

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

Docket No. DE 16-576

Development of New Alternative Net Metering Tariffs
and/or Other Regulatory Mechanisms and Tariffs for Customer-Generators

MOTION TO FOCUS THE ISSUES AT HEARING

Acadia Center, The Alliance for Solar Choice, Borrego Solar Systems, Conservation Law Foundation, Energy Freedom Coalition of America, New Hampshire Sustainable Energy Association, and ReVision Energy, pursuant to Puc 203.07, hereby move to focus the issues for hearing in the above-captioned proceeding.

1. In accordance with House Bill 1116, which amended RSA 362-A:9, as well as the May 19, 2016 Order in this proceeding, the Commission is considering the development of alternative net metering tariffs or other regulatory mechanisms for customer-generators. A hearing on this subject has been scheduled to commence on March 27, 2017.

2. By filing two comprehensive settlement agreements, the parties in this docket have already acted to focus the relevant issues.¹ This motion seeks to ensure an efficient and streamlined hearing that focuses on the two settlements that have been filed. By granting this motion, the Commission will be facilitating a more orderly, fair and efficient hearing process. The possible content of this docket is vast and much of the parties' prefiled testimony covers issues well outside the bounds of the two settlements. If the parties are permitted to explore all of the issues presented in their prefiled testimony, the dates currently set for hearing will not be

¹ See settlement agreements filed March 10, 2017.

enough. It would be inefficient to allow parties to file a settlement and then provide testimony that is extraneous to that settlement.

3. Streamlining the hearing is well within the Commission's authority. The Commission maintains express authority to focus the hearing by limiting the number of witnesses or the time for testimony or oral argument on the issues to avoid expending time on unnecessary evidence. Puc 203.21. In accordance with the New Hampshire Code of Administrative Rules, the Commission regularly excludes irrelevant and immaterial evidence at hearing. Puc 203.23(d).

4. Focusing the issues is essential to the efficient dispatch of issues. In a proceeding where one or more settlement agreements have been filed, hearing should focus only on those issues that still remain within the scope of concern rather than spanning the entire universe of possible issues. This proceeding is novel because two settlements have been filed. However, the two settlement agreements contain significant overlap. This overlap makes them highly conducive to focusing the issues, just as in a proceeding with one settlement. In addition, both settlement agreements represent substantial departures from past positions advanced by the parties earlier in this proceeding, including positions advanced in testimony filed at earlier stages. The parties' substantial departure from prior-filed positions amplifies the importance of focusing the issues at hearing. Focusing the scope of hearing will enable the parties and the Commission to address only those issues still relevant and in dispute at this stage of the proceeding, rather than wasting time on issues and evidence that the parties raised in earlier testimony but no longer seek to advance under their respective settlements. Without a formal focus, parties may feel compelled to cover issues no longer genuinely in dispute because of a lack of certainty and to preserve their rights. For each of these reasons, focusing the issues for hearing is both highly feasible and beneficial.

5. Focusing the issues at this point is also a matter of fairness and necessity. The hearing schedule and the time available for hearing preparation have been dramatically truncated due to an expectation by the parties that the issues would be focused. The original schedule in this docket called for a hearing to be convened on March 7-10 and March 27-31. On March 2, Staff of the Commission proposed to cancel the first week of hearings to give the parties a greater opportunity to develop and file settlement proposals, with the expectation that the filing of one or more settlement agreements would limit the scope of the hearings. On the same day, a secretarial letter was issued granting Staff's request for a schedule change eliminating the first week of hearings. On March 10, 2017, two settlement agreements were filed with the Commission. Also on March 10, Commission Staff filed a request to move the prehearing technical session scheduled for March 14 to March 16 and 17. This request for delay was granted by secretarial letter on March 13. Accordingly, a prehearing technical session was convened at the end of last week to begin to address issues such as the list of witnesses and schedule for hearing. As of the filing of this motion, those subjects have not yet been resolved, yet the hearing is approaching. Under these circumstances, granting this motion is necessary to ensure a fair proceeding within the time allotted. The hearing schedule was halved in anticipation that the filing of one or more settlements would in fact result in a reduction of the issues susceptible to hearing. The time available for hearing preparation is short and can be counted in hours.

6. Based on a review of the issues that remain unresolved by the two settlement agreements, including all areas of overlap between them, we offer the following list of issues relevant for hearing.

(a) New alternative tariff commencement date;

- (b) Non-bypassable charges excluded from the credit for exported electricity;
- (c) Commodity credit value and purchases from competitive suppliers;
- (d) Distribution credit value, whether no credit or a percentage of retail kWh charge;
- (e) Transmission credit value and potential avoided cost determination for large customer-generators;
- (f) Instantaneous netting or monthly netting of kWh for monetary bill credit calculation;
- (g) Renewable energy certificate purchase, aggregation, and monitoring options;
- (h) Grandfathering of queued and/or interconnected customer-generator systems in Phases 1 and 2;
- (i) Bidirectional and production meter installation, ownership, and cost provisions;
- (j) Data collection requirements and timing as described in the Settlements;
- (k) Pilot programs number, type, design, and timing as described in the Settlements;
- (l) Value of Distributed Energy Resource study design and timing;
- (m) Transition to Phase 2 net metering tariffs process and timing and design elements;
- (n) Lost revenue recovery by utilities through automatic rate adjustment mechanism; and
- (o) Consistency of the Settlements with applicable statutory criteria and legislative purposes.

7. Regardless of the Commission's decision on this motion, the moving parties intend to limit their own presentation of evidence and argumentation at hearing to this list, reserving their rights to address other issues only to the extent that issues outside the scope of this list may be raised by other parties or by the Commission.

8. No party will be disadvantaged by focusing the issues at hearing. In the event that any party, for good reason, or the Commission at its discretion, exceeds this scope of issues, an

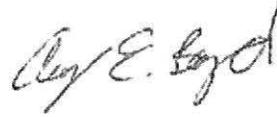
opportunity for rebuttal could be requested by affected parties, helping to preserve all parties' rights.² Focusing the issues for hearing would not abridge any party's right to rehearing and appeal. By committing to remain within the scope of issues listed above, the moving parties seek to provide a measure of transparency as well as assurance to other parties that the scope of issues will remain appropriately limited to those currently in dispute and no others.

WHEREFORE, the undersigned parties respectfully request that the Commission issue an order focusing the scope of the hearing in this proceeding in accordance with the above-listed issues, and commit to focusing their own positions within that scope.

² Certain parties to the proceeding are signatories to neither settlement agreement. We acknowledge the rights of those parties and believe the scope of issues identified above is ample to ensure all relevant issues are addressed. Only one non-settling party has submitted pre-filed testimony (the City of Lebanon).

March 23, 2017

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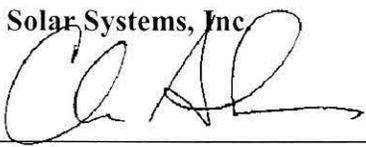
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