

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY**

DE 19-142

**Rate Recovery of Costs in Excess of the Cumulative Reduction Cap
Under the Power Purchase Agreement with Berlin Station, LLC**

DE 22-050

**Petition for Consideration of the Second Amendment to the
Power Purchase Agreement with Berlin Station, LLC**

Procedural Order Re: Requested New Hampshire Department of Energy Filings

On August 11, 2022, the Commission issued Order No. 26,665 in Docket Nos. DE 10-195 and DE 19-142, directing the Burgess BioPower plant (Burgess) and its affiliates to “make their capital and operating cost and profit and loss records available to the New Hampshire Department of Energy (DOE) for investigation and audit,” including records that may be exempt from public disclosure under RSA 91-A:5, IV. *Id.* at 2-3. Order No. 26,665 required these records to be filed with the Commission, in addition to the DOE and the Office of the Consumer Advocate (OCA). *Id.* at 2-4.

The Commission also noted in Order No. 26,665 that it anticipated Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) and Burgess would submit a revised power purchase agreement (PPA) for its review in a new, separate docket. *Id.* at 3. The Commission opened Docket No. DE 22-050 on August 26, 2022, when Eversource filed a petition for approval of a second amendment to the PPA.

On September 2, 2022, Burgess filed a motion to clarify and/or to modify Order No. 26,665, arguing that SB 271 simply requires that capital and operating cost and profit and loss records be “made available” to the DOE and the OCA; SB 271 did not specify that

such records would be filed nor that they would be available to the Commission. The OCA filed an objection to Burgess's motion on September 6 and then withdrew its objection on September 8, waiving its opportunity to review Burgess's records.


On September 12, 2022, the DOE filed a letter to the Commission, in which it stated that the Commission misinterpreted a portion of SB 271 and that Burgess's September 2, 2022 motion is therefore moot. The DOE argued that SB 271 required Burgess to make its records available to only the DOE and the OCA and noted that SB 271 repealed 2018 N.H. RSA 340:2, which previously required Burgess to provide the Commission with its records upon request.

Based on these representations, with respect to Burgess's capital and operating cost and profit and loss records, the Commission hereby revokes the requirement pursuant to Order No. 26,665 that these records be filed with the DOE, the OCA, and Commission. It is the Commission's expectation that Burgess will make such records available to the DOE and the OCA in accordance with SB 271.

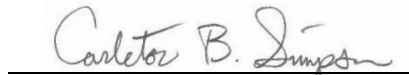
Therefore, the Commission agrees with the DOE's position that Burgess's September 2, 2022 motion is moot.

On or before September 23, 2022, the DOE is requested to file its recommendation and supporting evidence regarding Eversource's petition for approval of a second amendment to the PPA, to be reviewed in Docket No. DE 22-050.

So ordered, this fourteenth day of September, 2022.



Daniel C. Goldner
Chairman



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket# : 19-142

Printed: 9/14/2022

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