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**STATE OF NEW HAMPSHIRE**

**PUBLIC UTILITIES COMMISSION**

**August 11, 2022 - 9:07 a.m.**  
21 South Fruit Street  
Suite 10  
Concord, NH

RE: **DE 21-133**  
**LOW INCOME ELECTRIC ASSISTANCE PROGRAM:**  
2021-2022 Electric Assistance Program  
Budgets. (*Hearing on the Motion to*  
*Extend the Filing Deadline from*  
*August 15, 2022 to October 3, 2022*)

**PRESENT:** Chairman Daniel C. Goldner, Presiding  
Special Commissioner F. Anne Ross  
  
Tracey Russo, Clerk

**APPEARANCES:** **Reptg. Public Service Company of  
New Hampshire d/b/a Eversource Energy:**  
Jessica A. Chiavara, Esq.  
  
**Reptg. Liberty Utilities (Granite State  
Electric) Corp. d/b/a Liberty Utilities:**  
Michael J. Sheehan, Esq.  
  
**Reptg. Unitil Energy Systems, Inc.:**  
Matthew J. Fossum, Esq.  
  
**Reptg. New Hampshire Electric  
Cooperative, Inc.:**  
Susan S. Geiger, Esq. (*Orr & Reno*)

Court Reporter: Steven E. Patnaude, LCR No. 52

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**APPEARANCES:**    *( C o n t i n u e d )*

**Reptg. LISTEN Community Services:**  
Raymond Burke, Esq. *(N.H. Legal Asst.)*

**Reptg. Residential Ratepayers:**  
Donald M. Kreis, Esq., Consumer Adv.  
Office of Consumer Advocate

**Reptg. New Hampshire Dept. of Energy:**  
Mary E. Schwarzer, Esq.  
Gary Cronin, Consumer Services Division  
*(Regulatory Support Division)*

1			
2		<b>I N D E X</b>	
3			<b>PAGE NO.</b>
4	Chronology of the docket by Chairman Goldner		7
5	Initial statement by Special Cmsr. Ross		8
6			
7	<b>INITIAL STATEMENTS BY:</b>		
8		Mr. Kreis	9
		Mr. Burke	13
9		Ms. Schwarzer	15
		Mr. Cronin	17
10		Mr. Sheehan	20
		Ms. Geiger	21
11		Mr. Fossum	21
		Ms. Chiavara	22
12			
	<b>QUESTION BY CHAIRMAN GOLDNER</b>		23
13	<i>(RE: Shouldn't there already be a redesign?)</i>		
14	<b>RESPONSES BY:</b>	Mr. Kreis	23, 26
		Mr. Burke	24, 31
15		Ms. Schwarzer	27, 29
		Chairman Goldner	28, 30
16			
17	RESPONSIVE STATEMENT BY SPECIAL CMSR. ROSS		32
18	<b>QUESTION BY SPECIAL CMSR. ROSS</b>		34
	<i>(Re: monthly reports filed by utilities)</i>		
19			
	<b>RESPONSES BY:</b>	Ms. Chiavara	34
20		Ms. Geiger	35
		Mr. Cronin	37
21			
	<b>QUESTION BY SPECIAL CMSR. ROSS</b>		34
22	<i>(Re: Reserve amount)</i>		
23	<b>RESPONSE BY:</b>	Ms. Schwarzer	35
24			

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2  
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4  
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**I N D E X (continued)**

**PAGE NO.**

**QUESTION BY SPECIAL CMSR. ROSS** 38  
*(RE: Enrollment in 2021-2022 EAP Program)*

**RESPONSES BY:** Mr. Cronin 38  
Mr. Fossum 38

**QUESTION BY SPECIAL CMSR. ROSS** 39  
*(RE: Total EAP collections/expenditures to current date)*

**RESPONSE BY:** Mr. Cronin 39

**QUESTION BY SPECIAL CMSR. ROSS** 39  
*(RE: Current reserve balance in EAP account)*

**RESPONSES BY:** Mr. Cronin 39  
Mr. Burke 40

**QUESTION BY SPECIAL CMSR. ROSS** 41  
*(RE: Implementation of any recommended program changes, if any)*

**RESPONSE BY:** Mr. Cronin 41

**QUESTION BY CHAIRMAN GOLDNER** 42, 43  
*(RE: Regarding redesign of the Program and getting to closure...)*

**RESPONSES BY:** Ms. Schwarzer 43, 44, 46  
Mr. Burke 44, 46

**FURTHER COMMENTS BY:**

Ms. Schwarzer 47  
Mr. Kreis 49

**NOTE:** Record requests to be provided in a subsequent Procedural Order following this hearing, located at Tab 97 in DE 21-133 file

1  
2  
3  
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**P R O C E E D I N G**

CHAIRMAN GOLDNER: Okay. Good morning. I'm Commissioner Goldner. I'm joined by Special Commissioner Ross. We're here today in Docket DE 21-133 for a prehearing conference regarding the EAP Electric Assistance Program.

Let's take appearances, beginning with the Company -- or, Eversource? Sorry.

MS. CHIAVARA: Good morning, Commission. Jessica Chiavara, here on behalf of Public Service Company of New Hampshire, doing business as Eversource Energy.

CHAIRMAN GOLDNER: Thank you. And Liberty?

MR. SHEEHAN: Good morning. Mike Sheehan, for Liberty Utilities (Granite State Electric) Corp.

CHAIRMAN GOLDNER: Thank you. And Unitil?

MR. FOSSUM: Good morning. Matthew Fossum, here on behalf of Unitil Energy Systems.

CHAIRMAN GOLDNER: Very good. And the New Hampshire Electric Cooperative?

MS. GEIGER: Yes. Good morning. Susan

1 Geiger, from the law firm of Orr & Reno, on  
2 behalf of New Hampshire Electric Cooperative.

3 CHAIRMAN GOLDNER: Very good. LISTEN  
4 Community Services?

5 MR. BURKE: Good morning,  
6 Commissioners. Raymond Burke, from New Hampshire  
7 Legal Assistance, here representing LISTEN  
8 Community Services.

9 CHAIRMAN GOLDNER: And is there anyone  
10 here from the Community Action Agencies?

11 *[No verbal response.]*

12 CHAIRMAN GOLDNER: Okay. Seeing none.  
13 The Office of Consumer Advocate?

14 MR. KREIS: Good morning, Mr. Chairman,  
15 Commissioner Ross. I'm Donald Kreis, the  
16 Consumer Advocate. And my job, pursuant to  
17 statute, is to represent the interests of  
18 residential customers, including low income  
19 customers.

20 CHAIRMAN GOLDNER: Very good. And the  
21 New Hampshire Department of Energy?

22 MS. SCHWARZER: Good morning, Mr.  
23 Chairman and Commissioner Ross. My name is Mary  
24 Schwarzer. I'm a Staff Attorney with the

1 Department of Energy.

2 CHAIRMAN GOLDNER: Okay. Thank you.

3 Did I miss anyone?

4 *[No verbal response.]*

5 CHAIRMAN GOLDNER: No. Okay. Okay.

6 So, on February 3rd, 2022, the Commission issued  
7 Order 26,576, which contained a number of record  
8 requests due by February 28th, 2022. On that  
9 date, the DOE filed a request on behalf of all  
10 the Parties to extend that deadline to March 1st,  
11 2022, which the Commission granted.

12 Despite the Commission's granting the  
13 record request extension, the filing was made on  
14 March 15th, 2022. The next day, on March 16th,  
15 2022, the Commission issued Order 26,593,  
16 granting a motion to suspend the docket until  
17 August 15th, 2022, at which time the DOE or the  
18 utility was to provide the Final Report and  
19 written recommendations as to the proposed  
20 changes in the current EAP programs.

21 On April 26th, another filing was made  
22 for an extension, this time for a one week delay  
23 to select a consultant. On July 25th, the  
24 Company filed another motion to extend, this time

1 the deadline for the Final Report, from August  
2 15th to October 3rd, 2022, coincidentally two  
3 days after the 2022-2023 EAP is scheduled to go  
4 into effect.

5 Commissioner Ross, do you have anything  
6 you'd like to add?

7 SPECIAL CMSR. ROSS: Yes. Just  
8 briefly.

9 At our January 27th prehearing  
10 conference in this matter, the Parties expressed  
11 the importance of these programs and the negative  
12 effect of any implementation delays. I assure  
13 you that the Commission has heard these concerns,  
14 and, since that hearing, we have processed the  
15 EAP docket as expeditiously as possible. We have  
16 difficulty reconciling, on the one hand, the  
17 Parties' representation about the importance of  
18 this docket and request for speedy Commission  
19 action, and, on the other hand, the many delays  
20 and postponements that the Parties have  
21 requested.

22 We are now at the threshold of another  
23 EAP year. At today's hearing, we would like to  
24 understand from the Parties how we should deal



1 with this apparent inconsistency. How would the  
2 Parties propose that we keep our commitment to  
3 process the EAP dockets quickly, without having  
4 access to the necessary information and  
5 recommendations?

6 CHAIRMAN GOLDNER: Okay. Thank you,  
7 Commissioner Ross.

8 We'll move to the Parties for comment.  
9 And let's start with the Office of the Consumer  
10 Advocate, and Attorney Kreis.

11 MR. KREIS: Thank you, Mr. Chairman,  
12 for calling on me first. And thank you,  
13 Commissioner Ross, for your expression of  
14 concern, which I share.

15 I'm not in a particularly advantageous  
16 position when it comes to addressing the  
17 frustration that the Commission is understandably  
18 expressing. And I guess, as the Department of  
19 Energy pointed out to me before we went on the  
20 record, I joined and assented to the motion to  
21 extend the deadline, and that's a position I  
22 committed to in writing, and it's, therefore, a  
23 position that I reiterate today.

24 But I think that there's a meta problem

1 here. And that is that there is a lack of  
2 clarity and understanding about who exactly is  
3 responsible for the program that we're to talk  
4 about today, and what policy judgments and  
5 perspectives are driving what we're trying to  
6 accomplish here.

7 I've studied the history of the  
8 Electric Assistance Program. Its existence is  
9 enshrined in the Restructuring Act. The amount  
10 of available funding is capped by the  
11 Restructuring Act. And, when the Program was  
12 launched as a consequence of restructuring, it  
13 reflected, I think, a legislative determination  
14 that, as we transitioned retail electricity into  
15 the competitive market, there needed to be some  
16 special solicitude for customers who have  
17 challenges paying their electric bills.

18 Well, guess what? You know, here we  
19 are, in the Summer of 2022, we're looking at 22  
20 and a half cent Default Energy Service, and the  
21 needs for special solicitude of low-income  
22 customers is an order of magnitude more acute  
23 than it was either in 1996, when the  
24 Restructuring Act was passed, or in the early

1 part of the 21st century, when the Electric  
2 Assistant Program was actually launched.

3 Now, at the time that the Program was  
4 launched, the Public Utilities Commission, with  
5 respect to everything that is funded by the  
6 System Benefits Charge, adopted what I would say  
7 is a consensus-based working group model. And I  
8 think the paradigm was that the Commission would  
9 convene and authorize two working groups or  
10 advisory boards, there would be representation  
11 from the Commission Staff on those working  
12 groups, and, therefore, those working groups  
13 would strive for consensus about what to do about  
14 both ratepayer-funded energy efficiency and low  
15 income electric assistance. And then, those  
16 consensus perspectives would be transmitted along  
17 to the Commission, and the Commission would  
18 readily and efficiently approve them.

19 That paradigm no longer applies. It no  
20 longer applies for the simple reason that, as  
21 everybody in the room knows, the way that energy  
22 and electricity and utilities are regulated in  
23 New Hampshire has changed, such that the  
24 Commission no longer participates, its Staff no

1 longer participates in any of the advisory bodies  
2 that advise or that think about energy efficiency  
3 or the Electric Assistance Program. And I think;  
4 it's fair to say that the Commission, with  
5 changes in personnel, its perspective on these  
6 things has changed. So, what's needed here at  
7 the meta level is some clarity.

8 We don't even know, or at least I don't  
9 even know, as Consumer Advocate, who the Advisory  
10 Board advises, what responsibilities it has, and  
11 who bears the ultimate responsibility for the  
12 issues that have arisen in the Electric  
13 Assistance Program?

14 I just don't know. It's time to  
15 revisit all of that, so that there is clarity and  
16 accountability. Because this is a time when  
17 low-income customers in this state are in a state  
18 of crisis. And it seems to me, and, again, you  
19 know, I'm speaking in my official capacity as the  
20 state's ratepayer advocate. My job is to  
21 represent the interests of residential utility  
22 customers, including low-income customers. So,  
23 even though I'm speaking in an official capacity,  
24 I have the good fortune of having a job that

1 allows me to come to work and bring my conscience  
2 with me. And my conscience is bothering me about  
3 the way all of this is going. I think that's  
4 about all I have to say.

5 CHAIRMAN GOLDNER: Okay. Thank you,  
6 Attorney Kreis.

7 Let's move to LISTEN Community  
8 Services, and Attorney Burke.

9 MR. BURKE: Hi. Thank you.

10 I can say, initially, that LISTEN  
11 supports the Motion, continues to support the  
12 Motion for the reasons stated. And I will -- my  
13 understanding is that Eversource and the  
14 Department will say more about those reasons  
15 later. So, I wasn't here prepared to argue the  
16 Motion.

17 But I can just say, as a preliminary  
18 matter, in addition to supporting the Motion,  
19 that LISTEN agrees that having the information  
20 that the consultant is putting together is  
21 crucial. And there's one piece of the timeline  
22 that I think is important to note here that  
23 predates this docket. And that's that the EAP  
24 Advisory Board initially issued its

1 recommendation to hire a consultant and gather  
2 this information over a year ago.

3 And, because I think of some of the  
4 changes that happened that the Consumer Advocate  
5 just mentioned, and I can't speak for anyone, but  
6 it appears, based on our view, that there was a  
7 lot of issues that had to be addressed first with  
8 the reorganization, and there was perhaps a lack  
9 of clarity on what the next steps were with  
10 respect to the Advisory Board's recommendation  
11 after the reorganization and the Department of  
12 Energy was created.

13 So, we do also, you know, regret all  
14 that time that has passed, and would like to see  
15 this information as soon as possible, but believe  
16 that it would be detrimental to the Program if we  
17 tried to move forward without sufficient time to  
18 gather this information.

19 And I think Eversource and the  
20 Department may address this more, but I would  
21 just say that also LISTEN believes the questions  
22 that were answered in this docket, which we view  
23 as more structural questions, are, while not  
24 unrelated, but they are distinct from the

1 year-to-year Program budgets. And, so, we  
2 believe that the administrative budgets for the  
3 next Program year could move forward, even if  
4 this docket needed to take a little more time and  
5 was not resolved prior to the October 1st  
6 deadline, which has traditionally been when the  
7 administrative budgets needed to be approved.

8 But, again, I think Eversource and the  
9 Department may have more to say about that, and  
10 we may have additional comments after. I was  
11 initially waiting to hear from them on the  
12 Motion, but I can make these statements right  
13 now.

14 Thank you.

15 CHAIRMAN GOLDNER: Okay. Thank you,  
16 Attorney Burke.

17 So, let's move to the New Hampshire  
18 Department of Energy, and Attorney Schwarzer.

19 MS. SCHWARZER: Thank you,  
20 Commissioners.

21 In terms of the initial question asked  
22 by Commissioner Ross, in terms of an apparent  
23 inconsistency between valuing these programs and  
24 the concern that the Commission act promptly, and

1 the Commission's concern of instances where the  
2 Parties and the Department have asked for  
3 additional time, I think it's fair to say that  
4 there's a large number of moving pieces in  
5 coordinating the work of a contractor and the  
6 scope of a large study. And, while I can  
7 appreciate the Commission's concern, it is  
8 difficult to anticipate all the things that any  
9 particular complex project might present.

10 I do want to address Amanda Noonan,  
11 who's the Director of the Consumer Division, is  
12 on vacation this week, and had longstanding plans  
13 to be on vacation. So, that prevented her  
14 attending here today. She has designated  
15 Mr. Gary Cronin, who is sitting to my left, who  
16 is a utility analyst with the Consumer Division,  
17 and has been there for five years, who is also a  
18 member of the EAP Advisory Board, to be here in  
19 her place. And he can certainly speak to some of  
20 the specifics involved around the delay if those  
21 are of concern to the Commission.

22 Would you like him to address those  
23 issues now or was this is a preliminary --

24 CHAIRMAN GOLDNER: Yes, please.



1 MS. SCHWARZER: Okay. Mr. Cronin.

2 MR. CRONIN: Good morning,  
3 Commissioners. I do not have the memory that  
4 Amanda Noonan has. So, I need to use notes. So,  
5 I apologize for that.

6 The reason for the additional time was  
7 the consultant, Roger Colton, requested data from  
8 both the utilities and the Community Action  
9 Agencies. And that information was necessary for  
10 him to review and evaluate the Electric  
11 Assistance Program.

12 While he got the information requested  
13 from the utilities soon after his request, that  
14 was not the case with the Community Action  
15 Agencies. It resulted in the Community Action  
16 Agencies submitting their information about a  
17 month, a little bit more than a month after his  
18 request.

19 So, as a result, that prevented him  
20 from doing the work that he needed to do, and  
21 delayed him by a period of 30 days. That  
22 information that he was waiting on was necessary  
23 to develop a full picture of the EAP  
24 participants, including the demographic

1 information that the Commission had requested, in  
2 addition to his overall review of the Electric  
3 Assistance Program. So, that was a big piece of  
4 it.

5 The consequences for extending the  
6 deadline beyond October 1st, the administrative  
7 budget for the upcoming EAP Program year was  
8 filed in August, August 1st. And the Advisory  
9 Board has started their review of the budgets.  
10 It includes a discovery process and anticipates  
11 filing a recommendation with the Commission by  
12 the end of August.

13 While it's unfortunate that Mr.  
14 Colton's work was delayed, consideration of the  
15 EAP administrative budgets is independent and  
16 uneffected by his work. And, even if the report  
17 were to be filed on the original date of August  
18 15th, this would have no impact on the  
19 administrative budgets for the upcoming year  
20 beginning October 1st.

21 Additionally, issues that the  
22 Commission is examining in this matter, and any  
23 adjustments to the EAP Program, or adjustments --  
24 excuse me, or administrative in this order may be

1 addressed at a future time. It can happen during  
2 the new year.

3 The one additional point we would like  
4 to bring forward is the Department of Energy has  
5 done an analysis on the EAP funding. And, with  
6 the recent increases that the Consumer Advocate  
7 mentioned earlier, for three of the four  
8 utilities, Eversource, Liberty, and New Hampshire  
9 Electric Co-op, the balance in the EAP Fund will  
10 be 1.6 million by the end of November 2022. It's  
11 anticipated that, by the end of February 2023,  
12 that balance will drop to \$360,000. And the Fund  
13 is projected to have a deficit by the end of  
14 March.

15 SPECIAL CMSR. ROSS: I'm sorry. Could  
16 you repeat the date that it will be 360? I was  
17 taking notes.

18 MR. CRONIN: Certainly. February 2023.

19 CHAIRMAN GOLDNER: Okay. Thank you.

20 MR. CRONIN: And then, it is projected  
21 to be a deficit by the end of March 2023.

22 CHAIRMAN GOLDNER: Thank you. And  
23 anything else?

24 MR. CRONIN: That is it.

1 CHAIRMAN GOLDNER: Okay. Thank you.  
2 Okay. Let's move to the utilities.  
3 And we can start with Liberty, and I'll recognize  
4 Attorney Sheehan.

5 MR. SHEEHAN: Thank you. Liberty  
6 joined the Motion that Eversource filed, and we  
7 stand by it today. And I will simply echo what  
8 you've heard so far. The extension requested in  
9 the Motion deals with matters somewhat  
10 independent of approving the budget to allow the  
11 next year to go on.

12 So, you get a report, you get  
13 recommendations, whether it's September, October,  
14 November. If there's going to be structural  
15 changes to the Program, they should be taken on a  
16 slower, careful basis, so that they can be, you  
17 know, the right decisions. Meanwhile, the  
18 Program can keep running through the year. So, I  
19 echo the comments that these are separate issues  
20 that can be taken on separate tracks.

21 Thank you.

22 CHAIRMAN GOLDNER: Thank you. And  
23 let's move to the New Hampshire Electric  
24 Cooperative, and I'll recognize Attorney Geiger.

1 MS. GEIGER: Yes. Thank you, Mr.  
2 Chairman.

3 I really don't have much to add to the  
4 discussion. I would echo what Attorney Sheehan  
5 has just indicated on behalf of Liberty. I think  
6 the same applies, obviously, to the Co-op, having  
7 signed on in agreement with the Motion for  
8 enlargement of time, and would just underscore  
9 the comments made thus far to emphasize that  
10 approval of the budget is an independent exercise  
11 of the work that the consultant is doing  
12 regarding structural analysis and perhaps  
13 recommending changes to the Programs.

14 Thank you.

15 CHAIRMAN GOLDNER: Okay. Thank you.  
16 We'll move to Unitil, and I'll recognize Attorney  
17 Fossum.

18 MR. FOSSUM: Yes. Good morning. And  
19 as just to, I guess, follow the theme, I don't  
20 know that I have much independent to add beyond  
21 what you have already heard.

22 Unitil certainly shares the perspective  
23 that these administrative budgets can be handled  
24 independently of the larger, more structural

1 changes, and supports the Motion for enlarging  
2 time to allow the consultant to do a thorough and  
3 complete job, as we had hoped he would.

4 CHAIRMAN GOLDNER: Thank you.

5 And, finally, we'll move to Eversource,  
6 and Attorney Chiavara.

7 MS. CHIAVARA: And I don't believe  
8 you're going to hear anything terribly new from  
9 me either. Eversource maintains that the EAP  
10 Program is a critical program, particularly given  
11 the current energy prices facing New Hampshire  
12 residents.

13 Currently, there is -- we're asking for  
14 a six-week delay, so that the consultant may  
15 finish his work. And we don't believe that that  
16 would detrimentally impact the considerations of  
17 the issues noticed in the scope of this  
18 proceeding.

19 We believe that the request for the  
20 sense of urgency that the Parties have expressed  
21 was surrounding the approval of the  
22 administrative budgets, so that there would be no  
23 disruption of the EAP Program. However, as  
24 already mentioned by several, the administrative

1 budgets run independent of the issues that the  
2 Commission is considering in this docket. And,  
3 so, we believe that prompt attention can be given  
4 to the administrative budget, and approval of  
5 those budgets, while the extension could still be  
6 granted, so full consideration and deliberation  
7 can be given to the issues in this matter.

8 Thank you.

9 CHAIRMAN GOLDNER: And, before I turn  
10 it over to Commissioner Ross for some questions,  
11 I just have to ask, as a general matter, we just  
12 heard from the New Hampshire Department of Energy  
13 that the 2022-2023 period will be negative in  
14 March. So, shouldn't there already be a redesign  
15 of the -- yes, shouldn't there already be a  
16 redesign? What's going on?

17 Attorney Kreis.

18 MR. KREIS: Like you, Mr. Chairman, I  
19 find that bit of information to be very  
20 troubling. It suggests that we're in a crisis.  
21 As I said at the last meeting of the EAP Advisory  
22 Board, we're sitting around talking about deck  
23 chairs, and maybe it's time to start talking  
24 about the iceberg. And that's the iceberg.

1           And, frankly, you know, all of us, the  
2           Commission, the Department of Energy, the  
3           Utilities, the Consumer Advocate, LISTEN  
4           Community Services, any other party, we should be  
5           downtown at the State House asking the  
6           Legislature to increase the statutory cap on the  
7           Electric Assistance Program. It dates from 1996.  
8           Spoiler Alert: I think there's been a little  
9           inflation since then.

10           CHAIRMAN GOLDNER: Yes. I think sort  
11           of where I'm going is that we're left with, as  
12           the Commission, to deal with the current reality,  
13           which is the mill rate of 1.5, and what appears  
14           to be a necessary redesign going into the 2022-23  
15           Plan, otherwise, the Plan will be unfunded, will  
16           run negative in March. So, I --

17           Mr. Burke, yes? Attorney Burke?

18           MR. BURKE: Yes. Just one comment,  
19           before we move off this topic. And I think it is  
20           another reason why the deadline proposed in the  
21           motion is reasonable is, you may be aware, excuse  
22           me, that the Governor held a press conference and  
23           has a proposal out there to put \$7.5 million,  
24           additional dollars, into the EAP Fund from the



1 State surplus. And my understanding is that that  
2 proposal is going to be voted on by the  
3 Legislature on September 15th.

4 Obviously, we don't know what's going  
5 to happen, and that's just a proposal right now.  
6 But the Governor has made some strong statements  
7 in support, along with the leadership of his  
8 party. And, so, if we were to follow the  
9 deadline proposed in the Motion, we would have  
10 some additional information after September 15th  
11 about the actual balance of the Fund. And it  
12 may -- the decisions that might be made about the  
13 Program could be significantly different, because  
14 it would -- that 7.5 million would, obviously,  
15 have a huge impact on the projections that were  
16 just shared today and that were discussed at the  
17 EAP Advisory Board.

18 CHAIRMAN GOLDNER: But, if you're  
19 asking the Commission to approve a budget that  
20 begins October 1st, 2022, to Mr. Kreis's point,  
21 the iceberg hits, unless there's some sort of  
22 legislative, you know, budget increase. So,  
23 shouldn't we have a plan to be successful with  
24 the current 1.5 mill rate to begin with? And

1           then, if the bluebird flies in with another 7.5  
2           million, that's great. That sounds like it will  
3           fully fund the Program.

4                         Mr. Kreis.

5                         MR. KREIS: Thank you, Mr. Chairman,  
6           for recognizing me, and I apologize for being  
7           impertinent.

8                         But that, I think, is welcome news from  
9           Mr. Burke. But, if that is what the  
10          Administration intends to do, or intends to ask  
11          the Legislature to do, well, there's an Executive  
12          Branch agency in the room that should be telling  
13          the Commission that that is what the Governor  
14          plans to do. But we haven't heard that from the  
15          Department of Energy.

16                        So, from my perspective, that \$7.5  
17          million infusion is just a rumor. Now, I'm not a  
18          political actor, and I'm not a member of the  
19          media. I don't go to press conferences. And I  
20          don't know anything about \$7.5 million. It's  
21          just a rumor.

22                        CHAIRMAN GOLDNER: That's a good time  
23          for the New Hampshire Department of Energy to  
24          respond.

1 MS. SCHWARZER: Mr. Chairman, thank you  
2 for recognizing me.

3 I am not directly involved in the  
4 legislative work in the Department with regard to  
5 this particular program. And it is premature, as  
6 no bill text has been released. However, I can  
7 point the Commission to information in a press  
8 release, if that is helpful, from June 22nd,  
9 2022, which says that "Governor Sununu,  
10 legislative leaders, the Department of Energy  
11 announced New Hampshire emergency energy relief  
12 programs." And there's a very brief outline of  
13 what the program was described as doing, which  
14 includes the money going to EAP.

15 So, I want to emphasize this is very  
16 preliminary. I think it's not appropriate to  
17 introduce here for the very reason that it just  
18 is not concrete, and I think to contemplate a  
19 legislative outcome is premature, although,  
20 certainly, the Department was part of that  
21 announcement. And, again, I have to emphasize, I  
22 don't have direct information about this Program  
23 at this time.

24 But, if I could return to the

1 Chairman's question, with regard to "should there  
2 be a plan, if there's a contemplated shortfall in  
3 March of 2023?" I would like to emphasize again  
4 that the administrative budget is very separate  
5 from the EAP benefit budget, the money that goes  
6 to support the benefit offered to individual  
7 participants.

8 And, so, if the Commissioner could be  
9 more clear, or perhaps make a record request, in  
10 light of Amanda Noonan's absence, certainly, no  
11 one looks forward to the idea of there being a  
12 deficit. But, to the extent that people enroll  
13 and receive benefits for as long as that is  
14 possible, I believe the Program is working as  
15 intended.

16 And perhaps I'm just ignoring, missing  
17 an obvious question, is the Commission's question  
18 "how can money be rationed for the duration of a  
19 season or the year?" And I apologize for that  
20 question, if you find it --

21 CHAIRMAN GOLDNER: Well, yes. I think  
22 the issue is -- and I do want to give  
23 Commissioner Ross a chance to jump in here, but  
24 I'll make one last comment. At the last hearing

1 we had, I believe there was a reserve balance of  
2 \$4.something million. So, the problem is worse  
3 than it seems, because we've flushed through the  
4 \$4.whatever million, all the way to a deficit in  
5 March under the current Program design. So,  
6 that's a problem.

7 MS. SCHWARZER: Well, Mr. Chairman, I  
8 believe the anticipated deficit, and, again, I'll  
9 go to the press release, because I don't have  
10 independent information, but that press release  
11 describes the increase in electric bills as an  
12 increase of 50 percent. With an increase in  
13 electric bills of a magnitude of 50 percent for  
14 low-income families, with the benefit offered to  
15 them, I think it's understandable that money  
16 would be flowing out of the EAP Fund much faster  
17 than it has in the past. And, so, to the extent  
18 the purpose of that money is to support  
19 low-income families, it is perhaps, certainly,  
20 the volatility in the market is regrettable, but  
21 good news that we can go from, and my  
22 understanding of the level of the Fund was  
23 approximately 3.6 million at the beginning of  
24 this coming Program year for October 1st. And,

1           so, that is -- I don't have concrete information,  
2           but that was an estimate.

3                     CHAIRMAN GOLDNER:   That could be right.  
4           We have a lot hearings.

5                     MS. SCHWARZER:    Okay.

6                     CHAIRMAN GOLDNER:   So, it could be.  
7           I'll accept your number.

8                     MS. SCHWARZER:    But I --

9                     CHAIRMAN GOLDNER:   I just want to --  
10          I'm sorry.  I'm sorry, Attorney Schwarzer.  My  
11          point is that, if the Program design is designed  
12          around the 1.5 mill rate, so, what the Commission  
13          has been asking for is "what is the design of the  
14          program going into next year?"  And what we just  
15          heard was, that design is insufficient.  That  
16          design will not -- is not funded going into next  
17          year.  So, one has to redesign the Program, I  
18          assume?

19                    MS. SCHWARZER:    Well, I guess it  
20          depends.  Are you trying to give the  
21          first-come/first-serve people to the Program  
22          with --

23                    CHAIRMAN GOLDNER:   No, no.  I'm asking  
24          the Parties to give the Commission a proposal

1           that is sensible.

2                     Mr. Burke.

3                     MR. BURKE: Yes. I'll just add, you  
4 know, I share your concern, too, about the  
5 deficit. But, I guess, for purposes of today, I  
6 think granting the Motion to Extend Time doesn't  
7 prevent us from addressing this problem. We  
8 have, I think, seven or eight months, based on  
9 the projections. And, as we've discussed,  
10 there's some additional information that would be  
11 helpful to have, namely, the report from the  
12 consultant, and then I've raised some information  
13 that admittedly is more speculative than that.  
14 But, at a minimum, we know the consultant can  
15 deliver the report based on the deadline in the  
16 Motion. And, by that time, the speculative  
17 information I have may also be less speculative.

18                     And, so, there's a lot that will  
19 happen, I guess, between now and October 3rd that  
20 would be very helpful information to have before  
21 we make any decisions, and that would still give  
22 us a lot of time before this, you know, we hit  
23 the mark of this projected deficit.

24                     And I think, unfortunately, I'm not

1           sure the Parties are ready today to discuss this,  
2           and I don't know if this is what Attorney  
3           Schwarzer was getting at, but, you know, those  
4           projections are based on assumptions. So, I  
5           think, before we make a decision on those  
6           numbers, we should probably have further  
7           discussion and inquiry into those projections,  
8           what the assumptions are, and how they may or may  
9           not change if we make different assumptions.

10                    So, I think, you know, again, while all  
11           of this is extremely important, I think, for  
12           purposes of granting the Motion, I'm not sure  
13           that it necessitates us trying to speed ahead  
14           without the consultant having sufficient time to  
15           do the work.

16                    CHAIRMAN GOLDNER: I'll pause there and  
17           let Attorney Ross jump in.

18                    SPECIAL CMSR. ROSS: So, first, let me  
19           just make a statement that is somewhat responsive  
20           to the questions raised by the OCA.

21                    The two clear statutory directives that  
22           I see, as a Commissioner, are, one, to ensure  
23           that the 1.5 mill rate is, in fact, collected and  
24           used for the EAP Programs; and, two, to make sure



1           that the reserve amount in the EAP Fund does not  
2           exceed \$1 million, with some reasonable  
3           assumptions about the Program running it down.

4                         The other implied obligation that the  
5           Commission has is to manage this Fund, and to  
6           ensure that it is financially sound. And what is  
7           alarming to me today is that, today, at a hearing  
8           that we scheduled to figure out what to do with  
9           the delayed consultant's report, we learned for  
10          the first time that, under some set of, I would  
11          assume, reasonable assumptions, this Fund is  
12          going to be in a deficit in a fairly short period  
13          of time.

14                        A couple things that come out of that.  
15          One, we need better reporting and information on  
16          the status of this Fund. And, so, I will have a  
17          few questions now about our current reporting  
18          system. We need communication. We have left to  
19          the Advisory Board and the Parties the  
20          recommended design changes. I think that is  
21          consistent with the stakeholder process  
22          envisioned. But we cannot ignore our clear  
23          statutory obligations while we allow that process  
24          to unfold.

1           So, one of my first questions, and any  
2           of the Utilities can answer this, I notice there  
3           are some monthly reports filed by I believe three  
4           of the Utilities, but not by Eversource. Would  
5           someone help me understand what information we're  
6           getting in those reports, and why Eversource is  
7           not filing one?

8           MS. CHIAVARA: For Eversource's part, I  
9           am not aware that we weren't filing. I  
10          believe -- I thought we were filing a bunch of  
11          reports, and consistent with the rest of the  
12          Utilities. So, if that is not the case, I would  
13          have to take that back and find out why.

14          SPECIAL CMSR. ROSS: It may be they're  
15          going into a different docket. But we do need to  
16          sort out where that -- and, so, do those budget  
17          reports, are they basically a run report, which  
18          shows money in/money out and a reserve?

19          MS. CHIAVARA: I would also have to  
20          take that back. That is my understanding. But I  
21          would want to confirm. I would want to talk to  
22          the people in charge of that program.

23          SPECIAL CMSR. ROSS: Okay. So, the  
24          Commission, in order to get the total reserve

1 amount, would have to take those monthly reports,  
2 wherever they're going, because I wasn't able to  
3 find the Eversource ones in this docket, and add  
4 them up, and that would give us the -- can DOE  
5 confirm that those reports would give us the  
6 reserve amount?

7 MS. SCHWARZER: Commissioner Ross, I  
8 apologize, but Amanda Noonan's absence, I would  
9 have to take that as a record request.

10 SPECIAL CMSR. ROSS: All right. I  
11 would like to make -- I'm sorry, Ms. Geiger.

12 MS. GEIGER: Yes, Commissioner Ross,  
13 I'm speaking on behalf of New Hampshire Electric  
14 Cooperative, and I happen to have a copy of the  
15 report that they filed for the month of June in  
16 front of me. And, briefly just to summarize the  
17 information that's in that report, it does report  
18 for the month of June the amount of funding that  
19 the Co-op received for its EAP Program, also the  
20 amount of costs that were incurred for the month  
21 of June, and then the amount to be submitted to  
22 the New Hampshire State Treasury, just in very  
23 broad brushstrokes. In addition, it also  
24 provides the number of participants in the

1 Program by tier.

2 SPECIAL CMSR. ROSS: Thank you. That's  
3 really helpful, Ms. Geiger. Could I ask a  
4 follow-up in that case?

5 So, that would be just the monthly  
6 amount going into the Treasury. We would not  
7 have a picture of the total Treasury reserve from  
8 those reports, is that correct?

9 MS. GEIGER: I'm unable to determine  
10 that from what I have in front of me. But, just  
11 in broad brushstrokes, it's just money in/money  
12 out, as you had suggested.

13 SPECIAL CMSR. ROSS: I'm going to make  
14 a record request. And it will be for a  
15 recommendation from the Parties as to the most  
16 efficient reporting method we can establish, on a  
17 monthly basis, for the Commission to understand  
18 money in/money out, and the reserve amount. It  
19 can be aggregated for all of the Utilities, or  
20 individual, with regard to the money in/money  
21 out, because it looks like that's how they're  
22 already reporting, but we also need the total  
23 reserve number, because we have a statutory  
24 obligation to manage that reserve.

1 MS. SCHWARZER: Commissioner Ross, if I  
2 might, Mr. Cronin would like to comment as well.

3 SPECIAL CMSR. ROSS: Thank you.

4 MR. CRONIN: Commissioner, the report  
5 that Attorney Geiger just referenced is one that  
6 all four utilities, including Eversource, do file  
7 on a monthly basis. So, there is a final report,  
8 that we take all four of the utilities and  
9 combine it into one report that we send over to  
10 the State Treasury. So, Eversource does complete  
11 that monthly report as well.

12 SPECIAL CMSR. ROSS: In that case,  
13 could we ask that the State Treasury report also  
14 be sent to the Commission?

15 CHAIRMAN GOLDNER: And I'll note that  
16 it's not in the docket. So, the Eversource  
17 report is not in this docket. It might be filed,  
18 but it's not filed in this docket. I'm looking  
19 at the PUC webpage right now.

20 SPECIAL CMSR. ROSS: And we will, after  
21 the hearing today, we will issue a follow-on  
22 order, just, you know, to kind of wrap up some of  
23 the loose ends.

24 With that, I do have a few questions.

1 I think DOE is going to be the best party to  
2 answer the first couple.

3 What was the approximate enrollment in  
4 the EAP Program last year, that would be the 2021  
5 to 2022?

6 MR. CRONIN: I don't have that number  
7 in front of me. I would have to get that for  
8 you. I did not bring it with me.

9 SPECIAL CMSR. ROSS: Do you have a  
10 sense of how it compared with the prior year?

11 MR. CRONIN: It was, as I recall, it  
12 was down a bit from the previous year.

13 SPECIAL CMSR. ROSS: Okay. Thank you.

14 MR. FOSSUM: And, I'm sorry, this is  
15 Matthew Fossum, from Unitil. I'll just  
16 interject.

17 One of the initial record requests that  
18 was provided by the Parties back in March does  
19 contain enrollment numbers broken down by  
20 month --

21 SPECIAL CMSR. ROSS: Oh, thank you.  
22 Okay.

23 MR. FOSSUM: -- for the last five  
24 years, so that that information has already been

1 filed in the docket.

2 SPECIAL CMSR. ROSS: So, we would just  
3 add them up and we could get a total for the --  
4 it would only be through March, though. It  
5 wouldn't be the full year, correct?

6 MR. FOSSUM: It goes -- it starts in  
7 2018, and goes up through January of 2022,  
8 because that was what was available at the time.

9 SPECIAL CMSR. ROSS: Okay. So, maybe  
10 for today, if we could just finish out to the  
11 most recent point in 2022, that would be helpful.  
12 And we'll go back and take a look at the  
13 response. Thank you.

14 Do you have a sense of the total EAP  
15 collections and expenditures last year, so, up  
16 through -- the whole Program year isn't finished,  
17 but from October through the current date?

18 MR. CRONIN: I apologize, Commissioner.  
19 I do not have that.

20 SPECIAL CMSR. ROSS: Can you give me  
21 the current reserve balance in the EAP account?

22 MR. CRONIN: As Attorney Schwarzer had  
23 mentioned, it was 3.6 million, as I recall, at  
24 the beginning of this Program year.

1                   SPECIAL CMSR. ROSS: That would have  
2                   been October 1st of 2021?

3                   MR. CRONIN: That's correct.

4                   SPECIAL CMSR. ROSS: We don't have any  
5                   current number?

6                   MR. CRONIN: I do not have that, no.

7                   MR. BURKE: Special Commissioner Ross?

8                   SPECIAL CMSR. ROSS: Yes.

9                   MR. BURKE: If I may, I'd just, and  
10                  think it would perhaps be best handled through a  
11                  record request, but I can just mention that there  
12                  were updated numbers shared at the last EAP  
13                  Advisory Board meeting, and I believe the balance  
14                  is closer to 3.7 million now, based on the data  
15                  that was shared at the last EAP Advisory Board  
16                  meeting, which is a public meeting. So, --

17                  SPECIAL CMSR. ROSS: Okay. Thank you.

18                  MR. BURKE: You're welcome.

19                  SPECIAL CMSR. ROSS: I think this sort  
20                  of line of questioning convinces me further that  
21                  we need some better information sharing in this,  
22                  in this docket, and with regard to the EAP  
23                  programs.

24                  MS. SCHWARZER: Commissioner Ross, if I



1           might? I think part of the problem is that Ms.  
2           Noonan is on vacation. And I'm sure, were she  
3           here, she would have more of the information that  
4           you're seeking. And, so, I certainly apologize  
5           for that, for her absent. It was -- this hearing  
6           was scheduled fairly recently, and she was unable  
7           to be present.

8                        SPECIAL CMSR. ROSS: And then, my last  
9           question, which I think has been answered, but  
10          I'm going to ask it anyway. Assuming we don't  
11          know until November or so what Program changes,  
12          if any, are recommended, can we go ahead and  
13          implement them at any time? Is there any reason  
14          why they can't be implemented immediately, once  
15          we know what they should be?

16                       MR. CRONIN: They could be implemented.  
17          It depends on the change and what impact it has.  
18          But, yes, it could be changed and implemented at  
19          any time.

20                       SPECIAL CMSR. ROSS: Thank you. That's  
21          all of my questions.

22                       CHAIRMAN GOLDNER: Thank you. I'll  
23          just follow up on a couple of things.

24                       I just want to discuss Commissioner

1 Ross's comment at kind of another level of  
2 detail. So, the current position of the Parties  
3 is we'll get a report on October 3rd, I think.  
4 And I think Attorney Sheehan had pointed out  
5 earlier, we don't want to move too quickly. We  
6 want to be thoughtful about any changes,  
7 understandably so.

8 But what would the Parties recommend,  
9 in terms of a process, for redesigning the  
10 programs? What sort of timeline are we on to  
11 redesign the programs?

12 And, again, I'm responding to the  
13 Program runs out of money in March, that would  
14 be, you know, unpopular, I think, if that were to  
15 happen. And we were to have a, you know,  
16 DEFCON 1 situation here. So, I think it's  
17 important that the Program not run out of money.

18 So, I'd like to understand from the  
19 Parties how we can get to closure on this as  
20 quickly as possible, make whatever changes are  
21 needed to the Program, to make sure it's viable  
22 through the Program year.

23 Maybe the Parties could respond to what  
24 happens after October 3rd, and how do we get to

1 closure on whatever we need to do to keep the  
2 Program viable?

3 MS. SCHWARZER: Mr. Chairman, in the  
4 first instance, since we haven't seen the report,  
5 and we don't know what the consultant is going to  
6 say, at least I certainly don't --

7 CHAIRMAN GOLDNER: I'm sorry, Attorney  
8 Schwarzer, I don't mean to cut you off. But I  
9 just want -- I'm trying to understand the  
10 timeline.

11 So, let's assume that the report comes  
12 in and says exactly what the Department of Energy  
13 has suggested, that is the Program runs out of  
14 money during the Program year, that is a negative  
15 balance, a deficit. So, how do we get to closure  
16 on this topic as quickly as possible?

17 So, let's assume for a moment that your  
18 earlier stipulation is correct. Do we resolve  
19 this by the end of October? Attorney Sheehan  
20 wants us to be thoughtful, understandably so, but  
21 we also, you know, only have some months to sort  
22 this out.

23 So, I'm sorry. You can proceed now. I  
24 just wanted to make sure my assumptions were

1 clear.

2 MS. SCHWARZER: Oh, Mr. Chairman, I  
3 think that's an enormous question. And I don't  
4 think I can respond off-the-cuff. It would be  
5 irresponsible. And I apologize, but I don't have  
6 an answer for you. I don't know if Mr. Cronin  
7 has?

8 MR. CRONIN: I do not. Sorry.

9 CHAIRMAN GOLDNER: Just a moment  
10 please. Just a moment, Mr. Burke.

11 *[Chairman Goldner and Special*  
12 *Commissioner Ross conferring.]*

13 CHAIRMAN GOLDNER: Mr. Burke, please  
14 proceed.

15 MR. BURKE: I was just going to try to  
16 ground us in what the original plan was. I don't  
17 think that the Motion was changing that original  
18 plan, it's just changing the deadline. And  
19 someone can correct me if I'm wrong, but I  
20 believe the original plan was that, after the  
21 report was filed, there would be a two-week time  
22 period, roughly, where the Parties would have a  
23 chance to comment on the report. And, so, I  
24 believe that would be sufficient for -- I mean,

1           again, recognizing what was just said, that we  
2           don't know what's in that report, but at least we  
3           could have that two-week time period to comment,  
4           perhaps that is sufficient for making final  
5           recommendations, if more time is -- you know,  
6           again, it's hard to say what would happen. But I  
7           think having that deadline of that two-week  
8           period is sufficient to try to move us forward as  
9           quickly as possible, given what we've discussed  
10          today.

11                       CHAIRMAN GOLDNER: And I'll just point  
12          out something mathematically that everyone  
13          probably already understands, but, if we make the  
14          Program change in February versus, say, October,  
15          that's going to look a lot different with the  
16          current budget for the Program year. You're  
17          going to have a massive reduction in benefits,  
18          which I don't think -- I think Attorney Kreis  
19          would agree, is less than ideal.

20                       So, the sooner we make the change the  
21          better, to smooth things out, and make sure that  
22          the benefits are, you know, well-defined and  
23          clear, and they remain consistent. And the  
24          urgency that the Commission feels is to make sure

1           that everything is as smooth as possible. So,  
2           I'll say that.

3                         Yes.

4                         MS. SCHWARZER: Excuse me.

5                         CHAIRMAN GOLDNER: Go ahead.

6                         MS. SCHWARZER: Mr. Chairman, are you  
7           anticipating a reduction in benefits?

8                         CHAIRMAN GOLDNER: It couldn't be  
9           otherwise. With the current level, you have a  
10          1.5 mill rate by the Legislature that's defined.  
11          And, so, the Program design has to reflect the  
12          budget. And, therefore, you know, if you're  
13          running a deficit, the redesign has to be a  
14          reduction of benefits.

15                         Mr. Burke.

16                         MR. BURKE: I would just say,  
17          respectfully, that this is why I think we need  
18          more time, because I don't think that's the only  
19          option. In the past, we've had a wait list,  
20          rather than a reduction in benefits.

21                         And, so, I really think these are  
22          larger questions we need more time to dig into.  
23          And, really, I don't want to jump ahead of  
24          ourselves and suggest certain outcomes without

1 more information.

2 CHAIRMAN GOLDNER: That's a good point,  
3 Mr. Burke. And it's clearly the longer we wait,  
4 the more difficult this becomes. But I see your  
5 point, there are multiple options, and I  
6 appreciate that clarification.

7 At this point, what I would suggest is,  
8 you know, we've uncovered here today, to the  
9 surprise of both Commissioners, that we have a  
10 problem that we didn't know that we had walking  
11 in here today, and it needs to be resolved  
12 expeditiously. So, what we're suggesting is a  
13 hearing on the matter prior to the implementation  
14 of the 2022-2023 Plan, whether it's in this  
15 docket or another docket, we'll sort that out  
16 later, and sort through this issue.

17 Is there anything you'd like to add to  
18 that, Commissioner Ross? Did I summarize that  
19 correctly? Or, do you have anything you would  
20 like to add?

21 SPECIAL CMSR. ROSS: No. That's fine.

22 MS. SCHWARZER: Mr. Chairman, if I  
23 could speak briefly? In terms of the docket for  
24 the approval of the administrative budgets in 20-

1 I think it's 043, the administrative budgets are  
2 distinct and separate from any concerns with  
3 regard to the scope or funding of the benefit or  
4 the structure of the benefit. I mean, I suppose,  
5 indirectly, depending upon the magnitude of the  
6 changes, there could be an indirect impact on an  
7 administrative budget. But I believe you've  
8 heard from all Parties that the administrative  
9 budgets are for the utilities to be able to  
10 administer their program, as well as the  
11 Community Action Agency.

12 CHAIRMAN GOLDNER: Isn't it also true,  
13 though, that administrative budget comes out of  
14 the 1.5 mill rate?

15 *(Multiple parties indicating in the*  
16 *affirmative.)*

17 CHAIRMAN GOLDNER: All right. So, it  
18 does matter. I don't want to cross dockets, but  
19 it does matter.

20 MS. SCHWARZER: I wish Amanda Noonan  
21 were here to speak to that. And, if the  
22 Commission would make that a record request, I  
23 think that might be very important.

24 CHAIRMAN GOLDNER: Yes. Yes. I don't



1 see -- I don't know if anyone would like to  
2 comment, I don't see how it could be otherwise.  
3 That the Legislature has told us how much we have  
4 to spend, and administrative costs are a part of  
5 that spend.

6 MR. KREIS: I can comment. I agree  
7 with that wholeheartedly. And, so, the meta  
8 question here is, "where do the lines of  
9 responsibility and accountability run?" As  
10 Special Commissioner Ross said, I think, during  
11 her comments, that I think she said that the  
12 Commission's -- she was listing the  
13 responsibilities in the Commission, and she said  
14 "manage this Fund", that was one of the -- I  
15 think she called them "implied responsibilities".

16 I don't have any objection or I don't  
17 have any reason to disagree with that. But  
18 there's a problem, and the problem essentially is  
19 that, before July 1st of last year, Ms. Noonan  
20 worked for you guys. She doesn't work for you  
21 anymore. And, so, therefore, the lines of  
22 accountability are either blurred or missing or  
23 severed, and that is the reason that we are here  
24 today flailing around like chickens that have

1           been beheaded. And this is a problem that needs  
2           to be solved fast.

3                       CHAIRMAN GOLDNER: All right. Any  
4           other -- any other comments today? Is there  
5           anything else that we need to cover?

6                       *[No verbal response.]*

7                       CHAIRMAN GOLDNER: Okay. Well, I'll  
8           thank everyone today for their time. The  
9           Commission will, out of this prehearing  
10          conference, issue an order with record requests  
11          and an upcoming hearing, again, either in this  
12          docket or the other.

13                      And we are adjourned. Thank you.

14                      ***(Whereupon the hearing was adjourned***  
15                      ***at 9:57 a.m.)***