2020, the electric and gas utilities, and the Office of the Consumer Advocate (OCA) (collectively, the Movants), filed a joint motion to amend Order No. 26,207 by extending the filing deadline for the Triennial Plan from July 1, 2020, to September 1, 2020. The Movants maintained that, under the circumstances created by the COVID-19 pandemic, they and other stakeholders required additional time “to understand market impacts, develop goals and tailor a program and plan structure to account for the pandemic.” Extending the filing deadline, they contended, would allow for a Triennial Plan containing the best and most complete information, which would benefit all stakeholders and not prejudice the parties.

The Movants stated that the proposed September 1, 2020, deadline was discussed and agreed upon at the April 20, 2020, EERS Committee meeting. On June 11, 2020, Commission Staff (Staff) filed a letter, in which it assented to the joint motion to extend. Staff noted that extension of the filing deadline would permit the electric and gas utilities to incorporate results of the Technical Potential Study, which is still ongoing, into the Triennial Plan.

The joint motion to amend Order No. 26,207, and other docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136.html>.

As requested by the Movants, in their letter dated June 5, 2020, the Commission opened Docket No. DE 20-092 for the Triennial Plan. In that letter, they also requested the Commission schedule a prehearing conference before September 1, 2020. The June 5 letter and other docket

filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted at <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092.html>.

II. COMMISSION ANALYSIS

Pursuant to RSA 365:28, the Commission may, at any time after the order has issued, “after notice and hearing, alter, amend, suspend, annul, set aside, or otherwise modify any order made by it.” Under certain circumstances, the Commission may alter its orders without a hearing. *Id.* The Commission’s statutory authority to reconsider and modify its orders “is limited only in that the modification must satisfy the requirements of due process and be legally correct.” *Appeal of Office of Consumer Advocate*, 134 N.H. 651, 658 (1991).

We find that the reasons stated by the Movants in their joint motion, to which there was no objection, warrant extending the deadline for the Triennial Plan from July 1, 2020. Further, extension of the filing deadline would permit the electric and gas utilities to incorporate more results from the ongoing Technical Potential Study. Accordingly, we exercise our authority under RSA 365:28 to amend Order No. 26,207 by extending the deadline for filing the Triennial Plan to September 1, 2020. Except as modified by this order, Order No. 26,207 will remain unmodified and in full force and effect.

Although we note the electric and gas utilities’ request for a prehearing conference prior to September 1, 2020, we decline to schedule a prehearing conference at this time. A prehearing conference shall be scheduled after the Triennial Plan is filed.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, Order No. 26,207 (December 31, 2018) is modified to extend the deadline for filing the 2021-2023 Triennial EE Plan to September 1, 2020; and it is

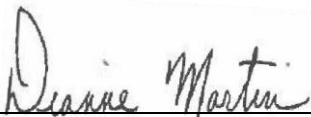
FURTHER ORDERED, that the Executive Director shall publish this order on the Commission's website no later than one day after the date of issue; and it is

FURTHER ORDERED, that all persons interested in responding to this order *nisi* be notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than July 10, 2020, for the Commission's consideration; and it is

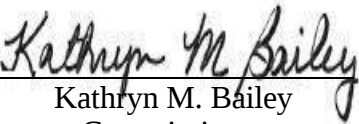
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than July 17, 2020; and it is

FURTHER ORDERED, that this order *nisi* shall be effective July 30, 2020, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this thirtieth day of June, 2020.



Dianne Martin
Chairwoman

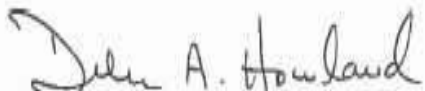


Kathryn M. Bailey
Commissioner



Michael S. Giaimo
Commissioner

Attested by:



Debra A. Howland
Executive Director

Service List - Docket Related

Docket# : 17-136

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Email Addresses

ExecutiveDirector@puc.nh.gov
scott.albert@gdsassociates.com
suzanne.amidon@puc.nh.gov
asbury@unitil.com
robertbackus05@comcast.net
thomas.belair@eversource.com
robert.bersak@eversource.com
mbirchard@keyesfox.com
brianna@cleanenergynh.org
james.brennan@oca.nh.gov
kelly@cleanenergynh.org
brian.buckley@puc.nh.gov
rburke@nhla.org
carroll@unitil.com
richard.chagnon@puc.nh.gov
pradip.chattopadhyay@oca.nh.gov
jessica.chiavara@eversource.com
rclouthier@snhs.org
karen.cramton@puc.nh.gov
kristi.davie@eversource.com
edward.davis@eversource.com
mdean@mdeanlaw.net
demeris@unitil.com
allen.desbiens@eversource.com
paul.dexter@puc.nh.gov
downesm@unitil.com
jay.dudley@puc.nh.gov
Stephen.Eckberg@puc.nh.gov
steven.elliott@eversource.com
epler@unitil.com
kate@nhsea.org
joseph.fontaine@des.nh.gov
matthew.fossum@eversource.com
tom.frantz@puc.nh.gov
steve.frink@puc.nh.gov
tomas.fuller@eversource.com

susan.gagne@puc.nh.gov
sgeiger@orr-reno.com
michael.goldman@eversource.com
gouldingc@unitil.com
Stephen.Hall@libertyutilities.com
miles.ingram@eversource.com
al-azad.iqbal@puc.nh.gov
jarvis@unitil.com
maureen.karpf@libertyutilities.com
sarah.knowlton@libertyutilities.com
donald.kreis@oca.nh.gov
marc.lemenager@eversource.com
jmarks@acadiacenter.org
smaslansky@nhcdfa.org
frank.melanson@eversource.com
erica.menard@eversource.com
madeleine@cleanenergynh.org
Mosenthal@OptEnergy.com
steven.mullen@libertyutilities.com
elizabeth.nixon@puc.nh.gov
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
rebecca.ohler@des.nh.gov
palma@unitil.com
deandra.perruccio@puc.nh.gov
katherine.peters@eversource.com
christopher.plecs@eversource.com
laurel.proulx@eversource.com
bob.reals@libertyutilities.com
trooney@trcsolutions.com
F.Ross@puc.nh.gov
michael.sheehan@libertyutilities.com
Christa.Shute@oca.nh.gov
karen.sinville@libertyutilities.com
matt.siska@gdsassociates.com
cpeale@clf.org
snowc@nhec.com
eric.stanley@libertyutilities.com
joseph.swift@eversource.com
taylorp@unitil.com
teamnh@energyservicesgroup.net
heather.tebbetts@libertyutilities.com
stower@nhla.org
stracy@pierceatwood.com
cynthia.trottier@libertyutilities.com
jvanrossum@clf.org

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woodsca@nhec.com

craig.wright@des.nh.gov

Service List - Docket Related

Docket# : 20-092

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Email Addresses

ExecutiveDirector@puc.nh.gov
richard.chagnon@puc.nh.gov
jessica.chiavara@eversource.com
gary.cronin@puc.nh.gov
paul.dexter@puc.nh.gov
jay.dudley@puc.nh.gov
Stephen.Eckberg@puc.nh.gov
tom.frantz@puc.nh.gov
donald.kreis@oca.nh.gov
mcdonald@optenergy.com
Mosenthal@OptEnergy.com
elizabeth.nixon@puc.nh.gov
amanda.noonan@puc.nh.gov
ocalitigation@oca.nh.gov
Christa.Shute@oca.nh.gov