

1 APPEARANCES: (Continued)

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2 CHRISTOPHER SKOGLUND,
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AFTERNOON SESSION
(Resumed at 1:05 p.m.)

CHAIRMAN GOLDNER: Okay. We'll continue. Back on the record with questions for the utility panel. And Commissioner Ross has a few questions about schools.

INTERROGATORIES BY COMMISSIONERS:

BY SPECIAL COMMISSIONER ROSS:

Q. Are children's schools, both public and -- which would include district and charter -- and private, treated the same way under the plan?

A. (Downes) So, schools, public schools, are eligible for participation in the municipal program on the electric side. And so therefore I would say that schools, public and private, would be treated pretty much the same, in terms of everything but that, except for their participation in the municipal program.

Q. So does that mean that the private schools would just be treated as commercial customers?

A. (Downes) Correct.

[UTILITIES WITNESS PANEL]

6

1 Q. Do you know whether they are customers or
2 participants in the programs?

3 A. (Downes) They are.

4 Q. Okay. Thank you. That's all I have on that
5 one.

6 BY CHAIRMAN GOLDNER:

7 Q. Okay. In the filings I was having trouble
8 finding a reconciliation of the funding and
9 budget in dollars. And what I'm interested
10 in is the amount of funding that reaches the
11 residential and C&I customers for their
12 projects. So in other words, there's money
13 coming in and then there's money that's spent
14 on projects. And I'm interested in that sort
15 of delineation. If you can point me to
16 something in the filing, that would be very
17 helpful.

18 A. (Peters) I'll start with one, and then there
19 may be some other examples. There is an
20 attachment, Attachment C --

21 Q. Which exhibit?

22 A. (Peters) -- which is Exhibit 47, Bates Page,
23 hold on a second, 505.

24 Q. All right.

[UTILITIES WITNESS PANEL]

7

1 A. (Peters) And this may get to what you are
2 looking for. So this attachment outlines for
3 each utility and for each program --

4 Q. Sorry. Give me just a second here. Okay.
5 Thank you. Please.

6 A. (Peters) Yeah, so this attachment shows, for
7 each utility and for each program, the
8 breakout of the budget dollars in terms of
9 the categories that they fall into. And that
10 Implementation Services -- or
11 Rebate/Services -- I'm sorry. I'm looking at
12 the wrong line. Rebate/Services, that is
13 primarily the portion of the budget that is
14 for incentives and providing incentives to
15 customers.

16 Q. Okay. So it looks like the heading on Page
17 505 is "Residential Programs." So that would
18 be that part of it; right?

19 A. (Peters) Yup. And then if you flip, it goes
20 to -- at the bottom it kind of shows it in
21 percentages. And then Page 507 is the
22 commercial and municipal programs. And
23 then --

24 Q. Okay. I don't know if you have any people

[UTILITIES WITNESS PANEL]

8

1 with speedy calculators over there. But
2 could somebody add up the -- just look at the
3 total funding. Let's just do electric for
4 now. Electric, total electric funding and
5 then total spent on programs, independent of
6 utilities, just the total. I'm just trying
7 to understand big picture.

8 A. (Peters) Yeah, Page 508 has a grand total
9 line at the bottom. If you look at that
10 Rebates and Services portion for the electric
11 companies combined, it's 85 percent going to
12 that portion, and then for the gas companies
13 it's 83.9. And the grand total of everything
14 combined is 84.9 percent.

15 Q. You're on Page 508?

16 A. (Peters) Yes.

17 Q. Okay.

18 A. The kind of last portion --

19 Q. Okay. I see the 85 percent now.

20 So here you're representing that of all
21 the funding that comes in, 85 percent is
22 spent on programs.

23 A. (Peters) On the category of Rebates and
24 Services. So those are essentially the

[UTILITIES WITNESS PANEL]

9

1 dollars that are the incentive piece of the
2 programs, yeah.

3 Q. And then out of that Rebate/Services line,
4 that 85 percent line, are those dollars that
5 actually reach customers, or is it
6 administrative costs and these other things
7 come out of that 85 percent number?

8 A. (Peters) Those are primarily dollars that
9 reach customers. There may be some amount of
10 those that go to the vendors that assist the
11 customers. But I think we also have a
12 description in the plan -- it might take me a
13 moment just to find it -- of each of those
14 categories.

15 Q. Yeah, thank you, that would be helpful.

16 A. (Downes) While Kate's looking that up, I'll
17 just add that the rebates are both sort of
18 cash rebates to customers, but it's also
19 paying for like a weatherization vendor or
20 community action agency to perform services
21 and install, you know, air, sealing and
22 insulation and the labor cost involved with
23 that. So it's a rebate that the customers
24 benefit from.

[UTILITIES WITNESS PANEL]

10

1 Q. I see. Yeah, I think for future filings --
2 we're on an expedited process here, so no
3 need for record requests or anything -- but
4 for future filings, it would be good to know
5 how much actually, you know, is -- how much
6 does the recipient actually -- you know,
7 what's the actual benefit, because what we're
8 trading off is SBC is going in and then, you
9 know, how much money is actually benefitting
10 the customer in addition to all the other
11 benefits. But that's an aspect that we would
12 like to understand.

13 A. (Peters) Sure. The reference to the
14 descriptions of those categories is Bates
15 Page 23.

16 Q. Okay.

17 A. (Peters) So if you're looking at it, if you
18 go -- it describes in more detail what is
19 included in each of those budget categories
20 in the chart there.

21 Q. Okay. Let me catch up with you. You're
22 pretty fast.

23 A. (Peters) Sorry.

24 Q. Twenty-three you say?

[UTILITIES WITNESS PANEL]

11

1 A. (Peters) Yeah.

2 Q. Yup. And those are the different tracking
3 activity categories. You have administration
4 costs and rebates and so forth. So the
5 85 percent we were just looking at was that
6 third activity, Customer Rebates and
7 Services.

8 A. (Peters) That's correct.

9 Q. So Administration Internal, Administration
10 External, Marketing, Evaluation, et cetera,
11 are outside of that 85 percent?

12 A. (Peters) That's right.

13 Q. Okay. Thank you.

14 CHAIRMAN GOLDNER: Okay. Very
15 good. We can move on to the next category.
16 Commissioner Chattopadhyay has some questions
17 with respect to Low Income.

18 BY COMMISSIONER CHATTOPADHYAY:

19 Q. Good afternoon. So the first question is as
20 we were, you know, brainstorming, this came
21 up, so I'm going to ask it.

22 Is it your position that if you don't
23 spend your plan of 20 percent on the
24 low-income programs, your overall budget and

[UTILITIES WITNESS PANEL]

1 spending must be reduced accordingly? That's
2 just a question.

3 A. (Peters) We have undertaken a practice that's
4 been included in the last number of plans,
5 where if a low-income budget is not fully
6 spent in a given year, we take those dollars
7 and roll them into the next year, and they go
8 on top of the budget, required budget for the
9 program for the next year, so that they stay
10 within that sector and are spent for those
11 customers and not used for anything else.

12 Q. Have you ever gone below 20 percent?

13 A. (Peters) Yes. I believe it has happened in
14 the past. We would indicate that there are a
15 couple tables where we reviewed the
16 carryovers or carry-unders, and if there were
17 a carryover from the income-eligible program,
18 it would be indicated there as we calculate
19 the budgets for the next year.

20 Q. Another question is do you track or report
21 how much of the HEA program benefits accrue
22 to the low-income homeowners as opposed to
23 landlords, who, you know, have rental
24 properties? And so I'm just -- the question

[UTILITIES WITNESS PANEL]

1 is -- also, I'm not a hundred percent sure
2 I'm articulating it correctly, but hopefully
3 you can verify something that would help me
4 to follow up.

5 A. (Peters) Right. So the benefit goes to the
6 electric or natural gas account holder. So
7 that's how we calculate whether a building is
8 eligible. But you're right. Some of those
9 buildings are owned by other entities and not
10 by the customer themselves. We make
11 improvements of those buildings with the
12 understanding that those improvements will
13 help the low-income residents. I believe in
14 our contractual documents we include a
15 requirement that the landlord maintain the
16 income-eligible status of their building for
17 a certain time period, either five or ten
18 years. I would have to check on the time
19 period. We work a lot with the housing
20 authorities in the state who have kind of
21 designated subsidized housing, where we know
22 the tenants will remain income-eligible. So
23 there are a couple ways that it can happen.
24 But we do try to ensure that the work that we

[UTILITIES WITNESS PANEL]

14

1 are doing is actually benefitting
2 income-eligible customers.

3 Q. But is it possible to track the data and sort
4 of say this much of it goes to homeowners and
5 this goes to the landlords?

6 A. (Peters) I mean, in terms of a building
7 improvement, the building is improved. And
8 so the landlord owns that building. They own
9 the improvement essentially as well. We
10 don't give a direct cash kind of allocation
11 to the residents themselves --

12 Q. Sorry. I understand that. I'm just saying,
13 having a sense of, you know, do you even
14 track whether there are some folks who are
15 living in a house, but they're really renting
16 the house and it's somebody else is the
17 landlord? Do you even contemplate sort of
18 getting that kind of data as opposed to
19 purely homeowners?

20 A. (Peters) I don't know that our current
21 quarterly reporting -- I do not think it
22 tracks renters versus owners for that
23 program. I think it is something that we
24 could look into, including that type of data

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15

1 set. We might need to make some adjustments
2 with the CAP agencies on the reporting to
3 make sure that we're capturing it. But it is
4 something that we could look into if it's of
5 importance.

6 Q. Yeah, I would encourage the utilities to
7 think about it.

8 A. (Downes) As Kate mentioned, we do work a lot
9 with affordable housing providers, both
10 public and non-profit. And so we would
11 probably want to make a further distinction,
12 if we were asked to do that, between
13 landlords that are -- Concord Housing
14 Authority, for example, Unutil did a large
15 project last year, versus a private landlord
16 that has a few units, just to be -- so it's
17 subtle. And sometimes the landlords
18 themselves maybe have a duplex or a triplex,
19 and they live in part of it and they, too,
20 may be low-income or, you know, not like a
21 big landlord. So there's nuances there.

22 Q. As you can tell, I'm just initiating the
23 talks here. And I'm pretty certain that you
24 might have some complications that you may

[UTILITIES WITNESS PANEL]

16

1 want us to take heed of. So, yeah, certainly
2 I would encourage that going forward, think
3 about it.

4 CHAIRMAN GOLDNER: Okay. Thank
5 you.

6 BY CHAIRMAN GOLDNER:

7 Q. I have a question on C&I custom incentives.
8 So I'm referencing -- there's a lot of
9 references in the document. But Exhibit 47,
10 Page 32 is one example. And my question is:
11 Do you plan to report on custom incentive and
12 how they differ from the prescriptive
13 incentives? And I'm interested in things
14 like limits and terms. It seemed like there
15 was an awful lot of latitude in those
16 programs that weren't being reported on.

17 A. (Downes) I'm not sure. Could you explain
18 what you mean by "limits and terms"? I'm not
19 sure I understand.

20 Q. So if you have a custom incentive program,
21 what visibility does the Commission have into
22 those programs? Is the limit 100 percent?
23 Is the limit 90 percent? Is it \$20,000? Is
24 it \$300? How does the Commission know what's

[UTILITIES WITNESS PANEL]

1 going on inside those programs?

2 A. (Peters) Sure. I'll start, and then someone
3 may want to fill in.

4 So I think Ms. Woods noted earlier, for
5 a lot of our commercial programs we do
6 benefit-cost screening on the project level.
7 And so our teams have a set of tools that
8 they use to screen the projects, which help
9 us to calculate, you know, what incentive
10 level might make sense and what energy
11 savings are possible in these kinds of
12 individual scenarios. And so we do those
13 screenings.

14 I think the benefit-cost model, you
15 know, that we would report on a yearly report
16 and send the model to the Commission along
17 with our report does roll those things up.
18 They don't show up there on an individual
19 project level. I have had examples where we
20 get an audit, usually annually from the PUC
21 Audit Staff, and they certainly ask for
22 specific project examples and all of the
23 calculations and documentation during that
24 process as a regular thing that they do. I'm

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1 not sure if anyone else has an idea of a
2 place to go look for it, but --
3 A. (Downes) The custom is a high priority for
4 evaluation. And in fact, we began a custom
5 C&I evaluation last summer, and we're hoping
6 to be able to restart that again as soon as
7 possible. We've got our vendors pretty much
8 ready to get going again. So the third-party
9 evaluators will look at all of the custom
10 jobs. They'll take a sample. We'll each
11 provide detailed backup engineering
12 calculations, the benefit-cost modeling
13 that's been done, and review both from a desk
14 audit the details associated with that, and
15 also potentially go in and do a metering
16 study of the equipment that's been installed
17 and rebated as well to get load shapes and
18 more sophisticated information. They may do
19 a billing analysis to compare the pre- and
20 post-usage on that particular piece of
21 equipment, if that's possible. And then they
22 develop what's called a "realization rate,"
23 which then gets applied prospectively to our
24 custom program going forward. So, for

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1 example, if we've claimed overall, you know,
2 100 megawatt hours of savings -- I'm just
3 making these numbers up -- and they find that
4 through their analysis that we've actually
5 only saved 90,000, then we will have a
6 90 percent realization rate that then adjusts
7 downward the savings that we can claim in our
8 programs and for the purposes of PI
9 calculation.

10 A. (Stanley) Yeah, for Liberty, for our
11 commercial/industrial project caps, so in
12 past plans we've included a table that listed
13 out general stipulations in terms of maximum
14 rebates that we would offer a customer. So,
15 for Liberty, for this year and prior years,
16 we've operated with a maximum project
17 incentive for commercial/industrial customers
18 for gas business up to \$100,000. For the
19 electric commercial/industrial program, the
20 maximum incentive we would offer would be up
21 to \$50,000. But within that we would --
22 depending upon the specific goals we have
23 detailed in the available budget, we compute
24 a dollar per lifetime energy saved value,

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20

1 basically like a dollar per megawatt hour
2 value saved or a dollar per therm saved
3 value. That essentially would guide the
4 incentive computation that we would compute
5 to offer a customer. So it would essentially
6 be a marker that the incentive would not
7 exceed that certain level. In order to
8 ensure that what we're offering customers is
9 consistent with what we depicted in the plan
10 that we filed with the Commission and so that
11 we're not over-extending ourselves in terms
12 of an offer to a customer, we do use some
13 discretion in terms of what might be
14 necessary in order to close a project. There
15 are some customers where we might not need to
16 put as much on the table in order to get a
17 commitment. So that's based on conversations
18 with the customer. It's not an exact
19 formula. There's some give and take to
20 understand what's the magnitude of the
21 project; is there potential for more,
22 additional projects in the future. So we
23 will adjust that incentive based on our
24 understanding of what's there for potential.

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1 But the starting point for all this is
2 first looking at what's the cost
3 effectiveness of the opportunity. And we
4 will be more willing to make an exception to
5 a project cap or opportunity if there's a
6 higher rate of savings and the project is
7 highly cost-effective. So I'm not sure if
8 that's helpful --

9 Q. That's very helpful. Thank you.

10 Anything else?

11 A. (Downes) I would add that that's similar to
12 the process that Unitil uses.

13 Q. Okay. Thank you.

14 CHAIRMAN GOLDNER: Okay. Very
15 good. We'll move on to EM&V, and
16 Commissioner Ross has a question there.

17 BY SPECIAL COMMISSIONER ROSS:

18 Q. So on your EM&V, Bates Page 104, there are
19 nine studies planned, plus three more if
20 funding becomes available. While it appears
21 to increase the budget by a million from 2022
22 to 2023, how were the study topics decided?
23 And are you planing on providing the
24 Commission with a report on the cost and

[UTILITIES WITNESS PANEL]

22

1 findings of each of the studies?

2 A. (Downes) That was a few things. So if I
3 missed one --

4 Q. Sorry. That's a group of questions.

5 A. (Downes) So the EM&V working group that was
6 established several years ago consists of
7 both members of the utility staff, as well as
8 members of the DOE and their third-party
9 consultant, which currently is CERA
10 Associates, which consists of, again, four or
11 five individual experts on evaluation. It
12 also includes a representative from the EESE
13 Board, which changes from time to time. And
14 the Consumer Advocate, Don Kreis, has just
15 recently been appointed to that committee,
16 though I don't believe he's had the
17 opportunity to join us yet. So that is the
18 group in which all EM&V decisions, or the
19 vast majority of EM&V decisions take place.
20 So it's a group effort.

21 It was that group that developed --
22 well, I should rephrase that. The Utilities
23 drafted the initial, what we're calling the
24 "Strategic Evaluation Plan," that is included

[UTILITIES WITNESS PANEL]

1 in the larger two-year plan. And then that
2 was shared. That draft was shared with
3 members of the EM&V working group. And they
4 had, albeit a brief opportunity this spring
5 to weigh in on that and make comments and
6 changes and flush-outs and make suggestions
7 about other research we wanted to undertake.
8 So that is largely a product of that EM&V
9 working group.

10 Okay. So you're going to have to remind
11 me, please, of your other questions.

12 Q. Okay. So maybe you could just go over the
13 nine studies that are planned.

14 A. (Downes) Sure. I mean, those were developed
15 in conjunction with the EM&V working group
16 based on priorities. We had actually
17 established or developed a strategic
18 evaluation plan in preparation for the
19 initial three-year plan. We started with
20 that, and some things didn't make sense
21 anymore, like studying energy optimization,
22 some of the demand stuff. There are other
23 things that we had intended to do that no
24 longer is being proposed in our plan. So we

[UTILITIES WITNESS PANEL]

24

1 adjusted those. New things had evolved. And
2 we collectively came up with a list of
3 studies.

4 Q. And none of those at this point have been
5 commenced? They're all planned for this
6 upcoming time frame; is that right?

7 A. (Downes) With the exception of the study that
8 I just mentioned, the C&I Custom Impact
9 Study, and then an additional one, the
10 Baseline Practices Study. I'm not sure I'm
11 getting those names exactly right. But those
12 two were started last year and then were
13 halted in the summer. Actually, I think they
14 were halted because -- I may be getting the
15 timing wrong. But the funding for the
16 third-party consultants ended, and we were
17 waiting for them to come back onboard before
18 that happened. We had the order from the
19 Commission advising us to get permission to
20 spend any EM&V money before we started again,
21 so we've been on hold since that time.

22 Q. So I'm just -- so they begin with, it looks
23 like we've got commercial energy efficiency.
24 That's on Page 101. That's a baseline study;

[UTILITIES WITNESS PANEL]

1 right? And then there's residential new
2 construction. That's a --

3 A. (Downes) The first two -- the New Hampshire
4 Baseline Practices Study, that is one that's
5 already been contracted, and it will be
6 resumed hopefully in May. And the same with
7 B, which is the Large C&I Impact Evaluation.
8 And then there's a paragraph, and then we
9 have the ones that we are intending to
10 include in an RFP that we are finalizing the
11 draft of now and hoping to issue in May or
12 June of this year. And the intent is to have
13 an evaluation, a third-party evaluation
14 consultant that will be able to take on this
15 body of research that will be further fleshed
16 out as the EM&V working group works with that
17 consultant to guide us as to what the scope
18 should be and the methods of research and
19 whatnot. But these are the sort of
20 high-level descriptions of what we'd like to
21 investigate. They are not set in stone, and
22 we haven't issued the RFP yet, so there's
23 some opportunity for revising them.

24 Q. Okay. So that would be Best Practices and

[UTILITIES WITNESS PANEL]

1 Next Steps. That's one of the ones that
2 would be included?

3 A. (Downes) Correct.

4 Q. And then TRM Update --

5 A. (Downes) Yes.

6 Q. -- which is the manual. That seems like a
7 huge job. Process Evaluation, Evaluation of
8 ADR, and Regional Studies, those would be
9 studies you join, that are undergoing --
10 ongoing in the region by other parties?

11 A. (Downes) We often have the opportunity to --
12 well, several of us are working in multiple
13 states, so we often find out about
14 opportunities or research that's about to
15 begin that is also relevant to New Hampshire.
16 And we have successfully in the past asked to
17 join those and have New Hampshire considered
18 as well. So it's less burden and less cost
19 on New Hampshire to sort of join studies that
20 are initiated by, say the Massachusetts
21 Program Administrators or the Connecticut
22 Program Administrators rather than initiating
23 the entire thing ourselves.

24 Q. So what's difficult is looking at this list,

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27

1 it's hard to understand what the actual
2 process is. So there are a group of
3 potential studies here, and you're saying the
4 process will be for everything through (i)
5 that you're going to be issuing an RFP?

6 A. (Downes) Yes, essentially. And we -- yes,
7 essentially. We will be putting the RFP out
8 and asking for bidders to give us an
9 estimated cost of performing the work. And
10 then the detailed scopes of work for each of
11 these studies will be developed once we have
12 selected the vendor on the basis of their
13 expertise in these areas that we need them to
14 study.

15 Q. Okay. All within under 5 percent of the
16 overall budget?

17 A. (Downes) Absolutely, yes.

18 Q. I think I understand. And then the last
19 question was will the Commission see the
20 reports when they're finished, when
21 they're --

22 A. (Downes) Yes. Absolutely. So we provide an
23 update on our evaluation research in our
24 quarterly reports. And then when the reports

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28

1 are finished, they have been in the past
2 posted to the PUC's web site. We have a
3 whole -- we have the entire history of EM&V
4 work on the PUC web site. I'm unclear what
5 the process is now that the DOE staff have
6 left the PUC and are at the DOE. But my
7 understanding is that they're -- we don't
8 control that, obviously. So my understanding
9 is that those will still be able to be
10 posted. And if they can't be posted on the
11 PUC's web site, we'll find a place where they
12 can be publicly available.

13 Q. Well, if they were -- would you have any
14 objection to the Commission asking you to
15 file them in this docket --

16 A. (Downes) Absolutely. They are filed --
17 [Court Reporter interrupts.]

18 A. I'm hearing from my colleague that we do file
19 them in the docket.

20 Q. Okay. Thank you.

21 CHAIRMAN GOLDNER: Okay. We'll
22 move to one last category for the Utility
23 Panel relative to maximizing benefits. And
24 Commissioner Ross has a question, and the

[UTILITIES WITNESS PANEL]

29

1 Chair has a couple of questions.

2 BY SPECIAL COMMISSIONER ROSS:

3 Q. So my first question has to do with how you
4 would go about shifting funds from one sector
5 to another if you found that you had a
6 greater incremental benefit if you could use
7 more funds in one sector as opposed to where
8 they were collected.

9 Is that ability, that flexibility, so
10 that you could maximize your energy
11 efficiency allowed in the plan; and if so,
12 how would you go about doing it?

13 A. (Peters) In the first instance, it is not
14 allowed for us to plan that way, as I believe
15 my colleague, Mr. Lemenager spoke about
16 earlier in the day. We allocate the funds
17 for each sector based on the revenue that
18 comes in from that sector, with the exception
19 of the low-income programs that get
20 contributed to by both. There is a -- I have
21 to find the reference. But there's an
22 indication in the plan that if a utility
23 needed or wanted to, it could make a request
24 to the Commission to shift funds from one

[UTILITIES WITNESS PANEL]

1 sector to the other, from say commercial to
2 residential, or vice versa. But we could not
3 do that unless we got explicit approval from
4 the Commission to do so.

5 There was a recent example, actually, I
6 think two years ago. Eversource made a
7 request to shift some of our commercial funds
8 into the residential sector because we had --
9 I think it was 2020. I would have to
10 double-check this. But we had a high demand,
11 especially in the low-income program, and a
12 much lower demand than anticipated in the
13 commercial sector. And so we requested to
14 shift those funds and made an argument as to
15 why it was, you know, an appropriate thing to
16 do. The Commission approved that shifting.
17 And we then, at the end of the year, as we
18 did all of our final accounting, realized
19 that not all of the low-income projects that
20 we thought were going to complete in the year
21 had actually completed. Some of them rolled
22 into the next year. There were some large
23 multi-family buildings that didn't finish.
24 And so we did not actually need the

[UTILITIES WITNESS PANEL]

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1 commercial funds in the residential sector,
2 and so we filed another letter asking the
3 Commission to put the budgets back to where
4 they had originally been. So that's a recent
5 example where there was a request and a
6 reasoning, but we did not actually end up
7 moving any of the money.

8 Q. Thank you.

9 CHAIRMAN GOLDNER: Okay. Just a
10 couple more questions to wrap up with the
11 Utility Panel.

12 BY CHAIRMAN GOLDNER:

13 Q. So along that same line of questioning, by
14 reference, Exhibit 48, Bates 21, the joint
15 utilities are talking there about unfair cost
16 shifting and that unfair cost shifting should
17 be avoided. But at the same time, the C&I
18 customers, as you just alluded to, were --
19 you know, paid the majority of the HEA costs.
20 So I'm trying to understand what you mean by
21 "unfair cost shifting."

22 A. (Peters) So for HEA, 20 percent of the
23 commercial collections get moved into the
24 residential low-income program. That's done

[UTILITIES WITNESS PANEL]

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1 by statute. It's a direct statutory
2 requirement from the Legislature. And so we
3 do that first.

4 Q. Can you quote the statute, please?

5 A. Yes.

6 Q. 'Cause I believe what the statute says is
7 that 20 percent of the energy efficiency
8 funding shall go to low-income, but it
9 doesn't say from where.

10 A. (Peters) Sorry. I'm just getting there. So
11 I'm reading from House Bill 549, which
12 amended RSA 374-F:3.

13 Q. Yes.

14 A. (Peters) Yes, you know where it is.

15 Q. Yup.

16 A. (Peters) "No less than 20 percent of the
17 portion of the funds collected for energy
18 efficiency shall be expended on low-income
19 energy efficiency programs."

20 So we take that to mean all of the funds
21 we collect, we should take 20 percent of that
22 and put it into low-income. And that
23 includes commercial customers, as well as
24 residential.

[UTILITIES WITNESS PANEL]

1 Q. Okay. So just to repeat that back, your
2 interpretation of the statute is that you
3 take the aggregate, the total amount, and you
4 multiply it by .2, 20 percent, in order to
5 get the amount that goes to low-income
6 ratepayers. And you further interpret the
7 statute to say that you take 20 percent out
8 of both -- out of all C&I, municipal, and
9 residential ratepayers, 20 percent out of
10 each category, in order to fund HEA. Is that
11 correct?

12 A. (Peters) Twenty percent of the system
13 benefits charges that are collected from any
14 category of customers.

15 Q. Actually from all -- just to clarify, from
16 all categories. Okay. Just want to make
17 sure I understand your -- does anyone else
18 have a different interpretation of the
19 statute?

20 A. (Downes) No.

21 Q. Thank you.

22 Okay. Last question. Exhibit 48,
23 Bates 30, there's a reference to RFP programs
24 and their cost in 2022 and 2023.

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1 UNKNOWN SPEAKER: Which one?

2 CHAIRMAN GOLDNER: Would you like
3 me to repeat it? RSA 125-O:23, III.

4 BY CHAIRMAN GOLDNER:

5 Q. So, first question: How much are those
6 programs expected to cost in the next two
7 years?

8 A. (Peters) I'm sorry. I got distracted by the
9 electronic voice, and I have not quite found
10 your reference.

11 Q. No worries. I'm at Exhibit 48, Bates 30, and
12 it's referencing RFP programs.

13 A. (Peters) Got it.

14 Q. So I'm just trying to understand what the
15 magnitude of those programs are this year and
16 next year.

17 A. (Peters) Ah, yes. So that is the program
18 that is overseen by the Department of Energy.
19 The last time the Department of Energy did an
20 RFP, the utilities applied. We received a
21 grant -- I may need to double-check on the
22 exact number for you. I believe it's just
23 north of \$400,000. And that grant originally
24 was supposed to end in 2021. We went to the

[UTILITIES WITNESS PANEL]

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1 Governor and Council during the middle of
2 2021 and asked for an extension to continue
3 running that grant through 2022. The effort
4 that we are undertaking with that grant is a
5 moderate income offering, where we're
6 offering a higher incentive level for
7 customers that are moderate income versus
8 customers who make higher incomes, kind of a
9 middle point between the low-income program
10 with 100 percent incentive and our market
11 rate program. And we are working to identify
12 and deliver those projects to the moderate
13 income customers this year. It got delayed
14 during COVID when everything stopped. And we
15 actually increased our regular program
16 incentives for a period of time, and the
17 moderate income offering kind of didn't have
18 much meaning for a while. And it is now
19 back, and we are working to utilize those
20 funds this year.

21 Q. So you would be spending out the balance of
22 the 400,000. Do you anticipate any
23 additional funds being requested for RFP?

24 A. (Peters) I am not sure if the Department is

[UTILITIES WITNESS PANEL]

1 going to open another RFP opportunity. I'm
2 not sure what their timing is. I think if
3 they do, we would look at it. They typically
4 designates what sector and what types of
5 projects that are looking to do with those
6 funds. So we would certainly look at an
7 opportunity. And if we felt we had an
8 offering that might make sense, we would
9 probably apply again.

10 Q. Okay. And if that did happen, could these
11 programs, or the RFP program, be part of the
12 energy efficiency programming?

13 A. (Peters) So if they were to offer additional
14 funds that we were to receive, we would
15 probably continue operating kind of alongside
16 but separately because it is contracted
17 specifically through Governor and Council; so
18 just the process is different. We do similar
19 types of reporting on it. I think we
20 actually include a page on our regular
21 quarterly report.

22 I think what we're hoping to learn from
23 this moderate income grant and what we have
24 started learning is we had a sense that there

[UTILITIES WITNESS PANEL]

1 are probably customers who do not qualify for
2 low-income, make more money than the
3 low-income qualification, but who may not be
4 participating because the customer co-pay for
5 the regular program is too high for them.
6 And I think that is panning out as we try to
7 deliver even the moderate income program.
8 The incentive we're offering is 80 percent of
9 a project cost would be covered. And we
10 actually have had trouble finding customers
11 who want to do the projects, even 20 percent
12 of the project cost, which could be, you
13 know, one or -- a thousand dollars, maybe a
14 little more. It's too much. They do not
15 want to take it on. And so we are searching
16 for customers who do want to take it on. But
17 I think part of what we're learning is to
18 reach these customers, if we really wanted to
19 make an effort, we may need to actually just
20 expand the low-income program to reach those
21 customers. The combination of a loan and a
22 co-pay is not moving a large number of them
23 right now. I think we have a little more
24 work to do before we come to a final

[UTILITIES WITNESS PANEL]

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1 conclusion. So it may be that we use this
2 pilot to then inform potential future changes
3 to the programs that we offer through the
4 more large suite of programs.

5 Q. Thank you.

6 CHAIRMAN GOLDNER: Okay. Any other
7 questions, Commissioner Chattopadhyay or
8 Commissioner Ross? No.

9 Okay. We can move to redirect. Do
10 the utility attorneys have any questions for
11 their witnesses?

12 MS. CHIAVARA: I know we just got
13 back from our break, but would it be possible
14 to speak to our clients for just a couple of
15 moments?

16 CHAIRMAN GOLDNER: Of course.

17 MS. CHIAVARA: Thank you so much.

18 CHAIRMAN GOLDNER: We'll just stay
19 here.

20 (Brief recess taken at 1:46 p.m.)

21 CHAIRMAN GOLDNER: We'll go back on
22 the record, Ms. Robidas. I think our witness
23 has just departed, too. So let's go back off
24 the record.

[UTILITIES WITNESS PANEL]

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1 (Pause in proceedings)

2 CHAIRMAN GOLDNER: All right. Back
3 on the record -- no, back off the record.

4 (Pause in proceedings)

5 CHAIRMAN GOLDNER: Okay. We'll go
6 back on the record. Ms. Chiavara.

7 MS. CHIAVARA: Yes, the utilities
8 have no redirect at this time. Thank you.

9 CHAIRMAN GOLDNER: Thank you. So
10 the utility witnesses are released. Thank
11 you very much. I'm afraid you'll have to
12 leave the table. I know that's a little bit
13 awkward. It's like musical chairs. But
14 that's our witness table.

15 MR. DEXTER: Could we go off the
16 record?

17 CHAIRMAN GOLDNER: Okay. Off the
18 record.

19 (Pause in proceedings)

20 CHAIRMAN GOLDNER: We'll go back on
21 the record. And Ms. Robidas, would you
22 please swear in the second panel of
23 witnesses.

24

1 (WHEREUPON, CHRISTOPHER SKOGLUND,
2 COURTNEY LANE, DANIELLE GOLDBERG,
3 ELIZABETH NIXON, STEPHEN ECKBERG, JAY
4 DUDLEY and SCOTT BALISE were duly sworn
5 and cautioned by the Court Reporter.)

6 CHAIRMAN GOLDNER: Okay. Thank
7 you.

8 Department of Energy. I'll
9 acknowledge Mr. Dexter, if you have any
10 direct.

11 MR. DEXTER: I do. Thank you,
12 Commissioner -- Mr. Chairman.

13 DIRECT EXAMINATION

14 BY MR. DEXTER:

15 Q. So I have a series of questions I'd like to
16 ask the panel. And I'd like to ask the
17 question once and have the four of them
18 answer one after another. I think that would
19 be an efficient way to proceed. So having
20 said that -- and I'd like the witness that's
21 closest to me to answer first, so that's Ms.
22 Nixon.

23 So the question to each of you is to
24 please identify yourselves by stating your

1 name, your employer and your position.

2 A. (Nixon) My name is Elizabeth Nixon. I am
3 electric director in the Regulatory Support
4 Division at the New Hampshire Department of
5 Energy.

6 A. (Eckberg) My name is Stephen Eckberg. I'm a
7 utility analyst in the Regulatory Support
8 Division of the New Hampshire Department of
9 Energy.

10 A. (Balise) My name is Scott Balise. I am a
11 utility analyst in the Regulatory Support
12 Division of the Department of Energy.

13 A. (Dudley) Jay Dudley, utilities analyst,
14 Regulatory Support Division for the
15 Department of Energy.

16 Q. Have each of you reviewed the energy
17 efficiency plan that's been filed by the
18 utilities in this case, participated in the
19 technical session provided for in the
20 procedural schedule, and are you generally
21 familiar with the proposal before the PUC
22 today in this docket?

23 A. (Nixon) Yes.

24 A. (Eckberg) Yes.

1 A. (Balise) Yes.

2 A. (Dudley) Yes.

3 Q. I'm looking at the document that's been
4 marked for identification purposes as
5 Exhibit 49, which is entitled, "Joint
6 Testimony from the Department of Energy."

7 My question to the panel is: Did each
8 of you assist in the preparation of this
9 joint testimony?

10 A. (Nixon) Yes.

11 A. (Eckberg) Yes, I did.

12 A. (Balise) Yes, I did.

13 A. (Dudley) Yes, I did.

14 Q. And do you have any corrections or updates to
15 make to the testimony at this time?

16 A. (Nixon) No corrections, but just want to
17 clarify that it may appear that there are
18 duplicate attachments, but what we did was we
19 referenced all the attachments
20 chronologically and just kept doing different
21 attachments. So they are duplicates, but
22 they're meant to be duplicates.

23 Q. So Ms. Nixon, I believe you're talking about
24 Exhibit 49, Bates Pages 52 and 53 being

1 essentially duplicated on 54 and 55. Is that
2 right?

3 A. (Nixon) Yes, that's correct.

4 Q. And the reason they're in there twice is
5 because in some places in the testimony
6 reference is made to that document at 52 and
7 53, and in other places it's made --
8 reference is made to Page 54 and 55; is that
9 right?

10 A. (Nixon) That's correct.

11 Q. So we don't want to just eliminate --

12 A. (Nixon) No, don't eliminate them. They do
13 have references within the testimony.

14 Q. Okay. And I believe the same is true with
15 Bates Page 58 and 59 and 60 and 61; is that
16 right?

17 A. (Nixon) That is correct.

18 Q. And we will agree not to eliminate any of
19 those because of the references contained in
20 the testimony document; correct?

21 A. (Nixon) That is correct.

22 Q. Thank you.

23 So with that clarification, do each of
24 the witnesses adopt the joint testimony as

1 their sworn testimony today in this
2 proceeding?

3 A. (Nixon) Yes, I do.

4 A. (Eckberg) And yes, I do.

5 A. (Balise) Yes, I do.

6 A. (Dudley) Yes.

7 Q. Ms. Nixon, there are several pages in the
8 joint testimony that talk about the issue
9 that was discussed between Eversource's
10 counsel and Ms. Peters this morning about the
11 annual savings, the lifetime savings, and the
12 requirements in HB549, that the proposed plan
13 contain at least 65 percent of savings. Do
14 you recall that discussion?

15 A. (Nixon) Yes, I do.

16 Q. Is your interpretation of the statute and the
17 plan submitted today consistent with what was
18 stated by Ms. Peters?

19 A. (Nixon) Yes. She did an excellent
20 explanation of that. I agree that the plan
21 does meet the requirements of HB549 on this
22 on an annual business and therefore is
23 compliant with the law.

24 Q. Thank you.

1 Mr. Dudley, in the joint testimony
2 there's a few pages that talk about the
3 SmartSTART performance incentive. Are you
4 familiar with those pages?

5 A. (Dudley) Yes, I am.

6 Q. And I'm paraphrasing a little bit, but I
7 believe the joint testimony at the conclusion
8 states that the DOE no longer sees the
9 practicality and necessity of the SmartSTART
10 performance incentive. Is that a fair
11 characterization?

12 A. (Dudley) Yes, that's correct.

13 Q. Did you hear the discussion between myself
14 and Ms. Peters this morning about the
15 SmartSTART performance incentive?

16 A. (Dudley) I did.

17 Q. Was there anything that was included in the
18 answers given by Ms. Peters that has changed
19 the Department of Energy's view on the
20 practicality or necessity of the SmartSTART
21 performance incentive?

22 A. (Dudley) No.

23 Q. And is the reason for that because the
24 questioning indicated that the loan

1 programs -- the loan proceeds from the
2 SmartSTART program were used to participate
3 in the overall energy efficiency program and
4 because the savings from that participation
5 are included in the savings figures on the
6 performance incentive matrix at Bates Page 88
7 in the filing?

8 A. (Dudley) Yes, that's correct.

9 Q. Thank you for saying "Yes." That was a
10 fairly complicated question. I should have
11 broken it down. But I think -- I appreciate
12 the answer.

13 MR. DEXTER: Those are all the
14 questions I have.

15 CHAIRMAN GOLDNER: Thank you, Mr.
16 Dexter. I'll recognize Mr. Kreis and the
17 Office of Consumer Advocate.

18 MR. KREIS: Thank you, Mr.
19 Chairman.

20 DIRECT EXAMINATION

21 BY MR. KREIS:

22 Q. Let me start with Ms. Lane.

23 Ms. Lane, would you please identify
24 yourself by name and affiliation for the

1 record.

2 A. (Lane) Yes. My name is Courtney Lane. I am
3 with Synapse Energy Economics.

4 Q. And you are testifying remotely today from
5 some outpost in that state, of which we are
6 no longer a colony; correct?

7 A. (Lane) Correct.

8 Q. And you have testified before the New
9 Hampshire PUC before. Do I remember that
10 correctly?

11 A. (Lane) Yes, I've submitted written testimony
12 before the Commission.

13 Q. Thank you. And let me now turn to Ms.
14 Goldberg. Ms. Goldberg, would you do the
15 same: Identify yourself by name and
16 affiliation?

17 A. (Goldberg) Yes. My name is Danielle
18 Goldberg. I'm an associate at Synapse Energy
19 Economics.

20 Q. And you likewise are testifying on behalf of
21 the OCA this morning; true -- or afternoon,
22 excuse me, morning where you are?

23 A. (Goldberg) Yes. Correct.

24 Q. And you have not previously testified before

1 the PUC here in New Hampshire; correct?

2 A. (Goldberg) Yes, that is also correct.

3 Q. But you have testified before other
4 commissions in other states and
5 jurisdictions.

6 A. (Goldberg) I have helped assist development
7 of testimony. I have not testified before
8 other public utility commissions.

9 Q. Super. And you are testifying remotely from
10 somewhere out in the Pacific time zone, if
11 I'm not mistaken.

12 A. (Goldberg) That is correct. From Portland,
13 Oregon.

14 Q. Now, with respect or -- a question for both
15 of you. Turning your attention to what has
16 been marked for identification as Exhibit 50,
17 that is a document that I would like each of
18 you to confirm was prepared either by you or
19 under your direction.

20 A. (Goldberg) Yes.

21 A. (Lane) Yes.

22 Q. And that consists of your prefiled direct
23 testimony in this proceeding?

24 A. (Lane) Yes.

1 A. (Goldberg) Yes.

2 Q. Subject to a few clarifying questions that
3 I'm about to ask you that relate to certain
4 testimony that we heard this morning from the
5 utility witnesses, do you have any changes or
6 corrections to make to the answers in that
7 prefiled testimony?

8 A. (Goldberg) Yes, I do.

9 Q. What might they be?

10 A. (Goldberg) I would like to correct a
11 statement within our testimony that the
12 utilities interpreted the 65 percent electric
13 savings requirement within House Bill 549 to
14 refer to lifetime savings.

15 To my knowledge, the utilities did not
16 specify within the plan itself whether or not
17 this referred to annual or lifetime. In the
18 attachments to the plan, the utilities passed
19 for both lifetime and annual savings,
20 electric savings -- sorry. Total savings
21 collectively. All the utilities passed both
22 annual and lifetime; although at the
23 individual level, not all utilities passed
24 that lifetime threshold. And therefore, I

1 have no reason to disagree with the testimony
2 we heard earlier correcting the assumption
3 that this referred to annual savings. And I
4 appreciate the chance to clarify this.

5 Q. Thank you. Do you have any other corrections
6 or clarifications to offer, Ms. Goldberg?

7 A. (Goldberg) I do not.

8 Q. And do you have any clarifications, Ms. Lane,
9 to offer?

10 A. (Lane) I do not.

11 Q. Okay. Subject to that single correction
12 and/or clarification, if I asked each of you
13 those questions that are in Exhibit 50 on the
14 stand here today, would the answers that are
15 written down in Exhibit 50 be the answers
16 that you would give live on the stand today?

17 A. (Lane) Yes, they would.

18 A. (Goldberg) Yes.

19 Q. And so you adopt Exhibit 50 as your direct
20 testimony in this case; correct?

21 A. (Lane) Correct.

22 A. (Goldberg) Yes.

23 Q. Oh, sorry. Didn't mean to interrupt you.

24 Just a couple of additional clarifying

1 questions in light of what I heard this
2 morning, both from the utility witnesses and
3 from the Bench.

4 Turning your attention to -- just make
5 sure I have the right page. I'm not going to
6 be able to find it. There's a reference in
7 your testimony to "free ridership" and
8 whether the utilities take that into account
9 when looking at measures that are deployed at
10 the so-called "downstream" level.

11 First of all, what do we mean by
12 "downstream"? And I don't mind which of you
13 answers this question. It could be either or
14 both of you.

15 A. (Lane) Sure, I'll take that one. So when we
16 talk about "downstream," that's really a
17 direct rebate that is given to the consumer.

18 Q. And in your testimony, you suggested that the
19 utilities are not applying a net-to-gross
20 adjustment that would account for
21 free-ridership with respect to those
22 downstream measures. Do you remember
23 offering that statement in your testimony?

24 A. (Lane) I do. And that was directly related

1 to Exhibit 47, Bates Page 129, which is the
2 Technical Reference Manual attachment, which,
3 in a discussion of application of
4 net-to-gross ratio, stated that they only
5 applied to midstream and upstream offerings.
6 So I was pleased to hear from the utilities
7 this morning that they do apply net-to-gross
8 ratios to downstream lighting. However, I
9 stand by the recommendation within our
10 testimony that I strongly recommend the
11 utilities to work with the EM&V working group
12 to look at what other states have adopted for
13 specifically free-ridership for other
14 downstream measures. Based on my experience
15 in New England, New Hampshire is one of the
16 few states that doesn't apply free-ridership
17 to other downstream measures. And I think
18 it's important to take a look at that for the
19 next TRM update, specifically appliances,
20 even retrofit measures, like weatherization,
21 new construction, HVAC. Other states in New
22 England do adopt net-to-gross ratios for
23 those that are less than 100 percent.
24 Obviously, each market is different and has a

1 different amount of market transformation.
2 But it's still worth investigating to see if
3 any of those other values used across the
4 region could be adopted in the next TRM
5 update.

6 Q. Super.

7 MR. KREIS: And just for the
8 record, in case anybody's confused, the
9 statement that Ms. Lane was just testifying
10 about, and I suppose revising and updating,
11 appears at Bates Page 25 of Exhibit 50, at
12 Lines 1 and 2. And as you've just heard, I
13 think she's clarified her position about that
14 somewhat.

15 BY MR. KREIS:

16 Q. Let me turn to a different subject. I think
17 this is for Ms. Lane.

18 Ms. Lane, this morning you heard a
19 colloquy, I believe it was with Chairman
20 Goldner and one or more of the utility
21 witnesses, about what the appropriate
22 discount rate is to apply to energy
23 efficiency measures. And there was
24 discussion about whether it is appropriate to

1 use I think the utilities return on equity,
2 or maybe it's weighted average cost of
3 capital as the discount rate.

4 What is your opinion about that? What
5 is the right discount rate to use?

6 A. (Lane) Sure. I'll start by clarifying. I
7 think a good place to start is what the
8 discount rate's purpose is within the context
9 of the energy efficiency plan.

10 The discount rate is chosen to examine
11 the cost effectiveness of the programs. So
12 it's looking to identify those resources that
13 will thus serve utility customers over the
14 long run while achieving the policy goals of
15 the state. It's not necessarily to maximize
16 the benefits of an investor-owned utility.
17 And I think that's an important distinction.

18 The utility weighted average cost of
19 capital that was discussed earlier is
20 typically used to indicate the time
21 preference for an investor-owned utility.
22 It's usually a higher discount rate that is a
23 preference for near-term cost benefits. The
24 time preference for utility investors is

1 usually based on their authorized rate of
2 return, cost of debt, debt to equity, things
3 like that. The time preference for utility
4 investors is not necessarily the same as that
5 of their utility customers.

6 Thinking about the discount rate for
7 efficiency programs, it really ties back to
8 the policy goals of the state that were used
9 for the development of the Granite State
10 Cost-Effectiveness Test. So this is more
11 than just cost of capital. It also includes
12 societal benefits, like serving low-income
13 customers; equitable access to programs, and
14 long-term energy goals.

15 Secondary to that is the reason that
16 states particularly across New England use a
17 lower discount rate is that it's supposed to
18 represent the relative low risk of energy
19 efficiency compared to other capital
20 investments made by the utility. Once you
21 invest in energy efficiency, those savings
22 are locked in over the life of the measure.
23 They help create a hedge against volatile
24 prices that we've seen recently with Ukraine

1 and tend to carry lower risk than say a
2 traditional utility investment that could be
3 damaged by storms or what have you.

4 Anyway, that's my long-winded response
5 to sort of the differences and why it's
6 really okay to use a different discount rate,
7 specifically for energy efficiency.

8 Q. Well, thank you, Ms. Lane. And I'll just let
9 you know, since you're not in the hearing
10 room and you probably can't see, that at
11 least two of the three commissioners were
12 scribbling furiously as you were giving your
13 answers. So I think maybe you hit pay dirt.
14 But we'll see.

15 Turning to a different subject now. You
16 heard some testimony this morning, I think
17 from Ms. Peters, about the fact that the
18 utilities offer zero percent on-bill
19 financing to all customers. And that seems
20 to be at variance with a statement in your
21 testimony in Exhibit 50. And I wonder if you
22 could elaborate on that and maybe talk about
23 the distinction that I think you draw between
24 on-bill financing generically and the

1 SmartSTART program that is in the utilities
2 plan.

3 A. (Lane) Sure. So to clarify, on Bates Page 13
4 and 14 of our testimony, Exhibit 50, I
5 believe, we do acknowledge that all the
6 utilities offer on-bill financing. And we do
7 commend them for that.

8 The distinction I want to make about the
9 SmartSTART program is that it does offer
10 different incremental benefits to those
11 generic on-bill financing programs, and the
12 reason being is that those programs are tied
13 to the customer's meter through a tariff
14 versus tied to their utility bill. And this
15 can be of particular importance to
16 residential customers, which is why I
17 recommend that the utilities consider looking
18 at --

19 [Court Reporter interrupts.]

20 A. Oh, I'm sorry. Expanding the SmartSTART
21 program to residential customers, and the
22 reason being is one of the market barriers
23 that I think was perhaps mentioned earlier,
24 which is split incentives, where the landlord

1 would purchase the higher efficiency
2 equipment, but the tenant, which could be a
3 residential customer or even a small business
4 leasing space for their business, there's a
5 split incentive issue where the utility
6 paying that energy bill would be the one
7 receiving those benefits.

8 And I apologize. There's a truck going
9 by.

10 (Pause)

11 A. (Lane) Okay. Thank you.

12 So the customer's paying for the energy
13 bill that the landlord's investing in that.
14 So if you have an on-bill tariff that's tied
15 to the meter, that addresses that split
16 incentive because it's the customer paying
17 that energy bill that is both investing and
18 receiving the benefits.

19 Additionally, if a customer moves,
20 particularly a residential customer, it can
21 either repay the outstanding loan, or that
22 commitment tied to the meter would follow
23 with the next resident of that building.

24 So the two on-bill financing programs

1 are different, and it's worth clarifying
2 that. And that's why I think it's worth the
3 utilities investigating and expanding this
4 offering.

5 Q. Thank you, Ms. Lane. And the last subject I
6 want to cover, and either Ms. Lane or Ms.
7 Goldberg are invited to opine if they would
8 like, has to do with the colloquy we heard
9 this morning between Chairman Goldner and I
10 believe Ms. Peters about the ACEEE score
11 card. Do you remember that colloquy?

12 A. (Goldberg) Yes. I can take this one.

13 Q. Sure. Well, let me see what I can come up
14 with by way of a good question then.

15 You heard, did you not, I think, that
16 Ms. Peters was pointing out that New
17 Hampshire is fairly high-ranked and is
18 definitely well into the upper half of the
19 nation's jurisdictions with respect to the
20 rankings in the ACEEE score card. You heard
21 that; correct?

22 A. (Goldberg) Yes.

23 Q. And just for perspective, I guess, would you
24 agree with me that the ACEEE annual energy

1 efficiency score card is sort of the gold
2 standard when it comes to comparisons among
3 the states with respect to what they're doing
4 in the realm of energy efficiency?

5 A. (Goldberg) Yes, sir.

6 Q. And you would also agree with Ms. Peters that
7 there is a discrete segment within each
8 year's ACEEE score card that covers utility-
9 sponsored programs, such as the ones that are
10 operated under the NHSaves banner here in New
11 Hampshire?

12 A. (Goldberg) Yes, that's correct.

13 Q. And you would also agree with me that, in
14 light of the pandemic, the ACEEE actually
15 didn't issue a score card covering 2021 as it
16 usually would have already done by now; is
17 that correct?

18 A. (Goldberg) That is also correct. 2020
19 appears to be the most recent year that the
20 score card was used.

21 Q. So we're actually, although we ordinarily
22 wouldn't be dealing with such a lag time,
23 when we talk about the latest ACEEE score
24 card, we're actually talking about the one

1 they issued almost two years ago.

2 A. (Goldberg) Correct.

3 Q. So do you take comfort, and would you advise
4 the Commission and the State of New Hampshire
5 to take comfort in the fact that New
6 Hampshire is in the upper half of states with
7 respect to its performance of utility-
8 sponsored programs?

9 A. (Goldberg) Well, I think it's great that New
10 Hampshire is in approximately the upper third
11 of programs. It still lags behind its other
12 neighbors within New England. Massachusetts,
13 Vermont and Rhode Island are No. 2, 3 and 4
14 on the ACEEE rating system. As we have
15 stated in our testimony on Bates Page 39, the
16 utilities actually scaled back the settlement
17 plan to comply with House Bill 549, and as a
18 result, the ratepayers lost \$237 million in
19 electric system benefits and \$22 million in
20 gas system benefits. And while this plan
21 complies with the House Bill, as a general
22 comment we would prefer that these benefits
23 move in the other direction for the benefit
24 of all New Hampshire ratepayers and to keep

1 pace with their neighbors in New England.

2 Q. And I guess my last question is, given the
3 most recent developments on energy efficiency
4 here in New Hampshire, what would you expect
5 the ACEEE to do with New Hampshire's ranking
6 in its next score card?

7 A. (Goldberg) So I believe the 2020 score card
8 referred to the settlement plan. But given
9 this decrease in benefits, it is possible
10 that New Hampshire will see a decline in its
11 rating system in the ACEEE score card.
12 However, it is hard to say without knowing
13 what the other states will do, as well as
14 what the outcome will be of this proceeding.

15 Q. Thank you.

16 MR. KREIS: Mr. Chairman, those are
17 all the questions I have for my witnesses on
18 direct exam. And I look forward to hearing
19 what you have to ask them about. And while I
20 have a chance, I would just like to thank you
21 for allowing them to testify remotely.

22 CHAIRMAN GOLDNER: Thank you.
23 We'll move to CENH, and I'll recognize Mr.
24 Emerson.

1 MR. SKOGLUND: Mr. Emerson is not
2 representing us today, but Ms. Chiavara from
3 Eversource has agreed to introduce my
4 testimony.

5 CHAIRMAN GOLDNER: Okay. Thank
6 you.

7 MS. CHIAVARA: Thank you.

8 DIRECT EXAMINATION

9 BY MS. CHIAVARA:

10 Q. Mr. Skoglund, will you please state your
11 name, your title, and the organization for
12 which you work?

13 A. (Skoglund) Yes. My name is Christopher J.
14 Skoglund. I am the director of Energy
15 Transition with Clean Energy New Hampshire,
16 which is located at 14 Dixon Ave. in Concord,
17 New Hampshire.

18 Q. And what are the responsibilities of your
19 role with Clean Energy New Hampshire?

20 A. (Skoglund) I am the organization's lead here
21 at the Public Utilities Commission. But I
22 also provide support for legislative planning
23 and educational initiatives that our
24 organization hosts.

1 Q. Great. Have you testified before this
2 Commission before?

3 A. (Skoglund) Yes, I have.

4 Q. Did you file testimony in this docket on
5 April 19th, 2022, marked as Exhibit 51, and
6 was this prepared by you and/or at your
7 direction?

8 A. (Skoglund) Yes, I did. And yes, it was.

9 Q. And do you adopt that testimony as it was
10 written and filed?

11 A. (Skoglund) Yes, I do.

12 Q. And do you have anything else that you would
13 like to add for the record today?

14 A. (Skoglund) No, not at this time.

15 Q. Okay. Thank you very much.

16 A. (Skoglund) Thank you, Ms. Chiavara.

17 CHAIRMAN GOLDNER: Thank you. So
18 we'll move to cross-examination. Do the
19 utilities have any questions for the
20 witnesses?

21 MS. CHIAVARA: I believe I speak
22 for the utilities when I say we do not.

23 CHAIRMAN GOLDNER: Okay. Thank
24 you. Do any of the other parties have

1 questions for the witnesses?

2 [No verbal response]

3 CHAIRMAN GOLDNER: Go ahead, sir.

4 MR. BURKE: Thank you, Chairman
5 Goldner. Ray Burke, New Hampshire Legal
6 Assistance, representing LISTEN Community
7 Services.

8 I just had one, or maybe more than
9 one, depending on the answer, question for
10 Ms. Goldberg.

11 CROSS-EXAMINATION

12 BY MR. BURKE:

13 Q. Ms. Goldberg, you were just talking about the
14 ACEEE score card. Are you by chance familiar
15 with the 2021 progress report that was
16 issued, even though the score card was not
17 done for 2021?

18 A. (Goldberg) I have not had the chance to
19 review the progress report.

20 MR. BURKE: Okay. Then that
21 probably ends my questions there. I don't
22 know if any of the other witnesses on the
23 panel are familiar with it. If they are, I
24 could ask them. If not, that will end my

1 questions.

2 CHAIRMAN GOLDNER: Okay. Thank
3 you.

4 Any other questions from the
5 parties?

6 [No verbal response]

7 CHAIRMAN GOLDNER: Okay. So at
8 this point I think the Commissioners would
9 like to caucus. So we'll take a ten-minute
10 break, also to give the stenographer some
11 time, and return at 2:30. And then of course
12 following any redirect, we'll move on to
13 closings. So we'll return in ten minutes, at
14 2:30. Thank you.

15 (Brief recess was taken at 2:21 p.m.,
16 and the hearing resumed at 2:36 p.m.)

17 CHAIRMAN GOLDNER: Thank you.

18 Please be seated. Okay. We're at
19 Commissioner questions for Panel No. 2.

20 Commissioner Ross, do you have any
21 questions for the panel?

22 COMMISSIONER ROSS: No.

23 CHAIRMAN GOLDNER: Commissioner
24 Chattopadhyay, do you have any questions for

1 the panel?

2 COMMISSIONER CHATTOPADHYAY: No.

3 CHAIRMAN GOLDNER: Okay. The Chair
4 just has a single question for the OCA
5 witnesses. Either witness is fine to answer.

6 INTERROGATORIES BY COMMISSIONERS:

7 BY CHAIRMAN GOLDNER:

8 Q. My question is: Did you hear and are you
9 familiar with the DOE's position on the
10 SmartSTART PI, given -- let me start with
11 that. Are you familiar with that testimony?

12 A. (Lane) Yes, we read their testimony.

13 Q. So, you know, given your support that you
14 articulated relative to expanding SmartSTART
15 offers, what is your position on the
16 SmartSTART performance incentive?

17 A. (Lane) So I'm slightly hesitant to answer
18 this because we did not discuss our position
19 with OCA yet. But, you know, I think --

20 Q. Ms. Lane, you're on mute.

21 A. (Lane) Can you hear me?

22 Q. Yes. Go ahead. Please proceed.

23 A. (Lane) My understanding of the way the
24 performance incentive is working with

1 SmartSTART is that -- I think my
2 recommendation would be if it were to expand,
3 it should be considered more of a core
4 offering and should be treated the same way
5 that on-bill financing programs are included
6 in the performance incentives. So, you know,
7 I think the comments that the Department of
8 Energy raised are valid, and I would agree
9 with them.

10 Q. Okay. Thank you, Ms. Lane.

11 CHAIRMAN GOLDNER: So that is all
12 the Commissioner questions.

13 We can move to redirect, beginning
14 with the Department of Energy.

15 MR. DEXTER: The Department has no
16 redirect.

17 CHAIRMAN GOLDNER: Thank you.

18 OCA?

19 MR. KREIS: Thank you, Mr.
20 Chairman. I don't have any redirect either.

21 But this might be a good time for
22 me to mention something I had been intending
23 to mention this morning. And I'm thinking
24 back to a question that Commissioner Ross

1 asked, in which she invited the utility
2 witnesses to offer up some examples -- I
3 think she asked for two or three -- of how
4 the Granite State Cost Effectiveness Test
5 actually works with respect to specific
6 measures as compared to the way that the
7 secondary test works. And I just wanted to
8 say, in case it's helpful to the Commission,
9 that in much the same spirit, the Residential
10 Ratepayers Advisory Board, which I know
11 Ms. Ross is familiar with, asked me to
12 prepare a very similar analysis for them for
13 their review at the meeting of that board
14 back in January. And you'll recall that at
15 the time the Commission's expressed dislike
16 of the Granite State test back in November
17 was kind of a hot topic. And I had written a
18 column on the subject, which I know the
19 Commission never reads, but my advisory board
20 members do read it. And one of them, whose
21 name I won't mention, but whose initials are
22 Neil Kirk, asked me to come and prove that
23 the Granite State test actually works as to
24 some specific measures. So I worked with

1 three of the analysts from the utilities, and
2 we created a report that attempts to do that
3 as to three specific measures. I think they
4 were an air compressor in the commercial
5 industrial context, then I think it was a
6 dryer and, oh, a furnace.

7 So I would just like to offer that
8 I could file that as a record request if the
9 Commission would find it helpful. It's
10 available on the web site of the Residential
11 Ratepayer Advisory Board. I think it's a
12 pretty good document. I purport to be the
13 author. I can't really testify here, but I
14 just want to let you know it's available if
15 you think it would be helpful.

16 (Commissioners conferring off the record.)

17 CHAIRMAN GOLDNER: Did any parties
18 have any objections to the OCA's filing?

19 No? Everybody's okay with that?
20 So we'll get to the close in a moment, Mr.
21 Kreis, but --

22 MR. DEXTER: I'm sorry, Mr.
23 Chairman. That went a little too fast for
24 me. So is there a proposal that it be filed

1 as an exhibit? I just want to understand.

2 CHAIRMAN GOLDNER: Yes, yes, that's
3 the proposal. Do you have any objections?
4 Or does anyone have any objections?

5 MR. DEXTER: I feel like I should
6 because I don't know what this document is.
7 However, if it is what the Consumer Advocate
8 says it is, I don't have any objection. But
9 it seems odd to be asked to not object to a
10 document that I just honestly don't know what
11 it is and didn't know it existed until a
12 minute ago.

13 CHAIRMAN GOLDNER: Mr. Kreis is
14 nodding as though he would do the same in
15 return.

16 MR. KREIS: I would consider doing
17 the same in return.

18 The document is as I have
19 represented it. I can tell you that.

20 MR. DEXTER: Well, let me say this:
21 The Department of Energy does not object at
22 this time. And if at some point we come up
23 with an objection, we will raise it if it's
24 appropriate. And if we're told it's not

1 appropriate, that's fine. And we'll work
2 with Mr. Kreis on this. So I guess -- sorry
3 to interrupt -- the Department of Energy does
4 not object.

5 CHAIRMAN GOLDNER: Yeah, maybe our
6 suggestion, Mr. Kreis, is could you share the
7 document with the parties before filing?

8 MR. KREIS: Sure.

9 CHAIRMAN GOLDNER: Okay. Thank
10 you.

11 MR. KREIS: I'll send them a link
12 to it. It's right on the web site of our
13 advisory board.

14 CHAIRMAN GOLDNER: Is that
15 acceptable, Mr. Dexter?

16 MR. DEXTER: Yes. Thank you.

17 CHAIRMAN GOLDNER: Okay. Thank
18 you. So assuming it's filed, we'll make that
19 Exhibit 54. Okay.

20 I'm sorry. Mr. Kreis, anything
21 else?

22 MR. KREIS: That's all for me.

23 CHAIRMAN GOLDNER: Okay. Ms.
24 Chiavara, your witness. Any redirect?

1 MS. CHIAVARA: Oh, yes. No
2 redirect. Thank you.

3 CHAIRMAN GOLDNER: Thank you. It's
4 a little awkward.

5 All right. So we'll release the
6 witnesses. Thank you, everyone.

7 Without objection, we'll strike
8 I.D. on Exhibits 47 to 52.

9 Just a clarification, Mr. Sheehan.
10 On Exhibit 53, I show that as a revised
11 Attachment F3 that you'd like to work with
12 the Department of Energy to clarify. Would
13 there be -- of course we're on an expedited
14 basis here. Any problem cleaning that up and
15 filing that by close of business Monday?

16 MR. SHEEHAN: I think that's fine.
17 Thank you.

18 CHAIRMAN GOLDNER: Okay. So that
19 will be -- that's a record request for
20 Exhibit 53.

21 And we discussed Exhibit 54. But
22 just for clarity, the OCA will circulate that
23 to the parties. And if there are no
24 objections, the OCA will file Exhibit 54.

1 Mr. Kreis, what would be a good
2 time to file Exhibit 54? I know you have to
3 get a response from the parties. But just
4 what would your recommendation be on the
5 filing date?

6 MR. KREIS: I can within moments
7 send around a link to that document to all
8 the parties. And it really is -- I would say
9 given the speed with which you have to act, I
10 would say if I don't hear any objections
11 within 24 hours, I will file it with the
12 Commission. If I do hear any objections, I
13 won't, because I do think it is reasonable
14 potentially to have some concerns about it.
15 On the other hand, I do earnestly believe it
16 would be helpful and interesting to the
17 Commission and not really undermining any of
18 the positions any of the parties have taken
19 here today.

20 CHAIRMAN GOLDNER: Thank you. So
21 we'll just maybe make a deadline of end of
22 business Monday as well to be consistent with
23 both exhibits, and that should be fine. So
24 we'll hold the record open for those

1 exhibits.

2 And we can now, if there's no
3 objection, we can move to closing. And we
4 can begin with Mr. Burke, if Mr. Burke is
5 ready.

6 MR. BURKE: Sure. Thank you,
7 Chairman Goldner. I'd like to say that
8 LISTEN supports the plan with respect to the
9 low-income program and respectfully asks that
10 the Commission approve it without
11 modification. Based on the record before
12 you, LISTEN believes the low-income proposal
13 is just, reasonable, and in the public
14 interest, and that it meets the applicable
15 statutory requirements.

16 As you have read in the Plan and in
17 the prefiled testimony, and as you've heard
18 today, low-income ratepayers tend to have
19 higher energy burdens than non-low-income
20 ratepayers, which means they spend a larger
21 percentage of their income on energy costs
22 compared to non-low-income households. The
23 low-income energy efficiency measures that
24 will be offered through this plan via the

1 Home Energy Assistance Program are some of
2 the best tools that we have to address
3 affordability and to lower energy burdens.
4 The savings that HEA participants will
5 experience as a result of this plan will not
6 only help them to better afford their utility
7 bills, but will also help them to better meet
8 their other basic needs. As the record
9 demonstrates the income-eligible energy
10 efficiency measures accrue benefits to all
11 ratepayers.

12 In Order No. 25,932, which
13 established the EERS, the Commission stated
14 that low-income customers face greater
15 hurdles to investment in energy efficiency
16 but are the customers who need energy
17 efficiency the most. We believe the record
18 before you demonstrates that this is still
19 true today. In fact, LISTEN believes that
20 the Legislature has recognized the importance
21 of the low-income program and the unique
22 barriers that low-income customers face by
23 requiring that 20 percent of program funds be
24 spent on the HEA program. Importantly, as

1 was discussed today, the relevant text of RSA
2 374-F:3 states that the funds must be
3 expended on low-income energy efficiency
4 programs, not just budgeted. This is why
5 LISTEN strongly supports the utilities'
6 practice of carrying forward any unspent HEA
7 dollars into a future year in order to ensure
8 that this legislative mandate is met and that
9 the funding is not used for other purposes.
10 LISTEN submits that this legislative
11 requirement ensures that low-income
12 ratepayers are treated equitably and can
13 access the program for the various reasons
14 discussed in the exhibits before you and in
15 the testimony before you regarding the market
16 barriers that low-income customers face.

17 This commitment in New Hampshire to
18 the low-income programs has actually been
19 recognized nationally. There was some
20 discussion today during the hearing about the
21 ACEEE rankings. And even though none of the
22 witnesses at the time were familiar with the
23 2021 progress report, I would ask the
24 Commission to take judicial notice of it. In

1 that progress report you will find that New
2 Hampshire was ranked second only to our
3 neighbor Vermont in terms of commitment to
4 low-income households, better than even our
5 neighbor to the south, Massachusetts, in that
6 regard. This is something we should be proud
7 of, and the utilities and the community
8 action agencies should be commended for this
9 recognition.

10 This plan will help return some
11 stability to the HEA program and ensure that
12 the commitment to low-income ratepayers
13 continues, which is important because there's
14 historically been a wait list for the HEA
15 program of several thousand income-eligible
16 households.

17 Regarding some of the questions
18 today about the benefits that accrue to
19 ratepayers who participate in the program --
20 and I think Commissioner Chattopadhyay had
21 some questions about whether the benefits are
22 accruing to the building owner or the
23 ratepayer -- it might also be worth noting
24 that the weatherization, the Federal

1 Weatherization Assistance Program has some
2 restrictions on what landlords can do after
3 WAP funds are used on a project. And as
4 you'll find in the plan, most projects in New
5 Hampshire have a combination of funding, WAP
6 funds and ratepayer funds. So as is intended
7 with the HEA program, the benefits of
8 weatherization in the WAP program are
9 intended for and expected to accrue primarily
10 to the low-income tenants residing in the
11 units. And there's a similar agreement as
12 the one that was discussed today that
13 includes certain protections to make sure
14 landlords can't raise the rent, for example,
15 based on weatherization-related improvements
16 and costs. I believe that agreement
17 prohibits that for one year. That is
18 referenced in the Weatherization Assistance
19 Program plan that's filed with the Federal
20 Government and is available publicly.

21 As mentioned, as alluded to
22 earlier, LISTEN believes this plan is
23 consistent with the parameters set by the
24 Legislature. LISTEN believes that the

1 utilities are correct to budget 20 percent of
2 all funds collected for energy efficiency
3 pursuant to the statute. In addition to this
4 practice being consistent with the plain
5 language of the statute, we'd like to note
6 that this practice is not new and has been
7 the practice dating back several years,
8 perhaps even decades. We believe that the
9 Legislature meant for this practice to
10 continue, but merely set what the percentage
11 should be, because in prior years the
12 percentage was lower than 20 percent. In
13 fact, this requirement to spend 20 percent of
14 the budget on low-income programs existed in
15 the statute before HB549 was passed. If you
16 look at the amendments that were made by
17 House Bill 549, you will see that that
18 sentence was already in the statute. It was
19 just merely moved and relocated.

20 And that I think pretty much sums
21 up where LISTEN stands with regard to the
22 current plan. We appreciate all the work
23 that went into this compressed proceeding on
24 behalf of all of the parties, and we look

1 forward to continue working with the parties
2 and stakeholders as we move forward and soon
3 begin planning for the next three-year plan
4 in the months ahead. Thank you.

5 CHAIRMAN GOLDNER: Thank you.

6 Southern New Hampshire Services.
7 Mr. Clouthier.

8 MR. CLOUTHIER: Thank you very
9 much, Commissioner. SNHS would like to thank
10 all the parties who participated in this
11 docket. Everyone involved provided great
12 value in helping to develop the plan before
13 you today. SNHS feels that this plan is just
14 and reasonable, and therefore we respectfully
15 ask for Commission approval. SNHS would like
16 to particularly thank the utilities and
17 participating parties for recognizing the
18 importance of the HEA low-income program and
19 the financial challenges that contractors and
20 community action agencies are continually
21 faced with when performing energy efficiency
22 upgrades through the HEA program. SNHS
23 strongly supports the adoption of the \$15,000
24 HEA rebate incentive as proposed in the plan,

1 as this allows the program to perform
2 complete weatherization on eligible
3 low-income households without leaving any
4 cost-effective energy savings measures on the
5 table due to a lower rebate. Thank you.

6 CHAIRMAN GOLDNER: Thank you.

7 We'll move to the Conservation Law
8 Foundation. Mr. Krakoff.

9 MR. KRAKOFF: Yes. Thank you,
10 Commissioners.

11 In general, CLF supports the plan
12 that is being considered today.
13 Ratepayer-funded energy efficiency programs
14 have numerous benefits that have been
15 outlined this morning and this afternoon.
16 Energy efficiency programs place downward
17 pressure on rates by reducing peak energy
18 load, which creates less of a need to invest
19 in new generation facilities, and defers the
20 need for new investments in transmission and
21 distribution facilities. It also creates
22 less of a need to rely on expensive peaker
23 plans. Long-term savings can also act as a
24 hedge against volatile energy efficiency --

1 energy prices like we've seen this winter.
2 Thus, energy efficiency programs reduce
3 system-wide costs, which lead to lower rates
4 for all ratepayers. In addition to reducing
5 rates through lowering system costs, energy
6 efficiency results in many environmental
7 benefits. For example, energy efficiency
8 results in greenhouse gas emissions
9 reductions and reduces the emissions of
10 harmful air pollutants and particulate
11 matter. Additionally, energy efficiency
12 programs generate significant benefits for
13 low-income ratepayers as we've discussed
14 today and results in many economic and jobs
15 benefits.

16 CLF supported the original
17 Triennial Plan that was filed in this docket
18 back in September 2020, as well as the plan
19 as modified by the Settlement Agreement that
20 was filed December 2020. CLF believes that
21 the plan modified by the Settlement Agreement
22 provided numerous benefits to New Hampshire
23 and the ratepayers in the form of lower rates
24 and environmental and economic benefits, and

1 that ratepayers will not -- CLF believes that
2 ratepayers will not be well served by scaling
3 back the size of the energy efficiency
4 programs as proposed in the original plan and
5 Settlement Agreement.

6 However, CLF acknowledges that the
7 Legislature and the Governor have spoken by
8 passing HB549. HB549 abrogated and mooted
9 the Commission's November order in this
10 docket. Accordingly, HB549 and the prior
11 Commission orders that HB549 incorporates by
12 reference are a framework to be used by the
13 Commission for evaluating energy efficiency
14 programs going forward. Therefore, the
15 Commission should not rely on its November
16 order in analyzing the revised plan. Under
17 HB549, the SBC rate, which funds energy
18 efficiency programs, is set at a fixed level
19 going forward. HB549 also mandates many
20 other particulars for the programs going
21 forward, including the cost-effectiveness
22 test to use, which is the Granite State Test
23 as the prime test, and the Total Resource
24 Cost Test as a secondary test, and also many

1 other program aspects going forward.

2 The revised plan filed by the
3 utilities on March 1st complies with HB549.
4 In particular, it will be funded by the SBC
5 rates established in HB549 and is
6 cost-effective pursuant to the primary
7 Granite State Test and the secondary Total
8 Resource Cost Test. The plan will also
9 expend 20 percent of funds on programs
10 targeted at low-income customers, as mandated
11 by HB549. While the revised plan is
12 significantly less ambitious than the prior
13 plan, it will achieve significant
14 cost-effective energy efficiency gains for
15 New Hampshire ratepayers. This will result
16 in lower rates for ratepayers, as well as
17 environmental benefits. Because the revised
18 plan will benefit New Hampshire ratepayers
19 and complies in all respects with HB549, CLF
20 encourages the Commission to approve the
21 plan. Thank you.

22 CHAIRMAN GOLDNER: Okay. Thank
23 you, Mr. Krakoff.

24 We'll move to Clean Energy. I know

1 that Mr. Emerson is not here, but we'll allow
2 a statement from Mr. Skoglund, if you'd like.

3 MR. SKOGLUND: Yes. Thank you,
4 Commissioner. I will be brief, as our
5 prefiled testimony was largely a closing
6 statement in the way that it was shaped.

7 But just to emphasize, CENH
8 strongly supports the overall approval of the
9 utilities' 2022-2023 Statewide Energy
10 Efficiency Plan, noting that it provides not
11 only economic, but energy and environmental
12 benefits for the whole state and positions us
13 for future benefits. And we would echo the
14 comments that have been made by Southern New
15 Hampshire Services, LISTEN, and the
16 Conservation Law Foundation. And we would
17 just close by thanking the Commission and all
18 the stakeholders for completing this
19 proceeding in such a compressed time. Thank
20 you.

21 CHAIRMAN GOLDNER: Thank you.

22 We'll move to the New Hampshire
23 Department of Environmental Services. Ms.
24 Ohler.

1 MS. OHLER: Yes, thank you,
2 Commissioner Goldner.

3 [Court Reporter interrupts.]

4 CHAIRMAN GOLDNER: I'm sorry, Ms.
5 Ohler. You'll have to find a microphone for
6 the folks on the...

7 MS. OHLER: There we go. Thank you
8 very much.

9 The Department of Environmental
10 Services appreciates this expedited process
11 as well. Energy policy and environmental are
12 inextricably intertwined. Anytime you
13 produce energy other than from renewable
14 sources, and even from some renewable, you
15 produce both air and water pollution. To the
16 extent that energy efficiency programs can
17 reduce the need to produce that energy in the
18 first place, it is good environmental policy.
19 We believe that the ratepayer in energy
20 efficiency programs presented in this
21 proposal have been shown to be effectively
22 reducing energy demand and thus air and water
23 pollution associated with that energy
24 production. And we support this plan as

1 submitted. Thank you.

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

4 We'll move to the Office of
5 Consumer Advocate. Mr. Kreis.

6 MR. KREIS: Thank you, Mr.
7 Chairman. Just by way of a brief closing
8 statement, I think most of what I have to
9 offer is a parting statement of gratitude.
10 I'm mindful of the fact that, although there
11 has been lots of activity in the realm of
12 energy efficiency and the fate of the NHSaves
13 program in 2021, and thus far in 2022, the
14 last time the New Hampshire Public Utilities
15 Commission convened and held an evidentiary
16 hearing to think about and talk about energy
17 efficiency was actually in December of 2020.
18 And at that time, the commissioners sitting
19 on the Bench were different than the three
20 commissioners we see sitting on the Bench
21 today. So I came to today's hearing very
22 curious about what kinds of questions and
23 concerns I was going to hear from the Bench.
24 And I think that this particular combination

1 of commissioners yielded a really
2 interesting, useful and insightful menu of
3 concerns and foci that I think are well
4 calculated to cause you to make a really good
5 decision in connection with the plan that's
6 presently filed in front of you and future
7 energy efficiency plans, like the Triennial
8 Plan that will go into effect in 2024 that
9 you'll be thinking about in a little more
10 than a year.

11 So with all of that in mind, I also
12 want to say heartily that I thank the joint
13 utilities' witnesses, particularly the three
14 all-stars who are presently sitting in the
15 front row -- Ms. Peters, Ms. Downs and
16 Mr. Stanley -- for their insightful
17 contributions. They're my go-to people for
18 help with energy efficiency policy because
19 they're dealing with this stuff day in and
20 day out in a really deep way. And I think
21 the answers that they were able to give to
22 your questions are really some of the most
23 remarkable and insightful commentary about
24 the importance of the NHSaves programs, both

1 in general and as they have been presented to
2 you in specific, that I've ever heard. So
3 this was a very fruitful hearing, from my
4 standpoint.

5 With respect to the OCA, its
6 position and our testimony, what we
7 endeavored to do was to remind the Commission
8 and everybody else that we're leaving a lot
9 of cost-effective energy efficiency on the
10 table, and we are actually losing ground with
11 respect to both where we were in the last
12 Triennial Plan and certainly with respect to
13 where we would have been had the Triennial
14 Plan we presented at the last hearing been
15 approved by the Commission. Now, I
16 understand as a matter of public policy that
17 the State of New Hampshire doesn't agree with
18 either me or my office with respect to how
19 far we should go. And I'm satisfied and
20 content that that question has received a
21 full, fair and reasonable vetting. And the
22 result of that vetting is House Bill 549 that
23 imposes constraints and guidelines that I'm
24 prepared to live with, that I know the

1 utilities are prepared to live with, and that
2 I'm pretty sure the parties are prepared to
3 live with. And I would like to remind the
4 Commission, the Commission is obliged to live
5 with.

6 And for that reason, my -- I would
7 just say that my interpretation of HB549 is
8 that, with respect to this particular plan
9 which is discussed with particularity in
10 HB549, there's relatively little discretion
11 on the part of the Commission with respect to
12 what it approves and what it doesn't approve.
13 HB549 told the utilities what they must file
14 for presentation to you today. They did
15 that. And HB549 I believe essentially tells
16 the Commission that it must approve this plan
17 and then allow us, and ultimately the
18 Commission itself, to move forward and think
19 about what the future of ratepayer-funded
20 energy efficiency is in New Hampshire.

21 There was mention earlier today of
22 Paragraph X, which is Roman Numeral X, of RSA
23 374-F:3. And of course RSA 374-F:3 is the
24 interdependent policy principles that are a

1 part of the restructuring act. And I think
2 that as the Commission looks at that
3 Paragraph X, it should remind itself that
4 that is one of quite a long list of
5 interdependent policy principles that were
6 intended, when adopted initially in 1996, to
7 guide the overall process of restructuring
8 the state's electric industry. The first
9 sentence of Paragraph X says, "Restructuring
10 should be designed to reduce market barriers
11 to investments in energy efficiency and
12 provide incentives for appropriate demand
13 site management and not reduce cost-effective
14 customer conservation."

15 So, note that sentence does not say
16 that the NHSaves programs or the SBC- and
17 LDAC-funded programs generally should be
18 designed in any particular way. It
19 instructed the Commission and the utilities
20 about how to restructure the electric
21 industry in general. And it told everybody
22 that it should make those broad changes to
23 the industry in a way that would not impede
24 energy efficiency. And I think that we've

1 accomplished that.

2 So my bottom line is I don't think
3 that sentence tells the Commission very much
4 about what it ought to do today. I think
5 your instructions and marching orders are
6 contained in HB549. I think that language
7 and that bill, now enshrined in statute,
8 leads you inexorably to approving the
9 reasonable and appropriate plan that the
10 utilities have presented to you today. I'm
11 sorry that we're losing ground. I'm sorry
12 that it seems likely that our ranking in the
13 ACEEE score card is likely to regress and
14 reverse the upward trajectory that we have
15 been on. But that is a question that I will
16 take up perennially with the General Court.

17 In the meantime, I thank you for
18 your thoughtful attention today and look
19 forward to reading your order approving the
20 plan that the utilities submitted. Thank
21 you.

22 CHAIRMAN GOLDNER: Thank you, Mr.
23 Kreis.

24 Mr. Dexter and the Department of

1 Energy.

2 MR. DEXTER: Yes. Thank you,
3 Commissioners. The Department of Energy is
4 supportive of the plan put forth by the
5 utilities in this docket. We believe that
6 the plan itself, as well as the evidence
7 presented today, indicates that the filed
8 plan is compliant with HB549 and therefore
9 should be approved.

10 We did raise an issue with respect
11 to the SmartSTART performance incentive. Our
12 position on that we made clear. We believe
13 that that particular incentive is no longer
14 practical and no longer necessary. That
15 being said, we do believe that the plan
16 should be approved with or without the
17 SmartSTART incentive. We're not recommending
18 that the plan be held up over the relatively
19 minor but important issue of the SmartSTART
20 performance incentive. So the Department of
21 Energy will support an approval with or
22 without, but we do recommend approval without
23 the SmartSTART performance incentive. Thank
24 you.

1 CHAIRMAN GOLDNER: Thank you, Mr.
2 Dexter.

3 We'll move to the utilities, and
4 we'll start with Ms. Geiger and NHEC.

5 MS. GEIGER: Thank you, Mr.
6 Chairman. I will cede my time to Attorney
7 Chiavara, on behalf of the joint utilities.
8 And the other utilities may wish to chime in.
9 But she's prepared to give a closing
10 statement on behalf of all of us.

11 CHAIRMAN GOLDNER: Mr. Sheehan.

12 MR. SHEEHAN: Agree.

13 CHAIRMAN GOLDNER: Okay. Go to Ms.
14 Chiavara. Please proceed.

15 MS. CHIAVARA: Thank you, Chairman.

16 The New Hampshire Utilities would
17 like to thank the Commission for their
18 thoughtful inquiry today regarding the
19 proposed plan. The 2022-2023 Statewide
20 Energy Efficiency Plan as proposed by the New
21 Hampshire Utilities should be approved
22 without delay, as it was thoughtfully and
23 deliberately designed in accordance with
24 statutory authority, including most recently

1 HB549, and also the relevant Commission
2 orders and the tested, reviewed and
3 established criteria that are products of
4 Commission-approved, collaborative working
5 group processes.

6 The 2022-2023 Plan also has the
7 broad support of the Department of Energy,
8 Office of the Consumer Advocate, Clean Energy
9 New Hampshire, Conservation Law Foundation,
10 and others who have spoken here today. But
11 the plan in front of the Commission today is
12 not simply compliant with the relevant
13 statutes and Commission orders. It is the
14 framework that will enable the continued
15 offering of wildly successful energy
16 efficiency programming in New Hampshire;
17 programming which progressively more
18 residents, businesses and municipalities
19 avail themselves of each program year.
20 Energy efficiency has become an increasingly
21 integral component of a successful state
22 energy framework embodied in the ten-year
23 state energy strategy, the electric
24 restructuring statute and elsewhere. The New

1 Hampshire Utilities have seen steady growth
2 and participation from all customer sectors
3 since the inception of the programs, with the
4 highest ever participation recorded in the
5 two most recent approved program years of
6 2019 and 2020. These readily accessible
7 statewide programs help utility customers
8 overcome market barriers and meet vital
9 energy needs. In turn, successful
10 participation in the programs benefits the
11 distribution system which serves to
12 economically benefit all users of the
13 electric and natural gas systems. From
14 reduced energy bills due to reduced
15 consumption to a warmer home in the winter
16 and a cooler home in the summer, reducing
17 climate-control energy needs regardless of
18 fuel type due to home weatherization, to
19 reduced capital investment needs for the
20 distribution grid, to the jobs created and
21 sustained across the state, the 2022-2023
22 Statewide Energy Efficiency Plan will provide
23 a myriad of direct and indirect benefits to
24 program participants and non-participants,

1 while the pool of non-participants in the
2 NHSaves programs grows steadily smaller.

3 In fact, the plan being recommended
4 for approval today was created to
5 specifically offer access to and reach all of
6 New Hampshire residential customers at any
7 income level, and particularly those with
8 limited resources, businesses both large and
9 small, and communities throughout the state.
10 Program diversity and penetration are
11 essential elements in the plan which will
12 afford equitable opportunities and benefits
13 to all customer classes, which is the premise
14 of restructuring under RSA 374-F:3, VI, which
15 states that restructuring should be executed
16 in a way that "does not benefit one customer
17 class to the detriment of another." With
18 this plan, customer classes are ensured
19 equitable treatment and benefits, as the
20 funds raised by customer sector, excluding
21 those funds directed to the income-eligible
22 and municipal programs by statute, are
23 applied to the sector from which they are
24 raised, preventing any unfair cost shifting,

1 which RSA 374-F:3, VI cautions against.

2 As for the most recent legislative
3 mandate of HB549, the 2022-2023 Plan adheres
4 to this directive faithfully. HB549
5 reinstated the "energy efficiency plan and
6 programming framework and components,
7 including utility performance incentive
8 payments, lost base revenue calculations, and
9 evaluation, measurement and verification
10 process that were in effect on January 1st,
11 2021," and then further directed that the
12 "joint utilities shall continue to prepare
13 triennial energy efficiency plans with
14 programming and incentive payments at levels
15 optimized to deliver ratepayer savings."
16 This latter passage indicates that the
17 balance of programming and performance
18 incentive levels in effect on January 1st,
19 2021 was representative of delivery of
20 optimal ratepayer savings. The 2022-2023
21 Plan is modeled using that very plan and
22 programming framework to ensure continuance
23 of optimized customer savings.

24 HB549 also directed that all

1 programming be cost-effective according to
2 the Granite State Cost Benefit Test, and that
3 planned electric savings go no lower than
4 65 percent. As noted in the prefiled
5 testimony of the Department of Energy, the
6 programs within the plan have met these
7 criteria. All programs have been
8 demonstrated to be cost-effective, and every
9 utility has met or exceeded a planned
10 65 percent of annual electric savings.

11 It is worth noting that HB549
12 includes no "reasonableness" standard for the
13 programs or any modifications to the
14 programs. As SBC and LDAC rates have already
15 been established by HB549, the only metrics
16 against which to measure whether programs
17 should be approved are cost effectiveness and
18 the 65 percent electric savings threshold.
19 And as both of these have been satisfied, the
20 programs meet the requisite criteria of
21 HB549.

22 As for the lost base revenue rates,
23 those were calculated consistent with the
24 methodology in place on January 1st, 2021,

1 reinstated by HB549, and are therefore just
2 and reasonable and should likewise be
3 approved by the Commission.

4 The 2022-2023 Plan has also met all
5 other HB549 criteria. As described in the
6 joint New Hampshire Utilities' testimony and
7 in the plan itself, the plan has thoroughly
8 taken into account free-ridership, market
9 barriers and alternative sources of funding,
10 as well as maximizing all currently available
11 funding sources of funding outside of the SBC
12 and LDAC funds.

13 And lastly, the funding for
14 evaluation, measurement and verification
15 falls within the 5 percent cap of the overall
16 program budget. The Department of Energy's
17 testimony further validates these
18 conclusions.

19 Most importantly, the 2022-2023 Plan
20 meets the legal and regulatory requirements,
21 while also being designed to deliver maximum
22 effectiveness for this most important
23 resource for New Hampshire. The 2022-2023
24 plan will provide some much needed stability

1 and move energy efficiency programming
2 forward, delivering its numerous benefits to
3 all who reside and do business here, and
4 meeting this energy and policy priority of
5 the state.

6 The New Hampshire Utilities respectfully
7 request that the Commission approve this
8 plan. Thank you.

9 CHAIRMAN GOLDNER: Thank you, Ms.
10 Chiavara.

11 So I'll thank everyone today. I
12 will take the matter under advisement and
13 issue an order by May 1st. And we are
14 adjourned.

15 (Whereupon the AFTERNOON SESSION was
16 concluded at 3:10 P.M.)

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C E R T I F I C A T E

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

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

(ORIGINAL CERTIFICATION FILED WITH
PUBLIC UTILITIES COMMISSION)

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

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