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Via Electronic Mail Only

Daniel Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301-2429

**Re: Docket No. DE 19-197; Electric and Natural Gas Utilities
Development of a Statewide, Multi-use Online Energy Data Platform**

Dear Chairman Goldner:

On behalf of the Governance Council ("Council"), I write to provide an update of the Council's work and to seek approval for the Council to contract with [REDACTED] as the consultant to assist with the NH Utility back-office integration at a cost of \$ [REDACTED]. First, a brief timeline for context.

In Order No. 26,589 (March 2, 2022), which approved the Settlement Agreement in this docket, the Commission stated the following:

The Commission requires the parties to submit the RFP for the consultant to assist with the RFP process for the integration of the utility back-end and utility API to the Commission for review and approval prior to issuance.

Order at 16. The Council provided the Commission with the draft RFP by letter dated January 5, 2023.

The Commission responded via Order No. 26,776 (Feb. 23, 2023), which provided the Commission's recommendations for improving the draft RFP. "After due consideration of these recommendations," the Commission authorized the Governance counsel to "proceed with issuance and selection of a winning proposal." Order No. 26,776 at 3.

The Council issued the RFP on April 24, 2023.

By letter dated May 19, 2023, the Council (1) informed the Commission of the changes it had made to the RFP after considering the recommendations in Order No. 26,776, and (2) attempted to clarify what the Council perceived as some misunderstandings on the Commission's part. The Governance Council did not seek approval to issue the RFP because Order No. 26,776 had already authorized the Council to "proceed with issuance and selection of a winning proposal."

Daniel Goldner, Chair
July 20, 2023

During the month of May the Council received responses to the RFP and interviewed the bidders. Each Council member then applied the Evaluation Matrix independently and without discussion with other Council member. The selected bidder was unanimously chosen as the winning bidder as they were scored as the most qualified on a technical basis and also submitted a bid with the lowest cost.

On June 8, 2023, the Commission issued Order No. 26,842, which begins with the following sentence: "In this order the Commission authorizes the issuance of a request for proposals for the development of software in order to integrate utility back-end processes with the proposed data platform." The Council considered Order No. 26,776's statement that the Council may, "[a]fter due consideration of these recommendations, proceed with issuance [of the RFP] and selection of a winning proposal" to be sufficient authority to act. The Council points to Order No. 26,776 to the extent Order No. 26,842 suggests the Council issued the RFP and selected the winner prematurely.

The Council also comments on the following statement from Order No. 26,842:

The Commission recognizes that each utility has its own unique software. However, we encourage the parties to consciously tailor the back-end software development to the needs of a state-wide data platform that ultimately gets built with the Commission's approval. See RSA 378:51, III. How the software development with the individual utility back-end systems will inform the development efforts for the state-wide data sharing hub, is important to understand going forward.

Order No. 26,842 at 2 (footnote omitted). The Council reminds the Commission that the purpose of the selected bidder's work at this time is to assess each utility's individual systems in order to support the next step, which is selection of a vendor to develop the software that will allow each utility's unique back end systems to communicate with the data platform. The selected bidder will assist the utilities, and the Council, in aligning the designs of back-end systems to ensure that, should the platform hub ultimately be approved, the back-end systems will be maximized for efficiency and coordination.

Having selected a winning bidder, the Council now seeks Commission approval for the utilities to enter contracts for their pro-rata share of the overall contract. The Council respectfully requests a response within two working weeks. This is a critical path item as reflected in the schedule below.

The Council asks that the Commission grant confidential treatment of the identity of the selected bidder and of that bidder's cost, which information has been shaded or redacted above, because this information should be protected from disclosure as "confidential, commercial, or financial information" protected from disclosure by RSA 91-A:5, IV. See *Union Leader Corp.*, 142 N.H. 540, 553-54 (1997).

Finally, as requested in Order No. 26,842, attached is an updated Gantt Chart.

Sincerely,



Michael J. Sheehan

Cc: Service List

DE 19-197: Overview Schedule for NH Energy Data Platform – Rev. 7-20-23

