



OFFICE OF THE CONSUMER ADVOCATE
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July 24, 2022

New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DE 20-161
Public Service Company of New Hampshire d/b/a Eversource Energy
2020 Least Cost Integrated Resource Plan

To the Commission:

Please treat this letter as the response of the Office of the Consumer Advocate (“OCA”) to the letter motion submitted yesterday by the Department of Energy (“Department”) in the above-referenced proceeding. The OCA opposes the motion and respectfully requests its denial by the Commission.

The Commission instituted this proceeding on October 1, 2020 – nearly two years ago – when the subject utility, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”), made a timely filing of a Least Cost Integrated Resource Plan (“LCIRP”). *See* RSA 378:40 (requiring each electric and natural gas utility to file an LCIRP “within 2 years of the commission’s final order regarding the utility’s prior plan, and in all cases within 5 years of the filing date of the prior plan”) and Order No. 26,362 (June 3, 2020) (approving “limited update” of prior Eversource LCIRP and fixing deadline for currently pending plan).

After approving a series of interim procedural schedules, including an August 20, 2021 determination that the docket should be suspended pending the acquisition by the Department of necessary engineering expertise, *see* Procedural Letter of August 20, 2021 (tab 18), the Commission via Procedural Order entered on October 15, 2021 (tab 20) approved a complete procedural schedule as proposed by the Department with the assent of the then-participating parties. This edition of the procedural schedule called for the submission of written prefiled testimony by the Department, the OCA, and any intervenors on or before June 28, 2022. In its September 17, 2021 letter (tab 19) laying out this version of the procedural schedule, the Department noted that it had recently issued a request for proposals “for electric distribution system engineering and planning expertise.”

On March 17, 2022, the Department yet again, and with the assent of Eversource and the OCA, requested a complete revision of the procedural schedule. This time the deadline for the submission of prefiled written testimony by the Department, the OCA, and any intervenors was to be July 25, 2022. The Commission approved this latest edition of the procedural schedule on March 25, 2022 (tab 32) (fixing the dates for evidentiary hearings as October 18-19, 2022).

Now, a mere *one business day* prior to the July 25 deadline for its testimony along with that of the OCA and intervenors, the Department seeks *yet another extension* of this deadline, to August 19, 2022 – nearly a month from now. The only explanation provided for this request is that the Department “needs additional time due to numerous intervening matters in other dockets,” which the Department states have “impeded” its “ability to file its testimony by the specified deadline.”

This request is unfair to the other parties to this proceeding and lacks a creditable explanation. As an agency with approximately one-tenth the resources of the Department, but which also confronts “numerous intervening matters in other dockets,” the OCA is familiar with the challenges associated with participating actively in a host of Commission proceedings. Of necessity, our approach amounts to a kind of regulatory triage. We forego the submission of written testimony in many dockets where we would prefer to present one or more witnesses. In others, such as the instant proceeding, we do as the Department has apparently done here and have engaged the assistance of outside consultants for the development of expert testimony.

Thus, we and our consultants at Synapse Energy Economics have been diligently preparing to file our written testimony on July 25, despite summertime exigencies (e.g., the Consumer Advocate having been in Canada for the past week on a long-planned family vacation). A suggestion to postpone the testimony deadline from the Department a month or six weeks ago would have been helpful for planning purposes, and it is difficult to understand why the Department could not have anticipated in that time frame the difficulties it recites (in vague fashion) in its July 22 letter motion. Such a suggestion, coming now, is simply a way of punishing parties for their fidelity to a work plan to which all involved had agreed.

Last week, via your Order approving a Northern Utilities rate case settlement agreement, you announced a “renewed focus on the utilities’ last cost integrated resource plans” so as to assure that, by the time they are subject to after-the-fact review in a rate case proceeding, “all capital investments are justified.” Order No. 26,650 (July 20, 2022) in DG 21-104 at 1, 16. This is welcome news indeed; the OCA has long believed the interests of residential utility customers would be well-served if both the Commission and the state’s electric and natural gas utilities took the LCIRP statute more seriously and applied its requirements more rigorously. It would be consistent with that renewed focus on the LCIRP process if the Commission were to deny the pending request. The Eversource LCIRP has been pending long enough and it is well past time for all parties to declare their positions.

We, of course, are eager to maintain a spirit of collaboration and cooperation with the Department given that we are sibling state agencies with overlapping purposes. We empathize with the temporal and resource challenges that underly the Department’s July 22 letter motion. But there are many years of history to consider here, including the period during which the Regulatory Support Division of the Department was the Staff of the Commission. That history is one of treating the LCIRP review dockets as languid and desultory examinations of utility planning processes rather than staying true to

their actual statutory purpose, which is to assure that when utilities deploy their capital and other resources they do so in a manner that is both consistent with the state's energy policy as enumerated in RSA 378:37 and least-cost from a customer perspective. For the reasons the OCA will state via its written testimony in due course, the LCIRP submitted by Eversource is inadequate and the utility has failed to meet its burden to demonstrate that the plan merits approval. Nothing in any testimony the Department may file will alter that inexorable reality. In these circumstances, the public interest requires enforcement of the agreed-to procedural schedule as approved four months ago so that this docket may continue to proceed toward its already delayed conclusion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald M. Kreis".

Donald M. Kreis
Consumer Advocate

cc: Service List via electronic mail