

Filed Electronically Only

December 02, 2022

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301

Re: Docket No. DRM 22-055, Puc Ch. 200 Rules of Practice and Procedure

Dear Chairman Goldner,

In accordance with the Commission’s September 28, 2022 Request for Advance Public Comment on Subject Matter of Possible Rulemaking relating to Puc Ch. 200, Rules of Practice and Procedure, the Conservation Law Foundation (“CLF”) hereby requests that the Commission consider this late submission of initial comments addressing potential changes to the Puc Ch. 200 Rules.

CLF is a non-profit organization dedicated to protecting New England’s environment for the benefit of all people. CLF uses the law, science, and markets to create solutions that build healthy communities, sustain a vibrant economy, and preserve natural resources, including resources affected by the generation, transmission, and distribution of electric power and the transportation and use of natural gas. Consistent with its mission to promote thriving, resilient communities, CLF advances sound clean energy policies that strengthen New England’s—and New Hampshire’s—economic vitality. CLF has over 5,600 members in New England, including over 760 members in New Hampshire.

Filing Deadlines and Processes for Scheduling Proceedings

CLF supports amending the rules to provide greater clarity with respect to filing deadlines and scheduling proceedings for utility least cost integrated resource planning dockets. The Commission recently acknowledged the value that least cost integrated resource plans (“LCIRPs”) provide for the Commission’s review of utility capital expenditures, as well as to ratepayers. *See* Order No. 26,684, Docket No. DG 17-152, at 4 (Sept. 14, 2022) (explaining that the Commission views an LCIRP “as the opportunity for the utilities it regulates to work with interested parties to evaluate supply and capital plans that secure reliable and least-cost service for ratepayers,” that going forward the Commission expects utilities to conform with the supply and capital plans developed through LCIRPs and rate cases, and that going forward the Commission “will consider how each utility’s capital investments align with its LCIRP and thus support the goal of securing the least cost resources and minimizing the rate impact for

customers”); *see also* Order No. 26,664, Docket DG 19-126, at 16 (Aug. 8, 2022) (same). However, despite the Commission’s recognition of the importance of LCIRPs to utilities’ capital expenditure planning and for reducing rate impacts, several LCIRP proceedings have been significantly delayed, which, regrettably, has substantially undermined the purpose of LCIRP filings. *See, e.g.*, Docket No. DG 17-152 (proceedings delayed five years with an ultimate ruling by the Commission that the LCIRP filing was moot); Docket No. 20-161 (despite an October 2020 filing of LCIRP, hearing on LCIRP will not take place until January 2023). Delaying a hearing and adjudication of an LCIRP until several years after its initial filing results in such plans becoming obsolete and losing their relevance in the Commission’s review of utilities’ capital expenditures. One factor in the delay of LCIRP proceedings has been utilities’ submission of supplemental filings in LCIRP dockets. *See, e.g.*, Docket No. DG 17-152 (wherein utility submitted two supplemental filings for its LCIRP); Docket No. 20-161 (wherein utility submitted supplemental filing for its LCIRP).

To expedite and better accomplish the purpose of the LCIRP statutes, RSA 378:37-40, CLF proposes amending the Puc Ch. 200 Rules to provide greater specificity on filing deadlines and hearing schedules in LCIRP dockets. CLF proposes the following additions to the Puc Ch. 200 Rules:¹

Puc 203.35 LCIRP Filings and Adjudications of LCIRPs.

(a) Each utility shall file a least cost integrated resource plan with the Commission no later than five years after the filing date of the previous least cost integrated resource plan.

(b) The Commission shall review all least cost integrated resource plans in an adjudicative proceeding. Within 10 days of receiving a utility’s least cost integrated resource plan, the Commission shall provide the public notice of an adjudicative proceeding pursuant to RSA 541-A:31, III.

(c) Any supplemental filings to the least cost integrated resource plan shall be filed by the utility with the Commission no later than six months after the initial least cost integrated resource plan filing.

(d) The Commission shall conduct and conclude all hearings on the least cost integrated resource plan within one year of the utility’s initial filing of the least cost integrated resource plan.

¹ Additions to current Puc Ch. 200 law appears in bold italics.



(e) The Commission shall issue a decision approving or denying the utility's least cost integrated resource plan within 60 days of the conclusion of hearings on the least cost integrated resource plan.

CLF appreciates the Commission's consideration of these comments on potential amendments to filing deadlines and scheduling processes for LCIRP dockets. Although these comments are submitted after the Commission's deadline for the initial submission of comments, because this rulemaking is still in its early stages and improvements to the procedures and processes for LCIRPs have the potential to increase the efficiency and usefulness of such proceedings, CLF respectfully requests that Commission consider this late comment submission.² Please do not hesitate to contact me with any questions or concerns regarding these comments.

Sincerely,

/s/ Nick Krakoff
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cc: Service List in DRM 22-055

² CLF notes that the Commission appears to have accepted the Department of Energy's submission of initial comments after the deadline in this docket.