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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

December 10, 2020- 2:02 p.m. DAY 1
AFTERNOON SESSION ONLY

[Remote Hearing conducted via Webex]

RE: DE 20-092
ELECTRIC AND GAS UTILITIES:
2021-2023 Triennial Energy
Efficiency Plan

PRESENT:

Chairwoman Dianne Martin, Presiding
Commissioner Kathryn M. Bailey

Doreen Borden, Clerk
Eric Wind, PUC Remote Hearing Host

APPEARANCES:

Reptg. Public Service Company of New
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Jessica A. Chiavara, Esq.

Reptg. Unitil Energy Systems, Inc. and
Northern Utilities, Inc.::
Patrick Taylor, Esq.

Reptg. Liberty Utilities (Granite
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d/b/a Liberty Utilities:
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Reptg. N.H. Electric Cooperative, Inc.::
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COURT REPORTER: SUSAN J. ROBIDAS, N.H. LCR NO. 44

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Reptg. Conservation Law Foundation:
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Reptg. The Way Home:
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Reptg. Dept. of Environmental Services:
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Reptg. Southern N.H. Services:
10 Ryan Clouthier, Dir..)

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Reptg. Commission Staff:
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15 Brian D. Buckley, Esq.

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I N D E X

WITNESS PANEL:

KATE W. PETERS
MARY A. DOWNES
CAROL M. WOODS
ERIC M. STANLEY
DAVID G. HILL
PHILIP H. MOSENTHAL

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AFTERNOON SESSION
(Resumed at 2:02 p.m.)

KATE W. PETERS, PREVIOUSLY SWORN
MARY A. DOWNES, PREVIOUSLY SWORN
CAROL M. WOODS, PREVIOUSLY SWORN
ERIC M. STANLEY, PREVIOUSLY SWORN
DAVID G. HILL, PREVIOUSLY SWORN
PHILIP H. MOSENTHAL, PREVIOUSLY SWORN

CHAIRWOMAN MARTIN: Let's go back
on the record. Mr. Dexter, you can proceed.

COMMISSIONER BAILEY: Before we
start, we can't see you.

CHAIRWOMAN MARTIN: I flickered
when I started. Let me see.

(Pause)

CHAIRWOMAN MARTIN: How about now?
Go ahead, Mr. Dexter.

MR. DEXTER: Thank you.

CROSS-EXAMINATION (CONT'D)

BY MR. DEXTER:

Q. I'd like to turn the panel's attention to
Exhibit 24, which is a request that
Eversource made on November 23rd, 2020 in
DE 17-136 to move dollars from the C&I sector
to the residential low-income sector. And
I'd like to start by asking the witnesses to

1 confirm that at the time of this letter, it
2 was projected that the C&I sector would be
3 underspent as compared to its proposed
4 budget; that it would only spend 84 percent
5 of its proposed budget for 2020. Is that
6 right?

7 A. (Peters) Hi, Paul. That is correct. That's
8 what we projected.

9 A. (Downes) To be clear, that was Eversource
10 only.

11 Q. And that shortfall, if you will, the
12 underspending, amounted to about \$4 million;
13 correct?

14 A. (Peters) Yes.

15 Q. And the overspend -- I'm sorry. The request
16 was to use that underspend to address a
17 potential overspend in the residential
18 sector, particularly the low-income program;
19 isn't that right?

20 A. (Peters) Yes, that's right.

21 Q. So is it fair to say that in 2020, Eversource
22 projects to spend about \$20 million on their
23 C&I sector in the 2020 program?

24 A. (Peters) Yes, that's what we projected in

1 that letter.

2 Q. Right. And is that still the case? It's
3 only less than a month later. I don't assume
4 there's been big changes. Is that fair?

5 A. (Peters) I don't think it's changed
6 drastically. It may have changed a little
7 bit, but it's probably about --

8 Q. So I want to compare that to the budget for
9 2021. And I have two numbers for that budget
10 I want you to comment on because there's a
11 fairly large discrepancy I'm expecting you'll
12 be able to clear up for me.

13 So I guess I would first go to
14 Exhibit 2, Bates 403, and that's a
15 calculation of the proposed rates. But the
16 first column in that is entitled "Budgets."
17 And it's budgets by sector, I believe. And
18 for Eversource -- this page is only
19 Eversource -- for 2021, I see a C&I budget,
20 actually Column C, of \$48,644,000. Do you
21 see that?

22 A. (Peters) I do.

23 Q. And before I ask my question, I wanted to
24 also point out that the Settlement Agreement

1 has an attachment to it, Attachment B, that
2 has the Eversource residential -- I'm
3 sorry -- Eversource C&I budgeted at
4 38,008,000. Can you agree with that?

5 A. (Peters) I do see that, Paul.

6 Q. Okay. So before I ask my substantive
7 question, the first question I want to ask is
8 what makes up that \$10 million difference?
9 Both of these items are entitled "Eversource
10 Budget, C&I Municipal 2021."

11 A. (Peters) I may end up needing the assistance
12 of our rates panel because they are the ones
13 that do this calculation that's on Bates
14 Page 403. This is -- so part of it has to
15 do, I think with the rate calculation, is
16 taking into account not just the budget for
17 the sector, but the amount of SBC that needs
18 to be collected from that sector. And as
19 you'll recall, the commercial sector
20 contributes to the low-income program. And
21 so there is money collected in the commercial
22 sector that is not in the commercial sector
23 budget; it gets moved into the low-income
24 budget. And I believe that kind of element

1 there is what has to do with the discrepancy
2 between a program budget that you're seeing
3 in the Settlement Agreement and a rates
4 calculation sheet that is calculating the
5 amount that we need to collect from C&I
6 customers. And it might be worthwhile to
7 have the rates panel confirm that calculation
8 that's done in their worksheet.

9 (Court Reporter interrupts.)

10 MR. DEXTER: I apologize. I muted
11 myself.

12 BY MR. DEXTER:

13 Q. For purposes of comparing the November 23rd
14 letter, the budget that's in that letter, it
15 sounds like what you're saying, the better
16 apples-to-apples comparison would be the
17 number in the Settlement rather than in the
18 rates calculation page; is that fair?

19 A. (Peters) Yes. Yup, that would be more of the
20 program spending that we would be doing, that
21 sector, yeah.

22 Q. Okay. So now I can ask my question. So
23 we're comparing \$20 million in 2020 to a
24 projection of \$38 million in 2021. Is

1 Eversource concerned about being able to
2 achieve that budget, that spending --

3 A. (Peters) Which one?

4 Q. -- and if so, why or why not?

5 A. (Peters) The 2021 budget?

6 Q. Correct. In other words, if you spent 20
7 million this year, you know, how are you
8 going to spend 38 million next year?

9 A. (Peters) Sure. So part of what happened this
10 year, which is extremely unusual, is that we
11 actually paused a number of the programs for
12 about four months when COVID first hit, and
13 we were concerned especially about contractor
14 and customer interactions. And we used that
15 pause time to develop, along with expertise
16 from the health and safety sector, a set of
17 protocols that our contractors can use when
18 they are engaging in in-person or on-site
19 activities with customers. And so those
20 protocols are now in place, and our
21 contractors are back at work with customers.
22 So there was a pause that happened in 2020
23 that we certainly hope would not need to
24 happen again, although you can never predict

1 the future, as we've all learned well this
2 year.

3 The other thing that happened in 2020 is
4 that some of our large commercial customers
5 have themselves kind of put a pause on their
6 capital expenditures. And while some of
7 those projects that we had hoped to do in
8 2020 are not coming to fruition during this
9 calendar year, we have remained active with
10 those customers, in terms of communicating,
11 in terms of trying to identify projects that
12 do make sense for them to do. And it is
13 ultimately our hope that they will move
14 forward with these projects, even if it is
15 not happening in the 2020 time frame. And
16 so, you know, we hope to move into 2021 with
17 a good pipeline of projects that we've been
18 working on this year, even if we weren't able
19 to get them completed this year.

20 The other thing that the next three-year
21 plan brings with it, that this letter kind
22 of -- it would have been different if it was
23 part of the next three-year plan -- is that
24 ability to achieve the goals and expend the

1 budgets over the three-year period. And so
2 this letter reflects the fact that we have
3 only the 2020 time period to spend these
4 budgets and to work with customers on these
5 projects. If in 2021 we were to underspend
6 the commercial sector, we could let that
7 underspent portion of the budget move into
8 2022 and continue to increase our efforts to
9 bring on more projects. And likewise, if in
10 2021 we were to overspend the residential
11 sector, we could kind of take, quote,
12 unquote, that overspend from the 2022 budget
13 and adjust our marketing or incentives, et
14 cetera, the next year to bring that back in
15 line so that we are spending the three-year
16 budget, hopefully, you know, in a way that
17 makes sense over the course of three years.

18 And so I think those are the some of the
19 factors that are kind of why the letter is
20 the way it is and then what might be
21 different in the next plan.

22 Q. So if I can -- I don't want to paraphrase
23 four pages of transcript in one sentence, but
24 let me try to. It sounds like you're saying

1 that the underspend on C&I in 2020 was
2 essentially due to COVID; correct?

3 A. (Peters) I think a lot of it was, Paul, yes.

4 Q. Okay. And in 2021, you're not expecting to
5 encounter the same COVID factors that caused
6 this underspending. You're not forecasting
7 those to continue in 2021; is that fair?

8 A. We are very hopeful that we won't have to
9 stop the programs in 2021 the way we did in
10 2020. Obviously, COVID has not gone away, as
11 we all know. But the safety protocols are
12 now in place, in terms of our contractor
13 work. And we have, you know, been monitoring
14 that closely. And there does seem to be some
15 level of good news on the horizon with
16 vaccines and other things. So, you know, I
17 can't predict exactly what will happen with
18 COVID next year. But I do think that we've
19 been working with our customers. We have
20 projects that we will complete. And the
21 three-year time frame will mean that even if
22 there are COVID impacts in 2021, we will have
23 an ability to adjust -- (connectivity issue)
24 (Court Reporter interrupts.)

1 A. (Peters) To adjust and to spend the budgets
2 and achieve the goals.

3 Q. Right. And I don't think anyone would
4 dispute that the COVID impacts are difficult
5 to predict. But I'm just trying to figure
6 out what's in the budget. And again, it
7 sounds to me, and please correct me if I have
8 this wrong, but it sounds to me like the
9 38 million projected for 2021 spending
10 assumes no negative impacts or adverse
11 impacts on your ability to spend due to
12 COVID; is that right?

13 A. (Peters) I think we didn't set the Plan based
14 on the budget. And as we looked at the
15 savings targets, we talked about this with
16 the stakeholders. And with the potential
17 study we tried, to the extent we were able,
18 to understand the fact that there would be
19 COVID impacts. The contractor doing the
20 potential study made some adjustments. We
21 all looked at this as we were developing the
22 Plan. And so we are trying to present a plan
23 that recognizes that there are impacts from
24 COVID that may continue into the next

1 three-year plan, which poses some level of
2 risk because the impacts are unknown. And
3 that risk is there, but it is mitigated by
4 the fact that it is a three-year plan and we
5 have a three-year window in which to adjust
6 and to achieve the goals.

7 Q. So the goals reflected COVID. The
8 4.5 percent reflected COVID. Is that what
9 you're saying?

10 A. (Peters) Yeah.

11 Q. And then, therefore, the budget does make a
12 projection of COVID impacts.

13 A. (Peters) I think so. The budget flows out of
14 the goals we're trying to achieve. So --

15 Q. And even with those COVID impacts reflected,
16 you're confident -- or maybe "confident" is
17 not the right word. You're projecting that
18 you'll be able to spend almost double next
19 year on the C&I programs than what you were
20 able to spend in 2020; is that right?

21 A. (Peters) The budget that is set for 2021 is
22 the budget that is set for 2021. And we will
23 go into 2021 trying to achieve the energy
24 savings and spend the budget that we've

1 projected. And if for some reason we're not
2 able to, we will readjust. We will look at
3 what mechanisms we have to either ramp things
4 up, or if we're going too far, slow things
5 down, so that within the three-year period we
6 would achieve the goals that we've set for
7 ourselves with the budgets that we've set for
8 ourselves. I know it's not a simple answer,
9 but it's not -- you know, kind of
10 implement -- there's a plan on paper, right.
11 And then implementation of the plan, you have
12 to respond to what happens on the ground. It
13 doesn't always follow the paper plan that you
14 made before. But the paper plan provides the
15 framework, and we adjust as we go. If we
16 need to make significant adjustments, we send
17 a letter like this one and, you know, look
18 for approval, and we keep working to try to
19 achieve the goals that we've set.

20 Q. Right. Well, this actually brings me back to
21 a question I should have asked at the outset,
22 but I forgot because we deferred most of the
23 rates questions.

24 But at issue before the Commission right

1 now are three years of rates; correct?

2 A. (Peters) Yes.

3 Q. And, you know, absent some further filings by
4 the companies, if these -- if the Commission
5 were to approve the Settlement, then these
6 three years of rates will go into effect each
7 January 1st for the next three years,
8 correct, with no further proceedings?

9 A. (Peters) That's correct.

10 Q. So, then, back to 2021 and 2022. If you had
11 a significant underspend in your C&I program
12 in 2021, what would happen to that money that
13 was collected?

14 A. (Peters) It's my understanding that it would
15 roll into the 2022 budget so that we could
16 utilize it to continue working to achieve the
17 energy savings goals.

18 Q. But there wouldn't be an automatic reduction
19 in the rates that are set in this case;
20 correct?

21 A. (Peters) No.

22 Q. That would be something --

23 A. (Peters) You are correct. There would not be
24 a reduction. Sorry.

1 Q. So it would require an action from the
2 utilities to change those rates.

3 A. (Peters) Yes.

4 Q. So if the COVID impacts caused an underspend
5 in 2021 and you tried to make that up in 2022
6 and 2023, isn't it correct, according to
7 Attachment B, that there are already
8 significant increases in 2022 and 2023 even
9 without trying to make up for a slow 2021?
10 These increases are to the tune of
11 \$10 million per year for just that sector;
12 correct?

13 A. (Peters) There are increases built in to that
14 extent, yes.

15 I think you're on mute, Paul.

16 Q. Sorry. As we sit here in 2020 -- and I could
17 go through the same line of questioning with
18 the utilities, but I'm going to skip it
19 because I think the idea is here. But this
20 question would actually go to all the
21 utilities.

22 To the extent that the budgets are
23 increasing in 2021, could you tell the
24 Commission, as we sit here, what steps you

1 have taken as a company to prepare for this
2 uptick in spending and activity and savings?
3 A. (Peters) So for Eversource, I think I just
4 talked about some of them, which includes
5 very significant work with our C&I customers
6 and our residential customers in 2020 to
7 prepare for projects that will happen
8 hopefully in 2021. We also are working with
9 our vendor community to try and increase --
10 we know that in order to achieve the energy
11 savings, we will need to do more projects
12 each year in the coming three years. So part
13 of doing more projects is having the ability
14 through the vendors to actually go out to the
15 customers and do those projects. So we've
16 been in close communication with our vendor
17 community and working with them on, you know,
18 preparing to ramp up the programs; working
19 with our marketing teams in terms of
20 preparing for outreach and communications and
21 new initiatives, like the Main Streets
22 offering that we started in this three-year
23 plan and that we could roll out more
24 extensively going forward. We're actively

1 working on new MOU -- which is Memorandum of
2 Understanding -- arrangements with some new
3 large customers to achieve savings. So all
4 of those activities are happening in order to
5 ramp up and prepare. And the other utilities
6 may have more.

7 Q. Let me follow up before the other utilities
8 answer.

9 So you mentioned contractors. Is it
10 correct that most of you, all installation
11 work that's projected under this Plan is not
12 done by utility employees, but vendors? Is
13 that right?

14 A. (Peters) Yeah, the utility employees are not
15 going out to customer sites doing the actual
16 blowing of insulation or installing of HVAC
17 systems. We work with a whole --

18 Q. So can you say specifically how it is that
19 you're confident, if you are, that there will
20 be adequate contractors to perform the
21 projected budgets? Can you tell the
22 Commission specifically, have you signed
23 additional contracts with these vendors or
24 things of that nature?

1 A. (Peters) Yes. So I know, especially on our
2 midstream offerings, right, which are
3 offerings where we are working with a network
4 of distributors across the state, that
5 network has expanded this year. We expect it
6 to continue expanding. We have a focused
7 effort on that here at Eversource, and I
8 think the other utilities. I'm not
9 completely up to speed on all of our various
10 vendor relationships. We do have some
11 implementation folks available who could
12 speak more to that if -- (connectivity issue)

13 (Court Reporter interrupts.)

14 A. (Peters) -- if the Commission is interested
15 in hearing from them at some point during
16 this hearing.

17 Q. At this point I would ask the other utilities
18 to tell, and they can go in any order they
19 want, to tell the Commission specifically
20 what steps they've taken to meet the
21 projected increase in budgets and savings,
22 not just for 2021, but for the three-year
23 plan.

24 A. (Downes) So I'll go first, if that's okay

1 with the other utility parties.

2 I want to first point to the Settlement,
3 which is Exhibit 14, and Paragraph 5 of that.
4 There's a section called "Changes in SBC and
5 LDAC Rates." And there is a provision in the
6 Settlement for if a change -- and I'm
7 quoting -- "If a change is needed to account
8 for collection adjustments or true-ups, any
9 such change to the SBC or LDAC rates approved
10 for the 2021 to 2023 Plan shall be filed for
11 review and approval by the Commission."

12 So I just want to be careful that we're
13 not anticipating that if the Settlement is
14 approved, that that's it, we're locked into
15 SBC or LDAC rates for three years with no
16 possible change. We absolutely have the
17 intention, as we always have, of keeping an
18 eye on over- and under-collections and
19 adjusting rates if necessary. So I just
20 wanted to clear that up.

21 In terms of preparing for the next term,
22 as you know, because I know that Staff has
23 been participating, we've had a year now of
24 stakeholder engagement and working with

1 consultants and experts brought in to help
2 facilitate. We've had public listening
3 sessions under the auspices of the EESE Board
4 and its EERS Subcommittee. So it's not a
5 secret that we are intending to expand our
6 activities and increase our goals over the
7 next term. So we are all engaged. As Kate
8 laid out, a lot of those activities are
9 identical for all of the utilities because we
10 share vendors. We are, in preparation for
11 even program year 2021, sharing our draft,
12 you know, the September Plan, with our
13 vendors and contractors so that they're aware
14 of the potential for the dramatic increase in
15 activity that we're proposing. And they're
16 excited, for the most part.

17 We also have in our Plan efforts to
18 expand work force development opportunities.
19 We do have some constraints in terms of the
20 work force that's available. We are well
21 aware of that and working with our partners
22 to address that. We have an RFP that's been
23 issued to help us address some of those
24 concerns.

1 But I think, given the economic climate
2 and the interest of contractors in getting
3 back to work, given this current year, that
4 we are actually in a pretty good position to
5 ramp right back up again once things go back
6 even a little bit more to normal.

7 CHAIRWOMAN MARTIN: Ms. Downes --

8 WITNESS DOWNES: Yes.

9 CHAIRWOMAN MARTIN: Can you restate
10 the cite to the Settlement Agreement that you
11 mentioned? I didn't catch it.

12 MS. DOWNES: Sure. Yup. This is
13 Exhibit 14. And I'll give you the Bates
14 number. It's Bates 13 toward the bottom, and
15 it's Paragraph 5, called "Changes in SBC and
16 LDAC Rates."

17 A. (Hill) I would briefly note that I think a
18 joint plan from the utilities on a statewide
19 basis for three years is also, by itself,
20 it's a statement that will help to ramp up
21 activity. It's not a year-by-year cycle.
22 It's a three-year cycle, and there's
23 coordination across the utilities. And that
24 sends signals to both the trade allies and

1 the training organizations, et cetera, that
2 this is a significant increase. And that's
3 an important step towards building the
4 capacity to deliver on the savings.

5 CHAIRWOMAN MARTIN: Just a moment.
6 Looks like we lost Ms. Downes. Oh, there you
7 are. You're back.

8 Okay. Go ahead.

9 BY MR. DEXTER:

10 Q. Also, my question went to the four electric
11 utilities. I don't know if the other two
12 want to add anything. We haven't heard from
13 Liberty or Unitil.

14 A. (Stanley) Yes, Mr. Dexter, I can -- can you
15 hear me? Okay. Sorry. Thanks.

16 Yeah. So in addition to what the other
17 panelists commented on, I will also add about
18 a key element that we've been building up
19 this past year and will continue to do so
20 going forward is the creation of various new
21 pathways to engage with our customers.
22 Specifically, a really key change that is
23 going to open up a lot more avenues for us to
24 drive program activity that we're just really

1 scratching the surface on is adjusting our
2 programmatic approach to have more midstream
3 and upstream changes; so, working with
4 equipment distributors and product
5 manufacturers who, in most cases, are the
6 primary touch points with customers, rather
7 than historically we've relied primarily on
8 the direct customer interaction to sell
9 projects and not so much relying again on
10 folks like equipment distributors and
11 whatnot, who are also a key selling point for
12 working with our customers, and particularly
13 our C&I customers. So that's a key change
14 that we see a lot of promise. And we see
15 this working well in our states, and we think
16 there's a lot of opportunity for us to grow
17 here. And this was a subject that was
18 discussed at length during the stakeholder
19 process.

20 I think the other area that we're
21 working on now that presents a lot of
22 opportunities for us is also the buildout of
23 more online and virtual services. So, for
24 example, we've been very limited historically

1 with the types of services, such as an online
2 marketplace that we offered to customers
3 through New Hampshire Saves and across the
4 utilities. And that's something that we're
5 actively working on now and have been engaged
6 in a process to see where that could be
7 expanded upon, where we could be selling
8 different products and services more directly
9 to customers and having a more viable
10 resource to do that. Also, given the effects
11 of the pandemic, we've almost been forced to
12 look at some of these other services that we
13 haven't considered in the past, such as
14 virtual audits or virtual inspections, but we
15 think also hold a lot of promise and will
16 help us ramp up into the future. So those
17 are just some additional examples I will
18 mention.

19 I think the other point I would comment
20 on is, as part of the development of the
21 Plan, it was mentioned earlier about how
22 we've taken into account tremendous feedback
23 from lots of different folks, whether it's
24 expert stakeholders, customers. During the

1 summer, we completed primary research on our
2 customers to gauge their direct impact on how
3 they perceived the pandemic impacting their
4 interests in energy efficiency. And we were
5 pleasantly surprised to see that customers
6 are actually telling us that, because of the
7 pandemic, it's not lessening their interest
8 in energy efficiency; in fact, it's the
9 opposite. Across our residential and
10 customers, they're saying they're actually
11 more motivated on average to want to engage
12 in energy efficiency, but they're looking for
13 solutions. They're looking for resources to
14 help with that. And just this past year,
15 certainly for Liberty, and I believe this is
16 the case across the board for the other
17 companies, we've seen record demand across
18 our residential portfolio this year.

19 There has been more challenges in the
20 C&I market, but a lot of that had to do with
21 the lost momentum earlier in the year, where
22 the majority of our C&I customers, there's
23 typically longer planning cycles for projects
24 that we see in the C&I side than compared to

1 the residential market. So in many cases
2 we're just seeing projects getting deferred
3 out, and that's where having -- for our
4 customers, they want to see certainty in
5 terms of what they can expect for programs
6 and resources going forward in the future to
7 assist with their planning. So we're very
8 confident in the future. Of course, there's
9 unexpected things that we can't anticipate.
10 We couldn't have anticipated the pandemic
11 like it is this year. But we're very
12 confident based on the momentum that we're
13 seeing right now.

14 Q. Is it correct that the utilities
15 substantially increased the rebates for
16 residential customers during 2020?

17 A. (Stanley) For certain product offerings.

18 A. (Peters) I was going to say the Home
19 Performance program was the main area where
20 the incentives were increased this year.

21 Q. Was that successful in allowing the Company
22 to, at least in Eversource's case, where we
23 have the letter and I have the figures,
24 allowing the Company to meet or even exceed

1 its residential -- (connectivity issue)

2 (Court Reporter interrupts.)

3 Q. Its residential budget.

4 A. (Peters) Yes, I do think that was a piece of
5 it, Paul. One of the things that we were
6 very concerned about when we had stopped the
7 program for four months was getting it
8 started again and making sure that those
9 contractors didn't kind of lose all capacity
10 to do work in the state. They had furloughed
11 or laid off their employees, many of them.
12 And we wanted to try to ensure a strong
13 marketplace for them to come back to, and,
14 you know, a significant effort to help
15 customers overcome any concerns they might
16 have about implementing work during what
17 might be an uncertain time for them. So we
18 did implement those increased incentives this
19 year. And I do think those increased
20 incentives had their intended effect of kind
21 of spurring the marketplace here in 2020,
22 which has been positive for both the
23 contractors and the customers.

24 Q. Can you describe in detail the level of the

1 increases that were offered in the
2 residential programs that you mentioned?

3 A. (Peters) I can describe the Home Performance
4 increase. The prior incentive in Home
5 Performance was approximately a 50-percent
6 incentive, with a cap of eight -- sorry -- a
7 cap of \$4,000 for the incentive. The
8 increased incentive was or is a 90 percent
9 incentive with a cap of \$8,000. All of the
10 work must still meet the cost benefit
11 analysis, you know, that all of our programs
12 go through.

13 Q. Did the companies offer similar rebate
14 increases to C&I customers in 2021?

15 A. (Peters), Yes we did also increase our
16 incentive offerings for C&I customers. The
17 projects vary much more than the residential
18 projects, and so it's not quite as cut and
19 dry of an explanation. But we are offering
20 enhanced incentives to C&I customers through
21 our portfolios. And in some cases those
22 enhanced incentives are driving activity the
23 way they did in the residential sector. If
24 you look at the small business budget portion

1 of that letter that you're looking at, our
2 small businesses, that budget will be
3 exceeded. But the large customers, those are
4 the customers that, you know, have, as Eric
5 said, these longer planning time periods and
6 oftentimes capital investment budgets that
7 are driven at corporate levels sometimes not
8 even in New Hampshire, where perhaps their
9 corporate level has put a pause on capital
10 investment for the year, or something to that
11 effect. So it's in the large commercial
12 sector that we see the most underspend, where
13 even enhanced incentives were not quite
14 moving things this year.

15 Q. Do the budgets that are presented in the
16 Settlement project the increased rebates that
17 you just described for 2020?

18 A. (Peters) No, they do not. I believe our
19 intention for the Home Performance program
20 that I was talking about -- that was the one
21 that increased to 90 percent -- the intention
22 is for 2021 to go down to I think 75 percent
23 rather than all the way back down to
24 50 percent right away. So we're backing down

1 from that enhanced incentive. We planned for
2 75 percent.

3 And then obviously we'll need to keep an
4 eye on, you know, how that works in the
5 marketplace. You want to end up hitting the
6 right incentive level, where you are driving
7 the number of projects that you need, but
8 obviously not over-incentivizing. And so
9 we'll be looking at that as we go. But
10 that's the intention in terms of 2021 at the
11 moment.

12 Q. And isn't it correct that the rebates on the
13 low-income program, the HEA program, which I
14 believe stands for Home Energy Assistance,
15 are already at 100 percent -- is that
16 right -- and they were in 2020, and they will
17 continue that way in 2021?

18 A. (Peters) That's correct. Yes.

19 A. (Downes) Paul, I might add that one of the
20 things that a three-year term is helpful for
21 is giving the utilities and our market, you
22 know, partners in the field, flexibility to
23 respond to market changes with changes to
24 rebates, changes to measures, increases --

1 you know, new measures coming on. And we
2 intend in the future, as we have in the past,
3 to be fully transparent about those changes
4 with parties. However, we don't expect to
5 need a new filing or, you know, to come back
6 to the Commission for permission for those
7 types of things. And that's been kind of the
8 MO of the programs in the last couple of
9 years. But I think the three-year framework
10 really locks that in and gives us the runway
11 to go do our jobs as experts with our
12 partners in the field in a way that will
13 maximize program effectiveness.

14 And I can speak from the experience in
15 Massachusetts, where Unitil also has
16 operations, that that is the case there.
17 There is more flexibility and fluidity to the
18 measures that are offered and the rebate
19 levels, and consistent across the companies
20 and with, you know, good consultation behind
21 it. But that is one of the benefits of a
22 three-year framework.

23 Q. With respect to Unitil and the residential
24 program, what percentage of rebates is

1 projected for those programs for the three
2 years?

3 A. (Downes) I'm sorry. Can you rephrase that?
4 I'm not -- I'm not sure I understand.

5 Q. With respect to the budgets that were put
6 forth for Unitil on the residential side,
7 what level of rebate is assumed in those
8 budgets per year?

9 A. (Downes) Well, we have over a hundred
10 measures. So the rebate is different for
11 each measure, as reflected in the PC models.
12 But as with the other utilities, the Home
13 Performance program for next, starting in
14 2021, is planned in the BC models to have a
15 rebate of approximately 75 percent of the
16 total cost of the job. Does that answer your
17 question?

18 Q. And the low-income program is 100 percent.
19 So the --

20 A. It's always 100 percent.

21 (Court Reporter interrupts.)

22 MR. DEXTER: Yes, I can restate the
23 question. I'm just asking Unitil to confirm
24 that their answer would be the same as

1 whatever Eversource just gave a few minutes
2 ago concerning rebates built into the
3 three-year budget.

4 A. (Downes) For the low-income sector, the
5 rebates are 100 percent. And that's not a
6 change from the past.

7 Q. So I'd like to direct the panel to Bates
8 Page 16 of Exhibit 1. And this is the page
9 where the utilities discuss the, I don't know
10 if we've used the term "collaborative
11 process" today. The "stakeholder process" I
12 believe is what you've been referring to it
13 today.

14 Could someone on the utility panel, or
15 anyone on the panel, sort of summarize for us
16 who was involved in the stakeholder process?

17 A. (Peters) I could start and have others fill
18 in, if that works.

19 So the Commission set the EESE Board as
20 the primary kind of stakeholder body for the
21 EERS. And I believe it was in the 2019
22 update order we set out a stakeholder process
23 for creation of this three-year plan. And
24 the way that that kind of came to be or

1 happened is that the EERS Committee of the
2 EESE Board became kind of the place where
3 those stakeholder conversations happened.
4 The EERS Committee had a number of members,
5 many of whom were EESE Board members, but
6 some of whom are not actually members of the
7 EESE Board but were stakeholders that wanted
8 to join the EERS Committee. And that
9 committee began meeting last fall, I believe
10 in November. And we had, for most of the
11 time period from November of 2019 through
12 August of 2020, a twice-a-month meeting of
13 that committee -- there may have been one
14 month where we didn't meet twice -- to talk
15 about kind of all aspects of the Plan, from
16 goal setting to budgets to kind of deep dives
17 into programs and all kinds of various other
18 topics. There was a stakeholder consultant
19 that was hired to kind of help with that
20 process and provide information to the
21 stakeholders; that was VEIC. And the
22 utilities also spent, I think it was 13
23 individual meetings, with day-long meetings
24 or half-day-long meetings with VEIC going

1 through every program, talking about best
2 practices and ways to do program design to
3 kind of achieve New Hampshire's goals. And
4 that really helped to inform the program, you
5 know, design portions of the Plan.

6 The utilities submitted an April 1st
7 full draft of the Plan to the Committee and
8 got feedback. And then again on July 1st
9 there were opportunities for public comment
10 provided during the process. I note, you
11 know, PUC Staff can speak to their own role,
12 but Staff members attended. They were not
13 members of the EERS Committee, but attended
14 many, if not all, of the meetings. And
15 members of the public attended various
16 meetings, you know, and provided comments and
17 input where they had them.

18 So that's kind of a high-level overview.
19 I could kind of keep going, but that seems
20 like enough to start.

21 Q. Yeah. I'm more interested in who was
22 actually on the committee. You mentioned
23 Staff was present but was not on the
24 committee. Could you tell the Commission who

1 made up the committee, what organizations?

2 A. (Peters) Let me see. I'm trying to think of
3 where we have a list that I could read off
4 of. I'll tell you what. I will name the
5 members that I can think of, and then perhaps
6 if I missed someone, the other members can
7 fill in.

8 So we had the Office of Consumer
9 Advocate; we had the Department of
10 Environmental Services; we had Ray Burke,
11 representing The Way Home, as he does in this
12 docket; we had Clean Energy New Hampshire; we
13 had the Acadia Center; we had Conservation
14 Law Foundation; we had Southern New Hampshire
15 Services; we had the Business and Industry
16 Association. We had a member representing a
17 municipal energy committee; that was David
18 Borden. We had GDS Associates as an energy
19 contractor. We had -- each of the utilities
20 had a seat on the EERS Committee. I may be
21 forgetting one or two, but -- oh, we had
22 State Senator Martha Fuller Clark and
23 Representative Dave -- I already said David
24 Borden. He's not a rep right now. Bob

1 Backus.

2 Q. And of those members that you listed --
3 again, excluding Staff who was not a member,
4 but attended -- which of those parties would
5 have been providing input to the group from
6 commercial and industrial customers?

7 A. (Peters) The BIA was a member kind of
8 specific to that set of customers. I believe
9 Clean Energy New Hampshire has numerous
10 business members of their organization. You
11 know, some of the others are not representing
12 any particular type of business but interact
13 with businesses. I would assume the state
14 senators and representatives would be
15 representing all of their constituents,
16 including businesses. So that's what comes
17 to mind initially.

18 A. (Stanley) Not to interrupt, but I'd also GDS
19 Associates was certainly representative of
20 the C&I market and was heavily involved in
21 that sector.

22 Q. And it's been mentioned in a number of
23 places, but again on this page of Exhibit 1,
24 that at the end of the process there was a

1 plan presented, and the members of the
2 Committee -- I guess, a draft plan was
3 presented. And the members of the Committee
4 voted whether or not to support the filing of
5 that draft plan with the Commission for
6 approval and implementation. Is that right?

7 A. (Peters) So the utilities provided a full
8 draft on July 1st, and then there was
9 feedback from the Committee. And then the
10 utilities came back to the Committee with a
11 set of proposals, essentially, of adjustments
12 to the July draft that the utilities would
13 make based on the feedback that we received.
14 And to my recollection, the Committee voted
15 on essentially an approval of the July draft
16 as adjusted by the utility proposal. And a
17 primary element of that adjustment was the
18 savings targets of 5 percent for electric and
19 3 percent for natural gas, although there
20 were probably several other pieces that were
21 discussed in that proposal. And this
22 happened during some of the, you know,
23 discussion meetings over the summer.

24 Q. All right. And there were budgets associated

1 with that plan that was submitted for vote as
2 well before the Committee; correct?

3 A. (Peters) The July 1st draft had budgets
4 associated with it, yes.

5 Q. And the adjusted -- I guess it wasn't a draft
6 in August. But the adjusted proposal that
7 got voted on have budgets -- (connectivity
8 issue)

9 (Court Reporter interrupts.)

10 MR. DEXTER: I just asked if the
11 adjusted Plan included budgets as well.

12 A. (Peters) So we did not redo all of the
13 proposed budgets for the adjustment
14 discussion. We did talk very specifically
15 about how the higher goals would result in
16 higher budgets than had been seen in the
17 July 1 draft, and higher SBC rates than what
18 we had discussed as related to the July 1
19 draft. And, you know, the approximation of
20 that, the goal was about 20 percent higher
21 and the budgets and SBC rates would be about
22 that much higher.

23 So you're correct, Paul. We did not
24 have kind of full budget documents the way

1 that we do for the filings that we see before
2 us now, but we did talk about the concept of
3 increased budgets.

4 Q. And with respect to proposed rates, the rates
5 had not been calculated and presented to the
6 group in either the July -- or the adjusted
7 July proposals; is that true?

8 A. (Peters) We did not do full rate calculations
9 for those proposals. We did provide, I think
10 at the request of Staff to the Committee,
11 some estimates on the rate impacts of the
12 July 1 Plan. And we discussed that, you
13 know, those estimates would increase if we
14 were to increase the savings.

15 But really, you cannot do the full rate
16 impact analysis until you are finished doing
17 the benefit-cost modeling because you need to
18 understand all of the kind of more exact
19 numbers on energy savings and where they are
20 coming from in order to then calculate
21 accurate rates, calculate accurate lost base
22 revenue, for those of us who have lost base
23 revenue, and think about the other kind of
24 things like the Forward Capacity Market,

1 funding that comes in, those sorts of things.
2 So you really can't calculate the rates until
3 everything else is finished.

4 Q. And I put into the record, and I don't have
5 them up on my screen, but the minutes from
6 two of these committee meetings back in
7 February. One was February 3rd and one was
8 February 10th. And my reading of those
9 minutes, and my recollection of those
10 meetings, indicated that Staff, who's not a
11 member of the Committee but who attended each
12 and every one of the meetings, expressed
13 concerns over what at the time were projected
14 to be about 35 percent per year budget
15 increases that were being discussed back in
16 February. Is that your recollection and your
17 reading of the minutes?

18 A. (Peters) Yup. I remember that, Paul.

19 Q. And at the same meeting or the next one --
20 again, the minutes are in the record. We can
21 look at some -- isn't it correct that the BIA
22 representative expressed essentially the same
23 concerns as Staff concerning year over year
24 budget increases and what we all expected to

1 be the rate increases that would go along
2 with that?

3 A. (Peters) I remember the BIA expressing some
4 of those concerns, yes.

5 Q. And when it all went through the process and
6 ultimately came to a vote in August, I think
7 it was August 10th, Staff, not being a voting
8 member of the Committee, did not vote;
9 correct?

10 A. (Peters) That's correct.

11 Q. When the BIA cast their vote, do you recall
12 the BIA expressing, while voting in favor of
13 the Plan, continuing to express concerns over
14 potential rate impacts on the proposed
15 budgets?

16 MR. KREIS: Okay. I am -- hold on.
17 I need to object to this whole line of
18 questioning at this point. Now, I realize
19 the rules of evidence don't apply here. But
20 the Business and Industry Association made a
21 choice not to intervene in this proceeding.
22 They're not here. The person to whom Mr.
23 Dexter is referring is not here. And, you
24 know, Mr. Dexter is asking Ms. Peters to

1 characterize things that she heard at a
2 meeting. It really isn't calculated to
3 develop either reliable or even relevant
4 evidence. It really doesn't matter who said
5 what at EERS Committee meetings back in
6 August or back in February. The question is:
7 Is the Plan, as conditioned by the Settlement
8 Agreement, in the public interest? And I
9 don't understand how any of this is remotely
10 relevant. The Business and Industry
11 Association, as everybody in this virtual
12 room knows, filed a letter with the
13 Commission that is in the pile of comments.
14 That letter, which is not evidence, speaks
15 for itself. But Mr. Dexter trying to get
16 those concerns into evidence by asking
17 Ms. Peters these questions is manifestly
18 unfair, and I object.

19 CHAIRWOMAN MARTIN: Mr. Dexter.
20 You're on mute.

21 MR. DEXTER: There's a couple ways
22 I could go about this. One is I would
23 introduce the minutes of the meeting of
24 August 10 of the Committee. But I was

1 informed by the minute-taker that those
2 minutes don't exist, so I can't do that. So
3 I'm asking -- and this question -- Ms. Peters
4 is answering the questions. But everybody on
5 the panel, with the exception of Mr. Hill, I
6 think, was at that meeting. And I think it's
7 highly relevant, where what's been reported
8 is the results of a yes or no vote. I think
9 it's highly relevant that there were comments
10 that went along with that vote that I believe
11 should be recorded in the record here. And
12 the vote is what it is. We can move on to
13 the letters momentarily. But it's the
14 utilities that brought up this process and
15 this vote in their Plan. I just want to make
16 sure that the record on that vote is
17 complete.

18 CHAIRWOMAN MARTIN: Because the
19 vote is specifically referenced by the
20 Settlement Agreement and the Plan, I will
21 allow it, and we will give it the weight it
22 deserves.

23 MR. KRAKOFF: I'd also like to
24 object on hearsay grounds. I mean, yeah,

1 it's not present either. I know the rules of
2 evidence particularly don't apply, but I'd
3 like to note my hearsay objection.

4 CHAIRWOMAN MARTIN: Thank you.
5 Noted. And I will still overrule the
6 objection.

7 A. (Peters) I'm unclear if there's a question
8 that I'm supposed to be answering now or if
9 there's some other discussion that needs to
10 happen first. So if someone could just let
11 me know.

12 CHAIRWOMAN MARTIN: You can answer
13 the question.

14 A. (Peters) Paul, can you just remind me of the
15 question?

16 BY MR. DEXTER:

17 Q. My question is when the BIA voted on
18 August 10th at the EERS Committee meeting to
19 support the Plan for filing before the
20 Commission, did they at that time express
21 concerns over the budget increases and the
22 expected rate increases that would go along
23 with that, similar to the concerns that you
24 just stated you recall them making back in

1 February?

2 A. (Peters) I recall them voting in support of

3 the Plan but kind of reserving the right,

4 that they didn't know what the final rates

5 were. And to that extent, the utilities have

6 to take the information that we've gotten

7 from the Committee, primary of which is a

8 consensus on the energy savings targets that

9 we should use to develop the September 1

10 Plan, and, you know, finalize -- you know,

11 shift from the draft to the final plan. And

12 that, as we've discussed before, is kind of

13 the primary driver of what turned into the

14 September 1 filing. And that energy savings

15 target did seem to have support and consensus

16 from the Committee, you know, regardless of

17 whether the BIA or even other members

18 expressed kind of a -- with the exception

19 that we don't know the final X, Y or Z

20 element, because the timing was such that we

21 could not present a final plan to the

22 Committee and to the Commission at the same

23 time. We had to get the Committee's

24 feedback, understand it as much as we

1 possibly could, and then use that feedback to
2 develop a plan to file with the Commission.

3 Q. Since the filing of the Plan, have you had
4 specific conversations with your C&I
5 customers, and particularly your large C&I
6 customers, about the Plan and about the
7 proposed rate impacts once they were filed on
8 September 1st; and if so, what was the
9 message you heard back from your customers?

10 A. (Peters) I have not personally had any
11 one-on-one conversations with our C&I
12 customers that I can recall. I did attend a
13 meeting of the BIA -- I forget the name of
14 the committee, energy committee,
15 manufacturing committee possibly -- where the
16 September 1 Plan was discussed. And there
17 was discussion about rate impacts and what
18 those might mean for the members. I also
19 used that opportunity to talk to the members
20 who were there about how much we wanted to
21 work with them to implement efficiency to
22 reduce their bill impacts. So I was part of
23 that conversation that happened.

24 A. (Stanley) Paul, I can offer, too, that my

1 team has had interactions with some of our
2 largest customers in terms of the next
3 three-year period. And with several of our
4 customers, some of the largest customers that
5 we serve, we've generally had a response of
6 excitement, of encouragement, where customers
7 planning multi-year efforts for investments
8 are looking for more clarity in terms of what
9 is going to be there for services. So we've
10 not seen the kind of dark cloud response or
11 concern about bill impacts. Again, this is
12 coming from some of our largest customers we
13 serve both on the electric and natural gas
14 side.

15 MR. KREIS: I just want to note my
16 ongoing objection to this whole line of
17 questioning. I mean, rates -- the Commission
18 doesn't run rate proceedings as if they're
19 popularity contests. And what individual
20 customers may or may not have said to
21 anybody, particularly the utilities, about
22 whether they like these rates or not just
23 simply is not relevant. This is a waste of
24 time.

1 CHAIRWOMAN MARTIN: Mr. Dexter.

2 MR. DEXTER: I'm not sure how to
3 respond. The question was answered by two of
4 the utilities. If the other utilities wanted
5 to add to it, I'd certainly be happy to hear
6 that; and if not, I'd be happy to move on to
7 another question. But obviously it's up to
8 the Chair on how to proceed.

9 CHAIRWOMAN MARTIN:

10 MS. DOWNES: Well -- okay --

11 MR. DEXTER: But I guess I should
12 have said that I fundamentally disagree with
13 the notion that customer reaction to proposed
14 rate increases are not relevant to a
15 proceeding where rates are being set. I
16 think that's fundamentally wrong.

17 CHAIRWOMAN MARTIN: And I apologize
18 for interjecting on a different basis right
19 now, but it looks like Ms. Mineau dropped
20 off. Do we need to wait for her, Mr.
21 Emerson?

22 MR. EMERSON: No. She had to leave
23 for a different meeting, so she's not
24 participating. But that is fine. We can

1 proceed.

2 And I would also just like to note
3 that I have the same strong concerns that Mr.
4 Kreis has regarding the line of questioning.

5 CHAIRWOMAN MARTIN: Okay. Thank
6 you.

7 And Mr. Dexter, I think we're
8 moving on at this point.

9 MR. DEXTER: Well, as I said, I
10 welcome an answer from the other two
11 utilities. But if you're instructing me to
12 move on, I will move on.

13 CHAIRWOMAN MARTIN: I'm instructing
14 you to move on.

15 BY MR. DEXTER:

16 Q. So as Mr. Kreis indicated, there are two
17 letters from the BIA that are in the Comments
18 file --

19 MR. KREIS: Okay. I object, I
20 object. The comments are not evidence. And
21 I refuse to go along with Staff getting those
22 comments into evidence. That is not kosher.

23 CHAIRWOMAN MARTIN: Mr. Kreis, I
24 haven't actually heard the entire statement,

1 so if we can just hear what he's going to say
2 before you object, I would appreciate it.

3 MR. KREIS: Fair enough.

4 MR. DEXTER: I wanted to pull --
5 there were two letters. And I guess I'll go
6 with the first letter which was filed --
7 well, it was filed before the second letter.
8 And my understanding of the first letter is
9 that it requested that the utilities -- I'm
10 sorry. I'm mixing up the --

11 CHAIRWOMAN MARTIN: Mr. Dexter, can
12 you clarify what letters you're talking about
13 so that I have a better understanding?

14 MR. DEXTER: Yes. I actually
15 wanted to ask about three letters, and I'm
16 mixing them up in my mind. So let me start
17 again.

18 There was a letter filed, and if I
19 open up the Comments file, I can give you the
20 exact date. But there was a letter filed
21 from a group of legislators to the Commission
22 that asked the Commission to, quote, unquote,
23 suspend the docket indefinitely.

24 And my question to the utilities

1 would be, hypothetically, if the Commission
2 were to follow that advice and, quote,
3 unquote, suspend the docket indefinitely,
4 what impacts would that have on the
5 proposed -- well, what impacts would that
6 have on their ability to provide energy
7 efficiency programs?

8 CHAIRWOMAN MARTIN: So Mr. Dexter,
9 you're not seeking to introduce those
10 comments as exhibits or evidence.

11 MR. DEXTER: No. That's correct.
12 I'd just like the utilities to comment on
13 that suggestion. And I understand that
14 there's probably some ambiguity as to what it
15 means to, quote, unquote, suspend the docket.
16 But I'd like to hear the utilities' reaction
17 to that.

18 MR. KREIS: But wait. I object.
19 That question basically assumes facts that
20 aren't in evidence. So what Mr. Dexter is
21 doing is working those letters into evidence
22 in a backdoor fashion. And, you know, to
23 state the obvious, and at the risk of saying
24 something crass, the very first name on one

1 of those letters is no longer alive. So it
2 doesn't -- it's just not appropriate to waste
3 time in this hearing talking about what those
4 letter writers may or may not have asked the
5 Commission to do, and why. And so sneaking
6 that into evidence by asking the utility
7 witnesses, well, what would you do if the
8 Commission agreed with those letters, that is
9 not --

10 MR. KRAKOFF: I also disagree
11 with --

12 (Court Reporter interrupts.)

13 CHAIRWOMAN MARTIN: I'm going to
14 overrule the objection, although I think the
15 question should go to, procedurally,
16 suspension as opposed to where the source of
17 that comes from. So I agree with Mr. Kreis
18 as to the comments. But I would be
19 interested in hearing the answer to the
20 question procedurally.

21 MR. KRAKOFF: I would object on --

22 (Court Reporter interrupts.)

23 CHAIRWOMAN MARTIN: Mr. Krakoff.

24 MR. KRAKOFF: Nick Krakoff from

1 CLF. And I said that I object on the grounds
2 that it's speculative. The utilities don't
3 know the answer to that question, and I don't
4 think they should be forced to answer that
5 question.

6 CHAIRWOMAN MARTIN:

7 MR. TAYLOR: Commissioner, this is
8 Patrick Taylor from Unitil. And I understand
9 that you've overruled Attorney Kreis's
10 objection. I do just want to point out that
11 if Mr. Dexter is allowed to proceed with this
12 hypothetical, that no party to this docket
13 has actually put any such proposal before the
14 Commission in the record.

15 CHAIRWOMAN MARTIN: Thank you.

16 And I think we've lost track of the
17 question at this point because Mr. Krakoff
18 said the utilities hadn't answered the
19 question.

20 So Mr. Dexter, can you frame this
21 question in a way that does not include the
22 comments and we can see where we can go from
23 there?

24 BY MR. DEXTER:

1 Q. If the Commission decided to not rule on this
2 docket, is it correct, in the utilities'
3 viewpoint, that they would have no authority
4 to offer energy efficiency programs in 2021
5 because the previously approved program and
6 rates expire at the end of 2020?

7 MR. KRAKOFF: Objection --

8 MR. KREIS: Okay, I object --

9 (Court Reporter interrupts.)

10 MR. KREIS: My objection, and I'm
11 not sure what Mr. Krakoff said, but my
12 objection is that the question calls for a
13 legal opinion that the witnesses are not
14 qualified to offer.

15 MR. KRAKOFF: And this is Nick from
16 CLF. I was going to make the same objection.

17 CHAIRWOMAN MARTIN: Okay. On that
18 basis I will sustain the objection.

19 BY MR. DEXTER:

20 Q. If the Commission were to say to the
21 utilities, let's take the current SBC rate
22 and the current budgets that were approved
23 for 2020 and apply them to 2021, what impact
24 would that have on the utilities? How would

1 that impact the utilities' implementation of
2 EE programs in 2021?

3 A. (Peters) I don't hear anyone interrupting, so
4 I'm going to answer that one.

5 I think, Paul, it would require us to
6 essentially create a plan for 2021 with that
7 SBC rate and that budget. The 2020 Plan in
8 its entirety does not kind of completely cut
9 and paste into 2021. As we talked about
10 earlier, there are certain elements of the
11 energy savings assumptions. The TRM has been
12 written, the Technical Resource Manual, for
13 how we calculate savings, and those
14 calculations are different for 2021 than they
15 were for 2020. So the energy savings that we
16 might achieve with the 2020 budget in 2021
17 would be different. We would need to model
18 the new 2021, if that were the case with the
19 budget, and we would have to make some
20 decisions about what offerings we're making
21 to utilize those funds. We have new elements
22 to the Plan that we intend to do in 2021,
23 some of which are important. We talked a
24 little bit ago about workforce development as

1 something that needs to be addressed here in
2 New Hampshire. We have a codes and standards
3 effort proposed that really needs a couple
4 years of work before it gets implemented. We
5 have midstream measures, as Eric was talking
6 about, where we're working with distributors
7 in the marketplace in new ways. And so I
8 think we would need to take a step where we
9 essentially did a plan utilizing whatever
10 budget it was that the Commission approved,
11 and that plan would not look like the current
12 three-year plan that we've proposed, and it
13 would not look like the current 2020 Plan.
14 It would require us to create something kind
15 of new for this new circumstance that you are
16 asking about.

17 Q. And similarly --

18 A. (Stanley) Can I also add to that?

19 Q. Sure.

20 A. (Stanley) Sorry. I would also add, in
21 addition to that, all things being equal, the
22 savings to be achieved would be notably lower
23 than what's currently in the 2020 Plan
24 because of these newly applied assumptions

1 that we would anticipate still needing to
2 apply because of changes to market baselines
3 and whatnot: The finalization of the
4 Technical Reference Manual that's being
5 completed now and, in addition to, as Kate
6 mentioned, essentially gutting certain
7 efforts that we're already in the midst of
8 developing now to transition effectively into
9 2021. A notable example on the gas side is
10 Liberty's proposed aerial infrared mapping
11 project that we see as a key effort to drive
12 residential program savings into the future.

13 Q. And similarly, if the Commission were to take
14 a different tact, and instead of doing what I
15 posed in the last question, but instead said
16 something like we would direct you to develop
17 a plan with savings targets that were lower
18 than what was proposed in the Settlement --
19 I'm going to make up a number, say
20 3.5 percent on electric and maybe 2.5 percent
21 on gas -- what steps would the utilities go
22 through to comply with the directive, and
23 what sort of impact would that have on your
24 ability to offer plans in 2021?

1 A. (Peters) So I think similarly, just in a
2 different lens, we would need to relook at
3 the benefit-cost models and the proposed
4 program offerings and the proposed budgets
5 and rate base and determine how to adjust all
6 of those in a way that got us to the new
7 directive that the Commission had given us.

8 A. (Downes) I would add that it also calls into
9 question what the stakeholder process was
10 intended to do. Because if we are -- if we
11 were to be ordered to develop a plan with
12 sort of fiat lower goals, sort of somewhat
13 arbitrarily, it would not be clear whether we
14 were to do that on our own as utilities or if
15 we are to engage with the folks that we've
16 been engaging with for literally the last
17 year. And time, of course, is needed to
18 undertake a stakeholder process. So I just
19 want to point out that we didn't get here
20 overnight. We've gotten here over the course
21 of a year. So we could throw something
22 together, but it wouldn't necessarily reflect
23 the best efforts of not only the utility
24 folks, but the stakeholders that we've

1 engaged with.

2 Q. The efforts that the three of you have
3 described in response to those two
4 hypotheticals, how similar or different would
5 they be from what it was that I assume you
6 went through in the time period between when
7 the Plan was filed and settlement talks began
8 and a settlement was filed with the adjusted
9 goals?

10 A. (Downes) The adjusted goals -- so there were
11 two things that happened. And I want to be
12 careful not to discuss, you know,
13 confidential settlement discussions. But the
14 two primary adjustments were to Eversource's
15 budgets and to apply certain evaluation
16 assumptions that were of high import to all
17 stake -- to several stakeholders, and those
18 include the realization rate adjustments and
19 the net to gross adjustments which are
20 described in the Settlement.

21 For all but Eversource, the only change
22 that happened between the September 1 filing
23 and the Settlement filing was the application
24 of those evaluation adjustments to measures,

1 including some updates from the TRM, the
2 Technical Reference Manual that we are
3 finalizing. It was that that primarily
4 reduced our savings goal. And then
5 Eversource reducing its budget and being the
6 largest electric utility in the state had an
7 impact also on the level of savings goal.

8 So to get back around to your question,
9 it wasn't the same thing between
10 September 1st and settlement as it would be
11 to say drop another -- you know, go from
12 4-1/2 percent to 3-1/2 percent and figure it
13 out, because that means we are -- we're
14 really starting over at that point. That's a
15 significant -- it's a 25 percent drop in our
16 savings. It's going to implicate a whole lot
17 of things.

18 Q. Well, to the extent that Ms. Downes indicated
19 that most of the changes in the Settlement
20 sort of fell in Eversource's column, I'd like
21 Eversource to respond to my question.

22 A. (Peters) You know, I think, Paul, obviously
23 if the Commission ordered us to do something,
24 we would make all effort to figure out how to

1 do it and to come back with a proposal to do
2 it. And so I don't think any of us want to
3 come across as, you know, we couldn't
4 accomplish a Commission order if we were
5 given one. I think what we're trying to do
6 is to be clear that a significant change to
7 budget or savings targets would require a
8 rethinking of the Plan or the year or
9 whatever the time frame was compared to what
10 we've proposed. And that rethinking should
11 be done in a thoughtful way because we
12 ultimately want to make sure that our
13 customers and our contractors in the
14 marketplace maintain a sense of continuity,
15 that they are not left feeling like the
16 programs are uncertain or that they can't be
17 relied upon, because we want to make sure
18 that New Hampshire has the ability to
19 continue achieving energy efficiency into the
20 future. And to do that, we need dedicated
21 contractors who are in business to do the
22 work and not worry that they're going to have
23 to go out of business because they don't have
24 the support of the programs. And we need

1 customers who are maintaining a kind of
2 continual and increasing level of interest,
3 which requires us to engage with them and to
4 market to them and to be kind of getting our
5 contractors to do the same. And so we would
6 just have to be very thoughtful about how we
7 went about it and try to do it in a way, you
8 know, that maximizes all those things I just
9 talked about. And to do so is not something
10 that you can probably do effectively in a
11 couple weeks. I'm not sure exactly what the
12 right time frame would be. But I think we
13 would want to do whatever the Commission told
14 us to, but do it in as thoughtful a way as we
15 can. And as Mary said, we would need some
16 direction as to what other voices are
17 involved in that discussion.

18 A. (Downes) So can I bring up one other point
19 here? I think one of the things that was a
20 very integral part of building the budgets
21 and achieving the savings in the places where
22 there's the most opportunity is that we
23 changed how we were calculating the system
24 benefit charge and just aggregated it to a

1 residential charge and a commercial charge.
2 So depending on -- so there is a different
3 SBC rate for residential and for commercial.
4 And depending on which approach or how it
5 comes back, that could actually have a fairly
6 significant impact on, you know, what we
7 would be able to do in a new plan at this
8 point. So it definitely could have an impact
9 I think. And it was a deliberate change that
10 we made to enable us to be able to really
11 focus on, you know, the things that came out
12 in the stakeholder process from the technical
13 potential study and looking at where the
14 opportunities are and how we could maximize
15 the cost-effective use of the ratepayer
16 money.

17 Q. Okay. I do have some questions on the now
18 sector-specific rates, but I was saving those
19 for the rate panel.

20 I would like to talk about the bill
21 impact analysis that was provided as
22 Attachment M. I believe it's in Exhibit 2 at
23 Bates 706. And I'm going to try to find that
24 on my screen.

1 A. (Downes) Paul, speaking for Unitil, that
2 might also be a bill and rate impact set of
3 questions.

4 Q. I'm happy to defer the questions if the panel
5 is telling me that the next panel is more
6 familiar with the contents of Exhibit M. My
7 understanding is it was done by a consultant
8 who's not here. So I guess I'm looking to
9 talk to the utility people that were most
10 involved in that study.

11 A. (Downes) The tool was developed by a
12 consultant, but the numbers are based on
13 information internal to the companies. And
14 as I said, I'm speaking for Unitil. I am not
15 the person who can speak to Attachment M.

16 MR. TAYLOR: Paul, sorry. What
17 Bates pages are you on in Exhibit 2?

18 MR. DEXTER: Attachment M is a
19 study that talks about bill impacts and rate
20 impacts, and it starts at Bates 706 of
21 Exhibit 2.

22 (Pause)

23 MR. DEXTER: Should I proceed with
24 questions, or did the attorneys want to defer

1 this to the other panel? And again, I'm fine
2 either way. Whichever panel you think is
3 best to...

4 MR. SHEEHAN: Paul, on behalf of
5 Liberty, I'm trying to confirm, as we are
6 from different locations, whether this is
7 appropriate for Heather or Eric.

8 MR. DEXTER: Sure. I honestly
9 think, you know, having been familiar with
10 the materials and been through all this, I
11 think it's probably a combination of both.
12 And so one suggestion I would have would be
13 to pose the questions to the rates panel.
14 But to the extent the rates panel wanted to
15 defer to one or other of the people that are
16 on this panel, you know, maybe promote them
17 as needed. Something like that. I think
18 fundamentally it's more like a rates panel
19 question. But that's just my two cents.

20 MR. TAYLOR: My understanding from
21 Unitil, in any event, is that this is a
22 question that's better handled by the rate --
23 this attachment is something that the rates
24 panel can speak to, or at least our rates

1 witness. I don't want to speak for the other
2 utilities.

3 MS. CHIAVARA: Eversource has staff
4 resources available for this. They weren't
5 necessarily slated on either the rates panel
6 or the panel for the Plan. But we can make
7 appropriate staff available to answer
8 questions, if that's -- if it's felt that
9 that's necessary.

10 CHAIRWOMAN MARTIN: Are they
11 available now, Ms. Chiavara?

12 MS. CHIAVARA: I mean now as in --
13 I mean, today, yes. Sorry. This is
14 happening in real time. Yes, I can get
15 someone today.

16 CHAIRWOMAN MARTIN: No. I'm asking
17 whether they are actually available at this
18 moment or whether they would be better called
19 upon during the rate panel.

20 MS. CHIAVARA: It appears that
21 someone is available right now. We would
22 have to technologically bring them up into
23 the participation realm of things and swear
24 them in.

1 MR. DEXTER: Madam Chairwoman, if I
2 might suggest, I've been talking a lot today.
3 And Attorney Buckley has some questions on
4 completely different topics than what I've
5 talked about today. I would like to turn the
6 microphone over to Attorney Buckley, and at
7 the end of that, I would like to come back
8 and address these questions about
9 Attachment M. And then I also have some
10 questions about performance incentives and
11 loss base revenues and a few other smaller
12 items. But now, having drawn attention to
13 Attachment M, I really think at this point I
14 would recommend that I hold off those
15 questions and raise them with the rates
16 panel, with possible input from other folks
17 as needed.

18 CHAIRWOMAN MARTIN: Okay. So it
19 sounds like, Ms. Chiavara, we do not need to
20 do that at this moment.

21 Mr. Dexter, you're turning it over
22 to Mr. Buckley right now?

23 MR. DEXTER: That's what I propose
24 to do. If that's all right with the Chair,

1 that's what I will do.

2 CHAIRWOMAN MARTIN: Fine. Go
3 ahead, Mr. Buckley.

4 MR. BUCKLEY: Thank you, Madam
5 Chair. Like Mr. Dexter, my questions will
6 generally be addressed to the panel, and
7 whoever is best suited to answer can please
8 feel free to do so -- (connectivity issue)

9 CHAIRWOMAN MARTIN: Ms. Robidas,
10 can you hear Mr. Buckley?

11 (Discussion off the record.)

12 MR. BUCKLEY: I will have a couple
13 of questions for individuals on the panel, in
14 which case I will address them to the
15 individuals.

16 CROSS-EXAMINATION

17 BY MR. BUCKLEY:

18 Q. So my first question actually I think is for
19 Ms. Peters. In Exhibit 1, at Bates Page 15,
20 that's the Plan, it talks about how
21 supportive the state energy strategy is
22 for -- (connectivity issue)

23 (Discussion off the record.)

24 Q. So I was asking Ms. Peters about the support

1 in the state energy strategy for
2 cost-effective investments in energy
3 efficiency.

4 A. (Peters) Yes.

5 Q. And can you tell me who wrote and released
6 that state energy strategy?

7 A. (Peters) So according to what we have written
8 on this page, it was released by Governor
9 Sununu in April of 2018.

10 Q. And so would it be correct to say that it was
11 released by Governor Sununu and the Office of
12 Strategic Initiatives?

13 A. (Peters) Yes.

14 Q. And can you tell me, is the Office of
15 Strategic Initiatives on the EESE Board?

16 A. (Peters) They are.

17 Q. And did the EESE Board take a vote on the
18 energy -- on the Plan that we're considering
19 today?

20 A. (Peters) Yes, they did. Well, actually, I
21 should preface that. They took the same type
22 of vote that we just described with Mr.
23 Dexter, in terms of what they were presented
24 with was the July 1 draft and a series of

1 adjustments that we would make to the July 1
2 draft. They didn't see anything different
3 than what the EERS Committee had seen, except
4 they did have the benefit of knowing the EERS
5 Committee's vote on it which had happened
6 prior.

7 Q. And did the Office of Strategic Initiatives
8 vote?

9 A. (Peters) Yes. To my recollection, they were
10 there and they voted that they could not
11 support the Plan at this time, I believe they
12 noted due to the fact that there is
13 legislation that would at some point require
14 legislative authority for increases to the
15 SBC rates. I think that's what he referenced
16 when making the vote.

17 Q. Thank you, Ms. Peters. Now I'm going to turn
18 to Mr. Hill.

19 Mr. Hill, at Page 2 of your rebuttal
20 testimony, you express a concern for Staff's
21 proposed hard cap on the SBC; is that
22 correct?

23 A. (Hill) Yes.

24 Q. And can you tell me where in the record Staff

1 has expressed such a concern?

2 A. (Hill) I'm not sure I have a specific
3 citation for you right now. My understanding
4 is that there was a specific level above
5 which Staff was concerned that the rate
6 should not be increased.

7 Q. Would it be helpful if I directed you to the
8 portion of Staff's testimony discussing rate
9 impacts?

10 A. (Hill) It might be, yes.

11 Q. So that would be Exhibit 8, which is the
12 testimony of Ms. Nixon, at Bates Page 15, and
13 it would be the first bullet I think. And I
14 think that same language appears at Bates
15 Page 35, if I'm correct. Have you had a
16 chance to review that language?

17 A. (Hill) I'm not finding that language right
18 now. So Exhibit 8 you're saying? I'm not...

19 Q. Would it be helpful if I read it for you?
20 It's maybe four lines long, three lines long.

21 A. (Hill) That might be appropriate.

22 Q. Okay. So it states, "Staff recommends
23 Eversource revise its C&I customer budgets to
24 better balance short-term rate impacts with

1 the long-term goal of achieving all
2 cost-effective energy efficiency, keeping
3 them more in line with the short-term rate
4 impacts of the other utilities."

5 I'm hard-pressed to find language in
6 there about a hard cap. Would that be --

7 CHAIRWOMAN MARTIN: Mr. Buckley.

8 MR. BUCKLEY: Yes.

9 CHAIRWOMAN MARTIN: We just lost
10 video on Mr. Dexter. Are you comfortable
11 proceeding?

12 MR. BUCKLEY: I am.

13 CHAIRWOMAN MARTIN: All right. Go
14 ahead.

15 A. (Hill) The statement that you just read does
16 not reference a hard cap on rate increases.

17 Q. And would it be fair to say -- (connectivity
18 issue)

19 (Court Reporter interrupts.)

20 MR. EMERSON: This is Eli. I'd
21 just say that if Mr. Buckley could give
22 Mr. Hill some time to go through the
23 testimony to find it, to see if he could, the
24 particular part that he was referencing in

1 his rebuttal testimony.

2 MR. BUCKLEY: That's fair. I can
3 move on if that's helpful. And if you want
4 to talk about this again, please feel free to
5 bring it forward.

6 A. (Hill) Thank you.

7 Q. No problem.

8 So now I'm going to turn to the utility
9 rebuttal testimony at Page 11. And that
10 would be Exhibit 13. Now I'm going to
11 address just the panel more broadly, and
12 whoever feels free to answer can do so.

13 So at Page 11 of the utilities' rebuttal
14 testimony, it states that, quote, The
15 concerns expressed in Staff's testimony
16 appear to be based on inaccurate and/or
17 incomplete information and does not appear
18 germane to the issues relating to the
19 proposed SBC rates, and then cites filings
20 from Rhode Island and Massachusetts in
21 support of those assertions; is that correct?

22 CHAIRWOMAN MARTIN:

23 A. (Peters) Yes, that's what that is.

24 Q. So is it your position, judging from this

1 rebuttal testimony, that the C&I SBC rates in
2 Massachusetts, and those requested for
3 approval in Rhode Island, are higher than the
4 ones requested for approval by the Settlement
5 Agreement before the Commission today?

6 A. (Peters) So I'm not kind of a procedural
7 person. Is it all right for me to reference
8 another exhibit in this response?

9 Q. I think that would be fine. And I could even
10 introduce the exhibit, if that's helpful.

11 A. (Peters) I just need to figure out which
12 number it is.

13 CHAIRWOMAN MARTIN: Mr. Buckley.

14 MR. BUCKLEY: Yes.

15 CHAIRWOMAN MARTIN: Can you say the
16 page in Exhibit 13 again that you're reading
17 from?

18 MR. BUCKLEY: That would be
19 Page 11, I believe.

20 MR. TAYLOR: It's Bates Page 12.

21 MR. BUCKLEY: Page 12. Sorry.

22 CHAIRWOMAN MARTIN: Thank you.

23 A. (Peters) So the utilities have put together
24 Exhibit 16. We gathered the additional rates

1 information from other states for both the
2 C&I & I and the residential sectors in a
3 chart format to make it a little easier to
4 reference.

5 And so I think in response to Mr.
6 Buckley's question about the C&I SBC rates,
7 we see from this chart that the 2021 rate for
8 Eversource that we've proposed is lower than
9 the Rhode Island rate. It is slightly higher
10 than the Massachusetts C&I rate. Although, I
11 will note that the Massachusetts C&I rate
12 there, the proposed rate for 2021 was higher
13 than the Eversource proposed rate in New
14 Hampshire, but they had a significant
15 under-collection, which then adjusted their
16 EERS adjustment mechanism, resulting in it
17 being lower. That's a little bit of
18 commentary.

19 As you can see, the residential rates
20 for Massachusetts in 2021 are much higher
21 than those proposed by Eversource or the
22 other companies in New Hampshire.

23 Q. So you would agree, then, that the C&I
24 customer rates proposed in the three-year

1 plan under consideration here today are all
2 higher than the Massachusetts C&I customer
3 SBC rates, for all-in energy efficiency
4 rates.

5 A. (Peters) I wouldn't say all. I would say
6 that the Eversource New Hampshire C&I rate
7 appears to be higher than the Massachusetts
8 Eversource rate.

9 Q. Okay.

10 A. (Mosenthal) If I could just make a
11 clarification. What Kate is referencing,
12 that the Eversource rate is higher than, is a
13 plan rate for the future. Eversource's
14 proposed 2021 rate is in fact lower than
15 Massachusetts's current SBC rate.

16 A. (Peters) That may not be -- so part of the
17 confusion here may be that the Massachusetts
18 rate is not set on a calendar year basis as
19 we do but on a fiscal year basis. And so
20 there is a current Massachusetts -- and then
21 in Massachusetts there's an SBC portion and
22 then EERF portion. This chart that the
23 utilities have put together, the
24 Massachusetts line represents both the SBC

1 portion and the EERF portion of the rate that
2 is currently in effect as of July 1 of 2020
3 and will be in effect until July 1 of 2021.
4 So the calendar years do not match. It's a
5 little bit -- it's difficult to have an
6 apples-to-apples comparison here. I just
7 want to --

8 A. (Mosenthal) I apologize --

9 A. (Peters) Yeah.

10 A. (Mosenthal) I stand corrected. I was looking
11 at the graph in the 2020 rate, the rate
12 listed as 2020. But I understand now it's --

13 A. (Peters) Yeah. Sorry. I'm trying to be as
14 accurate as possible without being too
15 confusing. And I don't know if I've
16 succeeded.

17 Q. And so could I turn your attention to
18 Exhibit 27.

19 A. (Peters) Sure.

20 Q. Do you recognize Exhibit 27?

21 A. (Peters) Yes.

22 Q. And can you tell me what it is?

23 A. (Peters) It appears to be the Eversource
24 tariff for Massachusetts.

1 Q. And would it be accurate to say that this
2 also happens to be cited in the utilities'
3 joint rebuttal at Footnote 1?

4 A. (Peters) Yes.

5 Q. If you clicked that hyperlink, it would lead
6 to this document?

7 A. (Peters) Yes.

8 Q. And can you tell me where on this document it
9 shows that the C&I SBC rate is higher than
10 the Eversource C&I rate?

11 A. (Peters) You know what, Brian? This may have
12 to do with some of the confusion that I was
13 just trying to explain. And it may be that
14 the testimony should have had an additional
15 reference, which was the proposed SBC rate
16 for 2021 in Massachusetts, which was then
17 reconciled to a lower amount due to an
18 over-collection. So this rate, this .00893
19 commercial rate, which is the same rate that
20 is reflected in the utilities' chart for 2021
21 in the exhibit that we provided, is in fact
22 slightly lower than the Eversource proposed
23 2021 C&I SBC rate. And so there's some
24 confusion there in terms of Massachusetts,

1 with what was proposed, what is in effect
2 now, and how the calendar years cross in
3 Massachusetts.

4 Q. And now can I ask you to turn to Exhibit 28,
5 please?

6 A. (Peters) Sure.

7 Q. Can you tell me when you're there?

8 A. (Peters) I am here.

9 Q. And so do you recognize the documents
10 included at Bates Page 2 through 20 of this
11 exhibit, which I can let you know also happen
12 to be cited in the utilities' joint rebuttal
13 testimony at Footnotes 2 and 3?

14 A. (Peters) Yup.

15 Q. And so can you confirm what these documents
16 are, or rather, what they're excerpts from?

17 A. (Peters) To my understanding, they are part
18 of the Rhode Island plan that has been
19 proposed for the next three years for energy
20 efficiency, similar to the Plan that we're
21 talking about in New Hampshire now.

22 Q. And can we turn to -- maybe we'll start from
23 the beginning. Can you turn to Bates Page 4
24 of this document?

1 Are you aware that the Rhode Island
2 program administrators, when they propose a
3 three-year plan, provide only illustrative
4 budgets for years two and three? So if you
5 want to look to Paragraph 2 of Bates Page 4,
6 does that sound correct to you, that the 2022
7 and 2023 budgets in Rhode Island are
8 illustrative?

9 A. (Peters) If that's what you're telling me, I
10 totally believe you. It sounds like it's
11 similar to how we did the 2018 to 2020 Plan
12 here in New Hampshire. We provided budgets
13 for all three years and then did yearly
14 updates. That sounds like what you're
15 describing.

16 Q. Thank you. And now if I could ask you to
17 turn to Bates 148 of this exhibit -- or not
18 148, sorry -- Bates 11 of this exhibit.

19 A. (Peters) Yup. Hold on one moment. Okay.
20 I'm there.

21 Q. So would it be fair to say that this, judging
22 from the title at the top of this rates
23 chart, is base case electric funding. And
24 then in Row 17 it shows the energy efficiency

1 program charge rate proposed?

2 A. (Peters) That's what it looks like.

3 Q. Would it be fair to say that the SBC dollar
4 per kilowatt hour proposed -- or, rather,
5 energy efficiency funding dollar per kilowatt
6 hour proposed remains flat from 2020 to 2021?

7 A. (Peters) Yes.

8 Q. And then does it go up to some degree in 2022
9 and 2023?

10 A. (Peters) Yup.

11 Q. And then if you would go to Bates 13 of this
12 document. Would it be fair to say, judging
13 from the title on this rates chart, that it
14 presents an electric funding plan scenario?
15 And then judging from Row 17, it, too, keeps
16 the SBC flat between 2020 and 2021 and then
17 has a slightly higher rate increase for 2022
18 and 2023; is that correct?

19 A. (Peters) Yeah. And I think what's important
20 about this Rhode Island plan is that Rhode
21 Island right now is the only state that we
22 have this comparison, or at least that I
23 have, for 2022 and 2023, in terms of trying
24 to project what those years will look like

1 and what those rates will be. Massachusetts
2 has not done their plan yet. And I didn't
3 have any other comparable 2022 or 2023
4 proposals from other states.

5 And so what New Hampshire is doing in
6 this three-year plan is looking out into the
7 next three years, which contains some
8 significant market changes as we've
9 discussed. And the Rhode Island plan here
10 seems to be another state that is looking out
11 to those two years. What the relationship
12 between their 2020 programs and their 2021
13 programs is, I don't know. They're starting
14 out with higher rates than we are, just to
15 start with. And I'm not, you know, fully
16 informed on any conversations that are
17 happening in Rhode Island, in terms of why
18 they approached it with this flat from 2020
19 to 2021 that you are pointing out here.

20 Q. And so noting that there are two different
21 proposals here for their three-year plan, my
22 question for you is: Did the utilities, or
23 administrators, rather, contemplate providing
24 something similar for the New Hampshire

1 Public Utilities Commission?

2 A. (Peters) So as I talked about earlier, we
3 have a potential study. And I believe Rhode
4 Island also uses a potential study to look at
5 these low and medium and high-type scenarios,
6 right. And as I noted earlier today, the
7 medium scenario of the potential study
8 presents energy savings targets that are
9 higher than what we have proposed here in the
10 Settlement. I think it takes a great deal of
11 thought and effort to create a plan, a full
12 plan that is balanced and a solid proposal as
13 we were just talking about a few minutes ago.
14 And so while it might not be impossible to
15 present two full plans, I think that the time
16 and resources that we have spent developing
17 what we believe is a reasonable and
18 thoughtful and executable plan have been
19 worth spending on a single plan rather than
20 kind of multiple iterations which would have
21 either pulled our time and attention away
22 from the thoroughness of work or required a
23 longer time period.

24 A. (Downes) I might add to that, to answer your

1 question, Brian, that the September 1st Plan
2 included a whole section on the midterm
3 modification criteria, which was an attempt
4 to keep in mind, you know, to mitigate the
5 risk of a lot of changes for this three-year
6 plan, some of them related to evaluation and
7 to lighting market transformation, but also
8 related to the pandemic. And in further
9 consideration, we ended up, including from
10 Staff, finding those -- providing feedback,
11 we simplified those mechanisms so that there
12 were fewer opportunities to come in and more
13 of an emphasis on working with stakeholders
14 in the interim. So we did consider that.
15 But the feedback that we got was: Simplify
16 it. And we agreed. We believe that's what
17 we got in the Settlement is a better
18 proposal.

19 Q. So would it be accurate to say that, in light
20 of -- I suppose to summarize that, in light
21 of resource constraints, I suppose you had
22 decided to present only one option to the
23 Commission rather than taking the approach
24 that Rhode Island appears to have taken?

1 A. (Downes) I'm not sure what you mean by
2 "resource constraints."

3 Q. Ms. Peters just described the effort that
4 went into pulling together a single plan with
5 a single proposed rate. That was a choice
6 that was made in light of those resource
7 constraints, to put together one plan and one
8 rate, rather than, for example, what Rhode
9 Island did, which was to provide options.

10 A. (Peters) I'm not sure, you know, what Rhode
11 Island's directive was, in terms of what they
12 were to produce for their commission, which
13 may well have been to present these two
14 options. Our directive, in my understanding,
15 was to, through a stakeholder process,
16 develop a plan and file the plan, you know,
17 with the Commission. And so I am not aware
18 of any directive in New Hampshire that was to
19 kind of file multiple potential plans. And
20 so, you know, we may just have a different
21 framework from Rhode Island. I'm not
22 completely sure. But it seems like that may
23 be the case.

24 A. (Downes) I just want to emphasize -- I'm

1 sorry. Go ahead.

2 Q. I thought I heard you say, Ms. Peters,
3 earlier during questioning from Mr. Dexter,
4 that a couple of scenarios were developed for
5 the EERS Committee.

6 A. (Peters) Well, we filed a couple -- "filed"
7 is the wrong word. We presented the
8 Committee with a draft in April and another
9 draft in July. And in discussion with the
10 Committee, in trying to come to some level of
11 consensus about budgets and targets, we had
12 discussions over a variety of kind of
13 different ways to juggle those things. So if
14 you consider those scenarios, then, yes, we
15 talked about some scenarios. But in terms of
16 filing a plan, I don't think we ever intended
17 or thought we were supposed to file multiple
18 plan scenarios.

19 A. (Mosenthal) May I also add that, subject to
20 check, because I haven't studied this entire
21 exhibit, but it appears to me, based on the
22 two pages you've pointed us to, that the
23 difference between the base case and the high
24 case is simply alternative options for 2022

1 and 2023, which the Commission is not
2 actually approving at this point, because
3 they do annual plans even though they have a
4 three-year estimate of where they're going.
5 It appears that the 2021 Plan that would
6 either get approved or not is in fact the
7 same in both scenarios.

8 A. (Downes) One of the priorities of the
9 stakeholder group, including Staff, was this
10 three-year framework that we heard from
11 multiple parties that are in the field, that
12 having an annual update is terribly
13 disruptive to their plans for hiring, for
14 their plans for training, for their
15 procurement, for keeping waiting lists or
16 not. So that was a high priority, of making
17 sure that we don't have this havoc annual
18 year at time and then everybody comes back in
19 and haggles it out again over what the next
20 year is going to look like. So I think that
21 that is -- that was a directive that we got
22 very early on in the stakeholder process and
23 that we remain very committed to having a
24 three-year plan.

1 MR. KREIS: Okay. I need to leap
2 in here and interpose an objection on
3 relevance grounds. I really don't understand
4 what the significance or probative value of
5 any of this is. It seems to be aimed at
6 drawing out the extent to which what happens
7 formally in Rhode Island either did or did
8 not happen informally before the stakeholder
9 group known as the "EERS Committee." And it
10 just isn't relevant to the determination the
11 Commission needs to make here. It could have
12 a deterrent effect on the next time we try to
13 have a stakeholder engagement process. So if
14 the Commission Staff's purpose is to kill
15 that process off, well, you might just
16 succeed. But that is not the purpose of this
17 hearing.

18 MR. BUCKLEY: I was just preparing
19 to move on. So that is fine with me. But I
20 have one last question that I think is
21 directly relevant. And there's more on this
22 exhibit that I do believe is relevant, but I
23 think it makes more sense to discuss on
24 direct with my witnesses. And it does shed

1 some light on the reason Rhode Island took
2 the actions that it took.

3 BY MR. BUCKLEY:

4 Q. But just to close the loop on the highest SBC
5 for commercial customers in New England
6 question, now that we've discussed that the
7 2022 and 2023 Rhode Island rates proposed,
8 not yet approved, are purely illustrative and
9 that the Massachusetts SBC rates that we
10 reviewed within the exhibit and that we
11 pulled forward are not higher than the
12 Eversource C&I customer rates, would it be
13 fair to say that the New Hampshire rates
14 proposed here, which are not illustrative,
15 are the highest in New England, other than
16 the first year of Rhode Island?

17 A. (Peters) Yeah, I think, Brian, that the point
18 of some of this is that 2022 and 2023 don't
19 have a comparison in other states, and they
20 are years that are going to be different in
21 the marketplace, both here in New Hampshire
22 and in other states, because of the impacts
23 of lighting that are happening across the
24 region. So it's very difficult to compare to

1 other states.

2 But, yes, if you are looking at that
3 chart, you know, in the utility exhibit, in
4 2022 and 2023 the proposed Rhode Island rates
5 are the highest, and the next highest there
6 are the proposed Eversource rates, Eversource
7 New Hampshire.

8 A. (Downes) I'd also add that New Hampshire
9 doesn't have revenues from the Regional
10 Greenhouse Gas Initiative to the extent that
11 Massachusetts, and I believe, though I'm not
12 certain, Rhode Island does. We return most
13 of those revenues back to customers.

14 Q. Now if I could move on to Mr. Mosenthal.

15 Mr. Mosenthal, at Page 20 of your
16 rebuttal testimony, you assert that Ms.
17 Nixon's focus on electric savings fails to --
18 (connectivity issue)

19 (Court Reporter interrupts.)

20 Q. -- fails to recognize the benefits of
21 legislatively mandated oil and propane
22 savings that will move through to ratepayers;
23 is that correct, Mr. Mosenthal?

24 Mr. Mosenthal, you're on mute.

1 A. (Mosenthal) I'm sorry. Can you refer me to a
2 line on the page, because I'm not sure
3 exactly where you're referring to.

4 Q. I believe it's Bates Page 20 of your
5 testimony.

6 A. (Mosenthal) Okay. So I am looking at Bates
7 Page 20. Do you know what line number?

8 Q. Eighteen, 17 through 18?

9 A. (Mosenthal) Yes. And I apologize. Now I
10 forgot what the question --

11 Q. The question that follows is can you tell me
12 whether you are certain that such a mandate
13 exists in New Hampshire?

14 A. (Mosenthal) I had been under the
15 understanding that it was legislatively
16 decided that the electric utilities should
17 provide services for the unregulated fuels.
18 And I apologize. I actually thought that got
19 corrected because I did learn that that was
20 not the case. However, it is my
21 understanding that the Commission has
22 approved plans with the electric utilities
23 spending money on oil and propane, and in
24 fact that there's a rule that they can spend

1 specifically, I believe, up to 45 percent of
2 their entire budget on oil and propane.

3 Q. So you agree it is not a legislative mandate
4 for those things.

5 A. (Mosenthal) Well, I do not know. And it's my
6 understanding now that that is correct. And
7 I should have corrected that. I didn't see
8 that it was still there.

9 Q. Okay. Now if I could ask you to move to Page
10 13, Line 6 of your testimony. You assert
11 that a large majority of New Hampshire
12 ratepayers have or will participate in a
13 program if funding is sustained in the medium
14 term; is that correct?

15 A. (Mosenthal) Yes, I did state that.

16 Q. Can you tell me what you mean by "medium
17 turn"?

18 A. (Mosenthal) Well, in other words, that not
19 everybody participates in every year of
20 running efficiency programs. But over time,
21 the majority, you know, in my experience from
22 other areas, the majority tend to
23 participate. So, you know, whether it's
24 more, you know, five years, six years, I

1 don't know. But sustained programs do offer
2 opportunities for everybody to participate,
3 and I believe the majority will in some
4 fashion.

5 Q. And so you support those assertions regarding
6 the regional programs and the likelihood of
7 participation at Pages 11 through 12 of your
8 testimony by citing a Massachusetts study; is
9 that correct?

10 A. (Mosenthal) That is correct, as well as a
11 Nova Scotia analysis.

12 Q. And you suggested that the Massachusetts
13 study showed that in a single year,
14 60 percent of the very largest customers
15 participating in the programs and about
16 32 percent of the next tier of largest
17 customers participated annually; is that
18 correct?

19 A. (Mosenthal) Yes, that is correct, in a single
20 year, in 2017.

21 Q. Now, if I could please ask you to turn to
22 Exhibit 26. And let me know when you're
23 there.

24 A. (Mosenthal) Okay.

1 Q. Do you recognize Exhibit 26?

2 A. (Mosenthal) Yes.

3 Q. Can you tell me what it is?

4 A. (Mosenthal) It is a study done in
5 Massachusetts looking at participation rates
6 across their customers, C&I customers.

7 Q. And can you tell me approximately what
8 overall percentage of these C&I customers is
9 represented by those two groups you discussed
10 in your testimony?

11 A. (Mosenthal) The two groups I discussed, the
12 two largest groups?

13 Q. Yes.

14 A. (Mosenthal) I believe it's the percentages I
15 cited. Can you -- sounds like you're perhaps
16 disagreeing with that. Can you point me to
17 what I should be looking at?

18 Q. So I will admit that I do not have the
19 exhibit open in front of me right now. But
20 what I will say is that, and you can tell
21 me -- I'd ask that you tell me whether or not
22 you disagree with this. On that exhibit, it
23 shows those two large groups of customers,
24 and it appears that they are approximately

1 5 percent of the overall C&I customers.

2 A. (Mosenthal) Oh, oh, what percent of the C&I
3 customers they are?

4 Q. Right.

5 A. (Mosenthal) Sorry. I misinterpreted the
6 question. I thought you were asking the
7 percent that participated.

8 I need to check on what my definition of
9 that group of customers was.

10 (Witness reviews document.)

11 A. (Mosenthal) So, above 1.5-gigawatt hours, it
12 looks like -- well, I can't tell you exactly
13 because on this table -- oh, no, here, I can
14 tell you.

15 Just in 2017 alone, it looks like
16 basically the numbers I cited, roughly
17 33 percent for 1.5 to 4.5-gigawatt hours, and
18 57.7, which I stated was, you know, close to
19 60 percent.

20 Q. And would it be fair to say, Mr. Mosenthal,
21 that reading from this chart, it shows that
22 those large customer buckets participate
23 every other year, every three years,
24 something along those lines? But if you move

1 closer towards the other 95 percent of C&I
2 customers, they are more likely to
3 participate, 5 percent of them, each year?
4 It would be somewhere closer to every 15,
5 every 20 years?

6 A. (Mosenthal) Every 20 years? I'm sorry. Can
7 you repeat the question?

8 Q. So at the very bottom of that chart it has an
9 overall average number; is that correct?

10 A. (Mosenthal) And we are looking at Table 5-2?

11 Q. Yes.

12 A. (Mosenthal) Okay. Yes. Yes, it does. Is
13 that what you're asking me, what the average
14 number is?

15 Q. Yes.

16 A. (Mosenthal) It is 5.5 percent. But I will
17 note a couple of things there, a big one
18 being that electric utilities tend to have a
19 very large number of their smallest customers
20 that really aren't likely to or appropriate
21 to participate. You know, there are things
22 like cell phone towers and switching stations
23 and things like that. So there's a lot of
24 meters that aren't really buildings that

1 bring that average down. And certainly in
2 terms of load-weighted average, it's much
3 closer to the numbers I cite.

4 And actually, another point I want to
5 make is that, as I explained in the
6 testimony, these numbers do not include
7 participation from upstream programs. And
8 virtually every small business has got to buy
9 some light bulbs at some point. And in my
10 experience, you know, the upstream commercial
11 lighting program alone over a number of years
12 is likely to have virtually everybody
13 participate in it.

14 A. (Downes) I might also add that there are a
15 lot of owners of rental property that perform
16 improvements to their buildings that benefit
17 the lessors -- or, you know, renters of those
18 buildings on the C&I side, as well as
19 residential, that don't get counted.

20 A. (Mosenthal) And there may also be customers
21 that own chain accounts that are
22 participating. But I believe the study
23 looked at actual account numbers, you know,
24 individual building addresses or individual

1 meters.

2 Q. So my understanding of this study is that it
3 does include unlinked savings. Is that your
4 understanding? It looked at those that were
5 both linked and unlinked -- i.e., I think the
6 upstream-type programs. I think there's a --
7 I want to say somewhere on that page it
8 says -- (connectivity issue)

9 (Court Reporter interrupts.)

10 A. (Mosenthal) I do see in parentheses it says
11 "includes unlinked tracking data." I'm not
12 positive what that means. It's my
13 understanding that the study does not include
14 upstream participation.

15 A. (Downes) It says on Page 57 of the full
16 document -- I don't know if that's in the
17 exhibit -- that it's important to note that
18 because upstream data is linked to an address
19 rather than an account, participation may be
20 underestimated. And for 2017 it's since
21 changed. But the upstream tracking data does
22 not allow for records to be matched at the
23 account level.

24 Q. And so maybe it would be helpful to give a

1 little bit of broad definitions here.

2 Can you tell us the difference between
3 "upstream," "midstream" and "downstream"
4 programs?

5 A. (Mosenthal) Sure. Downstream programs
6 generally refer to programs where the
7 utility's program is directly engaging with
8 customers, individual customers -- so, for
9 example, paying a rebate directly to a
10 customer. Midstream and upstream, different
11 jurisdictions can define them a little
12 differently. Some just refer to everything
13 as "upstream." But generally speaking, I
14 would say "midstream" tends to address sort
15 of the middle tier of the vendor community.
16 So, retailers and often distributors or
17 trade; allies. In other words, they're the
18 ones getting the rebates and promoting the
19 product. And "upstream" can be higher up; so
20 like manufacturers, for example. So, for
21 example, the utilities' midstream lighting
22 program, I believe, works with lighting
23 distributors and brings down the cost of the
24 lighting. So the customer doesn't directly

1 engage with the utility and may in fact not
2 even know they're participating in the
3 program.

4 Q. And you mentioned earlier that a significant
5 degree of these customer accounts could be
6 things like antennas or cell towers. Can you
7 explain that a little bit more and to what
8 degree a "significant degree" is?

9 A. (Mosenthal) To be honest, I don't know how
10 significant. Perhaps some of the utility
11 witnesses do. It's just my understanding
12 that, in terms of actual numbers of accounts,
13 there's lots of very small usage accounts
14 that would not likely be that relevant to the
15 programs.

16 Q. So would it be fair to say it's probably a
17 fairly small number?

18 A. (Mosenthal) I really don't know.

19 MR. BUCKLEY: I think now I will
20 move on to discussion around net to gross. I
21 note, though, it's 4:15, and I'm curious how
22 long you think we should go today. Often
23 close of business is 4:30, and I'm wondering
24 if I should begin a discussion that could

1 become involved --

2 CHAIRWOMAN MARTIN: How long do you
3 expect your next series of questions to go,
4 Mr. Buckley?

5 MR. BUCKLEY: From here on out, I
6 kind of do a greatest hits of the Settlement
7 Agreement. Maybe each of the topics is 15 or
8 20 minutes, net to gross being my next topic.
9 I could also maybe hand it back to Mr.
10 Dexter, if he has anything to say continuing
11 on the rates and bill impacts. But next up
12 for me would be net to gross, and it would be
13 probably about 15 minutes I want to say.

14 CHAIRWOMAN MARTIN: Well, I'll
15 leave it to you and Mr. Dexter to decide how
16 to use the remainder of the time, but I do
17 plan to end right about 4:30 today.

18 MR. BUCKLEY: Should I proceed, Mr.
19 Dexter?

20 MR. DEXTER: I believe you should.

21 BY MR. BUCKLEY:

22 Q. Okay. And so these are more generally to the
23 panel. And whoever feels can answer should
24 answer, please. The Settlement at --

1 CHAIRWOMAN MARTIN: Mr. Buckley, I
2 just need to make sure Mr. Taylor is still --
3 oh, there he is.

4 Mr. Taylor, I lost you for a
5 moment. I wanted to make sure you were still
6 here.

7 Go ahead, Mr. Buckley. You're on
8 mute.

9 BY MR. BUCKLEY:

10 Q. So I think I can shed a little light on --
11 before we move back to discussing the
12 Settlement, in reviewing a copy of the
13 Settlement which I have, which seems to match
14 the Bates pages that the Commissioners have
15 against the copy of the Settlement which is
16 filed and in the docket book on the web, it
17 looks like there is an additional signature
18 page. So I am pretty sure that all of my
19 pages will be correct. But if anybody else
20 after this discusses pages which are in the
21 attachments which come after the signature
22 page, those will be off by one, I believe.
23 So bear with me when I give the Bates page
24 citation, but I believe they're all correct.

1 So first question is the Settlement at 7
2 describes adoption of net to gross figures
3 that were not included in the initial plan;
4 is that correct?

5 A. (Peters) Yes.

6 Q. And we touched on this already, but can you
7 please explain for me at a high level the
8 difference between net savings and gross
9 savings?

10 A. (Downes) Sure. Am I getting an echo? No?
11 Okay.

12 Gross savings is generally what
13 customers and implementation workers are
14 concerned about. That's how they calculate
15 the savings in the field, using tools, using
16 calculators.

17 Adjusted gross savings is the next step.
18 So I'm going to explain that one, even though
19 you didn't ask. And that is where a
20 realization rate is applied to the gross
21 savings to reflect historically -- historic
22 changes or differences, variances between
23 gross savings and actual savings based on
24 third-party evaluation that uses a variety of

1 tools. So that realization rate is maybe the
2 hours of use were a little bit different, or
3 maybe there was a baseline difference that
4 wasn't taken into account. So it adjusts the
5 savings based on mechanical differences
6 between the claimed savings and the actual
7 savings.

8 Then there's a third step to get to net
9 savings, which is to apply attribution
10 factors to those adjusted gross savings that
11 take into account free ridership and
12 spillover. And this is described in the
13 Settlement very, you know, very succinctly.
14 But generally speaking, free riders are those
15 who would have done the action even in the
16 absence of the program intervention. So
17 they're getting a rebate even though they
18 would have taken the action already.

19 Spillover is where a customer takes an
20 energy efficiency action or installs a piece
21 of equipment as a direct result of learning
22 about efficiency or benefitting from it in
23 another context related to the programs, but
24 they don't take the rebate. So we don't --

1 we get to claim that additional savings that
2 was a result of our program but wasn't a
3 direct intervention on our part.

4 Together, free ridership and spillover
5 are referred to generally as "net to gross,"
6 or "NTG" as the abbreviation.

7 Q. And so at a high level, would it be accurate
8 to say that net savings tries to determine
9 which savings are directly attributable to
10 the program intervention?

11 A. (Downes) I would leave out the word
12 "directly," but yes.

13 Q. Okay. And have the utilities applied a net
14 savings figure to upstream or, rather,
15 midstream and downstream lighting?

16 A. (Downes) We have applied both free ridership
17 and spillover factors in our benefit-cost
18 models that are the backbone of what
19 generates the outputs that most of the folks
20 here are looking at to reflect -- yes, I
21 think I said that right -- to reflect the
22 free ridership and the spillover associated
23 with both midstream lighting for both
24 residential and commercial and industrial and

1 municipal customers, as well as some other
2 midstream offers on the gas side, and I
3 believe also on the electric side. I'd have
4 to open my model to give you more specifics.

5 Q. And can you ballpark for me the percentage of
6 savings attributable to C&I lighting
7 programs?

8 A. (Downes) I don't have that handy, but I could
9 look it up. It's different every year
10 because of the nature of the market
11 transforming for lighting. And it's
12 different for each of the utilities. So I'm
13 hoping, while I'm talking, someone else can
14 pull that, someone else who's quick with
15 numbers and can do Excel and not have to talk
16 can help with that.

17 Q. Would it be accurate to say that C&I lighting
18 is a very significant portion of the program
19 savings?

20 A. (Downes) Sure. Yes, it is. But it is
21 declining over the term.

22 Q. And "very significant," we're probably
23 talking more than 40 percent; is that
24 accurate?

1 A. (Downes) I believe that's correct. I believe
2 that's correct.

3 Q. And have the utilities applied a different
4 net savings figure to midstream versus
5 downstream C&I lighting measures?

6 A. (Downes) I believe that that is the case,
7 yes.

8 Q. And can you explain why midstream and
9 downstream lighting net to gross figures
10 would be different?

11 A. (Downes) Sure. So midstream is a delivery
12 mechanism that aims to transform the market
13 at a large level. And it is less concerned
14 about the individual customer as it is the
15 marketplace. And so the opportunity for
16 there to be free riders in the midstream
17 delivery model is a bit higher than it would
18 be in downstream approaches, where individual
19 vendors are working with individual customers
20 who maybe tend to be smaller customers who
21 need the extra help and technical assistance
22 and know-how that the utilities and their
23 vendors provide. So the opportunity for free
24 ridership is lower.

1 Q. And can you tell me where those net savings
2 figures -- from where those net savings
3 figures are derived, the ones currently
4 proposed in the Plan?

5 A. (Downes) That would take a little bit of
6 digging. If you reference the Technical
7 Reference Manual in the lighting chapters, I
8 believe that those are explained there.
9 Without getting into the weeds too much, they
10 are a combination of factors from
11 Massachusetts and Connecticut, generally
12 speaking.

13 Q. And those Massachusetts and Connecticut
14 figures, can you tell me how recent they are?

15 A. (Downes) I cannot. I would have to go look
16 at them. In Massachusetts I'm more familiar
17 than with Connecticut.

18 The net to gross factors for the 2020 --
19 I'm sorry -- the 2019 to 2021 Plan were
20 locked in at the beginning of the three-year
21 plan, and so they were set. And my
22 recollection, subject to check, is that those
23 were somewhat negotiated between the
24 evaluation consultants in Massachusetts and

1 the program implementers and planners.

2 Q. And can you tell me if there have been times
3 when New Hampshire has joined in an
4 evaluation with either Massachusetts or
5 Connecticut?

6 A. (Downes) In general, of course. Yes, we've
7 undertaken several evaluations jointly with
8 Massachusetts. And I think Massachusetts is
9 the only one, other than a lighting study
10 that was a regional study that was just
11 completed, just recently completed.

12 Q. That, in your opinion, is a good thing
13 because it saves some -- there's
14 administrative efficiency there with saving a
15 few dollars for New Hampshire utilities?

16 A. (Downes) There can be. It depends on the
17 study and how important it is to have New
18 Hampshire-specific results. I think in terms
19 of "market transformation," which is another
20 term that can reference the spillover and
21 free ridership net to gross, there are
22 definite distinctions in the different
23 marketplaces, in part due to the level of
24 investment in energy efficiency and then

1 maturation of the energy efficiency programs.
2 So that is particularly an area where it is
3 perhaps not as -- it's certain that -- not
4 even not as certain -- where you want to use
5 caution in borrowing the values from another
6 state.

7 Q. And so what I just heard you say is that we
8 should use caution in borrowing guidance from
9 another state, but also that we have maybe
10 largely borrowed the net savings figures for
11 our C&I lighting programs from another state?

12 A. (Downes) In the absence of any New
13 Hampshire-specific evaluation, given that --
14 so, yes. That's the answer. And the context
15 here is that when we -- when the BC working
16 group looked at the cost test, we took up the
17 issue of net to gross. And my recollection
18 is that there was an agreement that it was a
19 subject of interest that should be
20 investigated, but that it was not something
21 that needed to be investigated and evaluated
22 before this term plan that we're proposing
23 now. So therefore, there wasn't a plan to
24 take up New Hampshire-specific net to gross

1 studies between the time the BC working group
2 finished its work and the time we filed our
3 draft plan in April, or in the meantime, for
4 that matter.

5 Q. Can you tell me whether Massachusetts is
6 currently planning an evaluation that would
7 provide them with revised net to gross
8 figures, or undertaking them?

9 A. (Downes) Massachusetts is undertaking
10 probably a dozen net to gross studies at the
11 moment in advance of its next three-year
12 planning process, with the understanding that
13 those will be set at the beginning of the
14 term and be locked in. I am not 100 percent
15 sure of what's happening with lighting, given
16 that the market is transforming so quickly,
17 that it's hard to pin down what the net to
18 gross is for lighting for three years, which
19 is why our Settlement agrees that we will be
20 looking at this in New Hampshire over time.

21 Q. The Settlement agrees we would be looking at
22 net to gross figures for C&I lighting?

23 A. (Downes) I believe so.

24 A. (Peters) Just to clarify, the Settlement

1 indicates that the EM&V working group would
2 identify any additional measures that aren't
3 specified in the Settlement to which net to
4 gross factors should be applied. So there's
5 a paragraph on Page 7 of the Settlement
6 Agreement that talks about what will happen
7 over the course of the three years.

8 Q. So, then, is it possible that as the EM&V
9 working group looks at those additional
10 measures, the net savings figures for
11 commercial and industrial lighting might
12 change during the three-year period?

13 A. (Peters) The Settlement lays out net to gross
14 figures for C&I lighting for each of the
15 three years. And I assume that those figures
16 would apply, unless the EM&V working group
17 determines that a new study needs to happen
18 and that new study is completed, in which
19 case, also according to the Settlement, the
20 goals would correspondingly be adjusted if
21 something -- if a new study happened, new
22 figures were calculated that were different
23 from the settled figures.

24 Q. So the Settlement leaves it open to adjust

1 those net savings figures for C&I lighting
2 rather than just measures additional to the
3 C&I lighting net savings figures. That's
4 your interpretation?

5 A. (Peters) The Settlement sets net to gross
6 factors for C&I lighting for three years.
7 Then it says that the EM&V working group
8 shall identify any additional measures to
9 which net to gross factors should be applied.

10 Q. Thank you. And it also says in that
11 Settlement, around that same place, that
12 incorporation of net savings figures for
13 additional measures be accompanied by
14 corresponding change in goals; is that
15 correct?

16 A. (Peters) Yes.

17 A. (Downes) Yes.

18 Q. Then it says with updated benefit-cost models
19 reflecting those changes -- (connectivity
20 issue)

21 (Court Reporter interrupts.)

22 A. -- to be shared with the Stakeholder Advisory
23 Council and provided to the Commission in an
24 informational filing; is that correct?

1 A. (Downes) Yes.

2 A. (Peters) Yes.

3 Q. Can you explain to me what is meant by
4 "informational filing"?

5 A. (Peters) The assumption in the Settlement is
6 that the goals and the updated BC models
7 would essentially automatically update the
8 Plan if those studies happened and those
9 factors were applied.

10 Q. Is the Commission expected to take action
11 based on this informational filing?

12 A. (Peters) I think that's a legal, procedural
13 question. I don't know the answer.

14 Q. Is there anything, in your understanding,
15 that would prevent the Commission from doing
16 so, taking any sort of action?

17 A. (Downes) Would there be anything that would
18 prevent them from taking action?

19 Q. Right.

20 A. (Downes) No.

21 A. (Peters) If we filed something with the
22 Commission and the Commission had something
23 to say about it, I assume they have every
24 right to do so. I don't know what the

1 correct legal framework is there, but...

2 Q. Is this how updates to savings figures, like
3 net to gross, is that how it works in
4 Massachusetts or Connecticut, is in an
5 informational filing?

6 A. (Downes) As I just explained, in
7 Massachusetts the net to gross factors are
8 set for all measures for the entire term --
9 for the current term at least. So they don't
10 get changed.

11 Q. How about inputs to the TRM other than net to
12 gross factors?

13 A. (Downes) I'm not sure what you mean. They do
14 take place in Massachusetts, and the benefit-
15 cost models for the purposes of reporting
16 incorporate the new evaluation assumptions.

17 Q. Are there some cases where that occurs on a
18 retrospective basis?

19 A. (Downes) Yes.

20 Q. That's in Massachusetts. How about
21 Connecticut?

22 A. (Downes) I don't know.

23 Q. Does anybody from Eversource know that
24 answer?

1 A. (Peters) I don't.

2 Q. And so if in an order related to this docket
3 the Commission approves a specific savings
4 target associated with whatever rate there
5 is, and the net to gross revised ratios flow
6 through, does that automatically change the
7 savings target approved in a Commission
8 order?

9 A. (Downes) That's the intent here, given that
10 the net to gross -- the savings is still
11 realized by the customers. It's just what
12 can be attributable to the programs may
13 change based on an evaluation. The idea
14 would be that there would be no penalty to
15 the utilities for that because it's still
16 saving the same amount of adjusted gross
17 energy.

18 Q. Okay. Seeing that it is past 4:30, and I
19 think probably folks are getting a bit
20 tired of -- first I wanted to just make one
21 last question, and that was, it was stated
22 that the figures used currently in the
23 Plan -- or, rather, the Settlement and
24 revised Plan attachments, are a combination

1 of net savings figures from Massachusetts and
2 or Connecticut. Is that correct?

3 A. (Downes) Again, it's in the Technical
4 Reference Manual in detail. There may be
5 other -- I guess I'll defer and say that the
6 Technical Reference Manual lays it out, what
7 the references are. There may be in those
8 TRMs references to other studies, and I don't
9 want to -- or to negotiations. So I don't
10 want to misspeak.

11 Q. And with regard to the TRM, is the TRM and
12 the associated inputs that is before the
13 Commission today, is that TRM the final
14 product for the Commission?

15 A. (Downes) It is not as of today, no.

16 MR. BUCKLEY: Okay. Thank you. I
17 think that is the end of -- (connectivity
18 issue)

19 (Court Reporter interrupts.)

20 MR. BUCKLEY: That is the end of my
21 cross-examination on net to gross and
22 possibly a good stopping point for the day.

23 CHAIRWOMAN MARTIN: Is there
24 anything we need to do before we break for

1 the day then?

2 [No verbal response]

3 CHAIRWOMAN MARTIN: All right. We
4 will break here and continue the hearing on
5 December 14th at 9:00 a.m. Thank you,
6 everyone. It was a long day. We are
7 adjourned for the day. Have a good night.

8 (Whereupon, the DAY 1 AFTERNOON hearing
9 was adjourned at 4:39 p.m., with the
10 next hearing to reconvene on Monday,
11 December 14, 2020, commencing at 9:00
12 a.m.)

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C E R T I F I C A T E

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

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

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