

**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**

**Order *Nisi* Extending Phase 1 Battery Installation Deadlines**

**ORDER NO. 26,364**

**June 15, 2020**

This order extends the deadline to August 31, associated with the installation of customer-sited batteries in Phase 1 of Liberty Utilities' battery storage pilot program. This order is issued on a *nisi* basis to ensure that interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

**I. BACKGROUND**

On January 17, 2019, the Commission conditionally approved implementation of the battery storage pilot program proposed by Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty or the Company). *See Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities*, Order No. 26,209 (January 17, 2019). The program's goal is to achieve customer savings through peak load reductions. *Id.* at 37. Liberty's pilot program was arrived at by settlement agreement, which the Commission approved in Order No. 26,209. The settlement agreement implements the pilot program in two phases. *Id.* at 16. Phase 1 involves the installation of not fewer than 100, nor more than 200, Tesla Powerwall 2 batteries. (Hearing Exhibit 18 at 6-9). The batteries may be installed behind the meter at up to 100 customers' premises. *Id.* The settlement agreement required:

Within nine (9) months following Commission approval of this settlement, at least 100 batteries shall have been installed and become fully operational and available for Liberty to control and dispatch. No batteries shall be installed in Phase 1 of the program later than twelve (12) months following Commission approval of this settlement.

*Id.* at 7.

Phase 1 concludes with an initial test period, beginning once the first 100 batteries are operational, and lasting for not less than 18 months. *Id.* at 8. Phase 2, which is conditioned on the demonstrated success of Phase 1, involves the installation of up to 300 additional batteries at customers' premises. *Id.* at 9-11. The nine-month period to install and make operational the first 100 batteries in Phase 1 expired in October 2019.

On March 9, 2020, the Commission extended the deadlines associated with Phase 1 meter and battery installations, at Liberty's request and consistent with the recommendations of Commission Staff (Staff). *Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities*, Order No. 26,337 (March 9, 2020). The revised deadlines established that all meters for Phase 1 premises should be installed and operational by June 30, 2020; that a minimum of 100 batteries must be installed and operational by June 30, marking the beginning of the initial test period; and that the remainder of the batteries permitted in Phase 1, up to 200, must be installed and operational on or before September 30.

On May 26, 2020, Liberty filed a Motion to Extend Meter and Battery Installation Deadlines (Motion). Liberty requested a further extension of the deadline for installing the first 100 Phase 1 batteries to August 31, 2020, and of the deadline for installing the balance of Phase 1 batteries to October 31, 2020. Motion at 1. Liberty stated that its request was due to circumstances related to the COVID-19 pandemic. *Id.* at 1-2. Liberty acknowledged that it would be best to have peak load data from two summer seasons to assess whether to continue with Phase 2 of the pilot program. *Id.* at 2. Liberty also acknowledged that the

extension could result in insufficient peak load data being collected during the summer 2020 season to make such an assessment. *Id.* As such, Liberty committed to extending Phase I through August 31, 2022, to permit additional data collection before considering approval of Phase 2, if fewer than 100 Phase 1 batteries have been installed and are available for dispatch by July 1, 2020. *Id.* at 2-3. Liberty confirmed that Staff and the Office of the Consumer Advocate assented to its Motion. *Id.* at 3. No party objected to Liberty's Motion.

Liberty's Motion, as well as previous filings and orders, other than any information for which confidential treatment has been requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-189.html>.

## **II. COMMISSION ANALYSIS**

The Commission has the authority "after notice and hearing, to alter, amend, suspend, annul, set aside, or otherwise modify" its prior orders under RSA 365:28. The authority granted under this provision is to be "liberally construed." *Appeal of the Office of the Consumer Advocate*, 134 N.H. 651, 657 (1991); *Meserve v. State*, 119 N.H. 149, 152 (1979).

We exercise our authority to modify prior orders under RSA 365:28 to extend the deadlines associated with battery installations in Phase 1 of Liberty's battery storage pilot program. We agree that the delays and complications experienced by Liberty and Tesla as a result of the COVID-19 pandemic justify further modification of deadlines in this instance. We extend those deadlines consistent with Liberty's request. The deadline for installation of the first 100 Phase 1 batteries is extended from June 30 to August 31, 2020. The deadline for installation of the balance of Phase 1 batteries is extended from September 30 to October 31. In the event that the first 100 batteries are not installed, operational, and available for dispatch by July 1, 2020, Phase 1 will be extended through August 31, 2022. Except as modified by this order, Order No. 26,209 and Order No. 26,337 remain unmodified and in full force and effect.

**Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that Order No. 26,209 and Order No. 26,337 are modified to extend the Phase 1 deadlines as discussed in the body of this order; and it is

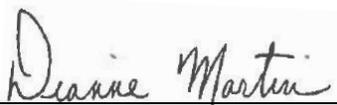
**FURTHER ORDERED**, that Liberty shall cause this order to be published on its website no later than one day after the date of issue. In addition, the Executive Director shall publish this order on the Commission's website no later than one day after the date of issue; and it is

**FURTHER ORDERED**, that all persons interested in responding to this order *nisi* be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than June 22, 2020, for the Commission's consideration; and it is

**FURTHER ORDERED**, that all persons interested in responding to such comments or request for hearing shall do so no later than June 26, 2020; and it is

**FURTHER ORDERED**, that this order *nisi* shall be effective June 30, 2020, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

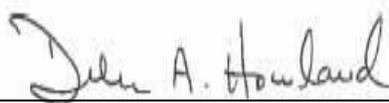
By order of the Public Utilities Commission of New Hampshire this fifteenth day of June, 2020.

  
Dianne Martin  
Chairwoman

  
Kathryn M. Bailey  
Commissioner

  
Michael S. Giaimo  
Commissioner

Attested by:

  
Debra A. Howland  
Executive Director

## Service List - Docket Related

Docket# : 17-189

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Email Addresses

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ExecutiveDirector@puc.nh.gov  
bargetsinger@keyesfox.com  
clifton.below@gmail.com  
aboyd@acadiacenter.org  
brianna@cleanenergynh.org  
james.brennan@oca.nh.gov  
kelly@cleanenergynh.org  
richard.chagnon@puc.nh.gov  
karen.cramton@puc.nh.gov  
kurt.demmer@puc.nh.gov  
allen.desbiens@eversource.com  
eemerson@primmer.com  
tom.frantz@puc.nh.gov  
Stephen.Hall@libertyutilities.com  
tirwin@clf.org  
maureen.karpf@libertyutilities.com  
donald.kreis@oca.nh.gov  
paula.maville@lebcity.com  
madeleine@cleanenergynh.org  
tad.montgomery@LebanonNH.gov  
steven.mullen@libertyutilities.com  
elizabeth.nixon@puc.nh.gov  
amanda.noonan@puc.nh.gov  
ocalitigation@oca.nh.gov  
crauscher@sunrun.com  
jack@revisionenergy.com  
michael.sheehan@libertyutilities.com  
karen.sinville@libertyutilities.com  
heather.tebbetts@libertyutilities.com  
jvanrossum@clf.org  
bwaugh@townandcitylaw.com  
david.wiesner@puc.nh.gov