



OFFICE OF THE CONSUMER ADVOCATE

21 S. Fruit St., Suite 18
Concord, N.H. 03301-2429

July 26, 2021

Ms. Dianne Martin
Chairwoman and Agency Head
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301

Re: Docket No. DE 20-092, Electric and Natural Gas Utilities
2021-2023 Triennial Energy Efficiency Plan

Request for Status Conference

Dear Ms. Martin:

I am writing this letter on behalf of these parties to the above-referenced adjudicative proceeding still pending before the Commission: (1) the Office of the Consumer Advocate; Granite State Electric Corp. d/b/a Liberty Utilities; New Hampshire Electric Cooperative, Inc.; Public Service Company of New Hampshire d/b/a Eversource Energy; Unitil Energy Systems, Inc.; Energy North Natural Gas Corp. d/b/a Liberty Utilities; Northern Utilities, Inc.; Clean Energy New Hampshire; Conservation Law Foundation; Southern New Hampshire Services (all but one of the signatories to the Settlement Agreement filed with the Commission on December 3, 2020 (Tab 42)), and (2) Acadia Center and the Department of Environmental Services,.

As the Commission is aware, the Settlement Agreement filed on December 3, 2020 requested the Commission's approval, with certain modifications, of the proposed New Hampshire Statewide Energy Efficiency Plan (originally, Tab 7; revised edition reflecting settlement terms, Tab 66). The Commission conducted an evidentiary hearing to consider the Settlement Agreement on December 14, 16, 21, and 22, 2020. Consistent with the way the Commission handled the 2018-2020 energy efficiency plan in Docket No. DE 17-136) and prior one-year statewide energy efficiency plans dating as far back as 2002, the parties presented their case in December with an expectation that the Commission would issue an order in time for the new three-year plan to be put into effect on January 1, 2021.

However, this is not what occurred. On December 29, 2020, the Commission issued Order No. 26,440, extending program funding levels from 2020 (without ruling on any substantive matters related to the programs themselves) and indicated that a final order would be issued by late February. See Order No. 26,440 at 4 ("We currently expect that [a] final order will be issued within eight weeks from the date of this order").

The Commission did not act within the referenced eight weeks and, as of the date of this letter, a final order in this proceeding is almost seven months overdue. This lack of an order has had significant and adverse consequences on the state's electric and natural gas utilities (as administrators of the energy efficiency programs), their customers (who rely on energy efficiency programs to save money and reduce consumption), as well as the businesses and employees of those businesses who create wealth and prosperity in the New Hampshire economy by deploying energy efficiency measures at the state's homes and businesses. *See, e.g.*, Program Status Update filed by the utilities on April 1, 2020 (Tab 69) at 2-4 (listing specific impacts and noting that it was "becoming increasingly difficult to effectively manage programs and provide accurate messaging to customers," particularly because "2020 funding levels will not be sufficient to achieve even the 2020 level of energy savings or associated benefits"); June 15, 2021 Letter of Jessica A. Chiavara, Esq. (counsel for Eversource) to PUC (Tab 74) at 2,² and New Hampshire Public Radio, "Federal Energy Jobs Report: N.H. Efficiency Sector Took Big Hit During Pandemic," July 20, 2021.³

In these circumstances, the parties on whose behalf this letter is being submitted respectfully but urgently request that the Commission schedule a status conference in this docket at its earliest convenience. The purposes of the status conference would be to give parties an opportunity to explain fully to the Commission the effects of the ongoing delay in resolving this proceeding – and, it is hoped, to give the Commission an opportunity to provide the parties, particularly the program administrators, with guidance about when and how the Commission intends to resolve the pending issues in this docket so that some version of the triennial energy efficiency plan can be implemented and/or some alternative plan can be crafted, presented, and approved. It is hoped that such a status conference could allow parties that are aggrieved by the lack of a final order avoid additional recourse in an effort to vindicate their interests.

Thank you for considering this request. Please do not hesitate to contact me if there are any questions or concerns. Consistent with the Commission's pandemic-related directive suspending

² According to Ms. Chiavara's letter:

It is increasingly difficult to manage programs', vendors' and customers' expectations in the absence of approved program goals or budgets for 2021-2023. Further, the temporarily approved SBC rates (2020 funding level) are insufficient to achieve 2020 electric savings goals given significant changes to savings assumptions vetted by the EM&V Working Group and documented in the 2021 Technical Reference Manual. It is also increasingly difficult to effectively manage programs and provide accurate messaging to customers regarding future availability of program incentives. Several new program offerings proposed in the 2021-2023 Plan have each passed time-sensitive deadlines to move forward this year, and thus have been deferred indefinitely.

³ Available at <https://www.nhpr.org/climate-change/2021-07-20/federal-energy-jobs-report-n-h-efficiency-sector-took-big-hit-during-pandemic>. According to NHPR, "[a] new federal report shows New Hampshire lost nearly 2,000 energy sector jobs during the pandemic – most of them in energy efficiency fields" and "the efficiency sector is still concerned that an ongoing regulatory delay in the state could hold them back." The article further notes: "More than 10,800 people worked in energy efficiency jobs in New Hampshire at the end of 2020 – a drop of 9% from 2019. That sector still accounts for more jobs than all other electric power fields in the state combined, including generation, fuels, transmission, distribution and storage."

the requirement for the filing of hard copies, this letter is being submitted to the Commission in electronic form only.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DKreis', with a stylized, wavy line extending from the end.

Donald M. Kreis
Consumer Advocate

Cc: Service List, via e-mail