

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**IR 22-076**

**ELECTRIC DISTRIBUTION UTILITIES**

**Investigation of Whether Current Tariffs and Programs are Sufficient to Support  
Demand Response and Electric Vehicle Charging Programs**

**PREHEARING ORDER**

In this order the Commission clarifies that the investigative phase of this docket will last approximately three months and will be followed by an adjudicative phase. The Commission asks the participants to develop a procedural schedule for the investigative phase in order to develop recommendations on the questions raised in the order of notice issued on November 15, 2022.

**I. BACKGROUND AND PROCEDURAL HISTORY**

On November 15, 2022, the Commission issued an Order of Notice announcing the commencement of an investigation pursuant to recent amendments to Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. § 2621(d)) (Federal Jobs Act).

The Order of Notice designated the three New Hampshire electric distribution utilities, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Unitil Energy Systems, Inc. (Unitil), and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty) (collectively the Electric Utilities), as mandatory participants.

Community Power Coalition, Clean Energy New Hampshire, Revision Energy, Inc., Town of Peterborough Energy Committee, Weave Grid, Inc., Conservation Law Foundation, NH Dept. of Environmental Services, NE Convenience Store and Energy

Marketers Assoc., Town of Derry, ChargePoint, Inc., Fermata Energy, Best Ford, Ski New Hampshire, Inc., and Vehicle Grid Integration Council indicated that they would participate in this investigation.

On December 7, 2022, the New Hampshire Department of Energy (DOE) filed a notice of participation in the docket. On February 1, 2023, the Office of Consumer Advocate (OCA) filed a notice of participation in the investigation.

On January 27, 2023, the Electric Utilities submitted a joint motion (Joint Motion) asking for clarification of a number of issues, and also requesting that the docket be split into three separate proceedings. The Joint Motion and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-076.html>

## **II. SEPARATE PROCEEDINGS**

The Electric Utilities in their Joint Motion argue that the docket would be more efficient if it were conducted as three separate proceedings dealing with electric vehicle (EV) charging, demand response and electronic data exchange (EDI). Some other participants argued that keeping the issues in one docket was more efficient and a better use of limited resources. The Joint Motion also asks that the Commission describe more specifically its objectives in this investigation and the probable outcome of the investigation. At hearing the participants asked if and when the Commission intends to make the determination required by the Federal Jobs Act.

As announced by the Commission at the prehearing conference, the Commission finds that keeping the three issues in one proceeding will be a more efficient method of conducting this initial investigation. The Commission therefore denies the Joint Motion to separate the docket. The Commission intends to hold a

status conference during the last week of April, 2023, in order to consider the output of the stakeholder process and recommendations of the participants relative to the application of the standards in the Federal Jobs Act to New Hampshire public utility practice. Following the Status Conference in April 2023, the Commission will issue orders terminating the investigation and opening an adjudicative docket.

It is not possible at this time to forecast when the Commission will make determinations under the Federal Jobs Act as to any of the three areas, EV charging, Demand Response and EDI<sup>1</sup>. That determination will depend upon the state of the record on the three issues. Further, even if the Commission finds the requirements of the Federal Jobs Act have been met in New Hampshire, the Commission may still wish to commence an adjudication relating to the issues investigated. The scope of that adjudication will be established in a future order of notice.

### **III. PROCEDURAL SCHEDULE FOR INVESTIGATION**

The Order of Notice lists a series of questions the Commission directs the participants to address during the investigative phase of this docket. At the prehearing conference the Commission asked the participants to confer and develop a procedural schedule with the goal of presenting information and recommendations to the Commission. We invite the participants to devise a schedule that handles the issues efficiently in order to minimize participant resources. We await a recommendation from the participants on a procedural schedule designed to provide input to the Commission at the Status Conference scheduled for late April, 2023. We ask that the participants propose a schedule to the Commission on or before February 17, 2023.

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<sup>1</sup> Although EDI is not specifically mentioned in the Federal Jobs Act, the Commission has determined that it is a necessary technology for enabling demand response and therefore believes it bears investigation in connection with this inquiry into demand response.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the motion to separate the proceeding into several dockets is DENIED; and it is

**FURTHER ORDERED**, that the participants shall confer and recommend a procedural schedule to the Commission for the investigative phase of this docket on or before February 17, 2023; and it is

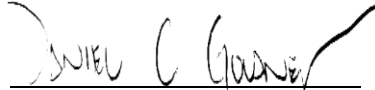
**FURTHER ORDERED**, that the Commission will hold a status conference, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on April 26, 2023, at 9:00 a.m., at which each participant should be prepared to address any of the issues set forth in the Order of Notice; and it is

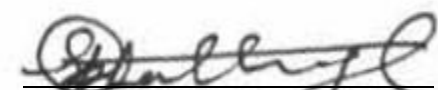
**FURTHER ORDERED**, that participants shall file any proposed exhibits, written testimony or comments, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Participants may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission. Filings relating to the Status Conference shall be filed on or before April 19, 2023; and it is

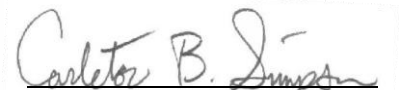
**FURTHER ORDERED**, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or [ClerksOffice@puc.nh.gov](mailto:ClerksOffice@puc.nh.gov). All requests to the Commission should be made in a written

pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited.

So ordered, this sixth day of February 2023.

  
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Daniel C. Goldner  
Chairman

  
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Pradip K. Chattopadhyay  
Commissioner

  
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Carleton B. Simpson  
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# Service List - Docket Related

Docket#: 22-076

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