

STATE OF NEW HAMPSHIRE
BEFORE THE PUBLIC UTILITIES COMMISSION

DE 21-089

Eversource Energy

Petition for Recovery of Storm Expenses

**DEPARTMENT OF ENERGY’S MOTION TO ENLARGE TIME TO INVESTIGATE PUBLIC
SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY’S
PETITION FOR RECOVERY OF STORM EXPENSES, AND
FURTHER REPOSE TO COMMISSION’S PROCEDURAL ORDER**

NOW COMES the New Hampshire Department of Energy (Energy) and in response to the Public Utility Commission (Commission)’s *Procedural Order re Deadlines Concerning Petition for Recovery of Storm Expenses* (December 1, 2021) seeks additional time in which to investigate Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company)’s *Petition for Recovery of Storm Expenses* in the instant docket.

In support of this motion, Energy states as follows:

1. On April 30, 2021, Eversource filed its *Petition for Recovery of Storm Expenses*. According to the Company, the expenses at issue are presently charged to the Company’s Major Storm Cost Reserve (MSCR or Reserve) and arise from storms that occurred during the period October 2019 through May 2020. *See Petition*. The Commission opened docket DE 21-089 for consideration of these expenses.
2. On December 1, 2021, the Commission issued a procedural order, giving Energy until January 11, 2022, to “file the requested audit report or request additional time to investigate or request additional time to investigate.” *See Procedural Order* (unnumbered).
3. This is Energy’s first review of Eversource’s *Petition for Recovery of Storm Expenses* that will be done since July 1, 2021, when Energy became a separate department, with Energy staff (formerly PUC Staff) fulfilling a separate and distinct function. See House Bill 2 (2021).

4. In the past, the Commission's Audit Division Staff would audit the Company's *Petition for Recovery of Storm Expenses* and issue an audit report. Thereafter, the Commission's Electric Division Staff would review the audit report (for the first time) and engage in discussions with the Company. Formal data requests might be issued. The Commission Staff review would result in a *Staff Recommendation* filed with the Commission. Generally, no formal procedure was either proposed or set prior to Commission Staff filing a letter or recommendation into the docket. See, e.g.,² Dkts. No. DE 18-058, DE 19-050, DE 19-105 and DE 20-062 (Eversource); Dkt. No DE 06-107 (GSE); Dkts. DE 15-078, DE 19-040 and No. DE 20-023, (UES).

5. Energy proposes to maintain the general procedural steps similar to that past practice. Energy's Division of Enforcement Audit Staff will review the Company's filing, raise any questions or issues with the Company, and issue an audit report. Thereafter, Energy's Regulatory Support Division will review the audit report and engage in follow-up discussions with the Company. Formal data requests will be issued if necessary. Energy will then file its *Report* (formerly titled a "*Staff Recommendation*") into the docket.

6. Energy anticipates that the review and investigation will conclude by April 26, 2022, and that its final Report will be filed promptly thereafter. Energy's report may propose further procedural steps based on the findings of the review and investigation. If Energy's review and investigation of Eversource's *Petition* is completed sooner than anticipated, Energy's final report will be filed promptly thereafter.

7. Accordingly, Energy seeks additional time in which to complete its review and investigation of Eversource's pending *Petition for Recovery of Storm Expenses*.

8. There is no procedural schedule in place at this time. However, for the information of the Commission in evaluating this request, in Energy's view, if the Commission were to deny this request for additional time to review and investigate, Energy would be caused undue hardship. Energy's Division of Enforcement Audit Staff has been extremely busy due to the press of other matters in other dockets, (including but not limited to eleven rate case audits since July 1, 2020), and the audit of this storm report has yet to be completed. It would cause the Division of Enforcement Audit Staff and/or the Regulatory

Support Division “undue hardship” and “inconvenience” if they were required to expedite review and investigation of the Company’s *Petition for Recovery of Storm Expenses* on a more accelerated timeline. See N.H. Code of Administrative Rules Puc 202.04; *Procedural Order Re Motion to Enlarge Time* (December 29, 2021) in Dkt. DG 21-033 (granting Energy’s *Motion to Enlarge Time* to investigate Unitil Energy System’s Annual Major Storm Cost Reserve Fund Report 2020 based on hardship).

9. Eversource, by and through counsel Jessica Chiavara, assents to Energy’s request for additional time to investigate Eversource’s petition.

10. Energy notes that the Commission’s *Procedural Order* (December 1, 2021) directs Eversource, Energy, and any interested parties “to confer as to whether further process and/or hearing will be necessary in this matter [and directs Eversource] . . . to report the result to the Commission on or before January 25, 2022.”

11. Energy’s audit report is not expected to issue until approximately March 1, 2022. Accordingly, the parties will not be able to determine if further process and/or hearing will be necessary by the Commission’s assigned date, January 25, 2022. Eversource, by and through counsel Jessica Chiavara, and Energy, therefore ask the Commission to defer the January 25 reporting requirement and the subsequent conference on further process until the audit report is reviewed and Energy’s report is issued. *Compare with* Puc 201.05.

12. Deferral is appropriate because deferral of the January 25, 2022 deadlines serves the public interest in that compliance would be onerous or inapplicable given the circumstances. In addition, defer will not disrupt the orderly and efficient resolution of matters before the Commission in this docket. Compare proposed deferral of January 25, 2022 deadlines in procedural order *with* standard for waiver of administrative rules in Puc 201.05.

13. If Energy’s audit report, and/or Energy’s subsequent investigation, indicate that further process is necessary, Energy will so indicate in said *Report*. See Para. 6, *supra*.

14. While a hearing might be necessary, based on past practice, it is more likely than not that the parties will reach agreement. In the past, the Commission not infrequently has issued secretarial letters,

approving noncontroversial PUC Staff recommendations regarding storm report expenses. *See, e.g.*, Dkts. No. DE 18-058, DE 19-105 and DE 20-062 (Eversource major storm dockets, resolved by secretarial letter).

15. Under the current procedural framework, Eversource, by and through counsel, and Energy, respectfully invite the Commission to consider issuing a brief Order *NiSi*, should Energy's *Report* prove uncontroversial and should the Commission review and agree with Energy's *Report*. *See e.g.*, Order No. 25,465 (February 26, 2013) (*Order NiSi*, approving storm expenses in Dkt. No. DE 12-320).

WHEREFORE, Energy respectfully requests that the Commission:

- A. GRANT Energy's request, with Eversource's assent, to enlarge the time for its review and investigation of Eversource's *Petition for Recovery of Storm Expenses* as described herein;
- B. GRANT Energy and Eversource's request to defer the Commission's January 25, 2022 deadlines for filing a report and conferring on whether further process is warranted; and
- C. GRANT such other and further relief as is equitable and just.

Respectfully submitted,

Date: January 10, 2022

/s *Mary E. Schwarzer*

Mary E. Schwarzer, Esq.
Staff Attorney/Hearings Examiner
603.271.6030
Mary.E.Schwarzer@energy.nh.gov

Certificate of Service

I hereby certify that on January 10, 2022, a copy of this objection has been electronically forwarded to the service list.

Mary E. Schwarzer

Mary E. Schwarzer