

**BEFORE THE NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-030

Public Service Company of New Hampshire d/b/a Eversource Energy

Petition for Third Step Adjustment

New Hampshire Department of Energy

Motion To Modify Procedural Schedule to Allow for A Response to Eversource's Motion to Compel Production of Responses to Data Requests and Eversource's Letter

The Department of Energy ("Department") pursuant to New Hampshire Code Admin. Rules Puc 203.07 and 202.04, hereby moves the Public Utilities Commission (Commission) to modify the existing procedural schedule in this docket to allow the Department to respond to Eversource's Motion to Compel Production of Responses to Data Requests and to Eversource's Letter of October 14.

In support of this Motion, the Department states as follows:

1. In a Procedural Order dated October 6, 2022, the Commission scheduled a hearing in this matter for October 17 to allow for cross examination of the Department's witness.
2. On September 26, Eversource issued data requests to the Department concerning (almost exclusively) the ongoing Business Process Audit (BPA) of Eversource undertaken pursuant to DE 19-057. The Department objected to these data requests as untimely (not provided for in the established procedural schedule and inappropriate during the hearing phase of the docket) and irrelevant (not pertaining to the issue in the case, *i.e.*, the prudence of Eversource's 2021 capital investments).

3. Eversource (inadvertently) filed an incomplete Motion To Compel on October 10, 2022, which after prompting by the Commission, it supplemented on October 12. On October 14, Eversource filed a letter rearguing its Motion, and introducing new arguments.
4. Pursuant to Puc Rule 203.07.e, the Department has 10 days to object to Eversource's motion, which the Department intends to do.
5. Accordingly, the Department requests that the hearing on October 17 be cancelled to allow time for the Department to object to Eversource's Motion and to Eversource's letter submitted October 14. The Department intends to submit an objection to the Motion on October 22 (ten days after the Motion was filed completely) and a response to Eversource's letter on October 24. Once the Commission rules on the Motion, and after appropriate periods for rehearing and appeals have lapsed, then this case should resume.
6. If the Commission rules that the Business Process Audit is relevant to this case, then the Department requests the opportunity to issue discovery and examine Eversource employees involved in the BPA.
7. In its Objection to the data requests, the Department noted that the existing schedule did not provide for Eversource to issue discovery and that discovery during the hearing phase of a case is inappropriate because it can prevent parties from preparing for hearings. This is exactly the effect of Eversource's repeated filings concerning the BPA. The Department should be permitted time to prepare for cross examination of its witness without being subject to multiple discovery requests and pleadings.

WHEREFORE, the Department respectfully requests that the Commission cancel the hearing set for October 17, allow the Department to respond to the Eversource Motion of October 10 as supplemented on October 12, and letter of October 14. In the event the Commission rules that the BPA is an issue to be explored in this case, then the Department requests adequate time to conduct discovery and examination of Eversource employees involved in the audit.

Respectfully submitted,

New Hampshire Department of Energy

By its Attorney,

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