

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

NHPUC SMNY19PM1:15

April 23, 2019 - 1:32 p.m.  
Concord, New Hampshire

**RE: DE 19-062 LIBERTY UTILITIES  
(GRANITE STATE ELECTRIC) CORP.  
D/B/A LIBERTY UTILITIES  
ANNUAL RETAIL RATES  
(Hearing on the Merits)**

**PRESENT:** Commissioner Kathryn M. Bailey, Presiding  
Commissioner Michael Giaimo

Sandy Deno, Clerk

**APPEARANCES:** Reptg. Liberty Utilities (Granite  
State Electric) Corp., d/b/a  
Liberty:  
Michael J. Sheehan, Esq.

**Reptg. Residential Ratepayers:**  
Brian D. Buckley, Esq.

**Reptg. PUC Staff:**  
Paul B. Dexter, Esq.

**COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44**

## I N D E X

WITNESSES: JOHN D. WARSHAW  
DAVID B. SIMEK

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1	3/26/19 Annual Retail Rates	Premarked

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

2 COMMISSIONER BAILEY: Please be  
3 seated. Good afternoon. We're here in  
4 Docket 19-062. This is Granite State  
5 Electric's Annual Retail Rate Adjustment.  
6 And before we begin, let's take appearances.

7 MR. SHEEHAN: Good afternoon,  
8 Commissioners. Mike Sheehan for Liberty  
9 Utilities (Granite State Electric).

10 MR. BUCKLEY: Good afternoon.  
11 Brian D. Buckley, Office of the Consumer  
12 Advocate, here representing the interests of  
13 residential ratepayers.

14 MR. DEXTER: Appearing for  
15 Commission Staff, Paul Dexter, joined by Jay  
16 Dudley of the Electric Division.

17 COMMISSIONER BAILEY: Are there any  
18 preliminary matters we need to take up?

19 MR. SHEEHAN: We kept it simple.  
20 We have one exhibit for filing that we have  
21 marked as Exhibit 1, and there's nothing  
22 confidential in this docket.

23 COMMISSIONER BAILEY: Okay. I see  
24 the witnesses are in place. Are you ready to

1 proceed?

2 Would you swear them in, please.

3 (WHEREUPON, JOHN D. WARSHAW AND DAVID B.  
4 SIMEK were duly sworn and cautioned by  
5 the Court Reporter.)

6 JOHN D. WARSHAW, SWORN

7 DAVID B. SIMEK, SWORN

8 COMMISSIONER BAILEY: You may  
9 proceed.

10 MR. SHEEHAN: Thank you.

11 DIRECT EXAMINATION

12 BY MR. SHEEHAN:

13 Q. Mr. Simek, please identify yourself and your  
14 position with the Company.

15 A. (Simek) David Simek. I'm manager of Rates  
16 and Regulatory Affairs.

17 Q. Do you have in front of you a copy of  
18 Exhibit 1?

19 A. (Simek) I do.

20 Q. And looks like beginning at Page 25 through  
21 the end is the testimony of David Simek with  
22 attachments; is that correct?

23 A. (Simek) Yes, it is.

24 Q. And did you prepare that?

1 A. (Simek) I did.

2 Q. Do you have any changes to that testimony to  
3 make?

4 A. (Simek) I do not.

5 Q. Do you adopt that testimony as your sworn  
6 testimony this afternoon?

7 A. (Simek) I do.

8 Q. Mr. Warshaw, same questions. Your name and  
9 position with Liberty?

10 A. (Warshaw) My name is John D. Warshaw. I'm  
11 manager of Electric Supply for Liberty  
12 Utilities Service Corp.

13 Q. It appears that there is testimony by John  
14 Warshaw starting at Page 1 of the filing. Is  
15 that authored by you?

16 A. (Warshaw) Yes, it is.

17 Q. Do you have any changes to your testimony  
18 today?

19 A. (Warshaw) I have no changes.

20 Q. All right. Do you adopt that testimony today  
21 as your sworn testimony?

22 A. (Warshaw) Yes, I do.

23 Q. Mr. Simek, briefly, could you point the  
24 Commission to the rates for which the Company

1 is seeking approval in today's hearing.

2 A. (Simek) I can. On Bates Page 39, we are  
3 seeking approval for the rates listed in  
4 Column C and Column H. Column C is the  
5 stranded cost charge by rate class and  
6 Column H is the transmission charge by rate  
7 class. So, for example, for Column D, for  
8 the stranded -- I'm sorry. For Rate D under  
9 Column C, you can see that the stranded cost  
10 charge that the customer [sic] is charging  
11 customers, which is actually a credit, is  
12 0.00106. And then for D Rate customers, the  
13 transmission charge as you can see under  
14 Column H is 0.02732 per kilowatt hour.

15 Q. And the other columns on that chart are the  
16 components that make up the numbers you've  
17 just read; is that fair?

18 A. (Simek) Yes.

19 Q. And the slight variations to the various  
20 customer classes, those are just the result  
21 of the various calculations that support  
22 those rates?

23 A. (Simek) Correct.

24 Q. Can you give us the bill impact of these

1 proposed rate changes?

2 A. (Simek) I can. On Bates Page 52, for a  
3 typical residential customer, Class D  
4 customer with usage of 650 kilowatt hours for  
5 the month, compared to the current rates that  
6 are in place, the customer would see a \$4.80  
7 decrease to their bill, which is a percentage  
8 of 3.88 percent.

9 MR. SHEEHAN: That's all I have.  
10 Thank you.

11 COMMISSIONER BAILEY: Mr. Buckley.

12 MR. BUCKLEY: Thank you.

13 CROSS-EXAMINATION

14 BY MR. BUCKLEY:

15 Q. Mr. Warshaw, at Bates Page 11, Line 6 of your  
16 testimony, you talk about decreases in  
17 Granite State's transmission and ISO expenses  
18 for 2019 of a little more than \$1.2 million;  
19 is that correct?

20 A. (Warshaw) That's correct.

21 Q. At Bates Page 12, Lines 3 through 4, and then  
22 again at Bates 15, Lines 16 through 19, you  
23 know that change is largely attributable to  
24 the Tax Cuts and Jobs Act; is that right?

1 A. (Warshaw) That is my understanding.

2 Q. Moving on to Mr. Simek. At Bates 29, Lines  
3 13 through 14, there appears to be a table  
4 illustrating the various rate changes  
5 contained in your testimony; is that right?

6 A. (Simek) Yes.

7 Q. And it appears that two of these changes  
8 account for the lion's share of the rate  
9 decrease as requested in the current filing,  
10 the transmission service charge and the  
11 transmission service cost adjustment; is that  
12 right?

13 A. (Simek) Yes.

14 Q. And the first, the transmission service  
15 charge, is essentially a pass-through from  
16 ISO-New England; is that right?

17 A. (Simek) Correct.

18 Q. And the second, the transmission service cost  
19 adjustment, is essentially a reconciliation  
20 charge; is that correct?

21 A. (Simek) Yes.

22 Q. Now moving to Bates 33, Lines 17 through 19.  
23 You mentioned Schedule DBS-3 contains a  
24 reconciliation of May 2018 through



1 January 2019 actuals and then forecasted  
2 revenues and expenses for March 2019 through  
3 April 2019. But it appears from DBS-3 that  
4 Line 18 should read "May 2018 through  
5 February 2019"; is that correct?

6 A. (Simek) Just let me catch up.

7 (Witness reviews document.)

8 Q. I think the gist of it is that there's a  
9 missing month in the text, although the  
10 schedule is correct.

11 A. (Simek) I'm sorry. Can we just start over  
12 again? I lost track here.

13 Q. Certainly.

14 A. (Simek) Go through it again. I'm sorry.

15 Q. So if you could turn to Bates 33, Lines 17  
16 through 19.

17 A. (Simek) So DBS-3, Page 3, shows the  
18 reconciliation, and it's for actuals that are  
19 for May '18 through February of 2019.

20 Q. Right. And then I think there's a  
21 discrepancy in the actual text of your  
22 testimony at lines --

23 A. (Simek) Yes. Yes, it says it goes through  
24 January actuals of '19. And when we did make

1           this filing, February did become available,  
2           and we did change that to actual.  
3           Unfortunately, it did not get updated here in  
4           the text on Bates Page 33, Line 18.

5   Q.   And moving on to Bates 36, Lines 11 through  
6           22, you discuss the RGGI auction proceeds; is  
7           that right?

8   A.   (Simek) Yes.

9   Q.   Can you just very briefly explain the change  
10          you made between this year in calculating  
11          RGGI auction proceeds and associated charges  
12          and how you made that calculation last year?

13   A.   (Simek) There are two big differences from  
14          last year to this year. The first difference  
15          is that the beginning balance is including  
16          the audited actual numbers that were audited  
17          by the PUC Audit Staff. So the beginning  
18          balance is different. And also, we included  
19          a forecasted amount that we believe we  
20          received from a RGGI rebate and began giving  
21          that back to customers earlier rather than  
22          waiting.

23   Q.   And you believe this would be more accurate  
24          than the previous method for determining the

1 charges; is that correct?

2 A. (Simek) The previous method did not include a  
3 forecast of what we thought we would be  
4 getting in rebates and then give those back  
5 to customers. This method does include a  
6 forecast, so customers are getting their  
7 money back sooner.

8 Q. I think one final question here for you. If  
9 you could turn to Bates 45, which is Schedule  
10 DBS-3, I believe. Can you just give me a  
11 sentence or two on what this chart  
12 represents?

13 A. (Simek) The coincident peak data actually  
14 comes from our load service group. What I  
15 believe it represents is the, by rate class,  
16 the peak amount of load per month.

17 Q. And so the question I would ask to you is,  
18 within the column labeled "Street Lights,"  
19 why are some, albeit a very, very small  
20 amount, the Company's street lights on during  
21 summer system peak, which typically tends to  
22 be somewhere around five or so o'clock during  
23 the summer, 5:00 to 6:00?

24 A. (Simek) Again, I can't answer that question.

1           Generally it's 5:00 or 6:00. I agree with  
2           you it's the hottest part of the day. But  
3           this may be the peak of only when they are  
4           on. So if they're only on at night, as they  
5           should be, and it's the peak for that time, I  
6           just can't answer that question. That's a  
7           guess.

8                       MR. BUCKLEY: No further questions.

9                       COMMISSIONER BAILEY: Mr. Dexter.

10                      MR. DEXTER: Thank you.

11                               CROSS-EXAMINATION

12 BY MR. DEXTER:

13 Q.    So if we could turn to Bates 52 for a moment,  
14        which you referenced earlier. I just want to  
15        verify that both the rates that are proposed  
16        for approval today are decreases; is that  
17        right?

18 A.    (Simek) Yes.

19 Q.    The transmission charge is a decrease in the  
20        charge. It used to be 3 cents, rounded, and  
21        now it's gone down to .02732 cents; correct?

22 A.    (Simek) Correct.

23 Q.    The stranded cost charge, which is below, a  
24        couple numbers in brackets, could you explain

1           how that results in a decrease to customers?

2       A.     (Simek) It went from a decreased rate charge  
3           to customers of .00095 per kilowatt hour to a  
4           larger decrease of .00106 per kilowatt hour.

5       Q.     Okay. I wanted to talk about the  
6           transmission costs that are being recovered  
7           first, and I'd like to go to Bates Pages  
8           18 and 19.

9                 Looking at Bates 19, is it correct that  
10           the local network service charges decreased  
11           this year versus last year by about \$670,000?

12      A.     (Simek) Is that question for Mr. Warshaw?

13      Q.     I'll pose it to the panel and anyone can  
14           answer it. But, yeah, I would guess it's in  
15           your schedule. So sure.

16      A.     (Warshaw) Yeah, the costs, the estimate of  
17           the cost for 2019 are lower than the costs  
18           for 2018 that was used for estimated cost in  
19           2018.

20      Q.     And as you indicated in questioning from the  
21           Consumer Advocate's Office, you attributed  
22           that largely to decreases in tax rates paid  
23           by the transmission providers; is that right?

24      A.     (Warshaw) That's my understanding, yes.

1 Q. And those tax rates were effective  
2 January 1st; correct?

3 A. (Warshaw) I believe so. I'm not that close  
4 to the Tax Act.

5 Q. Do you know if those reduced tax rates were  
6 reflected in last year's filing?

7 A. (Warshaw) No, it was not. It was not  
8 factored in last year's filing.

9 Q. And are there any other reasons that you know  
10 of that resulted in the decrease in the local  
11 network service?

12 A. (Warshaw) That is the only reason that I know  
13 of.

14 Q. And turning to the regional network service,  
15 which is on Line 3 of Bates 19, that seems to  
16 have decreased about, a little over half a  
17 million dollars, the estimate of this year  
18 versus the estimate of last year; is that  
19 right?

20 A. (Warshaw) That is correct.

21 Q. And is that for the same reasons, the Tax  
22 Reduction Act?

23 A. (Warshaw) That's my understanding, yes.

24 Q. Do you know if either of the reductions in

1           these amounts were the results of any actions  
2           or policies taken by Liberty/Granite State?  
3           In other words, was there any effort made to  
4           reduce transmission charges that is showing  
5           up in this filing?

6    A.    (Warshaw) No, it is not. But I do know that  
7           Liberty has a battery program, that one of  
8           the goals is to reduce peak load.

9    Q.    And the impacts of that are not reflected in  
10          this filing; is that correct?

11   A.    (Warshaw) That is correct.

12   Q.    With respect to stranded costs, which I see  
13          rates developed on Bates 39 and details  
14          provided on Bates 40, 41 and 42, what's  
15          the --

16   A.    (Simek) And 43 also.

17   Q.    And 43. Can you explain what the basis is  
18          for the stranded costs that are being  
19          recovered?

20   A.    (Simek) Yes. I believe it's described a  
21          little more detailed in my testimony. But it  
22          has to do with New England Power and assets  
23          that were part of generation and part of  
24          restructuring that now are those stranded

1 costs when we switched to restructuring are  
2 recovered from all customers. So it's a  
3 pass-through for rates that we can charge by  
4 NEP.

5 Q. And that answer pertains to Column A on  
6 Bates 39; is that right?

7 A. (Simek) A is their charge for the month --  
8 I'm sorry -- for the year, which obviously  
9 was a credit. So they had an over-collection  
10 on their books the prior year. And that's  
11 shown in Docket DE 19-025. And then Column B  
12 is a result of our reconciliation from  
13 forecast to actual by rate class, and that's  
14 what the impact is for the total charge shown  
15 in Column C.

16 Q. The amounts on Bates 41 have to do with the  
17 reconciliation, correct, of stranded costs?

18 A. (Simek) Bates 41 -- all of them do. Bates  
19 41, 42, 43 all have to do with the  
20 reconciliation.

21 Q. And as I understand Bates 42 and 43, those  
22 are there to develop the reconciliation  
23 amounts and the reconciliation rates by rate  
24 class; is that right?



1 A. (Simek) Correct.

2 Q. How are these costs divided up between the  
3 various rate classes?

4 A. (Simek) These are all load-weighted.

5 Q. So it's on the basis of annual load?

6 A. (Simek) Correct.

7 Q. And the transmission costs calculation that  
8 the Consume Advocate was asking you about on  
9 Bates 45, that's done on the basis of  
10 coincident peak I believe you said; correct?

11 A. (Simek) Correct. If you look at Bates Page  
12 44, Line 2 shows how the allocation is done,  
13 which was pulled from the coincident peak  
14 shown on Bates 45.

15 Q. And that's, I think as you said, each class's  
16 contribution to the Company's peak; is that  
17 right?

18 A. (Simek) Again, this is data that's provided  
19 to me from a different department. I believe  
20 that it's the peak load for the month by rate  
21 class.

22 Q. So in looking at the various rates on Line 6  
23 of Bates 44 that you just referenced, it  
24 seems to me that the highest rates are for

1           Rate D and Rate T. Would you agree with  
2           that?

3    A.    (Simek) Yes.

4    Q.    And Rate D is a domestic customer; correct?

5    A.    (Simek) Yes.

6    Q.    What's Rate T?

7    A.    (Simek) I don't have that data in front of  
8           me. I'm sorry.

9    Q.    So on Bates 64, where you have proposed  
10          tariffs, for Rate D there's an availability  
11          description that indicates that Rate D is for  
12          domestic purposes and private dwellings and  
13          so on and so forth.

14                 And if you go to Bates 75, there's a  
15          tariff for Rate D, but it doesn't have an  
16          availability section that I could find. Do  
17          you know why that is?

18   A.    (Simek) Well, what's included in this filing  
19          are only pages that changed due to this  
20          filing. So there is an availability page,  
21          and it's just not included here because it  
22          didn't have any updates.

23   Q.    I see. But if I wanted to find out what  
24          Rate D applied to, I could look at that

1           availability paragraph in your complete  
2           tariff?

3       A.     (Simek) Correct.

4       Q.     So, something I brought up at this hearing  
5           last year has to do with terminology. And I  
6           noticed that for stranded costs, on Bates 39,  
7           we have a stranded cost charge and a stranded  
8           cost adjustment factor and a net stranded  
9           cost charge. And then if I go to the Rate D  
10          tariff on Bates 53, I see a line that says  
11          stranded cost adjustment factor. And I think  
12          the tariff number for stranded cost  
13          adjustment factor relates back to the net  
14          stranded cost charge on Bates 39, not what's  
15          labeled "stranded cost adjustment factor."  
16          Would you agree with that?

17      A.     (Simek) Yes.

18      Q.     And is there plans in the upcoming rate case  
19           to address this seeming inconsistency in the  
20           tariff versus the underlying schedules, do  
21           you know?

22      A.     (Simek) Yes, we can make the change in the  
23           upcoming filing. So are you recommending  
24           that we change it to say "net stranded cost

1 charge"?

2 Q. Well, I guess my recommendation over the last  
3 couple of cases is that it be consistent. So  
4 I guess I would defer to the Company as to  
5 what the best choice is. But I do find it  
6 confusing because I like to trace from the  
7 proposed rates to the tariff to make sure  
8 everything's being billed as proposed. And  
9 in addition to this inconsistency, I believe  
10 there's similar inconsistency on the  
11 transmission cost side. So I would just ask  
12 that the Company consider making the  
13 terminology consistent. But I would leave it  
14 to the Company as to, you know, what the best  
15 terms are.

16 A. (Simek) Okay. Yes, and it is consistent  
17 throughout all the rates.

18 Q. I'm sorry. What's consistent throughout the  
19 rates?

20 A. (Simek) That they're labeled either  
21 "transmission service cost factor" or  
22 "stranded cost adjustment factor."

23 Q. Right.

24 A. (Simek) It's not just Rate D.

1 Q. Right, right. I just used Rate D as an  
2 example.

3 So if we could turn to Bates 46 for a  
4 moment. This has to do with the over/under  
5 recovery of transmission costs. If I look at  
6 Line 1, there's a number of \$5,037,000,  
7 rounded. And am I correct that that number  
8 ties directly to the projected  
9 under-collection from this filing last year?

10 A. (Simek) I'm sorry. You were referencing the  
11 5,037,042?

12 Q. Correct.

13 A. (Simek) And yes, that is what was filed in  
14 last year's retail rate reconciliation.

15 Q. And then Line 2 has a footnote that -- I'm  
16 sorry. Line 2 has a figure of another  
17 \$901,710. That would be an additional  
18 under-collection; is that right?

19 A. (Simek) Correct.

20 Q. And the footnote references the accounting  
21 records and the audits. Could you just  
22 explain a little bit more what that means.

23 A. (Simek) Yes. In last year's hearing, we were  
24 ordered to work with PUC Audit Staff to

1        actually calculate what our beginning  
2        balances should be for this filing and going  
3        forward. And in doing so, the outcome of the  
4        audit shows that the May 18 beginning balance  
5        is consistent with what was audited and that  
6        it should have been adjusted by the 901,710.

7        Q. And my understanding of the task of the audit  
8        was to go back to the time when Liberty  
9        acquired the Company from National Grid and  
10       acquired these mechanisms; is that right?

11      A. (Simek) Yes.

12      Q. And were you able to do that?

13      A. (Simek) Absolutely.

14      Q. So then, with this additional adjustment, in  
15       addition to the one last year, can we expect  
16       that we won't see adjustments to the  
17       beginning balances going forward?

18      A. (Simek) Well, the beginning balances are  
19       going to be based on actuals. So what we  
20       have estimated here, for example, in this  
21       example we're showing that there's 1,498,624  
22       that is showing as a ending May balance --  
23       I'm sorry -- an ending April 2019 balance,  
24       yet February '19 is the last month of

1           actuals.

2       Q.    Yeah, I may not have phrased my question the  
3           way I meant to. I guess what I meant to say  
4           was that my recollection from the case last  
5           year was that there was a fairly significant  
6           adjustment made to the beginning balance so  
7           that this filing would match the books. Is  
8           that a fair assessment of what happened last  
9           year?

10       A.   (Simek) No.

11       Q.    No?

12       A.   (Simek) Last year it was just the opposite,  
13           actually. We weren't exactly -- we had never  
14           been audited and gone back to the books. We  
15           were just taking known data that we had for  
16           the last period and did a reconciliation. We  
17           didn't go back to the beginning balance. And  
18           so, again, we were ordered to work with PUC  
19           Audit Staff to come up with what the true  
20           beginning balances were, which we did.

21       Q.    And when did that audit process take place?

22       A.   (Simek) Meaning when did the PUC Audit Staff  
23           begin their audit on their end or when we  
24           began it on our end?

1 Q. I guess both. I assume you did it first, the  
2 Company did it first?

3 A. (Simek) Of course. We put together where we  
4 felt that the books should be based on  
5 current practices all the way back to  
6 July 12th. We were in the process of doing  
7 that before even last year's hearing. When  
8 we finally got those results all reviewed  
9 internally and signed off and everyone agreed  
10 upon that this is where we should go forward,  
11 we then forwarded all that information to PUC  
12 Audit Staff for them to do their audit and  
13 their work. I don't remember the exact date  
14 that we forwarded it, but it was probably  
15 about a month ago.

16 Q. I think your testimony says March 2nd, if I'm  
17 not mistaken. I think I read that in your  
18 testimony.

19 A. (Simek) Okay.

20 Q. And the PUC audit issued a report today, as a  
21 matter of fact, didn't they?

22 A. (Simek) Their final report was issued today,  
23 yes, and there were no findings.

24 Q. I had just one question on the working



1 capital that was transferred from -- on  
2 transmission costs that was transferred from  
3 base rates to this mechanism, I think two  
4 cases ago.

5 If we were to look at Bates 49, on  
6 Line 25 there's a figure there of days and it  
7 says 62.59 days. Is that an average of the  
8 number of days between the time the Company  
9 receives these LNS and RNS services and when  
10 they pay for them?

11 A. (Simek) Yes.

12 Q. And on Bates 50, on Line 4, there's a figure  
13 of 60.9 days. Is this a representation of  
14 the average time that it takes Liberty to be  
15 paid by its customers for services it  
16 provides to its customers?

17 A. (Simek) Yes.

18 Q. And those two numbers come very close to  
19 netting each other out; is that right?

20 A. (Simek) Yeah, there's a two-day difference.

21 Q. And therefore the net working capital  
22 requirement on transmission turns out to be a  
23 fairly small number shown on Bates 48,  
24 Line 2; would you agree?

1 A. (Simek) This time around it did, yes.

2 Q. And lastly I wanted to ask you again on the  
3 same topic that the Consumer Advocate asked  
4 you about, which is the changes in the RGGI  
5 calculation. And for that we should turn to  
6 Bates Page 51.

7 You mentioned there were two changes  
8 from last year, and one of them had to do  
9 with the audit and the beginning balance. I  
10 wanted to ask you about the second change and  
11 if you could just explain again, and maybe in  
12 a little more detail, how that was done last  
13 time versus this time.

14 A. (Simek) Last time when we did the  
15 calculation, Line 18 did not exist. So we  
16 added Line 18 to show a projection for  
17 estimated auction proceeds that we will  
18 receive from May 1st of 2019 through  
19 April 30th of 2020. What we used as our  
20 estimate was the actual auction proceeds for  
21 the prior year of 712,617.

22 Q. So what impact do you expect that will have  
23 on next year's filing?

24 A. (Simek) Well, we'll have an estimate again

1       next year for the upcoming year's auction  
2       proceeds. And assuming that if we have no  
3       other better information to estimate what  
4       that future year will be, we'll use what the  
5       prior year's auction proceeds were again.

6   Q.   And the change had the effect of almost  
7       doubling the REGGI refund this year versus  
8       last year; would you agree?

9   A.   (Simek) Yes.

10   Q.   Would it be incorrect, then, to conclude that  
11       the refund last year should have been double  
12       as well had this -- should this method have  
13       been employed last year?

14   A.   (Simek) I'm not sure there's a -- whether  
15       there's a right or a wrong answer to this.  
16       What we did was we looked at how Eversource  
17       and Unitil were projecting their costs -- I'm  
18       sorry -- their REGGI rebate. And one of  
19       them, I believe, was using what they just  
20       used as the prior year actuals. And I  
21       believe the other utility came up with some  
22       sort of an estimate of where they thought  
23       they would come in at. But either way, both  
24       utilities were including a forecasted amount

1           and giving it back to customers early. We  
2           historically had not included a forecast, and  
3           that was approved by the Commission, and we  
4           had just gone forward that way.

5   Q.   And the REGGI refund started to go back to  
6       customers pursuant to this mechanism around  
7       2014; is that right?

8   A.   (Simek) Subject to check, yes.

9   Q.   So other than over/under recoveries that you  
10       would expect, are you confident that the old  
11       method that Liberty employed sent an  
12       appropriate amount of REGGI refunds back to  
13       customers?

14   A.   (Simek) Based on actuals, yes.

15   Q.   Okay. That's all the questions Staff has.  
16       Thank you.

17                   COMMISSIONER BAILEY: Thank you.

18       Commissioner Giaimo.

19   QUESTIONS BY COMMISSIONER GIAIMO:

20   Q.   Good afternoon.

21   A.   (Simek) Good afternoon.

22   A.   (Warshaw) Good afternoon.

23   Q.   So while we're here talking REGGI, I just  
24       want to make sure I understand what you used.

1 Did you use the last clearing price for the  
2 last auction and multiply that times four, or  
3 did you use the total amount received in the  
4 prior four auctions?

5 A. (Simek) The total amount received for the  
6 prior four auctions.

7 Q. Okay. I do believe at least one of the other  
8 utilities just used the last clearing price  
9 and multiplied it by four and used that as  
10 its base.

11 A. (Simek) Okay.

12 Q. I don't recall which, but I think that one of  
13 them did. No one's shaking their head, so --

14 A. (Simek) Yeah, I believe that it would have  
15 been probably Eversource who did it because  
16 they did a forecasted calculation. And I'm  
17 pretty confident that Unitil had just kept  
18 the amount the same as the prior twelve  
19 months.

20 Q. Okay. So to reiterate what's been said, the  
21 \$1.2 million decrease is mostly a function of  
22 the tax reform?

23 A. (Simek) Correct.

24 Q. Okay. Do we know what Granite State's

1       prorated share of regional costs are in  
2       general? Back of the envelope, if Granite  
3       State represents 10 percent of New Hampshire,  
4       and New Hampshire represents 10 percent of  
5       the region, ergo Granite State represents  
6       about 1 percent?

7       A.   (Warshaw) Subject to check, yes.

8       Q.   Okay. So can we talk a little bit about the  
9       total cost to the region for transmission?

10      A.   (Warshaw) Sure.

11      Q.   Do we know what that amount is and where it  
12      is in the filing?

13      A.   (Warshaw) The total cost for the region is  
14      not in the filing. What is in the filing is  
15      the rate that ISO-New England charges for the  
16      various services that it provided in the open  
17      access transmission tariff.

18      Q.   So if that number is in total 17 to  
19      18 million, which I think we see on Page 20,  
20      if you look at Page 20, Column 9, in this  
21      example, would that be 18 million is Granite  
22      State's percentage of the total, and then you  
23      can multiply that out to get the regional  
24      total?

1 A. (Warshaw) It would be Granite State's portion  
2 of the expected RNS rates.

3 Q. Which presumably, again, is about 1 percent  
4 of the total?

5 A. (Warshaw) Correct.

6 Q. The filing makes reference to ISO  
7 administrative costs, NESCOE costs, as well  
8 as Black Start?

9 A. (Warshaw) Correct.

10 Q. Okay. Do we have those total costs broken  
11 down? Is it in the filing that shows you how  
12 much?

13 A. (Warshaw) The NESCOE cost is actually based  
14 on the published rate that ISO-New England  
15 had as of January 1st of 2019. But Black  
16 Start, because of the way it's charged, all I  
17 have -- all are based on the Black Start on  
18 our costs from 2018 and using that as a way  
19 of forecast for 2019.

20 Q. And Black Starts are the units that get paid  
21 for the ability to basically restart the  
22 system if it went black?

23 A. (Warshaw) Correct. These are units that are  
24 able to restart generating without having to

1       utilize off-site power from the regional  
2       grid.

3   Q.   Okay.   That's helpful.

4               So can you enlighten us as to the ISO  
5       costs?   Where in the filing can we find out  
6       what Granite State's percentage of ISO costs  
7       were or what the total dollar amount was?  
8       I'm sorry.

9   A.   (Warshaw) Well, I don't have the total  
10       regional costs.   But again, if you look, go  
11       on Bates Page 20, it will identify, based on  
12       the published rates, what our -- my forecast  
13       of the costs would be for 2019.

14   Q.   Okay.   And your total estimated costs are  
15       about 1.26 million?

16   A.   (Warshaw) For?

17   Q.   The difference between the last two years;  
18       correct?

19   A.   (Warshaw) Yes.

20   Q.   That's the savings?

21   A.   (Warshaw) Yes.

22   Q.   Okay.   So I'll switch briefly and say, what  
23       role does Liberty play in reviewing and  
24       controlling the ISO budget, as well as the



1 RNS and LNS costs?

2 A. (Warshaw) Liberty does get the information  
3 that ISO publishes and stays up to date with  
4 the data. But because the rates are  
5 FERC-jurisdictional, we rely on the FERC to  
6 approve those rates.

7 Q. Is there some sort of agreement that National  
8 Grid, who partakes in -- who's one of the --  
9 who is signed on to the ISO, part of the  
10 transmission owners subject to the ISO  
11 tariff, do they agree to advocate on behalf  
12 of Liberty to make sure that costs remain  
13 low? Is there any relationship that still  
14 remains between Liberty and Grid?

15 A. (Warshaw) There is no specific relationship.

16 Q. Has Liberty ever considered being a part of  
17 the group that sets the transmission costs  
18 for the region that helps develop the RNS?

19 A. (Warshaw) The group that develops the RNS is  
20 actually the owners of the transmission  
21 system.

22 Q. The PTO?

23 A. (Warshaw) PTO.

24 Q. So there is no relationship. They just pass

1           the costs straight to you? There's no  
2           accountability there?

3       A.     (Warshaw) No, they utilize a formula rate to  
4           be able to come up with the cost, and it's a  
5           cost base rate with a specific return on  
6           equity in the rate.

7       Q.     But there is a group that meets regularly  
8           that determines those rates and -- okay.  
9           Moving on.

10           Is this the last year of the contract  
11           termination charge; so in 2020, will that  
12           charge be gone?

13      A.     (Simek) I'd have to review the contract. I  
14           know it's coming up. I'm just not sure that  
15           it's 2020 that it ended.

16      Q.     I'm pretty certain it says in someone's  
17           testimony that it was 2020, so...

18      A.     (Simek) Yes, I do have it on Bates Page 31 in  
19           my testimony.

20      Q.     And Mr. Simek, at the end of your testimony  
21           you talk about net metering lost revenue. So  
22           it sounds like the Company's expecting to see  
23           displaced revenue associated with net  
24           metering, but it's willing to forego

1 collection on that until there's a rate case;  
2 is that right?

3 A. (Simek) Well, this year is a test year. So  
4 if we put in the rates a recovery mechanism  
5 for lost revenues related to net metering, we  
6 would just have to pull it out of our data  
7 that we submit for the rate case. So rather  
8 than do that, we just said we'll let it flow  
9 through the rate case and figure it out from  
10 there.

11 Q. With respect to price shop for the consumer,  
12 would it make sense to continue -- in fact,  
13 it might affect -- if this filing is going to  
14 decrease cost, would it make sense to keep  
15 this in, at least in the short term, so that  
16 it's a less volatile charge going forward, or  
17 is it really indifferent?

18 A. (Simek) It's a very low rate. It's probably  
19 indifferent.

20 Q. Okay. And I was just going to make a point  
21 of clarification on 45. I hate to keep on  
22 asking you about that 'cause it sounds like  
23 someone else may have prepared it on your  
24 behalf. But help me out with coincident and

1 non-coincident.

2 Is this the peak for the state? Is it  
3 the peak for Liberty? Is it the peak for the  
4 region? And each one of these numbers, is  
5 that the daily peak for each of those  
6 categories, or is it the total amount that  
7 was on at the peak?

8 A. (Simek) I believe -- I'm sorry. I believe  
9 it's the total peak by rate class within that  
10 month.

11 Q. So each -- so, theoretically, the peak for  
12 street lights could be -- I think this gets  
13 to Attorney Buckley's question. It would  
14 make sense that there would be some street  
15 lights on because it's the rate class street  
16 lights use at peak use for the month.

17 A. (Simek) Correct.

18 Q. Okay. That helps. Thank you.

19 QUESTIONS BY COMMISSIONER BAILEY:

20 Q. I think, Mr. Warshaw, in your testimony you  
21 mentioned the formula rate proceeding at FERC  
22 for transmission rates.

23 A. (Warshaw) That is correct, yes.

24 Q. And were you part of that case?

1 A. (Warshaw) We were one of many in the case,  
2 yes.

3 Q. Okay. One of the big things that I think  
4 some parties perceived as a benefit of that  
5 case was that the rates were going to be  
6 transparent and listed in dollars per  
7 kilowatt year, dollars per kilowatt month or  
8 dollars per megawatt hour. Do you know?

9 A. (Warshaw) They would be listed as dollars per  
10 kilowatt year that would then be adjusted by  
11 month. They would not be at kilowatt hour  
12 rates because the RNS rates are based on your  
13 peak, which is a load value, not a volumetric  
14 value.

15 Q. Okay. And on Bates Page 20 we see that the  
16 RNS rate is \$117 a kilowatt year; is that  
17 right?

18 A. (Warshaw) Correct.

19 Q. Do you have -- can you show me where the LNS  
20 rate is in the filing?

21 A. (Warshaw) Well, the LNS rate is very  
22 difficult to forecast because the way  
23 National Grid does the LNS rate is based on  
24 their costs. And every month, if they

1       receive less revenue than their costs for the  
2       month, they charge us. There's a charge for  
3       LNS. But in other months when there is more  
4       revenue from the RNS rates than their LNS  
5       charges that were incurred for that month, we  
6       get a credit. So there's no specific  
7       dollar-per-kilowatt-year value. And as a  
8       result, to be able to calculate the LNS rate,  
9       I utilize the LNS costs that were incurred  
10      over the previous year as the forecast for  
11      the next year.

12    Q.    So are you saying that the costs for LNS are  
13           included in the RNS rate and they charge you  
14           a reconciliation every month?

15    A.    (Warshaw) The transmission charge that we  
16           receive is a combination of the regional  
17           network service rate, which is a postage  
18           stamp rate that all load-serving entities are  
19           charged.

20    Q.    And is that the 117 --

21    A.    (Warshaw) Yes.

22                   (Court Reporter interrupts.)

23    Q.    -- \$117 per kilowatt year rate? Yes, but  
24           then...

1     A.     (Warshaw) But then for us, and other similar  
2           utilities that are customers of transmission  
3           companies, we also pay for what's called  
4           local network service, which is the  
5           transmission assets that are not used to meet  
6           the reliability requirements in all of New  
7           England, but instead to meet the reliability  
8           requirements of serving just National Grid's  
9           customers. And the other PTOs have a similar  
10          approach. I couldn't tell you what their  
11          rates are.

12    Q.     And can you -- I'm sorry. Can you tell me  
13           again how National Grid then charges for  
14           that?

15    A.     (Warshaw) If you look on Bates Page 24, you  
16           will see that as part of the LNS they split  
17           it up between PTF and non-PTF charges. And  
18           as you can see, at times we get a credit on  
19           PTF charges and at times we get a charge.

20                 What National Grid does is every month  
21           there would be a calculation in the monthly  
22           charge of their cost for all of their  
23           transmission assets. They then will  
24           calculate the revenue they received from the

1           RNS, the regional network service, and then  
2           what is left over is what they either charge  
3           or credit us.

4   Q.   For the non-PTF?

5   A.   (Warshaw) For the non-PTF.

6   Q.   Okay. We've discussed that the reduction in  
7           the costs this year has to do with the Tax  
8           Act changes. What about the Tax Act changes  
9           from 2018? Doesn't -- you know, the tax rate  
10          changed on January 1st, 2018; correct?

11   A.   (Warshaw) Yeah. That's my understanding,  
12          yes.

13   Q.   Okay. And the rate wasn't reduced because of  
14          that. So do the transmission owners get to  
15          keep that decrease in costs?

16   A.   (Warshaw) No. At the time that we filed  
17          our -- this similar filing last year, the  
18          published -- or the information that we had  
19          available for what the transmission service  
20          rates would be by ISO were based on  
21          information that was published the previous  
22          summer. There had been no update on what the  
23          transmission owners would be charging in  
24          March for June. So we had -- the only



1 information we had was what was available,  
2 which was information for rates that they  
3 estimated prior to the passing of the Tax  
4 Act. Once the Tax Act was passed, the  
5 transmission owners ended up having a rate on  
6 June 1st of 2018 that was significantly lower  
7 than the rate that we used and they published  
8 as an estimate for June 1st of 2018.

9 Q. So you paid them less for the six months, the  
10 last six months of 2018 than the rate  
11 reflected?

12 A. (Warshaw) Correct.

13 Q. And is the difference between the amount that  
14 you paid them and the amount that you  
15 collected part of the reconciliation here?

16 A. (Warshaw) Yes, that is part of the  
17 reconciliation that was calculated.

18 Q. Can you show me where that is, please?

19 A. (Simek) Bates Page 46, May '18 through  
20 February '19, the actual revenue and actual  
21 expense that hit the Company's books that  
22 were audited are shown here.

23 Q. Okay. Thanks.

24 Mr. Simek, you mentioned the Battery

1 pilot update -- the battery pilot project  
2 that is intended to reduce the peak. Can you  
3 give us an update on that? Have you bought  
4 the batteries? I read in the paper that you  
5 got a lot of interest.

6 A. (Simek) Yeah, there was a lot of interest. I  
7 haven't been involved. It's actually Mr.  
8 Warshaw that gave an update on the battery.

9 Q. Oh, sorry, sorry, Mr. Warshaw. Either one.

10 A. (Warshaw) I have no additional information on  
11 top of what Mr. Simek has. I'm not aware of  
12 the status of the pilot, as far as  
13 implementation of the purchase of batteries  
14 and placing them in customers' homes.

15 Q. Okay. Thank you. I think that's all I have.  
16 Mr. Sheehan, do you have any follow-up?

17 MR. SHEEHAN: I have nothing  
18 further. Thank you.

19 COMMISSIONER BAILEY: Okay. I  
20 think you can stay where you are. We're  
21 almost finished.

22 Without objection, we'll mark  
23 Exhibit 1 for identification. And I guess  
24 Mr. Buckley can start the sum-up.

1 CLOSING STATEMENTS

2 MR. BUCKLEY: Thank you. The  
3 Office of the Consumer Advocate views the  
4 rates presented in the instant petition as  
5 just and reasonable and recommends their  
6 approval by the Commission.

7 COMMISSIONER BAILEY: Mr. Dexter.

8 MR. DEXTER: Thank you. Likewise,  
9 in Staff's view, the rates presented are just  
10 and reasonable, and we support their approval  
11 with the caveat that we would like the  
12 opportunity to review the audit report that  
13 was issued today by the Commission Audit  
14 Staff, and if there are any issues in that  
15 report, we would ask the Company to address  
16 those in next year's filing.

17 COMMISSIONER BAILEY: Thank you.  
18 Mr. Sheehan.

19 MR. SHEEHAN: Thank you. We  
20 appreciate the support of this filing by the  
21 OCA and Staff, and we also ask that the  
22 Commission approve the rates with the  
23 particulars appearing on Bates 39 as Mr.  
24 Simek explained. Thank you.

1                   COMMISSIONER BAILEY: All right.  
2           We will close the record and the hearing and  
3           take the matter under advisement and issue an  
4           order as soon as possible. Thank you.

5                   (Hearing concluded at 2:28 p.m.)  
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## C E R T I F I C A T E

I, Susan J. Robidas, a Licensed  
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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
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N.H. LCR No. 44 (RSA 310-A:173)

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