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Via electronic mail only

Daniel Goldner, Chair
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

**Re: Docket No. IR 22-061 - Investigation of Potential Jurisdiction Conflicts Related to Authorization of Pilot Programs under RSA 362-A:2-b
Proposed docket schedule**

Chair Goldner:

Pursuant to the Commission's direction at the prehearing conference held for this docket on January 5, 2023, the participants to the docket convened immediately following the prehearing conference to discuss and agree upon next steps regarding process for the docket. The proposal below has been agreed to by all participants present at the prehearing conference which includes: all electric utilities, the New Hampshire Department of Energy, the Office of the Consumer Advocate, Clean Energy New Hampshire, and the Community Power Coalition of New Hampshire. This also comprises all participants who have announced an intention to participate in this docket. The next steps recommended by the participants are as follows:

1. Commission rules on joint utility motion and CPCNH's petition to commence an adjudication in lieu of an investigation. This is a necessary first step because of the implication of the rights, duties and obligations of parties. If the Commission approves the motion and commences an adjudication, the remaining steps would follow.¹
2. Commission issues a new Order of Notice allowing for intervention petitions and schedules a new prehearing conference.
3. Prehearing conference is held, intervention requests are ruled upon, and Commission approves procedural schedule (including legal briefing schedule)
 - Three weeks later – briefs by any party submitted
 - Reply briefs 2 weeks after briefs submitted
 - 2 weeks after that (if Commission feels it's warranted) – oral arguments on briefs

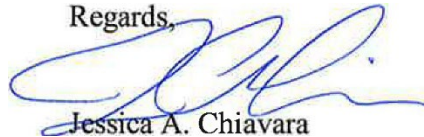
¹ If the Commission denies the motion and petition and keeps the investigation open, there is no proposed schedule for a continued investigation as that would be information gathering only. The participants do not support a continued investigation, and unanimously support the commencement of an adjudication.

4. Commission issues prehearing order either deciding:

- **Yes** there are federal preemption issues, and either
 - a) Directs the electric utilities (or all parties) to receive a FERC determination on whether the SB 321 pilot projects present a jurisdictional conflict before proceeding with this docket, which would suspend the procedural schedule until a FERC determination is obtained, or
 - b) Decides to proceed on the issues regarding pilots and possible credits in this docket and directing the electric utilities to obtain a FERC determination at the conclusion of the docket, and directs the parties to promptly assemble and agree upon a procedural schedule to submit to the Commission for approval.
- **No** there are no federal preemption issues, and directs parties to assemble and decide what, if any, procedural schedule or additional briefing needs to commence to resolve any remaining open issues.

Consistent with current Commission policy, this filing is being made electronically only; paper copies will not follow. If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Regards,



Jessica A. Chiavara

Senior Counsel, Eversource Energy

o/b/o the participants to Docket No. IR 21-061

cc: IR 22-061 service list