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December 20, 2018

Ms. Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, New Hampshire 03301

Re: Docket No. DE 18-002  
Public Service Company of New Hampshire d/b/a Eversource Energy  
2018 Default Energy Service Solicitation

Dear Ms. Howland:

The Office of the Consumer Advocate (OCA) wishes to clarify its position on the procedural issues discussed in the letter filed yesterday in the above-referenced proceeding by Staff Attorney Amidon. Her letter concerned the technical session that took place following the December 18 prehearing conference convened pursuant to the Supplemental Order of Notice issued on December 11.

According to Ms. Amidon's letter, the parties "agreed to respond . . . on December 27<sup>th</sup>" to a motion filed on December 17 on behalf of the five PURPA Qualifying Facilities (QFs) that have jointly intervened in this proceeding. The OCA has not agreed to anything but simply acknowledges that Rule Puc 203.07(e) provides for a ten-day response period.

Ms. Amidon's letter further reports in accurate fashion that the PURPA QFs also intend to file a pleading on or before December 27. To the extent this implies that parties consider such a filing to be appropriate, the OCA must demur. The Commission's procedural rules do not allow a party to respond to its own motion. Should the PURPA QFs submit a pleading that raises new issues or arguments on the questions implicated by the Supplemental Order of Notice, the OCA reserves the right to address them in due course in a manner that is consistent with the Commission's procedural rules and faithful to the requirements of due process.

Finally, Ms. Amidon's letter states that in the event a hearing becomes necessary "the parties requested" that it take place in early January and that the Commission issue a prompt decision thereafter. The OCA does *not* join this request. As I explained during the prehearing conference, the OCA believes that in order to protect the residential utility customers whose

interests we represent from the financial burdens imposed on them by a recently enacted statute that is inconsistent with the U.S. Constitution, the Commission should take no action until, at the very least, the Federal Energy Regulatory Commission has had the opportunity to rule in the declaratory judgment proceeding (FERC Docket No. EL19-10) in which the constitutional issues are pending. It is my understanding, based on Chairman Honigberg's instructions at the prehearing conference, that in the pleading due on or before December 27 we should explain our position fully. We will do so.

Thank you for this opportunity to clarify our views on the procedural issues the Commission confronts in this phase of the docket.

Sincerely,



D. Maurice Kreis  
Consumer Advocate

cc: Service List