

**BEFORE THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 17-189

**LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP.
d/b/a LIBERTY UTILITIES**

Petition to Approve Battery Storage Pilot Program

PETITION TO INTERVENE OF SUNRUN, INC.

Pursuant to New Hampshire Code of Administrative Rules Puc 203.17 and RSA Section 541-A:32, Sunrun, Inc. (“Sunrun”), respectfully submits this Petition to Intervene (“Petition”) in the above-referenced proceeding. In support of its Petition, Sunrun states:

I. Background

1. Liberty Utilities Corp. (“Liberty”) submitted a *Petition to Approve Battery Storage Pilot Program* (“Proposal”) on December 1, 2017. In its Proposal and supporting testimony Liberty states that it will own and control batteries in residential customers’ homes to ensure they are charged and ready to be dispatched during the peak period, require participating customers to take service under a time of use rate,¹ and limit customers’ use of the batteries to the capacity and energy to offset their internal load by preventing exports from the batteries to the grid.² Liberty further states that it has not chosen a battery supplier or a software platform to aggregate and manage the batteries at this time.³ Liberty also states that it is studying the battery storage value chain, and anticipates that applications for additional battery storage will be brought to the

¹ Direct Testimony of Heather M. Tebbetts at 7.

² *Id.* at 16.

³ *Id.* at 8.

Commission for approval.⁴

2. The Proposal requests the Commission approve (1) Liberty's purchase of up to 1,000 batteries and related equipment to be installed at participating residential customers' homes, (2) Liberty's assessment of a monthly charge to participating customers to defray some of the costs incurred with respect to the battery storage systems, (3) the inclusion of Liberty's investments in rate base in its next rate case filing, and (4) a time-of-use rate design for residential customers who participate in the battery storage pilot program.⁵

3. The New Hampshire Public Utilities Commission ("Commission") issued an order opening this docket on December 13, 2017. The order states that the purpose of this docket is to examine whether:

- 1) Liberty's plan to recover certain battery procurement and installation costs through its base rates while separately charging participating customers for a portion of those costs is just and reasonable under RSA 378:7 and non-discriminatory under RSA 378:10;
- 2) The proposed time-of-use rate design for residential customers participating in the pilot program is just and reasonable under RSA 378:7; whether and when all or a portion of the program costs incurred should be included in Liberty's base rates; whether specific parameters should be established for Liberty's selection of pilot program participants; and
- 3) Other issues regarding program implementation and timing, information availability to customers, data collection and analysis, and customer information privacy protection.⁶

4. As demonstrated herein, the Commission disposition on each of these questions directly impact Sunrun's substantial interests and the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by Sunrun's intervention.

⁴ Direct Testimony of Heather M. Tebbetts at 9.

⁵ Order at 1.

⁶ Order at 1-2.

II. Legal Standard

5. New Hampshire Code of Administrative Rules Puc 203.17 provides that the Commission shall grant petitions to intervene in accordance with the standards of RSA 541-A:32. RSA 541-A:32 provides that a petition to intervene shall be granted if the petitioner demonstrates that they have “rights, duties, privileges, immunities or other substantial interests” that may be affected by the proceeding, and “the interests of justice and the orderly and prompt conduct of the proceedings would not be impaired by allowing the intervention.” As demonstrated herein, Sunrun has substantial interests that will be affected by the outcome of this proceeding and its intervention will not impair the interests of justice and orderly and prompt conduct. Sunrun respectfully requests that the Commission grant this Petition.⁷

III. Sunrun’s rights, duties, privileges or other substantial interests will be directly affected by this proceeding.

6. Sunrun is the leader in residential solar, storage, and energy management with over 160,000 customers in 22 states, including New Hampshire, and the District of Columbia. We pioneered the “solar-as-a-service” model more than ten years ago and today we are the largest dedicated residential solar, storage, and energy services company in the United States. Sunrun is directly involved in New Hampshire’s solar industry and clean energy future and our business creates local employment opportunities through

⁷ See e.g. DE 13-108, Order No. 25,540 (July 9, 2013) (finding the substantial interests of Conservation Law Foundation will be affected through its members as ratepayers); see also Order DT 12-107; Order No. 25,407 (Sept. 5, 2012) (granting intervention upon finding that substantial interest in the proceeding pursuant to RSA 541-A:32 I, and granting intervention upon finding on the grounds that it would be in the interests of justice and would not impair the prompt and orderly conduct of the proceeding pursuant to RSA 541-A:32 II); DG 14-155; Order No. 25,690 (July 9, 2014) (granting discretionary intervention to party with competitive interests in the proceeding).

solar and solar + battery storage installations.

7. Sunrun has substantial interests in ensuring that solar and battery storage technologies are deployed efficiently and economically, that solar and battery storage market participants are allowed to compete on a fair playing field, and that utility rate design is fair, clear, and transparent so as not to discriminate against any particular class of customers or customers who install solar and/or battery storage. Sunrun launched its BrightBox product (solar paired with battery storage) in Hawaii in 2016, the first such installation in the United States, and we now offer BrightBox in Arizona, California, Hawaii, Nevada, and New York.

8. The battery storage market in the U.S. is a rapidly evolving and competitive market and Sunrun anticipates offering BrightBox to customers throughout the New England region. Sunrun supports the worthy goals of reducing peak demand and lowering customer costs through the deployment of batteries described in the Proposal. Indeed, Sunrun currently provides battery aggregation and other energy management services that achieve similar goals and benefits in other markets. Sunrun commends Liberty for its forward-thinking proposal and its vision to use distributed storage to reduce costs.

9. Sunrun is evaluating Liberty's Proposal and has not yet taken a position, however, Liberty's Proposal raises important questions about the role of rate-regulated monopoly utilities in the competitive market for supplying and aggregating behind-the-meter battery storage products in New Hampshire that affect Sunrun's interests.

10. In this proceeding we will seek to ensure that the goals outlined by Liberty in the Proposal are achieved, but that Liberty, as a regulated monopoly utility, is not granted unfair advantages over non-rate regulated battery storage providers and aggregators. We

intend to work toward outcomes that ensure that the time of use rate requirement for program participants and the cost recovery and cost contribution provisions, among other issues, result in just and reasonable rates and do not unfairly discriminate against Sunrun customers, and other non-program participants. Our participation will also seek to ensure that utility cost recovery, ratepayer subsidization, and other questions, such as how the batteries as rate based assets are utilized and deployed are appropriately considered and do not result in unfair discrimination against Sunrun as a non-rate regulated battery storage provider and aggregator, or its customers.

11. To assist the Commission's evaluation of these issues we encourage and support the consideration of non-utility ownership of battery storage products. This would assist Liberty and the Commission to obtain valuable information about costs, customer experience, and program effectiveness for third party ownership and operation of battery storage products and whether a free market deficiency exists, thus warranting consideration of utility involvement behind the customer's meter.

12. The Commission's disposition of the issues posed for examination in this proceeding have important implications for achieving the worthy goals outlined by Liberty in its Proposal and will directly affect the interests of Sunrun as non-utility provider of battery storage products and services to residential customers to participate in the battery storage market on a level playing field.

13. As demonstrated herein, the Commission's disposition of this proceeding directly impacts the substantial interests of Sunrun as a battery storage provider and aggregator, as well as Sunrun's interests as a potential partner to Liberty for the proposed Battery Storage Pilot Program following the conclusion of this proceeding.

IV. The interests of justice, and the orderly and prompt conduct of this proceeding will not be impaired by allowing Sunrun to intervene.

14. Sunrun's intervention will not impair the interests of justice or the orderly and prompt functioning of this proceeding. Sunrun's participation in this proceeding will be limited to the scope of issues and timelines the Commission establishes, thereby not impairing the orderly and prompt conduct of this proceeding. Sunrun's participation in this proceeding will further the interests of justice and add valuable contributions to the record upon which the Commission evaluates the Proposal.

V. Conclusion

15. For the foregoing reasons, Sunrun respectfully requests the Commission grant this Petition.

Respectfully submitted,

/s/ Christopher Rauscher

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