

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 19-197

Electric and Natural Gas Utilities

**Development of a Statewide,
Multi-Use Online Energy Data Platform**

Order Following Status Conference

ORDER NO. 26,894

October 13, 2023

I. PROCEDURAL HISTORY

On September 7, 2023, the Governance Council (GC)¹ requested a status conference in this instant Docket, DE 19-197. The GC indicated a need to update the Commission on the progress of the Online Energy Data Platform project (Data Platform). The GC requested that the status conference be scheduled on October 12, 2023. On September 19, 2023, the Commission granted the GC's request and scheduled the status conference accordingly. At the request of both Mission:data Coalition and Liberty Utilities, the Commission approved the remote participation of both a Liberty Utility employee and Michael Murray of Mission:data.

The status conference was held on October 12 as scheduled. Prior to the presentation, the GC submitted a slide presentation into the docket. *See* Docket Entry 155. At the October 12 conference, members of the GC presented the slides to the Commission and provided status updates to the Commission regarding the project and its timeline.

¹ In Order NO 26,589 the Commission authorized the establishment of the Governance Council (GC) in this docket. The GC oversees the development of the Data Platform. It consisted of 12 members and is responsible for supervising the administration and operation of the Data Platform. *See Order NO 26,589 (May 2, 2022).*

II. COMMISSION ANALYSIS

The Commission oversight of the development of the statewide Data Platform, is designed to assist the Commission in making determinations concerning: (1) whether the proposed Data Platform meets the elements of RSA 378:51, II (a), (b), and (c); (2) whether the costs of the Data Platform are reasonable and in the public interest, as required by RSA 378:51, III; and (3) how those costs should be recovered, pursuant to RSA 378:54, II.

Our objective is for the process to proceed efficiently and at the lowest possible cost while achieving the functionality needed to provide the services and information for the Data Platform. We appreciate the GC members and other parties' slide presentation of ongoing updates to the Data Platform project and the timeline for completion of the planning process.

The GC has proposed that it seek federal Department of Energy funds for this project. The federal funds identified were the Grid Resilience and Innovation Partnerships (GRIP) Grant. The GC articulated that the GRIP Grant, if received, could provide funding to offset both the build out of the Data Platform and enhance the community outreach/education which is necessary to create a successful launch of the Data Platform. The GC has requested funds to hire a consultant to coordinate the grant application process.

The Commission appreciates the GC's investigation of funds that could, if received, offset the cost of the Data Platform for the ratepayers and allow for a smooth and successful roll-out of the Data Platform. The Commission understands that a consultant is needed to spearhead the application process and therefore we approve the hiring of a consultant to work on the GRIP Grant application subject to a cap of \$190,000 for the consultant's fee for that work.

With regards to the update on the Dunsky report, the Commission is looking forward to receiving this final report. The Commission approves an additional \$3,450 to engage the Dunsky group in additional work, outside the original scope of the contract approved by Order No. 26,761, to provide enhanced scenario analysis as described on Slide #20.

Prior to the conclusion of the proceeding, the Commission asked the parties in attendance how it, the Commission, could support the ongoing mission of the GC. The Office of the Consumer Advocate (OCA) expressed a desire to have a less formal means to communicate with the Commission concerning issues that arise in the development and building, if approved, of the platform. The OCA asserted that the current back and forth between the GC and the Commission was delaying the process, which he argued was not in the best interest of the ratepayers. The New Hampshire Department of Energy (DOE) objected to informal participation of the Commission at the GC meetings. The DOE noted that this was ultimately an adjudicative proceeding and therefore it would not be appropriate for a representative of the Commission to participate in any informal communications with the parties or at the GC meetings.

The Commission agrees with the DOE on this issue and declines to participate in this docket in the manner articulated by the OCA. In making this determination, the Commission relies on its holding in Order No. 26,607. Specifically, ongoing oversight in the platform development is needed because the Commission is the ultimate decision maker on whether the cost of the Data Platform to be recovered from ratepayers is reasonable and in the public interest. *See* Order No. 26,607 (April 8, 2022) at 6.

The Commission does not engage in *ex parte* communications with participants in dockets. *See* RSA 541-A:36. The proceedings at the Public Utilities Commission are

open to the public and therefore, participation in any forum, other than those properly noticed by the Commission, is prohibited by rule and statute. See RSA 541-A, RSA 91-A:3 and N.H. Code Admin. R., Puc 201.02.

Since approval of the settlement agreement of the parties in March 2022, the Commission has been aware that its oversight should not slow down the GC work. We have made ourselves available for status conferences at the dates and times chosen by members of the GC. We have responded to motions and various requests from the GC in an expedited manner. We have allowed remote participation in proceedings, including allowing presenters of material being reviewed at the proceedings to appear via video. The Commission will continue to endeavor to work with the parties in this docket to ensure that its oversight does not hinder the timeline of the Data Platform project, including making the Commission available for future status conferences in a timely manner. Therefore, the request by the OCA to modify the existing process is denied.

Finally, the GC was reminded that its motion for confidential treatment concerning the name of the hired consultant for back-end processes remains outstanding. Order No. 26,861 (July 27, 2023) requested that prior to ruling on the request for confidential treatment of the name and cost of services of the hired consultant, the GC was to provide the Commission with its reasons for requesting confidential treatment as required by N.H. Code Admin R. Puc 203.08. As of the date of the hearing, October 12, the GC had not filed the request. Attorney Sheehan, on behalf of the GC, indicated that the motion would be forthcoming.

Based upon the foregoing, it is hereby

ORDERED, the Governance Council shall engage a consultant, the cost for which is not to exceed \$190,000, to facilitate the GRIP Grant process; and it is

FURTHER ORDERED, that the scope of the work order with the Dunsky Group can be amended to add an additional \$3,450 for the additional work described at the Status Conference; and it is

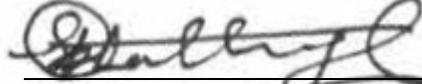
FURTHER ORDERED, that the current mode of the Commission's oversight of the GC's work on the Data Platform shall continue without modification in this proceeding; and it is

FURTHER ORDERED, that the GC shall file the motion for confidential treatment of the name and cost of services of the selected consultant hired pursuant to Order No. 26,861 by **October 27, 2023**.

By order of the Public Utilities Commission of New Hampshire this thirteenth day of October, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 19-197

Printed: 10/13/2023

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