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June 9, 2023

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

Re: DE 19-057; Public Service Company of New Hampshire d/b/a Eversource Energy, Request for Change in Rates; Department of Energy's Response to Eversource Energy's Letter Concerning Compliance with Order No. 26,804

Dear Chairman Goldner:

As provided for in Order No. 26,804 and subsequent Procedural Order of May 25, 2023, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) on May 31, 2023 commented on the River Consulting Group, Inc.'s (RCG) Business Process Audit Report (Report) which RCG provided to Eversource on November 30, 2022. In its May 31 letter, Eversource also asks the Commission to "remove the editorialized content [from the Report], incorporate the factual corrections [into the Report] and address the comments provided...."

The Department of Energy (Department) believes that Eversource's request for the Commission to get involved in finalizing the Report should be flatly denied. No such role is contemplated under the terms of the rate case Settlement Agreement that gave rise to the Report. Instead, the filing of the final Report should be conducted as called for by the Settlement (Appendix 2, p. 1) which states: "Staff and the Company will have an opportunity to review and comment on the consultant's final report prior to filing with the Commission." Nowhere does the Settlement allow Eversource to revise and re-write the Report's findings and recommendations, which is what Eversource now attempts to do. The Final Report is to be the sole work product of RCG.

RCG provided a final Report to the Department of Energy (successor to Staff as written in the Settlement) and Eversource on November 30, 2022. Subsequently, RCG contacted Eversource seeking comments, but Eversource provided none. The Department told RCG (by letter dated March 15, 2023) that the Department had no comments on the final Report. After receiving no comments from Eversource for over 4 months, and after apprising Eversource of the Department's plan for filing the final Report with the Commission, the Department filed the final Report with the Commission on April 20, 2023.

Now, six months after being provided with the final Report, Eversource has provided extensive comments. The Department (charged by the terms of the Settlement Agreement with conducting and overseeing the audit) has asked RCG to review Eversource's comments and, if RCG believes the final Report should be altered, to issue a second Final Report. If RCG produces a second final Report, the Department will file it in the docket. Then, the Department recommends that the Commission close this docket without further process. The Department believes this is what the Settlement calls for.

The Settlement states that the Commission (and Staff) would supervise the consultant and in Order No. 26,804, the Commission stated it would be "supervise the final stages of receiving the business process audit report." The Commission laid out steps for Eversource to follow, which Eversource has. Nowhere does the Settlement provide that the Commission would "adjudicate" comments and produce a "final, final" Report. No further process is called for by the Settlement and none is needed. Anyone reading the Report will have access to Eversource's comments, so the record is balanced.

Consistent with the Commission's current practices this letter is being filed only in electronic form.

Sincerely,

/s/ Paul B. Dexter

Paul B. Dexter
Senior Hearings Examiner/Legal Director

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