

THE STATE OF NEW HAMPSHIRE

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December 27, 2016

Re: DE 16-576, Development of New Alternative Net Metering Tariffs and/or Other Regulatory Mechanisms and Tariffs for Customer-Generators Notice of Agreement Between Energy Freedom Coalition of America and Consumer Energy Alliance and of Withdrawal of Prefiled Testimony and Report and of Request to Authorize Depositions of James Voyles and David Holt

To the Parties:

On December 21, 2016, the Energy Freedom Coalition of America (EFCA) and the Consumer Energy Alliance (CEA) jointly filed a *Notice Of Agreement Between The Energy Freedom Coalition Of America And Consumer Energy Alliance And Notice To Withdraw Prefiled Testimony And A Report Entitled "Incentivizing Solar Energy" And To Withdraw The Revised Request To Authorize The Depositions Of James Voyles And David Holt* (Notice).

EFCA had filed a Request To Authorize The Depositions Of James Voyles And David Holt on December 12, 2016, and a Revised Request To Authorize The Depositions Of James Voyles And David Holt on December 13, 2016. The Revised Request was assented to by Revision Energy, The Alliance for Solar Choice, and Conservation Law Foundation (CLF), and CLF joined in the Revised Request pursuant to a filing made on December 14, 2016.

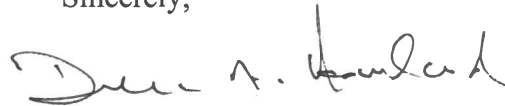
The Notice describes the agreement of EFCA and CEA that "the record in this proceeding should neither contain the prefiled testimony of Mr. Voyles and the Borlick Report nor the Revised Request of EFCA." The Notice requests that the Commission "strike from the record the prefiled testimony of Mr. Voyles and the Borlick Report and the Revised Request of EFCA and give these pleadings no further consideration in this proceeding."

The Commission acknowledges receipt of the Notice as filed. The Commission interpreted the Notice as a stipulation that CEA will not sponsor testimony in this docket nor otherwise seek to introduce the Borlick Report into evidence at any hearing on the merits. Pre-filed testimony, reports, studies, and other exhibits become part of the evidentiary record of a proceeding only if and when admitted into evidence at such a hearing. Accordingly, the Commission determined that a request to strike the pre-filed testimony of Mr. Voyles and the Borlick Report from the evidentiary record is premature. Both the testimony and the report will continue to be included in the general record of the proceeding.

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The Commission further interprets the Notice as a withdrawal of the Revised Request to Authorize the Depositions of James Voyles and David Holt of CEA filed by EFCA on December 13, 2016, with such withdrawal rendering moot that request and the assents thereto and joinder therein.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with the first name "Debra" being the most prominent.

Debra A. Howland  
Executive Director

cc: Docket File  
Service List

**SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED**

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**Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.**

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Docket #: 16-576-1 Printed: December 27, 2016

**FILING INSTRUCTIONS:**

**a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**

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**b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**

**c) Serve a written copy on each person on the service list not able to receive electronic mail.**

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