

STATE OF NEW HAMPSHIRE

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

via e-mail to ClerksOffice@puc.nh.gov

Re: Docket No. DE 20-161
Public Service Company of New Hampshire
2020 Least Cost Integrated Resource Plan

To the Commission:

I am writing to put the Commission on notice that the Office of the Consumer Advocate (“OCA”) objects to certain aspects of two filings made earlier today in the above-referenced proceeding by the subject utility, Public Service Company of New Hampshire (“PSNH”). As the Commission is aware, the merits hearing in this contested case is scheduled for Tuesday, March 8 and Wednesday, March 9. Therefore, we believe it would not be helpful or appropriate for us to note our objections via a written motion pursuant to N.H. Code Admin. Rule Puc 203.07 (the Commission’s rule governing motions, which also explicitly allows for oral motions to be made on the record at hearings).

Our first concern arises out of the witness list that PSNH submitted today. The Company notes that one of its witnesses is unavailable for reasons of bereavement and therefore PSNH intends to present a new, substitute witness who has not heretofore participated in the docket. Such a last-minute substitution is unfair and unreasonable in a fully contested case where every factual assertion and every expert opinion is potentially in dispute. The Commission should require PSNH to rely on those witnesses who are able to testify. We of course extend our condolences to the PSNH witness who is mourning the loss of a loved one.

Our second concern involves the Settlement Agreement PSNH filed earlier today, entered into between the utility and the Department of Energy. The utility is not even pretending to comply with the applicable rules provision, Puc 203.20(e). Paragraph (e) of Puc 203.20 requires that any settlement “be filed no less than 5 days prior to the hearing.”

There is, of course, an exception in paragraph (f) of the same rule, viz: “The commission shall accept late-filed stipulations and settlements when such acceptance: (1) Promotes the orderly and efficient conduct of the proceeding; and (2) Will not impair the rights of any party to the proceeding.” This exception absolutely cannot be applied in these circumstances.

The OCA had no idea that any issues were being settled as between PSNH and the Department until we were served with a copy of the document as it was submitted to the Commission. The proposed Settlement sets forth an elaborate approach to the role NWAs (“non-wires alternatives”) should play in future efforts by PSNH to comply with the least-cost planning statute. The Settlement likewise appears to let PSNH off the hook about an issue of major controversy in this proceeding (the application of a so-called N-1 standard to the interconnection of distributed energy resources) because the Department is currently investigating the issue. Neither of these issues is inconsequential and in the circumstances it is absolutely essential for reasons of fairness and due process that other parties be given an opportunity to conduct discovery about the terms of any such agreement.

Ordinarily, when such circumstances arise in a contested case we would suggest deferring the hearing to a later date. But this docket has been pending since October 1, 2020 – *nearly two and a half years*. The hearing has already been postponed several times. Meanwhile, the Commission has stretched the integrated resource planning statute to the breaking point, and beyond, by allowing this utility (and other utilities) to submit an integrated resource plan as (in essence) an initial draft which is then updated and supplemented later. And, as the Commission is well aware, RSA 378:40 precludes this utility from implementing any rate increases in the absence of an approved integrated resource plan unless such there is a plan pending for approval and review is “proceeding in the ordinary course.” At this point we are well beyond any reasonable interpretation of “ordinary course” and the OCA will not agree to any further delays.

The Commission and other parties can expect us to raise these issues on the record as Tuesday’s hearing convenes. And, of course, we reserve our right to press all of our other objections to approval of the PSNH least-cost plan that is the subject of this docket.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald M. Kreis', written in a cursive style.

Donald M. Kreis
Consumer Advocate

cc: Service List (via e-mail)