

**STATE OF NEW HAMPSHIRE
BEFORE THE
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

Public Service Company of New Hampshire d/b/a/ Eversource Energy's
2020 Least Cost Integrated Resource Plan

Docket No. DE 20-161

NEW HAMPSHIRE DEPARTMENT OF ENERGY'S
POST-HEARING REPLY BRIEF

NOW COMES the New Hampshire Department of Energy (“the Department” or “DOE”), Settling Party in this docket, and replies to initial briefs filed by Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “the Company”), the Office of the Consumer Advocate (“the OCA”) and Clean Energy New Hampshire (“CENH”). The Department’s reply brief is timely filed. See Commission’s Procedural Order (June 23, 2023) (extending deadline from June 26 to June 30).

In this reply brief, the Department argues that the Commission should approve the limited Settlement Agreement, that is now part of the 2020 LCIRP under review, including the NWA investigation and the Department’s contingent position on application of the N-1 standard to DER interconnection. The Department also argues that the Commission should find that supplemental LCIRP filings are consistent with RSA 378:38-:40, and that the Commission should deny the OCA’s request for findings of fact relevant to these arguments, namely 11, 16, 19, 21-22, 25-26, 32, 37-39 and 42-43. The Department has not closely examined the OCA’s remaining requests for findings of fact. The Department’s silence should not be interpreted as an endorsement of OCA requests not specifically addressed below.

The Department further notes that it appears that the OCA has concluded that Eversource “has met the core standard in RSA 378:38 that it provides an assessment of distribution system requirements, addressing such needs in various appendices and other places....” See OCA Initial Brief at 17, para 36. The OCA appears to ask the Commission to reject the Company’s 2020 LCIRP based solely on RSA 378:39 criteria. Id. at 24. As explained further below, in the opinion of the Department, the OCA appears

to have misunderstood the terms of the Department and Eversource's limited Settlement Agreement, and appears to be incorrect in its view that the LCIRP statutes prohibit supplemental LCIRP filings.

The Department also notes that CENH asks the Commission to reject the limited Settlement Agreement at issue because the Company has applied an N-1 standard to interconnection for distributed energy resources (DER). See CENH Initial Brief at 8, 15, 16. While the Department will not substantively comment on application of the N-1 standard to interconnection for DER, due to the Department's own pending investigation on this topic, see DOE IP 2022-001, CENH's request to implement a new cost allocation methodology to replace "cost causation" does not fall within the ambit of the LCIRP statutes. Neither was that topic, nor CENH's requested suspension of Eversource's ability to assess costs, included in this docket's *Order of Notice*, even assuming for the sake of argument that those topics do fall within the ambit of the LCIRP statutes. See Order of Notice (October 14, 2020); Chapter Law 328:4 (2022) (formerly SB262 (2022) (General Court direction to the Department to open in investigation into Customer-generator Interconnection)

I. BACKGROUND

On October 1, 2020, Eversource filed its 2020 Least Cost Integrated Resource Plan (LCIRP) with the New Hampshire Public Utilities Commission ("the Commission") as required by RSA 378:28 (Supp. 2022) and Orders Nos. 26,362 (June 3, 2020) and 26,371 (June 22 2020) in Docket No. DE 19-139. See also RSA 378:37-:40 (Supp 2022). The Company supplemented its 2020 LCIRP filing on March 31, 2021 consistent with the fully-assented-to procedural schedule established by the Commission in its December 1, 2020 Secretarial Letter. Eversource filed a second supplement on October 18, 2022 in response to the Department's August 22, 2022 pre-filed testimony and pursuant to the Commission's October 7, 2022 procedural order (granting Eversource's partially-assented-to motion to adjust procedural schedule).

The Department filed a technical statement on January 18, 2023 stating that the Department recommends that the Commission accept the October 18, 2022 supplemental filing and approve the

Company's 2020 LCIRP, inclusive of the October 18, 2022 supplement, subject to specific recommendations related to (a) the Company's non-wires alternatives (NWA) threshold and analysis and (b) application of the N-1 planning standard for distributed energy resources (DER).

Thereafter, Eversource and the Department reached a Settlement Agreement, including an *NWA*¹ *Investigation Plan* and documenting the Settling Parties' mutual recognition that the Department's position on the Company's N-1 planning standard as applied to DER interconnection is contingent upon the outcome of the Department's pending investigation. See DOE Docket No. IP 2022-001 (opened at the direction of the General Court to investigate customer-generator interconnection standards, *inter alia*, available at this link [Investigative Proceedings | NH Department of Energy](#)). The Settlement Agreement was filed on March 2, 2023, and accepted by the Commission for consideration on March 8. See 2023 Mar. 8 Transcript (Tr.). at 8.

The Commission held three days of hearing on March 7, March 8, and April 25, 2023. The Commission issued three record requests at the conclusion of the March 8, 2023 hearing; Eversource's responses were submitted on March 21, 2023 (Exhs. 23, 24, and 25). Based on Eversource's response to the Commission's Record Request No. 3, the Department renewed its recommendation that the Commission find Eversource's LCIRP consistent with RSA 378:37-40, contingent upon the Commission's approval of the March 2, 2023 Settlement Agreement with regard to NWAs and the limited Settlement Agreement's recognition that the Department's position on application of the N-1 Standard to DER Interconnections, remains contingent upon the outcome of the investigation the General Court directed the Department to make on that topic. See 2023 Mar 8 Tr. at 121-25; DOE IP 2022-001 (the pending investigation).

¹ For the purposes of this reply brief, non-wires alternatives (NWAs) and non-wires solutions (NWS) are used interchangeably.

II. ARGUMENT

For the reasons explained below, the Department recommends that the Commission approve the limited Settlement Agreement to which the Department is a party and find that supplemental filings are consistent with the LCIRP statutes, RSA 378:37-:40.

A. In the Department's opinion, the OCA misunderstands the NWA framework described in the limited Settlement Agreement and included as part of the Company's 2020 LCIRP, subject to Commission review in this docket.

In the Department's opinion, the OCA seems to misunderstand the NWA framework described in the limited Settlement Agreement, and included as part of the Company's 2020 LCIRP, subject to Commission review in this docket. OCA Initial Brief at 8-10 The OCA asserts that the NWA framework is "not germane" to this docket. The NWA framework is at issue because it is a basis for the Department's full acceptance of the Company's 2020 LCIRP and the Department's recommendation that the 2020 LCIRP be approved. Like any settlement, it represents a compromise between the parties. It is a way to productively address both the Department and the Company's concerns regarding the Company's NWA screening and assessment by creating a data driven exercise that will result in an objective method for evaluating current, and next generation NWA screening in the hope that a greater number of viable projects can be captured within the modified screening process.

Pursuant to the terms of the *NWA Investigation Plan* included in the Settlement (Exh. 22, Attachment A) the Company will investigate a modified NWA framework in the April 2024-March 2025 to include projects that cost not less than 1 million, projects with a planning horizon of not less than 2 years. The *NWA Investigation Plan* also requires Eversource to reject unqualified NWA projects early in the process without dedicating significant engineering hours to making a screening determination, consideration of projects that are aging-equipment-replacement projects, and includes heightened documentation, data collection and reporting requirements. Reports and data will be provided in June 2024 and June 2025. The *NWA Investigation Plan* is anticipated to result in a data-driven adaptation of

the more appropriate NWA framework no later than December 2025, with additional data provided in December 2027. See Exh. 22, Exh. 22, Appendix A.

The OCA is similarly mistaken in its view that “the record is devoid of evidence of why either [NWA screening] standard—i.e., the current one or the one Eversource has agreed to study [sic “investigate and apply]—is anything but arbitrary.” OCA Initial Brief at 10. First, Eversource is not merely “study[ing]” the modified framework, it is investigating and applying that framework. See Settlement Agreement, Attachment A (Exh. 22). Second, Department witnesses and the *NWA Investigation Plan* itself provide supporting authority for its terms. See id. (Referencing the following authorities/precursor projects: Dryson, Mark et al. *The Non-Wires Solution Playbook—A Practical Guide for Regulators, Utilities and Developers*, Rocky Mountain Institute (RMI) 2018; Portland General Electric (PGE) setting a minimum non-wires solutions cost threshold at \$1 million); 2023 April 25 Tr. at 18-24, 33-34-35, 73-76 (Department witnesses Douglas and Willoughby’s testimony explaining the limited Settlement Agreement Settlement).

The OCA has also accused the Department of bad faith and an intent to “run out the clock” on LCIRP planning in light of pending legislation that may repeal the LCIRP statutes. See 2023 April 25 Tr. at 79-83; OCA Letter (filed June 21, 2023). The Department denies these allegations. See 2023 April 25 Tr. at 84-87. Moreover, it is the Department's position that—if approved by the Commission—the *NWA Investigation Plan*’s calendar-date deadlines will remain binding on the Settling Parties based on the independent authority of the Commission order approving settlement. Thus, whether or not the LCIRP statute remains unaltered, the Department and Eversource will gain the benefits of the objective NWA investigation proposed in the limited Settlement Agreement.

B. In the Department’s opinion, the OCA misunderstands the limited Settlement Agreement with regard to the application of the N-1 Standard to DER interconnection, and both OCA and CENH seek to impermissibly expand the required content of LCIRPs and disregard the General Court’s directive.

In the Department's opinion, the OCA misunderstands the limited Settlement Agreement with regard to the application of the N-1 standard to DER interconnection. See OCA Initial Brief at 8-10; cite 2023 April 25 Tr. 81 (OCA closing). The limited Settlement Agreement does no more than acknowledge that the Department's position on the application of the N-1 standard to DER interconnection is contingent upon the outcome of the Department's pending investigation into that very topic. See Settlement Agreement, Exh. 22, Section 2.1 ("The Company recognizes that DOE's position regarding use of the N-1 planning standard for DER interconnection is contingent on the outcome of DOE's current investigation in DOE Docket IP 2-22-001. Accordingly, no agreement has been reached between the Settling Parties on this issue"); Section 4.1 (Settling Parties recommend that the Commission approve position parties took in Section 2.1); but see OCA 2023 April 25 Tr. at 81 (OCA misconstrues Section 4.1 to mean the Department approves of the application of N-1 standards to DER interconnection).

The contingent nature of the Department's position would be appropriate even if the Department opened an investigation *sua sponte*. In this instance however, the investigation was opened at the specific direction of the General Court and is entitled to an even greater deference from the parties. See Chapter law 328:4 (2022) formerly SB262 (2022). The Department notes that nothing prohibits the Company from taking a position on the application of the N-1 standard to DER, as the Company has done in its initial brief at 20-25.

While the Department's position on the application of the N-1 standard to DER interconnections is contingent on the outcome of the DOE IP 2022-001 investigation, the Department considers itself free to observe that there is no authority to permit the Commission's review of the Company's 2020 LCIRP plan to culminate in the application of an unexamined cost allocation methodology or suspension of the Company's current cost causation practices, as CENH requests. See CENH Initial Brief at 9, 16-18. Neither were those weighty topics part of the *Order of Notice* filed in this docket on October 14, 2020. Accordingly, in this instance those topics are necessarily and best deferred to the docket the General Court has assigned to them, DOE IP 22-001.

Preliminarily to a discussion of whether LCIRP supplementation is permitted in Section II C below, it is worth noting that CENH was a late intervenor, being granted that status on June 28, 2022, and that the LCIRP under review remains a 2020 LCIRP. See Procedural Order Re CENH Petition for Intervention (June 28, 2022). Were it impermissible to update, clarify and refine the 2020 LCIRP after the initial filing date, there would be little point to ongoing discovery and discussion, or late intervention.

C. Supplemental Filings Are Consistent with LCIRP Statutes RSA 378:37-:40 and with past practice.

The OCA argues that supplemental filings are contrary to RSA 378:37-:40 (a/k/a “LCIRP statutes”). See OCA Initial Brief at 4-8 (addressing what an LCIRP must contain); 10 n. 4 (arguing the October 18, 2022 supplement is not part of the 2020 LCIRP); 18 (request for finding of fact 18); but see 17 (request for finding of fact 36 and 24 (ultimately OCA agrees that Eversource has satisfied the core standard in RSA 378:38). As explained below, the OCA is mistaken. The OCA does not identify supporting LCIRP statutory language, or account for the intent of the LCIRP statutes, or for past practice permitting supplemental filings.

The principles of statutory construction are well-established. As recently explained by the New Hampshire Supreme Court, when interpreting a statute:

. . . [The Court] look[s] first to the language of the statute itself, and, if possible, construe[s] the language according to its plain and ordinary meaning. [The Court] give[s] effect to every word of a statute whenever possible and will not consider what the legislature might have said or add language that the legislature did not see fit to include. [The Court] also construe[s] all parts of a statute together to effectuate its overall purpose and avoid an absurd or unjust result. [The Court] do[es] not construe statutes in isolation; instead, [the Court] attempt[s] to construe them in harmony with the overall statutory scheme.

See In Re Guardianship of C.R., 174 N.H. 804, 807 (January 2022) (citations omitted).

The intent of the LCIRP statutes is to memorialize Company plans and projects at a particular “snapshot” in time with regard to projects and process, inform the Commission and the Department, and facilitate Commission (and Department) review and input into the Company’s projects and process to meet RSA 378:37-:40 policy goals. See RSA 378:37-40. There is no language in the LCIRP statutes that

prohibits supplementation, nor does the OCA point to any, The OCA acknowledges that the rules of evidence do not apply to administrative hearings. See OCA Initial Brief at 6. This is relevant because the overall focus in administrative hearings is to provide the Commission with all relevant information (to be given the weight it merits) and to present a complete record for review.

A “no supplementation” policy would contradict the intent of the LCIRP statutes and administrative hearings evidentiary framework. It would create an absurd result wherein to update the LCIRP over time, or to correct an inadvertent error or omission, an LCIRP would be withdrawn in its entirety and refiled, potentially resulting in an RSA 378:40 suspension of any change in rates. But see OCA Initial Brief at 2 n.1 (asserting RSA 378:40 only prohibits an increase in rates). It is difficult to imagine a less efficient process. Here, for example, the remedy the OCA and CENH both seek would result in the Company refiling its 2020 LCIRP (a now backward-looking forecast) on or about 2024, presumably for expedited review in advance of the Company’s mandatory 2025 LCIRP filing. See RSA 378:38 (utilities to file an LCIRP “in all cases within five years of the filing date of the prior plan”).

In contrast, supplemental filings or plan amendment is consistent with the intent of the LCIRP statutes, summarized above, by providing all relevant and necessary information to clarify, update and complete the record prior to Commission review post-hearing. In fact, supplemental filings have long been the practice of the Commission and the parties, even in this docket. See [Puc] Staff Proposed Procedural Schedule (filed November 30, 2020) (Staff, OCA and the Company agree to a schedule that includes an Eversource supplemental filing on or before March 31, 2021); see also OCA Letter filed October 6, 2022 (objecting to LCIRP supplementation); Commission’s Procedural Order re Motion to Adjust Procedural Schedule at 1-2 (October 7, 2022) (listing multiple examples of instances where LCIRP supplemental filing has been permitted, noting dearth of OCA authority). Supplemental filings --in conjunction with discovery, and the testimony and technical statements of other parties – ultimately subject to the Commission’s scrutiny at hearing is an appropriate process.

Accordingly, for the reasons presented above, the Department recommends that the Commission find that the LCIRP statutes do not prohibit supplementation of LCIRPs, either by the Company, or at the

request of other parties, or at the request of the Commission in the form of record requests. The Department also recommends that the Commission find that supplementation here was warranted and occurred while “the process of review is proceeding in the ordinary course but has not been completed.” See RSA 378:40.

III. THE DEPARTMENT RECOMMENDS THAT THE COMMISSION DENY CERTAIN OF THE OCA’S PROPOSED FINDINGS OF FACT

In its initial brief, the OCA submitted fifty-one requests for findings of fact. See OCA Initial Brief pp. 10-22. Of those, the OCA’s proposed Findings of Fact (FOF) 11, 16, 19, 21-22, 25-26, 32, 37-39, and 42-43 are relevant with regard to the Department’s limited Settlement Agreement and the Department’s position that nothing prohibits parties from supplementing, proposing, or reviewing, filings that supplement a pending LCIRP. For the reasons stated below, assuming the Commission determines it must rule on the OCA’s requested FOF, the Department asks the Commission to deny FOF Nos. 11, 16, 19, 21-22, 25-26, 32, 37-39, and 42-43.

By way of background, RSA 541-A:35 provides in relevant part:

A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, *in accordance with agency rules*, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding.”

(Emphasis added).

The Commission’s procedural rules at N.H. Code of Admin. Rules Puc 200 are silent on the issue of findings of fact. Under RSA 541-A:30-a V, and 30-a V(b), when an agency’s rules or governing statutes do not address a procedure in the attorney general’s *Model Rules of Practice and Procedure* (N.H. Code of Admin Rules, Jus 800), an agency shall apply those model rules, so long as notice is given to all parties, with the notice pursuant to RSA 541-A:31, III.² Jus 812.05(a) provides that “Any party may submit proposed findings of fact and conclusions of law to the presiding officer *prior to or at the*

² The RSA 541-A:31, III notice is the notice of adjudicative proceeding, filed in this docket on October 14, 2020. See Order of Notice (Oct. 14, 2020) (making no reference to findings of fact of NH Code Admin. Rules Jus 800).

hearing.” Emphasis added. Jus 812.05(b) provides that “Upon request of any party, or if the presiding officer determines that proposed findings of fact and conclusions of law would serve to clarify the issues presented at the hearing, the presiding officer shall specify a date after the hearing for the submission of proposed findings of fact and rulings of law.” Further, Jus 812.05(c) provides, “[i]n any case where proposed findings of fact and conclusions of law are submitted, the decision shall include rulings on the proposals.” But see Lakes Region Water Company, Inc., Order NiSi Approving Financing, Order No. 26,447 at 9 (January 28, 2021) (stating that “the Commission’s investigation disclosed sufficient facts, as set forth above, to support the required findings pursuant to RSA 369:4” and accordingly declining to address the water company’s proposed findings of fact. See RSA 365:19”).

It is the position of the Department that notice of the OCA’s intent to seek rulings on separate findings of fact was not provided in the *Notice of Hearing* or before or during the hearing itself. This is prejudicial to the extent that it is inconsistent with the requirements of RSA 541-A:30, V (b) and Jus 812.05(b). It is also prejudicial in that had all parties been aware of the OCA’s intent to propose findings of fact for Commission review, the Department may well have asked for a limit on the number of “findings of fact” the OCA was permitted to submit. See also Hearings Transcripts March 7, March 8 and April 25, 2023 (no request to submit findings of fact or reference to Jus 800).

Assuming for the sake of argument however, that the Commission deems the OCA’s request for findings of fact an appropriate focus of review, the OCA’s proposed Findings of Fact relevant to the Department’s positions in this Reply Brief, should be denied for the reasons stated below. (“OCA Request for Finding of Fact” hereinafter “OCA RFOF”). The Department rejects the OCA’s stated position that “[i]t does not appear that any of these asserted facts are in dispute.” OCA Initial Brief at 23.

OCA RFOF II. *The Eversource LCIRP evaluates only a limited range of resource options and omits consideration of alternative energy efficiency or demand response resource beyond those already included in the ratepayer-funded “NH Saves” programs, does not consider any supply-side resource options, and analyzes grid modernization opportunities only in cursory fashion. OCA Woolf & Havumaki (Exhibit 18) at 20 lines 9-15.*

The Department asks the Commission to deny this request. The LCIRP is clear that Eversource considers and analyzes demand response, the impacts of energy efficiency programs, supply side resource options, and grid mod as part of its overall system planning. See LCIRP Bates 9-12, 42-48 [Exh. 1] Eversource defines five broad categories of capital projects: 1) Basic business (customer connections); 2) grid modernization; 3) equipment obsolescence; 4) distribution line work; and 5) distribution substation work.³ Consideration and application of these categories is reflected in the *2020 Design Violations Summary Report* revised March 18, 2021.⁴ For each region (bulk) and area (non-bulk), planning violations are summarized by substation. Thirty-seven (37) bulk substations and twelve (12) non-bulk substations were identified. Solutions considered included load transfer switches, bus-tie schemes, distribution automation, capacity upgrades, equipment replacement/upgrades based on asset condition, and non-wires alternatives (NWAs).⁵ All of the above contribute to grid modernization. Detailed documentation on 45 projects was provided in Exh. 3. In addition, a detailed example of how energy efficiency, demand-side management, and distributed generation are included in the data-driven project decisions was provided in the Loudon Station study documentation.⁶

OCA RFOF 16 *Eversource's LCIRP assumes that efficiency savings yielded by the NHSaves energy efficiency programs as funded by the systems benefits charge ("SBC") will reduce the Company's retail load but the LCIRP does not consider the potential for additional savings related to energy efficiency—i.e., those funded by the Company itself. OCA Woolf & Havumaki (Exhibit 18) at 23, lines 7-9.*

The Department asks the Commission to deny this request. NWA project decisions are data-driven guided by the NWA Framework evaluation process.⁷ Incremental energy efficiency savings are included in this process.⁸ Subject matter experts participating in the NWA Framework development

³ DE 20-161, Exh. 17, Joint Direct Testimony of Dudley and Willoughby, Bates 27, Lines 10-12.

⁴ DE 20-161, Exh. 4 Bates 199 (CONFIDENTIAL version of Exh. 3, Bates 196).

⁵ DE 20-161, Exh. 17, Joint Direct Testimony of Dudley and Willoughby, Bates 20, Lines 7-14.

⁶ DE 20-161, Exh. 3, Appendix A-2, Bates 47.

⁷ DE 20-161, Exh. 3, Appendix A-1, Bates 2.

⁸ DE 20-161, Exh. 3, Appendix A-1, Bates 44.

include energy efficiency, distributed energy resource (DER) planning (includes distributed generation), grid modernization, and regulatory finance.⁹ See also Settlement Agreement, Attachment A (Exh. 22)

OCA RFOF 19 *Incremental energy efficiency savings—i.e., savings not funded via the SBC and included in the NHSaves programs—may be especially important in the context of NWAs, in which targeted programs can achieve a significant amount of savings. OCA Woolf & Havumaki (Exhibit 18) at 24, lines 1-2.*

The Department asks the Commission to deny this request. As stated above, NWA project decisions are data-driven guided by the NWA Framework evaluation process.¹⁰ Incremental energy efficiency savings are included in this process.¹¹ Subject matter experts participating in the NWA Framework development include energy efficiency, distributed energy resource (DER) planning (includes distributed generation), grid modernization, and regulatory finance.¹² See also Settlement Agreement, Attachment A (Exh. 22)

OCA RFOF 21 *As with incremental energy efficiency, the Eversource LCIRP does not evaluate opportunities for increasing the amount of distributed generation available on its New Hampshire distribution grid. OCA Woolf & Havumaki (Exhibit 18) at 24, lines 16-17*

The Department asks the Commission to deny this request. Online Hosting Capacity Maps are available to distributed generation (DG) developers identifying areas on the power system having the highest potential for successful DG integration. On a more distributed scale (e.g., residential), interconnection guidelines and planning studies ensure system reliability can be maintained throughout. See 2023 Mar. 8 Tr at 28, line 21 through 32 line 12 (Eversource witnesses identify “hosting capacity” a/k/a “loading capacity” maps as currently available on Eversource’s website and reference PowerClerk and GridTwin Tools); Douglas and Willoughby Technical Statement (January 18, 2023 (Exh. 20) (Department discussing Eversource system planning tools GridTwin and LoadShare).

⁹ DE 20-161, Exh. 3, Appendix A-1, Bates 9.

¹⁰ DE 20-161, Exh. 3, Appendix A-1, Bates 2.

¹¹ DE 20-161, Exh. 3, Appendix A-1, Bates 44.

¹² DE 20-161, Exh. 3, Appendix A-1, Bates 9.

OCA RFOF 22 *Nor does the LCIRP consider the potential for distributed storage facilities, even in the context of NWSs, even though the experience in other states suggests there are likely to be cost-effective storage opportunities. OCA Woolf & Havumaki (Exhibit 18) at 25, lines 7-8 and 13-17.*

The Department asks the Commission to deny this request. Energy storage is a form of distributed generation. See the Department’s substantive responses to *OCA RFOF 16* and *21* above. Technical and cost details on how Eversource treats utility-owned DER, including storage, can be found in Exh. 3, Appendix A-1 Bates 6 (Fig 1), Bates 17, 27-28 and 38-39. An example application of behind-the meter storage (including contractual expectations) can be found in the Loudon Station NWA Study, Exh. 3, Appendix A-2, Bates 72-73.

OCA RFOF 25 *Generally, distributed energy resources [DERs] were not subject to comprehensive evaluation in the Eversource LCIRP and thus were not considered in all cases where they might provide potential benefits. [OCA lengthy footnote omitted; OCA cited 2023 March 8 Tr. at 34, lines 11-18 see important continued quotation provided by DOE below]¹³*

The Department asks the Commission to deny this request. The NWA Framework and NWA Framework Tool were developed to address this concern and together, they are key components of the NWA evaluation process. Details of each are provided in Exhibit 3, Appendix A-1. The process is generally applied to all suitable projects where the projected cost exceeds \$3 million.¹⁴ The limited Settlement Agreement also investigates whether this threshold should be adjusted to capture more NWA candidates and the associated potential benefits.¹⁵

¹³ After OCA’s quoted text, Russell Johnson’s testimony continues “We do have DMS now, which is a very powerful piece of software within our control centers, that allows us to orchestrate the distribution system, switch sectionalized devices to reconfigure the system, but we don’t have SCADA out to all of our substations, and we don’t have electronic or numerical relays at all of our substations. We still have old electromechanical relays, which the DMS cannot operate. So, having the ability to change out those old relays with new numerical relays at an accelerated pace, all in, say a grid mod program, would be tremendous, for the Company, and for the customers, because we would be making use of technologies that we have to a greater extent for our customers and for our purposes... See 2023 March 8 Tr at 34-38 (additional details of planned technology... pace of development is “a cost issue.”)

¹⁴ DE 20-161, Exh. 20, Technical Statement of Dudley and Willoughby, Bates 3.

¹⁵ Ibid, see also Settlement Agreement, Appendix A (Exh. 22).

OCA RFOF 26, *Nor does the LCIRP consider systematically how smart grid investments and smart grid programs could enable the promotion of increased levels of cost-effective DERs to reduce system costs. OCA Woolf & Havumaki (Exhibit 18) at 26, lines 18-21.*

The Department asks the Commission to deny this request. Integral to the project solution development process described in the Department's response to OCA RFOF 11 is Eversource's system and project planning process which models demand, reliability, feasibility, cost, DER options, and associated value-added benefits.¹⁶ The *Eversource Energy System Planning Guide (DSPG 2020)* (Appendix D, October 1, 2020 LCIRP) details the criteria and methodology followed by Eversource engineers to ensure facilities will meet or exceed system performance targets.

OCA RFOF 32 *The Eversource LCIRP does not analyze utility scale renewable resource opportunities. OCA Woolf & Havumaki (Exhibit 18) at 29, lines 9-10*

The Department asks the Commission to deny this request. Utility scale renewable resource opportunities are addressed by the NWA (or NWS) Framework Tool.¹⁷ Hosting Capacity Maps identify the highest potential system development opportunities. See also Department's substantive response to *OCA RFOF 21*.

OCA RFOF 37 *Eversource made its filing of October 18, 2022—i.e., the supplement and accompanying written testimony appearing as Exhibit 8—because the utility had concluded that the preceding filing did not meet the requirements of the LCIRP statutes. Tr. 1 at 77 lines 3-11.*

The Department asks the Commission to deny this request. Since the Company's October 18, 2022 Supplemental Testimony is now before the Commission for review, the OCA's assertion is not relevant to resolution of this docket.

OCA RFOF 38 *Accordingly, with respect to the question of what constitutes the [2020] LCIRP pending before the commission for approval in this docket, Eversource relies on the LCIRP as originally filed in*

¹⁶ DE 20-161, Exh. 17, Joint Direct Testimony of Dudley and Willoughby, Bates 31, Lines 21-23.

¹⁷ DE 20-161, Exh. 3, Appendix A-1; see also Settlement Agreement Appendix A (Exh. 22).

2020 (exh. 1), the supplement filed on March 31, 2021 (exhibits 3 and 4) and the filing of October 18, 2022 (exh. 8) Tr. 1 at 79 lines 14-18.

The Department asks the Commission to deny this request as incomplete. The Department notes that in the section of the Company's initial brief addressing procedural background, Eversource identifies the following components of its 2020 LCIRP: initial filing on October 1, 2020 (Exhs. 1 and 2) a "March 31, 2021 Supplement with Appendices A-1 (the Company's Non-Wires Analysis Framework) and A-2 (analysis for the non-wires solution for the Loudon Substation) Appendices B-F (providing revised documents to reflect the Company's (then) recently adopted Distribution System Planning Guide and also to provide initial project documentation for proposed and/or selected projects) (Exhs. 3 and 4)"; results of customer survey agreed to as part of a settlement agreement in Docket DE 19-057, filed April 30, 2021; the results of the condition assessment agreed to as part of the settlement agreement approved in Docket No. DE 19-057 (Exhs. 5 and 6); October 18, 2022 Supplement (addressing RSA 378:39 criteria); March 2, 2023 limited settlement agreement. See Eversource Initial Brief at 2-3.

In addition, in the Department's view, the Eversource 2020 LCIRP subject to Commission review is inclusive of the Company's March 21, 2023 responses to Commission Record Requests, especially Number 3 (Exh. 25) as Department relied upon Exhibit 25 in concluding that the Company's 2020 LCIRP met requirements established in the Commission's prior order, Order No. 26,362 (June 3, 2020). See Exh. 25 (Ten-year breaker level/feeder level forecast provided as Response to Record Request #3; 2023 April 25 Tr. at 17-18 (Testimony of the Department's Analyst Jay Dudley regarding Order No. 26,362 requirement and confirmation by Eversource witness Johnson regarding equivalent terms); 2023 Mar 7 Tr at 172-173 (Company inadvertently omitted substation circuit, breaker-level and/or facility-level information identifying the location and system granularity of investment needed.); Company's 2020 Design Violations Summary Report (Exh. 4) (demonstrating that the Company had looked at each transformer bus and feeder on the circuit, however where there was no violation, originally the breaker-level loading criteria was not included).

OCA RFOF 39 *The net result of relying on these three filings—assuming the propriety if (sic) treating them as collectively comprising one single LCIRP—is submission that is disorganized, confusing, and not conducive to understanding how Eversource plans to deploy available options so as to advance the state’s energy policy. Tr. 1 at 242 line 24 to 33 (citation to Company’s witness’ statement that presentation could be “much more organized” and “lesson learned” omitted).*

The Department asks that this request be denied. Although in retrospect the Company views its submission as disorganized, see Eversource Initial Brief at 26, n.14, the Department issued five data requests, was an active participant in technical sessions and, the Department believes, provided a comprehensive review and overview, culminating in a useful road map for the Commission’s consideration. See 2023 Mar 8 TR. at 121-125 (Commission views DOE discussion of the rigor of DOE’s review and support for DOE’s conclusions as important testimony), at 125 (with the exception of N-1 standard as applied to interconnection for DER and what will be marked Exhibit 25 on Day Three of the hearing, in the opinion of the Department, Eversource’s 2020 LCIRP, including supplemental components, is consistent with the requirements of RSA 378:38, and RSA 378:39 criteria. Prior to Commission review, Eversource provided information sufficient to meet the requirements of the LCIRP statutes).

OCA RFOF 42 *With respect to NWAs, Eversource limits its consideration to projects that are related to aging or failed equipment, can be completed in less than three years and must cost \$3 million or more. OCA Woolf & Havumaki (Exhibit 18) at 83, Lines 5-13.*

The Department asks that this request be denied. Substantively, as the Department has already stated in its response to the OCA’s request for Finding of Fact 25, the NWA Framework and NWA Framework Tool were developed to address concerns regarding DER evaluation and together, are key components of the NWA evaluation process. Details of each are provided in Exhibit 3, Appendix A-1. The process is generally applied to all suitable projects where the projected cost exceeds \$3 million.¹⁸ DOE is suggesting this threshold should be lowered to \$1 million to capture more NWA candidates and the

¹⁸ DE 20-161, Exh. 20, Technical Statement of Dudley and Willoughby, Bates 3.

associated potential benefits.¹⁹ See also the Department’s Response to the OCA’s request for Finding of Fact No. 16 and 19; Settlement Agreement, Attachment A (Exh. 22).

OCA RFOF 43 *Eversource has agreed to consider a different set of NWA evaluation criteria—standards that are likely to expand the number of NWA projects to be considered as potentially cost-effective, but the Company has neither agreed it will definitely implement those standards in the future nor are those standards before the Commission now as part of the current LCIRP. Tr. 3 at 36, lines 10-24.*

The Department asks the Commission to deny this request; the Settlement Agreement’s *NonWires Investigation Plan* (Exh. 22, Appendix A) speaks for itself. It is also now part of the Company’s 2020 LCIRP subject to Commission review. See Department’s response to OCA’s request for Finding of Fact 38. Moreover, the Company has agreed that “results of the 2-year investigation will be incorporated in Eversource Energy’s next (2025) least cost integrated resource plan (LCIRP) or provided as indicated.” Exh. 22, Appendix A, Section 1, Bates 000010. Further, the purpose of the Settlement Agreement is to create a data-driven process to consider whether the Company’s existing NWA thresholds are too restrictive or, potentially, appropriate to 2020 and evolving conditions.

IV. SUMMARY AND REQUESTED RELIEF

For the reasons explained above, the Department recommends that the Commission approve the Department’s limited Settlement Agreement, find that supplemental filings are consistent with the LCIRP statute and with past practice, and deny certain of the OCA’s proposed findings of fact.

WHEREFORE, the Department respectfully requests this Honorable Commission to:

- A. FIND that Eversource’s 2020 LCIRP, as supplemented together with the March 2, 2023 Settlement Agreement between Eversource and the Department²⁰ meets the requirements of RSA 378:38-:39 and prior applicable Commission orders;
- B. APPROVE Eversource and the Department’s March 2023 Settlement Agreement (Exh. 22) which details an *NWA Investigation Plan* as consistent with the requirements of RSA 378:37-:40;

¹⁹ Id.

²⁰ See the Department’s response to the OCA’s Request for Finding of Fact No. 38.

- C. APPROVE Eversource and the Department's March 2, 2023 Settlement Agreement in which the Department's states that its position on the application of the N-1 Standard to interconnection of DER is contingent upon the outcome of the Department's current investigation in DOE Docket IP 2022-001, see Chapter Law 328:4 (2022), as consistent with RSA 378:37-:40;
- D. FIND that supplemental filing is consistent with the LCIRP statutes and past practice, and that supplemental filings are warranted and consistent with the efficient use of Commission and Department resources including all supplemental filings made in this docket;
- E. DENY the Office of Consumer Advocate's request for Findings of Fact 11, 16, 19, 21-22, 25-26, 32, 37-39, and 42-43 for reasons stated above; and
- F. GRANT such other and further relief as is necessary and proper.

Respectfully Submitted,

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New Hampshire Department of Energy

June 30, 2023

Certificate of Service

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included in the Commission's service list for this docket on this date, June 30, 2023.

Mary E. Schwarzer

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