



PRIMMER PIPER  
EGGLESTON &  
CRAMER PC

ELIJAH D. EMERSON  
ADMITTED IN VT, NH, MA AND ME  
[emerson@primmer.com](mailto:emerson@primmer.com)  
TEL: 603-444-4008  
FAX: 603-444-6040

106 Main Street | P.O. Box 349 | Littleton, NH 03561-0349

September 20, 2021

**VIA EMAIL**

Dianne Martin, Chairwoman  
Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301

Re: DE 20-092, 2021-2023 Triennial Energy Efficiency Plan

Dear Chairwoman Martin:

Clean Energy New Hampshire (“CENH”) would like to express its support of the Motion for Reconsideration and Clarification of Order 26,513 from the NH Utilities, as well as the Joint Motion for Rehearing of Order 26,513 brought forward by the Office of the Consumer Advocate (“OCA”) and the Conservation Law Foundation (“CLF”).

CENH recognizes that the last year and a half has presented new and unusual challenges due to the COVID-19 pandemic; however, we are concerned that the Public Utilities Commission (“Commission”) has failed to act upon a docket that is now eight months overdue for a final order. This failure to issue a final order has caused significant delays and disruptions for contractors, customers, and employment supported by the statewide energy efficiency programs. Although CENH understands that a new Commissioner may seek clarification of the settlement proposal because he was unable to attend the hearings for DE 20-092, there is already overwhelming evidence in the record that the plan – which is supported by all of the docket parties – is just and reasonable, serves the public interest, is cost-effective and is consistent with Order 25,932. Furthermore, the settlement agreement in DE 20-092 is ultimately the result of a lengthy and detailed process that was mandated by Order 25,932, which achieved broad stakeholder consensus.

Of additional concern to CENH is the docket reopening process described by Order 26,513. Order 26,513 only outlines the initial step of the docket reopening process, which creates a significant amount of uncertainty for CENH and, presumably, the other parties. Because of this lack of information, it remains unclear to CENH whether the process outlined in Order 26,513 can meet the applicable legal standards found in RSA 541-A:31 & 33 and Puc 203.30 to preserve the parties’ rights and access to Due Process. Without additional clarification of the docket reopening process, the parties cannot know at this moment what the process will require and whether it will preserve their rights under the relevant laws and rules.

It is possible that the Commission is simply seeking clarification of existing record evidence alone. If this is indeed the circumstance at hand, the process described in Order 26,513 could appropriately preserve the parties' rights and CENH would not object to such a process. Alternatively, if the Commission seeks to submit evidence in DE 20-092 that works to undermine the settlement already agreed to by a majority of the parties, such an action would clearly violate the parties' rights without, at a minimum, a robust, comprehensive reopening procedure. CENH recognizes that such a robust reopening process would create yet another lengthy and complicated delay to receiving a final order in this docket that is already eight months overdue.

In closing, CENH supports the motions in so much as the Commission has not provided sufficient information or clarity about the reopening process. We understand that the reopening process may allow for a quick resolution to this docket, but we are unable to ascertain that from the limited information available to us at this time.

CENH appreciates the opportunity to provide the Commission with their comments in support of the motions for rehearing brought forward by the joint movants of OCA and CLF and the NH Utilities. If you have any questions, please do not hesitate to contact me.

Regards,



Elijah D. Emerson

Cc: Commission's Electronic Service List, DE 20-092

**New Hampshire Public Utilities Commission**

**2021-2023 Triennial Energy Efficiency Plan  
DE 20-092**

**Electronic Service List:**

[ClerksOffice@PUC.NH.gov](mailto:ClerksOffice@PUC.NH.gov)

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asbury@unitil.com  
roshan.bhakta@eversource.com  
kelly@cleanenergynh.org  
brian.d.buckley@energy.nh.gov  
bill.bullock@eversource.com  
rburke@nhla.org  
john.butler@eversource.com  
carroll@unitil.com  
richard.t.chagnon@energy.nh.gov  
brandy.chambers@eversource.com  
jessica.chiavara@eversource.com  
rclouthier@snhs.org  
gary.m.cronin@energy.nh.gov  
kristi.davie@eversource.com  
mdean@mdeanlaw.net  
paul.b.dexter@energy.nh.gov  
downesm@unitil.com  
kimberly.dragoo@libertyutilities.com  
jay.e.dudley@energy.nh.gov  
tracy.dyke-redmond@eversource.com  
stephen.r.eckberg@energy.nh.gov  
steven.elliott@eversource.com  
eemerson@primmer.com  
sam@cleanenergynh.org  
thomas.c.frantz@energy.nh.gov  
tomas.fuller@eversource.com  
genestj@unitil.com  
michael.goldman@eversource.com

gouldingc@unitil.com  
dhill@energyfuturesgroup.com  
miles.ingram@eversource.com  
jarvis@unitil.com  
maureen.karpf@libertyutilities.com  
nkrakoff@clf.org  
donald.kreis@oca.nh.gov  
clane@synapse-energy.com  
marc.lemenager@eversource.com  
elevin@veic.org  
jmarks@acadiacenter.org  
mcdonald@optenergy.com  
nelson.medeiros@eversource.com  
frank.melanson@eversource.com  
erica.menard@eversource.com  
Mosenthal@OptEnergy.com  
elizabeth.r.nixon@energy.nh.gov  
amanda.o.noonan@energy.nh.gov  
ocalitigation@oca.nh.gov  
rebecca.ohler@des.nh.gov  
palma@unitil.com  
katherine.peters@eversource.com  
tina.poirier@libertyutilities.com  
ralph.prahl@gmail.com  
Maureen.l.reno@oca.nh.gov  
bryant.robinson@eversource.com  
Melissa.Samenfeld@libertyutilities.com  
michael.sheehan@libertyutilities.com  
david.simek@libertyutilities.com  
karen.sinville@libertyutilities.com  
christopher.skoglund@des.nh.gov  
skumatz@serainc.com  
eric.stanley@libertyutilities.com  
atakasugi@synapse-energy.com  
taylorp@unitil.com  
heather.tebbetts@libertyutilities.com  
stower@nhla.org  
jacqueline.m.trottier@energy.nh.gov

jvanrossum@clf.org

david.k.wiesner@energy.nh.gov

kiersten.williams@eversource.com

wirtino@comcast.net

woodsca@nhec.com

twoolf@synapse-energy.com