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Debra Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: Docket No. DE 19-057
Public Service Company of New Hampshire d/b/a Eversource Energy
Notice of Intent to File Rate Schedules

Response to OCA Letter

Dear Director Howland:

On April 17, 2020, AARP New Hampshire (“AARP”) filed a motion in the above-captioned proceeding titled “Petition Requesting that Eversource be Ordered to File Supplemental Testimony Regarding Impact of the COVID-19 Crisis and Suspension of Temporary Rate Increase filed on April 17, 2020.” On April 27, 2020, Public Service Company of New Hampshire d/b/a Eversource Energy (“PSNH”) timely objected to that motion. On May 1, 2020, the Office of Consumer Advocate (“OCA”) filed a letter that was nominally for the purpose of providing the position of the OCA on the filings of AARP and PSNH. The Commission should disregard and strike the OCA’s filing as it is nothing more than an untimely and unauthorized reply to PSNH’s objection.

AARP’s April 17 filing, however captioned, was a motion under the Commission’s rules and, accordingly, pursuant to Puc 203.07 responses to that motion were due within 10 days. PSNH timely filed its objection on April 27. As the Commission has previously stated, “Our administrative rules specifically authorize the filing of motions and objections to those motions, see N.H. Admin. R. Puc 203.07, but replies to objections are not authorized and we do not consider them absent specific authorization.” *Freedom Ring Communications LLC d/b/a BayRing Communications*, Order No. 25,327 (Feb. 3, 2012) at 8. There is no indication that the OCA sought, much less received, authorization from the Commission to submit a reply to PSNH’s objection.

Regardless of the OCA’s intent, and irrespective of it having attempted to cloak its reply as a letter of its position, the OCA’s letter is plainly and evidently a reply to PSNH’s objection outside of the Commission’s rules, and it should not be allowed. Undoubtedly, the OCA would object to a similar such filing if made by any utility. The OCA should not be permitted to disregard the rules and make any filing it deems, at any time it deems. The OCA’s disregard for the propriety of responsive filings is all the more difficult to understand in light of its own very recent argument for vigilance around the Commission’s requirements for timely responsive filings. See April 28, 2020 Objection of the OCA in Docket No. DE 20-060 at footnote 1.

Furthermore, in its letter, the OCA argues that it is not possible to follow this rate case to conclusion in light of the Governor's decision to amend the relevant statutory deadlines for such cases. OCA Letter at 1. However, PSNH is not the only utility with a rate case pending before the Commission. The OCA appears to be arguing that its reply is justified because a rate case cannot be completed without additional measures in view of present economic circumstances, but the OCA simultaneously disregards such concerns as to any company but PSNH. Singling out PSNH for this kind of treatment would be wholly inappropriate and the OCA offers no justification for doing so.

For these reasons, the Commission should disregard and strike the OCA's filing. If, however, the Commission might deem the OCA's filing appropriate, then, given its content, it should be treated as a new motion and PSNH should be permitted adequate time and opportunity to respond to the arguments raised in it following any notification of the Commission's decision.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,



Matthew J. Fossum
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CC: Service List