

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-030

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

Petition for Approval of Third Step Adjustment

Interim Order Denying Motion for Rehearing

ORDER NO. 26,670

August 23, 2022

On July 7, 2022, the Commission issued a procedural order, in response to a June 29, 2022 motion filed by the New Hampshire Department of Energy (DOE), rescheduling the hearing in this matter to September 13, 2022. In its motion, DOE indicated that Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource, or the Company) did not object to the rescheduling of this hearing, provided the Commission's order on the DOE's motion stated that additional process would be permitted after the final DOE audit report was filed. On July 1, 2022, Eversource filed a response letter indicating that they did not oppose DOE's June 29, 2022, motion, conditioned upon sufficient due process being afforded to respond to the final audit report and recommendations. (The filing deadline for the DOE audit report, as rescheduled by the July 7, 2022, procedural order, is August 31, 2022).

Subsequently, on August 1, 2022, the Company filed a "Motion for Rehearing on Implementation of Step Adjustment" (Motion). The Motion indicated that, pursuant to the terms of the settlement agreement entered into by the Company in Docket No. DE 19-057, Eversource's last full distribution rate case, and approved by the Commission in Order No. 26,433 (December 15, 2020), it was expected that the step adjustment contemplated in this proceeding would be implemented for rates effective

on August 1, 2022. Motion at 1-2. The Company stated that "Eversource filed a response to the DOE Motion on July 1, 2022...requesting that any order issued by the Commission include confirmation that additional process would be provided to the Company before any changes to the proposed rate were authorized based on the outcome of the [DOE] audit report." Motion at 2. Eversource further argued that "[w]hile the [procedural] [o]rder ensures that Eversource will be afforded an opportunity to address the final [DOE] audit report at the evidentiary hearing in this matter, the delay of the rate effective date results in an impact to the Company's revenues and also alters the terms of the approved Settlement Agreement." *Id.*

On this basis, the Company's Motion set out four requests for relief, pursuant to RSA 541:3. Eversource requested that the Commission: (1) grant the Company's motion for rehearing; (2) approve the proposed third step adjustment of \$9.3 million to go into effect no later than October 1, 2022; (3) allow the Company to calculate the amount not recovered between August 1, 2022, and the date that the third step adjustment goes into effect, to record a regulatory asset for GAAP purposes and record the revenue for the period between August 1, 2022, and the rate effective date, and then amortize this regulatory asset over the remainder of the twelve-month period ending July 31, 2023; and (4) "[g]rant such further relief as is just and equitable." Motion at 8. No other party indicated its position regarding the Company's Motion.

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding, *O'Loughlin v. N.H. Personnel Comm'n*, 117 N.H. 999, 1004 (1977), or by identifying specific matters that were "overlooked or mistakenly conceived" by the Commission, *Dumais v. State*, 118 N.H. 309, 311 (1978).


A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Abenaki Water Company, Inc.*, Order No. 26,312 at 8-9 (November 27, 2019).

In this instance, the Company has failed to state good reasons for rehearing or for the relief that it requests. In the first instance, the Commission cannot "approve the proposed third step adjustment of \$9.3 million to go into effect no later than October 1, 2022" in response to the Company's Motion. The Commission has not heard the evidence for this request, nor has it seen the DOE audit report. The Company has the burden of proof to establish the reasonableness of the proposed step adjustment, and its pointing to the settlement agreement in Docket No. DE 19-057 does not relieve the Commission of its power and duty to assess the step adjustment filing under consideration here for accuracy, justness, and reasonableness. RSA 378:8; 378:5; 374:2; 374:4. As the Commission has not made a determination regarding the underlying step adjustment, it further cannot authorize Eversource to record a regulatory asset for an unapproved rate during the pendency of this proceeding. *Id.* We will endeavor to render our decision in this matter in advance of October 1, 2022, and if the step adjustment is approved, we have the opportunity to allow the Company to recover its entire revenue requirement during the ten (10)-month rate period ending on July 31, 2023. Furthermore, the Company made no mention of their concerns in their July 1, 2022, response letter indicating a lack of opposition to affording DOE additional time to prepare the audit report.

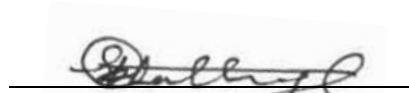
Based upon the foregoing, it is hereby

ORDERED, that Eversource's Motion for Rehearing, and the substantive relief requested therein, is hereby DENIED.

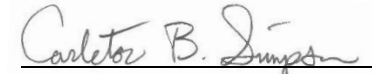
By order of the Public Utilities Commission of New Hampshire this twenty-third day of August, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket# : 22-030

Printed: 8/23/2022

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