

1 **STATE OF NEW HAMPSHIRE**2 **PUBLIC UTILITIES COMMISSION**

3 **June 3, 2022** - 9:04 a.m.
4 21 South Fruit Street
5 Suite 10
6 Concord, NH

7 *[Hearing also conducted via Webex]*

8 **RE: DE 19-197**
9 **ELECTRIC AND NATURAL GAS UTILITIES:**
10 **Development of a Statewide, Multi-Use**
11 **Online Energy Data Platform.**
12 ***(Prehearing conference)***

13 **PRESENT:** Chairman Daniel C. Goldner, Presiding
14 Commissioner Pradip K. Chattopadhyay
15 Special Commissioner F. Anne Ross

16 Michael Haley, Esq., Asst. Atty. General
17 *(N.H. Dept. of Justice)*

18 Tracey Russo, Clerk
19 Doreen Borden, PUC Hybrid Hearing Host

20 **APPEARANCES:** **Reptg. Public Service Company of**
21 **New Hampshire d/b/a Eversource Energy:**
22 Jessica A. Chiavara, Esq.

23 **Reptg. Unitil Energy Systems, Inc.,**
24 **and Northern Utilities, Inc.:**
 Matthew J. Fossum, Esq.

Reptg. Liberty Utilities (Granite State
 Electric) Corp. and Liberty Utilities
 (EnergyNorth Natural Gas) Corp.:
 Michael J. Sheehan, Esq.

 Court Reporter: Steven E. Patnaude, LCR No. 52

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APPEARANCES: *(C o n t i n u e d)*

Reptg. the City of Lebanon:

Clifton Below, Assistant Mayor

Reptg. Clean Energy NH:

Chris Skoglund, Dir./Energy Transition

Reptg. Mission:data Coalition:

Michael Murray, President

Reptg. Residential Ratepayers:

Donald M. Kreis, Esq., Consumer Adv.
Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:

Mary E. Schwarzer, Esq.
Stephen Eckberg, Electric Division
(Regulatory Support Division)

ALSO PRESENT:

Christopher Leigh *(Eversource)*

Riley Hastings *(Eversource)*

Joseph Ballard *(Eversource)*

Justin Eisfeller *(Unitil)*

Heather Tebbetts *(Liberty Utilities)*

Missy Samenfeld *(Liberty Utilities)*

Ethan Goldman *(Clean Energy NH/Resilient Edge)*

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23
24

I N D E X

PAGE NO.

STATEMENTS OF INITIAL POSITIONS BY:

Mr. Fossum 10

Ms. Schwarzer 13

QUESTIONS ON MAY 27, 2022 MEMORANDUM BY TOPIC:

RE: (a) COST-BENEFIT METHODOLOGY by:

Cmsr. Chattopadhyay 14, 28

Special Cmsr. Ross 24, 44

Chairman Goldner 47

RE: (b) INTERFACE by:

Cmsr. Chattopadhyay 66, 74

Chairman Goldner 77

*Presentation of "Demonstration
of user interface concepts"* 67

**RE: (c) REGISTRATION & SECURITY
and (d) CUSTOMER SURVEY by:**

Special Cmsr. Ross 81, 92

RE: (e) SOFTWARE SURVEY by:

Chairman Goldner 100

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

PAGE NO.

RE: (f) RFP REVIEW by:

Chairman Goldner 119

RE: (g) STATUS CONFERENCE by:

Chairman Goldner 135

RE: (h) COST RECOVERY by:

Chairman Goldner 145

Special Cmsr. Ross 149

FURTHER GENERAL QUESTIONS BY:

Chairman Goldner 153

SUPPLEMENTAL INFORMATION TO BE PROVIDED: 159

1. A list of the Governance Council members and their qualifications.

2. PowerPoint presentation provided during the prehearing conference titled "Demonstration of user interface concepts".

3. A summary of national and other standards for cybersecurity.

4. An electronic version (Web link) to the Dunsky Report.

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P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. Good morning, everyone. I am Chairman Goldner. I'm joined today by Special Commissioner Ross and Commissioner Chattopadhyay.

We're here this afternoon -- or, this morning, rather, in Docket 19-197 for a prehearing conference regarding the electric and gas utilities' development of a statewide multi-use online energy data platform, and to address concerns raised by the parties relating to Order 26,589, dated March 2nd, 2022.

So, let's take appearances. And I'll begin with Unitil.

MR. FOSSUM: Good morning, Commissioners. Matthew Fossum, here for Unitil Energy Systems and Northern Utilities, both doing business as Unitil. With me today is Unitil's Vice President of IT and Chief Technology Officer, Justin Eisfeller.

CHAIRMAN GOLDNER: Okay. We'll move to Eversource.

MS. CHIAVARA: Good morning, Commission. Jessica Chiavara, counsel for Public

1 Service Company of New Hampshire, doing business
2 as Eversource Energy. And with me I have
3 Christopher Leigh, Chief Information Security
4 Officer; Joseph Ballard, Manager of IT and
5 Digital Development; and Riley Hastings, Lead
6 Analyst for Strategic Data Management.

7 CHAIRMAN GOLDNER: Thank you. We'll
8 move to Liberty.

9 MR. SHEEHAN: Good morning. Mike
10 Sheehan, for Liberty Utilities (EnergyNorth
11 Natural Gas) and Liberty Utilities (Granite State
12 Electric). And with me are two folks from the
13 Regulatory Department, Heather Tebbetts and Missy
14 Samenfeld.

15 CHAIRMAN GOLDNER: Okay. Very good.
16 Mr. Fossum, are you also representing
17 Northern today?

18 MR. FOSSUM: I thought I had said so.
19 But, yes.

20 CHAIRMAN GOLDNER: Okay.

21 MR. FOSSUM: Both Unutil Energy Systems
22 and Northern Utilities, yes.

23 CHAIRMAN GOLDNER: Okay. Thank you for
24 clarifying. You probably did. Thank you.

1 We'll move to the Office of Consumer
2 Advocate.

3 MR. KREIS: Good morning, honorable
4 Commissioners, and happy Friday. I'm Donald
5 Kreis, the Consumer Advocate, representing the
6 interests of residential utility customers.

7 CHAIRMAN GOLDNER: Okay. Then, before
8 we move to the Department of Energy, I'll just
9 check to see, is there anyone here from the Town
10 of Hanover?

11 [No indication given.]

12 CHAIRMAN GOLDNER: No. So, I see
13 there's someone here from the City of Lebanon,
14 Mr. Below.

15 MR. BELOW: Yes. This is Assistant
16 Mayor Clifton Below, for the City of Lebanon.

17 CHAIRMAN GOLDNER: Thank you. Are
18 there any *pro se* litigants here today? I have a
19 Ms. McGhee?

20 [No indication given.]

21 CHAIRMAN GOLDNER: No? Okay. From
22 Mission: data Control [Coalition?], Mr. Murray, I
23 believe, is on screen?

24 MR. MURRAY: Yes. Good morning, Mr.

1 Chairman and Commissioners. Michael Murray, with
2 the Mission:data Coalition.

3 CHAIRMAN GOLDNER: All right. And
4 then, Clean Energy New Hampshire?

5 MR. SKOGLUND: Good morning, Chairman
6 Goldner and Commissioners. My name is Chris
7 Skoglund. I am the Director of Energy
8 Transition. And with me today is Ethan Goldman,
9 our consultant from Resilient Edge.

10 CHAIRMAN GOLDNER: Okay. Thank you,
11 sir. Is there anyone here from Community Choice
12 Partners?

13 *[No indication given.]*

14 CHAIRMAN GOLDNER: No. Okay. And the
15 New Hampshire Department of Energy.

16 MS. SCHWARZER: Good morning, Chairman
17 Goldner and Commissioners Chattopadhyay and Ross.
18 My name is Mary Schwarzer. And I'm here
19 representing the Department of Energy.

20 And I would like to note, as the Page
21 -- on Page 1 of the memo states, the Department
22 agrees in part with the relief requested as
23 stated in Sections d and f.

24 CHAIRMAN GOLDNER: Okay. Thank you.

1 Did I miss anyone?

2 *[No indication given.]*

3 CHAIRMAN GOLDNER: No? Very good.

4 Excuse me.

5 Okay. I'll begin by saying that the
6 Commission is supportive of facilitating a
7 cost-effective data platform for New Hampshire,
8 pursuant to 374-F and RSA 378:51 through 54.
9 We're looking forward to today's open exchange,
10 with a goal of finding clear near-term
11 resolutions.

12 After the Parties' initial positions,
13 the Commission plans to systematically walk
14 through each of the areas of concern highlighted
15 in the prehearing conference memorandum filed on
16 May 27th by Mr. Fossum, on behalf of the Parties.

17 We're sensitive to the three-hour time
18 limit, and we'll manage the PHC accordingly.
19 Would ten to fifteen minutes be enough for the
20 mock-up demo?

21 MR. MURRAY: Yes, Mr. Chairman. I
22 believe that would be more than adequate.

23 CHAIRMAN GOLDNER: Okay. Thank you,
24 sir. Is there anything else the parties wish to

1 include in today's prehearing conference?

2 [No verbal response.]

3 CHAIRMAN GOLDNER: Seeing none. We'll
4 move to initial positions. And we'll begin with
5 Mr. Fossum.

6 MR. FOSSUM: Thank you. And maybe I'll
7 potentially cut short some of it by saying that,
8 first of all, thank the Commission for holding
9 this session today, and for looking to address
10 the issues that we have raised. I actually have
11 some opening remarks on behalf of the wider group
12 that I'm hoping will move things forward. And
13 I'm very appreciative to hear the Chair say how
14 they intend to proceed today, because that's very
15 much in line with what we had hoped would happen.

16 As noted, we're here today for a
17 prehearing conversation that we requested, in the
18 hope of clearing up some questions about a number
19 of items set out by the Commission in its Order
20 26,589. We have had a broad group of
21 stakeholders meeting and discussing those issues.
22 And, as the Commission has already noted, we
23 filed a memorandum a week ago, setting out our
24 understanding of those requirements and proposed

1 means of addressing them.

2 The purpose of that memorandum seems to
3 have worked, I'm glad to say, was to help
4 facilitate the discussion today. And, so, to
5 that end, our goal, and seems the Commissioners'
6 goal as well, is to engage in an open, informal
7 discussion about the issues, in the hopes that we
8 can find useful near-term solutions and
9 efficiently move forward on the design of the
10 platform.

11 As we noted in that memo, since the
12 time of the Commission's order, the Governance
13 Council has been established and its membership
14 has been filled out. And that group has begun
15 discussion on the work needed to advance the
16 platform in line with the Settlement in this
17 proceeding.

18 In the end, we are looking to create a
19 platform that will be a foundational component in
20 a marketplace of energy products and services
21 that are only just beginning to be offered in New
22 Hampshire.

23 For today, we believe, as it appears
24 the Commissioners believe, the most fruitful way

1 to proceed is to methodically walk through the
2 items in the memorandum, have an open dialogue
3 back and forth between the Commissioners, the
4 parties, and the experts in the room on these
5 issues.

6 Since this is a prehearing conference,
7 where, among the goals stated in the Commission's
8 rules, are simplifying issues and considering
9 matters aiding the disposition of the proceeding,
10 we believe we can do this without the formality
11 of things like sworn testimony. But, rather,
12 this structured and open dialogue is the most
13 likely way to achieve the ends we are
14 collectively seeking. Ideally, we'll be able to
15 answer the Commissioners' questions, provide
16 clarity, and give assurance on the need to
17 proceed without delay.

18 And, so, with that introduction, and
19 unless there are other comments or questions from
20 the other parties, I would propose that we move
21 to look at the memorandum and begin that
22 discussion.

23 CHAIRMAN GOLDNER: Thank you,
24 Mr. Fossum. Do any of the parties have any

1 opening remarks they would like to make before we
2 start with the "Cost-Benefit Methodology", in
3 Part (a)?

4 *[No indication given.]*

5 CHAIRMAN GOLDNER: No? Okay. Seeing
6 none, we'll move to Part (a), "Cost-Benefit
7 Methodology", and Commissioner Chattopadhyay.

8 MS. SCHWARZER: Commissioner Goldner,
9 I'm sorry, if I might? I should have raised my
10 hand a bit sooner.

11 CHAIRMAN GOLDNER: Okay. No worries.

12 MS. SCHWARZER: With regard just to the
13 comment on the "informal conversation", the
14 Department of Energy does wish to note that,
15 while we think status conferences are
16 appropriate, as referenced in your order, and
17 believe written reports can achieve an ideal
18 communication between the parties and the
19 Commission, we do think that they may be
20 administratively burdensome. And that, rather
21 than an informal conversation, as requested in
22 Section (g) every other month, that it may be
23 best to continue with written reports and
24 infrequent status conferences, as the original

1 order suggested.

2 CHAIRMAN GOLDNER: Okay. Very good.
3 And we will -- I believe that's in Section (i),
4 let me see here.

5 MS. SCHWARZER: (g).

6 CHAIRMAN GOLDNER: (g)? Thank you.
7 And, so, appreciate those upfront comments. And
8 I think we'll talk about it again in Section (g),
9 if that's acceptable to everyone?

10 MS. SCHWARZER: Absolutely.

11 CHAIRMAN GOLDNER: Okay. Thank you.

12 Okay. Commissioner Chattopadhyay has a
13 few comments to make leading into Section (a),
14 and then we'll just dive right in. So, I'll
15 recognize Commissioner Chattopadhyay.

16 CMSR. CHATTOPADHYAY: Thank you.
17 Before I dive into it, and I know that the Dunskey
18 Report was, you know, Attachment A, there were
19 some pages that didn't appear clearly. So, I'm
20 curious whether there's a lead, a Web lead that I
21 can click, and I'll get the version that has all
22 the -- there were some things missing in the
23 graphs there, some of the graphs, for example,
24 around Page 40.

1 But let me -- so, that can be handled
2 later. Let me just move on now.

3 So, as was indicated, I think we are
4 here -- we are actually, you know, very
5 interested that this process begins as soon as
6 possible. So, but sticking to the memo, I'll,
7 you know, that was provided on the 27th of May,
8 I'll just go through some setup.

9 So, on the question of why the
10 development of a methodology precedes the actual
11 cost-benefit methodology makes eminent sense to
12 me, to have the development of the cost-benefit
13 analytic framework begin as soon as possible. So
14 that, when you have sufficient information
15 derived from the other initiatives that the
16 Commission identified on Page 17 of the
17 Commission Order 26,589, a meaningful
18 cost-benefit analysis can be done using that
19 methodology and the information that feeds into
20 it.

21 As hinted at Footnote 3 of that Order,
22 we are mindful of the need to be flexible as to
23 when the methodology is ready for implementation.
24 And it is entirely possible that the final

1 construct of the methodology that informs the
2 cost-benefit analysis is different from what is
3 presented before the status conference. The
4 earlier development of the methodology, however,
5 will keep the initiative of implementing the data
6 platform in good stead, rather than springing a
7 surprise at the end, where the development of the
8 cost-benefit methodology and the analysis are
9 done after the status conference, and the
10 Commission has too many questions, and the
11 process gets delayed. So, that is the way we are
12 looking at it.

13 So, I'm going to ask a few questions
14 related to that, just springing from this, this
15 discussion.

16 How much time do the Parties think it
17 will take, after the status conference, to
18 improve the cost-benefit methodology as needed,
19 and processing the information that results from
20 the RFP and selection of a vendor or vendors?

21 And feel free to, you know, whoever
22 wants to respond, we are okay with it.

23 MR. EISFELLER: I'll take the first
24 response to that question.

1 So, first, the assumption would be that
2 we have a methodology that's agreed upon. So, as
3 long as we have a methodology that's agreed upon,
4 and if we get the RFPs back, and have the costs
5 outlined, and I would assume we'd also have some
6 of the -- all the functionality outlined, in
7 which case it should be fairly quick that we'd be
8 able to update the cost-benefit analysis.

9 That's sort of the approach that we put
10 forth here with including the Dunskey Report. And
11 it's our desire to establish that methodology as
12 soon as possible, and build the cost-benefit
13 model early on, such that we can populate that
14 model with all the inputs, including costs, as
15 early as possible. So, it is our desire to get
16 some feedback from the Commission on the Dunskey
17 model, and whether that's a legitimate framework
18 to use for the cost-benefit analysis.

19 We also included, on Page 137 of
20 Attachment B, some additional benefits that we'd
21 like to investigate, in addition to the benefits
22 outlined in the Dunskey Report.

23 CMSR. CHATTOPADHYAY: Anyone else?

24 *[No verbal response.]*

1 CMSR. CHATTOPADHYAY: No. So, I will
2 talk about the Dunsky Report in a moment, just to
3 say this, I'm trying to frame that properly here.

4 SPECIAL CMSR. ROSS: Could you ask --
5 I'm just, if you wouldn't mind?

6 CMSR. CHATTOPADHYAY: No, please.

7 SPECIAL CMSR. ROSS: Take a second
8 while I'm trying to get to -- what was the page
9 that you said you had additional benefits
10 described on? I'm in the attachment.

11 MR. EISFELLER: It's Page 137.

12 SPECIAL CMSR. ROSS: All right, 137.
13 Thank you.

14 MR. EISFELLER: I'll double-check.

15 SPECIAL CMSR. ROSS: I just want to get
16 there, before we move off this, to see if I am
17 recalling. Okay. All right. Thank you.

18 CMSR. CHATTOPADHYAY: Yes. And, since
19 we are there, if you look at what was filed, it
20 had Appendix B there, and then the pages that
21 followed it were "Appendix A". So, it was a
22 little bit confusing. So, if you can go back and
23 correct that, to the best of my, you know,
24 recollection.

1 So, just want to make sure, based on
2 what I read from the memo, did the Commission
3 state in its Order that the Parties are required
4 to quantify benefits that are actually realized
5 in the future?

6 Yes and no, just --

7 MR. FOSSUM: I don't believe it
8 specifies that specifically, no.

9 CMSR. CHATTOPADHYAY: Okay. So, what I
10 would say, to be clear, the Commission
11 understands very well that there are other
12 benefits and costs that we or any of the involved
13 Parties may have not thought about at this stage.
14 But it still behooves, given the requirements of
15 RSA 378:51, III, to have the Parties put efforts
16 to understand the future benefits and costs as
17 can be reasonably predicted and quantified at
18 this stage.

19 To say that there are benefits and
20 costs that we have not fathomed about, and
21 therefore we conclude that the implementation of
22 the data platform is reasonable, clearly cannot
23 be the right approach. But, as you understand,
24 this is -- we are trying to do our job best based

1 on the statute. So, there needs to be some
2 analytics, even if we all understand that we
3 can't predict the future correctly or completely.

4 Again, I'm now going to the -- the
5 other point, about the alignment of benefits and
6 costs. So, on the point about needing to
7 reasonably align benefits and costs, does the law
8 say that the Parties do not need to align costs
9 and benefits?

10 MR. KREIS: I would like to address
11 that question. And let me just say to the
12 Commission that I feel like I have a fair amount
13 of insight to contribute to this discourse about
14 the meaning of this statute. And it isn't
15 because I was the original drafter of the bill
16 that became this statute. My individual or
17 subjective perspective on the meaning of any of
18 the words here is irrelevant. But I was in the
19 room, and present, for every step that marked the
20 evolution of this bill -- of this statute,
21 rather. And, so, I feel like I have an intimate
22 understanding of what the Legislature intended.

23 And, in this instance, the language
24 that Commissioner Chattopadhyay was just alluding

1 to, which is in Paragraph III of RSA 378:51,
2 deliberately omits the phrase "cost-benefit
3 analysis" or any requirement that the Commission
4 balance costs and benefits. That the language is
5 deliberately broad, and calls for a potential
6 assessment, I would say, of the reasonableness of
7 the costs. And it doesn't even require an
8 affirmative showing by the proponents or the
9 utilities, or anybody who is seeking to build the
10 platform. It simply is a safety valve that's
11 available to the Commission in the event that the
12 costs become unreasonable.

13 I would like to think, in fact, I'm
14 fairly confident, because I'm a member of the
15 Governance Council, that we, ourselves, would
16 withdraw any request to move forward with a
17 platform like this if the costs were
18 unreasonable, because that would be a improvident
19 expenditure of what will ultimately be money that
20 comes from ratepayers.

21 So, I guess I would just caution the
22 Commission to be careful about how it implements
23 this statute, because it was worded the way it
24 was worded very, very deliberately.

1 CMSR. CHATTOPADHYAY: Thank you for
2 that.

3 But, then, I would say, sticking to my
4 script here, the Commission believes that any
5 future development of the data platform has to be
6 mindful of RSA 378:51, III, and RSA 54 [sic]. It
7 is important that the Parties can demonstrate
8 that the cost recovery ensures that costs and
9 benefits are reasonably aligned when the data
10 platform becomes functional.

11 I will add, this clearly isn't about
12 setting the rates in stone now. But it is about
13 the Parties explaining reasonably how cost
14 recovery, I'll probably have more information
15 with the cost-benefit analysis, will ensure that
16 beneficiaries will pay their fair share.

17 So, going to the next question. Are
18 the Parties willing to develop the methodology
19 based on the Dunskey Report, to keep us informed
20 about how New Hampshire-centric information is
21 being integrated, and different benefits/costs
22 and discount rate scenarios are being considered,
23 to allow for robust sensitivity analyses?

24 And anybody can -- anybody who wants to

1 respond, please.

2 MR. MURRAY: Commissioner, if I may?
3 This is Michael Murray, with Mission:data
4 Coalition. I assume everyone can hear me okay?

5 CHAIRMAN GOLDNER: Yes.

6 MR. MURRAY: Okay. Thank you. To echo
7 a bit of what the OCA had to say, I can provide a
8 little bit of color on sort of the complexities
9 involved in the cost-benefit analysis.

10 The Dunskey Report was provided because,
11 to our knowledge, it's the most comprehensive
12 study of costs and benefits that's ever been
13 conducted on this topic. It was an expensive
14 report to develop. I want to say it was -- it
15 costs between \$50,000 and \$100,000 to develop
16 that. And I think I speak for everyone, all of
17 the different Parties, in saying that we did not
18 feel it was -- would be wise to incur a similar
19 cost merely to study and, you know, recapitulate
20 many of the findings of the Dunskey Report.

21 The Dunskey Report concludes that the
22 benefits absolutely exceeds costs. And, you
23 know, while we, you know, we thought that the
24 merits of the methodology were certainly strong,

1 we were hoping to avoid a situation where we were
2 redoing all of those calculations, which would
3 necessitate the hiring of a consultant.

4 SPECIAL CMSR. ROSS: I have a question
5 for the utilities, to follow up on this.

6 If the Dunskey model is agreed upon as a
7 reasonable model to use, do the utilities have
8 the internal expertise to run that model with
9 different inputs? I'm just curious. As opposed
10 to paying an outside consultant to develop a
11 whole new -- either a whole new model or to rerun
12 the Dunskey model?

13 Or, not just the utilities, I guess I
14 would throw it out to all of the Parties, because
15 I think there are other parties in the room with
16 some technical expertise.

17 MR. MURRAY: Commissioner, if I may?
18 In full disclosure, I was a -- I played a very
19 small role as a consultant in the development of
20 the Dunskey Report in 2017. And behind that is a
21 very complex "Diffusion of Innovation" model that
22 presumes a certain number of customers over time,
23 sort of, you know, growing to use different
24 products and services that are enabled by the

1 platform. And, essentially, a lot of the detail
2 of that is captured within spreadsheets that are,
3 you know, owned and controlled by -- solely by
4 Dunsky or by the provincial government of
5 Ontario.

6 So, we can, you know, we can attempt to
7 try to reproduce some of it. But I think it
8 would be -- it would be expensive, and we'd
9 either need to hire them again for that model, or
10 it would need to be, you know, reproduced at some
11 cost.

12 SPECIAL CMSR. ROSS: Well, I believe
13 the utilities currently run cost-benefit analysis
14 on the energy efficiency programs that we offer
15 here in New Hampshire, and I think those models
16 are available and used here in New Hampshire.

17 I guess my next question, and I should
18 probably turn this back to Pradip, but isn't it
19 possible to develop our own cost-benefit model
20 that accounts for some of the factors described
21 in the Dunsky Report, without having to go to the
22 level of complexity that that report did, in
23 order to develop a tool for evaluating whether
24 there are costs that balance -- are balanced by

1 benefits here in New Hampshire?

2 MR. EISFELLER: So, I would expect that
3 the utilities would hire a consultant to perform
4 the study. This is a model that we don't have in
5 hand. The Dunsky analysis does include adoption
6 curve technology, adoption curves applied at
7 different levels, within the study. And that's
8 not something that we have readily available as
9 well.

10 So, we'd have to build this model,
11 basically, from scratch. And we'd likely want to
12 discuss the model details with Dunsky to build
13 it. And it would be an extensive effort by the
14 utilities, which costs money as well. You know,
15 it would be my recommendation that, if we proceed
16 with this model, that we hire a consultant to
17 perform the majority of the work. And the
18 utilities would perform some of the work, in that
19 we would provide some of the input details that
20 are described in the analysis.

21 And then, also, some of the additional
22 benefits that were outlined on that Page 137,
23 that aren't part of the model. So, there would
24 still be, even with hiring a consultant, there

1 would still be some additional work by the
2 utilities to provide those additional inputs and
3 detail.

4 SPECIAL CMSR. ROSS: And I think that
5 we're going to cover some discussion of budgets
6 and expenses later. So, we'll defer till then
7 some discussion of the costs. Thank you.

8 MS. HASTINGS: I would like to make a
9 comment. I do run --

10 *[Court reporter interruption.]*

11 MS. HASTINGS: I'm sorry. Sorry about
12 that. My name is Riley Hastings. I work for
13 Eversource.

14 I have run cost-benefit analyses for
15 our energy efficiency programs in Massachusetts.
16 They're very similar to the ones we run in New
17 Hampshire. Unfortunately, I don't think that
18 those cost-benefit analyses are too similar to
19 what we will be doing here.

20 Because, in energy efficiency, we know
21 what the measures are, we know what's being
22 installed. We have estimates of avoided costs
23 and energy benefits. And, in this case, we're
24 estimating benefits that are not known and

1 necessarily and I'll say "more speculative",
2 perhaps, because they're future benefits. They
3 don't -- we won't -- it wouldn't be the same
4 model that we use in energy efficiency.

5 But I still think that we could -- we
6 could use some of that expertise to run a
7 cost-benefit analysis, but I don't think we know
8 quite enough, I don't, personally, know quite
9 enough about exactly all the modeling. I think
10 we would need, as Justin said, to work with
11 Dunsky or some other experts to help us, if we're
12 going to fully run a model like this.

13 CMSR. CHATTOPADHYAY: I think it is
14 always good to rely on the work that has been
15 done previously. So, whether it's Dunsky or some
16 other effort to address the issue that we are
17 grappling with here. If you -- if there's
18 already literature out there, there's already
19 work out there, that is absolutely, speaking on
20 my behalf, it's, you know, relying on it, it sort
21 of makes sense.

22 I will also flag that, I mean, I'm
23 looking at this only now, and it was filed on the
24 27th, right before the long weekend. And, so,

1 just looking at it, skimming through it, it
2 occurs to me that there are a lot of details that
3 we will have to glean or collect that would
4 better represent what's the situation in New
5 Hampshire, or even in the U.S., the Northeast and
6 things like that.

7 And the Report itself is, if I'm
8 correct, I think it's kind of dated. It's from
9 2017, if I believe. So, I'm also curious whether
10 there have been updates to that study and things
11 like that?

12 But I would encourage the Parties to
13 actually rely on something like that, and work on
14 it, and try to simplify it as much as possible.
15 So that, as we continue with this back-and-forth,
16 trying to understand what needs to be done, you
17 know, it's not as dense as it is, and yet it's --
18 I'm looking at it, I mean, I'm sure it's also
19 about how the process was in Ontario or whatever.
20 But I think it's a good starting point. So,
21 that's the first point I would make.

22 The one question I have is, and, you
23 know, this is about Appendix B, I actually have a
24 couple of questions related to it, the

1 information appears to be mostly about parties
2 that are aware of the initiatives, like Green
3 Button, *etcetera*, and are about participants in
4 data platform activities.

5 Is that a fair read from my end? Or,
6 does it capture how other people feel about it as
7 well?

8 That is sufficiently, I'm just trying
9 to -- because when I was looking at it, and, as I
10 said, it just being four days of sort of looking
11 at it. But can somebody tell me whether much of
12 the information that is being collected there
13 that largely, you know, about the parties that I
14 just mentioned?

15 So, is the data really from people who
16 are stakeholders or parties that were aware of
17 the initiatives, like Green Button, and they know
18 about data platform activities and things like
19 that? Or, did that -- did that appendix try to
20 also go outside and get some information from
21 other people that have no clue what this is
22 about?

23 MR. EISFELLER: No. I think your
24 observation is correct. That the parties, the

1 stakeholders that were involved in the Ontario
2 effort were very similar to New Hampshire, as far
3 as I can tell. And I went out to the Ontario
4 site and was reviewing some of their current
5 material. And they had a robust stakeholder
6 process that included a very similar
7 cross-section of the industry, as did New
8 Hampshire. And continues to have a stakeholder
9 process that likely Michael Murray could talk to
10 in more detail, since he's directly involved in
11 that effort.

12 But there was a list of probably 20 or
13 30 stakeholders that were involved there that
14 represented the industry. And I would imagine
15 that some of those stakeholders had to be
16 educated on Green Button standards, and their
17 use, and the benefits that might come out of
18 their use. Very similar to New Hampshire, some
19 of the stakeholders in the discussion had to be
20 educated as to how the standards work, what other
21 models might be available, what other
22 jurisdictions are doing and such. Very similar
23 effort, it looked like to me.

24 I should note that Ontario has moved

1 forward with Green Button implementation with all
2 the utilities in that jurisdiction as a result of
3 the study and the work that's being done.

4 They're moving forward with it, based upon this
5 cost-benefit study that was done in 2017.

6 I should also point out that the Green
7 Button Connect functionality that they describe
8 there is the same Green Button Connect
9 functionality that we talk about in the data
10 platform. And I would expect that the benefits
11 that they describe there and estimate are the
12 same benefits with the change over time that we
13 will see.

14 So, to maybe sum up the question that
15 you asked, to make sure I answer it, I would
16 assume that the majority of the stakeholders that
17 were involved were familiar with Green Button
18 Connect, but not all of them.

19 CMSR. CHATTOPADHYAY: Thank you. So,
20 this is something that I'm kind of interested in.
21 So, how will the utilities ensure that
22 information is gathered from parties and
23 customers in New Hampshire that are not
24 associated with such activities, that is the

1 participation in this process, and are perhaps
2 even unaware of such an initiative, how are the
3 Parties here intending to provide the information
4 gleaned from nonparticipants in an independent
5 manner?

6 And this is purely just -- I kind of
7 think about it. Anything, any thoughts from your
8 end?

9 MR. KREIS: Commissioner, could you
10 repeat that question? I'm not exactly sure of
11 it.

12 CMSR. CHATTOPADHYAY: Okay. I'm going
13 to read it again.

14 MR. KREIS: Okay. Thank you.

15 CMSR. CHATTOPADHYAY: "How will the
16 utilities ensure that information is gathered
17 from parties and customers in New Hampshire that
18 are not associated with such activities", and
19 that I wanted to clarify, because I wrote it,
20 then I realized probably should have done a
21 better job there, activities meaning
22 participating in the process, okay, and are
23 perhaps even -- and then I'm saying, you know,
24 "they haven't participated, as well as maybe not

1 even aware of such an initiative." So, the real
2 question is "how are the Parties here intending
3 to provide the information gleaned from
4 nonparticipants in an independent manner?"

5 MR. KREIS: So, if I might? When you
6 talk about "nonparticipants", you're talking
7 about people who don't know anything about this
8 docket, the subject of this docket, and have had
9 no -- it's about people who don't know what this
10 project is all about?

11 CMSR. CHATTOPADHYAY: Yes.

12 MR. KREIS: So, I think that question
13 assumes facts that are not in evidence, which is
14 that those opinions are relevant.

15 I would assume, if you conducted a poll
16 or a survey, that the vast majority of Granite
17 Staters, the overwhelmingly vast majority of
18 Granite Staters know nothing about this. And, in
19 the world I envision, when this data platform
20 gets built, many of them will never know about
21 it, because what they will know about is the
22 third party, innovative service providers who
23 they hire to do things that help them manage
24 their energy use effectively.

1 Those third party businesses, the sort
2 of organizations represented by Mr. Murray,
3 they're the ones who are going to know about the
4 platform, what it can do and what it can't do.
5 And they are the ones, the members of that
6 coalition, are the ones who have informed
7 opinions now, even if they're not directly
8 involved here, about what the benefits of this
9 platform would be.

10 So, I'm really troubled by this idea
11 that it is germane to this process to ascertain
12 the views of the general public about this. And
13 I say that as the person who is statutorily
14 tasked with representing the interests of a -- of
15 the swath of that general public that consists of
16 people who vote.

17 CMSR. CHATTOPADHYAY: So, I will say
18 that you have completely misunderstood my
19 question.

20 So, it's not about what I want to know
21 whether the other parties know what's going on
22 here. It's not about that. You have to tell us
23 about the input that goes into the modeling,
24 there are things that you would want to know from

1 a good sample of all kinds of customers, and some
2 of them, you don't have to even tell them that we
3 are thinking about Green Button or whatever, just
4 the point is, you have to gather some information
5 appropriately to input it into the analysis that
6 you're going to do. And that information is not
7 purely about knowing whether how much you know
8 about Green Button or not, it's not about that.
9 It's about their behavior, customer behavior.

10 So, do you have to also do some
11 research, in terms of understanding how those
12 customers behave? So, that's where I was going.
13 So, --

14 MS. SCHWARZER: Excuse me,
15 Mr. Commissioner? If I could, just a point of
16 clarification. I understood us to be talking
17 about the cost-benefit analysis, and then moving
18 to Appendix B, which I think of as regarding the
19 interface. I'm not sure if your question is
20 going to the "Customer Survey" section of the
21 memo? Or, if you were going back to the
22 cost-benefit analysis and suggesting that there
23 needs to be some additional or broader research?
24 So, I just -- I'm not clear.

1 CMSR. CHATTOPADHYAY: So, if you read
2 the memo, it does mention "Appendix B", which is
3 part of the "Cost-Benefit Methodology" part of
4 the memo. And all I'm saying is that information
5 there, some of it is going to be helpful to come
6 to a conclusion about what kind of assumptions we
7 can make when we run the cost-benefit analysis.
8 And, so, the inputs are what I'm concerned about
9 here.

10 So, I would still say it's part of the
11 "Cost-Benefit Methodology" discussion here. But
12 I also understand there's, you know, there's a
13 gray area that might spill into the other, the
14 next topic I will talk about.

15 MS. SCHWARZER: Well, on behalf of the
16 Department of Energy, I do want to raise, with
17 regard to Appendix B, it was both an agreed upon
18 section of the Settlement, and something that all
19 the Parties support. And, yet, in addition,
20 after the Settlement Agreement was signed, RSA
21 378 was amended. And, if you look at Section
22 378:50, II, the "Definition" section, the
23 authority and responsibility of establishing the
24 meaning of "individual customer data" and

1 relevant data segments has been assigned to the
2 Department of Energy.

3 CMSR. CHATTOPADHYAY: Okay. That is --
4 So, do you want to add? It looked like you were
5 going to say something more?

6 MS. SCHWARZER: No. I'm happy to read
7 the section, if you all don't happen to have it
8 before you. And, certainly, one of the
9 challenges, I think, to this statute is that it
10 both -- it continues to evolve and change, as
11 recently as last week, I believe, the Governor
12 signed an amendment to return authority under a
13 different section of this bill to the Commission
14 for data security.

15 So, we, at the Department of Energy,
16 are both tracking an evolving statute and
17 tracking an evolving relationship between the PUC
18 and the DOE with regard to responsibility under
19 the statute.

20 So, I did just wish to bring to your
21 attention, under Appendix B, which is negotiated
22 and supported by all the Parties, including the
23 Department, the subsequent amendment did give the
24 Department a unique responsibility.

1 SPECIAL CMSR. ROSS: Well, could you
2 maybe just read the language? It's in the
3 definitional section. So, I'm not quite sure
4 what "having authority over a definition" means?
5 Maybe you can help me with that?

6 MS. SCHWARZER: Well, I'm happy to read
7 the language. It's in RSA 378:50, II.

8 SPECIAL CMSR. ROSS: And was this --
9 what bill was this part of? What bill this year,
10 do you know?

11 MS. SCHWARZER: I have not -- this
12 language was part of House Bill 2, when
13 certain --

14 SPECIAL CMSR. ROSS: Oh, okay. So,
15 that's already in place.

16 MS. SCHWARZER: The change I was
17 referring to was House Bill 1285, with regard to
18 RSA 378:52, II.

19 SPECIAL CMSR. ROSS: Yes. We're aware
20 of that.

21 MS. SCHWARZER: Okay.

22 SPECIAL CMSR. ROSS: And that was just
23 signed?

24 MS. SCHWARZER: That was just signed,

1 correct.

2 SPECIAL CMSR. ROSS: Okay.

3 MS. SCHWARZER: Effective July 26th.

4 But --

5 SPECIAL CMSR. ROSS: If you can go back
6 to the definition, please.

7 MS. SCHWARZER: Yes.

8 SPECIAL CMSR. ROSS: Thank you.

9 MS. SCHWARZER: So, in RSA 378:50, II,
10 "Individual customer data" means the customer's
11 name, address, opt-in status pursuant to RSA
12 374:62, energy usage as recorded by meters
13 supplied by electric and natural gas utilities,
14 and other data segments established and
15 authorized by the department of energy."

16 CMSR. CHATTOPADHYAY: So, "customer
17 data" will now be defined by the Department of
18 Energy. Is that what you're saying?

19 MS. SCHWARZER: Well, this is new to
20 all of us. And, certainly, we are not stepping
21 away from the negotiated framework or content of
22 Appendix B. But, to the extent perhaps that new
23 issues arise about the scope of individual
24 customer data that is to be encompassed in the

1 platform, I can only say that the statute gives
2 us the authority to consider what data segments
3 are appropriately contained therein. And this is
4 a new process, and this is certainly new
5 language. I certainly don't mean to suggest that
6 the Governance Council process does not have a
7 role either.

8 But, in addition to any question that
9 might come before the Governance Council, with
10 regard to changing or expanding or restricting
11 the scope of the meaning of "individual customer
12 data", if you will, I believe the Department of
13 Energy has a trump card to play, in that we're
14 assigned responsibility by the statute.

15 SPECIAL CMSR. ROSS: Thank you. We'll
16 keep that in mind.

17 MS. SCHWARZER: Thank you.

18 CMSR. CHATTOPADHYAY: So, regardless
19 of --

20 CHAIRMAN GOLDNER: Commissioner
21 Chattopadhyay?

22 CMSR. CHATTOPADHYAY: Go ahead. Sorry.

23 MR. EISFELLER: So, if I can get back
24 to your question a little bit, you had asked us

1 "whether we had any intentions of surveying or
2 asking other customers or participants in data
3 sharing as to the value that they may see?"

4 And I think that -- that question is
5 best answered by pilots. If we ask some question
6 of customers as to what some future value may be,
7 that they have never envisioned, it will be very
8 difficult to get a real answer from them. And,
9 so, that type of question is typically answered
10 through pilots. If you wanted to look at demand
11 response related to this data sharing effort,
12 you'd do a pilot, and you'd see how customers
13 respond.

14 We don't plan to do a pilot, at least
15 that I know of. But there are other pilots that
16 have been done throughout the industry in other
17 jurisdictions that we'd likely leverage to those
18 types of inputs. We'd review their approach to
19 the pilot. We'd update their assumptions with
20 current information as best as possible. And
21 we'd leverage that type of information that's
22 available in the industry.

23 There's also industry experts that have
24 experience with some of the services that are

1 described in Appendix B that have value. And
2 we'd rely on them to provide their expert
3 estimates as well.

4 So, I don't think we'd do a pilot,
5 because it would take us many years to perform
6 the number of pilots that would be needed, and it
7 would be quite expensive. We'd try to leverage
8 industry experts, like Mr. Murray, and other
9 pilots that are done throughout the country, or
10 even other nations.

11 CMSR. CHATTOPADHYAY: Yes. So, you
12 know, we're talking a lot of stuff here. But the
13 essence really is some effort to understand how
14 customers behave. That may -- and you don't want
15 to make that effort exorbitantly expensive or
16 something like that. Just, if you're relying on
17 information that's out there, that's great. But
18 it's good to be aware of that reality, that you
19 need to understand how customers behave.

20 And, you know, so, it's -- I think I'll
21 stop there, and I'll let the other Commissioners
22 ask any questions they might have. But you guys
23 are looking at each other, please, if you have
24 something to share? No. Okay.

1 CHAIRMAN GOLDNER: I just have a
2 couple. Commissioner Ross, if you have any,
3 would you like to --

4 SPECIAL CMSR. ROSS: Yes, I'd be happy
5 to go next.

6 And I do have one sort of question that
7 I hadn't thought of until you mentioned the
8 "Governance Council". Would the Parties please
9 share with the Commission the membership, by name
10 and qualification and affiliation, of the
11 Governance Council? And it could be done, you
12 know, after-the-fact, in writing. We're most
13 interested in seeing the membership, and
14 specifically also the qualifications of the
15 members, because I think that will help us to
16 feel comfortable that the Council will be able to
17 fulfill, it's got a pretty major role in this
18 process.

19 Okay. Moving to --

20 MS. HASTINGS: Would you like it now or
21 would you rather have it in writing? Because I
22 can --

23 SPECIAL CMSR. ROSS: Orally would be
24 great. But, if you could follow it up in

1 writing, just because it may be a while before we
2 get the transcript of today's hearing.

3 CHAIRMAN GOLDNER: If I could,
4 Commissioner Ross, from a time perspective,
5 perhaps in writing would be better, I think.

6 SPECIAL CMSR. ROSS: Oh. Okay.

7 CHAIRMAN GOLDNER: So, if it's a long
8 list, you know, --

9 SPECIAL CMSR. ROSS: How many members
10 are there?

11 MS. HASTINGS: There are twelve.

12 CHAIRMAN GOLDNER: Yes.

13 SPECIAL CMSR. ROSS: Well, let's just
14 go through it. It won't take long.

15 CHAIRMAN GOLDNER: Are you sure?

16 SPECIAL CMSR. ROSS: Yes.

17 CHAIRMAN GOLDNER: Okay.

18 MS. HASTINGS: The first one is Ethan
19 Goldman, with Clean Energy New Hampshire, who's
20 here.

21 I assume you don't want me to go into
22 their --

23 SPECIAL CMSR. ROSS: No.

24 MS. HASTINGS: -- just who they are?

1 SPECIAL CMSR. ROSS: Just name and
2 affiliation for now. Thank you.

3 MS. HASTINGS: Clifton Below, with the
4 Community Power Coalition of New Hampshire; Tim
5 Sink, who is in the Concord Chamber of Commerce,
6 who's representing small businesses; Amro Farid,
7 at Dartmouth College, representing academic
8 institutions; myself, Riley Hastings, with
9 Eversource; Kevin Brough, from Google Maps, who's
10 representing third parties; Jessica -- or,
11 actually, this one is wrong, it's now Missy
12 Samenfeld, from Liberty Utilities, on behalf of
13 the utilities; Michael Murray, from Mission:data;
14 Stephen Eckberg, for the New Hampshire Department
15 of Energy; Donny Perrin, from New Hampshire State
16 Energy Manager for large businesses; Donald
17 Kreis, from the Office of the Consumer Advocate;
18 and Justin Eisfeller, from Unitil.

19 SPECIAL CMSR. ROSS: Thank you. I have
20 a couple of questions with regard to registration
21 and security. And I do know the Commission is
22 aware that it has just received authority to
23 establish standards with regard to these issues
24 by virtue of House Bill 1285.

1 How does the registration and security
2 check process depicted in Appendix C to the
3 Settlement compare with the New Hampshire
4 utilities' own existing security protections?

5 MR. LEIGH: So, the --

6 *[Chairman Goldner, Cmsr. Chattopadhyay,*
7 *and Special Cmsr. Ross conferring.]*

8 SPECIAL CMSR. ROSS: I'm sorry. We
9 just realized that we skipped a section that
10 Pradip is handling. So, I'm going to turn this
11 back to Pradip. And we will -- you can think
12 about that, because I'll reask it when we get
13 back to this section.

14 CMSR. CHATTOPADHYAY: So, all I was
15 doing was Part (a), that we had the discussion,
16 was letting the Commissioners have follow-up
17 questions. Sorry, Anne. So, you can go ahead.

18 CHAIRMAN GOLDNER: So, I just have a
19 couple of questions on Section (a).

20 On Page 27 of the Dunsky Report, if
21 people could look at that quickly. Are these --
22 are these sensible estimates for New Hampshire?
23 I see "Platform Setup Costs of \$50,000 per
24 platform" and "Large Utility Integration Costs of

1 225", and so forth. Have people looked at that,
2 just from a ballpark perspective, are these
3 sensible estimates for New Hampshire? Does this
4 give us a baseline?

5 MS. SCHWARZER: Mr. Commissioner --
6 excuse me, Mr. Chairman, is that Bates Page 27 or
7 the actual Report page?

8 CHAIRMAN GOLDNER: It is "27 of 163".

9 MS. SCHWARZER: Thank you, sir.

10 CHAIRMAN GOLDNER: So, it looks like
11 the Bates Page. Yes.

12 MR. FOSSUM: Well, I don't know that
13 I'm the expert to speak on it, but I could at
14 least offer two thoughts.

15 One is, I believe, and subject to
16 somebody correcting me, that those are Canadian
17 dollars, rather than U.S. dollars. And that, as
18 has been pointed out, this Report is from 2017.

19 So, you know, given both of those
20 realities, I'm going to say, again, subject to
21 somebody else who's smarter than me in the room,
22 or on the phone, that those numbers are probably
23 not the most accurate numbers. And we would not
24 rely upon those numbers.

1 CHAIRMAN GOLDNER: Okay. Would you
2 say, if we convert it to American dollars, and
3 accounted for five years of inflation and so
4 forth, I mean, does it -- accounting for those
5 two things, would that put us in the ballpark?
6 Or, should we throw this out, in terms of giving
7 us an understanding of what the costs would be?

8 Please.

9 MR. EISFELLER: These costs are for
10 only Green Button Connect implementation, which
11 is less than what we're implementing in New
12 Hampshire. So, I would expect that the costs
13 would be higher than this.

14 CHAIRMAN GOLDNER: Okay. Okay. Thank
15 you.

16 Next question, I just have a few bullet
17 points to hit on. On Bates 030, it gives a
18 summary of the two main categories for the
19 benefits. Would the Parties agree that that's
20 the construct that they plan on using? At least
21 for now, subject to later updates and changes and
22 improvements?

23 It gives three "Operational
24 Efficiencies" and it gives three

1 "Conservation/Energy Efficiency", or two, in that
2 category.

3 MR. GOLDMAN: If I may chime in? This
4 is Ethan Goldman.

5 I might suggest that, when we discussed
6 this, we've taken a broader view of the second
7 category, in terms of consumer benefits. Since,
8 as you pointed out, this is a few years old.
9 Now, the conversation about demand-side expands
10 to a lot more, you know, battery storage and
11 electrification, and a lot more types of grid
12 interactivity. And, so, we think there's sort of
13 a broader category of consumer benefits that we
14 would not just call "conservation" there.

15 CHAIRMAN GOLDNER: Thank you. Okay.
16 Very good.

17 And I just have a final question on
18 Section (a). And then, I'll come back to the
19 Parties and ask if you're satisfied with Section
20 (a) and are ready to move to Section (b).

21 But, before I do that, and recognizing
22 this is a 2017 Report, there's a lot of comments
23 in here that are a little bit concerning. It
24 talks about, on Page 92, for example, that "Green

1 Button is a relatively new standard, with little
2 existing data on implementation."

3 As was discussed earlier, there is no
4 other sort of cost-benefit analysis report that's
5 been done. This was the first and last of its
6 kind.

7 Could the Parties maybe share a little
8 bit about the Green Button and its maturity, and
9 thoughts in that regard?

10 MR. MURRAY: Mr. Chairman, this is
11 Michael Murray. If I may, I'm going to address
12 some of those later on, when we get to the user
13 experience side of things. I can provide some
14 information on developments in other
15 jurisdictions. And also, in our -- in the memo,
16 I believe it's on Page 9 and 10, we listed some
17 more details on the implementations in other
18 states in the U.S.

19 CHAIRMAN GOLDNER: Okay. Very good.
20 Well, I'll have some more questions then. That's
21 fine. And the reason I ask, of course, is that,
22 if it's immature, then that has implications on
23 costs and risks. So, that's the reason I bring
24 it up.

1 So, just to close out on Section (a), I
2 want to give the Parties an opportunity, were all
3 the questions answered? Are you comfortable with
4 Section (a) and ready to move to Section (b), or
5 are there additional questions or concerns or
6 comments?

7 MR. BELOW: Mr. Chairman, I have a
8 couple of brief comments I'd just like to add.

9 I think that it's valuable to look back
10 at the findings that the General Court enacted
11 into session law, Chapter 286 of the session laws
12 of 2019, when they enacted this statute. And one
13 of the things they said in there is "access to
14 granular energy data is a foundational element
15 for moving New Hampshire's electric and natural
16 gas systems to a more efficient paradigm, in
17 which empowering consumers is a critical
18 element."

19 And they also make the point that
20 it's -- they actually say "In order to accomplish
21 the purposes of electric utility restructuring
22 under RSA 374-F, and to implement other policies,
23 it's necessary to provide consumers and
24 stakeholders with safe, secure access to

1 information about energy usage."

2 One of the big areas of sort of
3 additional potential value that we note in
4 Attachment B, that it goes beyond what the Dunskey
5 study looked at, is really more in the context of
6 a competitive market for energy supply and
7 services, which has -- exists to some extent in
8 New Hampshire. And what we've seen with large
9 C&I customers, who have access to interval data,
10 under current tariffs and programs, which tend to
11 be expensive relative -- you know, it would an
12 expensive way for small customers to access the
13 interval data. But those large customers have
14 found competitive market choices that use that
15 interval data to help customers shape their load
16 or select competitive supply products that meet
17 their needs more closely.

18 There have been a lot of studies and
19 pilots about the potential for what happens if
20 demand is -- can respond to some of the prices
21 that supply is responding to. Sort of an
22 Economics 101 point, is you get optimal price
23 formation when both supply and demand are
24 responding to similar price signals.

1 So, there's a whole body of literature
2 that's developed about the potential value of
3 flexible customer load. And, as we see in
4 increasing technology that can help manage that
5 in an automated way, whether it's vehicle
6 charging, or even something as simple as hot
7 water storage, the -- a couple of things that
8 this platform includes, that are not, you know,
9 weren't really so much a factor in the Dunsky
10 study, are above aggregated data, you know, which
11 I can speak to briefly, but also, in particular,
12 access to granular interval meter data.

13 And, you know, in other forums, you
14 know, such as the rules discussion for community
15 power aggregations, it's apparent that the
16 current EDI system, the Electronic Data
17 Interchange, is really not designed for, you
18 know, it's a 25 year-old sort of software
19 technology, that really wasn't set up to sort of
20 feed customers' or competitive suppliers'
21 granular interval meter data.

22 Now, we realize that --

23 CHAIRMAN GOLDNER: Mr. Below, I'm sorry
24 for interrupting. I just want to make sure, are

1 we still on cost-benefit?

2 MR. BELOW: Yes. Yes. Yes. Yes.

3 CHAIRMAN GOLDNER: Okay. Thank you.

4 MR. BELOW: So, it goes to the point of
5 some additional information that's out there to
6 inform the benefits beyond what the sort of
7 Dunsky study pointed out. And those are on --
8 let me just get back to that, because there was a
9 few words that were missing, Attachment B, on
10 Page 137 of the attachments.

11 And one of those is, with improved
12 access to granular inter -- interval data, where
13 available, realizing it's not, you know, broadly
14 available with Eversource and Liberty yet,
15 although that will come, demand response programs
16 with flexible demand that can improve load shapes
17 and reduce costs by reducing demand at peak and
18 high-priced periods of time.

19 Now, we know from the Avoided Energy
20 Supply Cost Study that's done periodically in New
21 England for energy efficiency programs, that
22 provides a lot of data that can be sort of input
23 into a model. But there's also been specific
24 studies that, you know, some of which were cited

1 in our original testimony in this docket, that
2 point to some of the benefits that could be
3 realized if there are market participants that
4 offer increasing options to customers that can
5 help, you know, shift load. You've probably seen
6 the load duration curve, it has a very steep part
7 of the curve, as demand and prices go up, and it
8 sort of flattens off, and there's a short tail.

9 But the point is, at high -- periods of
10 high demand, prices can go up very quickly for
11 the clearing price that a supplier is bidding in
12 on. And, right now, most load, there's no way to
13 respond to those prices. So, we end up just
14 getting load that's an average price. And
15 there's a lot of value if you can shave the top
16 part of that curve, not just for the customer,
17 who's, you know, perhaps reducing their own
18 individual costs, but for the entire market.
19 Because the whole market, you can get better
20 asset utilization rates. You're using your
21 existing capacity for more kilowatt-hours that
22 can reduce the cost per kilowatt-hour for
23 everyone, if there are price signals that
24 customers can see, that was part of the original

1 restructuring, to have appropriate price signals,
2 so that customers can then respond in a market
3 situation, in the same way that supply does
4 today. And the point is, the vast majority of
5 load has no ability to access or participate in
6 that kind of load -- flexible load price-based
7 response.

8 A little bit of that was captured in
9 the Dunskey study, in terms of DSM type programs,
10 although that was in the context of a more
11 vertically integrated utility.

12 So, my only point is that there's an
13 aspect to this, which is somewhat foundational,
14 for expanding the opportunity for market-based
15 innovation that can produce savings. And I think
16 we can draw from that large body of literature,
17 and get a sense of what that might enable. And
18 that is going to be a sensitivity analysis, because
19 there's a broad range of assumptions you can make
20 about what adoption rate might occur.

21 I will say, working with communities,
22 and through the Community Power Coalition of New
23 Hampshire, and my role on the Governance Council
24 is not just for the Coalition, it's for all

1 municipalities that are interested in community
2 power aggregation. What we know is that there is
3 a strong interest in communities in having more,
4 not just more access to data and aggregated data
5 for their own local planning purposes, but also
6 interest in how we can offer value-added services
7 as an opt-in option for customers. For instance,
8 innovative rate design that can help customers
9 save money by shifting load off peak. And we
10 know that that access to that interval data is
11 key.

12 And, so, part of the question, in terms
13 of the cost-effectiveness or the reasonableness
14 of costs is sort of what's the alternative to
15 that? What would it cost to change the EDI
16 system to enable that? And I think the reaction
17 of the utilities, when I brought that up, was
18 just like, it's hard to imagine, because it was
19 not designed like a modern API is, to potentially
20 feed that data to a customer or to a service
21 provider in something resembling, you know, near
22 real-time or regular frequency, as opposed to
23 once a year or once a month getting that interval
24 data.

1 So, I think there is work to be done
2 there. And, you know, part of my interest and
3 role is in helping support and provide some of
4 that information.

5 I just want to mention one more thing.
6 Professor Amro Farid is sort of representing the
7 academic community. The City of Lebanon right
8 now is working with him, and the faculty at MIT
9 and Florida State University, to submit a
10 National Science Foundation Grant proposal that
11 they're going to do, working with the New
12 Hampshire Electric Co-op, which their Board of
13 Directors has approved a pilot of transactive
14 energy program for their customers, where they
15 have interval data. And he is going -- the
16 proposal is going to deploy technology to help
17 those customers in that actual pilot.

18 The parallel to that is he wants, you
19 know, I've agreed to participate and the City has
20 agreed to participate in, and reach out to
21 others, with a group of social science
22 researchers, who want to look at what are the
23 customer interest in and barriers to transactive
24 energy, which is something that this platform

1 would be foundational to enabling.

2 And, so, part of that research strategy
3 is to have focus groups, much like they did in
4 Ontario, of potential customers that would look
5 at that, and then follow that, some detailed
6 focus groups, in which people are introduced to
7 the concepts and the potential is explored.
8 Which is also similar to the study that is also
9 attached as the "Data Analytics: Unlocking the
10 Consumer Benefits" that they used as well. And
11 then, take that focus group, and then do some
12 larger surveys of the general population.

13 You know, I haven't had a chance to
14 discuss this with the Governance Council, but
15 knowing Amro's involvement, this is, you know, if
16 the funding comes through for this proposal, it
17 would be an additional source of data that's New
18 Hampshire specific, about what kind of potential
19 this platform could help enable.

20 And that's the only -- and I just
21 wanted to share that with the Commission. That,
22 you know, we're actively thinking about that.
23 And the communities that are participating in the
24 Coalition are very much interested in some of

1 these ideas of making these options available to
2 customers, and being able to, you know, really
3 use this data.

4 And just separately from that, the
5 whole issue of aggregated data is also not
6 something that was really part of the Ontario
7 study. So, I think, already the utilities know
8 that doing that on an individual municipality
9 basis is a time-consuming and labor-intensive
10 activity on their part. And I think they will be
11 able to estimate the potential savings, from
12 their point of view, if some of this can be
13 automated.

14 But we'll also try to explore the value
15 to communities. And we know, you know, right off
16 the bat, that when we're trying to price
17 alternative default service, that all of this
18 data becomes very important to accurately pricing
19 the load that we're going to be trying to serve.
20 And, right now, it's a cumbersome process to get
21 that data, and it's really cumbersome to get it
22 up to date. You know, there's some ability to do
23 that with the EDI. But, as more granular data
24 becomes available to the utility, through the

1 meters, but not necessarily through EDI,
2 something like this becomes an important thing to
3 consider.

4 CHAIRMAN GOLDNER: Thank you,
5 Mr. Below.

6 Is there anything else on Section (a),
7 before we move on to (b), and "Interface"?

8 Yes, sir.

9 MR. EISFELLER: So, I just want to
10 elaborate a little bit more on two topics that
11 Clifton raised, planning and operations of the
12 system.

13 So, he described a future where
14 distributed energy resources are prolific.
15 There's solar and storage and electric vehicle
16 charging occurring broadly across our customer
17 base. And these are all dynamic loads. And they
18 have a direct impact on the operation of the
19 power system, and generation, for that matter,
20 and transmission.

21 And, so, data sharing will become a
22 requirement, at some point, for the utilities to
23 have enough data coming from customers, in a
24 granular -- in a finite way, granular way, and in

1 a rapid fashion, in order for us to operate the
2 system. We're going to need to know what
3 customers are doing with their loads and
4 generation every second of the day. And that
5 information will need to be incorporated into our
6 planning models, as well as our operational
7 considerations.

8 That day is not today. Although, we
9 start to see some of that in other states. If I
10 look at Massachusetts, the amount of solar
11 generation installed at customer sites now
12 exceeds the load on our system. And, so, we need
13 that information at the street level, at the
14 customer level, in order to operate that system
15 in Massachusetts.

16 New Hampshire is not there yet. But
17 there will be a day here soon where that happens.
18 And then, the distribution system starts to look
19 much more like a transmission system, where power
20 flows change rapidly. We don't have control of
21 all those loads. We need to see what's happening
22 on the system every second of day.

23 This platform, as described, is an
24 "enabling platform". It's envisioned that this

1 same set of standards and same approach is going
2 to be expanded, so that we have, not just utility
3 data being shared, but other entities sharing
4 data, for us to not only offer services, as
5 Clifton described, but to operate the system.

6 You know, Unitil envisions a time where
7 the data that's being shared in the platform will
8 be used in our daily models, and will be used for
9 our daily operations. And that information will
10 also be reshared with the market participants
11 that are growing.

12 That model already exists at the ISO
13 level. If you look at how the ISO manages their
14 information sharing, they do it exactly the same
15 way that we're proposing. They have a series of
16 APIs, that are posted and shared with market
17 participants, and they share data in a live
18 fashion, depending on the program that's offered.
19 They need that information in order to operate
20 the transmission system. There will be a day
21 where the distribution utilities need that
22 information to operate the distribution system.

23 It's tough to envision, Clifton is
24 attempting to describe the complexities that

1 we're going to see at the distribution level, and
2 they're difficult to describe. I've done
3 planning. I've managed the operations of a
4 distribution system. We will need this data to
5 operate the system. And the market participants
6 will need to participate in the operation of the
7 system as well.

8 This platform enables that all to
9 happen. If we don't have this, we'll have to
10 find another way to do it. We're going to have
11 to build something to share data, in an
12 expeditious fashion, with all the participants
13 that will be involved.

14 So, you know, whether this is approved
15 now, or whether we have to build it later,
16 because we're starting to see problems on the
17 system, we have to share data. And, if the ISO
18 was here, they would say the same thing. You
19 know, when they were -- when they sat in this
20 room and discussed, in the grid mod hearings,
21 data sharing, they said "We're going to need five
22 minute data from every customer on the system."
23 And that day is coming soon. They're going to
24 need it and the distribution companies are going

1 to need it.

2 CHAIRMAN GOLDNER: And I think we'll
3 talk in a later section about what's happening in
4 your other jurisdictions, Massachusetts and
5 Connecticut, states with, perhaps, deeper
6 pockets. And we'll talk about that in a later
7 section.

8 But what I'd like to do now is move to
9 (b), "Interface". And I'll turn it back over to
10 Commissioner Chattopadhyay to lead that
11 discussion.

12 CMSR. CHATTOPADHYAY: Thank you. This
13 is going to be short.

14 So, quick question: Will any actual
15 design work happen, I'm talking about the
16 interface, you know, so, work happen before the
17 RFPs are sent out? And, if so, is it possible to
18 provide the Commissioners an updated mock-up
19 accordingly? So, --

20 MR. MURRAY: Yes, Commissioner. That's
21 certainly possible. And, if it's all right, what
22 we'd like to do is just go over a couple of
23 presentation materials, to answer your questions,
24 and to give you a preview of the types of

1 interfaces that will, you know, that we'll
2 ultimately be seeing here.

3 CMSR. CHATTOPADHYAY: Please do.

4 MR. MURRAY: I believe, I'm not sure if
5 you all have the PowerPoint printouts from me?

6 Okay. Mr. Eckberg is bringing them up.

7 MR. FOSSUM: So, just as a lead-in to
8 Mr. Murray's presentation, what you're receiving
9 is some information that he has put together to
10 explain, as the title on the front page
11 indicates, a "Demonstration of user interface
12 concepts". So, this isn't necessarily to say
13 "This is what we will do or what it will look
14 like." This is, and Mr. Murray can give you a
15 great deal more information, but a guide as to
16 the kinds of things that we are looking at and
17 would expect to see over time.

18 MR. MURRAY: Correct. So, this should
19 maybe only take, you know, eight or ten minutes,
20 if that's all right? We'll cover what this
21 functionality looks like at a high level. It's
22 the Green Button implementations in other
23 jurisdictions, and then we'll talk about the
24 authorization forms specifically. And I have

1 some examples in the document in front of you.
2 We won't be doing a live demonstration due to
3 technical issues. But there's some screen shots
4 in the document that you have in front of you.

5 So, on Slide Number 2, the "High-level
6 overview", we put this diagram together to
7 illustrate the opt-in nature of this data sharing
8 platform. So, if you're sitting at home, as a
9 customer, wondering what you can do to better
10 manage your bill, and you find out about an
11 interesting new offering that helps manage your
12 energy usage, and it's called "Acme Energy". And
13 you would be sent to the utility's website, to
14 authenticate yourself, your identity, to grant an
15 authorization to share your data held by the
16 utility with Acme Energy. And then, you could
17 right away access whatever services that company
18 has to offer, through, you know, an electronic
19 automated interface in the background.

20 So, I just want to emphasize that this
21 consent that we're talking about here is on an
22 opt-in basis and would be freely given.

23 Slide Number 3, Page Number 3, we have
24 looked at, we, the Governance Council, has looked

1 at the data sharing authorization processes in
2 other jurisdictions. Some of these jurisdictions
3 have implemented the Green Button Connect My Data
4 standard very closely, and others have deviated
5 from it a little bit. But we -- I have
6 visibility, through my work as a nonprofit,
7 working across the U.S. on these types of issues,
8 into exactly how those authorization forms and
9 screens have been designed. As I'm sure the
10 Commission would be concerned, the authorization
11 form is really where the rubber hits the road, in
12 terms of informed consent. And, so, it's really
13 important that we get it right.

14 The most experience that we have
15 operationally with Green Button Connect is in
16 California, where it's been operating since 2016;
17 Illinois, we have got four years of experience;
18 Texas has actually been going on for many years,
19 but they recently upgraded their system to follow
20 parts of the Green Button standard two years ago;
21 and then, finally, there's two utilities in New
22 York, whose systems have been operational for,
23 effectively, about a year, a little more than a
24 year.

1 On Slide Number 4, the "Authorization
2 form components". This was part of Appendix F of
3 the Settlement Agreement that the Commission
4 approved. This is what we've called a
5 "wireframe". And this describes the who, the
6 what, and the why of data sharing that will be
7 presented to the customer, in an online format.

8 So, the "who" very clearly indicates
9 what entity the customer would share the
10 information with, "Acme Energy" in this -- "Acme
11 Energy Auditors" in this example. And let me
12 just say that, before the customer gets to this
13 stage, they will have to first authenticate
14 themselves, meaning validate their identify with
15 the utility. So, let's just presume that that
16 is -- happens already through the utility's
17 preexisting online account mechanism, that's
18 what, you know, we use to pay your bills, and
19 start and stop service, and so on.

20 So, assume that that authentication has
21 happened. And then, you're presented with this
22 screen that has these components of the "who",
23 the "what", and the "why".

24 Page Number 5: This is just an example

1 of the upper portion of the authorization page,
2 what it might look like on a mobile device. So,
3 the Settlement calls for optimization based on a
4 device screen size. So, a tablet is different
5 from a desktop computer, is different from a
6 mobile device. This is an example of how it
7 would appear -- a concept of how it may appear on
8 a mobile web browser. And, you know, and again,
9 we're going to take into account some of these
10 learnings from other jurisdictions in how it's
11 ultimately designed.

12 So, Slide Number 6 kicks us off to
13 the -- what was going to be a live demonstration,
14 but you can get the idea just by seeing these
15 screen shots. "Lakefront Utilities" is an
16 Ontario-based utility. They're one of 60 that
17 are required to implement Green Button Connect My
18 Data, again, justified, in large part, by the
19 Dunsky study, by November of 2023. This is
20 covering all electric and gas utilities, except
21 for all but the smallest ones in rural Ontario.

22 On Slide Number 7, this is the
23 beginning of the verification process. So,
24 imagine that I'm at Acme Energy, and I'm a

1 homeowner or a small business owner, and I'm
2 interested in accessing some energy management
3 service. And I sign up with whatever that
4 vendor, whoever that vendor is, Acme Energy. And
5 Acme Energy says, "Well, in order to provide our
6 service, we need access to your utility
7 information, usage data, etcetera, that's at
8 Lakefront Utility." So, you need to verify
9 yourself first. This is the authentication
10 process that establishes your identity.

11 On Slide Number 8, let's presume that
12 you've established your identify. So, the
13 utility has confidence that you are you, and not
14 an impostor. Then, you'd be presented with a
15 screen that this is, you know, live, essentially,
16 at Lakefront Utility today. And it says "EnView
17 Energy is requesting access to your account
18 details, energy usage, and bills, historical and
19 ongoing data, and for your services." And
20 there's also a "purpose" statement about "how
21 your data will be used." That's the type of
22 disclosure that's going to be really important,
23 as far as privacy, you know, privacy goes, to
24 make sure that that company is using that

1 information for that purpose and only that
2 specified purpose.

3 On Slide 9, this is just a breakdown,
4 if you were to click the little "edit" button on
5 these boxes, you could see things like, you know,
6 what exactly is the data that's to be shared
7 here. It gives the customer some option to
8 deselect certain things that they may not be
9 comfortable sharing with that third party. You
10 can get more information about what your account
11 details are, what your energy usage means, what
12 your utility bills mean.

13 On Slide 10, this is the time period
14 selection. So, there's both an historic period,
15 which I believe, in the Settlement, calls for 24
16 months of historical usage. But, then, there's
17 also an ongoing period in the future. So, I
18 could say "I don't" -- you know, "I only want to
19 provide historical information, but nothing
20 moving forward". Or, "I want to provide my
21 information moving forward indefinitely, until I
22 rescind that authority", as the customer. So,
23 the customer has the ability to select these two
24 different timescales.

1 And then, the last one is a description
2 of the services or meters. So, for multisite
3 customers, for example, retail chains, state
4 buildings, universities, things like that, where
5 you have many, many different utility accounts,
6 you might want to share, for example, just your
7 office building locations with an energy
8 management tool for offices. And this is where
9 you would select or deselect the specific meters
10 or premises to be shared.

11 So, again, these are not finalized.
12 The Governance Council has not finalized any of
13 these. But we're going to be looking closely at
14 how these are designed in other jurisdiction to
15 inform our efforts.

16 CHAIRMAN GOLDNER: Thank you,
17 Mr. Murray. Anything else on "Interface",
18 Commissioner Chattopadhyay?

19 CMSR. CHATTOPADHYAY: Yes. First of
20 all, that was extremely helpful. It helps us to
21 visualize how things go.

22 So, one more question. I know this
23 is -- excuse me -- is still in a state of flux,
24 given what DOE shared at the beginning. But I'll

1 go and ask these questions anyway -- this
2 question anyways.

3 How will the Governing *[sic]* Council
4 ensure that the Commission stays apprised of the
5 RFP design work progress? Perhaps updates during
6 the proposed bimonthly status meetings suffice.
7 Thoughts?

8 So, what I'm saying is, when you keep
9 working on these things, later it would be good
10 for us to have a sense of how things look. And
11 would the bimonthly meetings be the forum or do
12 you think that can be done in some other way?

13 So, that's my question.

14 MR. MURRAY: Perhaps the utilities
15 would be best to answer that.

16 MR. EISFELLER: I mean, I could
17 envision written updates or in-person updates.
18 You know, personally, I'd prefer technical
19 sessions, where we could have open discussions
20 and presentation. It's really whatever suits
21 your fancy, I think.

22 We wouldn't want to meet too often that
23 we create more work in the preparation for the
24 meeting than we do getting work done. But I

1 think we envision that, if the Commission is
2 acting sort of like a steering committee for this
3 platform, that we have to meet often enough to
4 keep the progress going.

5 So, in my mind, we could offer either.
6 The Governance Council discussed several options.
7 I'm open to either written or in-person meetings,
8 that's fine. Every other month is probably
9 adequate.

10 But there's some advantage, I think, to
11 what Mary mentioned earlier, for us to provide
12 written updates whenever they're available, so
13 that we're not waiting. So, maybe a combination
14 of both, if that's what you want. But it's
15 really whatever the Commission feels they need,
16 acting as a steering committee, for us to make
17 progress.

18 CMSR. CHATTOPADHYAY: Thank you.

19 MR. KREIS: I just feel obliged to say
20 that, to the extent the Commission functions as a
21 "steering committee", it is the belief of the
22 Office of the Consumer Advocate that that is
23 actually inconsistent with both the
24 Administrative Procedure Act and the statute that

1 authorizes the development of the data platform
2 that we're talking about here.

3 Sorry to interject a negative note, but
4 that is my firmly held view.

5 CMSR. CHATTOPADHYAY: That is helpful
6 as well.

7 CHAIRMAN GOLDNER: Any other questions
8 on "Interface", Commissioner?

9 CMSR. CHATTOPADHYAY: Nope. I don't.

10 CHAIRMAN GOLDNER: I have one or Part
11 (b). Commissioner Ross, do you have anything on
12 Part (b), under "Interface"?

13 SPECIAL CMSR. ROSS: No.

14 CHAIRMAN GOLDNER: Okay. I just have
15 one question.

16 Are there any competing standards to
17 Green Button? Or, is it the only standard that
18 exists?

19 MR. MURRAY: Mr. Chairman, that's a
20 very good question. "Not really" is effectively
21 the answer. There -- you know, that New
22 Hampshire and many other states have offered
23 Electronic Data Interchange, or "EDI", which --
24 for many years, for retail suppliers. And it

1 lacks many of the core elements of Green Button,
2 including the authorization component. The
3 authorization component actually references a
4 technical standard known as "OAuth", and that is
5 core to the engineering of the modern internet.
6 So, that's the same type of technology that's
7 used in the authorization of PayPal. If you were
8 to send money to a friend or a family member,
9 that's been, you know, operable on the internet
10 for securely granting, you know, payment
11 authorizations for at least 15 years now. So,
12 billions of dollars every day are authorized
13 using that standard.

14 So, the Green Button standard is not,
15 you know, is not really a snowflake that's
16 incredibly unique and it's competing with other
17 snowflakes to be the best standard. I would say
18 it's -- the industry has really coalesced, in my
19 experience, around it.

20 EDI is the only alternative, but it
21 lacks some of the features, like the customer
22 authorization component that sort of make it
23 ill-suited for the purpose at hand.

24 CHAIRMAN GOLDNER: Thank you, Mr.

1 Murray. That's very helpful.

2 Anything else from the Parties on
3 "Interface"? And have all your questions and
4 concerns been addressed?

5 MR. FOSSUM: The only other thing I
6 would offer at the moment is that I'm taking --
7 you know, we have a couple of follow-up items
8 already. I would offer to file this, this
9 document, the printout Mr. Murray just walked
10 through, as part of a follow-up following this
11 session.

12 CHAIRMAN GOLDNER: Okay. Thank you.
13 Anything else on Part (b), "Interface", before we
14 move to Section (c)?

15 Yes, sir.

16 MR. EISFELLER: Maybe one item.
17 Generally, there was some discussion about the
18 design of the platform in the discussion of the
19 interface. And there's aspects of the design
20 that are already published, and they have
21 specific value to New Hampshire, and potentially
22 some of the surrounding states, in particular,
23 the data model.

24 The data model, which was filed with

1 our Settlement testimony, describes how the
2 data -- what data elements and the structure of
3 the data we used. And it's a very important
4 design aspect of the platform, in that it ensures
5 that all the New Hampshire utilities use the same
6 data standard, the same type of data being
7 shared, the same structure of data being shared.
8 Which provides many of the benefits that Clifton
9 was describing about aggregating data, both at
10 the customer level and at the aggregators' level.
11 Without that, it's very difficult for third
12 parties to combine data.

13 And I think one of the advantages New
14 Hampshire has, it has utilities that are involved
15 in other states. That same data model is likely
16 to be used in other states, to get to your
17 question about other states. It's Unitil's -- we
18 envision using that same data model in
19 Massachusetts and Maine for sharing data with
20 customers. The dual API design that was put
21 forth allows that to very easily happen. Because
22 the utilities have their own API, I can use that
23 API in Massachusetts or Maine, with the same data
24 standard. That provides a lot more value to the

1 New Hampshire platform, in that other states may
2 use the same data model, which enables third
3 parties to combine data from other states, using
4 the same programmatic functionality that they
5 might use in New Hampshire, which makes their job
6 easier, which broadens the possibility that these
7 services will be offered in a cheaper fashion or
8 a less expensive fashion.

9 So, that element of the design is
10 already done, and was reviewed and approved by
11 the stakeholders. So, it's an important
12 component of the design. And also, the Green
13 Button Connect standard that was proposed is a
14 national standard, as Michael discussed. And
15 that's an important design component of the New
16 Hampshire platform.

17 CHAIRMAN GOLDNER: Thank you. Thank
18 you. So, we'll move now to Part (c) and (d),
19 "Registration and Security" and "Customer
20 Survey", respectively. And Commissioner Ross has
21 offered to lead that discussion.

22 SPECIAL CMSR. ROSS: Thank you. And I
23 will now return to the question that I asked a
24 little out-of-turn earlier.

1 Which is, how does the registration and
2 security check process that currently is part of
3 the platform design, how does that compare with
4 the individual utility processes?

5 MR. LEIGH: Sure. So, first, I'll say
6 that the processes that were developed -- hope
7 you can hear me okay?

8 SPECIAL CMSR. ROSS: Okay.

9 MR. LEIGH: Sorry about that. One,
10 they're very consistent with what we already do
11 on our general business activities. When you
12 look at the registration process, an analogy to
13 this would be, when we set up a vendor to do
14 business with, we obtain certain information in
15 order to set them up, in order to pay them, and
16 validate that they're ones that we should be
17 doing business with.

18 In this case, there's not a contract
19 with these third parties. So, this registration
20 allows them to identify who they are, allows us
21 to ensure that they are a valid business that we
22 should be doing business with, and just have that
23 information there. So, very consistent to our
24 vendor registration process, just tailored to

1 what we're trying to do here.

2 On this --

3 SPECIAL CMSR. ROSS: Excuse me, I'm
4 going to just interrupt. Is there a double-step
5 authentication built in? For instance, you know,
6 sometimes, when I have to get onto Microsoft, I
7 have to get a prompt, a code sent to my
8 cellphone, and then I have to input it, so that
9 they're sort of making a double-check on my
10 identity.

11 Is that part of the current design and
12 is that part of the utility design?

13 MR. LEIGH: So, yes. So, from the
14 security control side of the house, what I'll
15 first say is, the controls that were described
16 here are consistent with industry standards and
17 what we already deploy, it's a risk-based
18 approach.

19 So, in our case, with our vendors, the
20 more sensitive and the more data we receive, the
21 more controls we expect. In this case, as the
22 vendor is since defined in the appendix, the more
23 data you're looking to receive, the more controls
24 we expect. One of those is a multi-factor

1 authentication element.

2 SPECIAL CMSR. ROSS: Okay.

3 MR. LEIGH: So, when you get to a
4 certain level, that's expected. If I'm one
5 person, asking for one piece of data, not
6 necessarily the case there. It's more data, the
7 more controls that you get.

8 So, that's been deployed. And that's
9 consistent with what we do on our sites. It's
10 based on industry standards.

11 SPECIAL CMSR. ROSS: And what is the
12 industry -- is there a name for the standard?
13 Someone mentioned "OAuth" or --

14 MR. LEIGH: So, Michael Murray
15 mentioned "OAuth", O-A-U-T-H, which is an
16 authentication process. And that's just for
17 authentication itself.

18 The standards we're referring here are
19 really based on the NIST, or National Institute
20 of Standards & Technology. NIST is a government
21 agency -- well, under a government -- yes, under
22 the government agency, they developed standards
23 around information protection, cybersecurity
24 framework. They're all risk-based. They all

1 define various controls. And it allows an
2 organization to tailor the controls to your
3 needs. You know, there's no black-and-white "you
4 need to do this" in order to be secure, because
5 there's no guarantees on secure. So, you apply
6 reasonable controls to your situation.

7 In this case, when you look at the
8 controls defined, consistent with the NIST
9 standards, there's going to be authentication
10 controls, multi-factor authentication controls,
11 encryption controls, procedures, policies,
12 instant response plans, where -- on the larger
13 side, where more data is being given.

14 So, they're very consistent. It's just
15 the level of details that gets into what you want
16 to deploy.

17 SPECIAL CMSR. ROSS: I would like to
18 ask, as a follow-up today, because especially in
19 view of the fact that the Commission is going to
20 be asked to consider what standards to develop,
21 and we have no interest in creating new standards
22 in New Hampshire that are not consistent with
23 national practice and best practices, if you
24 could file just a quick summary of the national

1 standards, and any other standards that you
2 believe we should be aware of, for both
3 authentication and data access for cybersecurity
4 purposes, that would be helpful?

5 MR. LEIGH: Sure. We'll provide links,
6 we'll provide the references. That's easy to do.

7 The only difference, I will say here,
8 to what the utilities generally do, is that we've
9 defined a very clear process for approving or
10 denying someone getting access to data here. And
11 that was done to ensure that everything is
12 independent, because we're not subjectively
13 saying "Because it's a bad day for someone, we're
14 not going to let you have access to data." If
15 someone doesn't meet the standards, it should be
16 very clear, it's because they don't have this,
17 that, and the other controls that were expected.

18 And all of the parties, and I want to
19 be real clear, when we went through this, we all
20 agreed, if you don't meet these standards, you
21 shouldn't be having the data. And we're very
22 consistent. But we also agreed not to be
23 burdensome, because you can get into some of
24 these standards and put all sorts of extra added

1 costs that may not add to value. So, this is
2 risk-based through this, but we were all very
3 much in agreement on that process there.

4 When we review vendors, it's not as
5 black-and-white in all cases. We have a more
6 subjective nature to it. But the motivations are
7 different in that case, we just want to be clear.

8 SPECIAL CMSR. ROSS: When you say you
9 "reviewed vendors", you mean for other purposes
10 at the utility, as opposed to --

11 MR. LEIGH: Correct.

12 SPECIAL CMSR. ROSS: Okay.

13 MR. LEIGH: These are not vendors to
14 us.

15 SPECIAL CMSR. ROSS: Okay. And the
16 flow chart that you had in your attachment was
17 very helpful on that. I appreciate the effort
18 involved in showing some of the decisional tasks.

19 MR. LEIGH: Very good. Thank you.

20 SPECIAL CMSR. ROSS: My next question
21 is, are there any off-the-shelf security and
22 registration software modules that are used now
23 by the utilities, that could simply be
24 incorporated into this data platform model?

1 MR. LEIGH: So, I wouldn't say there's
2 "off-the-shelf software" for that, because the
3 rest of the Green Button Connect is being develop
4 through the APIs, from which you would leverage,
5 say, for customers, we're not adding a different
6 authentication process for customers. They're
7 going to use what they use every day to get into
8 the portal. So, you're going to be creating --
9 you're not really changing that on the customer
10 side, but you are creating a standard, which we
11 likely already have in other applications, that
12 we would at least leverage and start to minimize
13 costs for development for the third parties to
14 get in there.

15 SPECIAL CMSR. ROSS: And maybe you can
16 help me with the architecture then. A party
17 doesn't enter the data platform through a general
18 front end. It enters always through its own
19 utility, so that it uses its utility's --

20 MR. LEIGH: Customers come in --

21 SPECIAL CMSR. ROSS: -- authentication
22 process, and that then moves the data to Green --
23 to the front-end API?

24 MR. LEIGH: So, there's two use --

1 *[Court reporter interruption - multiple*
2 *parties speaking at the same time.]*

3 SPECIAL CMSR. ROSS: Sorry. We're a
4 little talking on top of each other. I
5 apologize.

6 MR. LEIGH: So, there's two use cases
7 here, customers and the third parties.

8 SPECIAL CMSR. ROSS: Yes.

9 MR. LEIGH: Customers use what they use
10 today.

11 SPECIAL CMSR. ROSS: So, customers will
12 always enter through their utility portal?

13 MR. LEIGH: Correct.

14 SPECIAL CMSR. ROSS: Okay.

15 MR. LEIGH: Because that's where
16 they're going to make their approvals as was
17 in --

18 SPECIAL CMSR. ROSS: Okay.

19 MR. LEIGH: And, Justin, unless you had
20 something to add there.

21 MR. EISFELLER: Yes. I had one thing
22 to add there.

23 So that the design of the platform,
24 it's two layers. There's a utility API, --

1 SPECIAL CMSR. ROSS: Right.

2 MR. EISFELLER: -- where the customers
3 could enter through the utility portal. You
4 know, Unitil has that customer portal, they will
5 have the availability to enter and access their
6 data through that utility API layer.

7 But on top of that is a Central New
8 Hampshire API. And it's envisioned that there
9 will be a Central New Hampshire webpage, and
10 customers could access their data there as well.

11 SPECIAL CMSR. ROSS: Oh. Then, there
12 are two different points of entry then. Okay.

13 MR. EISFELLER: That's how it's
14 envisioned.

15 SPECIAL CMSR. ROSS: Okay.

16 MR. EISFELLER: Now, we haven't built
17 this yet. But that's how it's envisioned.

18 SPECIAL CMSR. ROSS: Just an
19 observation. In preparing for this session, I
20 happen to be, full disclosure here, I happen to
21 be an Eversource customer. So, I went onto the
22 Eversource website to see if I could find my
23 electric consumption data. And I will have to
24 say, it was quite a bit of work. It took a

1 number of different drop-down options. It wasn't
2 very transparent.

3 When I did eventually get there, it was
4 pretty helpful. I could only see 13 months, or,
5 in one case, 14 months of data. So, the data was
6 somewhat limited. But it did display a number --
7 it displayed the data in a number of different
8 ways. And, you know, both in terms of daily
9 consumption, I could look at seasonality, I could
10 also look at costs and rates. So, it was pretty
11 helpful when I finally got to it.

12 But my observation that I just want to
13 throw out for your thoughts is, if you're,
14 because we're going to move into the Customer
15 Survey section next, if you're thinking about
16 trying to figure out what kind of customer
17 interest there is in consumption data and so on,
18 one of the first places the utilities might look
19 is their own websites. And you might consider
20 trying to improve the sort of user ease, and the
21 prominence of that data on your websites, and
22 then kind of keep track of what kind of customer
23 activity you're getting.

24 Because, I think, looking at I believe

1 it was the final attachment to your memo, there
2 was a bunch of focus groups that were conducted
3 by -- in 2018, and they observed that the parties
4 with the most interest in using a data platform
5 were the parties who were already engaged at some
6 level with the utility. And, so, I would think
7 that might be a good place to start.

8 And, with that, I'd like to move to the
9 Customer Survey section. And I have a few
10 questions.

11 I know there was some survey work done
12 in connection with the Dunsky Report. Are the
13 utilities, and I know -- I understand, from
14 reading your concerns about our request for a
15 survey, that you don't feel that it's going to be
16 very useful, and that it may be expensive. Are
17 you aware of any more recent surveys or pilots
18 that we might be guided by, for usage of data
19 sharing options?

20 MR. MURRAY: Commissioner, are you
21 referring to, like, a statistically valid, broad
22 scale customer surveys or are you asking about,
23 like, one-on-one interviews with either customers
24 or third parties about how they might use it,

1 like a qualitative versus a quantitative survey?

2 SPECIAL CMSR. ROSS: I think both
3 pieces of information are useful. As you know,
4 the Commission has to try to determine, at the
5 end of the day, when you finally get a vendor
6 identified as a result of an RFP, whether the
7 costs of developing this software are reasonable.
8 And, certainly, one of the factors would have to
9 be what kind of use would we anticipate on that
10 platform, and by which customer segments? Would
11 it be primarily large industrial customers? You
12 know, would they be 90 percent of the usage?

13 I mean, because the other thing that
14 the Commission is also required to do under the
15 statute is to determine who pays for these costs.
16 So, I think both qualitative and quantitative
17 data are going to be helpful to the Commission.

18 MR. MURRAY: So, there's several
19 sources of information on that. Some of which
20 were in our testimony that we filed in the
21 original docket in this proceeding. It can be
22 hard to assess this, and let me give you an
23 example. In California, which was the first
24 state to adopt a regulation for its

1 investor-owned utilities mandating Green Button
2 Connect My Data, the initial utilization rates
3 were relatively low, and that was because, in
4 large part, there was still a lot of, you know,
5 we're talking in the 2015-2016 time period, there
6 were still a lot of technical issues and
7 shortfalls that needed to be addressed. But what
8 we found is that, when a number of improvements
9 were made to the usability and sort of customer
10 friendliness of the data sharing system, that
11 then the utilization rates amongst residential
12 customers went way up.

13 And, so, I believe we included a graph
14 in our testimony in this case some two years ago,
15 showing that the residential usage in California
16 for demand response, over an 18-month period,
17 went from, essentially, zero customers using it
18 for demand response purposes, to over 150,000
19 households using it. And that was, you know,
20 that was not only the user experience
21 improvements, but it was also the existence of a
22 demand response program that whose design was,
23 you know, compelling to customers, both
24 financially and otherwise.

1 And, so, the Dunsky Report does say
2 that commercial building users experienced the
3 greatest benefits, largely because they're the
4 ones that need to pay expensive consultants to
5 gather all of their usage data. So, large
6 corporations need to collect enterprisewide
7 energy usage data, and those are disclosures made
8 to Wall Street investors, that type of thing.
9 And, so, this is a significant cost savings for
10 them.

11 But, I think, on the residential side,
12 it's hard to -- it can be hard to assess customer
13 interest levels until the moment at which they're
14 actually presented with an offering. And that
15 could be some sort of demand response offering
16 that, you know, is tied to some compensation
17 that's associated with ISO New England's, you
18 know, spot market price. It could be a local,
19 you know, energy efficiency offering of some
20 sort.

21 So, it can be hard to say exactly what
22 the usage is going to be and what the values are,
23 because it depends so much on the offering
24 itself. And, so, I think that this is where we

1 sort of struggled to, as the Governance Council,
2 to, you know, to respond to in sort of the most
3 productive way, because we know that, you know,
4 many customers don't have an interest in their
5 customer data. You know, I'm an energy nerd, and
6 sometimes I don't even have that much of an
7 interest in my customer data. But, when it's
8 packaged and processed, and used for a service
9 that would help me to shop for a heat pump, and
10 give me a cost-benefit analysis to install a new
11 heat pump in my home, then I'm really interested.

12 And, so, that's where we, you know, it
13 can be hard to say what exactly is the value
14 going to be to different types of customers,
15 until we see what those offerings are that comes
16 to the market.

17 SPECIAL CMSR. ROSS: A couple of other
18 thoughts.

19 Have the utilities considered or have
20 other parties considered asking questions of
21 people, when they, for instance, apply for
22 benefits under the NHSaves Program? When you
23 have a customer engaged in an activity dealing
24 with energy efficiency, could you query them

1 about their interest perhaps in having access to,
2 you know, an energy portal and a way to share
3 energy? Or, for instance, when customers sign up
4 at the Commission for renewable energy
5 certification, would that be another gateway into
6 asking customers questions?

7 I'm just throwing out, given what I saw
8 in the reports, the observations about "customers
9 who are engaged being more likely to be
10 interested in data sharing", if you were trying
11 to at least come up with some idea of what
12 participation potential there is in New Hampshire
13 customers. So, those would be a couple of
14 avenues.

15 MR. GOLDMAN: Can I perhaps interject
16 and try to address this?

17 So, it's my hope and expectation that
18 almost no one directly logs in and uses it, if
19 we're talking about end customers, any more than
20 we have end customers directly log in to, say,
21 map databases or airline flight databases in
22 order to access the data through those APIs. We
23 use third party services that offer us sort of
24 compelling use cases based on their own business

1 interests, and, you know, actual attractive
2 services that package that information up into
3 something that's useful and valuable to us.

4 And, so, I think what we're seeing now,
5 not only in New Hampshire, but a lot of places,
6 is that the consumer interface to data is not
7 very appealing, not very useful. And, with all
8 due respect to the utilities, it's sort of not a
9 necessary part of the monopoly business model to
10 provide those kind of data-driven services,
11 right? They need to do it right now, because no
12 one else can do it. And what we're trying to do
13 here is to unlock that monopoly and open that up
14 to the market to figure out more attractive
15 services.

16 Even people -- you know, like Mr.
17 Murray, I'm a data geek. I have looked at my own
18 data. I have read Green Button files. I don't
19 enjoy it. I don't really care about it. At the
20 end of the day, I want answers, I want advice,
21 right? I want something useful.

22 And, so, I think we hope that no one,
23 or almost no one, has to directly interact with
24 this, except the developers at those services.

1 Right? That might be engineers, if we're talking
2 about someone who is serving a large commercial
3 customer and doing a very focused analysis. Or,
4 it could be, you know, a web developer who's
5 creating a mass market service for residential
6 customers.

7 But I think, to the point that
8 Mr. Murray was making, we don't think that the
9 broad impact that this going to have is going to
10 come from lots of individual customers, figuring
11 out in their heads how they're going to use the
12 data, then creating some kind of way to use it.
13 You know, this is really an enabling platform to
14 open up a whole marketplace for this sort of
15 thing.

16 So, I think some of the suggestions
17 that you're making have some interesting
18 opportunities in my mind of talking to the
19 service providers who work within the NHSaves
20 Program and delivers services today to customers.

21 SPECIAL CMSR. ROSS: Okay.

22 MR. GOLDMAN: And I think this is part
23 of the design of the Council, to bring in small
24 business, large business, and energy service

1 provider representatives, then we can start
2 engaging those communities to figure out how to
3 make it easy for them to use the platform.

4 SPECIAL CMSR. ROSS: Thank you.
5 Actually, that's very helpful. I don't have any
6 other questions.

7 CHAIRMAN GOLDNER: Let's take a
8 ten-minute break for a bathroom break and the
9 stenographer. We'll come back at 11:10 and
10 finish up. We'll begin again with Section (e),
11 which is the "Software Survey". Thank you.

12 *(Recess taken at 10:59 a.m., and the*
13 *hearing resumed at 11:16 a.m.)*

14 CHAIRMAN GOLDNER: Okay. Before we
15 start on the Software Survey, was there
16 everything on (c) and (d) that anyone wanted to
17 add, before we move onto the next section?

18 *[No indication given.]*

19 CHAIRMAN GOLDNER: Everyone is
20 comfortable. Great.

21 Okay. So, on the Software Survey, I'll
22 take this section and get started on that.

23 Would it, and this is a question for
24 anyone, but would it be accurate to say that the

1 survey that's shown on Page 9 of Mr. Fossum's
2 filing, would it be fair that that says that
3 there's nothing that can be used from other
4 states' implementation? When I look at the
5 chart, and I look at the verbiage, it seems to
6 imply "Hey, there's activity going on in other
7 states. But we're really going to have to, you
8 know, build this from the ground up."

9 Can anyone comment on that sort of
10 conclusion?

11 MR. MURRAY: Mr. Chairman, I'm happy to
12 make an opening comment on that.

13 I believe that part of the challenge
14 here is that a lot of the work associated with
15 making the platform a reality is not -- cannot be
16 achieved with a cookie cutter, off-the-shelf
17 software. So, a lot of the effort is an internal
18 what you might call "system integration" or sort
19 of "mapping exercise" that the utilities would
20 have to do in order to speak with all of their
21 internal systems, to gather and provide the
22 appropriate information.

23 So, a portion of that cost is just
24 going to be unique to each utility. And there's

1 no, I think, shortcut, and following another
2 utility's software would not really be that
3 helpful in that respect.

4 That said, there is another portion,
5 which is the API functionality, where it's
6 absolutely possible to license that from a
7 variety of vendors, many of whom we list on that
8 table.

9 So, I think the utilities are, in New
10 Hampshire, as I understand it, are -- many of
11 them are engaged in customer information system
12 upgrades. And, so, those upgrades will, you
13 know, facilitate an easier integration of the
14 system. But, just because, you know, the
15 software -- the Green Button software product is,
16 you know, working at the Fort Collins Utilities,
17 in Colorado, for example, doesn't mean that, you
18 know, using that same platform is, you know, can
19 be -- it's just paying a license fee and being
20 done with it. There's a lot of system
21 integration work that would be required with any
22 Green Button vendor that's listed.

23 CHAIRMAN GOLDNER: Okay. Thank you.
24 Any other comments?

1 MS. SCHWARZER: Mr. Chairman, I just
2 want to note, in the record, at Tab 55, this is a
3 very large docket, but there was a submission
4 with regard to cost building versus leasing or
5 pilot projects, and I bring that to your
6 attention.

7 The Commission -- the Department of
8 Energy doesn't have answers, but has questions.

9 CHAIRMAN GOLDNER: Okay. Thank you.
10 Okay. Very good.

11 I'll return to the table on -- it's
12 actually, I think, on Page 9 and 10 in
13 Mr. Fossum's document.

14 When I look at the table, I noticed,
15 under "States", there was nothing listed under
16 "Massachusetts" and "Connecticut". Is that
17 correct to say that they have no Green Button
18 activity going on in those states?

19 MR. MURRAY: Those discussions are
20 underway at those state regulatory agencies.

21 CHAIRMAN GOLDNER: Okay. Can you
22 characterize how far underway they are, by
23 chance?

24 MR. MURRAY: I think I would defer to

1 Eversource on that question.

2 MS. HASTINGS: Hi. Yes. So, this is
3 Riley Hastings, Eversource. We have open grid
4 modernization dockets currently in Massachusetts
5 and Connecticut. The Connecticut PURA, the
6 regulatory authority, has specifically requested
7 that Green Button Connect be included as part of
8 the grid modernization proposal. In
9 Massachusetts, there have been a lot of questions
10 as part of the discovery process, and some
11 commitments that we'll investigate a Green Button
12 standard to be implemented in Massachusetts. But
13 there are still open docket -- grid modernization
14 dockets. And, so, it would be included in those.
15 And we don't have rulings on them yet.

16 CHAIRMAN GOLDNER: Okay. Is there a
17 ruling pending or close or would you say it's
18 not?

19 MS. HASTINGS: I don't know. I mean,
20 they have gone through brief periods. They
21 should be relatively close. But it's hard to
22 know how long the orders are going to take from
23 the regulatory agencies.

24 CHAIRMAN GOLDNER: Okay. Very good.

1 And I understand.

2 So, a question for everyone, and
3 perhaps Mr. Murray would like to take it first,
4 but anyone can answer. Would it make more sense
5 to let this technology develop, and then be a
6 fast follower in New Hampshire?

7 MR. MURRAY: Mr. Chairman, that's a
8 good question. And I don't think so, for a
9 couple of reasons.

10 One is that the issue is not one of
11 technological maturity or the lack thereof. The
12 Green Button standard has been around for almost
13 ten years. It's, you know, built on well known
14 standards, such as OAuth and XML, and your sort
15 of standard API definitions. What has lagged in
16 the U.S. over this ten-year period has been, you
17 know, larger utility adoption of it.

18 And that's because, I would argue,
19 having been a part of virtually all of those
20 regulatory proceedings in 15 different states
21 over the last decade, utilities, you know, need
22 to -- you know, there are key questions, gating
23 factors that prevent them from going right ahead
24 with implementation of Green Button voluntarily.

1 So, there are questions about cost recovery.
2 There are questions about privacy. There are
3 questions about all of those different topics,
4 which we, you know, settled, I think, very well
5 in the unanimous Settlement Agreement that was
6 approved. So, in each state, I think it's those
7 regulatory factors that sort of slow, you know,
8 have made it, you know, not spread like wildfire.

9 But I do think -- so, in other words, I
10 don't think there is value in waiting, because
11 it's not that the technology will become more
12 mature. If anything, I see it as, yes, as
13 important to give customers, you know, control
14 over their information that's held about them.
15 And that's not going to be -- you know, that's
16 still going to be the same case three to five
17 years from now as it is today.

18 And the second point I would make is
19 that it is certainly our hope that New Hampshire
20 becomes a model for the Northeast as a whole.
21 And, with smaller northeastern states, I work
22 with many large companies who -- it would be very
23 difficult for them to set up and operate an
24 energy efficiency business in New Hampshire, if

1 New Hampshire doesn't follow these national
2 standards.

3 So, for example, you know, there are
4 companies that may operate with demand response
5 offerings in California or Texas or New York,
6 because those are big population centers. And
7 they can do a system integration with, you know,
8 one API, or just a couple of utility systems, and
9 they can have access to millions of customers.
10 In New Hampshire, that's not the case, and, to
11 some extent, that's true in Connecticut as well.

12 And, so, by implementing this system,
13 which is a single sort of point of entry for the
14 market, meaning, you know, competitive market
15 companies providing energy management services,
16 that actually sets the stage, I think, really
17 well for a broader region of collaboration. So,
18 you could have New Hampshire ratepayers
19 benefiting from products and services offered in
20 Massachusetts, and Maine, and Connecticut, and so
21 on and so forth. And, if those states move
22 forward with a similar type of system, that's
23 great.

24 But, if New Hampshire doesn't, then I

1 don't, you know, I think the commercial reality
2 is that a lot of companies are not going to
3 bother to set up shop serving New Hampshire
4 customers, because those individual cost of entry
5 and accommodating the idiosyncrasies of each
6 utility's data systems would otherwise be really
7 high relative to the population size.

8 CHAIRMAN GOLDNER: Okay. Maybe I'll
9 ask a follow-up question directly to either
10 Unitil or Eversource, or both.

11 And that is that would you, if New
12 Hampshire went first and implemented this in your
13 system, would that be useful, helpful, or save
14 costs for your adjacent states?

15 MR. EISFELLER: I'll take the first --
16 I'll take it first.

17 But, before I answer that question, and
18 I will, I want to point out, on the top of Page
19 10 of that attachment, the GBC vendor listed
20 there for Ontario, one of them is "Harris". And
21 Harris is the vendor that provides our CIS. I
22 fully expect that Harris, having already done
23 this, and it had discussions with the other
24 vendors involved, they already know how to do

1 this. And, so, the back-end utility costs, which
2 are typically the majority of the costs, if you
3 look at the Dunsky Report, you'll see that the
4 utility back-end costs are the higher costs
5 associated with the platform, and they are here
6 as well.

7 You know, when we went through the
8 discussions early on, and prior to the
9 Settlement, there was discussion about potential
10 costs. And it was obvious that a majority of the
11 costs are on the back-end costs. Those back-end
12 costs come down quite a bit when your CIS vendor
13 has already done it. Right, that gets to your
14 question about a "fast follower".

15 And, so, these vendors, Harris, SAP,
16 others listed here, they will have already done
17 it by the time we implement this platform. That
18 will lower our costs. And, in fact, Eversource
19 and Liberty have said they want to wait until
20 their CIS implementations are completed for them
21 to implement the back-end work, which will save
22 costs.

23 Unitil, I believe, is ready for this.
24 We've had discussion with Harris already about

1 Green Button Connect. They have that
2 functionality available. We're expecting our
3 costs to be fairly low, relatively speaking, on
4 the back-end costs.

5 So, I wanted to mention that, first of
6 all, as far as, you know, are we a fast follower?
7 I'd say we already are. We're in that position
8 now. The vendors have already done this, and
9 they have proven they have done it. So, you're
10 not creating something new and unique.

11 And, secondly, do we plan to use this
12 in other states? Absolutely. That's -- part of
13 the design of the New Hampshire platform is it's
14 dual layer. There's a utility API component.
15 That utility API component can be used anywhere.
16 Eversource could use it in Massachusetts or
17 Connecticut.

18 The challenge there, of course, is that
19 the regulators in other states don't always agree
20 exactly with what New Hampshire states, and so
21 that there might be small changes that are
22 required. There might be additional data that's
23 required, there might be a slightly different
24 data model that's required.

1 But the Green Button Connect standard
2 is definitely being considered in the states that
3 we operate in. Unitil has plans to use that same
4 API in the other states. There's no reason not
5 to. It's being designed for both gas and
6 electric. So, we can readily use that. And we
7 would expect that those costs on the back-end, at
8 least for the utility API portion, would be
9 shared across the various states.

10 There's components of the New Hampshire
11 platform that are unique, and that would not be
12 used in other states, at least they're not right
13 now. It would be great if the New Hampshire
14 platform was fully adopted in the other states.
15 But there are components that aren't right now
16 envisioned to be used.

17 CHAIRMAN GOLDNER: And how much of the
18 total is the utility API? Is that 80 percent of
19 your problem or 20 percent of your problem?

20 MR. EISFELLER: I don't know right now.
21 But it probably is 60 to 80 percent of the total
22 mix of costs, and then that likely would be
23 shared with the other states. Now, New Hampshire
24 is our biggest operating area. So, if you share

1 it on a customer basis, of course, it's likely to
2 see the biggest share of the costs as well.

3 But we do plan on using it elsewhere.
4 We do want to get going. The discussions in
5 Maine and in Massachusetts are that, you know,
6 Green Button Connect is being considered.

7 Riley mentioned that Massachusetts has
8 been discussing it. We proposed in
9 Massachusetts, in the grid mod. docket, that we
10 utilize Green Button Connect, and we utilize a
11 New Hampshire data model. That only adds value
12 to New Hampshire as well, in that the third party
13 vendors will have the same data model to use for
14 all Unitil's customers. Not a different model
15 for Massachusetts or Maine, they will be the same
16 model, unless we're told otherwise.

17 CHAIRMAN GOLDNER: Very sensible.
18 Eversource, any comments from either the
19 Company's perspective on how you would, if New
20 Hampshire went first on Green Button, if that
21 could be leveraged into Massachusetts and
22 Connecticut, and then, of course, vice versa?

23 MS. CHIAVARA: I am not going to do as
24 an insightful job as Mr. Eisfeller, but I can

1 give cliff notes, perhaps.

2 Mr. Eisfeller was correct in that, if
3 Eversource were to update CIS systems, which I
4 think it's planning on doing in the next few
5 years or so, those updates would reduce costs for
6 implementation, as would the ability to implement
7 this across service territories. So, we're only
8 doing it at one time, rather than three separate
9 times.

10 But, at this time, we are looking to
11 the regulatory processes in Connecticut and
12 Massachusetts, and seeing how those unfold. But
13 we are looking at Green Button as a, you know,
14 growing standard. But, at this time, New
15 Hampshire is a stand-alone solution.

16 CHAIRMAN GOLDNER: Thank you. Liberty,
17 any comments?

18 MR. SHEEHAN: Sure. Our conversion to
19 a new CIS system, fundamental system, is
20 scheduled for this fall. It has been on the
21 horizon for several years, but at this stage is
22 now firm.

23 The first utility, our gas utility in
24 Mass., went live a couple months ago. A few

1 other utilities went live a couple weeks ago,
2 Georgia and New York, and I think one other.

3 So, we have not provided cost
4 estimates, because we knew that was coming. And
5 whatever costs we could estimate now is going to
6 be lower with the SAP system that's coming.

7 As far as sharing with others, our
8 electric affiliates, we have one in the Midwest
9 and one in California, I am not up to speed with
10 where they are, but, absolutely, to the extent
11 they can be shared, they will be on the same SAP
12 system. And this is a enterprisewide upgrade
13 that we're going through step-by-step. So, those
14 opportunities are definitely there.

15 CHAIRMAN GOLDNER: Thank you,
16 Mr. Sheehan.

17 Do the other Commissioners have any
18 questions on this Software Survey topic?

19 SPECIAL CMSR. ROSS: No.

20 CHAIRMAN GOLDNER: Do the Parties have
21 anything to add or any other -- any questions on
22 Software Survey, before I move on to the RFP?

23 MR. GOLDMAN: If I may follow up on
24 that question about the timing and the urgency?

1 If I can offer this analogy, it may
2 feel a little tortured at first. But, when I
3 have company over, and I look around in my house,
4 and I realize that it's actually not as tidy as I
5 thought it was, and I clean my house with the
6 eyes of someone else coming over, I always
7 appreciate afterwards that now I have a really
8 clean house that I didn't even realize I was
9 missing.

10 And the analogy I'm making here is that
11 my experience working with other utilities in
12 other states has been that, in the process of
13 getting the system ready to interoperate with
14 other systems, it forces some level of
15 organization and data cleaning, and some new
16 capabilities in order to support the integration
17 with those other systems.

18 And what I've often seen in
19 conversations with those utilities afterwards is
20 they've said "Oh, we're finally able to do all
21 these new things with our data and find internal
22 operational efficiencies, and support new
23 services for our own internal analytic staff that
24 we weren't able to do before, now that we've

1 created the infrastructure necessary to support
2 this integration."

3 And, so, I think this is one of those
4 cases of "the sooner we get started on it, the
5 sooner we start to see those benefits."

6 And, so, you know, obviously, it can't
7 happen tomorrow. And, you know, apologies to the
8 utilities, I'm not saying that your houses are
9 messy, but it's just there's always room for
10 improving data systems. And, so, I think that
11 the sooner we get started on this stuff, the
12 easier it is to sort of keep it up to speed.

13 CHAIRMAN GOLDNER: Thank you.

14 Ms. Schwarzer, do you have something?

15 MS. SCHWARZER: Not on this section.

16 CHAIRMAN GOLDNER: You grabbed your
17 microphone. I assumed that you wanted to speak.

18 Okay. Oh, I'm sorry. Go ahead, sir.

19 MR. EISFELLER: So, I want to add on to
20 that discussion a little bit, because it
21 mentioned momentum --

22 *[Court reporter interruption.]*

23 MR. EISFELLER: There's a certain
24 amount of momentum built up already. We've been

1 working at this actually since 2017, working on
2 the design of the platform, looking at standards.
3 And then, we started the stakeholder process in
4 2019. The 2019 process was pretty intensive. We
5 had all these stakeholders involved. We reached
6 a settlement after a ton of work. Thousands of
7 hours have gone into this already.

8 And, so, to sort of pause and put it
9 off for three or four years, we'll be starting
10 over. Much of that effort that was already
11 completed will be thrown away, and we'll have to
12 start over with a new stakeholder group, and new
13 players, and new effort.

14 And, so, there's a certain amount of
15 momentum and costs already built into what we've
16 done that will be thrown away, if we pause.

17 CHAIRMAN GOLDNER: At the risk of
18 lighting a fire, would it be a suggestion for
19 Unitil, or another utility, to sort of lead with
20 a utility-specific implementation before
21 everything else was tied together? Is that
22 something that -- is that something that you have
23 considered or would want to consider? In other
24 words, if Unitil kind of has the lead, Unitil

1 goes first, and the other utilities might follow?

2 MR. EISFELLER: I think that's going to
3 happen anyway, that that's probably going to be
4 the case, that we implement the back-end first.
5 Because, realistically, we're ready for that, and
6 want to do it. So, that's likely the case
7 anyway, that we would start first. But we want
8 to do it with everyone involved.

9 CHAIRMAN GOLDNER: But, ultimately,
10 you'll tie everything together. But you have to
11 implement yours first anyway. So, --

12 MR. EISFELLER: We'll be likely the
13 most ready, and maybe Liberty will be close as
14 well. So, who knows? But we're ready now, we
15 could start now, with implementing the utility
16 API portion of this.

17 And, then, you want to do that with
18 knowing what the full design is like. I mean,
19 that's -- part of the integration is ensuring
20 that what we build on the back-end works with
21 what's on the front-end. So, we really need to
22 have that done together. I wouldn't propose that
23 we just go off and build a piece of this, as we'd
24 likely have to redo it. That's one of the

1 concerns.

2 So, we'd want to do it in conjunction
3 with this joint effort, and have the stakeholders
4 involved. We've been committed to the
5 stakeholder process, even though it's very
6 difficult at times, and slows us down. But it's
7 been worthwhile. I think we've gained a lot of
8 knowledge from the industry as a result of that.
9 I think the approach that's been proposed is more
10 robust as a result of that. So, we want to
11 continue with that effort. We definitely don't
12 want to start over and wait.

13 CHAIRMAN GOLDNER: Well, that is the
14 perfect segue into Section (f), which is the "RFP
15 Review". There are a lot of questions on that,
16 and I think that was central to the reason -- at
17 least one of the main reasons we're here today.

18 I wanted to start with a couple of
19 topics. So, on Page 10, there's a discussion of
20 sort of acceptance of a general framework. But I
21 want to just make sure I understand what the
22 author means when they say "general framework" on
23 Page 10. And I'll give you a chance to catch up.
24 But I'm not -- I just want to make sure I

1 understand what that means, what those words
2 mean?

3 MS. SCHWARZER: Mr. Chairman, are we on
4 Page 10 of the memo?

5 CHAIRMAN GOLDNER: I'm sorry. We're on
6 Page 11. I'm sorry. And we're on about Line 10
7 or so. It says: "If, however, the Commission
8 concludes that some additional approval is
9 needed, the Parties submit that the Commission
10 should approve the general framework and scope of
11 the RFP rather than the specific terms."

12 And the follow-up question is going to
13 be, you know, what do you mean by "specific
14 terms"? So, what do you mean by "general
15 framework" and what do you mean by "specific
16 terms"?

17 Because there's some objection to
18 "specific terms" and there's some acceptance of
19 "general framework". And I'm trying to determine
20 what the meaning is.

21 MR. FOSSUM: I think I can start on
22 that, and others may certainly fill in.

23 As we put in the memo, it has been at
24 least our experience, that is the utilities that

1 is, that, when we issue RFPs, including for
2 things that are either directed by or expected by
3 the Commission, the Commission doesn't actually
4 review those RFPs. You know, they are issued,
5 the services are procured. And afterward, we
6 return to the Commission to say, you know, "This
7 is the process that we followed. Here is why we
8 selected the vender or vendors that we did. Here
9 are the costs that result from that, and why, in
10 our opinion, those costs are reasonable and
11 prudent, and should be recovered."

12 So, I guess, very broadly, that's sort
13 of the "general framework". But that's perhaps
14 too broad to answer your question.

15 I think our concern was, in reading the
16 Order, that the Commission was expecting that we
17 would develop a specific RFP that would have a
18 scope of work, timing, expectations, milestones,
19 and all of the standard requirements of an RFP,
20 and submit it to the Commission, and the
21 Commission would do something with it. And we
22 weren't certain what that was. Would the
23 Commission say "Well, we think that you've
24 budgeted too much time for this or not enough for

1 this." Would the Commission agree or disagree
2 with the scope of work as we had defined it?

3 And we had some concern about that.
4 And that's, I think, in my mind, when we referred
5 to the "specific terms", those are the kinds of
6 terms that I was thinking about. Is the
7 Commission going to be reviewing those specific
8 terms of an RFP, and passing judgment on the
9 quality or not of each of those terms? And then,
10 following on that, if it does, if the Commission
11 does rule upon those terms, what does that
12 actually mean? Does that mean that the RFP, the
13 results from it, are somehow given a
14 preauthorization or preapproval that they
15 wouldn't have otherwise had? Is there a
16 presumption then of prudence, by following that
17 RFP, that might not otherwise exist?

18 So, those were the kinds of concerns
19 that we had had in looking at the terms of the
20 Order, and where our concerns were around
21 specific -- specific terms of the RFP.

22 Rather than simply say, you know, "We
23 don't think the Commission belongs in this
24 process at all", I think there was a belief that,

1 to the extent the Commission should have or
2 desires to have a role in the development of the
3 RFP, the Commission could set out a set of
4 expectations. And I guess this is, again, in my
5 mind, in looking at the "general framework", you
6 know, what are we expecting to see in an RFP? A
7 scope of work that covers these items, maybe not
8 an exhaustive list, but one where it covers
9 certain items and issues? Or, in our mind, we
10 think this should, you know, involve a group of
11 potential vendors of some type. To lay out those
12 kinds of generalities might be something that we
13 could use and take, and then develop the specific
14 RFP afterward.

15 So, again, you know, certainly, I'm
16 open to the thoughts of the others in the room.
17 But that was, in my mind, what I saw as the
18 issues with this particular requirement of the
19 Order, and where we thought, to the extent the
20 Commission believes it needs to have some input
21 on the RFP, high-level general input on
22 expectations may be appropriate. But the
23 Commission's review of the RFP document itself
24 and its specific requirements was a bit confusing

1 to us, and created a lot of questions, as I said,
2 particularly on the back-end, with what that
3 means to actually receive that approval.

4 CHAIRMAN GOLDNER: Maybe I'll just jump
5 in with a comment. I think I can understand, I
6 think all the Commissioners can understand,
7 frustration with a process where a lot of work is
8 done, you get to the end of the process, and the
9 Commission says "Nope, don't like it. Start over
10 again." That's very frustrating, I'm sure that
11 is.

12 So, we want to avoid that process here.
13 And, so, what we were suggesting, really, is more
14 sort of communication during the process, to make
15 sure we don't get to that kind of point where
16 something gets rejected later, and everyone would
17 be understandably frustrated.

18 So, that was our intent, in terms of
19 trying to communicate what we were looking for.

20 MS. SCHWARZER: Mr. Chairman, could I
21 speak to that?

22 CHAIRMAN GOLDNER: Yes, please.

23 MS. SCHWARZER: Thank you.

24 Respectfully, the Department of Energy has an

1 additional statement in this section that was not
2 part of the initial memo. And there is a concern
3 about, a structural concern, that to the extent
4 the Commission additional oversight results in
5 participation in the development and review of
6 the RFP, it may compromise the Commissioners'
7 ability to objectively decide about the
8 platform's characteristics, as to whether it's in
9 the public interest or reasonable or prudent.

10 CHAIRMAN GOLDNER: Can you please
11 extrapolate on what your meaning is there?

12 MS. SCHWARZER: Certainly.

13 CHAIRMAN GOLDNER: How would the
14 Commission be jeopardized?

15 MS. SCHWARZER: In the type of exchange
16 that you just hypothesized, and I can certainly
17 understand that it's hard to be on your end, too,
18 to look at an enormous amount of work that people
19 of good faith have done, and then feel that you
20 may, for some reason, have to say "No, this is
21 not going to meet our standard."

22 But the alternative to that is that
23 communication that you provide shaping or asking
24 questions of your curiosity that may send signals

1 to parties that you agree with or approve or
2 insist upon a particular course of action, or
3 vendor, scope, could end up being something that
4 is held up later to say to you "You can no longer
5 tell us this isn't reasonable or isn't" -- "and
6 is not in the public interest, because you asked
7 us to do this."

8 So, the Department just wants to bring
9 that to the Commission's attention. Certainly, I
10 understand there's a wish for everyone to reach a
11 success project. But, to the extent that you
12 need to be objectively somewhat distant in order
13 to make those decisions, extensive communication,
14 particularly informal communication, along the
15 lines of what used to be a technical session with
16 PUC Staff, but is no longer possible because of
17 the changes from House Bill 2. There's some
18 sensitivity around this being a new day, and a
19 first step into how a new process might work,
20 without recreating the old one.

21 CHAIRMAN GOLDNER: I'm not quite ready
22 to go there yet, but that is an excellent segue
23 to the Status Conference, which I'll not take you
24 up on quite yet. But I appreciate that. And, if

1 we can come back and talk a little bit further on
2 that in a moment, I would appreciate it.

3 MS. SCHWARZER: Well, of course. And I
4 just meant to focus on the RFP piece at this
5 time.

6 CHAIRMAN GOLDNER: Of course. And I
7 had one more question on the RFP piece, and I
8 just wanted to -- this was also, I think, a
9 critical part of what the Parties were asking
10 for. There's a lot of discussion about bidders
11 and lowest cost and so forth. And, so, I just
12 wanted to ask, if a bidder meets your
13 specification, and it's at the lowest cost, why
14 would you not choose that bidder?

15 Or maybe you would. But the impression
16 I got from the document was that there were
17 concerns about choosing the lowest cost bidder.

18 MR. EISFELLER: I'll take it first. A
19 couple of quick responses.

20 They might not have the experience.
21 They might be a brand-new company, with no
22 experience whatsoever. So, they're a risky
23 company.

24 CHAIRMAN GOLDNER: But wouldn't that be

1 in your screening of the companies that you allow
2 to bid anyway?

3 MR. EISFELLER: A minimum threshold,
4 perhaps. But you might someone who is five
5 percent more that's got extensive experience, and
6 has done certain things that you may want down
7 the road. So, there's future functionality that
8 we're looking at as well.

9 So, I think it's probably too simple to
10 just say that that would be the threshold-type
11 question.

12 CHAIRMAN GOLDNER: Because I have a lot
13 of experience in the defense business. And,
14 typically qualify your vendors up front, and then
15 you put the bids out, and then the lowest cost
16 bidder wins.

17 MR. EISFELLER: I think that works if
18 you're buying a widget.

19 CHAIRMAN GOLDNER: Or Apollo rockets,
20 in the 1960s.

21 MR. EISFELLER: Which is -- which is a
22 widget, to some extent. This is software, it's a
23 little bit different. So, I'd say it's too
24 simple to say "we'd just select the lowest cost

1 bid, if they meet all of the minimum thresholds."

2 CHAIRMAN GOLDNER: Uh-huh. Okay. Any
3 other comments on that one?

4 Mr. Below.

5 MR. BELOW: Yes. Thank you, Mr.
6 Chairman.

7 I've had occasion to study, at some
8 extensive level, government procurement policies.
9 And, in general, RFP, a Request for Proposal, is
10 an approach in which lowest cost is not the only
11 factor. It is usually where there's more
12 subjective factors that are involved, such as the
13 approach that the vendor is going to use, their
14 past track record.

15 Cost is, obviously, an important
16 criteria. But you're looking for best value,
17 fundamentally, in an RFP process. The bid, the
18 lowest bid process, is one in which you have it
19 fully spec'd out, and you do have -- you go with
20 the lowest qualified bidder, and you set some
21 qualification standards.

22 So, it's generally, even in New
23 Hampshire rules, from the Department of
24 Administration, it recognizes the distinction

1 between the "lowest qualified bidder" approach
2 and an "RFP" approach, where other factors are
3 used.

4 Ideally, you have criteria, and you
5 have weighting, and you have scoring, so you
6 still have an objective process. But that
7 scoring process, you know, considers other
8 factors, including experience, the approach that
9 they're going to use, things like that.

10 CHAIRMAN GOLDNER: Okay. Thank you.
11 And that's helps with the next question, which
12 is, then who decides and how? So, you have
13 objective factors and subjective factors. What's
14 the process for then deciding?

15 MR. FOSSUM: I think, if I'm following,
16 you're asking, once we receive proposals in
17 response to that RFP, who actually determines the
18 winner or winners?

19 CHAIRMAN GOLDNER: Yes. And how?

20 MR. FOSSUM: And my understanding is
21 that that would happen through the Governance
22 Council, and, again, I could be corrected, where
23 presumably these RFPs are going to be issued by
24 one or more of the utilities, in the first

1 instance. So, they would come in, I would think
2 that the receiving utility or utilities would do
3 some initial screen, you know, looking for, you
4 know, is this vendor, in fact, qualified? Have
5 they done this before?

6 And assuming that they meet various
7 screens, then I think the final decision rests
8 with the Governance Council, as to, following on
9 what Mr. Below just said, as to which of those
10 vendors provides the best value, in light of what
11 this platform is looking to achieve. And, based
12 on that determination, then the utility would
13 complete whatever processes are required on its
14 side to fulfill that contract.

15 CHAIRMAN GOLDNER: And would the
16 Governance Council be willing to share that
17 process with the Commission: "These quotes came
18 in, objective/subjective factors. We decided
19 Vendor X, due to reasons Y, Z, and A."?

20 MR. FOSSUM: I would expect that,
21 whether the Governance Council does it or
22 somebody else does it, to the extent that the
23 utilities are expecting or anticipating cost
24 recovery, there is going to have to be a

1 demonstration at some point who was selected and
2 why. And, to the extent that it wasn't the
3 lowest cost bid, what factors influenced the
4 decision-making.

5 You know, at the end of the day, if the
6 utilities are looking to recover costs, that is
7 the burden that they bear.

8 CHAIRMAN GOLDNER: Very good. Any
9 other comments on the RFP section, before we move
10 to Status Conference?

11 Ms. Schwarzer.

12 MS. SCHWARZER: Thank you. I would
13 just like to comment, in terms of the Governance
14 Council. Under the Settlement Agreement, it is a
15 process, Parties are agreeing, within that
16 process, ideally to agree. And then, if
17 necessary, to go to the Commission.

18 And, of course, in any ultimate cost
19 recovery, the Department of Energy has a separate
20 role as well. And we may bring support for
21 decisions that were made at the Governance
22 Council, or I suppose, in the contrary, there
23 might be, you know, comments the other way.

24 But I think this is a very new process

1 that has not been fully formed. And, so, it's
2 hard to give you a completely solid answer as to
3 the ultimate ways that those issues might come
4 before you.

5 CHAIRMAN GOLDNER: Just to clarify, the
6 Department of Energy is not suggesting a black
7 box. They would suggest transparency?

8 MS. SCHWARZER: Well, I think,
9 consistent with what the utilities have said, in
10 any cost recovery process, the utilities will
11 have that burden, and will have to explain to the
12 Commission why the winning vendor was
13 appropriate, and why, certainly, in any contract
14 awarded under the State, I believe the whole
15 Governor and -- excuse me -- the Governor &
16 Council process requires that you identify the
17 next closest bidders, and what those numbers --
18 although, I think the final cost for the winner,
19 and certainly, I don't want to go into too much
20 detail, but the reasons why they did not -- why
21 the winner won and others did not.

22 CHAIRMAN GOLDNER: Okay.

23 SPECIAL CMSR. ROSS: I was actually
24 going to suggest that there is a model, and I'm

1 sure the utilities are aware of it, because we've
2 used it in the past. I think, when we contracted
3 with JP Morgan to conduct the auction of the
4 fossil generating assets, hydro and fossil
5 generating assets for Eversource, we had an RFP
6 process and a scoring process and a weighting
7 process, and a report of the results. All of
8 which are very technical and very transparent,
9 and are a good way of demonstrating a decisional
10 process.

11 So, if the Governance Council is
12 looking for a model, that one certainly is a good
13 one.

14 MR. FOSSUM: And that advice is well
15 taken. And I think the idea would be to follow
16 the process where, you know, the RFP is defined,
17 the scope of the review is defined and explained,
18 you know, the winning bidders, the reasons for
19 their wins are defined and explained. I think
20 all of that is sort of standard protocol.

21 The degree and detail of which can
22 vary, based on the technicality of what's
23 involved. And I don't envision us looking to
24 short circuit that process in this case. I

1 think, as many have indicated, this is a highly
2 technical area. It's going to require a highly
3 technical RFP and scoring process.

4 And, so, that is, I think, at bottom,
5 where some of our concern had come, with, you
6 know, seeking or obtaining Commission approval
7 for specific terminology within the RFP.

8 CHAIRMAN GOLDNER: Okay. Thank you.
9 Anything else on RFPs, before we move to "Status
10 Conference", Part (g)?

11 *[No indication given.]*

12 CHAIRMAN GOLDNER: Everyone's good?
13 Okay.

14 So, on the Status Conference, there was
15 a suggestion that -- or, there would be a regular
16 meeting every other month. I think Ms. Schwarzer
17 indicated some concern with that. So, I'll just
18 kind of open that up for discussion. What do the
19 Parties want to do?

20 MR. FOSSUM: I think there's probably
21 some room for discussion about it. I think our
22 concern here was simply, if we put a stake in the
23 ground, and say "We will have a status conference
24 on X date, when we have achieved whatever

1 milestones we have achieved", is that work may be
2 going on. You know, who knows, an RFP may be out
3 and issued. And we all of a sudden have to say
4 "Well, you know, let's put the brakes on
5 everything. We have to prepare for this status
6 conference, present information. And, you know,
7 maybe shift in light of whatever we learn from
8 it."

9 So, our idea was, rather than have a
10 single point in time that dictates a before and
11 after, and a change in activities, is that, if
12 there is a way to openly make information
13 available as we go, to the extent that we need to
14 shift or adjust, we can do that in real-time,
15 rather than have sort of a hard stop at some
16 point down the line.

17 The initial proposal that's within the
18 memo, as you noted, is a meeting or a discussion
19 every other month along the way. I don't think
20 that it has to be that way. But that seems like
21 a reasonable offer, as a way to ensure that
22 information is exchanged in a relatively
23 reasonable amount of time, while avoiding, as Mr.
24 Eisfeller indicated earlier, meetings that happen

1 or discussions or reports that happen so
2 frequently that they become work in and of
3 themselves.

4 CHAIRMAN GOLDNER: And is there any
5 comments to the utilities' proposal? Any other?

6 MS. SCHWARZER: I think I would just
7 like to reiterate that the Department does have
8 concerns that informal conversations are
9 administratively burdensome and inefficient. And
10 that written reports, perhaps with infrequent
11 status conferences, as contemplated by the
12 Commission originally, would be preferable.

13 CHAIRMAN GOLDNER: Okay. Mr. Kreis,
14 would you care to comment on this topic? We have
15 two different opinions so far.

16 MR. KREIS: I think that, similar to
17 what Mr. Fossum said, and assuming that this
18 whole process of regular check-ins with the
19 Commission is appropriate, I think it depends on
20 what works best for the Commission.

21 It may be that Ms. Schwarzer is
22 correct, that it's more efficient to develop
23 written reports. But, on the other hand, maybe
24 it isn't. I mean, I can tell you that a pile of

1 work went into creating the document that you are
2 looking at today. Lots and lots of meetings to
3 talk about this meeting. It could be more
4 efficient to just say "let's get all the Parties
5 together and just have a publicly noticed, but
6 informal, conversation", at which the Parties can
7 just contribute all of their various
8 perspectives. And the Commission, to the extent
9 it wants to, in the manner that it's been doing
10 today, could provide feedback and reaction, with
11 an eye toward achieving the objective that the
12 Chairman articulated, which is "no surprises at
13 the end of the rainbow."

14 CHAIRMAN GOLDNER: Commissioner Ross.

15 SPECIAL CMSR. ROSS: I want to ask a
16 question, because it sort of will determine what
17 we come up with for a plan.

18 I'm assuming, and correct me if I'm
19 wrong, that this is a transparent process. So,
20 there will be -- I'm assuming there will be some
21 internal reporting, or something filed in the
22 docket, with regard to where the Parties are on
23 different issues.

24 Am I incorrect in that? Is this not a

1 transparent process, from the docket point of
2 view?

3 MR. KREIS: I think it depends on what
4 you mean by "transparent process". I can tell
5 you that the Governance Council is not an
6 instrumentality of government. Its meetings are
7 not open to the public, its minutes are not open
8 for public inspection.

9 So, in that sense, the answer to your
10 question is "no".

11 SPECIAL CMSR. ROSS: Okay. That's
12 helpful. Let's stop there for a minute.

13 Then, if that's the case, if it's not a
14 transparent process, then it all goes on behind
15 closed doors. So, it would seem to me that, if
16 you wanted to help the Commission understand
17 where things are and when you've reached critical
18 points, that might be of concern to the
19 Commission, like having finalized an RFP that
20 you're going to issue, then it would be good to
21 know when those points are reached. And that
22 might be part of the formula for keeping the
23 Commission informed of the progress of this data
24 platform development. Because software

1 development, as all of the utilities know, and
2 certainly as our Chairman knows well, is a very
3 risky process, and a complex one, and one that
4 easily gets off the rails or runs into problems
5 and additional expense.

6 So, I'm just -- maybe the Parties could
7 think about whether some sort of reporting of
8 activity level in the docket would be
9 appropriate, in addition to some kind of
10 agreement on meetings going forward.

11 MS. SCHWARZER: Well, the Department
12 supports the Commission's order suggesting a
13 status conference around specific pieces of
14 information and transparency. So, I think that
15 is a route that the Department would like to go.

16 CHAIRMAN GOLDNER: I guess the
17 follow-up question would be, how would the
18 Commission know what the critical milestones
19 were, unless something was in the docket, so that
20 we knew what the critical milestones were and how
21 things were progressing? It seems circular.

22 MS. SCHWARZER: Well, I guess, just to
23 analogize to class action litigation that I was
24 part of at one time, we worked with a magistrate

1 judge, and he would ask us for status reports,
2 and we would issue them on specific criteria.

3 So, certainly, the memo that the
4 Parties have submitted, and the Commission's own
5 order approving the Settlement, provides a
6 framework of a type that could be extrapolated
7 from, to file updates and status reports, in my
8 opinion.

9 CHAIRMAN GOLDNER: Okay. And I think
10 we're communicating, as a Commission, we don't
11 want to be burdensome. So, we're trying to find
12 the most efficient process. And it seems like
13 the Parties have some different ideas. So, we'll
14 take that under advisement, listen to the
15 feedback, and then come back with something.

16 MR. KREIS: Well, if I might just
17 respond in real-time to what I just heard Ms.
18 Schwarzer say.

19 The analogy to a federal court is
20 interesting, because federal courts have the
21 resources to essentially assign a separate
22 judicial officer, whether it's a magistrate judge
23 or another Article III judge, to act as a kind of
24 a case manager, and get the parties together, and

1 talk at very points in the case as it moves
2 toward trial, about how it's developing, whether
3 there are discovery problems that can be solved,
4 whether there are intermediate issues that can be
5 resolved without having a full-blown trial,
6 *etcetera, etcetera.*

7 The Commission, I think, generally, as
8 it operates in its new guise, should consider
9 thinking about whether it could do something
10 similar, either by having single commissioners
11 meet with parties sometimes, or having members of
12 its Staff, because there are a lot of capable
13 people on the PUC Staff who could act as case
14 managers, I guess. And I don't mean "case
15 manager" in the sense of a clerk, who is doing
16 ministerial things to keep the cases on track. I
17 mean actually managing the cases, and looking at
18 the parties and saying "Okay, where are you?
19 What's in dispute? What's not in dispute? And
20 what can we do to get this to the goal line?"

21 MS. SCHWARZER: And I think that does
22 go to the level of formality, perhaps, of the
23 communication, where a status conference,
24 particularly as the one Mr. Kreis has described,

1 is more formal than an informal conversation
2 process. Which is somewhat ambiguous, and
3 might -- well, it's somewhat ambiguous.

4 MR. MURRAY: Mr. Chairman?

5 CHAIRMAN GOLDNER: Yes.

6 MR. MURRAY: If I could just add one
7 point, before moving on.

8 I want to make sure that we sort of
9 respect some of the boundaries between what I
10 understand to be the Commission's
11 responsibilities and the Department of Energy's
12 responsibilities. So, a lot of the sort of
13 day-to-day activity and oversight of the content
14 and function and operation of this platform, as I
15 understand it, is invested in the Department of
16 Energy. I understand the Commission's role to be
17 primarily one focused on cost recovery.

18 And, so, to the extent that there are
19 status conferences and required reporting that
20 address the cost recovery questions, of course,
21 you know, everyone here is happy to do that.
22 But, if those status conferences, filings,
23 whatever they may be to keep the Commission
24 apprised, sort of bleed into, you know, what

1 could be seen as some sort of operational
2 oversight or management, that, to me, that seems
3 like that's a DOE responsibility.

4 MS. SCHWARZER: And, if I could, I
5 think that raises like "what does DOE think of as
6 its own responsibility?" Which I just want to
7 address in a very high level.

8 Certainly, the DOE has a role as a
9 stakeholder in the Governance Council, as do
10 other parties in this docket. And we have
11 additional roles under Chapter RSA 378.

12 However, I think that the best --
13 there's an important reminder, as we filed on
14 April 1st into the docket, that there are
15 multiple future touchstone points at which the
16 Commission will have an opportunity to adjudicate
17 and determine issues relevant to the development
18 and implementation of the data platform, both
19 because of the statute itself, and because of the
20 terms of the Settlement, and because of the
21 Governance Council process, which allows for
22 parties to come to the Commission when it wishes.
23 It's more of the nature of adjudication that the
24 Commission has its role here, I believe. Not

1 just I believe, the Department believes.

2 CHAIRMAN GOLDNER: Thank you,
3 Ms. Schwarzer.

4 Okay. So, let's move on to the last
5 category, Section (h), I believe, and "Cost
6 Recovery". And I just have a single question on
7 this.

8 There was a question about preliminary
9 work that's been identified, and, you know, is it
10 reimbursed or is it not reimbursed? So, the
11 Commission question is, you know, what did the
12 Parties have in mind for a budget and timeframe
13 for this initial phase?

14 MR. FOSSUM: I can start on that, and
15 say, to the best of my knowledge, we don't have
16 one. I think part of our issue was, for example,
17 I will pick on the customer survey, is, in
18 looking at that survey and trying to understand
19 what the Commission was expecting, as you've
20 heard earlier this morning, there was some
21 discussion about "Well, what would a survey like
22 that look like, and who would it be issued to?"

23 And, so, without knowing things like
24 that, in developing any kind of a budget or a

1 timeline, we found to be, I won't say
2 "impossible", you can always throw numbers
3 together, but certainly not particularly useful,
4 because whatever numbers that we might put
5 together would be, I think, you know, in the
6 nature of guesswork.

7 So, we haven't put together things like
8 that. We were hoping, quite frankly, that the
9 outcome of a session like this would be, okay,
10 again, I don't know about "we", my hope, coming
11 out of a session like this, is that we would
12 receive some guidance that says "We've heard what
13 you have to say, and, for example, we are fine to
14 accept the materials that you provided for the
15 customer survey, and we don't need an additional
16 survey." On the cost-benefit methodology, "we've
17 reviewed what you have, and, you know, we agree
18 that it should be limited in the following ways."

19 And then, we could take that
20 information, I would hope, and say "Okay, now we
21 know what the real scope of work is." And then,
22 we could understand how long some of that might
23 take, whether that work could be done in
24 conjunction with or alongside other work. You

1 know, do we have to put, for instance, the
2 development of the RFP on hold while some of this
3 gets done, or not? Can we do those things
4 together?

5 So, once we had a better understanding
6 of what it is that the Commission was expecting,
7 and how we would do it, then we could figure out
8 things like that.

9 CHAIRMAN GOLDNER: Very fair, I think.
10 So, the idea that we had was, to issue an order
11 after this meeting, with the clarifications that
12 were requested, status conference, the other
13 issues raised today.

14 And it sounds like, Mr. Fossum, you
15 would be open to, at that point, providing a
16 budget and a timeline for the remaining
17 processes, assuming the clarifications were
18 complete?

19 MR. FOSSUM: I think, ultimately, if
20 there is a class of work that we need to do, "we"
21 being either individual utilities or the
22 utilities as a group, or the broader group
23 compromising some or all of the Governance
24 Council. But, quite frankly, at the end of the

1 day, it's the utilities doing the work on a lot
2 of this, for good or ill, is that we would have
3 to put together some kind of budgets and
4 timelines. We may have to bid out some of this,
5 this work, depending on what it involves.

6 And, so, we would have to gather that
7 information. You know, again, to the extent that
8 we want cost recovery at the end of the day, we
9 have to demonstrate that we have, you know, the
10 costs that we have incurred were reasonable and
11 prudent. And, so, that's how we would do those
12 kinds of things on the back-end.

13 I think what we're looking for here,
14 and what we tried to indicate, is that, to the
15 extent that we have this additional work, we
16 wanted an understanding that we're doing it
17 because the Commission has ordered us to do it.
18 That doesn't mean we can proceed in an
19 unreasonable fashion and at any cost. But that
20 going forward on that work is sort of -- the work
21 itself is preapproved, subject to us managing it
22 reasonably, which means at a reasonable cost.

23 CHAIRMAN GOLDNER: Commissioner Ross.

24 SPECIAL CMSR. ROSS: I just have a

1 question.

2 I guess I had assumed, and I wonder --
3 I want to just test this assumption, I had
4 assumed that the work till this point, which I
5 understand has been considerable, was work that
6 the utilities were able to handle through their
7 current staffing, and that the utilities were not
8 planning on asking for money for having reached
9 the point we're at now. Is that a correct
10 assumption?

11 MR. FOSSUM: I'm not aware of any
12 specific -- of any specific special cost recovery
13 requests that were going to come from the work
14 that has been done to date. It was related to,
15 for example, the Commission had asked for a
16 survey, and we go out and conduct a survey, that
17 will cost money and take time that we had not
18 otherwise accounted for.

19 SPECIAL CMSR. ROSS: Is that true for
20 Unitil and Liberty as well?

21 MR. SHEEHAN: Yes.

22 MS. CHIAVARA: Yes.

23 CHAIRMAN GOLDNER: That was Unitil's
24 answer.

1 SPECIAL CMSR. ROSS: I'm sorry?

2 CHAIRMAN GOLDNER: That answer was for
3 Unitil.

4 SPECIAL CMSR. ROSS: No, Eversource
5 just answered. So, I was asking Unitil and
6 Liberty.

7 MR. FOSSUM: I am Unitil now.

8 CHAIRMAN GOLDNER: He is Unitil.

9 SPECIAL CMSR. ROSS: Oh, my goodness.
10 Matthew, I'm sorry, I forgot your job change.
11 And I apologize.

12 MR. FOSSUM: I forget sometimes, too.

13 CHAIRMAN GOLDNER: I'm two-for-two
14 today.

15 SPECIAL CMSR. ROSS: I'm so used to --

16 CHAIRMAN GOLDNER: I'm two-for-two
17 today, Commissioner Ross.

18 SPECIAL CMSR. ROSS: I apologize.
19 Eversource and Liberty, in that case? Excuse me.

20 CHAIRMAN GOLDNER: There you go.

21 MR. KREIS: I'm still the Consumer
22 Advocate, though.

23 *[Laughter.]*

24 SPECIAL CMSR. ROSS: Thank you, Don.

1 MR. SHEEHAN: The answer is "yes" for
2 Liberty.

3 MS. CHIAVARA: And "yes" for Eversource
4 as well.

5 SPECIAL CMSR. ROSS: Thank you.

6 CHAIRMAN GOLDNER: All right. Very
7 good.

8 Okay. I think we've gone through all
9 of the topics. As I mentioned before, we'll
10 issue an order to address the issues raised today
11 and in Mr. Fossum's memo on behalf of the
12 Parties.

13 Is there anything else that we need to
14 cover?

15 MR. KREIS: I just want to say, just
16 for the record, that I need to reserve all of my
17 appellate rights. I filed a motion with the
18 Commission, which the Commission denied. And, as
19 a kind of an alternative to that, the utilities
20 asked for this status conference, which the
21 Commission, I think, quite graciously and
22 helpfully you've granted.

23 But I am still very concerned about the
24 process that I've heard about today. I think

1 that, as I said earlier, it's inconsistent with
2 the Administrative Procedure Act, and it's
3 inconsistent with RSA 378:51, Paragraph II. I
4 just don't think that this kind of entanglement
5 between the Commission and the Parties to this
6 proceeding is what the Legislature had in mind.

7 I really do appreciate the Chairman's
8 stated objective of making sure that there are no
9 surprises. That people -- that Parties don't
10 invest lots of time and money in efforts that
11 ultimately will not garner your approval. And I
12 really appreciate that that's what you're trying
13 to get to. And I intend to cooperate with
14 getting to that point.

15 But I just -- I'm still concerned about
16 this process, and also the extent to which it,
17 and this was mentioned earlier, could tend to
18 compromise the Commission's ability to discharge
19 its role as a regulator at the end. You know, if
20 the Commission is implicated in everything that
21 happens along the way, your ability to come in
22 after-the-fact and say "certain aspects of this
23 weren't deployed or developed in a prudent
24 fashion", that's going to be a very difficult

1 thing for you to do, if you have been having
2 regular meetings with the Parties, and talking
3 about budgets and software design, and that sort
4 of stuff.

5 So, I'm not trying to throw a wrench
6 into any of this. But I'm just telling
7 everybody, particularly the Commission, that I
8 did not pursue appellate remedies, and will not
9 pursue appellate remedies at this time, because I
10 think they would be interlocutory in a way that
11 the court would not look with favor upon.

12 But, at the end of this, there well
13 could be an appeal. And the issues that I'm
14 expressing concerns about today might well be the
15 subject of that appeal.

16 CHAIRMAN GOLDNER: So, maybe I'll ask a
17 question, I think Commissioner Ross might want to
18 ask one, too.

19 So, in terms of avoiding what we're
20 trying to avoid, which is getting to the end of I
21 think you called it "the rainbow", and having a
22 unsatisfactory result, what ideas or thoughts
23 would you have, in terms of avoiding that
24 outcome, in terms of the different ideas that

1 have been bandied about today?

2 MR. KREIS: I think it's appropriate
3 and helpful for the Commission to, as Special
4 Commissioner Ross suggested, have the Parties
5 keeping the Commission informed about how they
6 are -- how the Governance Council is progressing,
7 how the platform development is progressing. I
8 think those reports should be sufficiently
9 detailed, so that, if you see anything in there
10 that troubles you, you should flag that and let
11 us know. And that might be the point at which
12 some kind of event, a status conference, a
13 prehearing conference, like this one, would be
14 appropriate and helpful.

15 I want to express a lot of sympathy and
16 solidarity, because it would be really great to
17 have each of the three Commissioners, themselves,
18 be members of the Governance Council. I know the
19 three of you well enough to know that you have
20 tremendous insight. But you're the regulators
21 now. And that means that the conversations that
22 I have with you, and that the other parties have
23 with you, can't be the same conversations that I
24 used to have with some of you back in the

1 conference room at the Office of the Consumer
2 Advocate. That's just not appropriate anymore,
3 because you folks are the regulators. And what
4 you're doing here is conducting a contested
5 administrative proceeding pursuant to the
6 Administrative Procedure Act.

7 CHAIRMAN GOLDNER: Thank you, Mr.
8 Kreis.

9 Any other comments, before we consider
10 adjourning?

11 MS. SCHWARZER: Just briefly. On
12 behalf of the Department, the "Cost Recovery"
13 section is wholly within the Commission's
14 purview. The Department has nothing to do with
15 cost recovery, in an adjudicatory and a
16 regulatory sense, apart from reserving their
17 right to take a position in the future.

18 As the PUC and DOE relationship
19 evolves, as the Governance Council process
20 evolves, and as the statute itself continues to
21 evolve, I know the Settlement Agreement left the
22 cost recovery process in the "to be determined"
23 framework. And, so, there's a lot of uncertainty
24 that we all just have to acknowledge. It's an

1 open process at this time.

2 CHAIRMAN GOLDNER: Commissioner Ross.

3 SPECIAL CMSR. ROSS: I just feel
4 compelled to make a little bit of a comment. And
5 I do appreciate the cautionary discussion of
6 our -- the risk of us prejudging any aspect of
7 this data platform and the ultimate costs of it.
8 But I think the Commissioners are all aware of
9 how important it is not to prejudge issues, and I
10 believe we are being careful not to do that.

11 But, I think, at the same time, when
12 we're in charge of something as complex as
13 developing this software platform in an
14 environment where it is an early starter, so that
15 we're early out of the gate, that it does take
16 more time to figure out how -- whether the
17 Parties have effectively managed the costs. And
18 we are trying to do that.

19 And let me hasten to add that none of
20 the three of us have one minute of extra time to
21 waste on anything, much less long, drawn-out
22 hearings, written product, orders. We are a very
23 lean organization, trying to be very efficient.

24 And, so, we appreciate your needs to

1 stay focused on the work that you're doing, and
2 to be effective at it, and our needs to stay out
3 as much as possible. That's why I asked earlier
4 about the transparency.

5 And we'll take all of your comments
6 into account as we try to figure out what a good
7 balance will be to manage this process, so that
8 the costs at the end of the day are reasonable.
9 That's our -- that's our primary goal.

10 MR. KREIS: I really appreciate that,
11 Commissioner Ross. And I guess I just have to
12 say that I respectfully disagree with the whole
13 paradigm that suggests that the Commission is
14 somehow "in charge" of this.

15 What this is is a garden variety
16 utility investment, that differs from that garden
17 variety utility investment in that it's a
18 coordinated project among all of the utilities.
19 And the utilities have agreed, and I think the
20 Legislature has contemplated a certain degree of
21 outside involvement that they would not
22 ordinarily suffer -- or "suffer", they would not
23 ordinarily find appropriate.

24 CHAIRMAN GOLDNER: Any other comments

1 before we adjourn?

2 Mr. Fossum.

3 MR. FOSSUM: I'll hopefully be brief.
4 Just I'll -- one aside, and then something much
5 more factual in nature.

6 My aside is, I have sympathy for the
7 Commission, the Department of Energy, and trying
8 to understand who has what role here in doing
9 this process. I do, I understand that. And I
10 very much appreciate the comments of the Consumer
11 Advocate in this regard. And, you know,
12 hopefully, after this morning, we can all find a
13 way to move forward productively.

14 In the more factual issue, and just in
15 the interest of keeping the Commission informed
16 of what is going on, I have a series of items I
17 wrote down coming out of today to follow up with,
18 and I wanted to simply confirm those before we
19 left the room today.

20 First, there was a request for a link
21 to or some electronic access to the Dunsky
22 Report, in light of some lack of clarity in the
23 printed material provided. I'll look to --
24 second is a list of the Governance Council

1 members and their qualification. Third will be
2 the presentation of user interface that Mr.
3 Murray walked through. And finally was a summary
4 of national or other standards regarding
5 authentication and data access.

6 That's the list of materials that I
7 have that we would be following up with. Subject
8 to anybody else in the room correcting me that
9 that is either incomplete or inaccurate, we will
10 look to do that as soon as reasonably possible.

11 CHAIRMAN GOLDNER: Very good. Anything
12 to add or subtract from the list?

13 MR. EISFELLER: I had one item. I just
14 want to clarify the last item, that it was
15 security standards related to those same --

16 CHAIRMAN GOLDNER: I had
17 "cybersecurity" in my notes. Yes. Very good.
18 Okay.

19 MR. FOSSUM: Thank you. I just wanted
20 to make sure everybody was on the same page.

21 CHAIRMAN GOLDNER: Thank you. Thank
22 you. I had three, but I had missed the fourth.
23 So, thank you for summarizing those.

24 Okay. Well, I'll thank everyone today.

1 And we are adjourned.

2 ***(Whereupon the prehearing conference***

3 ***was adjourned at 12:22 p.m.)***

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