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APPEARANCES: *(C o n t i n u e d)*

Reptg. ReVision Energy:
James Penfold

**Reptg. New Hampshire Department of
Environmental Services:**
Rebecca Ohler

Reptg. Residential Ratepayers:
Donald M. Kreis, Esq., Consumer Adv.
Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:
David K. Wiesner, Esq.
Elizabeth Nixon, Director/Electric Group
(Regulatory Support Division)

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I N D E X

PAGE NO.

SETTLEMENT

AGREEMENT PANEL:

**EDWARD DAVIS
MARISA PARUTA
MATTHEW DEAL
CHRISTOPHER VILLARREAL
ELIZABETH NIXON
BRIAN MORRIS
REBECCA OHLER**

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1 **P R O C E E D I N G**

2 CHAIRMAN GOLDNER: Okay. Good morning.
3 I'm Commissioner Goldner. I'm joined by
4 Commissioner Simpson and Commissioner
5 Chattopadhyay.

6 We're here today for a continuation of
7 the July 14th hearing in Docket DE 21-078 for
8 Eversource Energy's Petition for Electric Vehicle
9 Make-Ready and Demand Charge Alternative
10 Proposals.

11 We'll pick up where we left off, with
12 Commissioner questions, and then move to
13 redirect. As stated in the Procedural Order of
14 August 4th, written closings are due tomorrow,
15 August 10th, to enable a Commission order by
16 August 15th, per the Parties' request.

17 As a preliminary matter, we received
18 a -- just a second here. So, on 8/8, we received
19 a filing from Jeff Moulton, from the Town of
20 Derry. Mr. Moulton has not appeared on behalf of
21 Derry. It's not clear that he represents the
22 Town. Is he in the room today?

23 *[No indication given.]*

24 CHAIRMAN GOLDNER: No? Okay. We will

1 take Mr. Moulton's memorandum as a public
2 comment, and move forward with the hearing, if
3 there's no concerns with that?

4 MS. CHIAVARA: Chair?

5 CHAIRMAN GOLDNER: Yes.

6 MS. CHIAVARA: Sorry. The Company was
7 hoping to just address the comments very briefly.
8 Ed Davis had a couple of items that he wanted to
9 reply to.

10 CHAIRMAN GOLDNER: Okay.

11 MS. CHIAVARA: If that's all right?

12 CHAIRMAN GOLDNER: On the Derry memo?

13 MS. CHIAVARA: Yes. Exactly.

14 CHAIRMAN GOLDNER: Okay. I think that
15 would be fine.

16 Mr. Wiesner.

17 MR. WIESNER: Mr. Chair, I also wanted
18 to point out that we have two new witnesses
19 today; Mr. Morris, who is substituting for Mr.
20 Boughan, from Eversource, and Becky Ohler, of the
21 Department of Environmental Services, who spoke
22 at length during the last hearing, but was not
23 sworn in. And, so, I think we had hoped and
24 expected that we'd have an opportunity to do

1 limited direct testimony this morning for these
2 two new witnesses, before the Commissioners
3 resumed their questioning of the panel.

4 CHAIRMAN GOLDNER: Sure. That would be
5 fine, Mr. Wiesner. Thank you.

6 Also, I note that Dr. Sergici and
7 Ms. Reno are not here today. So, there's two new
8 witnesses and two witnesses that are not here
9 today, is that correct?

10 MR. WIESNER: That's correct. Those
11 two witnesses are unable. And we have two new
12 folks.

13 CHAIRMAN GOLDNER: Okay. Very good.
14 So, let's begin with swearing in all the
15 witnesses, and then we'll proceed from there.
16 So, Mr. Patnaude, if you could please swear in
17 the new panel.

18 (Whereupon **Edward Davis, Marisa Paruta,**
19 **Matthew Deal, Christopher Villarreal,**
20 and **Elizabeth Nixon** were recalled to
21 the stand, having been previously sworn
22 in on **July 14, 2022** in Docket **DE**
23 **21-078**, and, in addition, **Brian Morris**
24 and **Rebecca Ohler** were duly sworn by

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 the Court Reporter, and all comprise
2 the **Settlement Agreement Panel** for
3 today's hearing.)

4 CHAIRMAN GOLDNER: Okay. And then,
5 following Mr. Wiesner's recommendation, Attorney
6 Wiesner's recommendation, we'll go to direct for
7 those two new witnesses, beginning with
8 Eversource.

9 MS. CHIAVARA: I will actually, if you
10 don't mind, defer to the Department of Energy to
11 qualify Ms. Ohler first, if that's all right?

12 CHAIRMAN GOLDNER: Oh. Very good.
13 Yes.

14 MR. WIESNER: That's what we had
15 discussed, and we believe made the most sense.

16 So, I'll begin with Ms. Ohler. And to
17 be clear, the DES is here as a Party in the case.
18 They don't have separate counsel. So, I have
19 agreed, as a courtesy to a sister state agency,
20 to ask questions of Ms. Ohler on direct, and
21 perhaps on redirect. But just wanted to make it
22 clear that not representing the DES here.

23 **EDWARD DAVIS, PREVIOUSLY SWORN**

24 **MARISA PARUTA, PREVIOUSLY SWORN**

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

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MATTHEW DEAL, PREVIOUSLY SWORN

CHRISTOPHER VILLARREAL, PREVIOUSLY SWORN

ELIZABETH NIXON, PREVIOUSLY SWORN

BRIAN MORRIS, SWORN

REBECCA OHLER, SWORN

DIRECT EXAMINATION

BY MR. WIESNER:

Q So, with that, Ms. Ohler, would you please state for the record your full name?

A (Ohler) My name is Rebecca Elizabeth Ohler.

Q And what is your position with the Department of Environmental Services?

A (Ohler) I'm the Bureau Administrator of the Technical Services Bureau, which is within the Air Resources Division at DES.

Q And what are the prime responsibilities you have and the Bureau has within the Department?

A (Ohler) Our Bureau is one of four Bureaus in the Air Resources Division. We've got a Compliance Bureau and a Permitting Bureau, which deal with sort of the operational side of the stationary sources. We've got an Air Atmospheric Science Unit, which deals with evaluating what goes on as a result of pollution. And then, we've got the

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1 Technical Services Bureau. And we deal with
2 energy policy and transportation policy, because
3 there's a lot of interaction between the two.
4 And the transportation sector is the state's
5 largest source of air pollution.

6 Q And what has been your involvement in the Request
7 for Proposals for Electric Vehicle Direct Current
8 Fast Charging Station, that was released by the
9 DES back in September of last year?

10 A (Ohler) Yes. Thank you. The Air Resources
11 Division was made the primary lead agency for the
12 VW Trust after there was the merger of the Office
13 of Strategic Initiatives with the new Department
14 of Energy. As such, we are responsible for
15 implementing the VW Trust Mitigation Plan that's
16 been approved for the State of New Hampshire. In
17 that Plan, we are -- have bound ourselves to
18 spend the entire allotted 15 percent maximum on
19 electric vehicle charging infrastructure, so,
20 approximately 4.6 million.

21 So, DES and my Bureau have taken the
22 lead on releasing the Request for Proposals,
23 receiving applications for that, and we'll be
24 working the proposals through the contracting

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1 process and through their completion.

2 Q And could you please provide a brief overview of
3 the RFP itself, and the process that has been
4 followed to date for that RFP?

5 A (Ohler) Certainly. The Request for Proposals
6 specified specific corridors around the state on
7 which we desired to have electric vehicle fast
8 charging infrastructure made available. The
9 corridors were chosen in consultation with the
10 Department of Transportation and other numerous
11 stakeholders. And they really represent the
12 corridors that would allow the ability to travel
13 throughout New Hampshire, as well as connect to
14 neighboring states and provinces. And a backbone
15 of charging infrastructure on those selected
16 corridors would allow the majority of people, who
17 wanted to drive in New Hampshire in an electric
18 vehicle, the ability to get around and have
19 charging available at necessary intervals.

20 Q And what level of response did DES get to the RFP
21 solicitation?

22 A (Ohler) We got a tremendous response to the
23 solicitation. In response to the RFP that closed
24 on February 25th, 2022, DES received 30

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 application packets, containing a total of 53
2 proposed electric vehicle supply equipment
3 deployment options. DES determined that 43 of
4 these proposed options, representing 35 sites
5 across 25 different New Hampshire towns and
6 cities, met the minimum qualifications of the
7 RFP, and were subsequently advanced to the
8 scoring phase.

9 The scoring team consisted of two DES
10 staff, one staff from the New Hampshire
11 Department of Transportation and one staff from
12 the New Hampshire Department of Energy. The
13 scoring process was completed at the end of
14 April.

15 Q And can you share any specific information about
16 the proposals DES received in response to the
17 RFP?

18 A (Ohler) At this time, DES is restricted, under
19 state statute, as to the level of information
20 that can be publicly shared regarding the RFP
21 process. RSA 21-G:37 specifies that, except for
22 rank and scores, no information about specific
23 proposals can be public until the Governor and
24 Executive Council approves a contract.

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1 Per RSA 21-G:37, Subparagraph III,
2 ranks and scores must be posted "at least five
3 business days prior to submitting the proposed
4 contract to the Department of Administrative
5 Services." DES intends to propose [sic] those
6 scores on our website in accordance with the
7 statutory requirement, but cannot share any
8 information about the proposals, other than what
9 I've already shared.

10 Q And can you tell us what costs associated with an
11 EV fast charging project are not eligible under
12 the DES RFP?

13 A (Ohler) Ineligible costs include acquisition of
14 the site or lease for a site, any electrical
15 infrastructure costs beyond the customer's meter,
16 insurance, capital costs, such as construction of
17 buildings, parking facilities, or other
18 amenities, site maintenance, required on and
19 off-site directional signage, taxes, internet
20 connections, and any other costs that are not
21 specifically allowed by the RFP.

22 Q And it's my understanding that DES had initially
23 proposed to utilize \$3 million of the possible
24 \$4.6 million of the VW Trust funding under the

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1 current solicitation, is that correct?

2 A (Ohler) Yes.

3 Q But it's also my understanding that DES now
4 intends to utilize all available funds for
5 projects received in response to the RFP. Why
6 did that change?

7 A (Ohler) DES received more proposals than
8 anticipated, and received proposals on all of the
9 corridors specified in the Request for Proposals.
10 Those corridors touch all counties in the state,
11 and would help enable EV travel both within New
12 Hampshire and throughout New England and Quebec.

13 We had anticipated that we might only
14 receive proposals in the more populated southern
15 portion of the state. Because of the excellent
16 response to the RFP, we feel we can achieve the
17 objective of the Program, supporting development
18 of EV charging infrastructure skeleton statewide
19 by expending all of this funding in this one
20 round.

21 Q And can you please describe what steps have
22 occurred since the receipt of applications in
23 response to the RFP?

24 A (Ohler) In the timeframe between when project

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1 proposals were submitted and final scores were
2 determined, national and global economic
3 conditions have led to a shortage of many
4 components, such as transformers, electrical
5 panels, and other items needed for these
6 projects. Costs for the chargers and associated
7 components, as well as labor costs, have also
8 increased.

9 Therefore, in early May, the top
10 scoring applicants were notified of their
11 potential selection for funding, and were offered
12 an opportunity to revise their cost proposals to
13 reflect current market conditions, with the
14 understanding that any increase would trigger a
15 reevaluation of their cost proposal score. As
16 revised cost proposals were received, DES was
17 better -- was able to better determine how many
18 locations could be funded.

19 Q And where do things stand today with the RFP
20 process?

21 A (Ohler) DES is continuing to work with selected
22 applicants to develop contracts for the Governor
23 and Executive Council approval process. As part
24 of that process, we are seeking assurance from

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1 the applicants that they intend to move forward
2 with the project as proposed. Some applicants
3 are not able to answer that question until they
4 know the outcome of this docket.

5 DES anticipates having some, but not
6 all, signed contracts ready for Governor and
7 Executive Council approval in mid-September or
8 early October. At this time, DES is restricted,
9 under state statute, as to the level of
10 information that can be publicly shared regarding
11 the RFP process. In particular, RSA 21-G:37
12 specifies that, except for ranks and scores, no
13 information about the proposals can be public
14 until the G&C approves the contract.

15 In addition, that same RSA provides the
16 applicant -- provides that the applicant's name
17 and proposal scores are to be posted "at least
18 five days business" -- "at least five business
19 days prior to submitting the proposed contract to
20 the Department of Environmental Services" -- I'm
21 sorry, correct that, "to the Department of
22 Administrative Services."

23 DES intends to post the rank on our
24 website in accordance with the statutory

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1 requirement, as soon as we are ready to go to the
2 Governor and Council process with the first batch
3 of the RFPs.

4 Q And what is your understanding of how Eversource
5 will decide which projects to provide make-ready
6 funds to?

7 A (Ohler) It's my understanding that applicants
8 will work with Eversource to finalize make-ready
9 plans, and Eversource will wait until DES can
10 make the top scoring proposals public before they
11 commit to an applicant to do such work.

12 MR. WIESNER: Thank you. I have no
13 further questions for Ms. Ohler on direct
14 examination.

15 CHAIRMAN GOLDNER: Okay. Ms. Chiavara,
16 did you want to address Mr. Morris?

17 MS. CHIAVARA: Yes, please.

18 BY MS. CHIAVARA:

19 Q Mr. Morris, can you please state your name and
20 the title of your role at Eversource?

21 A (Morris) Good morning. My name is Brian Morris.
22 And I'm a Senior Analyst for Business Strategy
23 and Policy.

24 Q And what are the responsibilities of your role at

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 Eversource?

2 A (Morris) I work directly for Kevin Boughan. And,
3 in my role, I am responsible for the development
4 of Eversource Energy's electric vehicle
5 strategies and specific EV charging programs
6 across Eversource's service territories,
7 including PSNH, in New Hampshire.

8 Q And have you ever testified before this
9 Commission?

10 A (Morris) No.

11 Q Did you file testimony as a part of this docket?

12 A (Morris) No, I did not. I am here today in the
13 place of Eversource's witness for the make-ready
14 proposal, Kevin Boughan. I have worked with
15 Kevin Boughan on every aspect of the proposal,
16 and have been involved with this matter for the
17 duration of the docket. I am intimately familiar
18 with the details of the make-ready proposal's
19 design and purpose.

20 Since Mr. Boughan is unavailable to
21 testify today, I am able to answer questions that
22 Commissioners may have in regard to the Company's
23 make-ready proposal and make-ready programs in
24 general.

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 Q And then, just one more question related to Ms.
2 Ohler's testimony that happened just now.

3 Could you briefly address how the
4 Company plans to distribute or allocate the
5 make-ready funding?

6 A (Morris) Sure. To stay consistent with the
7 program's design to advance the state policy
8 objective of advancing fast charging travel
9 corridors throughout New Hampshire, Eversource
10 will distribute make-ready funding consistent
11 with the scoring and ranking of projects by DES.

12 When DES posts the list of awarded
13 projects, prior to submitting contracts to the
14 Governor and Executive Council for review and
15 approval, Eversource will assign funds on a
16 preliminary basis to projects within its service
17 territory, in order of the highest ranked or
18 scored project, and then proceeding down the list
19 until all funds have been committed to projects
20 in the DES's ranked order.

21 MS. CHIAVARA: Thank you very much,
22 Mr. Morris. That is all I have.

23 CHAIRMAN GOLDNER: Thank you. Before
24 we move to cross-examination, I'd just like to

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 follow up with Ms. Ohler. So, Ms. Ohler, just a
2 couple of questions for you.

3 Do you remember the answers you gave in
4 response to questioning at the July 14th hearing
5 in this matter?

6 WITNESS OHLER: I have reread my
7 testimony.

8 CHAIRMAN GOLDNER: Thank you. And now,
9 under oath, do you adopt those answers as your
10 sworn testimony?

11 WITNESS OHLER: I would say that I
12 probably have some additional detail or some
13 detail that was in some of those answers that may
14 not be correct. For example, I don't believe
15 that I was able to recall the exact number of
16 proposals that we had gotten.

17 But, in general, I agree with what I
18 had said previously.

19 CHAIRMAN GOLDNER: Thank you. Thank
20 you. That's perfect.

21 Okay. Very good. Let's move to
22 cross-examination. Do any of the parties want to
23 engage in cross-examination?

24 *(Atty. Chiavara and Atty. Wiesner*

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 *indicating in the negative.)*

2 CHAIRMAN GOLDNER: A thousand one, a
3 thousand two?

4 *[No verbal response.]*

5 CHAIRMAN GOLDNER: All right. No
6 cross.

7 Okay. So, at this point, I think we
8 can move to Commissioner questions of all the
9 witnesses. If there's no objection to moving
10 forward with Commissioner questions?

11 MS. CHIAVARA: I do have a couple
12 questions for Mr. Davis about the Town of
13 Derry's. I don't know if you'd like to do that
14 now or --

15 CHAIRMAN GOLDNER: Yes. Let's do that
16 now.

17 MS. CHIAVARA: Okay.

18 CHAIRMAN GOLDNER: Thank you.

19 BY MS. CHIAVARA:

20 Q Mr. Davis, --

21 A (Davis) Good morning.

22 Q -- the Town of Derry filed a letter to the docket
23 on Sunday, August 7th, asking that a municipal
24 exception be added to the Settlement Agreement,

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 allowing municipal fleets with restricted access
2 to be eligible for the Demand Charge Alternative
3 rate. Would such an exception be appropriate
4 here?

5 A (Davis) Unfortunately, I don't believe an
6 exception is appropriate in the context of this
7 rate. The rate was designed specifically for the
8 application of public charging, because public
9 charging stations cannot respond to time of use
10 signals the way that vehicle fleet owners have
11 the ability to do.

12 Private fleets also have the ability to
13 optimize the use of demand to achieve higher load
14 factors, which mitigates the impact of the 50
15 percent demand charge that's in the recently
16 approved time of use rate.

17 So, I think, for those reasons, it
18 would not be appropriate to make an exception.

19 Q And do you have a recommendation to make at this
20 time?

21 A (Davis) I recommend that the rate is implemented
22 as proposed in the Settlement Agreement for the
23 initial three-year term. At the end of that
24 term, as described in the Settlement Agreement,

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 the Company will analyze the data from that
2 three-year period, and be able to ascertain how
3 best to evolve the rate, including whether it's
4 appropriate to offer it to a broader range of
5 customers.

6 The Town of Derry states that it's
7 planning to convert its fleets to EVs over the
8 next ten years. Data acquired during the initial
9 three-year term of the Demand Charge Alternative
10 rate offering, along with data collected from the
11 commercial time of use rate offering, will
12 provide much needed useful insight into how these
13 rates should be adjusted, if at all, to best meet
14 the needs of all kinds of EV customers.

15 But, at this time, it's the Company's
16 position that the Demand Charge Alternative rate
17 should only be offered to public charging station
18 customers, consistent with the design and purpose
19 of the rate.

20 MS. CHIAVARA: Thank you, Mr. Davis.
21 And that is all I have.

22 WITNESS DAVIS: You're welcome.

23 MS. CHIAVARA: Thanks.

24 CHAIRMAN GOLDNER: Okay. Very good,

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 so, we'll move to Commissioner questions,
2 beginning with Commissioner Simpson.

3 CMSR. SIMPSON: Thank you, Mr.
4 Chairman.

5 A few questions for Ms. Ohler. Thank
6 you for being here today, again.

7 BY CMSR. SIMPSON:

8 Q I'm looking at the Record Request Number 001,
9 Attachment 1, that was provided by Eversource,
10 which is the "New Hampshire VW DC Fast Charge
11 RFP". You're familiar with this document?

12 A (Ohler) Yes, I am. Yes, I am.

13 Q Okay. Great. Thank you. And do you have this
14 version available with the pages numbered?

15 A (Ohler) I have my own version of it. And I'm
16 sure I can find things pretty quickly.

17 Q Oh. Okay.

18 A (Ohler) I've put together my own that includes
19 the various amendments.

20 Q Okay. So, I'm --

21 A (Ohler) And I've got this one available right
22 here, yes.

23 Q Great. Thank you. So, I'm looking at Page 4.
24 And the first question I had, I think you've

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 somewhat addressed, but the "Funding" section.
2 So, it looks like, when this RFP was originally
3 released, it was contemplated that approximately
4 3 million out of the 4.6 million in the
5 Settlement Trust would be spent within this
6 solicitation, is that correct?

7 A (Ohler) That is correct.

8 Q So, the Department of Environmental Services has
9 decided that, and within the flexibility afforded
10 to the agency within this RFP, you will expend
11 the full 4.6 allocated to EV charging out of the
12 Settlement?

13 A (Ohler) Yes. That's our intent.

14 Q And is your intent to increase Settlement funding
15 for the number of sites contemplated, or, do you
16 intend to increase the number of sites that would
17 receive grant funding, or a combination of both?

18 A (Ohler) We have no intention to try to increase
19 the Settlement funding that's been proposed by
20 Eversource. And we will fund projects right down
21 through the maximum allowed. To the extent that
22 any projects can move -- if the Eversource
23 funding is not available for some of those
24 projects, then with -- and, hopefully, the

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 applicants will be able to move forward
2 otherwise. Not all projects had high make-ready
3 costs.

4 Q Uh-huh.

5 A (Ohler) So, there may well be some that are able
6 to move forward.

7 Q Okay. Thank you. So, on Page 11, it's the list
8 of "Eligible" and "Non-Eligible Costs"?

9 A (Ohler) Yes.

10 Q You're familiar with this?

11 A (Ohler) Yes.

12 Q So, in "Non-Eligible Costs", e. reads "Electric
13 utility infrastructure needed to connect and
14 serve new EVSE. This may include traditional
15 distribution infrastructure such as step-down
16 transformers, overhead [utility] service lines,
17 and utility meters that will continue to be owned
18 and operated by the utility." Did I read that
19 correctly?

20 A (Ohler) Yes.

21 Q So, then looking at the "Eligible Costs", in
22 Section 1, looking down the list, so, a. is the
23 charger, EVSE, and then b., d., g., those to
24 me -- and k. and j., those to me look like what

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 we are referring to as the "behind-the-meter
2 infrastructure", is that correct?

3 A (Ohler) I will tell you that I do not have 100
4 percent grasp on the behind-the-meter versus
5 in-front-of-the-meter.

6 Q Okay.

7 A (Ohler) On the non-utility owned side of the
8 meter, --

9 Q Yes.

10 A (Ohler) -- that is correct.

11 Q So, this is really where I want to make sure I
12 fully understand. Is the VW Settlement funding
13 going to pay for that behind-the-meter
14 infrastructure as an eligible cost, or is the
15 Department's view that those funds are coming
16 from the Company?

17 A (Ohler) If the applicant will own the equipment,
18 then the VW Trust can pay up to 80 percent of the
19 cost. There is a maximum, 80 percent, --

20 Q Yes.

21 A (Ohler) -- of eligible costs in the RFP.

22 Q Uh-huh.

23 A (Ohler) So that, if it's going to be owned by the
24 applicant, then it is an eligible cost for VW

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 funding. If it's infrastructure that is owned by
2 the utility, the VW funding will not be used to
3 cover that.

4 Q Okay. Because where I think I'm a little bit
5 confused is that the Company has proposed to
6 expense 1.4 million in behind-the-meter
7 infrastructure as part of the Settlement. I'm
8 confused, because it seems like some of those
9 costs are eligible costs, per the RFP. Would you
10 be able to help clarify that?

11 A (Ohler) I guess that probably where that -- maybe
12 where that difference lies is, if the
13 construction costs are related to installing the
14 charger, installing that pedestal, --

15 Q Uh-huh.

16 A -- installing on-site signage, painting the
17 parking spot to identify it's an EV parking spot,
18 that can be covered by the VW funding.

19 If those costs are -- let's see, on the
20 other side of the applicant's -- or, the other
21 side of the site's meter, --

22 Q Uh-huh.

23 A (Ohler) -- so, any equipment or any construction
24 that is, I guess, that wouldn't be measured at

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 the applicant's meter, then those are not
2 eligible costs.

3 Q Uh-huh.

4 A (Ohler) Again, I don't know whether that's
5 considered "behind the meter" or "in front of the
6 meter".

7 Q Okay. Maybe Mr. Morris might be willing to
8 respond on behalf of the Company?

9 A (Morris) Sure. So, just to clarify some
10 terminology. So, "front-of-the-meter
11 infrastructure" is synonymous with "utility side
12 infrastructure. "Behind-the-meter
13 infrastructure" is synonymous with "customer side
14 infrastructure".

15 And, so, Commissioner Simpson, to
16 respond to your question about the expensed
17 amount in Eversource's proposal, --

18 Q Uh-huh.

19 A (Morris) -- when Eversource proposed the program,
20 its understanding was that the Volkswagen RFP
21 would only cover the EVSE or the charging station
22 itself. When the RFP came out, and Eversource
23 learned that there are customer-side
24 infrastructure costs behinds just the charging

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1 station that are eligible, there was a bit of a
2 shift in terms of our expectation for how much of
3 our funding is going to support utility-side
4 infrastructure versus customer-side
5 infrastructure.

6 Q Okay.

7 A (Morris) So, the expectation, given that the
8 Volkswagen funding can be used for electrical
9 infrastructure on the customer side of the meter,
10 it's highly possible that most of our funding, if
11 this program is approved, would go towards
12 supporting the utility-side infrastructure that,
13 to Ms. Ohler's point, the customer will not own,
14 the customer [company?] will own.

15 Eversource's funding could also be used
16 for behind-the-meter infrastructure, to the
17 extent that it's not covered by the Volkswagen
18 RFP funding.

19 Q Okay. So, I'm looking at Exhibit 2, which is the
20 Company's testimony from Mr. Davis, Mr. Rice, Mr.
21 Boughan, Bates Page 015. And it's "Figure 1", a
22 table, that lists the "Cost Elements"?

23 A (Morris) Yes, I see it.

24 Q So, "Behind the Meter Infrastructure" listed as

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1 an expense of "1.4 million", you see that?

2 A (Morris) I do.

3 Q So, how does the Company intend -- or, how would
4 the Company intend to allocate that \$1.4 million,
5 given that the understanding today is that those
6 eligible -- those costs are eligible for VW
7 Settlement funding?

8 A (Morris) Sure. So, a couple of things I'll say
9 is we did provide additional detail for those
10 costs in Record Request-002. I'll also say that,
11 because Eversource -- we don't know how many
12 sites are going to be selected in Eversource
13 service territory, how many of the Volkswagen RFP
14 costs will be funded by the Volkswagen dollars,
15 how much additional funding Eversource may have
16 to provide on the customer side of the meter, in
17 addition to the utility side of the meter work.

18 I'll emphasize a point that I believe
19 Mr. Boughan highlighted during the first day of
20 hearings, that these costs are highly variable
21 and are highly site-specific, based on particular
22 conditions across locations. And, so, the costs
23 that we provided were meant as illustrative
24 examples given a set of assumptions. It is

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1 likely that the sites that get funding, that are
2 ultimately awarded funding from the Volkswagen
3 RFP will have widely variable costs, depending
4 upon the infrastructure needs at those specific
5 locations.

6 Q Okay. Thank you. Just a moment. So, looking at
7 the Settlement Agreement, on Bates Page 009,
8 which is Exhibit 1, in essence, the Company is
9 asking for approval of "\$2.1 million for the
10 make-ready program", in order to support funding
11 of the sites selected under the VW Settlement
12 RFP. And your Exhibit 2 table is providing
13 estimated investment for each of the cost
14 elements, whether in front of the meter, behind
15 the meter, data collection, or program
16 evaluation. And, for any of the behind-the-meter
17 costs that the Company would pay for, those would
18 be expensed, correct?

19 A (Morris) That is correct. Any customer-side
20 costs that the Company would support would be
21 expensed.

22 Q Okay. And I understand that those costs will be
23 variable on a per-site basis. But the
24 infrastructure should be fairly consistent, the

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1 length of wiring, conduit, location of pads, the
2 site work that's required, those costs would be
3 variable, but the salient assets, that would be
4 installed behind the customer's meter, those
5 should be pretty consistent, correct?

6 A (Morris) So, I would say that, with current
7 supply chain issues today, it's very difficult to
8 forecast and project prices of equipment. I
9 understand the point. And I would agree,
10 generally, that the most highly variable costs
11 are the trenching and the conduit and the
12 conductor, and those costs that vary based upon
13 location of charging stations, in terms of how
14 far they are from the service being provided.

15 Q Right. Okay. I understand that. I'm just --
16 I'm trying to understand what, within the
17 behind-the-meter infrastructure, is an eligible
18 cost under the VW Settlement and what is not an
19 eligible cost?

20 A (Morris) So, my understanding is that, generally
21 speaking, any equipment that's on the customer
22 side of the meter is owned by the customer, and,
23 therefore, would be an eligible cost under the
24 structure of the Volkswagen RFP. And Ms. Ohler

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1 can confirm that.

2 But the reason that the meter is used
3 as a line of demarcation is because ownership
4 stops at the meter. So, beyond the meter,
5 Eversource wouldn't own any infrastructure, and,
6 therefore, most of those costs would be eligible
7 for coverage under the Volkswagen RFP. And I
8 would defer to Mrs. Ohler to confirm that.

9 Q I think I understand that. I'm just -- I'm
10 really trying to understand what did the Company
11 contemplate within the 1.4 million?

12 A (Morris) Sure. So, Record Request-002, I
13 believe, provides a little bit of detail as to
14 some of the costs that would go into the
15 behind-the-meter work. A big component of costs
16 on the customer side of the meter, for DC Fast
17 Chargers specifically, is the switchgear, which
18 can be an expensive piece of equipment. The
19 Company also contemplated the conduit and
20 conductor and the wiring runs from that
21 equipment, up to the location of the charging
22 stations themselves, including the labor and the
23 material provided -- are required to support
24 those installations.

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1 It does not include the cost of the
2 actual charging station, because the assumption,
3 when the proposal was made, was that the
4 Volkswagen funding would cover the cost of the
5 actual charging station hardware and software.

6 Q Okay. I think I'm just still struggling to
7 understand whether the VW Settlement dollars are
8 going to pay for the behind-the-meter costs or is
9 the Company going to pay for them in the 1.4
10 million that they proposed?

11 A (Ohler) If there is Eversource funding available
12 for behind-the-meter costs, then more projects
13 could be accomplished than what we can do with
14 just the Volkswagen funding.

15 Q Okay. Thank you. That makes sense to me then.

16 So, Ms. Ohler, then I'm looking at
17 Page 10 of the RFP, "Section 2.2 Background and
18 Context", it sounds as if, within this
19 solicitation, the 4.6 million, you intend to
20 spend the whole thing within the solicitation.
21 Is the Department of Environmental Services
22 narrowly focused on customer sites within
23 Eversource's location -- Eversource's service
24 territory for all of those reimbursement costs?

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1 A (Ohler) In evaluating and scoring the proposals,
2 we were -- we are blind to what utility's
3 territory a project is proposed in. I guess
4 that, when it comes to working our way down the
5 list as to how many projects we can ultimately
6 fund, then we would -- I would -- we'd
7 necessarily look at which utility territory they
8 were in, and adjust our costs, like, accordingly.

9 Q Uh-huh. Okay. And I ask, because I recognize
10 this has gone -- this process has been lengthy,
11 and several rounds. And, today, we only have one
12 company's proposal for make-ready in front of us.
13 And trying to balance that, against what seems to
14 be the intent of the RFP, in order to provide
15 charging across the state. And, certainly, the
16 Department of Environmental Services' hope or
17 reliance on clarity in what the utility can pay
18 for, balance that with the investment that will
19 be beared by Eversource customers alone,
20 seemingly, at this point?

21 A (Ohler) Yes. That's correct. When we released
22 the RFP, obviously, there was no certainty as to
23 whether or not there could be any utility funding
24 of these projects at all.

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1 Q Uh-huh.

2 A (Ohler) And, so, we crafted the RFP and have
3 crafted our initial review of the proposals,
4 with, you know, the case as is today, the
5 assumption that this will all be VW money.
6 Again, if there is utility money that is able to
7 be in that mix, then we will be able to fund
8 quite a few more locations than we would
9 otherwise.

10 Q And your -- but your view is not to wait for the
11 other electric utilities in the state to come
12 before us and seek funding approval from us?

13 A (Ohler) No. We want to move on this as quickly
14 as we possibly can.

15 Q Okay. Thank you. And then, my last question,
16 "Section 4.4 Recordkeeping and Reporting", it
17 says "The Applicant will be required to submit
18 periodic reports", "Monthly Reports", "Quarterly
19 Reports" with information, to whom will those
20 reports go and what will be the availability of
21 that information?

22 A (Ohler) Those reports will be submitted to DES,
23 and those reports will be publicly available upon
24 request.

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1 CMSR. SIMPSON: Great. Thank you, Ms.
2 Ohler. Thank you, Mr. Morris.

3 I don't have any further questions, Mr.
4 Chairman.

5 CHAIRMAN GOLDNER: Okay. We'll move to
6 Commissioner Chattopadhyay.

7 CMSR. CHATTOPADHYAY: Thank you.
8 Sorry. Thank you, Chairman.

9 So, I'll go through questions that I
10 believe that you will be able to answer, DES, you
11 know, rather than the Company. But, if the
12 Company can provide more color or can add to the
13 response, feel free to jump in.

14 BY CMSR. CHATTOPADHYAY:

15 Q So, let's go to Page 4 of 32 of the response to
16 the record request. And I'm assuming that you
17 have -- you're looking at the same stuff, so you
18 know where we are?

19 A *(Witness Ohler indicating in the affirmative).*

20 Q Okay. You mention in the "Funding" section,
21 "Under this RFP, up to 80 percent of eligible
22 costs may be reimbursed from the New Hampshire
23 Volkswagen Trust", and so on. I just -- I'm
24 assuming that DES has had experience previously

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1 about having similar RFPs, and having commitments
2 that are similar in nature, meaning this
3 percentage has to be borne by the applicant, and,
4 you know, the rest would be a part of the funding
5 from DES, or otherwise, from some other source.

6 So, generally, what's the process?
7 Like, how do you ensure that the applicant is
8 indeed spending 20 percent of the expenses on
9 their own?

10 A (Ohler) Our grant programs are reimbursement
11 programs. So, the applicant has to cover the
12 cost of all expenditures, and then may submit to
13 the Department for reimbursement. We will only
14 reimburse the allowed percentage of that total
15 cost. And we do require full documentation of
16 payment having been made.

17 Q Okay. You may not know the answer, but I'm very
18 curious. That an applicant ends up submitting
19 the record on expenses, you know, are there some
20 costs that are kind of they're paying to the
21 utilities that shows -- they're paying to the
22 utility company, and if it does show up, what
23 happens? Like, I'm trying to --

24 A (Ohler) This is the first time we have done a

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1 solicitation for funding fast charging or any
2 sort of project that would potentially wind up
3 with such a payment to a utility.

4 Again, we look at all bills, and then
5 all corresponding payments. So, if we were to
6 see a payment to a utility, we would certainly
7 have a lot of questions about that.

8 Q Okay. So, an applicant ends up -- so, I'll go
9 to -- so, this is -- some of the questions are
10 jumping out based on the previous questions. So,
11 there's an organic flow to my questioning here,
12 okay? So, bear with me.

13 So, there's this listing, and I'm going
14 to have a few questions on them. So, you go to
15 Page 11, if you look at "Eligible Costs", as
16 Commissioner Simpson went through the list, I --
17 if I'm correct in getting what he was
18 highlighting, Subsections b. d. g. k., they might
19 involve the utility's expenses in getting things
20 done. Do you agree with his assessment?

21 A (Ohler) I could see where there may be some
22 utility involvement in that.

23 Q Are there any other rows here that could also
24 involve utility expenses?

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1 A (Ohler) That's not an area of expertise for me.

2 Q Okay. So, the applicant ends up providing you
3 both, I'm assuming, the entire cost, eligible
4 costs and non-eligible costs. Is that a correct
5 assumption?

6 A (Ohler) That is correct.

7 Q All the bills?

8 A (Ohler) Yes.

9 Q And you have -- you have some bills that will be
10 related to -- I'm just trying to understand, will
11 there be bills that will show what they're paying
12 to the utilities, or is it all these expenses are
13 going to be later recovered from the ratepayers,
14 so it doesn't even show up?

15 A (Ohler) We require detailed invoices that we --
16 we require that they provide the invoice that
17 they received, and then they prepare a detailed
18 invoice to us. But we do require the bills that
19 they have already paid as backup documentation.
20 So, if there were a bill that specified payment
21 to a utility, we would see that. If there were
22 something that were, you know, I guess I'd think
23 that we would see it. If there were a direct
24 payment from the applicant to the utility, we

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1 would see that, and we would not reimburse that.

2 Q I'm going to ask the utility the question that is
3 related to this. So, let's say you have the
4 applicant saying "I've paid this much to the
5 utility." You look at the total costs,
6 everything, and you say "these are the eligible
7 costs", and, indeed, 10 percent of it is utility
8 costs, but that applicant has shown you the
9 bills, right? Because the applicant is going to
10 pay for that, how are you going to ensure that
11 the utility doesn't recover those costs from the
12 ratepayers, the other ratepayers? So, we need to
13 ensure how -- is there a process that the utility
14 follows?

15 So, this question is for the utility,
16 really. And anyone, if you can respond?

17 A (Morris) So, I'm not quite sure I'm following the
18 question. Could you please rephrase that
19 question?

20 Q Okay. I'm going to try again. So, an applicant
21 ends up sharing with DES these -- the bills that
22 reflect all the costs and the expenses, and there
23 are some of them, there are either b., d., g.,
24 k., that are paid to the utility. Okay? And I'm

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1 trying to make sure that those costs do not get
2 picked up by the rest of the ratepayers?

3 A (Morris) So, those costs, I assume you're
4 referring to items b., d., g., and k., under the
5 "Eligible Costs" in the RFP. Those aren't paid
6 to the utility. Those would typically be paid
7 to, let's say, an electrician that was performing
8 the work on behalf of the customer.

9 So, the utility company, normal course
10 of business, is the utility company does not
11 perform work on the customer side of the meter.
12 So, I would refer to those costs more as
13 "electrical infrastructure costs", and not
14 necessarily "utility costs".

15 The customer would contract with an
16 electrician. And, so, those bills would be
17 provided to DES for funding to support those
18 costs. But the utility company would not be
19 receiving payment from the customer related to
20 those specific costs.

21 Q Okay.

22 A (Paruta) And if I could just add? This is
23 Marisa. Can everyone hear me okay? Ms. Paruta.

24 Q Yes.

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1 A (Paruta) To add to what Mr. Morris said, so, on
2 the -- I'll call it on the "regulatory side", in
3 terms of the ask that you had, like "how will the
4 Company ensure that the customers are not paying
5 for any of that infrastructure built for, you
6 know, the particular project?" The utility
7 company, so, Eversource would have a particular
8 work order that relates solely and specifically
9 to this project. And the work order is a set of
10 codes in our system where any time we perform
11 work on this project, whether it be for the
12 customer or for the infrastructure that we are
13 building that is ultimately in front of the
14 meter, that gets charged to the work order,
15 whether it be capital and O&M.

16 If there are costs that we incur, as
17 the Company, it goes to this exact work order,
18 and that gets deferred, and only that amount is
19 ultimately what we would request for a prudence
20 review and recovery in rates through that
21 regulatory asset that we're requesting approval
22 of.

23 So, and remember, it's not as though we
24 are going to request recovery for the 2.1. It's

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1 only going to be recovery for whatever it is
2 ultimately that we've incurred in costs.

3 Q Thank you. So, again, going back to DES, I
4 think, when the applicant comes and provides you
5 the bills for the expenses, you sort of say
6 "okay, you can only get" -- let's assume that
7 you're going all the way max, so, "80 percent is
8 what we will cover, the rest of it is your
9 burden." Right?

10 I think where I was going was, how do
11 we ensure that that 20 percent is really borne by
12 the applicant, and it's not being subsidized by
13 the ratepayers? So, what I'm hearing, from the
14 previous discussion we were having, when
15 Commissioner Simpson was asking you questions, I
16 was getting the sense that there are some costs
17 that the utility would be expending that they
18 will be able to recover through the Volkswagen
19 Fund, okay?

20 So, I'm just trying to make sure that,
21 when the applicant is saying that "this is what
22 we spent", and then you decide "okay, we're going
23 to let you have, let's say, '70s percent of it,
24 the 30 percent actually remains with the

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1 applicant." So, there's a skin in the game,
2 that's where I'm trying to go.

3 And, so, do you think, like, does the
4 DES also think in the same way when it looks
5 at it?

6 A (Ohler) Yes. Definitely. I guess I neglected to
7 say that, in conjunction with looking at all of
8 the bills and invoices from the applicant, we
9 would also be in close communication with
10 Eversource to find out exactly what portion of
11 the project they have covered, and that would --
12 that we would be requiring that the project
13 applicant pay 80 percent of the costs that they
14 incur -- or, pay 20 percent of the costs that
15 they incur, and we could cover the 80 percent.
16 But we would not allow them to request a
17 percentage of any portion that Eversource has
18 paid for a project.

19 Q But that could also lead to Eversource, first,
20 while saying "this is how much we spent", and you
21 would say "okay." So, that let the ratepayers
22 recover those, and the rest of it would be
23 what -- let's deal with. Because that's going to
24 enable, you know, so, kind of reduces the total

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1 pot, and then you're looking at 80 percent of it,
2 you're going to give it to that particular
3 applicant, and the rest of it would be the
4 applicant's burden. So, I'm --

5 A (Ohler) I am not following that.

6 Q The way you're describing it, you would be in
7 touch with the utilities?

8 A (Ohler) Correct.

9 Q And the utility, it doesn't -- I mean, any
10 utility, will let you know how much they ended up
11 spending?

12 A (Ohler) Correct.

13 Q Okay. So, there's like a -- almost like an
14 ordering, that, you know, the utility's expense
15 will first be known, okay, then, let's look at
16 the rest of the money. Is that how it will be?
17 So, they're going to pay this much, so let's
18 not -- you know, they paid this much?

19 A (Ohler) So, we will look at the total project
20 costs and who paid for any given expenditure.
21 The applicant will be eligible for 80 percent
22 funding for the costs that they paid for. They
23 will not be eligible for any recovery of costs
24 that --

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1 Q Okay.

2 A (Ohler) -- Eversource has paid for.

3 Q Okay. I'll move on, okay? So, let's stay with
4 that same page.

5 Do you have a sense of what you mean by
6 "non-compliant EVSE"?

7 A (Ohler) Yes. We established specifications in
8 the RFP as to the criteria, for example, it must
9 be a minimum of a 50-kilowatt DC fast charger.
10 It must be compliant with payment card -- credit
11 card payment industry standards. There's various
12 requirements within the RFP. Obviously, it must
13 be UL listed and approved, or, you know, a
14 similar rating.

15 So, we've got those requirements. And,
16 so, we would not consider any EV charging
17 infrastructure that did not meet those minimum
18 criteria would not be an eligible cost.

19 Q Is it possible that you chose, based on your
20 ranking, you've already decided which applicant
21 receives the, you know, is allowed to go ahead
22 and build the EVSE infrastructure. And, as
23 you're going through it, there are -- you find
24 that they have -- there's things that that

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1 particular applicant is ending up doing, which
2 leads to you deciding "This could be a
3 non-compliant EVSE. Can that happen?

4 A (Ohler) In theory, yes. As part of the
5 application, they have provided us the
6 specifications of the equipment they intend to
7 use. And, as part of our evaluation of that
8 proposal we have determined that the equipment is
9 either eligible or not eligible.

10 Should they request to install
11 something different than was proposed, we would
12 do a similar review and ensure that it was
13 compliant with our requirements, before we
14 allowed such a change to their proposal.

15 Q Can such a project still end up being built and,
16 you know, be operational?

17 A (Ohler) We would not allow that as part of -- as
18 part of a project funded by us. We do not want
19 to see --

20 Q No, I know, --

21 A (Ohler) -- a non-compliant --

22 Q -- as part of the project funding, you won't.
23 But, I'm saying, a facility ends up building
24 stuff anyway, even without using the funding

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1 from, can that happen? And maybe it's you
2 wouldn't --

3 A (Ohler) I wouldn't know.

4 Q Okay.

5 A (Ohler) I wouldn't even know whether or not it's
6 been built, because there is no requirement to
7 report to us.

8 Q Okay. So, in which case, I'm a little bit
9 concerned that the -- what's being expended, if
10 that required funding from the utility for some
11 of the work, that would still be part of the mix
12 for recovery through ratepayers? And it's --

13 A (Ohler) If it's not part of a Volkswagen-funded
14 project, --

15 Q Yes.

16 A (Ohler) -- then my understanding is, it would not
17 be an expenditure under this docket. It must be
18 part of a Volkswagen-funded project. And a
19 Volkswagen-funded project will not cover any
20 non-compliant infrastructure.

21 Q I think you are probably not understanding my
22 question. I understand what you're saying. You
23 go ahead, a project begins work under this, and
24 this Settlement is all about, you know, the

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1 utility is also part of it, Eversource is part of
2 it. And let's -- this is a hypothetical
3 situation, ends up, as it's being built, they are
4 doing stuff that leads you to conclude it's
5 non-compliant EVSE.

6 A (Ohler) Uh-huh.

7 Q So, you do not provide the funding, but that
8 project still ends up getting built, okay,
9 because the applicant still thinks it's
10 worthwhile doing so.

11 And, what I'm trying to understand is,
12 will -- there would be costs that the utility
13 would have already expended, would that be -- so,
14 it's not really a question for DES, I'm asking
15 the utility itself. What happens to those costs
16 then? And will they be part of the ratepayers'
17 burden?

18 MS. CHIAVARA: Sorry. When you say
19 "ratepayers' burden", you're referring to the
20 make-ready funding?

21 CMSR. CHATTOPADHYAY: Yes.

22 **BY THE WITNESS:**

23 A (Morris) So, if work has begun on a project, and
24 then costs have been incurred, and then, at a

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1 later date, for whatever reason, that project is
2 deemed to be noncompliant with Volkswagen RFP
3 requirements, what would happen to the costs that
4 were already incurred by the utility?

5 BY CMSR. CHATTOPADHYAY:

6 Q Yes.

7 A (Morris) Is that the question?

8 Q Yes.

9 A (Morris) I would potentially defer to one of my
10 colleagues, if there's any understanding of how
11 those costs would be treated, from a recovery
12 perspective, if the costs were not deemed to be
13 in compliance with the structure of the
14 Volkswagen RFP?

15 A (Paruta) I can try to help. But what I would
16 argue is that we would not fund any project that
17 would fall out of compliance. And I'm not close
18 enough to the requirements of the VW projects,
19 but I'm struggling with this one, because I would
20 hope, you know, any funds that would be used that
21 we have, I'll say, provided, right? So, we are
22 almost supplementing the VW Trust in this case,
23 so that we can assist with the New Hampshire's
24 goals of establishing this build-out.

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1 And, from my perspective, as the
2 revenue requirements expert here, I always want
3 to make sure that any money we do spend, of
4 course, is prudently incurred, just and
5 reasonable, used and useful. And, in order for
6 us, as an Eversource team, to present to the
7 regulators, to present to these Commissioners, to
8 say that "these were appropriately spent, just
9 and reasonable, in accordance with what we agreed
10 to, and, ultimately, we are requesting approval."

11 So, I even stand here struggling,
12 because I would hope that every dollar that we
13 are supplying to fund these projects are for
14 projects that are in compliance.

15 I would expect nothing less, is what
16 I'm saying, from my point of view, because that's
17 my job.

18 Q Thank you. So, one more question for DES. I
19 think you kind of touched upon it, but I'm going
20 to make sure I get you. Let me go to the right
21 page.

22 I think you may have already answered
23 this, but can you confirm that, in the cost
24 proposal, when you're going to evaluate whether a

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1 project is chosen or not, those costs will
2 include both eligible and non-eligible costs, as
3 you define it?

4 A (Ohler) No. We only include eligible costs when
5 we do our assessment.

6 Q You won't include non-eligible costs?

7 A (Ohler) We do not include non-eligible costs.

8 Q Okay. Thank you. I just wanted to clarify that.
9 Okay.

10 I think the next few questions are
11 really for the utility. And, as we kept going,
12 you may have answered some of them already. So,
13 I'm just going to go quickly look at my notes
14 here.

15 So, can the utility -- I'm going back
16 to Commissioner Simpson's question about
17 "eligible costs", include that -- he had listed
18 "b., d., g." -- sorry, I think "b., d., g., k."
19 right, of the subparts, are there anything else
20 that might also require -- might involve utility
21 spending?

22 A (Morris) So, again, I'll reiterate that, the way
23 this is currently envisioned is the customer will
24 contract with an electrician --

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 Q Let me -- let me rephrase my question.

2 A (Morris) Sure.

3 Q Anything that will require, like, electrical
4 work, and, you know?

5 A (Morris) Okay.

6 Q Yes.

7 A (Morris) Thank you for that rephrasing.

8 Q Yes.

9 A (Morris) So, "b., d., g., and k.", I believe were
10 the items that you referenced, correct,
11 Commissioner?

12 Q Yes.

13 A (Morris) Looking through this list, those seem to
14 be the subcomponents of eligible costs that would
15 relate to enabling infrastructure.

16 Q Thank you. Okay. To Page 20, under "Pricing and
17 Payment", all of that information, that is to be
18 made available. I'm just curious whether that
19 create any issues with utilities' handling of
20 information, and whether it's metering or
21 nonmetering information, meter-based information
22 or nonmeter-based information?

23 A (Morris) Can you clarify "handling of
24 information"?

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1 Q Okay. So, if you go to that page, 2 has things
2 like "The following information must be made
3 available to customers in advance of each
4 charging session either through a user interface
5 that is legible in all lights, including at night
6 and in direct sunlight, or through another form
7 of display on the charging station: The unit of
8 sale; pricing per unit; any additional fees that
9 may be assessed; the maximum power level of the
10 station."

11 All of that is happening at the site.
12 You know, I'm just -- I'm trying to confirm that
13 any of this is not creating any inconsistencies
14 with how the utility handles its information
15 that, you know, with respect to its customers?

16 A (Morris) Sure. Understood. Thank you for
17 clarify. So, I want to differentiate the price
18 that a developer at a site would pay to host DC
19 fast charging stations, versus the price that a
20 DC fast charging site host would charge to a
21 driver, because I believe the costs that are
22 identified here relate to the price for a driver
23 to pull up and charge, not the price that the
24 charging station is paying for that power.

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 Q I understand. I'm just saying, enabling that,
2 does it create any issues for the utility?

3 A (Morris) No, it does not.

4 Q Okay.

5 A (Morris) Because there are customers that are
6 doing this today.

7 Q Okay. And, likewise, this same kind of question
8 about, if you go to Page 23, to "Quarterly
9 Reporting", I have a similar question about all
10 of those.

11 Again, this might, again, be only about
12 the facility of where the drivers go, but I'm
13 just trying to make sure?

14 A (Morris) Yes. I'm looking at these different
15 data fields, and they're consistent with data
16 fields that the Company tracks in other
17 jurisdictions --

18 Q Thank you.

19 A (Morris) -- for these types of charging stations.

20 CMSR. CHATTOPADHYAY: Thank you. I
21 think that's all I have. Thank you.

22 CHAIRMAN GOLDNER: Okay. I just have
23 few questions, beginning with Ms. Ohler.

24 BY CHAIRMAN GOLDNER:

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 Q You mentioned, in the July 4th [14th?] testimony,
2 that you estimated there would be maybe 10 to 14
3 charging stations ultimately built with the VW
4 funding, and then today you expanded on that and
5 you said that there were "35 qualified sites".
6 Do you stand by that the 35 qualified sites will
7 be winnowed down to 10 to 14, or do you
8 anticipate building out 35 sites?

9 A (Ohler) Again, under the RSAs, we are very
10 limited as to what we are able to say about what
11 we do or do not intend to fund. So, we have the
12 35 sites. We will fund as many as we can afford
13 to fund that have a score above a failing score.
14 So, we would not, for example, fund a proposal
15 that scored lower than a 60. You know, if they
16 can't get a passing grade, then we don't fund
17 them.

18 Q That sounds really good. So, maybe the key
19 question for me is, and I believe you answered
20 this last time, but I want to make sure I
21 understand. I believe that last time we talked
22 about, I asked the question "will DES maximize
23 allowable VW funding at each site?" In other
24 words, you look at the site, and you look at the

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1 VW rule set, and you maximize the amount that you
2 reimburse at each site. Is that true or false?

3 A (Ohler) We will -- we will reimburse up to 80
4 percent of eligible costs.

5 Q Okay. Very good. I'll keep probing on this.
6 Because I just want to make sure, this is very
7 important for the Commission to understand. As
8 you probably have realized by now, we're somewhat
9 baffled by how much is ratepayer cost, how much
10 is VW payout, and how much is applicant cost, so
11 you're getting a lot of questions in that regard.

12 A (Ohler) Uh-huh.

13 Q Just so that the Commission understands the
14 process. So, I appreciate the patience as we
15 slowly, but surely, work through this.

16 I do have a follow-up question for you
17 on Page 4 of the RFP. You mention that "80
18 percent" -- "up to 80 percent of the eligible
19 costs", or the RFP mentions, "up to 80 percent
20 may be reimbursed", and you just emphasized that
21 a minute ago as well.

22 Can you maybe walk the Commission
23 through a few of the circumstances where the
24 applicant would not receive 80 percent?

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1 A (Ohler) Sometimes an applicant puts in a proposal
2 that overmatches, as a way to score higher. So,
3 if we had an applicant that proposed to cover 90
4 percent of eligible costs, because part of a sort
5 of cost-effectiveness use of our dollars is one
6 of the scoring criteria, they would get a higher
7 score because of that. And we see that, in
8 various grant programs that we conduct, we often
9 see applicants overmatch.

10 Q Okay. And just to sort of drive the point home,
11 so, somebody submits -- well, let me go down this
12 line of questioning.

13 So, if a contractor spends let's just
14 say "\$500,000", and this -- I'm talking about
15 everything after the meter, so none of the
16 utility capital costs. It's on private property.
17 There's a distinction in the RFP between private
18 property and state-owned property, so, I'm just
19 staying on private property for a moment.

20 A (Ohler) Uh-huh.

21 Q And I just want to make sure I walk through the
22 math, and to make sure that I and the Commission
23 understands. So, the contractor spends 500K.
24 You look through the bills, and everything looks

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1 good. The DES say "Yes, this is what we
2 expected." And everything is in compliance. The
3 contractor would receive a check for 400K,
4 correct, 80 percent?

5 A (Ohler) Once we have seen everything that the
6 utility spent, and confirmed that there was no
7 sort of double-counting there, then, yes, they
8 would be eligible for 80 percent reimbursement.

9 Q Okay. Perfect. And that means -- and that means
10 to me that the applicant would be paying 100K.
11 So, they would actually -- they paid 500K, they
12 got reimbursed for 400K, so, the applicant, not
13 the ratepayer, but the applicant would be on the
14 hook, their skin in the game would be 100K in
15 this example?

16 A (Ohler) Yes. Again, absent factoring in utility
17 expenses.

18 Q Yes. Thank you. And that 400K would be funded
19 solely from the VW Settlement, correct?

20 A (Ohler) It could be, yes.

21 Q Let's expand on that. When you say "it could
22 be", under what circumstances might it not be?

23 A (Ohler) Well, again, if the utility were
24 contributing anything towards that 400K, that

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1 would not count as applicant funding. That, so,
2 we're not going to reimburse an applicant for
3 costs that the utility has incurred.

4 Q Okay. And I appreciate this. And maybe the
5 utility can help with this, too. Because I think
6 what at least I'm confused about is, under what
7 circumstances could there be any ratepayer
8 expense after the meter? I don't -- I can't
9 understand any ratepayer expenses after the
10 meter.

11 Can the utility help me with that? I
12 don't want me to put Ms. Ohler on the spot. I'm
13 just -- I don't understand how there could be any
14 ratepayer expenses after the meter?

15 A (Morris) Sure. So, without fully understanding,
16 you know, the specific process on a site-by-site
17 basis that DES will use to allocate funding to
18 awardees, it's difficult to say definitively
19 if -- if there was a project, for example, where,
20 for whatever reason, DES chose to only fund,
21 let's say, 50 percent of the costs, because they
22 were running out of funding or because it was
23 part of their process, whatever the case may be,
24 then Eversource would propose to supplement the

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1 remainder of those funds with its utility
2 make-ready program.

3 Q Okay. And why would the Commission agree to
4 that? I mean, it sounds like the VW funding is
5 supposed to be maxed out by site. The DES will
6 do as many sites as they can under the VW
7 funding. The ratepayers are still picking up the
8 before-the-meter expenses ultimately with those
9 capital costs. So, I'm -- again, I'm sort of at
10 a loss for why the Commission would approve
11 anything after the meter, from a ratepayer cost
12 perspective?

13 A (Morris) So, I guess I would say that, if the
14 Volkswagen funding supported 80 percent of the
15 customer side costs, then there would be no
16 utility support for any customer side costs for
17 that particular site.

18 CHAIRMAN GOLDNER: Okay. Thank you.
19 That's very helpful.

20 Okay. I think what I'd like to do now
21 is take a quick break, and let the Commissioners
22 caucus to make sure there's no additional
23 questions. And then, we can come back for
24 redirect. If the Parties are okay with that?

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1 *[No verbal response.]*

2 CHAIRMAN GOLDNER: Everybody is okay?

3 Okay. Thank you.

4 Let's take -- let's take 15 minutes,
5 we'll come back at 15 minutes till. Thank you.

6 *(Recess taken at 10:30 a.m., and the*
7 *hearing resumed at 10:57 a.m.)*

8 CHAIRMAN GOLDNER: Okay. Just a couple
9 of final issues to wrap up, before we move to any
10 redirect.

11 First, a question for Attorney Kreis
12 and Attorney Wiesner. Would you be able to
13 provide your positions in the written closing on
14 the non-Eversource projects, and how those would
15 be handled? Would you be able to provide some
16 guidance to the Commission on that?

17 We have Eversource before us today.
18 But, if there's any VW spending that is outside
19 of Eversource, we're not quite sure how that will
20 come before us.

21 MR. WIESNER: I'm not sure quite how we
22 understand that. There really isn't a record in
23 this docket about what other utilities may or may
24 not do, and how the DES would score or rank those

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1 separate proposals.

2 I guess it seems outside the bounds of
3 this one.

4 CHAIRMAN GOLDNER: Okay. Mr. Kreis,
5 any comments on that?

6 MR. KREIS: I think I agree with what I
7 just heard Mr. Wiesner say.

8 CHAIRMAN GOLDNER: Okay. And the next
9 question is, do the Parties have a position on
10 the following: The ask before us, as we
11 understand it, is approval for 2.1 million. In
12 testimony, there was discussion, and in the
13 record request there was a table that showed 650K
14 in capital and 1.4 million in expense. Are the
15 Parties comfortable with that bifurcation? That
16 is, if the Commission approves 650K in capital
17 and 1.4 million in expense, the Parties would be
18 satisfied?

19 You can -- we can address that today or
20 in closing, whichever you're more comfortable
21 with.

22 MR. KREIS: I would say I would love to
23 take advantage of the opportunity to address that
24 in writing, since you've already indicated you

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1 would like to see something in writing.

2 CHAIRMAN GOLDNER: Okay. Thank you,
3 Mr. Kreis.

4 Ms. Chiavara, Mr. Wiesner, are you
5 comfortable with that approach as well?

6 MS. CHIAVARA: My initial response
7 would be "yes, I'm comfortable with that." But I
8 would like to confer with my client and put it in
9 writing in my closing.

10 CHAIRMAN GOLDNER: Okay. Very good.
11 Mr. Wiesner, is closing okay with you as well?

12 MR. WIESNER: I'll be more comfortable
13 tomorrow than I am today.

14 *[Laughter.]*

15 CHAIRMAN GOLDNER: All right. Fair
16 enough.

17 Okay. Very good. That is everything
18 from the Commission.

19 So, at this point, we can move to
20 redirect. And, Ms. Chiavara, if you would like
21 to go first or last, your call?

22 MS. CHIAVARA: I am as ready as I'll
23 ever be. So, I'm fine with going right now.

24 CHAIRMAN GOLDNER: Okay.

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 MS. CHIAVARA: These questions are
2 going to be for Mr. Morris.

3 **REDIRECT EXAMINATION**

4 BY MS. CHIAVARA:

5 Q Just as a first matter, Mr. Morris, there was a
6 question about noncompliant -- or, potentially
7 noncompliant EVSE equipment getting funded
8 through the Eversource make-ready funding. If
9 there were ever -- if there were ever an instance
10 where it seemed like there might be any
11 noncompliant, ineligible type equipment or work
12 being done on any of the sites, would the Company
13 first consult with DES prior to expending any
14 funds?

15 You're on mute, sir. Still can't hear
16 you.

17 *[Short pause.]*

18 WITNESS MORRIS: How about now?

19 MS. CHIAVARA: Yes, sir. That's
20 better.

21 WITNESS MORRIS: I apologize for the
22 technical difficulties, folks.

23 **BY THE WITNESS:**

24 A (Morris) Yes, it would.

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1 CHAIRMAN GOLDNER: I'm sorry, Ms.

2 Chiavara. Can you repeat your question?

3 MS. CHIAVARA: Sure.

4 CHAIRMAN GOLDNER: I lost track there.

5 MS. CHIAVARA: Okay. No problem.

6 BY MS. CHIAVARA:

7 Q In regards to the question about either
8 noncompliant EVSE equipment or otherwise, you
9 know, things that would not qualify for VW Trust
10 funding pursuant to DES requirements/regulations,
11 if any of that sort of equipment or work were to
12 appear in a project, would the Company first
13 consult with DES about that potentially
14 noncompliant equipment before expending any
15 make-ready funding?

16 A (Morris) Yes, it would.

17 CHAIRMAN GOLDNER: Thank you.

18 MS. CHIAVARA: Thank you.

19 BY MS. CHIAVARA:

20 Q Next, I'm hoping you could just sort of recap
21 what the Eversource make-ready funding covers
22 exactly. We'll start there. What exactly is the
23 make-ready funding intended to cover?

24 A (Morris) So, Eversource is proposing to cover all

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1 non-eligible costs related to utility side
2 front-of-the-meter electrical infrastructure.
3 The Company is only proposing to cover eligible
4 costs at a particular site to the extent that
5 they are not awarded the VW funding to cover
6 those costs within the 80 percent cap.

7 Q Okay. So, I understand that, potentially, the
8 Eversource make-ready funds could cover both
9 behind and front-of-the-meter costs. And what is
10 the Company's reasoning behind this?

11 A (Morris) So, generally speaking, the business
12 case for DC fast charging stations, not just in
13 New Hampshire, but in many other jurisdictions as
14 well, is so poor that most utility side and
15 customer side make-ready support is required to
16 enable the build-out of the charging network
17 along the states' travel corridors.

18 Q And, so, just to not to put too fine a point on
19 it, but to make sure we're clear here, as far as
20 eligible costs, under the VW Trust RFP, eligible
21 costs that the Eversource make-ready funding will
22 cover, would only cover up to 80 percent, and it
23 would only be those costs that weren't covered by
24 a VW award, correct?

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1 A (Morris) That is correct.

2 MS. CHIAVARA: Okay. Thank you. That
3 is all I have.

4 CHAIRMAN GOLDNER: Okay. Thank you.
5 Does Clean Energy New Hampshire have
6 any redirect?

7 MR. SKOGLUND: We do not.

8 CHAIRMAN GOLDNER: Okay. Thank you,
9 sir.

10 Does ChargePoint have any redirect?

11 MR. VIJAYKAR: We do not, Commissioner.
12 Thank you.

13 CHAIRMAN GOLDNER: Thank you.

14 Does the Conservation Law Foundation
15 have any redirect?

16 MR. KRAKOFF: I do not. Thank you.

17 CHAIRMAN GOLDNER: Does ReVision Energy
18 have any redirect?

19 MR. PENFOLD: I do not.

20 CHAIRMAN GOLDNER: Thank you. Does the
21 Town of Derry have any redirect?

22 *[No indication given.]*

23 CHAIRMAN GOLDNER: No. Seeing none.
24 Office of Consumer Advocate have any

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1 redirect?

2 MR. KREIS: Well, seeing as how my
3 witness is not here today, I have nobody to
4 redirect. So, no thank you, sir.

5 CHAIRMAN GOLDNER: All right.

6 And the New Hampshire Department of
7 Energy?

8 MR. WIESNER: I do have a few follow-up
9 clarifying questions for Ms. Ohler.

10 BY MR. WIESNER:

11 Q First, and this is in the nature of clarification
12 for sure, at the original hearing in this matter,
13 you provided some statements that were not under
14 oath. And then, today, you have provided sworn
15 testimony under oath. I guess I -- and you were
16 asked by the Chair whether you adopted your
17 testimony from before, and you gave I'll
18 characterize it as a "qualified" answer, that, in
19 general, you did.

20 But I guess I just want to make the
21 point, and hopefully you'll confirm with me,
22 that, if there is any inconsistency or potential
23 conflict between a statement that you made
24 unsworn in the original hearing and what you've

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1 provided today, in terms of testimony, that we
2 should consider today's statements to be your
3 sworn testimony for purposes of the record in
4 this docket?

5 A (Ohler) Yes. That is correct.

6 Q Thank you. And I also want to clarify that the
7 fact that costs may be ineligible for
8 reimbursement from the VW fund does not mean that
9 they are costs that are improper for the
10 development of a fast charging station on a state
11 high transportation corridor?

12 A (Ohler) That is correct.

13 Q So, the fact that the Company is proposing to
14 fund some of those costs, which are ineligible
15 for VW funding, is a way to further support the
16 development of those projects?

17 A (Ohler) Yes.

18 Q And I think we now have a better understanding
19 that the Company is not proposing to close the
20 gap, if you will, for the 20 percent of
21 behind-the-meter make-ready infrastructure
22 funding where the DES is going to fund the 80
23 percent, is that consistent with your
24 understanding?

[Davis|Paruta|Deal|Villarreal|Nixon|Morris|Ohler]

1 A (Ohler) Yes, it is.

2 Q So, in that situation, the Company might bring a
3 particular project developer up to the 80 percent
4 cap of those customer-sided electric make-ready
5 infrastructure investments, but would not exceed
6 that limit?

7 A (Ohler) That's my understanding, correct.

8 Q And is it also the case that there are ongoing
9 and longer term costs that a project developer
10 would incur with respect to one of these
11 stations, that are not proposed to be funded
12 either by DES, through using the VW fund, or by
13 the Company, under the make-ready infrastructure
14 proposal that's before the Commission today?

15 A (Ohler) Yes, there are. The VW funding requires
16 that the recipient maintain and operate any
17 funded station for a period of no less than five
18 years. The funding does not cover any of those
19 ongoing operation and maintenance costs. So,
20 they will be responsible for ensuring that the
21 site is accessible, that the snow is plowed, that
22 the electric bills are paid. They will be
23 responsible for maintaining insurance on the
24 site. You know, basically, all of the costs of

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1 doing business.

2 And we will be monitoring the use of
3 stations. And, you know, if we start seeing a
4 station that hasn't been used for the last
5 quarter, we'll probably go out and take a site
6 visit and make sure it's not plowed in or the
7 dumpster got put in front of it or something like
8 that.

9 So, they do make -- they do have their
10 own costs going on for the remainder of the
11 five-year contract.

12 Q So, is it fair to think of that as the customer
13 having additional "skin in the game" on an
14 ongoing basis, even if the amount of initial
15 capital investment funding is maximized
16 between --

17 A (Ohler) Yes.

18 Q -- between the DES and the Company?

19 A (Ohler) Yes. Absolutely.

20 MR. WIESNER: Thank you. No further
21 questions.

22 CHAIRMAN GOLDNER: Okay. Anything else
23 from the Commissioners?

24 *(Cmsr. Chattopadhyay indicating in the*

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1 *negative.)*

2 CHAIRMAN GOLDNER: Okay.

3 CMSR. SIMPSON: No thank you.

4 CHAIRMAN GOLDNER: Very good. Well,
5 I'd like to thank the witnesses for the testimony
6 today. And the witnesses are released. So, you
7 can stay where you like, or return to the room,
8 whatever your premise. So, thank you for that.

9 Wrapping up on the hearing today,
10 without objection, we'll strike ID on Exhibits 1
11 through 9, making Eversource's response, the July
12 19th, 2022, making that record response "Exhibit
13 9", and then making them as full exhibits.

14 *(Responses to record requests filed by*
15 *letter dated July 19, 2022 by*
16 *Eversource Energy was marked as*
17 **"Exhibit 9"** *for identification, and*
18 **Exhibits 1 through 9** *were admitted into*
19 *evidence.)*

20 CHAIRMAN GOLDNER: Okay. Is there
21 anything else we need to cover today?

22 *[No verbal response.]*

23 CHAIRMAN GOLDNER: No? Okay. All
24 right.

1 We'll take the matter under advisement,
2 and we'll plan to issue an order by the 15th, per
3 the Parties' request. And we are adjourned.

4 Thank you.

5 ***(Whereupon the hearing was adjourned***
6 ***at 11:11 a.m.)***

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