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STATE OF NEW HAMPSHIRE

PUBLIC UTILITIES COMMISSION

May 5, 2021 - 1:08 p.m. AFTERNOON SESSION ONLY

[Remote Hearing conducted via Webex]

RE: DE 19-197  
ELECTRIC AND NATURAL GAS UTILITIES:  
Development of a Statewide, Multi-use  
Online Energy Data Platform  
(Hearing Regarding Settlement Agreement)

PRESENT:

Chairwoman Dianne Martin, Presiding  
Commissioner Kathryn M. Bailey  
  
Jody Carmody, Clerk  
Corrine Lemay, PUC Remote Hearing Host

APPEARANCES:

Reptg. Public Service Company of New  
Hampshire, d/b/a Eversource Energy:  
Jessica A. Chiavara, Esq.  
  
Reptg. Unitil Energy Systems, Inc., and  
Northern Utilities, Inc.:  
Carleton B. Simpson, Esq.  
  
Reptg. Liberty Utilities (Granite State  
Electric) Corp. and Liberty Utilities  
EnergyNorth Natural Gas) Corp.:  
Michael J. Sheehan, Esq.  
  
Reptg. City of Lebanon:  
Clifton Below, Assistant Mayor  
  
Rep. Kat McGhee, pro se

Court Reporter: Susan J. Robidas, NH LCR No. 44

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APPEARANCES (CONT'D)

Reptg. Town of Hanover:  
April Salas, Sustainability Director

Reptg. Clean Energy NH:  
Kelly Buchanan, Dir. of Reg. Affairs

Reptg. Community Choice Partners:  
Samuel Golding, President

Reptg. Mission Data Coalition:  
Michael Murray, President

Reptg. Packetized Energy Technologies:  
Paul Hines, Chief Executive Officer

Reptg. Residential Ratepayers:  
Donald M. Kreis, Esq., Consumer Adv.  
Christa B. Shute, Esq.

Reptg. PUC Staff:  
Brian D. Buckley, Esq.  
Stephen Eckberg, Electric Division

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AFTERNOON SESSION  
(Hearing resumed at 1:08 p.m.)

CHRISTOPHER LEIGH, SWORN

BRIAN RICE, SWORN

JUSTIN EISFELLER, SWORN

ETHAN GOLDMAN, SWORN

MICHAEL MURRAY, SWORN

STEPHEN ECKBERG, SWORN

CHAIRWOMAN MARTIN: Back on the record. We will go back to direct for the Settling Parties panel, which includes Mr. Leigh, Mr. Rice, Mr. Eisfeller, Mr. Goldman, Mr. Murray and Mr. Eckberg. And who will be going first for direct?

MS. CHIAVARA: That would be me.

CHAIRWOMAN MARTIN: Go ahead.

MS. CHIAVARA: So I will be starting with Mr. Eisfeller, talking mostly about platform design. And while Commissioner Bailey's questions sort of kicked things off on a discussion of design, and we've discussed some of these topics to a certain extent, I'd like to ask a few more

1 questions that could shed greater and maybe  
2 different light on the platform design.  
3 Starting with -- we're in the proposed  
4 Settlement Agreement, which is marked as  
5 Exhibit 1B for the public version. Starting  
6 on Bates Pages 5 and 6, in Appendix A on  
7 Bates Pages 29 through 31, and then also in  
8 Exhibit 17B, which is the public pricing  
9 exhibit, on Bates Page 2. All of these  
10 citations discuss an element that we've  
11 discussed called "the API," or the "APIs,"  
12 and we'll get to that acronym in a moment.

13 DIRECT EXAMINATION

14 BY MS. CHIAVARA:

15 Q. Can you describe what the API or the APIs  
16 approach is and the advantages it creates for  
17 data sharing?

18 Mr. Eisfeller, you're on mute.

19 A. (Eisfeller) Can you hear me now? Okay.  
20 Thank you.

21 So an Application Programming Interface,  
22 or API, is simply software that allows two  
23 different applications to talk to each other  
24 from software platforms and systems to

1 connect and share information. APIs are  
2 built for automation of data sharing,  
3 allowing developers to create personalized  
4 services for customers without the utilities  
5 having to create a dedicated system. They  
6 just need a basic understanding of the API  
7 language.

8 Another advantage is that APIs provide a  
9 level of separation between the source  
10 utility systems and the third-party  
11 applications that access the platform. This  
12 allows both systems to evolve independently,  
13 enabling incremental design changes through  
14 these separate systems without having to  
15 redesign the APIs or user systems that  
16 consumes the data.

17 Finally, the API approach facilitates  
18 automated testing in a way that can be  
19 difficult for dedicated systems. The use of  
20 scripted quality assurance regression and  
21 performance testing are all enabled by  
22 exposing these APIs.

23 Q. Great. Thank you. Staying with Exhibit 1B.  
24 And both Appendices A and B, those are

1 located again on Bates Pages 29 through 34.

2 Could you highlight, to the extent not  
3 already discussed, the benefits of the  
4 proposed virtual or decentralized platform  
5 design that we've been discussing?

6 A. (Eisfeller) Yes. The virtual API base design  
7 is like a catalog of data retrieval queries.  
8 And I think Jeremy had mentioned that. These  
9 queries are available to the consumers. This  
10 design allows changes to be made to the  
11 underlying queries and data models without  
12 impacting the resulting data return to a  
13 user. It is an extensible design allowing  
14 easy updating of API capabilities or even  
15 additional APIs to be added in the future  
16 with little to no impact to existing systems.  
17 As each utility adds more data or new data  
18 sets are available, the utilities can plug in  
19 access to this new information.

20 Alternatively, a centralized platform  
21 comprised of dedicated systems, data bases  
22 and software requires, to a large extent,  
23 that the queries and data model be  
24 pre-planned, which prevents large-scale

1 changes without a fair amount of rework  
2 expense and potential performance tuning.  
3 The standard -- the standardized and flexible  
4 design allows utilities who may be at  
5 different stages of development and data  
6 availability to participate in some form of  
7 data sharing, even if some utilities do not  
8 have the same data to provide. The plan is  
9 for all utilities to eventually share the  
10 same extensive data, but each company's  
11 migration plan or schedule can be different.

12 The de-centralized design also minimizes  
13 many of the data security privacy and  
14 governance complexities and associated risks  
15 which come from a centralized software,  
16 hardware and database approach. With this  
17 proposed design, the data still resides in  
18 the utility's protected environment and is  
19 securely shared instead of being duplicated  
20 and stored in a second off-site location.  
21 This live sharing of data ensures platform  
22 users are getting the most current and  
23 accurate set of data directly from the  
24 utility sources.

1           Additionally, the API design can easily  
2           be extended to other utilities, including  
3           cooperatives and municipals within the state,  
4           or even to other states, since it is based on  
5           a national standard. And the API  
6           specifications will be published for other  
7           companies to consider.

8    Q.    Thanks very much.

9           Turning to cost drivers for the  
10          platform. Could you provide some additional  
11          explanation regarding these cost drivers of  
12          the platform that are outlined, again, in  
13          Exhibit 1B and Appendix A on Bates Page 30?

14   A.   (Eisfeller) Yes. So, for one, the platform  
15          is a multi-utilities design. All three  
16          utilities participated in the discussions and  
17          plan to share data. And it is designed for  
18          both electric and gas customers. You know,  
19          much of the discussion you heard today was  
20          focused on electric customers, but the  
21          expectation is that we're going to share gas  
22          customer information as well. The data is  
23          being pulled from multiple disparate systems  
24          within each utility and, as a result, the

1 systems' different age, complexity and data  
2 integration capabilities.

3 And additionally, the initial data model  
4 is also more than just a simple customer  
5 usage data set. It also includes billing,  
6 the billing components, interval data, time  
7 of use data, and aggregated data at various  
8 levels.

9 Q. Thank you, Mr. Eisfeller. I appreciate it.

10 I'd like now to ask a few questions of  
11 Mr. Leigh.

12 Mr. Leigh, again, Exhibit 1B, now in  
13 Appendix C, which starts on Bates Page 35,  
14 that proposes and details this tiered risk  
15 base analysis mentioned earlier by Ms. Hood  
16 for the security requirements for platform  
17 users. Why is a tiered model being  
18 recommended? Why not apply the same standard  
19 for everyone?

20 A. (Leigh) Sure. So, one, this fosters policy  
21 advancement, as cyber security is  
22 fundamentally risk -- is based on risk. We  
23 should all remember there is no absolute  
24 assurance that a system or organization

1 cannot be breached. As such, using a tiered  
2 model balances risk with the appropriate  
3 amount of security controls needed for that  
4 organization with that data -- for example,  
5 multiple property owners or community solar  
6 projects that are by definition  
7 geographically limited and therefore limited  
8 to the number of customers whose data they  
9 need to access and should not then need the  
10 same level of controls as organizations  
11 requesting large community levels of  
12 information. For these reasons, and with  
13 limited exceptions, in order to advance  
14 energy policies, a lower risk tier is more  
15 acceptable.

16 Q. Okay. That makes sense. But does the  
17 limited lower risk tier compromise the  
18 security of sensitive customer information?

19 A. (Leigh) No. The lower threshold still sets  
20 appropriate security controls for this  
21 limited set of users for an amount of user  
22 data and the risk impact if that data is  
23 actually compromised.

24 Q. Thank you.

1           Still again with Appendix C. Do the  
2           security protections that are employed  
3           through the user authorization process  
4           provide an equivalent data standard of care  
5           to the protections currently employed by the  
6           utilities to protect the same data?

7    A.   (Leigh) Yes. While the standards proposed in  
8           the settlement are not the same or as  
9           rigorous as those of the utilities, the data  
10          being accessed is also not as comprehensive  
11          and is exposed to lesser risk than all the  
12          data that the utilities have. The proposed  
13          security requirements for the platform  
14          provide that equivalent standard of care by  
15          using that tiered risk-based approach. This  
16          approach ensures that the standard of care is  
17          directly proportionate to the risk of the  
18          data being accessed and does not compromise  
19          protection of the data, even though it is not  
20          protected directly by the utilities. The  
21          standards and processes proposed ensure that  
22          users have appropriate measures in place to  
23          sufficiently mitigate the threat to data  
24          exposure or to a breach.

1 Q. Great. Thank you.

2 Moving to privacy concerns. Now, New  
3 Hampshire law explicitly protects the privacy  
4 of individual customer usage data, with the  
5 requirement that customers specifically  
6 authorize any sharing of their usage data  
7 with third parties. What does the proposed  
8 settlement do to protect these interests?

9 A. (Leigh) So I would direct the Commission's  
10 attention to the provisions of the proposed  
11 Settlement, Exhibit 1B, on Bates Pages 36  
12 through 38 as part of Appendix C.

13 The intention here is to make sure that  
14 customer's data is shared only when the  
15 customer has specifically opted into such  
16 sharing, while at the same time making  
17 reasonable provisions for sharing aggregated  
18 data that does not require a customer's  
19 authorization.

20 Q. Thank you. And I just have one last  
21 question.

22 So lastly, how would you distinguish the  
23 security and privacy protocols that are in  
24 place for third-party access and use of

1 customer data to the overall soundness of the  
2 security of what we've been calling the  
3 "platform hub" or "the user interface," the  
4 structure itself?

5 A. (Leigh) Sure. So the Settlement discusses  
6 high-level functional requirements for  
7 ensuring how the platform users --  
8 (connectivity issue)

9 [Court Reporter interrupts.]

10 A. (Leigh) So we want to ensure that the  
11 platform users are properly vetted and have  
12 reasonable controls for protecting the data  
13 they receive. However, the technical  
14 specifications, including security, have not  
15 been fully designed for the portal itself.  
16 The governance process will address this in  
17 the later phases because that's where we  
18 actually define how it's going to be built.

19 Thank you, Mr. Leigh.

20 CHAIRWOMAN MARTIN: Can I just  
21 interject a question so I don't miss it  
22 later?

23 MS. CHIAVARA: Sure.

24 CHAIRWOMAN MARTIN: Mr. Leigh, you

1           made a distinction between the data that the  
2           utilities house and the data that will be  
3           involved with this and said it's -- I don't  
4           have your exact words -- but it's less  
5           significant or less concerning data, and so  
6           the security could be lower.

7                         Can you just describe, specifically  
8           as a ratepayer, what data, if I authorize  
9           this, what data of mine will be in that  
10          system?

11                        WITNESS LEIGH:   So I don't have our  
12          data model in front of me.  But in general,  
13          you're going to have the customer's name or  
14          account number, the usage data.  What the  
15          system won't have that's different is their  
16          PII data.  In some cases, we have Social  
17          Security information for credit checks and  
18          validating customers who become new  
19          customers.  We also have, depending on the  
20          utility and the systems, we'll have banking  
21          information for charging their credit cards  
22          or the bank transaction.  None of that is  
23          intended to be in this system.  So it's  
24          different.  The utilities have more

1 comprehensive sets of data on customers and  
2 then of course the operational data.

3 CHAIRWOMAN MARTIN: But you're  
4 comfortable that even with this distinction  
5 and the lower security measures that you  
6 described that the information will be  
7 reasonably protected with what's proposed?

8 WITNESS LEIGH: Yes. We spent a  
9 significant amount of time looking at the use  
10 cases, the expectations of why the data is  
11 going to be used, how much data will be  
12 gathered, and put in a basic level of  
13 fundamental controls that are needed to  
14 protect it based on the organizations getting  
15 them and the amount of data that they're  
16 actually getting. And that's why in many  
17 states, when you talk PII and data  
18 protection, data breach notification laws,  
19 many states have thresholds. They consider  
20 certain amounts of data, if it's breached, to  
21 be something that has to be reported. I'm  
22 not saying New Hampshire specifically. But  
23 small amounts, it's less of a risk in other  
24 states' minds. It's the same model -- five

1 users is different than a thousand users.  
2 The impact is very different if there's a  
3 problem.

4 CHAIRWOMAN MARTIN: Okay. Thank  
5 you.

6 And Ms. Chiavara, thanks for  
7 letting me interject.

8 Oh, Mr. Eisfeller.

9 WITNESS EISFELLER: Yeah, I wanted  
10 to add to the response, if allowed.

11 You know, one distinction between  
12 the API approach and a systems approach is  
13 that there's no data stored in the platform.  
14 So the concern is really, you know, the data  
15 that might be stored by third parties as  
16 opposed to the system. The system only  
17 shares data when requested. There's a  
18 request for data. It goes to the utilities  
19 as a request. We confirm the request and the  
20 user, and then data is shared back live and  
21 combined, if need be, in the hub and then  
22 shared out. And it's not stored. One very  
23 secure design aspect that I think we'd want  
24 you to understand. So there's no large

1 system storing data centrally. It's shared  
2 when requested, and only what's requested is  
3 shared. Thank you.

4 CHAIRWOMAN MARTIN: Okay. Thank  
5 you. That was a really helpful  
6 clarification.

7 BY MS. CHIAVARA:

8 Q. All right. My next questions are for Mr.  
9 Rice. And I'm moving now to platform  
10 governance and this Platform Governance  
11 Council and process we've been talking about  
12 a bit.

13 I wanted to ask, is there a template or  
14 precedent from New Hampshire for the  
15 governance, Platform Governance Council, as  
16 described in the proposed Settlement  
17 Agreement around Bates Pages 8 through 12?

18 A. (Rice) The governance structure proposed by  
19 the Settling Parties was developed  
20 independently to serve the unique  
21 requirements of the data platform. That  
22 said, it does bear a similarity to the  
23 governance of New Hampshire's Energy  
24 Efficiency Programs. As with the data

1 platform, the utilities administer energy  
2 efficiency programs, but other stakeholders  
3 play a key role in determining priorities and  
4 objectives through the governance structure.  
5 The Platform Governance Council takes that  
6 same concept and goes one step further to  
7 include operational oversight so that  
8 platform functionality remains consistent  
9 with the policy objectives of SB 284 as the  
10 platform itself evolves.

11 Q. Thank you for that.

12 Regarding any utility concerns about  
13 giving up operational autonomy to that  
14 Governance Council, how were those concerns  
15 addressed?

16 A. (Rice) The utilities certainly had concerns  
17 about operational autonomy. The data  
18 platform is expected to require substantial  
19 integration with utility enterprise IT  
20 systems. It was important that the utilities  
21 retain an ability to efficiently plan and  
22 securely manage enterprise IT work in support  
23 of the data platform in parallel with the  
24 many other enterprise IT initiatives that are

1           undertaken by the utilities to serve  
2           customers. This is one of many projects that  
3           we have to work on and complete successfully.

4           You've heard today that there are a lot  
5           of creative potential applications for the  
6           data platform as it evolves. The utilities  
7           certainly explore -- or excuse me -- support  
8           exploring all these opportunities. But we're  
9           also mindful that they have the potential to  
10          translate into meaningful new technical  
11          requirements for the utilities' enterprise IT  
12          systems. So the Settlement Agreement  
13          importantly preserves utility management of  
14          enterprise IT systems by making clear that  
15          the Governance Council will operate under a  
16          consensus decision-making model. That means  
17          all stakeholders will truly have to  
18          collaborate on platform issues. Non-utility  
19          participants will need to respect reasonable  
20          technical and resource constraints of the  
21          utilities in order to reach consensus. And  
22          for our part, the utilities will need to be  
23          responsive to advancing the reasonable goals  
24          of other stakeholders on the Governance

1 Council. If members of the Governance  
2 Council don't effectively work towards  
3 reaching consensus, the utilities or any  
4 other stakeholder will have the right to  
5 prevent the Council from adopting anything  
6 that a stakeholder considers unreasonable or  
7 inappropriate. At the same time, these  
8 provisions acknowledge that the PUC is the  
9 ultimate authority. Any stakeholder, you  
10 know, if consensus isn't reached, has the  
11 opportunity to refer the matter up to the  
12 Commission for its review and determination.  
13 And the Council won't become a de facto  
14 regulator, and any Council member with a  
15 concern can escalate it to the Commission for  
16 review.

17 Q. That's great. Thank you.

18 I'd now like to turn to the issues of  
19 sort of the administrative process for this  
20 docket. There's been talk about items that  
21 aren't addressed necessarily in this  
22 Settlement Agreement but are sort of held  
23 over to a further phase of this adjudicative  
24 proceeding.

1           Why is a second phase of this proceeding  
2 warranted, and what all will it entail?

3   A.   (Rice) The second phase is warranted mostly  
4 because it will provide the Commission with  
5 the most reliable estimates for the cost of  
6 the platform. The second phase of the docket  
7 will allow the utilities to work under the  
8 direction of the Data Platform Council to  
9 obtain price estimates through a competitive  
10 RFP process, based on an approved platform  
11 design. It will also provide opportunities  
12 to the utilities to estimate back-end  
13 integration costs based on the same platform  
14 design, and to identify how costs may be  
15 recovered from customers. This is all  
16 information that is likely necessary for the  
17 Commission to determine the costs of the  
18 platform are reasonable and in the public  
19 interest. And the second phase allows for  
20 proper attention and care to be taken to  
21 these tasks so that the Commission may make  
22 the most informed determination in the  
23 future.

24   Q.   All right. Well, so why should the

1 Commission rule on any elements proposed in  
2 this Settlement Agreement without knowing how  
3 much this project will cost? Or put another  
4 way, what is the overall purpose of this  
5 first phase?

6 A. (Rice) The purpose of the first phase is for  
7 the Commission to consider and approve the  
8 proposed design, the scope of the process, as  
9 well as certain key considerations pertaining  
10 to governance, security and privacy. These  
11 threshold considerations proposed in the  
12 Settlement Agreement, should the Commission  
13 approve them, will enable production of  
14 detailed cost estimates through RFPs and  
15 other activities.

16 Q. Thank you very much. Just one more question.

17 The proposed Settlement Agreement  
18 discusses options for timely cost recovery.  
19 Timely recovery is specifically enumerated in  
20 RSA 378:54 of the Data Platform Law. The  
21 language in the Settlement does not preclude  
22 recovery through a utility-based distribution  
23 rate proceeding. What is the likelihood that  
24 a utility distribution rate case would

1 provide timely cost recovery, and why?  
2 A. (Rice) It's certainly possible. Timely  
3 recovery could be provided through base  
4 distribution rates approved in a rate case.  
5 That would be a case where the utility incurs  
6 incremental platform costs that happen to be  
7 coincident with a step increase or another  
8 base rate adjustment that the Commission  
9 might approve in a rate case, which is why  
10 the utilities agreed that recovery through  
11 rates approved in a base rate proceeding  
12 shouldn't be precluded, which is reflected in  
13 the Settlement Agreement. However, it's also  
14 likely that the Commission will need to  
15 authorize some recovery of prudently incurred  
16 costs through another mechanism outside of a  
17 rate case in order to ensure timely recovery  
18 of all platform costs. Utility rate cases  
19 are typically filed a number of years apart,  
20 so approved base rate adjustments are  
21 unlikely to always align with new platform  
22 expenditures. At the same time, a lot of the  
23 platform costs are going to be shared by the  
24 utilities. And it's highly unlikely that all

1 the utilities are going to be filing rate  
2 cases at the same time. Ultimately, the  
3 Commission will be better able to assess the  
4 mechanisms to achieve timely recovery in the  
5 future once more detail on the estimated  
6 costs is produced in the proposed second  
7 phase.

8 Q. Thank you, Mr. Rice, for your answers. And  
9 thank you to all utility witnesses for their  
10 answers.

11 MS. CHIAVARA: Chairwoman Martin,  
12 that is all I have for the utility witnesses  
13 on this panel.

14 CHAIRWOMAN MARTIN: Okay. Thank  
15 you, Ms. Chiavara.

16 Will we hear direct from others? I  
17 know, Mr. Buckley, you said you had  
18 additional direct.

19 MR. KREIS: Yes, I have a couple  
20 questions as well for Mr. Murray and Mr.  
21 Goldman.

22 CHAIRWOMAN MARTIN: Okay. Well,  
23 Mr. Kreis, if you'd like to go next then, go  
24 ahead.

1 MR. KREIS: I'd be delighted.

2 DIRECT EXAMINATION

3 BY MR. KREIS:

4 Q. Let me start with, I think I'd like to start  
5 with Mr. Goldman.

6 MR. KREIS: And let me just say  
7 that we already covered a lot of what I hope  
8 to cover with these two witnesses when we  
9 talked earlier, in light of the issues that  
10 the Commissioners have already raised from  
11 the Bench. So this is going to go by really  
12 fast.

13 BY MR. KREIS:

14 Q. My first question for Mr. Goldman is when we  
15 at the Office of the Consumer Advocate  
16 created the initial draft of what eventually  
17 became the data platform statute and sent  
18 that to Senator Fuller-Clark to introduce, we  
19 thought that a robust data-sharing platform  
20 would have real benefits for customers. And  
21 I'm just -- oh, I really covered that.  
22 Strike all of that because we really covered  
23 all that territory earlier. Let me ask  
24 another question.

1           In your testimony, which is Exhibit 5,  
2           at Page 7, Lines 15 to 17, you said, and I'm  
3           reading, "A successful data platform will  
4           have a single unified point of access to  
5           energy data from multiple data sources and  
6           for multiple users, which I refer to as the  
7           "data platform hub." That's a term that you  
8           introduced into the discourse I think.

9           Could you explain to the Commission why  
10          this idea of a central data platform hub is  
11          so essential to the success of this endeavor?  
12          And could you comment on the extent to which  
13          this Settlement satisfies that objective of a  
14          central data platform hub?

15        A.     (Goldman) Certainly. So let me start by  
16          addressing this in the context of the sort of  
17          first types of data that we have proposed,  
18          including in the platform, as per the  
19          Settlement, which are customer usage data and  
20          aggregate municipal data. And I spoke  
21          earlier about the challenge and the level of  
22          effort for the service providers who are  
23          ultimately the mechanism by which customers  
24          will get benefit, right, through new, more

1           affordable services that allow them to save  
2           money and, you know, realize other benefits  
3           for their homes and businesses.

4           The level of effort for an individual  
5           service provider to integrate with an  
6           individual utility data feed can be pretty  
7           significant. And speaking as someone who is  
8           also proudly from another small state,  
9           Vermont, one of the challenges that we have  
10          when utilities with smaller populations try  
11          to attract the attention of service providers  
12          who can bring individual services to their  
13          state is that it is often not seen as quite  
14          worthwhile for some of these companies to  
15          work with smaller utilities versus working  
16          with a California or New York utility that  
17          has a much larger customer base. And we  
18          actually saw great success in Vermont by  
19          putting out some proposals that were combined  
20          across multiple utilities. It got a lot more  
21          attention from the service providers, and  
22          they specifically told us that it was more  
23          attractive to them that they could offer one  
24          set of technology that would then reach a

1 much larger audience, right. It was an  
2 incremental benefit.

3 So I think that's the primary benefit  
4 here, is that by aggregating together under a  
5 common standard, we reduce the costs for  
6 technology providers, service providers, all  
7 the others that we're hoping to attract to  
8 bring these benefits to the state or to be  
9 created in the state. We reduce their costs,  
10 and so therefore it reduces the costs that  
11 they pass on to customers and increases the  
12 likelihood that they'll bring these benefits  
13 to the state.

14 And I would also say that, you know, Mr.  
15 Eisfeller mentioned earlier about how in the  
16 future we expect there will be other types of  
17 data support on the platform. We have  
18 created this mechanism of a logical data  
19 model that will allow us to consider other  
20 types of data in the future. And by having a  
21 centralized place where utility and other  
22 energy actors in the state can all exchange  
23 data is going to lower the cost for  
24 participating in those exercises and make

1           them easier for a robust, multi-directional  
2           marketplace to emerge. And I think that we  
3           have achieved that quite well in this  
4           platform settlement by creating not only a  
5           design for the current standard, but the  
6           mechanism through the Governance Council for  
7           continuing to monitor and improve that  
8           standard as we learn more about what's  
9           successful and what improvements are needed.

10        Q.    Thank you. That sort of bleeds logically  
11           into the next question that I'd like to ask  
12           you, and it's sort of a mirror image of a  
13           question that Ms. Chiavara just asked Mr.  
14           Rice.

15                        At Page 26 of your testimony, which  
16           again is Exhibit 5, you were asked should the  
17           utilities be responsible for building,  
18           managing and governing the data platform.  
19           And the beginning of your answer was "not  
20           without meaningful oversight."

21                        In your opinion, do the terms in the  
22           Settlement Agreement provide for the kind of  
23           meaningful oversight that you deem important  
24           in your prefiled testimony?

- 1     A.     (Goldman) Yes, I think we have created a  
2           definition for a Governance Council that's  
3           been outlined in the Settlement that is  
4           collaborative and yet still robust in terms  
5           of the mechanisms that it has for oversight.  
6           The Governance Council will have the  
7           opportunity to work together with the  
8           utilities on developing the terms of the RFP  
9           and on continuing to review the operations  
10          and any types of issues that arise with the  
11          platform.  And I think I'm particularly  
12          encouraged by the collaborative spirit that  
13          has been shown in the development of this  
14          Settlement and the willingness of all parties  
15          to look for creative ways to compromise in  
16          finding a solution that is going to best  
17          serve the needs of New Hampshire and take  
18          advantage of the strengths of the existing  
19          utility systems and the standards that are  
20          available to us.  So, yes, I think it's a  
21          good design.
- 22     Q.     Any doubts about whether the Governance  
23           Council will be able to develop its own  
24           by-laws and otherwise operate as a

1 self-governing entity?

2 A. (Goldman) Well, as has been discussed  
3 earlier, obviously we created provisions for  
4 what would happen if that failed. But  
5 personally, based on, you know, the extensive  
6 involvement that I've had in the process so  
7 far and the specific intent that we created,  
8 where the initial members of the Council are  
9 going to be composed of some of the key  
10 individuals who've participated in the  
11 process thus far and so are aware of the  
12 rationale behind a lot of the decisions and  
13 share the intention of the goals for the  
14 platform, I'm confident that we'll be able to  
15 work together quickly and come up with  
16 mutually agreeable by-laws that can get the  
17 Council started successfully.

18 Q. Super. I think now I'd like to flip over to  
19 Mr. Murray.

20 Mr. Murray, this I think raises an issue  
21 we haven't really focused on yet. Beginning  
22 on Page 50 of your testimony, which is  
23 Exhibit 7, you mentioned the requirement in  
24 the statute, which we're talking about RSA

1 378, Section 51, Paragraph 1, Subparagraph C,  
2 that says there the platform must include a,  
3 quote, user friendly interface, unquote.

4 Could you remind the Commission what a  
5 "user friendly interface" really looks like  
6 in this context, and could you comment on how  
7 the Settlement Agreement ensures that we will  
8 in fact get such a user-friendly interface?

9 A. (Murray) Yes. User-friendly interface is  
10 really, really critical to the success of any  
11 type of data-sharing platform. In my work  
12 across about 15 states, working on very  
13 similar dockets as this one, one of the  
14 absolutely critical lessons learned has been  
15 the failure to specify an easy-to-use web  
16 site in the beginning has always led to a  
17 system that suffered from low customer  
18 utilization rates when it came time for  
19 implementation. And so one study that I  
20 cited in my testimony found a difference of  
21 an order of magnitude in customer  
22 participation rates between a user-friendly  
23 customer website on one hand and a non-user-  
24 friendly website on the other.

1           So the user experience, quote, unquote,  
2           is a well-developed science in the Internet  
3           industry. This is, you know, developed and  
4           proved every day with smartphone apps, with  
5           websites like Amazon.com that we all use on a  
6           fairly regular basis. And the Settlement  
7           Agreement does incorporate many of these best  
8           practices, and some corrects, in my mind,  
9           many of the faults that we've experienced in  
10          other states, such as Texas and California  
11          and Colorado. And those include -- those are  
12          listed in Exhibit F -- excuse me --  
13          Appendix F. That provides a Wireframe  
14          diagram of the customer-facing consent form,  
15          and that's consistent with best practices.  
16          It's also consistent with customers' digital  
17          expectations from other aspects of their  
18          online lives. And exhibit -- excuse me --  
19          Appendix F also specifies some additional  
20          requirements to ensure that ease of use that  
21          was developed in other states, such as  
22          California.

23                 So I feel confident that not only has  
24                 the Settlement Agreement addressed the letter

1 of the Data Platform Law, but the sprit of it  
2 as well.

3 Q. Thank you. And now, Mr. Murray, if I might  
4 just offer you a little apology because I  
5 actually wanted to ask you a question that  
6 just occurred to me, so it's sort of going to  
7 come to you out of the blue I think.

8 I want to say that as a ratepayer  
9 advocate thinking about this platform, one of  
10 my favorite things to do is to go to the  
11 website of your coalition,  
12 [www.missiondata.io](http://www.missiondata.io). And when I go to the  
13 landing page of your website, there's a bunch  
14 of corporate logos there. I think I counted  
15 34 of them, firms from all over the country.  
16 Some of them I've never heard of, some of  
17 them I am familiar with, one of which is  
18 actually an intervenor here alongside with  
19 you.

20 Here's a hypothesis, and I'd like you to  
21 tell me whether I'm right or wrong: Would it  
22 be fair for someone like me, or for the  
23 Commissioners, to look at those 34 corporate  
24 logos on the Mission Data website and

1           conclude that the sorts of things that those  
2           companies are offering consumers would be, I  
3           guess, a fair approximation for the kinds of  
4           services that would become, if not  
5           omnipresent, at least available in New  
6           Hampshire to consumers facilitated by the  
7           data platform that we're talking about  
8           developing here?

9    A.   (Murray) Yes, definitely. You know, I  
10           certainly can't speak to any individual  
11           energy-efficiency business and their  
12           priorities and geographic reach and so forth,  
13           but I think the range of applications is  
14           indicative of what we would expect to see in  
15           New Hampshire. And the key reason is, as I  
16           think Mr. Goldman mentioned before, New  
17           Hampshire is a small state. And if there are  
18           idiosyncratic time-intensive,  
19           resource-intensive mechanisms for accessing  
20           customer information with their permission in  
21           New Hampshire, then unfortunately market  
22           reality means that those offerings aren't  
23           going to be available in New Hampshire. And  
24           this is I think especially true of the

1 state's smaller utilities, Unitil and  
2 Liberty, on the much -- it would make more  
3 business sense from an entrepreneur's  
4 perspective to work with Eversource because,  
5 you know, they just have a larger footprint  
6 and they work in other states, like  
7 Massachusetts. So by having a  
8 standards-based approach, I think there's a  
9 wide range of energy efficiency, demand  
10 management applications that we would expect  
11 to see that could be offered. Some may  
12 interface with ISO-New England, some may not.  
13 Some may take advantage of time-of-use rates  
14 to help customers shift their load off-peak.  
15 Some may just focus on, you know, monthly or  
16 annual energy savings in the home. Some of  
17 our companies have smartphone apps for  
18 residential consumers. Some connect with  
19 home security and home automation systems  
20 that are increasingly becoming common in the,  
21 quote, unquote, Internet of things in the  
22 world. And some are more focused on medium  
23 and large businesses, many of them  
24 multi-site, that simply want to manage their

1 energy use across multiple locations at the  
2 same time. One of my old clients that I  
3 worked with was Starbucks. They had to pay  
4 14,000 electric, natural gas, water, waste  
5 and gas bills every single month on time, all  
6 around the world. And dealing with all of  
7 the different utility data formats in every  
8 place was extremely difficult. So they hired  
9 companies to help manage it for them. And  
10 it's exactly those types of energy management  
11 offerings that I would expect would operate  
12 in New Hampshire if this system were built.

13 Q. And just by way of rounding this out, you  
14 mentioned energy efficiency. But the Mission  
15 Data Coalition and the services provided by  
16 its members are not exclusively focused on  
17 energy efficiency. And if I was, God forbid,  
18 the sort of consumer who didn't care about  
19 energy efficiency and just wanted to save  
20 money, there are still benefits to be had for  
21 customers like that through those kinds of  
22 services.

23 A. (Murray) Definitely. One of the most  
24 interesting services that I've heard of is

1           one that helps you set a budget for managing  
2           energy use in your house. And any energy  
3           that you -- or money that you save beyond  
4           that budget gets deposited on a pretax basis  
5           to your child's college education funds. And  
6           again, it's these really easy-to-use, often  
7           smartphone app-based applications that help  
8           people manage this aspect of their financial  
9           lives in ways that they're used to. And  
10          that's exactly the type of innovation that  
11          this platform will make possible in New  
12          Hampshire.

13        Q.     Wow. Well, I will say as the father of a  
14           college freshman, you're 19 years too late  
15           with that one.

16                    But I think those are all the questions  
17           I have for you, Mr. Murray.

18                    MR. KREIS: And I'm ready to pass  
19           the torch on to the next attorney who's going  
20           to ask questions. I'm not sure if that's Mr.  
21           Buckley or somebody else.

22                    CHAIRWOMAN MARTIN: Okay. Who's up  
23           next?

24                    MR. BUCKLEY: Madam Chair, I think

1           that Staff is the last to go.

2                                 DIRECT EXAMINATION

3   BY MR. BUCKLEY:

4   Q.   So Mr. Eckberg, we have spoken a lot thus far  
5       today in the abstract about this idea of the  
6       data platform and what its benefits might be  
7       and cyber security and privacy, et cetera, et  
8       cetera. But if I were a member of the public  
9       completely unfamiliar with this proceeding  
10      and the associated exhibits and testimonies  
11      and scoping documents, is there a single page  
12      in one of the exhibits that you might point  
13      me to, to show me what data will actually be  
14      in the initial platform, at least at the  
15      outset?

16   A.   (Eckberg) Yes. And as soon as I hit that  
17      unmute button, I can tell you about that.

18                 So I think in the Settlement Agreement,  
19      in one of the appendices, Page 34 is a --  
20      it's somewhat hard to read just because the  
21      font is very small, but this is the MVP,  
22      which stands for minimum viable platform. We  
23      have here a list of data fields for the  
24      utility logical data model. So this is -- as

1 several other witnesses have pointed out,  
2 these are the basics of the customer data and  
3 the customer usage data, which are included  
4 as part of the Green Button Connect My Data  
5 standard. And this is the initial goal for  
6 the data that will be provided by this  
7 platform.

8 Q. Thank you, Mr. Eckberg, for providing that  
9 bit of grounding, shall we say, for our  
10 discussions for purposes of the record.

11 Now moving on, Mr. Eckberg. There are a  
12 number of recommendations for suggested  
13 possible approaches in your testimony that,  
14 at least in our reading, appeared to have  
15 been adopted by the broader group of Settling  
16 Parties within this Settlement Agreement; is  
17 that correct?

18 A. (Eckberg) Yeah, I would say so. Yeah.

19 Q. And can you explain some of those  
20 recommendations or suggested possible  
21 approaches outlined in your testimony to the  
22 Commission today?

23 A. (Eckberg) Certainly. And I would preface  
24 this by saying, you know, it's not

1 necessarily that everyone thought that  
2 Staff's ideas were far and away the best  
3 ideas, but it could very well be in many  
4 instances that the ideas or the  
5 recommendations or the suggestions that we  
6 included in our testimony were very similar  
7 to those that other people suggested. And so  
8 they were, you know, already sort of --  
9 opinions were already sort of coalescing in  
10 certain directions about how to move forward.  
11 But in the Staff's initial testimony, we  
12 outlined what Mr. Rice has sort of talked  
13 about a little bit here in his comments  
14 recently about the two-step approach or the  
15 two-phase approach that would allow the  
16 Commission to approve various parameters  
17 relating to the platform prescribed by RSA  
18 378:51 in a first phase, and then the  
19 utilities would utilize an RFP process to  
20 provide more concrete cost estimates, which  
21 would allow the Commission to eventually make  
22 determinations about the reasonableness of  
23 platform costs and also, you know, the  
24 methods by which those costs could be

1 recovered in a timely manner consistent with  
2 RSA 378:51.

3 We also outlined an idea of the minimum  
4 viable platform as the focus of the initial  
5 RFP to sort of build an initial simpler  
6 version, without getting too expansive, and  
7 trying to cover the myriad of use cases which  
8 had been suggested by many parties, both this  
9 phasing approach and the idea of a minimum  
10 viable platform, which may in the future  
11 extend to include other data elements of  
12 other data sets, have been adopted and  
13 included in the Settlement that's before the  
14 Commission today.

15 Also in Staff's rebuttal testimony, we  
16 identified various non-consensus issues set  
17 forth in testimony, and including one method  
18 of how the Governance Council might function.  
19 Our suggestion that the Governance Council  
20 might use a consensus-based decision-making  
21 process rather than a voting process is also  
22 reflected in the Settlement before the  
23 Commission today. And we've heard some  
24 discussion about that, about the consensus

1 process, and the need to develop by-laws and  
2 other processes that the Governance Council  
3 will work by. But I too am optimistic, given  
4 the spirit of cooperation that has gotten us  
5 this far, that the Governance Council can --  
6 if approved could proceed productively. I'm  
7 sorry. I can't hear you.

8 Q. My apologies. And so this two-step path  
9 forward for potential platform pricing and  
10 development, do you view that approach as to  
11 the benefit of ratepayers?

12 A. (Eckberg) Yes, I do. I think that the path  
13 forward outlined in the Settlement defines  
14 the platform as described a few minutes ago  
15 and so detailed by Mr. Eisfeller. It  
16 provides a degree of flexibility for the  
17 parties to work through discussions. It lays  
18 out the process to determine cost estimates  
19 and eventually allowing the Commission to  
20 determine whether the cost of the platform is  
21 in the public interest or whether it could be  
22 deferred, as allowed by the statute.

23 Q. And Mr. Eckberg, do you support the  
24 Settlement that is before the Commission

1 today?

2 A. (Eckberg) Yes, I do. I support the path  
3 forward outlined by the Settlement, and I  
4 certainly recommend its approval by the  
5 Commission, yes.

6 Q. Thank you, Mr. Eckberg.

7 MR. BUCKLEY: Madam Chair, no  
8 further questions from Staff on direct for  
9 the panel.

10 CHAIRWOMAN MARTIN: Thank you, Mr.  
11 Buckley.

12 Commissioner Bailey.

13 COMMISSIONER BAILEY: Thank you. I  
14 think before I get started, I want anybody  
15 who wants to answer the question to let me  
16 know. You know, somebody can jump in if  
17 somebody else wants to add to the question.  
18 Please raise your hand so that everybody who  
19 has something to say about my questions gets  
20 a chance to do that, okay.

21 INTERROGATORIES BY COMMISSIONERS:

22 BY COMMISSIONER BAILEY:

23 Q. My first question is a follow-up for Mr.  
24 Murray, and it's just a technical thing.

1           I think you mentioned Appendix F, as in  
2           Frank, that was talking about some  
3           user-friendly information about what a  
4           user-friendly interface would be.

5           A.     (Murray) Correct.

6           Q.     I can't find Appendix F attached to your  
7           testimony. It only goes to Appendix A.

8           A.     (Murray) My apologies. I was referring to  
9           Appendix F of the Settlement Agreement.  
10          That's Exhibit 1B, the redacted version, and  
11          that begins on Bates 47. My mistake.

12          Q.     I have that. Okay. Thank you.

13                 All right. Can somebody, just for  
14                 background, tell me what the Green Button  
15                 Connect standard is, how it came to be and  
16                 just, you know, a little bit of background  
17                 information on that?

18          A.     (Murray) I'm happy to start us off. The  
19                 Green Button standard was originated from the  
20                 Obama Administration. During the last  
21                 financial crisis, the Federal Communications  
22                 Commission put forth an objective for every  
23                 American to be able to manage their real-time  
24                 energy usage via a broadband connection at

1 home. And that began a standards-making  
2 process which involved the U.S. Department of  
3 Energy, the Smart Grid Interoperability  
4 Panel, and the National Institute of  
5 Standards and Technology, to create what we  
6 now know as "Green Button." That is both a  
7 standardized file format -- it uses an XML  
8 format -- as well as a process for customers  
9 to grant their consent in a secure manner.

10 If you're wondering about the name  
11 "Green Button," as I think many people do,  
12 it's actually based off of the "Blue Button"  
13 in healthcare. And the Obama Administration  
14 created Blue Button for the Veterans Affairs  
15 Administration, in which veterans could click  
16 Blue Button and get all of their health  
17 records from all of the different departments  
18 of the V.A. in one simple unified file  
19 format. And so it was that principle that  
20 they took from the healthcare space and  
21 expanded it to energy.

22 And so the standard has been ratified by  
23 the ANSI-accredited North American Energy  
24 Standards Board. They set the standards for

1 things like electronic data interchange,  
2 which is used by retail suppliers in New  
3 Hampshire and all across North America. And  
4 the Green Button Alliance is a non-profit  
5 organization involved in testing and  
6 certification. So it's the primary technical  
7 standard that's gone through, you know, both  
8 industry and government development over the  
9 course of many years for this type of  
10 purpose.

11 Q. Thank you.

12 Mr. Eckberg.

13 A. (Eckberg) And I just wanted to add a little  
14 bit to what Mr. Murray said. I think that  
15 there's two parts. There's the simpler Green  
16 Button functionality, and there's the sort of  
17 maybe the second iteration which we've been  
18 talking a little bit more about today, which  
19 is the Green Button Connect My Data  
20 functionality. And the simpler Green Button  
21 functionality allows a user such as myself  
22 to, for instance, go to my utility service  
23 provider website. I could go to the  
24 Eversource website and with, you know,

1           putting in my account number and password, I  
2           can download my own data directly to myself  
3           and then pass that along if I want to to  
4           someone else, an energy audit or something.

5                   The Green Button Connect My Data  
6           functionality is the part where I would  
7           simply give permission. I would go to the  
8           Eversource website, for example, and give  
9           permission: I, Stephen Eckberg, grant  
10          permission so that energy auditor company or  
11          solar energy company XYZ can access my data.  
12          And I can, you know, identify the companies  
13          that I want to share my data with, and I can  
14          give that permission. That permission is  
15          sort of the customer experience functionality  
16          which is shown on Appendix F of the  
17          Settlement Agreement. And then that  
18          third-party energy service provider can  
19          access my data. I don't have to get the data  
20          and pass it along to them. It's making it  
21          easier for those companies to provide  
22          services to me. So I wanted to make the  
23          distinction between those two parts of Green  
24          Button.

1 Q. Thank you. That was great.

2 Mr. Eisfeller, did you have something  
3 you wanted to add? I noticed a comment come  
4 across my screen, and that comment is not  
5 part of the record. So if you wanted to add  
6 something --

7 A. (Eisfeller) I was just trying to clarify the  
8 two features: That's our Green Button  
9 Download My Data, which gives you the basic  
10 download capability that was described, and  
11 then the other was Green Button Connect My  
12 Data, which allows you to connect third  
13 parties and share that data.

14 Q. Okay. Thanks.

15 A. (Eisfeller) I was just giving a helping hand.  
16 That's all.

17 Q. No, thank you. I appreciate that.

18 Okay. So now this is a question that I  
19 asked Ms. Tebbetts, I think, and I'd like to  
20 hear from each of the utility representatives  
21 about what you expect the challenges and  
22 constraints of implementing the back-end  
23 integration and API will be for your company.

24 A. (Eisfeller) I can go first from Unitil, and

1 I'm going to defer this question to Jeremy.  
2 So I would ask that he be allowed to speak on  
3 Unitil's behalf, on my behalf, regarding our  
4 back-end integration work and some of the  
5 complexities there.

6 MS. CHIAVARA: And while we're at  
7 it, if we're bringing people up from the  
8 attendees, Christina Jamharian would be  
9 speaking for Eversource on this topic. So if  
10 we could bring her up as well, that would be  
11 great.

12 MS. CARMODY: The other individual  
13 was Mr. Haynes?

14 WITNESS EISFELLER: That's correct.

15 MR. SHEEHAN: And Heather Tebbetts  
16 for Liberty, please.

17 COMMISSIONER BAILEY: I think we're  
18 all set with Heather. She answered the  
19 question satisfactorily. I mean, she can  
20 come up in case we have follow-ups, but I  
21 think I'm good with Liberty.

22 MR. SHEEHAN: I'm sure she'd be  
23 thrilled to stay in the background.

24 MS. CARMODY: I'm just going to

1 interject here. There's an individual, I  
2 think maybe Mr. Eisfeller might know him,  
3 Donald Coffin, from technical -- he's a  
4 technical manager with Green Button Alliance  
5 who is also indicating that he'd be happy to  
6 provide information on, I'm assuming the  
7 Green Button question that Kate had.

8 However, I don't know how to bring him up.

9 CHAIRWOMAN MARTIN: Also, I don't  
10 believe he's sworn in as a witness. So to  
11 the extent we want to hear from him, we'd  
12 have to have him sworn in.

13 MS. CARMODY: Okay.

14 WITNESS HAYNES: Can you guys hear  
15 me? This is Jeremy.

16 COMMISSIONER BAILEY: Yes.

17 A. (Haynes) So, yeah, and I think we touched on  
18 this a little bit earlier. You know, I think  
19 the three utilities will likely have  
20 different answers to this question. You  
21 know, Unitil, we have a variety of back-end  
22 systems that house the types of data that  
23 we'll be sharing through the platform. So as  
24 I mentioned, we have our customer information

1 system; we have our meter data management  
2 system; we have an AMI system, an automated  
3 metering infrastructure system that is doing  
4 data collection.

5 [Court Reporter interrupts.]

6 A. (Haynes) So one of our challenges is marrying  
7 together, you know, those disparate data  
8 sources and then mapping them to what  
9 ultimately will be the Green Button output  
10 that our APIs will produce. So there's kind  
11 of, we call it an ETL process, an extraction  
12 transformation and load process, which really  
13 just talks about the different ways we'll  
14 process the data, cleanse it, normalize it,  
15 which is important, map it to the logical  
16 data model, and then ultimately expose it via  
17 our utility API.

18 BY COMMISSIONER BAILEY:

19 Q. What do you mean by "normalize it"?

20 A. (Haynes) So one of the things that the  
21 logical data model will enforce is common  
22 semantics for things like units of measure  
23 and terminology taxonomy. So some of it will  
24 just be that. You know, we call this a

1 meter, you call it an endpoint, you call it a  
2 device. Let's agree on a common name for  
3 that. You know, we're going to produce this  
4 data in CCF. So those sorts of  
5 normalizations are really what we're talking  
6 about.

7 Q. Okay. Does one of the complexities have  
8 anything to do with the electric utility  
9 service versus the gas utility service?

10 A. (Haynes) There's some complexity there,  
11 particularly in the case where, you know,  
12 there are customers who may have dual  
13 service; they may have both electric and gas.  
14 There's different terminology in the two  
15 different commodities that, you know, sort of  
16 complicate things. But the logical data  
17 model is designed to allow for those two  
18 commodities to co-exist equally.

19 A. (Eisfeller) I can add one item related to the  
20 gas question. The source interval data, if  
21 available for gas, does reside in a different  
22 system than it does in the electric system.  
23 And so there's just one more extraction point  
24 there with gas than there may be with

1 electric.

2 Q. Ms. Jamharian, you want to --

3 A. (Jamharian) Yeah. So if we look at how our  
4 systems may be a little bit different, with  
5 Unitil they have newer foundational systems  
6 with AMI, with their customer service  
7 systems. At Eversource, those systems are  
8 older, with plans to get newer, but at the  
9 moment, they're certainly much older. What  
10 we do have that's different is we've been  
11 working over the last few years to set up an  
12 enterprise-wide analytics platform, which is  
13 our roadmap going forward for centralizing  
14 the data that we need to use for all kinds of  
15 purposes. So that process that Jeremy was  
16 talking about, the ETL process of extracting,  
17 transforming, normalizing load and then  
18 normalizing the data, the Eversource process  
19 is to use the enterprise analytics platform,  
20 or the EAP, to do that. So as efforts come  
21 up for various projects and various  
22 initiatives, data is loaded into that  
23 platform, and then it's available for use  
24 wherever we might want it. So there's a lot

1 of it that's already there.

2 When we talk about some of the  
3 specifics, though, like interval data,  
4 whereas at Unitil there's quite an extensive  
5 use of AMI metering, and so there's a lot of  
6 interval data available, at Eversource that  
7 only represents about 35,000 meters across  
8 the entire system, gas and electric, about  
9 .3 percent of our meters, something like  
10 3,000 in the state of New Hampshire. So to  
11 provide that data would be very, very  
12 inefficient. We already have mechanisms for  
13 doing that; whereas, if we waited for AMI to  
14 be implemented, then it would be much more  
15 cost-effective. So those are the some of the  
16 differences. When we talk about what data  
17 will be available when and why, those are  
18 some of the drivers.

19 Q. The enterprise analytics platform, is that  
20 something that you already have or is that  
21 what you're going to --

22 A. (Jamharian) We have that in place now. So we  
23 use that for internal data analytics. We use  
24 that to support the eversource.com platform.

1 We use it to support various  
2 energy-efficiency work and the new work  
3 happening there as well; there's a project  
4 pending there. So it's definitely our  
5 future -- or I shouldn't even say future. It  
6 is our current standard for providing data.

7 Q. So will that be one of the back-end systems  
8 that gets moved to the API or, you know, it  
9 gets --

10 A. (Jamharian) That will be the source of the  
11 data for the API. So data from all of our  
12 different foundational systems are older  
13 systems. The data collection systems, the  
14 billing systems, all of that gets pulled  
15 together in the EAP, where we then make it  
16 available to the statewide platform via the  
17 APIs.

18 Q. Did I understand you to say that you're  
19 thinking about updating some of the  
20 foundational systems?

21 A. (Jamharian) Oh, yes. So, for example, we  
22 have a project in progress right now as we're  
23 bringing in -- with the acquisition of  
24 Columbia Gas, we're implementing a new

1 customer information system for billing  
2 purposes. That's obviously -- as our  
3 partners at Liberty will attest, it's quite  
4 an effort. We're actually going with the  
5 same system. And we'll be transferring over  
6 our current systems to that new one over a  
7 period of years. There are dockets pending  
8 in I think all of the states regarding AMI.  
9 So there's work that's on the horizon for  
10 that as well, and then the other smaller  
11 projects, or even larger projects that happen  
12 to come up.

13 Q. I think I read in somebody's testimony, and I  
14 don't remember whose it was, that -- and I  
15 think it might have been with respect to  
16 Liberty, and the knowledge that Liberty was  
17 in the process of converting its systems and  
18 maybe it wouldn't be cost-effective to change  
19 an existing system or to configure an  
20 existing system with this platform now, but  
21 be more cost-effective to wait to configure  
22 it with the new system.

23 Have you thought about that -- you know,  
24 it works out for Liberty, since they're

1           converting their system I think second  
2           quarter '22, or later in '22, that they don't  
3           have to do that work twice. Have you thought  
4           about that and the costs associated?

5    A.    (Jamharian) Yes. So if we look at that list  
6           of fields that we'd like to include in this  
7           initial implementation of the platform,  
8           Eversource won't necessarily be providing all  
9           of the data because it will be much more  
10          cost-effective to wait until the data is  
11          integrated.

12   Q.    And when do you expect that to happen?

13   A.    (Jamharian) That was specified I believe in  
14          the testimony, if I could take a moment and  
15          take a look.

16                   (Pause)

17   A.    (Jamharian) So we broke the data out by data  
18          sets, which is essentially how it comes in.  
19          If you need data -- let's say there's ten  
20          pieces of data that you want that are all  
21          related; they come from the same source.  
22          Whether the system is going to use one of  
23          those or ten of those or somewhere in between  
24          doesn't really change the cost. So in the

1 page that actually Mr. Eckberg was referring  
2 to that showed the fields that are being  
3 implemented, I believe we specified in there  
4 which data sets would be available and  
5 approximately when. And I think supplier  
6 information was within like a year or two,  
7 and AMI and some of the more detailed billing  
8 information was in the two- to five-year  
9 range.

10 Q. I'm in Exhibit 1B on Page 34, which I think  
11 is the page Mr. Eckberg referenced, and I  
12 don't see any utility-specific information on  
13 that page. Can you point me to where you  
14 were looking?

15 A. (Jamharian) One moment, please. Let me see  
16 if I can find that.

17 (Pause)

18 A. (Eisfeller) while she's looking for that, if  
19 I could chime in and state that Unitil does  
20 plan on providing all the data listed on that  
21 page with the initial deployment.

22 A. (Jamharian) I apologize. I'm having a hard  
23 time pulling it up.

24 Q. Okay. Mr. Rice.

1 [Court Reporter interrupts.]  
2 A. (Rice) I'll help my CJ along. I mean, I  
3 think the timelines that she suggested, I  
4 think they're -- (connectivity issue) -- at  
5 this point. I wouldn't go so far as to say  
6 Eversource has specific plans on  
7 implementation dates for everything that  
8 could be relevant to the most cost-effective  
9 timelines for sharing or adding data to the  
10 platform for Eversource. But I think one of  
11 the benefits of the governance structure in  
12 the Settlement Agreement is it recognizes  
13 that it's appropriate, there's going to be  
14 variation from utility to utility, and that  
15 the Data Platform Council should be looking  
16 at ways that the platform can be developed in  
17 the most cost-effective way. I mean, in  
18 terms of whether you should defer doing work  
19 now because you think you're going to be  
20 updating a system later, I think that's an  
21 important consideration. But a number of  
22 criteria needs to be appropriately balanced.  
23 I mean, in the long run, you're always going  
24 to update things, but you're not going to

1           wait forever to support the platform. But I  
2           think those are things that Eversource would  
3           expect to work through within the Data  
4           Platform Council as more specific  
5           implementation plans are developed.

6    A.    (Jamharian) And that's exactly right, Brian.

7    Q.    Can one of you tell me what Eversource data  
8           will be available on Day One?

9    A.    (Jamharian) Yes, we can say that. Okay. So  
10           looking at the table of information, there's  
11           account address; tariff; meter number;  
12           specific tariff charges are a year or two  
13           out; contact name, yes; contact e-mail, if  
14           it's provided by the customer; the commodity;  
15           overall consumption; there was some question  
16           on exactly what reads were required. But  
17           those are largely available.

18   Q.    Are you talking about the metering? I mean,  
19           is the original -- is the data that's going  
20           to be available on Day One going to include  
21           usage information of your customers?

22   A.    (Jamharian) Yes.

23   Q.    Okay. Continue.

24   A.    (Jamharian) There was some question in some

1 of the proceedings of how much additional  
2 information should be included, such as  
3 demand and on- and off-peak values and  
4 anything else that might be included on the  
5 bill.

6 Q. And do you plan to include those kinds of  
7 data points?

8 A. (Jamharian) That will have to wait until  
9 design, when we know specifically what's  
10 being required. Those questions weren't yet  
11 answered.

12 Q. Okay. Thank you. On Page 13 of the  
13 Settlement, it talks about some of the  
14 responsibilities, what the Council is going  
15 to do. And at the very bottom of the page it  
16 says, under Cost Reasonableness, "The Council  
17 shall make a recommendation to select one or  
18 more contractors to develop and operate the  
19 Platform Hub."

20 So who is the Council going to make the  
21 recommendation to? Is it going to make the  
22 recommendation to the utilities so that the  
23 utilities go ahead and sign the contract? Or  
24 does the Commission have anything to look at

1 in that part of the process?

2 A. (Rice) I'll start and others can supplement  
3 or correct me if they have a different  
4 interpretation.

5 You know, the utilities are ultimately  
6 the entity that are designing and operating  
7 the platform under the direction of the Data  
8 Platform Council. So in this context, I  
9 believe the recommendation would be from the  
10 Council to select one or more -- for the  
11 utilities to select one or more contractors  
12 to operate the platform hub. Of course,  
13 within this process, the expectation is that  
14 the platform wouldn't move forward until the  
15 Commission made a determination at the  
16 conclusion of the second phase as to the  
17 reasonableness of the costs. So my  
18 expectation is that the utility contracting  
19 process would be aligned with that as well.  
20 You know, if the Council made a  
21 recommendation and the utility entered into a  
22 contract, it would either be, you know,  
23 following the Commission's determination that  
24 the costs were reasonable and the platform

1           should proceed, or it would be subject to a  
2           future determination that the costs were  
3           reasonable and the platform should proceed.

4    Q.    Okay.

5                         CHAIRWOMAN MARTIN:  Commissioner  
6           Bailey, can I ask a follow-up on that?

7                         COMMISSIONER BAILEY:  Sure.  Go  
8           ahead.

9                         CHAIRWOMAN MARTIN:  I was  
10          wondering, then, if it's going to the  
11          utilities, and there are three utilities,  
12          what if the utilities don't agree?

13                        WITNESS RICE:  I think the  
14          expectation is we would work diligently to  
15          achieve consensus and come to agreement along  
16          with the other members of the Data Platform  
17          Council.  And in the event that wasn't  
18          possible, there is the option to refer to the  
19          Commission.

20                        CHAIRWOMAN MARTIN:  And what if the  
21          utilities don't take the recommendation of  
22          the Council?  Is that their ultimate  
23          decision?

24                        WITNESS RICE:  Again, if consensus

1           wasn't achieved, then the other members of  
2           the Council could refer that to the  
3           Commission.

4                       CHAIRWOMAN MARTIN:  No, but my  
5           question is once the Council makes the  
6           recommendation to the utilities, if the  
7           utilities don't take that recommendation, is  
8           that the end of the story; they can select a  
9           different proposal or vendor?

10                      COMMISSIONER BAILEY:  Can I try?

11                      CHAIRWOMAN MARTIN:  Go ahead.

12                      COMMISSIONER BAILEY:  The utilities  
13           are part of the Council; right?

14                      WITNESS RICE:  Correct.

15                      COMMISSIONER BAILEY:  Yes.  So the  
16           utilities will be part of the consensus  
17           recommendation.  And if the utilities don't  
18           agree with the rest of the group, then the  
19           utilities wouldn't -- then the Council  
20           wouldn't reach consensus and then somebody  
21           would bring it to the Commission.  Is that  
22           how it would work?

23                      WITNESS RICE:  Correct.

24                      CHAIRWOMAN MARTIN:  So there's

1 ultimately no recommendation unless the  
2 utilities initially agree as part of the  
3 Council.

4 WITNESS RICE: Correct. The Data  
5 Platform Council can't come to a  
6 recommendation on anything, or a formal  
7 recommendation without consensus, which  
8 includes all the utilities.

9 WITNESS EISFELLER: I want to add  
10 to that discussion a little bit. I think the  
11 intent primarily is that the Council is  
12 involved in the decision-making process. And  
13 that was the intent of the discussions was to  
14 make sure that there was some involvement of  
15 the Council in the decision-making process.  
16 So I think you got it right, that if there is  
17 no consensus, then we're before the  
18 Commission.

19 CHAIRWOMAN MARTIN: Thank you,  
20 Commissioner Bailey.

21 BY COMMISSIONER BAILEY:

22 Q. And the same would apply if, for example, the  
23 utilities responded to the RFP for  
24 development of the platform and other members

1 of the Council didn't think that the utility  
2 proposal was the most cost-effective or the  
3 best proposal, there may not be consensus on  
4 the Council, and then that would have to come  
5 before the Commission? Somebody has to say  
6 "Yes." You can't shake your head.

7 A. (Eisfeller) Yes. Correct. You're doing a  
8 good job for us.

9 Q. I just want to make sure I understand what's  
10 going on, that's all. All right.

11 A. (Eisfeller) I think Ethan has a comment.

12 Q. Yes.

13 A. (Goldman) If I could just make a minor  
14 comment. I think in some of these questions  
15 it's been framed as "what if the utilities  
16 initially didn't have agreement," or "what if  
17 the Council initially didn't have agreement."  
18 And I think an important thing to remember is  
19 that the value of the Council is in having  
20 conversation that includes both technical  
21 details and various perspectives on outcomes.  
22 And so the experience that we've had through  
23 the process so far in this docket is that  
24 positions can change through that

1 conversation. And so the initial opinion is  
2 not nearly so important as what we can  
3 achieve in the end.

4 Q. The benefit of collaboration.

5 So if we could move to Page 14, at the  
6 bottom. It says the parties further  
7 stipulate and agree that, subsequent to the  
8 Council submissions required in the preceding  
9 paragraph, what we were just talking about,  
10 the Commission shall hold an evidentiary  
11 hearing to consider the submissions and to  
12 make any necessary determinations under  
13 378:51, III, which is whether the costs are  
14 reasonable.

15 So the Council makes a recommendation,  
16 and then we have to decide whether the costs  
17 are reasonable. But what's the evidentiary  
18 hearing to consider the submissions? Are we  
19 going to have to -- is the intent that we  
20 look at all the submissions to the RFP and  
21 redo the work of the Council, or would the  
22 parties bring the Council's recommendations  
23 to the Commission?

24 A. (Rice) No, I don't anticipate that the

1 request to the Commission would be to review  
2 the RFP process and the selection of one of  
3 potentially several vendors. The intent of  
4 the subsequent proceeding would be to present  
5 the refined cost estimates for implementation  
6 of the platform based on that RFP process.  
7 Say we conducted an RFP, we selected this  
8 vendor, the costs for the vendor to implement  
9 the data are X. Then to seek determination  
10 from the Commission that those costs are  
11 reasonable and the platform should move  
12 forward.

13 Q. So what does the words "to consider the  
14 submissions" mean? What does "submissions"  
15 mean?

16 A. (Eisfeller) There's likely more than one  
17 document to be presented. The platform has  
18 multiple components that will be priced  
19 separately, more than likely in the back-end  
20 integration work that likely is going to be  
21 priced separately. You have the various  
22 aspects of the project deployment, you know,  
23 testing and document creation and such, that  
24 might be done by another entity or entities.

1           You have the hub and the hub development  
2           that's likely to be done by another entity.  
3           So there's likely to be a combination of  
4           documents that are presented. I think that's  
5           what that means.

6    Q.    So submissions are what the parties submit to  
7           the Commission to review in the evidentiary  
8           hearing with your best recommendation as to  
9           how to proceed; is that accurate?

10   A.    (Eisfeller) Yes.

11   A.    (Rice) Correct.

12   Q.    Okay. Thank you. Why is the federal tax ID  
13           for users necessary?

14   A.    (Leigh) So when we set up the registration  
15           process for the platform users to sign in,  
16           one of the concerns we had from the security  
17           side is insuring that we're dealing with a  
18           third party that is a company in the United  
19           States that has intention to do the services  
20           we're talking about here. One of the bigger  
21           risks in the environment these days is the  
22           supply chain risk. And third parties owned  
23           by foreign nations are coming in and getting  
24           access -- trying to steal data to get access

1 to different technologies and systems for  
2 nefarious reasons. If we can get some form  
3 of a tax ID as part of the due diligence  
4 process, it's a way to just ensure, kick the  
5 tires, that this is a U.S.-based company  
6 domiciled in the area, been around for a  
7 while, not set up three months ago, doesn't  
8 really have any real existence and is just  
9 trying to get data out of this. It's part of  
10 a vetting process more so from a supply chain  
11 risk.

12 A. (Murray) This is Michael Murray with Mission  
13 Data. If I may, the federal tax ID  
14 requirement is, as Mr. Leigh stated, is used  
15 to simply just verify the identity of the  
16 recipient, the requested recipient of the  
17 data. And I'll note that that requirement is  
18 also used by very similar Green Button  
19 Connect My Data-based systems in both  
20 California and Texas. So we thought it was  
21 smart to incorporate those elements from  
22 those states as well.

23 Q. Okay. So if I as an end-user customer want  
24 to simply access my data, I don't need any

1 kind of -- obviously I don't have a federal  
2 tax I.D. You're not going to ask me for my  
3 Social Security number; is that correct?

4 A. (Murray) That's correct.

5 A. (Leigh) That's correct. You're already in  
6 the system as a customer, so you won't even  
7 have to register.

8 Q. Okay. Thank you.

9 A. (Eckberg) One more comment, if I may.

10 Q. Sure.

11 A. (Eckberg) I'm not sure, and perhaps the  
12 technical experts might know about this, but  
13 I don't know if the tax I.D. number would  
14 also be relevant if, in the future, if user  
15 fees were established for third-party users.  
16 So in the event that Company XYZ, in addition  
17 to being verified for being able to access  
18 the data through the appropriate security  
19 tier requirements, if that would also be a  
20 necessary element if the Company was  
21 receiving user fees from that company for  
22 data access. I don't know whether that's the  
23 case, but it just crossed my mind, and  
24 perhaps the technical experts can comment on

1           that.

2    A.    (Leigh) I'd defer to the financial folks as  
3           to whether they need that or not, but it's  
4           possible.

5    Q.    And if somebody enters a federal I.D. tax  
6           number for purposes of vetting, does the  
7           system vet them or does the system send a  
8           message to somebody to verify anything? Is  
9           it automatic or is it manual?

10   A.   (Leigh) It's not automatic. It's a  
11           collection of the information, the contact  
12           information, and then the utilities will have  
13           an option to -- it's assumed okay unless we  
14           find something inappropriate. So if we look  
15           at it and say wait a minute, this is a  
16           Russian-owned entity because of who is the  
17           sole owner, we bring it back to the  
18           Governance Council and say we feel this  
19           shouldn't be approved. The Governance  
20           Council would review the facts and decide yay  
21           or nay based on the evidence we provide. If  
22           we don't come back with anything, it's  
23           assumed to be approved.

24   Q.    And there's some timeline somewhere in one of

1 the appendices that shows how that can  
2 happen. Which appendix is that?

3 A. (Leigh) Appendix C, Security Groups, Cyber  
4 Security Requirements, 1.e., Centralized  
5 Cyber Authority will have --

6 [Court Reporter interrupts.]

7 A. (Leigh) Centralized Cyber Authority shall  
8 have 30 days to complete, I'm paraphrasing,  
9 the registration and control questionnaire  
10 review process.

11 Q. Section E, echo, not C, Charlie.

12 A. (Leigh) E, echo.

13 Q. Thank you. Makes more sense to me now than  
14 when I read it the first time.

15 A. (Leigh) Okay.

16 Q. On Page 15 in the Settlement, where you talk  
17 about the single docket that the Commission  
18 should have to review the prudently incurred  
19 development and deployment costs and how  
20 those costs get recovered, does that docket  
21 include the individual utility costs  
22 necessary for the back-end integration work,  
23 or is it just the collective costs that need  
24 to be recovered to pay for the platform?

1 A. (Rice) It includes both. The submissions  
2 that were discussed earlier will include an  
3 estimate of the shared platform costs that  
4 will be identified through the RFP process,  
5 and it will also and separately include the  
6 back-end integration costs of each of the  
7 utilities.

8 Q. And you say the expected costs or the actual  
9 contracted costs and the costs that you  
10 spent?

11 A. (Rice) It will be estimated costs --

12 CHAIRWOMAN MARTIN: Commissioner  
13 Bailey, can I interject? I think he's  
14 answering a question that I have, but maybe  
15 not the one you asked. I think your question  
16 was talking about recovery, and I think he's  
17 answering the question about when they make  
18 submissions for our review related to cost  
19 for implementation, that it will include  
20 internal costs, which was actually the  
21 question I had. So that's helpful.

22 So you actually plan to identify  
23 and estimate those costs so we can consider  
24 those as part of the costs for implementation

1 when we do the review under the statute.

2 WITNESS RICE: Correct. And I'll  
3 clarify this in case it's not clear. We  
4 won't be seeking actual recovery of costs at  
5 that point. We'll be seeking approval of the  
6 future venue in which costs will be  
7 recovered, and that will outline the  
8 requirements for the utilities to submit  
9 actual and current costs for prudency review  
10 by the Commission and approval through cost  
11 recovery, through whatever mechanism has been  
12 identified to achieve timely cost recovery.

13 CHAIRWOMAN MARTIN: Thank you,  
14 Commissioner Bailey.

15 COMMISSIONER BAILEY: Thank you for  
16 that clarification, Chairwoman Martin.  
17 That's exactly what the problem was. Thank  
18 you.

19 A. (Eisfeller) I would just add -- this is  
20 Justin Eisfeller. There's a detailed  
21 discussion on the costs of the platform that  
22 we would expect to bring forth before the  
23 Commission, included in Exhibit 1B, Appendix  
24 A, and Bates Page 30, where it talks about

1 scope of costs. And we include in there some  
2 detail about what we'd expect to include for  
3 estimates and a discussion of the RFP as  
4 well. So that might give you a better  
5 indication of the entirety of the costs that  
6 we would expect to bring forth, or the  
7 categories of costs I should say.

8 A. (Eckberg) And if I may add a comment. Staff  
9 is not -- while the Settlement says that the  
10 Commission will review these costs in one  
11 docket, I'm not sure that our understanding  
12 is that that necessarily means that the  
13 Commission would be reviewing the costs for  
14 each of the three or five regulated utilities  
15 all at once. Because of the issues we've  
16 discussed about the timeline of  
17 implementation, for instance, it may be that  
18 Liberty's implementation happens a little bit  
19 later than others due to their implementation  
20 or transition to a new billing system. It  
21 may be that these reviews take place in the  
22 same docket, but at different times. So I  
23 just thought I'd point that out as well.

24 BY COMMISSIONER BAILEY:

1 Q. Thank you. That's a good point. But when we  
2 have to make the decision whether the costs  
3 are justified, we'll have estimated costs  
4 from everyone at the same time; right, Mr.  
5 Eckberg?

6 A. (Eckberg) I think that's the case. As Mr.  
7 Rice said, you know, at this point the cost  
8 estimates that would be put before the  
9 Commission are the estimated implementation  
10 costs, and the actual review of incurred  
11 costs would happen later. I think that's  
12 what Mr. Rice suggested. And that sounds  
13 similar to what Staff envisions.

14 Q. Okay. Thanks.

15 A. (Eckberg) I don't want to misquote, Mr. Rice.  
16 Please correct me if I've misquoted you in  
17 any way.

18 A. (Rice) No, I think that's an accurate  
19 representation of what I was trying to  
20 express.

21 Q. Okay. And just to, like, finish this  
22 discussion so that I really understand what  
23 your expectations are, when the costs are  
24 incurred and you're seeking cost recovery, is

1           that all going to happen in the same docket,  
2           or will that happen in individual utility  
3           dockets?

4    A.   (Rice) I would anticipate that would be in  
5           individual utility dockets because the  
6           utilities would be seeking approval for their  
7           respective rates to recover their costs on a  
8           timely basis.

9    Q.   Anyone have any differing or different  
10          opinion of that?

11   A.   (Eckberg) No, I don't have a different  
12          opinion of that. I think that sounds like a  
13          reasonable statement because we've also  
14          discussed that there may be different  
15          cost-recovery mechanisms that are used for  
16          each utility for the costs that are incurred.  
17          And those different mechanisms may have  
18          different timings, you know, correspond to  
19          rate changes at different points during the  
20          year. It might be a distribution rate case.  
21          It might be some other, you know, tracking  
22          mechanism or something. So it seems  
23          reasonable to assume that those actual  
24          recovery of costs would happen potentially at

1 different times, yes.

2 Q. I just thought of one other point about this.

3 The Council's going to come up with user

4 fees. When will that happen? And won't

5 those user fees offset some of the costs?

6 And have you thought how we would apply that

7 offset to the costs?

8 A. (Eckberg) I think the establishment of user

9 fees is one of the things that the Governance

10 Council would discuss and try to come up with

11 possible approaches to establishing

12 reasonable user fees. We don't have any hard

13 estimates of that at the moment. In fact, I

14 think there has been general discussion that,

15 you know, user fees at the outset of

16 implementation might not be a good idea

17 because it may serve to discourage

18 participants, such as third-party service

19 providers, from wanting to participate. So

20 it may be after a little bit of experience

21 with the platform, when it gets implemented,

22 to see how much activity, how many users

23 there are, how much data is being downloaded

24 before the Governance Council can reasonably

1           come up with what are appropriate and  
2           reasonable fees.

3    Q.    I think I saw Mr. Goldman with his hand up.  
4           And maybe, Mr. Goldman, you can share some of  
5           your experience from other areas in the  
6           country.  And, you know, is it maybe that the  
7           user fees offset ongoing operational expenses  
8           for maintaining the system, or have you seen  
9           places where they used user fees to offset  
10          some of the start-up costs?

11   A.   (Goldman) So typically not.  I mean, one of  
12          the benefits of software is that the  
13          incremental cost for additional use is near  
14          zero.  So, you know, it's likely that we're  
15          looking at entirely fixed costs here for the  
16          platform.  And so the feeling at this point  
17          was that user fees would serve more to  
18          discourage adoption and really limit the  
19          overall benefit to the state of New  
20          Hampshire, while probably returning, you  
21          know, very little of the overall costs.  And  
22          so the opportunity -- this is a network and  
23          market effect, and so the real benefits come  
24          when we can get up to the scale of adoption

1           that can really invigorate that kind of  
2           market effect. And so that's why we didn't  
3           address user fees at this point, because we  
4           felt that from the outset it was particularly  
5           important to remove as many barriers as  
6           possible. That's the overall goal of the  
7           platform. And that once we had a few years  
8           of experience, we would be able to address  
9           questions, both of what was the scale of the  
10          market that we had and what was the appetite  
11          for being able to pay user fees.

12                 And the other important question that we  
13          wanted to address is what kind of benefits  
14          are we seeing to both participants and  
15          non-participants around the state, in terms  
16          of the type of energy services that are  
17          enabled by the platform. And those are both  
18          important pieces of information that would go  
19          into any kind of analysis of what kind of  
20          user fees are appropriate. And it's not  
21          really possible to get that type of  
22          information at the outset, so that's why we  
23          proposed to defer that decision.

24    Q.    So right now the thinking is there won't be

1 any user fees. But you sort of put a  
2 placeholder in for the Governance Council to  
3 talk about it in the future?

4 A. (Goldman) That's correct.

5 Q. Okay.

6 CHAIRWOMAN MARTIN: Commissioner  
7 Bailey, can I ask a follow-up to that?

8 COMMISSIONER BAILEY: Sure.

9 CHAIRWOMAN MARTIN: I had a  
10 question about RSA 378:51, III, that that's  
11 the determination we have to make when you  
12 bring back those costs related to the RFP and  
13 your internal estimates.

14 Is that -- is there a future  
15 determination that might take into account  
16 the user fees that we just discussed? Or it  
17 sounds like the increased costs are unlikely,  
18 based on what Mr. Goldman just said. But I  
19 was wondering, what if the costs of this  
20 platform substantially change. Is the  
21 determination in the statute once and done,  
22 or does that come back to the Commission?  
23 Mr. Rice.

24 WITNESS RICE: So I would like to

1 refer to the Settlement Agreement, Exhibit  
2 1B, Bates Page 4, which summarizes what the  
3 Commission will determine at the conclusion  
4 of the second phase of the proceeding.

5 And Item 2 in the middle of page  
6 lists one of the items as the reasonableness  
7 of any charges the New Hampshire utilities  
8 may impose upon third parties for use of the  
9 platform.

10 So, you know, there certainly will  
11 be a consideration in the second phase on  
12 whether user fees are appropriate. And if  
13 the Council comes to an agreement that they  
14 are or determines they are not, at least in  
15 the initial phase, that would be specifically  
16 presented to the Commission in the next phase  
17 of the proceeding. So I do just want to  
18 highlight that that was specifically  
19 accounted for in the Settlement Agreement.

20 And in the event that, at least for  
21 initial launch, that user fees are not  
22 recommended, I wouldn't view that as a  
23 permanent requirement. There's full  
24 recognition that the data platform is going

1 to evolve over time. And speaking for  
2 Eversource, we don't interpret the Settlement  
3 Agreement as saying that evolution couldn't  
4 also include changes to the recovery of costs  
5 of the platform.

6 CHAIRWOMAN MARTIN: Perhaps  
7 counsel, in your closings, can address the  
8 question of whether there is any subsequent  
9 review related to the costs or if it's really  
10 just for implementation in the first instance  
11 that III refers to in the statute.

12 Mr. Goldman.

13 WITNESS GOLDMAN: I did want to  
14 respond to the question about recurring costs  
15 because the expectation that we have is that,  
16 particularly in the case of the Platform Hub,  
17 where we are intending to solicit bids from  
18 outside vendors, that we're leaving open the  
19 possibility that there would be ongoing  
20 subscription fees in addition to any  
21 first-year implementation costs. So that  
22 certainly is part of what we would be looking  
23 at and what we'd bring to the Commission for  
24 review.

1 MS. CHIAVARA: Excuse me, Madam  
2 Chair. The question you had for counsel, the  
3 distinction between what? I'm sorry. I  
4 didn't catch it entirely.

5 CHAIRWOMAN MARTIN: No, I was just  
6 asking if counsel could address whether that  
7 initial review of costs and reasonableness  
8 and whether it's in the public interest  
9 related to deferring implementation, if that  
10 just happens at the beginning and, you know,  
11 regardless what the costs are later, or  
12 whether there are actually decreases in cost,  
13 if that ever comes back to the Commission or  
14 if that's just a once and done kind of an  
15 analysis for the Commission.

16 MS. CHIAVARA: Okay. Got it.  
17 Thank you.

18 COMMISSIONER BAILEY: Is it my turn  
19 to continue?

20 CHAIRWOMAN MARTIN: Yes. Go right  
21 ahead.

22 BY COMMISSIONER BAILEY:

23 Q. Okay. Mr. Goldman, do you have any concern  
24 about the Council appointing its own members?

1 A. (Goldman) I don't have a specific concern  
2 about that. I think we talked through the  
3 various options. There wasn't an obvious  
4 better way. The bootstrapping process we put  
5 in place here to propose some of the initial  
6 members so that it can be part of this  
7 initial Settlement Agreement and subsequent  
8 decision allows us to start out with a slate  
9 of at least a partial set of Council members.  
10 And I think the evolutionary process, you  
11 know, to sort of keep the composition  
12 somewhat balanced by allocating seats for  
13 different parties, you know, will keep it  
14 from going too far in any one direction. And  
15 the hope is that those on the Council  
16 understand best what's required and can find  
17 someone to appropriately represent the  
18 perspectives.

19 Q. And do the members get voted in by a  
20 majority?

21 A. (Goldman) I think -- I know that was  
22 something that there was a lot of debate  
23 about. I believe we did agree to vote by  
24 majority for new members, while other

1 decisions are made by consensus. So I  
2 believe that's correct.

3 A. (Rice) I'd also add, while the Settlement  
4 Agreement names initial members, Exhibit 1B,  
5 Bates Page 11, in reference to the by-laws,  
6 it will be determined by the Council. Among  
7 those is Part C, to define the  
8 characteristics, terms and method of  
9 selecting future members other than Staff,  
10 OCA and the New Hampshire utilities. So  
11 whether it was a recognition that it was  
12 appropriate to name initial members to  
13 continue progress on the work that the  
14 Settling Parties have done, there was also a  
15 recognition that a permanent model for  
16 governance and selecting members was one of  
17 the to-do items for the Data Platform  
18 Council.

19 Q. Thank you. Anybody else have anything they  
20 want to say about that?

21 [No verbal response]

22 Q. Okay. Mr. Eckberg, maybe you can help me  
23 point in the record the attachment to your  
24 testimony with the statutes. But I have a

1 question about RSA 378:51, II, B, which  
2 requires the Commission to determine  
3 standards for data accuracy, retention,  
4 availability, privacy and security, including  
5 the integrity and uniformity of the logical  
6 data model.

7 And my question for the panelists is do  
8 you think we have information in this record  
9 to make that determination; and if so, where?

10 Mr. Murray.

11 A. (Murray) Michael Murray with Mission Data  
12 Coalition. Yes, I believe we do have that in  
13 this Settlement Agreement for all of those  
14 points that are referenced. For data  
15 accuracy, I can find you the exact reference  
16 in one of the appendices to the Settlement  
17 Agreement. But we did discuss how usage data  
18 in particular is to be handled. And you may  
19 know that utilities go through a process to  
20 ensure the accuracy of data prior to billing.  
21 And sometimes that information at the  
22 beginning is considered in raw form, and then  
23 it moves through the process and becomes more  
24 finalized or, you know, quote, unquote,

1 revenue quality data afterwards. And that  
2 information, the quality of the usage data,  
3 can be reflected throughout that process. So  
4 I believe that's both captured in the Green  
5 Button standard, as well as reflected in the  
6 appendices.

7 As far as data privacy and security, we  
8 did address those thoroughly with Appendix C,  
9 with the cyber security requirements. And I  
10 would also note that one of the requirements  
11 for third-party eligibility is that they have  
12 to be signatories to the U.S. Department of  
13 Energy's Data Guard Privacy standard. And  
14 that's a representation that you are  
15 following certain practices, that you commit  
16 to only use the customer data for the purpose  
17 which the customer has agreed to. And if  
18 that -- if a breach occurs of some sort, then  
19 there's several avenues for recourse that are  
20 available because it's a representation  
21 either through private legal action, by a  
22 victim action by a state attorney general, or  
23 a fine by the Federal Trade Commission for  
24 deceptive trade practices. So we believe

1           that addresses the concerns around data  
2           privacy and security.

3    Q.    What about data retention and data  
4           availability?

5    A.    (Murray) I'll let the utilities speak to  
6           that. But we did discuss 24 months of  
7           historical usage data being available via the  
8           platform. And that was sort of the least  
9           common denominator amongst the utilities that  
10          fits with their data retention practices. So  
11          if I've been living at a house for let's say  
12          four years in New Hampshire and I want to  
13          share my energy data with a solar energy  
14          provider to get a price quote, only the last  
15          24 months of information would be available.  
16          So that's consistent with their existing  
17          retention practices.

18   Q.    Mr. Eisfeller.

19   A.    (Eisfeller) I think Michael did a nice job  
20          covering the details with that answer. In  
21          particular, the quality of reading, there's a  
22          field that describes the quality as it  
23          progresses through the validation, editing  
24          and estimating process that the utilities

1           have for managing their data before it's used  
2           for billing. And that's included in  
3           Exhibit 1B on Bates Page 34. And you'll see  
4           there in the middle of the page there's a  
5           Quality of Reading field. You may have to  
6           Zoom in a little bit because I think it's  
7           like in a one font. But it is there, and it  
8           describes the reading quality that you're  
9           receiving. And the expectation is that the  
10          utilities may provide different quality  
11          readings depending on the status of the data  
12          being provided.

13        Q.    Can you explain that a little bit more? I  
14            mean --

15        A.    (Eisfeller) I can explain, yes, quite a bit  
16            more if you'd like.

17        Q.    I just don't understand the concept of the  
18            quality of data and how, you know, if you ask  
19            the question for a piece of data, that you  
20            might get different qualities of that data.

21        A.    (Eisfeller) Okay. Sure. A good example  
22            would be a meter reading that you expected to  
23            get on a given day and you did not get it,  
24            for whatever reason. Maybe there was a

1 failure in communications in the field or  
2 equipment malfunction or whatever it may be;  
3 you did not get the read that day. But the  
4 systems that we have in place can estimate  
5 that read. And if you ask for that data  
6 today, and all I had available was an  
7 estimated read, we would provide it and you'd  
8 get a quality indicator that says this is an  
9 estimated read. And then if that read came  
10 in tomorrow, for whatever reason, and it was  
11 available and you asked for that data  
12 tomorrow, you would get a qualifier that  
13 says, you know, that was a raw read. And  
14 that raw read that was just received from the  
15 field goes through a validation process at  
16 all the utilities where they say, well, is  
17 this a good read? Can we use this for  
18 billing? Are we sure there wasn't something  
19 that went wrong with the read? And there's a  
20 validation process, both automated and  
21 manual, that would look at the read and  
22 compare it to previous reads, usage at  
23 different times, time of year, depending on  
24 the utilities' validation process. And then

1           if it passes that validation process, it  
2           would go on to become a read that's verified,  
3           and you'd have a verified status.  If it  
4           doesn't pass that, it could fall into some of  
5           these other categories, you know, rejected or  
6           manually estimated, or any of those other  
7           qualifiers that you see there on that day.  
8           So we try to capture the various qualifiers,  
9           if you want to call them that, that may be  
10          assigned to a read, given the process that we  
11          use.  Does that help?  Hopefully that helps a  
12          little bit.

13   Q.    Yeah, that was very helpful.  Thank you.

14                    Mr. Murray.

15   A.    (Murray) If I may, just one note on the  
16          reasons for the status, the quality of  
17          reading identifier.  In California, where  
18          this first came up, there were disputes at  
19          the wholesale market about non-high-quality  
20          data, usage data being used for settlement  
21          purposes.  So the standard was evolved to  
22          accommodate these different statuses.  And  
23          the idea is that a raw reading would, you  
24          know, not be suitable for a retail supplier

1 or a wholesale market actor, ISO-New England,  
2 to settle upon. But that entity really needs  
3 to know what the status of that reading is so  
4 that they can then take appropriate action.  
5 If it's too preliminary, they're not going to  
6 take that in for settlement purposes of  
7 ISO-New England, for example. But if it is  
8 after the final billing and validation  
9 process has occurred, then they know that  
10 it's appropriate for that purpose.

11 A. (Eisfeller) I would just add, too, that the  
12 process takes time. That validation process  
13 can take more than a day. It can take  
14 several days. And if you have a manual edit,  
15 the manual process may pull other data to  
16 make the best manual guess that they can, the  
17 most accurate estimate possible, I should  
18 say, given the data that's available. So  
19 that process of days, I think the users may  
20 not want to wait that long to get some  
21 representative data, and they may want to use  
22 the raw data or the estimated data for some  
23 of their initial needs.

24 Q. Go ahead.

1 A. (Eckberg) This is Stephen Eckberg. I might  
2 have a comment here as well.

3 You wondered about the different  
4 elements here that were specified in this  
5 piece of the statute, Commissioner Bailey.  
6 And one of them says standards for retention.  
7 And I wonder if perhaps that particular  
8 element is related to the fact that this  
9 statute and the online data platform, as it  
10 had been originally envisioned when the  
11 statute was being written, was that this  
12 would actually be a database, that the  
13 utilities might be providing data to a  
14 central database. And so there was a  
15 question about how long the data should be  
16 retained in that database. And that's no  
17 longer the model that's being proposed for  
18 use here. The data will continue to live, as  
19 has been explained, at the individual  
20 utilities. And data is only shared sort of  
21 in a live stream when a request comes in. So  
22 the data retention policies that are in  
23 effect are really those which are currently  
24 in place at the utilities for their customer

1 data. There are no new data retention  
2 policies, I don't believe, that need to be  
3 determined here.

4 CHAIRWOMAN MARTIN: Commissioner  
5 Bailey, can I jump in before you move to  
6 another --

7 COMMISSIONER BAILEY: Yeah, go  
8 ahead.

9 CHAIRWOMAN MARTIN: Okay. Mr.  
10 Eckberg, so essentially for the finding  
11 related to that, it could be that there is no  
12 retention related to the platform, no data  
13 retention separately related to the platform.

14 WITNESS ECKBERG: That's my  
15 understanding. I would certainly have one of  
16 the technical experts, like Ms. Jamharian or  
17 Mr. Leigh or Mr. Haynes, comment on that as  
18 well.

19 COMMISSIONER BAILEY: I think Mr.  
20 Eisfeller has something to say about that.

21 WITNESS EISFELLER: So I would just  
22 add that the retention refers to, regardless  
23 of whether the central database are a core  
24 source database, the retention still applies.

1           So the utilities are obligated to save that  
2           data in their source data systems for at  
3           least two years. And I think the parties  
4           would want to maintain some retention  
5           requirements for that fact. It really  
6           doesn't matter whether there's a central  
7           database or a source database from that  
8           perspective. You'd still be retaining that  
9           data somewhere so that it can be shared, so  
10          the users have access to it.

11                        So I think, yes, retention still  
12          does apply in that regard as if there was a  
13          central database. We just have a virtual  
14          database in that regard, which is the core of  
15          our virtual platform. There is source data  
16          somewhere.

17                        CHAIRWOMAN MARTIN: Anyone else on  
18          that?

19                        WITNESS MURRAY: Madam Chair, if I  
20          may. Michael Murray with Mission Data.

21                        Page 6, also Bates Page 6 of the  
22          Settlement, the next to last paragraph, final  
23          sentence refers to storing data at the  
24          platform hub only as necessary, quote, for

1           brief periods to allow for the platform hub  
2           to function effectively. So that was the  
3           language that we thought best reflected the  
4           APIs' design and addressed their retention  
5           issue.

6                       CHAIRWOMAN MARTIN: Okay. Thank  
7           you, Mr. Murray. I have just a continuation  
8           of that line of questioning.

9                       For purposes of the request in the  
10          Settlement Agreement, do we need to make all  
11          of those determinations? And this can be a  
12          question that counsel answers in their  
13          closing as well. But does the Commission  
14          need to make a determination on each of those  
15          in order for us to approve your Settlement  
16          Agreement? Because as I read it, there will  
17          be some refinement through the procurement  
18          process, and what comes out the other end may  
19          be somewhat different. So I guess I'd like  
20          to hear from folks about whether the  
21          expectation is that, for each of these  
22          categories which the Commission has to  
23          determine, that is all set forth in the  
24          Settlement Agreement and will not change, or

1           whether the refinement mentioned in the  
2           Settlement Agreement could result in some  
3           change, which would then lead to the question  
4           I have, which is do we actually have to make  
5           a determination on each of those things in  
6           order to approve this agreement.

7                         Does anyone have an answer to the  
8           question as to whether -- what's in the  
9           Settlement Agreement related to these  
10          categories could possibly change through the  
11          procurement?

12                        MS. CHIAVARA: Is that a witness  
13          question or a counsel question?

14                        CHAIRWOMAN MARTIN: That piece is a  
15          witness question. The other piece about  
16          whether we have to make the determinations to  
17          approve the Settlement Agreement is a counsel  
18          question.

19                        Mr. Murray.

20                        WITNESS MURRAY: If I may. Michael  
21          Murray. I believe the Settlement Agreement  
22          does -- is sufficiently detailed at this  
23          point to make a finding about the sections  
24          that you're referring to. I guess it's

1           378:51,II. And the reason for that is we --  
2           the sequencing of these two phases -- one,  
3           the Settlement Agreement before you today and  
4           the second phase involving cost and cost  
5           recovery -- is important to crack the nut of  
6           this "chicken or egg" problem, in which it  
7           was extremely difficult to get cost  
8           information without knowing that the  
9           Commission approved the general direction and  
10          scope of technical functionality. But we  
11          couldn't get to that, you know, get to that  
12          stage without, you know -- with cost figures.  
13          It just wasn't possible to do all of that.  
14          And so our best path forward at this stage  
15          was to provide some pretty detailed technical  
16          detail around the architecture and the setup  
17          and the types of data fields and so on and so  
18          forth so that the Commission can look at it  
19          and determine whether it's worth going to the  
20          next step. So I don't think that those  
21          things will change. It's possible there may  
22          be, you know, relatively minor refinements in  
23          the future as technical details come up. But  
24          the intent of the Settling Parties is that

1 the scope that we have detailed in the  
2 Settlement Agreement is quite detailed. And,  
3 you know, it's not every last detail, but  
4 it's much further and much more mature than  
5 any other jurisdiction in which I'm familiar.

6 WITNESS GOLDMAN: I would also say  
7 that while it's absolutely true that the  
8 purpose of the Governance Council is to allow  
9 for further maturation and evolution of the  
10 technical requirements, the details that are  
11 in the Settlement are based on not just our  
12 sort of gut feelings or wishes and desires,  
13 but based on numerous interviews and research  
14 that we did last year during the technical  
15 sessions that we all worked on to learn about  
16 what was out there in the market. So while  
17 we haven't gone to the extent of having a  
18 full RFP to get detailed cost for particular  
19 sets of requirements from individual vendors,  
20 we feel confident that all of the specific  
21 technical requirements that we've listed in  
22 the Settlement are reasonable and practical.  
23 And we fully expect to be able to fulfill  
24 them when we get the responses to the RFP.

1 But, you know, there's the process outlined  
2 here of what to do if we find out things that  
3 we didn't anticipate.

4 CHAIRWOMAN MARTIN: Commissioner  
5 Bailey, back to you.

6 COMMISSIONER BAILEY: Thank you.

7 BY COMMISSIONER BAILEY:

8 Q. So I think that the witnesses believe, and  
9 tell me yes or no I guess, that we can make  
10 the findings required in 378:51, II, but not  
11 the findings required in III. Is that -- or  
12 is that a legal question?

13 A. (Murray) Michael Murray. I am not a lawyer,  
14 but I believe that is correct.

15 A. (Eckberg) And Stephen Eckberg. I'm not a  
16 lawyer either. But on the bottom of Page 3  
17 and onto the top of Page 4 in the Settlement,  
18 Exhibit 1B, the Settling Parties have agreed  
19 that we have either met the substantive  
20 decisions or we've addressed these issues  
21 substantively herein in the Settlement  
22 Agreement, or we have devised a collaborative  
23 process with our Governance Council that will  
24 allow us to address these issues going

1 forward. So I think, to a large extent, we  
2 have tried to take into account addressing  
3 those questions that you've raised in that  
4 section of the statute, Commissioner.

5 Q. I was with you until I read the last sentence  
6 in the paragraph on the top of Page 4 that  
7 says that the Settling Parties recommend that  
8 the Commission keep this proceeding open  
9 until such time as the Commission finds that  
10 all determinations required by 378:51, II,  
11 have in fact been made. And I'm asking you,  
12 can we make those determinations now? And so  
13 far I've heard, yes, we can. So is that  
14 inconsistent?

15 A. (Eckberg) I guess I'd feel more comfortable  
16 that -- we're perhaps stepping into the legal  
17 answer there rather than the analyst answer.

18 A. (Rice) I would say from a --

19 CHAIRWOMAN MARTIN: Just one  
20 second. That might get into the question  
21 that I asked counsel to address, which is do  
22 we have to make all of them in order for us  
23 to approve the Settlement.

24 BY COMMISSIONER BAILEY:

1 Q. Mr. Rice.

2 A. (Rice) From a business perspective, the way I  
3 would summarize it is we have a plan and that  
4 plan is laid out within the Settlement  
5 Agreement and we want the Commission's  
6 agreement that we should proceed with that  
7 plan. But we're going to learn more  
8 information, so I don't think anyone can sit  
9 here and say definitively that there's no way  
10 we wouldn't come -- the Data Platform Council  
11 wouldn't recommend adjustments to what's  
12 outlined in the plan right now, which is  
13 perhaps the reason why it's appropriate that  
14 the dockets stay open until all  
15 determinations have in fact been made based  
16 on more final details.

17 Q. I have a few more questions. I'll move on.

18 Mr. Goldman, are you satisfied by the  
19 terms in the Settlement Agreement with  
20 governance that you addressed in your  
21 testimony?

22 A. (Goldman) Yes, I am. I think we have gone  
23 through significant negotiations and come up  
24 with something that covers all the grounds.

1 I think this is actually a more sophisticated  
2 process than I've seen in any other place,  
3 and I think it has a much better chance of  
4 success than the typical process of many,  
5 many bilateral conversations, particularly  
6 like the presence of the Council as a place  
7 for third parties, customers and others to  
8 come for, you know, redress and to bring  
9 their concerns. So I think that this gives  
10 me a lot of hope for the future of the  
11 platform to continue to grow.

12 Q. Thank you. Thank you.

13 Mr. Eckberg, are all the issues raised  
14 in your testimony satisfactorily addressed?

15 A. (Eckberg) Yes, they are. And Staff is  
16 supportive of the Settlement Agreement and  
17 recommends that it be approved. Yes.

18 Q. Were there issues in your testimony that were  
19 not adopted by the consensus but that you  
20 believe are no longer at issue?

21 A. (Eckberg) My response to that would be I  
22 guess I cannot think of any particular  
23 issues. But if there were recommendations or  
24 concerns that we had expressed in our

1 testimony, given the totality of the  
2 conditions and the process identified here in  
3 the Settlement, we are very satisfied with  
4 moving forward at this phase, yes.

5 COMMISSIONER BAILEY: Thank you,  
6 everyone. That's all the questions I have.

7 BY CHAIRWOMAN MARTIN:

8 Q. Okay. I just have a few questions left. If  
9 I'm remembering correctly, the Settlement  
10 Agreement speaks to utilities hiring a  
11 consultant for the Council to use in  
12 reviewing proposals. IS that right? Any  
13 member can respond. Just put your hand up.  
14 Go ahead, Mr. Rice.

15 A. (Rice) That is correct.

16 Q. Well, how will you evaluate the selection?  
17 Will that be the Council involved with that  
18 consultant?

19 A. (Rice) Give me a moment to go to the specific  
20 section of the Settlement Agreement.

21 (Pause)

22 A. (Rice) So I believe the relevant section  
23 begins on Bates Page 13 of Exhibit 1B,  
24 Part E, where it says, "The New Hampshire

1 utilities," and continues onto the next page,  
2 "shall utilize an RFP process to hire a  
3 consultant to review for the Council the  
4 utility proposals for back-end integration  
5 and construction of the utility-specific APIs  
6 for consideration as the Settling Parties  
7 balance the needs of the platform and New  
8 Hampshire utility back-end integration."

9 So this was included in the Settlement  
10 Agreement, really, just out of I think an  
11 interest of bringing more perspective and  
12 expertise. There's recognition that the  
13 back-end integration is going to be critical  
14 to the success of the platform. The costs  
15 have the potential to be significant. We'll  
16 learn more as we go through the process. And  
17 there's benefit to bringing in some outside  
18 expertise to make sure that those estimates  
19 are being thoroughly reviewed before they're  
20 ultimately submitted to the Commission as a  
21 basis for making further determinations on  
22 the reasonableness of proceeding with the  
23 platform.

24 Q. Thank you for that. I think my question,

1           though, is will the Council be -- that speaks  
2           to the utilities doing a competitive process  
3           and hiring a consultant.

4                        Would the Council be involved in  
5           establishing that RFP and selecting the  
6           consultant?

7    A.   (Rice) Yes.  And let me get to another  
8           section of the Settlement Agreement.

9                        (Pause)

10   A.   (Rice) So on Bates 10, where it continues  
11          listing the responsibilities of the Council,  
12          Part C is to review and provide input  
13          regarding any contracts entered into by the  
14          New Hampshire utilities in connection with  
15          the development, construction, or operation  
16          of the platform.

17                        It's my understanding that the selection  
18          of a consultant through an RFP process to  
19          review back-end integration estimates falls  
20          within the context of reviewing and providing  
21          input regarding any contracts entered into by  
22          the New Hampshire utilities.

23   Q.   Okay.  Thank you.  That's helpful.

24                        I noticed there wasn't a cost or a limit

1 on the expense for that as there have been in  
2 some other dockets that have come before us.  
3 Is there any expectation as to what that  
4 might cost?

5 A. (Rice) I wouldn't be able to provide any  
6 estimate, but perhaps others may.

7 Q. Anybody else?

8 A. (Eisfeller) We did not provide an estimate at  
9 that time on the consultant or hiring for  
10 review.

11 A. (Jamharian) Nor did we, no.

12 Q. Okay. Thank you.

13 Question related to the state agencies  
14 involved and their access to this system.  
15 Has the DOIT, the State DOIT, been contacted,  
16 and are they going to be engaged in this  
17 somehow to ensure that the State entities  
18 involved will be able to use the system?  
19 Does anybody know that?

20 A. (Eisfeller) Generally anyone can sign up to  
21 use the platform for aggregated data. So  
22 they're potentially a user of that data. And  
23 if they get the same user approval to share  
24 data -- i.e., from themselves in this case,

1 if they have services that they'd like to  
2 gather data on -- they're welcome to use the  
3 platform for that purpose as well. But no,  
4 the State was not contacted directly to  
5 participate in the development of this  
6 proposal. Other than --

7 MR. KREIS: Madam Chairwoman --

8 A. (Eisfeller) Sorry. Go ahead.

9 MR. KREIS: Don Kreis. Oh, I'm  
10 sorry, Mr. Eisfeller. I didn't mean to  
11 interrupt you. I thought you were done. But  
12 I do want to say something after you are  
13 done.

14 A. (Eisfeller) I was going to say other than  
15 through the State parties that were  
16 represented in the Settling Parties.

17 MR. KREIS: Thank you. I don't  
18 have an objection to interject, but I do have  
19 an obligation to be candid with the tribunal,  
20 and therefore I do want to say that I  
21 personally have had a discussion with the  
22 commissioner of Information Technology and  
23 his chief cyber security officer about this  
24 subject. Generally I'm not a witness in this

1 proceeding, and I'm not comfortable revealing  
2 the contents of that discussion, but I can  
3 say that if anything that folks at the DOIT  
4 had said to me made me uncomfortable with  
5 signing the Settlement Agreement, I wouldn't  
6 have signed it. And there are more than a  
7 few questions in this docket that the  
8 Settlement expects or anticipates will  
9 continue to be worked on and resolved going  
10 forward, and that is probably one of them.

11 CHAIRWOMAN MARTIN: Okay. Thank  
12 you, Mr. Kreis.

13 BY CHAIRWOMAN MARTIN:

14 Q. The authorization process. So as I  
15 understood it, a customer will authorize  
16 explicitly in the first instance and then  
17 will receive an annual notice of continued  
18 authorization, and then at five years it will  
19 automatically be revoked unless they further  
20 authorize. Do I have that right?

21 A. (Leigh) Right. This is Chris Leigh from  
22 Eversource. You have that correct.

23 Q. And if a customer wants to revoke at some  
24 other time period throughout the five years,

1 can they revoke at any time?

2 A. (Leigh) Yes, they can. There's provisions.  
3 They can log into the system and just decide  
4 no longer.

5 Q. Okay. Thank you.

6 A. (Leigh) You're welcome.

7 Q. Is it anticipated that the contract will  
8 actually be with all three utilities, or will  
9 it be with one utility as some sort of cost  
10 sharing? Mr. Rice.

11 A. (Rice) The expectation is that there will be  
12 cost sharing. I don't know that we've  
13 determined the specific method of  
14 contracting. I expect that would be  
15 partially subject to negotiations with the  
16 vendor that was selected.

17 Q. Anybody else on that?

18 [No verbal response]

19 CHAIRWOMAN MARTIN: Okay. I think  
20 that's all the questions I had remaining. Do  
21 we have any redirect, counsel?

22 MS. CHIAVARA: I do not.

23 CHAIRWOMAN MARTIN: Mr. Buckley.

24 MR. BUCKLEY: I have just a

1           brief -- one question for redirect of Mr.  
2           Eckberg.

3                               REDIRECT EXAMINATION

4   BY MR. BUCKLEY:

5   Q.   Mr. Eckberg, so there was an exchange where  
6           both you and, I believe it was Mr. Rice,  
7           discussing a response to a question from I  
8           believe it was Madam Chair about where costs  
9           recovery might be reviewed, and Mr. Rice had  
10          posited one potential venue, and I think that  
11          you, Mr. Eckberg, had answered that was a  
12          reasonable venue. Do you recall this  
13          exchange, Mr. Eckberg?

14   A.   (Eckberg) I'm not -- yes. I'm not quite sure  
15          what specific element of that you're asking  
16          about.

17   Q.   Okay. So now would you also agree with me  
18          that, within the Settlement Agreement itself,  
19          the determination of venue for the  
20          Commission's review of the prudent  
21          implementation of the platform is an item  
22          which has been essentially held off until  
23          there is a determination -- or held off for  
24          determination in the Phase 2 proceeding, or

1 Phase 2 of this proceeding? Is that correct?

2 A. (Eckberg) Yes, I would agree with you there.

3 Yes.

4 MR. BUCKLEY: Okay. That's it for  
5 Staff on redirect.

6 MR. KREIS: There isn't any  
7 redirect from me, Madam Chairperson.

8 CHAIRWOMAN MARTIN: I think I heard  
9 Ms. Chiavara say that she had none.

10 Mr. Sheehan?

11 MR. SHEEHAN: None for me. Thank  
12 you.

13 CHAIRWOMAN MARTIN: And Mr.  
14 Simpson?

15 MR. SIMPSON: None from me as well,  
16 Chairwoman Martin.

17 CHAIRWOMAN MARTIN: Okay. So any  
18 other questions, Commissioner Bailey, before  
19 we move on?

20 COMMISSIONER BAILEY: No, thank  
21 you.

22 CHAIRWOMAN MARTIN: All right.  
23 Then we will deal with the exhibits at this  
24 point. We will strike ID on Exhibits 1A, 1B,

1           2 through 16 and 17A and 17B and admit them  
2           as full exhibits, noting for the record that  
3           Exhibits 8, 10 and 16 contain prefiled  
4           testimony that has not been adopted and will  
5           be admitted as documentary evidence only.

6                         Is there anything else we need to  
7           do before closings?

8                                 [No verbal response]

9                                 CHAIRWOMAN MARTIN: Okay. I just  
10          want to go off the record for a second.

11                                (Brief recess taken.)

12                                CHAIRWOMAN MARTIN: Okay. Let's go  
13          back on the record, and we will start with  
14          closings. And Mr. Kreis, if you'd like to go  
15          first.

16                                MR. KREIS: Yes, I would. I had a  
17          feeling you would call on me first, and I was  
18          just scrambling to finish my notes when you  
19          called on me. And now I'm ready.

20                                Okay. Thank you, Chairwoman  
21          Martin. In order to accomplish the purposes  
22          of industry restructuring to advance the  
23          official state energy policy as enshrined in  
24          RSA 378:37, and in order to make New

1 Hampshire's energy systems more distributed,  
2 more responsive, more dynamic, and more  
3 consumer-focused, New Hampshire needs the  
4 statewide utility customer data platform  
5 described in the Settlement Agreement that is  
6 before you today.

7 The language I just used is taken  
8 almost verbatim from the findings that begin  
9 Chapter 286 of the New Hampshire laws of  
10 2019, which is the legislation that required  
11 the Commission to open the docket that brings  
12 all of us here today.

13 As everybody here is aware, the  
14 Office of the Consumer Advocate asked Senator  
15 Fuller-Clark to introduce that legislation,  
16 and we worked with her to draft the initial  
17 proposal. We did that because we were  
18 convinced that a statewide utility customer  
19 data platform is the key to unlocking a  
20 future for residential electric and natural  
21 gas customers that will allow them finally to  
22 take advantage of the restructured  
23 electricity grid for which they have been  
24 paying literally billions of dollars since

1 restructuring began. And by "take  
2 advantage," I mean, first and foremost, save  
3 money. But I also mean earnest emerging  
4 technologies so residential customers truly  
5 become the masters of their own destinies  
6 when it comes to using electricity and  
7 natural gas. And let me be frank. That is  
8 true no matter what kind of residential  
9 customer you are, whether you're the sort of  
10 person who wants to emit absolutely no carbon  
11 into the atmosphere and tread the soft path  
12 that was first laid out by Amory Lovins in  
13 1974, or whether you're the sort of customer  
14 who wants to crank up the backyard hot tub,  
15 crack open the Ayn Rand and enjoy the  
16 benefits of our country's abundant fossil  
17 fuel resources. Or, frankly, if you're like  
18 most people, you fall somewhere in the  
19 middle, and you just want to get through the  
20 day without having to think about your use of  
21 energy all the time.

22 Now, it might reflect my biases as  
23 a lawyer who knows almost nothing about  
24 information technology, but in my opinion,

1 the key to this Settlement Agreement is the  
2 provisions about governance. It was clear  
3 from participating in the process of getting  
4 the underlying bill through the legislature  
5 that the public policy of this state favored  
6 having the utilities and certainly not the  
7 government own and operate any data platform  
8 that we create. But in our judgment, it was  
9 important not to treat this the way we treat  
10 other utility projects because the key to  
11 this whole thing is unregulated businesses  
12 delivering services to consumers that would  
13 make Samuel Insull roll over in his grave.  
14 Samuel Insull, as most people know, was the  
15 patron saint of the traditional electric  
16 utility and the industry titan who, in 1893,  
17 proposed the grand bargain that built the  
18 nation's electric industry: State-regulated  
19 prices in exchange for exclusive franchises  
20 and more or less guaranteed profits. And I  
21 mean no insult to any utility employees,  
22 especially the great ones who worked so hard  
23 with us to reach this Settlement Agreement,  
24 by observing that in some sense, the Samuel

1           Insull vision still guides the nation's  
2           public utilities today.

3                         But we have struck a different sort  
4           of Samuel Insull bargain here. The utilities  
5           will recover their costs in a timely fashion,  
6           and they will play a dominant role in  
7           building the platform. But there will be a  
8           Platform Governance Council to make sure that  
9           they do it right. And because that  
10          Governance Council will be amply stocked with  
11          stakeholders, including folks from our  
12          office, or at least one representative from  
13          our office, as well as representatives of the  
14          utilities themselves, the results will be  
15          consensus-driven, and they will be well  
16          calculated to reflect the insights of the  
17          best minds in the state, and I suppose the  
18          country, when it comes to this stuff. You  
19          may say I'm a dreamer, but we actually do  
20          this already as you've heard. I refer to the  
21          stakeholder process that has now twice  
22          produced excellent three-year plans for  
23          ratepayer-funded energy efficiency.

24                         Now, naturally, as the state's

1 ratepayer advocate, I am keenly aware that  
2 the only wallet in the room is the one that  
3 belongs to my constituency, or perhaps more  
4 correctly, to ratepayers in general. So  
5 there is no one here more committed to making  
6 sure we get all of the data platform we need,  
7 but only the data platform we need.

8 Thus, my second favorite aspect of  
9 this Settlement is the process it lays out  
10 for figuring out what the platform will cost.  
11 It's really the framework that was originally  
12 laid out by the Staff of the Commission. And  
13 in my respectful opinion, the Commissioners  
14 should be really proud of what your employees  
15 have accomplished here.

16 I noticed that Chairwoman Martin  
17 was wondering about the by-laws for the  
18 Platform Governance Council. My antenna went  
19 up, because in addition to being a ratepayer  
20 advocate, I happen to be a by-laws maven. I  
21 may have even volunteered to take a first  
22 crack at drafting these particular by-laws.  
23 And if it keeps raining this month,  
24 especially on weekends, I can get that done

1 lickety split.

2 But more importantly, I want to  
3 stress here that we tried to make the  
4 Governance Council as self-governing as  
5 possible. And I know that Chairwoman Martin  
6 was asking about that as well. Although the  
7 Settlement Agreement does not provide for PUC  
8 approval of the by-laws, my only concern  
9 about such a provision is an order otherwise  
10 approving the Settlement Agreement is --  
11 well, there's a potential for delay. I want  
12 the Governance Council to get up and running  
13 ASAP.

14 Finally, I want to talk about  
15 privacy and cyber security. It would be  
16 ratepayer advocate malpractice in this day  
17 and age not to insist that utilities,  
18 regulators, third-party service providers,  
19 community power aggregators, and anyone else  
20 who gets their hands on individual customer  
21 data do their utmost to protect the privacy  
22 and security of that data. New Hampshire law  
23 requires that. And at the OCA, we know that  
24 because we've been there at every step urging

1 the adoption of such requirements. If you  
2 approve this Settlement Agreement, New  
3 Hampshire's statewide utility customer data  
4 platform will be built on a granite, solid  
5 foundation of privacy protection. But  
6 without building something so complicated and  
7 onerous, the data sharing simply won't  
8 happen.

9 As you ponder whether to approve  
10 this Settlement Agreement, I think you should  
11 take stock of the remarkable array of experts  
12 and advocates who have assembled to make this  
13 process happen. What started out in early  
14 2019 as Senate Bill 284 attracted national  
15 attention, which is why we've had the benefit  
16 of nationally recognized experts from outside  
17 New Hampshire, like Michael Murray and Ethan  
18 Goldman, and Samuel Golding as well, although  
19 thanks to Cupid's arrow, he is now a Granite  
20 Stater. We have been fortunate to have the  
21 insights of Cliff Below and Kat McGhee. If  
22 New Hampshire had Mount Rushmore instead of  
23 the Old Man of the Mountain, theirs would be  
24 two of the faces we'd carve into the rock, so

1 important has each of them been to  
2 energy-related public policy. Representative  
3 McGhee in particular deserves credit for  
4 saving Senate Bill 284 from oblivion. She  
5 knows a lot about IT, and she also knows how  
6 to make and deploy cupcakes. And she  
7 continued to bring her insight to bear as we  
8 negotiated this Settlement. And of course  
9 we've had awesome collaborators in the ranks  
10 of employees of the participating utilities.  
11 You've heard from them today, so you know  
12 what I'm talking about. It's clear that this  
13 endeavor has captured their imaginations.  
14 And I hope their employers are taking note of  
15 the good work that they've done here.

16 The last acknowledgment I'd like to  
17 offer is to you, the Commissioners. I'm not  
18 a commissioner myself, but I have been  
19 commissioner adjacent at various times over  
20 the years, and I know how difficult it can be  
21 to grapple with things in something of a  
22 vacuum. Yet, I can tell from the questions  
23 you've been asking so far today that you've  
24 wrestled with essentially everything we

1           wrestled with over the past year, and we had  
2           the benefit of hours and hours of meetings  
3           and discussions.

4                        So here's my somewhat feeble effort  
5           to answer a few of the legal questions that  
6           you raised, to the extent I haven't already.  
7           One question was: Is there subsequent review  
8           related to the cost of the platform after the  
9           second phase of this docket, or does the  
10          initial review of costs and a determination  
11          that the platform costs are reasonable ever  
12          come back to the Commission at some future  
13          point? In other words, I think as  
14          Chairperson Martin was wondering, is that a  
15          "one and done" analysis. And I think the  
16          answer to that question is obviously nothing  
17          here is one and done. The Commission always  
18          has statutory authority to revise previous  
19          orders after notice and hearing. And I think  
20          that's true here.

21                       Commissioner Bailey was concerned  
22          about the Council appointing its own members.  
23          I think I covered this already. I think it's  
24          a matter of getting the Council up and

1 running. And I would stress that the Council  
2 really functions here as a guide, or maybe a  
3 constraint on the utilities, and certainly  
4 not the Commission. You're still the  
5 regulators. And if something about the  
6 platform goes awry, you have the authority to  
7 step in for both financial or operational  
8 reasons, both while this docket is pending  
9 and in the future, because you have that  
10 plenary authority.

11 Chairwoman Martin asked about  
12 whether the Commission needs to make a  
13 determination now about the criterion that  
14 the Commission has been instructed to rule on  
15 in RSA 378:51, II. And I really liked what  
16 Mr. Murray had to say about that.

17 As I think you can appreciate, what  
18 the Settling Parties tried to do here is  
19 address a chicken and egg problem. We need  
20 to figure out what the platform is going to  
21 cost, but we can't figure that out until we  
22 know something about what the platform is  
23 actually going to be like and what its  
24 parameters will be. So we spent a lot of

1           time developing parameters. And as I think  
2           Mr. Rice testified, what will end up being  
3           built will probably look a lot like that.  
4           But I think it's safe to say that there could  
5           be refinements. You know, as a hypothetical,  
6           it's possible that we find out through the  
7           RFP process that by making a fairly  
8           insignificant tweak to what we've laid out,  
9           maybe we could achieve substantial cost  
10          savings. And if that turns out to be the  
11          case, then we will come before you and say,  
12          okay, you made a previous determination on  
13          II, but maybe we'd like to ask you to revise  
14          that determination, and you can do so at that  
15          time.

16                        To paraphrase Daniel Webster,  
17                        somewhat out of context, this is a small  
18                        state, and yet there are those who love her.  
19                        You've heard why that's so significant in  
20                        this proceeding. The need for a single  
21                        statewide data platform is especially acute  
22                        here in New Hampshire because uniformity is  
23                        what will attract the providers of innovative  
24                        services to our small state. But it is the

1 size of our small state that facilitates the  
2 kind of trust and collaboration that has  
3 brought us to where we are today, poised to  
4 become an example for bigger and less nimble  
5 states of how to do this right. The nation  
6 will soon know New Hampshire by its new  
7 motto: Live free via data sharing or die.

8 Overall, the Settlement Agreement  
9 that is before you today in this docket is  
10 the best document to which I have affixed my  
11 signature since becoming consumer advocate in  
12 early 2016. It is a framework for excellence  
13 that is in the best interest of utility  
14 stakeholders and utility customers. I urge  
15 its speedy approval because I can't wait to  
16 get busy with the next phase of this docket.

17 Thank you. And of course, I'd be  
18 happy to answer any questions, whether  
19 friendly or not.

20 CHAIRWOMAN MARTIN: Mr. Kreis, I'm  
21 going to push you a little bit on your answer  
22 to my question related to Paragraph II.

23 If the Commission, in reviewing  
24 this Settlement Agreement, goes through A, B

1 and C and finds that they can't make a  
2 determination based upon the evidence in this  
3 record, can we still approve the Settlement  
4 Agreement?

5 MR. KREIS: Yes, you can. And let  
6 me -- and thank you for asking me that  
7 question. Because as I reread A, B and C  
8 after you raised this issue, I see that, you  
9 know, every detail of things like -- if you  
10 look in Item A, the words "implementation,"  
11 "change management" and "versioning" are  
12 used. And I think it's fair to say, and I  
13 guess the other parties can chime in if they  
14 disagree at an appropriate time, I think it's  
15 fair to say there are still decisions to be  
16 made and recommendations to be made to you  
17 about things like implementation, change  
18 management, versioning, and even maybe a few  
19 of the things in some of the other aspects of  
20 A, B and C. So I think you still have an  
21 opportunity to review those questions and  
22 revise your determinations accordingly.

23 So I think my answer to your  
24 question is yes. We're asking you to

1           approve, at least provisionally, the contours  
2           of the data platform as described in the  
3           Settlement Agreement. And if there are  
4           aspects of that that you find objectionable  
5           or inconsistent with the public interest, I  
6           hope you'll make that clear in your order.  
7           But overall, I don't think that this  
8           forecloses further examination of any of  
9           those issues, A, B or C in Paragraph II of  
10          RSA 378:51.

11                       CHAIRWOMAN MARTIN: Okay. Thank  
12          you, Mr. Kreis.

13                       Commissioner Bailey, do you have  
14          any follow-up questions?

15                       [No verbal response]

16                       CHAIRWOMAN MARTIN: Okay. Let's go  
17          to Ms. Buchanan.

18                       MS. BUCHANAN: Thank you,  
19          Chairwoman Martin and Commissioner Bailey,  
20          for the opportunity to make closing remarks  
21          before you today. Clean Energy New Hampshire  
22          would like to sincerely thank Unitil,  
23          Eversource, Liberty, Staff, the OCA, Mission  
24          Data, Local Government Coalition, and all of

1 the other parties in this docket for their  
2 very considerable dedication to coming  
3 together to achieve consensus on this  
4 Settlement Agreement, which we fully support.

5 In particular, Clean Energy New  
6 Hampshire supports the Settlement Agreement  
7 because it sets out a reasonable process for  
8 governance over the energy data platform. It  
9 defines privacy and security measures to  
10 protect New Hampshire's ratepayers and  
11 provides Granite Staters with a unique  
12 opportunity to easily access their energy  
13 data.

14 We are also optimistic about the  
15 potential for the proposed data platform to  
16 support innovative energy services and  
17 business models that benefit New Hampshire  
18 homes and businesses. Access to energy data  
19 can enable the adoption of distributed energy  
20 resources, a deeper understanding of energy  
21 efficiency, an opportunity to apply those  
22 energy-efficiency measures, and efforts to  
23 modernize the grid. Clean Energy New  
24 Hampshire thinks it is important to plan for

1           and execute a more modern, resilient and  
2           reliable electric grid. Access to readily  
3           available energy data is essential to that  
4           goal and will transform New Hampshire's clean  
5           energy economy.

6                       Clean Energy New Hampshire supports  
7           the design of the data platform established  
8           in the Settlement Agreement, especially as a  
9           starting point. And we appreciate that the  
10          Governance Council will provide a forum for  
11          both utilities and stakeholders to  
12          collaborate, and involve the platform as  
13          energy data capabilities mature and new  
14          opportunities are identified.

15                      If the Settlement Agreement is  
16          approved by the Commission, Clean Energy New  
17          Hampshire looks forward to working with the  
18          proposed Council. And furthermore, we are  
19          prepared to work collaboratively with the  
20          Council to refine the specific technical  
21          requirements within the RFP process as it is  
22          developed and issued.

23                      So in conclusion, Clean Energy  
24          supports the Settlement Agreement and

1 encourages the Commission to approve it  
2 without delay to solidify the path forward to  
3 achieving a reasonable, useful energy data  
4 platform for New Hampshire.

5 And to address your questions,  
6 Chairwoman Martin and Commissioner Bailey,  
7 unfortunately I am not an attorney, so I will  
8 look to those in the room that are counsel  
9 today. But thank you very much, and I would  
10 be happy to take any of your questions.

11 CHAIRWOMAN MARTIN: Thank you, Ms.  
12 Buchanan.

13 Any questions, Commissioner Bailey?

14 [No verbal response]

15 CHAIRWOMAN MARTIN: Mr. Murray.

16 MR. MURRAY: Thank you, Madam  
17 Chair. For my closing statement, I'd like to  
18 highlight three areas that I don't think have  
19 been well addressed so far this morning, and  
20 it speaks to our support of the Settlement  
21 Agreement before you today.

22 The first is what the platform  
23 would mean from a customer's perspective.  
24 There hasn't been as much discussion thus far

1           about what this means in tangible terms for  
2           customers, and so I would invite you to  
3           consider perhaps that you're a homeowner that  
4           wants to get a price quote for rooftop solar  
5           panels or behind-the-meter batteries. And  
6           the very first question, besides what's your  
7           address, that the supplier is going to ask  
8           you is what's your energy usage history like.  
9           And this platform helps make that transaction  
10          possible in a streamlined, simple and in a  
11          standardized way. Suppose that you want to  
12          use a smartphone app to help you manage  
13          energy usage in your home. Suppose that you  
14          want to engage with a voice assistant, such  
15          as Amazon Alexa, to ask questions such as,  
16          "Hey, Alexa, what's my energy usage this  
17          month?" or "What's my energy usage last  
18          month?" And these are precisely the new  
19          modes of interaction with energy-related  
20          information that will be supported by the  
21          platform.

22                         Second, regarding cyber security.  
23           It's important to recognize that customer  
24           data will be encrypted in transit. So once a

1 customer says, yes, I would like to share my  
2 information with Acme Energy Corporation,  
3 that information will be encrypted using  
4 modern Internet standards known as "transport  
5 layer security." That's the same method for  
6 encryption that we use to store our credit  
7 card information when we pay for online  
8 services.

9 The customer authorization process  
10 also uses a very mature technology called  
11 "open authorization." This is part of the  
12 Green Button Connect My Data standard, and  
13 that's used by companies large and small,  
14 such as Microsoft and Google. It's also the  
15 same backbone that PayPal uses for securely  
16 exchanging billions of dollars every single  
17 day between consumers. And so leveraging  
18 these standards, rather than creating  
19 something new or bespoke for New Hampshire,  
20 is very important because these standards are  
21 tested, they're tried and true, and also  
22 because customers are familiar with them from  
23 other aspects of their digital lives.

24 And then also on cyber security, I

1 mentioned the U.S. Department of Energy's  
2 Data Guard Privacy standard. That's another  
3 important part of this proceeding that -- of  
4 this Settlement Agreement that we're pleased  
5 to support.

6 And finally, I'd like to highlight  
7 the comprehensive nature of the Settlement.  
8 Keeping in mind that cost and cost recovery  
9 will be considered in a second phase, I'm  
10 really proud of the breadth of this  
11 Settlement. Most other jurisdictions in  
12 which I've worked in the past have taken a  
13 very piecemeal approach. But this one has it  
14 all. We have a detailed definition of the  
15 pieces of data that will be provided by the  
16 platform; we have detailed consent processes  
17 and user experience guidelines; we have a  
18 single point of entry in this state, or  
19 one-stop shopping, if you will, for  
20 distributed energy resources in New  
21 Hampshire; and we have detailed eligibility  
22 criteria for third parties, including  
23 processes for enforcing those security  
24 policies in case of a breach by a

1 customer-authorized third party.

2 So I wholeheartedly support this  
3 Settlement. We were prepared for litigation  
4 in this case. And if I had any concerns  
5 about the design of the platform, the user  
6 experience, the third-party eligibility  
7 criteria, or cyber security, I wouldn't have  
8 signed the Settlement, and I wouldn't be  
9 testifying in support of it today.

10 So thank you very much for your  
11 consideration, and that concludes my closing  
12 statement.

13 CHAIRWOMAN MARTIN: Okay. Thank  
14 you, Mr. Murray.

15 Commissioner Bailey, any questions?

16 [No verbal response]

17 CHAIRWOMAN MARTIN: Okay. Is Mr.  
18 Golding still with us, and does he plan to  
19 make a closing? I don't see him on the  
20 screen.

21 MR. GOLDING: I'm here, but I was  
22 going to defer to Cliff, vice mayor --  
23 Assistant Mayor Below to speak on behalf of  
24 the Local Government Coalition.

1 CHAIRWOMAN MARTIN: Okay. Thank  
2 you.

3 MR. GOLDING: Thank you.

4 CHAIRWOMAN MARTIN: And I was going  
5 to go to the Town of Hanover next, and then  
6 I'll go to the City of Lebanon. Ms. Salas.

7 MS. SALAS: Yes. Can you hear me?

8 CHAIRWOMAN MARTIN: Yes.

9 MS. SALAS: Wonderful. I want to  
10 thank the Commission, as well as all of the  
11 intervening parties for their collaboration  
12 throughout this process. Overall, the Town  
13 of Hanover feels, despite all of the back and  
14 forth, extremely supportive and heard  
15 throughout the process, as I articulated in  
16 my opening remarks.

17 With a small budget and a small  
18 staff to be able to deliver a very succinct  
19 sort of implementation of a goal that our  
20 end-use customers and residents wish to see  
21 carried forward, it's been an important thing  
22 for us to have access to this data. So we're  
23 grateful for the collaboration and  
24 deliberation throughout this process and look

1 forward to, I think what Mr. Murray had  
2 articulated, which is an efficiency and an  
3 ease of interaction to access the data, which  
4 we already sort of as ratepayers and end-use  
5 customers on an individual basis are  
6 interested in, in accessing on an individual  
7 basis. So being able to aggregate that up  
8 for a municipality or a community that is  
9 looking to do this and replicate this on an  
10 ongoing basis in order to drive change and  
11 enhance and support customer choice, it's  
12 been a very important endeavor for us to have  
13 access to our data in a standardized and  
14 reputable fashion. So we're very encouraged  
15 by the proceedings and support for where we  
16 are today. And I will conclude my remarks  
17 there. Thank you.

18 CHAIRWOMAN MARTIN: Thank you, Ms.  
19 Salas.

20 Commissioner Bailey, any questions?

21 [No verbal response]

22 CHAIRWOMAN MARTIN: Okay. Thank  
23 you.

24 All right. Mr. Below.

1                   MR. BELOW: Thank you, Chairwoman  
2                   Martin. On behalf of the City of Lebanon and  
3                   the Local Government Coalition generally, to  
4                   the extent they don't speak separately, we do  
5                   want to thank all the parties for the  
6                   collaborative effort that we've undertaken  
7                   here. A lot of time and effort has been  
8                   invested in this. We fully support the  
9                   Settlement and urge the Commission to approve  
10                  it so we can move to the next phase.

11                  Mr. Murray's comments reminded me  
12                  of a very practical value that I overlooked  
13                  when I spoke this morning, which is the City  
14                  has been trying to be much more intentional  
15                  about managing its energy. Three years ago  
16                  we hired a full-time energy and facilities  
17                  manager. We undertook a lot of  
18                  energy-efficiency projects, building audits.  
19                  We've deployed solar. We are only now  
20                  getting around to developing a system so that  
21                  we can continuously monitor our energy use.  
22                  And we found that we did not have that data  
23                  readily accessible during our budget process.  
24                  And even yesterday as we were working on

1           this, several of us spent the better part of  
2           a couple hours opening up PDFs to make a  
3           comparison of how much we have saved by doing  
4           load curtailment and deploying solar at our  
5           two largest loads, our water treatment plant  
6           and our wastewater treatment plant.

7                         Last summer we were able to get to  
8           the point where at the hour of system peak  
9           for all of New England, our water treatment  
10          plant, which normally has well over 100 kW of  
11          demand, was actually exporting to the grid  
12          because our staff had learned how to do load  
13          curtailment. And we were just trying to  
14          compare how much that had saved from before,  
15          and we found ourselves opening up individual  
16          PDFs to try to look at what our demand was  
17          four years ago before we started curtailing  
18          load. And in working on this, our finance  
19          department has gone to a digital platform,  
20          paperless platform. We're trying to move our  
21          whole city government to paperless operation.

22                         But our bills, to kind of capture  
23          our load data, what we're having to do is the  
24          finance department has to look at each of

1 over 80 different bills every month and  
2 manually enter the kWh for the past month and  
3 the total payment into a spreadsheet. And we  
4 looked at could we get more data, like the  
5 demand and the different rate components.  
6 And that's -- it would triple the amount of  
7 work that our finance department's already  
8 doing with manual entries every month to try  
9 to track this.

10 The Connect My Data, the Green  
11 Button Connect My Data, would allow, through  
12 an API, this data to stream to the city every  
13 month as it becomes available and  
14 automatically populate a spreadsheet. So we  
15 could have a public dashboard in which we're  
16 showing in as close to real time as possible  
17 what we are achieving with our  
18 energy-efficiency investments, what we are  
19 achieving with our demand response efforts,  
20 and really put that data to use.

21 So the only other thing I want to  
22 comment on, I'm not an attorney at law, but I  
23 do have an observation about the plain  
24 language of 378:51, II and III. II does call

1           for the Commission to make an affirmative  
2           determination about the variety of issues in  
3           A, B and C. And to a large extent, the  
4           Settlement makes a very good first pass at  
5           flushing all of those out and essentially  
6           making those determinations, although there's  
7           more work to be done. So you don't have to  
8           close the proceeding on that point.

9                         III of that RSA, however, is  
10           written in the negative. It does not require  
11           the Commission to make an affirmative  
12           determination that the cost of the platform  
13           to be recovered from customers is reasonable  
14           and is in the public interest. Rather, it's  
15           in the negative. It requires the Commission  
16           to defer implementation if it finds such  
17           costs to be covered from customers are  
18           unreasonable and not in the public interest.

19                         If the legislature wanted to  
20           require that to be an affirmative  
21           determination, they could have easily done  
22           that by adding it as a D under II. And other  
23           places in the statutes, like 374-G, for  
24           instance, require affirmative determinations.

1 I think the process that's set up will allow,  
2 in the next phase, an evidentiary record and  
3 argument if needed for the Commission to be  
4 able to look at the evidence and, if  
5 necessary, they can make a determination that  
6 the cost would be unreasonable and not in the  
7 public interest. But the statute does not  
8 require an affirmative determination. And  
9 the opposite -- although, I will agree with  
10 anybody that an overall guiding principle of  
11 what the Commission does is to make decisions  
12 in the public interest. So, you know, I  
13 don't have any issue with that kind of  
14 general finding.

15 So with that conclusion, I  
16 appreciate the opportunity to be heard today.  
17 Thank you.

18 CHAIRWOMAN MARTIN: Thank you. I  
19 appreciate your statements on the statute.

20 Commissioner Bailey, any questions?

21 [No verbal response]

22 CHAIRWOMAN MARTIN: Okay.

23 Representative McGhee.

24 REP. MCGHEE: Thank you, Chairwoman

1           Martin. And thank you to all of the PUC for  
2           basically hosting a wonderful, long process  
3           that started right at the beginning of the  
4           pandemic for us. And I didn't know what to  
5           expect. This is my first time being part of  
6           an adjudicative proceeding.

7                        I guess where I wanted to land is I  
8           wanted to go back to the statute language of  
9           the original bill, where I first got engaged,  
10          and just say something about some of the  
11          language that has been passed over to the  
12          Commissioners for their consideration and  
13          decision-making. That language around  
14          "change management" and "versioning" that was  
15          referred to earlier was put into the statute  
16          to make sure that any statewide energy data  
17          platform that was built would take those  
18          basically technical considerations into  
19          consideration and make sure that we had  
20          established a pattern for how we would handle  
21          and maintain change management of this  
22          platform so that it was consistent with  
23          itself because it was going to be used in a  
24          statewide manner. Also, the idea of

1 versioning isn't something normally that the  
2 Utilities Commission would have to be  
3 concerned with. It's more of an IT  
4 challenge. But the idea of adding it was  
5 just so that it wouldn't get forgotten,  
6 because it's an unusual project, in that it  
7 is a software project within a PUC docket.

8 And I bring that up because I think  
9 there's just one other point I wanted to  
10 make, and that is that the culmination with  
11 the Settlement Agreement I think is the right  
12 way for us to begin this project. We've gone  
13 all the way around what all of us wanted or  
14 thought this should be and landed in a place  
15 that's acceptable to all of us. And I think  
16 that really speaks well of the process  
17 itself.

18 But I wanted to go back to the  
19 questions that Commissioner Bailey was asking  
20 earlier in the process in the morning of each  
21 and every speaker, which was, you know, how  
22 will this platform even be of use, be of  
23 benefit, work for ratepayers, that sort of  
24 thing. And I wanted to mention that within

1 the process, and all the work that was done  
2 throughout the technical sessions, I believe  
3 affixed to Ethan Goldman's testimony as part  
4 of the Clean Energy New Hampshire submission  
5 was an appendix that included user stories.  
6 And we started with use cases, which are  
7 customary, but we converted to a user story  
8 form of developing the outcomes of what could  
9 be delivered through the platform. So our  
10 Settlement Agreement doesn't include those  
11 because we haven't agreed on what those  
12 outputs will be at this point. But they were  
13 the most tangible indication of how users  
14 would actually use this and what different  
15 categories of users could be involved. So it  
16 would be very easy for us to scope a project  
17 in terms of those outcomes for various  
18 customers and also to phase the project  
19 because we went through the exercise of  
20 discussing amongst ourselves who will this  
21 platform serve and what types of information  
22 could it be able to provide in order to move  
23 us forward with innovation. So it ran the  
24 gamut from the individual ratepayer, you

1 know, aggregated data at the municipal level,  
2 and then other slices. But the idea of it  
3 being foundational is that we would have the  
4 ability to go in whatever direction we need  
5 to go. We would be setting ourselves on a  
6 trajectory where we would be prepared for the  
7 future that's really already here.

8 And so, you know, that's all I  
9 really wanted to say is just that I think  
10 that this particular group I have to thank as  
11 well because the process, working with the  
12 utilities and with all the other folks that  
13 have been party here as intervenors, has been  
14 a real privilege, and I have to say that I  
15 have enjoyed it. Well, I have enjoyed it.  
16 And I hope that all future collaborations  
17 that I am part of will go as smoothly and  
18 that I will meet as many wonderful people.

19 So I very much am in favor of this  
20 settlement in order to make sure that a good  
21 and worthy project for the state of New  
22 Hampshire is allowed to move forward, and I  
23 ask you for that consideration. Thank you.

24 CHAIRWOMAN MARTIN: Thank you,

1 Representative McGhee.

2 Any questions, Commissioner Bailey?

3 [No verbal response]

4 CHAIRWOMAN MARTIN: Okay. Mr.

5 Hines.

6 [Court Reporter interrupts.]

7 CHAIRWOMAN MARTIN: Mr. Hines.

8 Okay. Well, Ms. Carmody, if he puts his hand  
9 up and wants to be promoted, just let me  
10 know.

11 Okay. Mr. Buckley.

12 MR. BUCKLEY: Thank you, Madam  
13 Chair. Staff would like to begin by thanking  
14 the parties and the Commission for the  
15 significant efforts they have put forth  
16 towards the development of this data platform  
17 thus far. As Representative McGhee just  
18 noted, this is a proceeding where the  
19 prehearing conference took place in  
20 February 2020, and the first technical  
21 session took place on March 18th, 2020, amid  
22 the onset of a global pandemic. For many of  
23 these parties, and I know for the Staff of  
24 the Commission, this was the first proceeding

1           that took place almost entirely in the  
2           virtual landscape thus far. And that  
3           March 2020 tech session was the first of many  
4           tech sessions where the parties discussed  
5           scoping comments, use cases, user stories,  
6           testimony, discover, rebuttal, and then later  
7           the outputs of topical, specific working  
8           groups, which eventually got us to the  
9           Settlement the Commission has before it  
10          today.

11                         This was an adjudicative proceeding  
12           where there was no initial petition, where  
13           the statutory language was, in many cases,  
14           ambiguous about what the platform should be,  
15           what it should do and how it should do what  
16           it does. Now, that is not to say the General  
17           Court served up SB 284, the bill which kicked  
18           off this proceeding, to the Commission with  
19           no context whatsoever. Several of the  
20           parties here, including Unitil, OCA, and to  
21           some extent the Staff, have been working on  
22           some version of this platform since 2017.  
23           The real genesis of this platform concept is  
24           based in Section 7.7 of a Settlement

1 Agreement filed on February 22nd, 2017, in DE  
2 16-384, the previous Unitil rate case, which  
3 stated, quote, The Company, Staff and the OCA  
4 agree to hold a series of working meetings  
5 during the second half of 2017 to develop a  
6 data-sharing plan, energy data plan. The  
7 energy data plan will assess and describe a  
8 plan for the collection, management and  
9 reporting of granular energy data from a  
10 dedicated database, energy database. The  
11 energy data plan will include documentation  
12 of tables and relationships, logical data  
13 model within the energy database.

14 Staff would posit that is not a  
15 coincidence that much of that technical  
16 language made its way into SB 284 and  
17 subsequently into the Settlement on a  
18 statewide platform before the Commission  
19 today. But to their credit, in spite of a  
20 long and sometimes challenging road to this  
21 hearing, the parties labored to pull together  
22 the best information possible and to reach  
23 consensus on a platform design that limits  
24 data security risks associated with a

1 physical database; a logical data model that  
2 outlines a minimum viable data set based in  
3 the Green Button Connect standard, but one  
4 that may be extensible to additional data  
5 sets in future iterations; a governance  
6 structure that ensures all voices have the  
7 opportunity to be heard before non-consensus  
8 issues are elevated to the Commission;  
9 security and privacy standards that are  
10 wholly consistent with New Hampshire law and  
11 endeavor to ensure that the platform users  
12 have sufficient protections for customer data  
13 even after it has left the jurisdiction of  
14 the Commission and the utilities who oversee  
15 it; and a two-phase RFP-based path forward  
16 that would allow the Commission to  
17 prospectively make an informed decision about  
18 whether the platform costs are reasonable or  
19 should be deferred. For these efforts, Staff  
20 offers its sincerest commendation to the  
21 parties. In Staff's view, the Settlement  
22 appropriately balances the diversity of  
23 interests taking part in this proceeding,  
24 sets out a path forward that limits downside,

1 and maximizes potential benefits for New  
2 Hampshire ratepayers, and therefore warrants  
3 approval by the Commission.

4 Now, to follow up on two of the  
5 questions posed during the earlier portion of  
6 the proceeding and directed that the  
7 attorneys address in their closing.

8 First, as to whether the approval  
9 of costs as reasonable in this proceeding  
10 should be a "one and done" decision, to that  
11 question Staff would submit that the answer  
12 is decidedly no. In the proposed Phase 2  
13 determination, the Commission will be making  
14 determinations about the cost reasonableness  
15 for the purposes of deciding whether to defer  
16 the platform and will not be making  
17 determinations regarding prudence or  
18 preapproval of cost recovery.

19 Staff could envision a scenario in  
20 which the Council and utilities determine  
21 that the costs will be higher than the  
22 initial results that the RFP indicates. If  
23 that were the case, it would be up to those  
24 who are looking for greater certainty

1           regarding cost recovery, and their colleagues  
2           in the Governance Council, to decide whether  
3           this information might warrant further review  
4           from the Commission regarding the opportunity  
5           for deferral prior to making investments in  
6           support of the platform. We would suggest  
7           that the collective group, given their  
8           circumstances, would have the incentive to  
9           make the right choice when faced with those  
10          circumstances.

11                         Now, second, to the question of  
12          whether the Commission needs to make a  
13          determination on each of those items  
14          identified in 378:51, II. In order to  
15          approve the Settlement Agreement. To the  
16          extent the Commission determines it can make  
17          those findings at this stage, Staff would go  
18          as far as to ask that the Commission  
19          recognize in its determination, as has been  
20          stated in the Settlement, that the actual  
21          resolution of those items identified in  
22          378:51, II remain subject to further  
23          revision, as was qualified by the Settlement.

24                         Now, finally, in closing, the Staff

1 would like to once again offer its thanks to  
2 the proceeding participants and to the  
3 Commission for their efforts in this  
4 proceeding. Thank you.

5 CHAIRWOMAN MARTIN: Thank you Mr.  
6 Buckley.

7 Commissioner Bailey, any questions?

8 [No verbal response]

9 CHAIRWOMAN MARTIN: Okay. Are  
10 there any parties, other than the utilities,  
11 that I have not recognized for closing yet  
12 that wish to be heard?

13 [No verbal response]

14 CHAIRWOMAN MARTIN: Okay. Then  
15 we'll move on to Mr. Sheehan.

16 MR. SHEEHAN: If I may, the utility  
17 lawyers spoke, and we've decided that Unitil,  
18 Eversource and Liberty would be a better  
19 order, given what we intend to say.

20 CHAIRWOMAN MARTIN: So Unitil  
21 first, Mr. Simpson?

22 MR. SIMPSON: Thank you, Chairwoman  
23 Martin and Commissioner Bailey. It's been a  
24 long journey waiting for this moment for

1 those of us at Unitil and all stakeholders in  
2 this docket. I also want to express my  
3 gratitude and appreciation to all of the  
4 individuals who have contributed to this  
5 process, as I truly believe that we have  
6 proposed a platform design that will not only  
7 meet the needs of customers and the state at  
8 large, but will enable new use cases in an  
9 innovative and cost-effective manner. This  
10 is something that everyone can be very proud  
11 of and is a real testament to the ingenuity  
12 and spirit of collaboration that exists here  
13 in New Hampshire.

14 In our view, one of the main  
15 objectives of this effort was to lay the  
16 foundation for an enabling platform. Unitil  
17 has been focused on this concept for many  
18 years and is excited to continue to work with  
19 stakeholders to realize benefits for the  
20 state. Going as far back at September of  
21 2015, Unitil provided within our initial  
22 comments opening the investigation into grid  
23 modernization that the utility business model  
24 was changing to further becoming an enabling

1 platform supporting diverse activities by  
2 third parties and customers. No single  
3 stakeholder can or should develop all markets  
4 or services. The data platform as proposed  
5 in the Settlement Agreement ensures that all  
6 stakeholders have a means of accessing and  
7 benefitting from energy data in a safe,  
8 secure and cost-effective manner. Customers  
9 will benefit from energy data sharing via  
10 standardized data formats and the associated  
11 innovation that will result from market  
12 participation.

13 The architecture upon which the  
14 proposed data platform is based has been  
15 under development for quite some time. In  
16 the Settlement Agreement from our last Unitil  
17 Energy Systems rate case, Docket DE 16-384,  
18 Unitil agreed to work with Staff and the OCA  
19 to develop a data-sharing plan. We had  
20 envisioned a platform based on APIs during  
21 this process, and we're very pleased to see  
22 the collaborative support for the concept  
23 during this proceeding.

24 The discussions that we had with

1 Staff and the OCA informed the logical data  
2 model as described in this Settlement  
3 Agreement and the subsequent legislation,  
4 Senate Bill 284, as drafted by the consumer  
5 advocate in 2019. All of the utilities  
6 worked collaboratively with the OCA and the  
7 New Hampshire General Court, including State  
8 Representative Kat McGhee, in her capacity as  
9 a House member of the Science, Technology and  
10 Energy Committee, to ultimately craft this  
11 landmark legislation.

12 As mentioned in the findings of  
13 Senate Bill 284, the General Court noted that  
14 secure access to energy usage information may  
15 help to accomplish the purposes of  
16 restructuring, enable the aggregation and  
17 automatization of community-level data to  
18 facilitate municipal and county aggregation  
19 programs, and help local communities more  
20 efficiently and sustainably plan for energy  
21 use. The bill requires participation of the  
22 platform as a Green Button Alliance and that  
23 it be established, jointly operated and  
24 administered by the State's electric and

1 natural gas utilities in a manner to provide  
2 access for data sharing to utilities,  
3 customers, and third parties. Senate Bill  
4 284 received bipartisan support throughout  
5 the legislative process and was signed into  
6 law by Governor Sununu on July 19, 2019,  
7 establishing RSA 378:50 through 54.

8 The Settling Parties here have  
9 worked collaboratively over the past year and  
10 a half to better understand respective  
11 approaches and applications for the data  
12 platform. The robust stakeholder process  
13 included the electric and natural gas  
14 utilities, Staff, OCA, Clean Energy New  
15 Hampshire, the Town of Hanover, the City of  
16 Lebanon, Mission Data, Community Choice  
17 Partners, and Representative Kat McGhee, in  
18 her capacity as an Eversource customer, among  
19 others. All intervenors brought significant  
20 and diverse experience to the numerous  
21 technical sessions, both informal and formal,  
22 and direct discussions between stakeholders.

23 What we all have ultimately  
24 developed and recommended here is a flexible

1 and scalable virtual data platform that is  
2 cost-reasonable today and adaptable to  
3 functionalities that may be desirable in the  
4 future. Data will be shared around a common  
5 model based on open standards and a robust  
6 privacy and security program. The New  
7 Hampshire Utilities possess the capabilities  
8 to share data through the virtual data hub in  
9 a way that is transparent and standardized  
10 for all customers. The Platform Hub will  
11 provide a single unified portal that will  
12 allow customers and third parties to register  
13 and access data from one site, regardless of  
14 which or the number of utilities providing  
15 data.

16 As discussed, security and privacy  
17 were of great importance to the Settling  
18 Parties. We have developed a process and  
19 requirements to protect customers and their  
20 data from unwanted disclosure. Customers  
21 must affirmatively opt in to share their  
22 individual energy usage data via the  
23 platform, and third parties must follow  
24 specific procedures to gain access to the

1 platform. Furthermore, the Utilities will  
2 periodically review these procedures to  
3 ensure customer needs and legal requirements  
4 are met.

5 A cornerstone of the Settlement  
6 Agreement pertains to the proposed Platform  
7 Governance Council. The Council will consist  
8 of representatives from each utility,  
9 third-party users, municipalities, consumer  
10 advocate, large and small  
11 commercial/industrial customers, the academic  
12 community, and Staff. The Council will make  
13 decisions based on consensus in the spirit of  
14 good faith and collaboration, with any  
15 disputed matters brought before the  
16 Commission. This Governance model provides  
17 an equal voice to platform stakeholders and  
18 embodies the collaborative spirit of the  
19 Settling Parties. The proposed platform has  
20 been designed in a way that supports the  
21 Commission's statutory duty to determine  
22 whether the costs to support this platform  
23 are reasonable and in the public interest.  
24 In our view, as in the past, this is a

1 recurring burden and it's provided in the  
2 Settlement Agreement. Reading from Bates  
3 Page 12 of the Settlement Agreement, "Any  
4 issue or determination that exceeds the costs  
5 approved by the Commission that would  
6 necessitate further cost recovery from New  
7 Hampshire utility customers shall be  
8 submitted for Commission review and  
9 approval."

10 Settling Parties have agreed to  
11 work collaboratively and in good faith to  
12 realize any other outstanding obligations as  
13 detailed, including the completion of a  
14 public RFP process to inform the Commission  
15 with a cost estimate providing platform  
16 development, deployment and operation.

17 The Settlement Agreement submitted  
18 for your consideration advances the energy  
19 policy of the state and the Commission  
20 through a novel, flexible and extensible  
21 approach to data sharing. It is our view  
22 that the Settlement Agreement provides a  
23 reasoned plan with a thoughtful approach to  
24 developing and evolving the platform over

1 time, providing the Commission with details  
2 meeting the statutory burden in RSA 378:51.

3 In summation, the Settlement  
4 Agreement is in the public benefit and should  
5 be approved by the Commission. Thank you.  
6 I'd be happy to answer any of your questions.

7 CHAIRWOMAN MARTIN: Thank you, Mr.  
8 Simpson.

9 Any questions, Commissioner Bailey?

10 [No verbal response]

11 CHAIRWOMAN MARTIN: Okay. Was it  
12 Eversource next? Okay. Ms. Chiavara.

13 MS. CHIAVARA: Yes. Thank you,  
14 Chairwoman Martin. I was going to, if that's  
15 all right with the Commission, I was going to  
16 address the two questions for counsel and  
17 then do my closing.

18 So going first to the provision of  
19 RSA 378:51, III, about the "one and done"  
20 evaluation. I believe that the statute  
21 itself could be read as a one-time  
22 opportunity for the Commission to conduct a  
23 cost analysis for platform deferral; however,  
24 as a practical matter, I don't believe that

1           that is the case. First, the estimates  
2           presented to the Commissioners at the  
3           conclusion of this next phase of this  
4           proceeding should not only include one-time  
5           start-up estimates, but also estimates for  
6           ongoing platform costs and maintenance.

7                         Secondly, and of equal importance,  
8           as Mr. Simpson just mentioned, the Settlement  
9           Agreement, on Bates Page 12, states that any  
10          additional -- or any addition or extension of  
11          the platform that triggers additional cost  
12          recovery must be reviewed and approved by the  
13          Commission. So if any of these proposed  
14          additional costs constitute a bridge too far,  
15          the Commission is well within its authority  
16          to rule that such additional costs are not in  
17          the public interest. So that is my answer to  
18          that first question.

19                        As to the second, as far as  
20          adopting the terms of the Settlement in  
21          satisfaction of 378:51, II, I believe that  
22          approving all terms of the Settlement will  
23          establish important conditions precedent to  
24          providing the information the Commission will

1 need to make a determination on whether or  
2 not the platform is or is not deferred. But  
3 not everything from 378:51, II needs to be  
4 approved as final, first, because this  
5 Settlement allows those issues to remain  
6 open, on Bates Page 4. And indeed there are  
7 going to be various levels of detail that  
8 will be refined and will also symbiotically  
9 inform the additional proposed phase that  
10 will allow for the Commission's ultimate  
11 determination on whether or not to construct  
12 the platform, I think which is another way of  
13 saying the "chicken and the egg" scenario  
14 that Michael Murray brought up earlier.

15 With those two answers concluded, I  
16 will move on to Eversource's closing  
17 statement, which is that Eversource firmly  
18 supports the Settlement Agreement proposed to  
19 the Commission here today as a thoughtful,  
20 practical and inclusive path forward to  
21 develop a multi-use, statewide data platform.  
22 This novel project for New Hampshire is a  
23 policy vision for the advancement of the  
24 modern electric grid by fostering elements

1           such as greater distributed energy resources  
2           and the proliferation of community solar  
3           projects.

4                         While Eversource encourages the  
5           development of clean energy and a modernized  
6           grid for New Hampshire, the security and  
7           privacy of our customers is of paramount  
8           importance, as is the security and  
9           reliability of the electrical grid. The data  
10          platform as envisioned in the proposed  
11          Settlement Agreement addresses those concerns  
12          in the scope of the platform itself with the  
13          proposed governance process and with the  
14          security protocols and user authorizations  
15          and customer consent processes recommended  
16          for the platform's implementation.

17                        The proposed Settlement Agreement  
18          also embraces a pragmatic approach to both  
19          platform design and administrative process  
20          for further platform development. The  
21          proposed platform design is flexible and  
22          adaptable to expansion and future  
23          functionality in a way that ensures this  
24          significant infrastructure project will

1 resist obsolescence and instead stay relevant  
2 and tailored to the energy needs of New  
3 Hampshire customers.

4 The proposed additional phase to  
5 this adjudicative docket is also a measured  
6 and reasoned approach to addressing the costs  
7 of this project by giving this issue the time  
8 and resources it deserves to come to a  
9 well-informed result.

10 Overall, the proposed Settlement  
11 Agreement goes far with this first step to  
12 create a statewide data platform for New  
13 Hampshire, and Eversource recommends the  
14 Commission adopt the Settlement Agreement as  
15 proposed as just and reasonable. Thank you.

16 CHAIRWOMAN MARTIN: Okay. Thank  
17 you, Ms. Chiavara.

18 Commissioner Bailey, any questions?

19 [No verbal response]

20 CHAIRWOMAN MARTIN: Okay. Mr.  
21 Sheehan.

22 MR. SHEEHAN: Yes, last and  
23 probably least, given all the work the others  
24 have put into this. I just have a couple

1 things to say on the issues you raised.

2 On the cost issue, the Settlement  
3 Agreement does set up the two steps, the  
4 approval now and then coming back to approve  
5 the hopefully very good cost estimates. And  
6 then the third step is when we come back for  
7 cost recovery after implementation.

8 There is bit of a gap there in  
9 between those latter two steps. And if it's  
10 clear the costs are much higher than  
11 anticipated, do we keep plowing ahead? And  
12 the answer is, of course, no. It's in  
13 everyone's interest here to raise the flag,  
14 especially utility interests, to the extent  
15 initially writing the checks may not get  
16 recovery. So that could happen. And as Ms.  
17 Chiavara just mentioned, the statute does  
18 require us to come back to you if there's  
19 going to be a higher charge to customers. So  
20 I think there's every incentive for us to  
21 come back to the Commission if that happens,  
22 if the costs are going up, for whatever  
23 reason.

24 On the other issue you asked us to

1 discuss, the requirements in 378:51, II, the  
2 intention here is, and I think Mr. Murray  
3 said it, is that we need approval of the  
4 Settlement Agreement to give certainty to  
5 what the RFP will be. If things are left  
6 hanging out there, that the Commission didn't  
7 approve this piece or that piece, that may  
8 affect the usefulness of the bids that come  
9 in. So that's why we are asking for an  
10 unconditional approval of the Settlement  
11 Agreement.

12 I do think, as Mr. Below and others  
13 have pointed out, a fair reading of the  
14 statute does not require the Commission to  
15 make every detailed finding on all of those  
16 things. I think it's more important that the  
17 Commission determine that we have provided  
18 for all of those things in the Settlement  
19 Agreement. And we have, as all the others  
20 have said. So I do think you can make the  
21 finding that the Settlement Agreement checks  
22 all those boxes. And of course, when we come  
23 back with a detailed plan based on the RFP,  
24 if there are some that are left unchecked,

1 that would be something we'd have to convince  
2 you of then. So I think we're good there.

3 As far as Liberty's closing, the reason  
4 I'm going last is I fully support what my  
5 colleagues have said, and we emphatically  
6 support the Settlement Agreement. Thank you.

7 CHAIRWOMAN MARTIN: Okay. Thank  
8 you, Mr. Sheehan.

9 Commissioner Bailey, any questions?

10 [No verbal response]

11 CHAIRWOMAN MARTIN: Okay. With  
12 that, we will close the record, at least on  
13 this phase of the proceeding, and take this  
14 matter under advisement.

15 I do want to recognize the parties  
16 for what I think is very creative thinking in  
17 enabling this to move forward at this time.  
18 I see Commissioner Bailey shaking her head.  
19 So I think we are in agreement on that. So  
20 thank you all for that. And we are adjourned  
21 for the day.

22 COMMISSIONER BAILEY: Thank you,  
23 everyone.

24 (Whereupon the hearing adjourned at 4:36 p.m.)

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C E R T I F I C A T E

I, Susan J. Robidas, a Licensed Shorthand Court Reporter and Notary Public of the State of New Hampshire, do hereby certify that the foregoing is a true and accurate transcript of my stenographic notes of these proceedings taken at the place and on the date hereinbefore set forth, to the best of my skill and ability under the conditions present at the time.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action; and further, that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

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Susan J. Robidas, LCR/RPR  
Licensed Shorthand Court Reporter  
Registered Professional Reporter  
N.H. LCR No. 44 (RSA 310-A:173)

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