STATE OF NEW HAMPSHIRE

BEFORE THE

PUBLIC UTILITIES COMMISSION

Electric and Gas Utilities

2024-2026 Triennial Energy Efficiency Plan

Docket No. DE 23-068

Brief in Response to September 7, 2023 Procedural Order

NOW COMES the Office of the Consumer Advocate ("OCA"), a party to this docket, and submits the following brief in response to the Commission's Procedural Order entered in September 7, 2023 (tab 46) ("Procedural Order"). In this most recent Procedural Order, the Commission specifically requested a brief from the OCA (as well as certain other parties) on a list of specifically enumerated issues. We are pleased to have this opportunity to address the issues raised in the Procedural Order.

I. Introduction

The Commission opened this adjudicative proceeding to consider the Triennial Energy Efficiency Plan jointly submitted by the state's electric and gas utilities on June 30, 2023 pursuant to RSA 374-F:3, VI-a(d)(5). That statutory provision and those adjacent to it codify Chapter 5 of the 2022 N.H. Laws (commonly referred to as "House Bill 549"). Subparagraph (d)(5) not only set the date for the Triennial Plan filing; it also put this docket on a fast track by

establishing November 30, 2023 as the deadline by which the Commission must rule on the merits of the proposed Triennial Plan. Accordingly, although not contemplated by the Administrative Procedure Act (RSA 541-A), the Commission's enabling statutes (Title 34 of the Revised Statutes Annotated), or the Commission's procedural rules (N.H. Code Admin. Rules Chapter Puc 200), the Commission has issued a series of "record requests" (*see* Procedural Order of August 4, 2023 (tab 39) and Procedural Order of September 1, 2023 (tab 44)), and has now posed a series of legal questions, the most significant of which concern the directives in House Bill 549 on the subject of benefit-cost testing.[1]

II. Codification of the Granite State Test

The bulk of the Commission's queries concerns the meaning of certain language from House Bill 549, enacted as Chapter 5 of the 2022 New Hampshire Laws and codified at RSA 374-F:3, VI-a(d). This, in turn, requires recourse to well-established principles of statutory interpretation.

"In matters of statutory interpretation, the intent of the legislature is expressed in the words of the statute considered as a whole." Petition of State of New Hampshire, 175 N.H. 547, 550 (2022) (citation omitted). The tribunal must "first look to the language of the statute itself, and, if possible, construe that language according to its plain and ordinary meaning." *Id.* (citation omitted). It is

[1] Although we are pleased to respond to the Commission's queries, because they raise issues that most assuredly require resolution in this docket, the OCA reserves the right to object to the procedural irregularities that have so far characterized the progress of this case – particularly the Commission's effort to adduce certain evidence and make certain determinations prior to the creation of an evidentiary record as required by RSA 541-A:31 *et seq.* We likewise reserve the right to supplement our argument on the legal issues addressed in this brief in light of the evidence that actually becomes of record in this proceeding.

necessary to "interpret legislative intent from the statute as written" and "not consider what the legislature might have said or add language the legislature did not see fit to include." *Id.* (citation omitted). One must "interpret statutes in the context of the overall statutory scheme and not in isolation. . . . [and] construe all parts of a statute together to effectuate its overall purpose and to avoid an absurd or unjust result. This review enables [the tribunal] to interpret statutory language in light of the policy or purpose sought to be advanced by the statutory scheme." *Id.* (citation omitted); *see also* Appeal of Old Dutch Mustard Co., 166 N.H. 501, 510 (2014) ("We construe statutes, where reasonably possible, so that they lead to reasonable results and do not contradict each other") (citation omitted). When a statute is ambiguous, one may "consider legislative history to aid [the] analysis." Petition of State of New Hampshire, 175 N.H. at 550 (citation omitted).

House Bill 549 is embedded in the statutory "Restructuring Policy Principles" codified as section 3 of RSA 374-F, the state's electric industry restructuring statute. But this does not necessarily mean that RSA 374-F represents the overall statutory scheme that provides the most useful context for interpreting House Bill 549. The reason is simple: The purpose of RSA 374 was to "restructure the New Hampshire electric utility industry" and "reduce costs for all consumers of electricity by harnessing the power of competitive markets." In other words, by its terms, RSA 374-F is a blueprint for what turned out to be the 22-year transition (completed in 2018 the divestiture of the last legacy generation assets owned by Public Service Company of New Hampshire) from vertically integrated electric

utilities to a paradigm in which transmission and distribution remain rate-regulated monopolies and electricity itself is open to competition at retail.

House Bill 549 is not an attempt to affect that long-since-concluded restructuring process; it is, rather, a direct response to a particular order of the Commission: the agency's decision of November 12, 2021 rejecting the proposed 2021-2023 Triennial Energy Efficiency Plan and announcing a gradual transition to energy efficiency initiatives that would rely on unregulated markets rather than subsidies and behavioral initiatives. *See* Order No. Order No. 26,553 in Docket No. DE 20-092 (11/12/2021) at 28 and 32 (explicitly rejecting Settlement Agreement calling for adoption of the 2021-2023 Triennial Plan), 36 (announcing that non-bypassable energy efficiency charges would "descend gradually year-on year until they return to a reasonable level, and transition toward market-based programs"), and 39 (repudiating the previously approved Granite State Test for energy efficiency cost effectiveness as "overly dependent upon subjective factors such that any desired outcome could potentially be obtained from its application"). In terms of the overall statutory purpose that must govern here, when the Legislature acted in February 2022 it was explicitly countermanding these determinations from Order No. 26,553 and making ratepayer-funded energy efficiency a mandated feature of regulated electric and gas service in New Hampshire, albeit subject to strict limits on the applicable ratepayer charges.[2]

[2] Why, then, did the General Court embed the provisions of House Bill 549 in the Restructuring Policy Principles, particularly given that the 2022 enactment applies not just to electric utilities but to gas utilities as well? Because the Restructuring Policy Principles happen to be the home of previously adopted language authorizing (but not requiring) a "nonbypassable and competitively

The unambiguously stated legislative override of Order No. 23,556 is, therefore, the appropriate lens through which the Commission must view the specific and detailed directives about evaluating the cost-effectiveness of energy efficiency programs codified as RSA 374-F:3, VI-a(d)(4), and the nature and scope of the triennial plan review being conducted in this proceeding (RSA 374-F-3, VI-a(d)(5), as well as these general provisions that appear at the beginning of subparagraph (d):

> the joint utility energy efficiency plan and programming framework and components, including utility performance incentive payments, lost base revenue calculations, and Evaluation, Measurement, and Verification process that were in effect on January 1, 2021 [i.e., prior to Order No. 23,556] shall remain in effect until changed by an order or operation of law as authorized in subparagraphs (3) [not at issue here] and (5). The joint utilities shall continue to prepare triennial energy efficiency plans with programming and incentive payments at levels optimized to deliver rate savings as made possible by funding described as follows[.]

RSA 374-F:3, VI-a(d).[3] Considered in the context of the legislative override, the plain meaning of the actual language in House Bill 549 yields answers to all of the Commission's queries about the effect of the 2022 enactment.[4]

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neutral system benefits charge applied to the use of the [electric] distribution system . . . to fund public benefits" including but not limited to energy efficiency. RSA 374-F:3, VI-a(a).

[3] The "funding as described as follows" refers to detailed provisions in subparagraphs (1) and (2) that mandate nonbypassable energy efficiency charges and fix them at 2021 levels subject to inflation adjustment. These provisions are not implicated by the Commission queries to which this brief responds.

[4] Because the language of House Bill 549 is not ambiguous, recourse to legislative history is not necessary. Nevertheless, we note that the available legislative history is completely consistent with our interpretation of House Bill 549. According to the minutes of the hearing held by the Senate Committee on Energy and Natural Resources on January 18, 2022, at which the final (i.e., extensively amended) version of the bill was under discussion, the bill's lead House sponsor (Representative Michael Vose, chairman of the House Committee on Science, Technology & Energy), its lead Senate Sponsor (Senator David Watters) and the chairman of the Senate committee (Senator

The first question posed by the Commission is whether the agency is "legally precluded from changing in this proceeding any input, assumption, or variable of the Granite State Test or other benefit-cost-testing frameworks approved by Commission order." The answer is that the Commission has some limited authority to change the variables (i.e., numerical values) that determine the cost-effectiveness of the NHSaves programs proposed for 2024-26 but the agency is not free to adjust any of the inputs or assumptions.

In support of that view, we rely principally on the language in subparagraph (4), which states that:

Kevin Avard) stated that the bill's purpose was to provide a "definitive description" of the state's ratepayer-funded energy efficiency programs, without which

> it would be possible for the PUC to reject future plans even if they used the funding formula in HB 549. *The Amendment places into statute the programming framework and components necessary for energy efficiency programs to go forward without the possibility of tampering by the PUC*. The PUC does not make State law, it implements State law.

Minutes of the January 18, 2022 Senate hearing on H.B. 549 at 2 (emphasis added); *see also id.* (attributing to Senator Watters the sentiment that HB 549 "gives stability, transparency, and most importantly assur[ance] that the legislature is the policy setting body"). (The cited committee minutes are available on the web site of the General Court at https://gencourt.state.nh.us/BillHistory/SofS_Archives/2022/senate/HB549S.pdf.) House Bill 549 went to the floor of the Senate with a unanimous "ought to pass" committee recommendation; it was placed on the consent calendar and the committee recommendation stated in relevant part that the amended version of the bill stated that "how programs should be conducted" is a decision "best left to the people's representatives in the New Hampshire General Court, who via House Bill 549 would "place[] in statute the programming framework and components that are necessary for energy efficiency programs to go forward in the state." *Id.* (emphasis added).[4] The upshot is clear. The General Court overruled the Commission and directed it not to reject or even tinker with the Granite State Test.

Similar evidence of how House members regarded the version of House Bill 549 that ultimately became law is not available, understandably so given the bill's odyssey through the enactment process. The final version of the measure emerged after the House previously adopted a much different version of the bill; after the Senate acted the House simply concurred on a voice vote without any committee deliberations. *See* the General Court's docket entries for the bill, available here: https://www.gencourt.state.nh.us/bill_status/legacy/bs2016/bill_docket.aspx?lsr=0717&sy=2022&sortoption=&txtsessionyear=2022&txtbillnumber=hb549.

> the commission's review of the cost effectiveness shall be based upon the latest completed and available Avoided Energy Supply Cost Study for New England, the results of any Evaluation, Measurement, and Valuation [sic] studies contracted for by the department of energy or joint utilities, incorporate savings impacts associated with free-ridership for those programs and measures where such free-ridership may have a material impact on savings figures, and *use the Granite State Test as the primary test*, with the addition of the Total Resource Cost test as a secondary test.

RSA 374-F:3, VI-a(d)(4) (emphasis added). Continuing to use the Granite State Test as the primary test for cost effectiveness can only mean the Commission may not tweak or update the test; rather, it must apply the Granite State Test as it was approved in 2019 via Order No. 26,322 on December 30, 2019 because that comprises a key part of the subsection (d) "programming framework" in effect on January 1, 2021. The inputs are listed in Appendix 1 of Order No. 26,322, the assumptions – which concern which inputs are relevant to the benefit-cost determination -- are now firmly and clearly enshrined in statute – and the list of applicable variables is likewise fully codified.

The assumptions that drive the Granite State Test are admittedly not well-described in the 2019 Order; for insight about them it is necessary to consult the document on which the Commission relied at the time – the *New Hampshire Cost Effectiveness Review* report prepared in 2019 by Synapse Energy Economics for the Benefit-Cost Working Group convened by the Commission and referenced extensively in the 2019 Order.[5] Table 2 of the New Hampshire Cost Effectiveness

[5] The *New Hampshire Cost Effectiveness Review* report is available at https://www.puc.nh.gov/regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2019-10-31_STAFF_NH_COST_EFFECTIVENESS_REVIEW.PDF.

Review report recommends methods for quantifying many of the benefits included in the Granite State Test, *id.* at 9, and the document goes on to list a series of other "inputs and assumptions" that, of particular note, include continuing "the current practice of using a low-risk discount rate" for both the Granite State Test and any secondary tests. *Id.* at 44. Also of note is the recommendation to assess benefits and costs at the program level rather than at the more granular level of individual measures, *id.* at 45, and that no adjustments be made for so-called "free ridership" and "spillover," *id.* at 49.[6] The Synapse document recommended that over the long term, "utilities re-evaluate their approach to free-ridership, spillover, and market transformation and decide whether and how to better account for these impacts in their cost-effectiveness analyses." *Id.* Order No. 26,322 did not explicitly adopt this reevaluation recommendation, however.

Ultimately, the mechanics of the Granite State Test (as, indeed, any other benefit-cost test) are straightforward. The benefits deemed cognizable by the test are quantified and reduced to their net present value according to the appropriate discount rate, at the program level, and then compared to the corresponding program cost. A ratio greater than one means the program is cost-effective. Thus, the answer to the general question – Is the Commission precluded from changing any inputs, assumptions, or variables included in the Granite State Test – is "yes"

[6] "Free ridership" is "energy efficiency program savings that would have occurred in the absence of the incentives provided by the energy efficiency program." *New Hampshire Cost Effectiveness Review* at 48. "Spillover" is "the installation of energy efficiency measures or adoption of energy efficiency practices by customers who did not directly participate in an efficiency program but were nonetheless influenced by the program to make the efficiency improvement." *Id.* A recommendation to make no adjustments, for benefit-cost-purposes, to account for spillover is effectively a conclusion that the effects of spillover and free ridership cancel each other out.

except insofar as updated numbers inform the mathematical calculations included in the proposed Triennial Plan.

Moreover, even if the Commission could plausibly interpret House Bill 549 as authorizing changes to the Granite State Test, such an undertaking would run afoul of the Administrative Procedure Act and the due process protections enshrined therein. RSA 541-A:31, VIII requires that in contested cases, factual findings "be based exclusively in the evidence and on matters officially noticed in accordance with RSA 541-A:33, V" (which governs when an agency may take such notice from sources outside the record, none of which are relevant here). No party has suggested via its written direct expert testimony that changes to the Granite State Test are necessary or appropriate. Therefore, the record will inevitably be devoid of evidence from which the Commission could find that changes to the Granite State Test are warranted.

The Administrative Procedure Act specifies that an agency's "experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence." RSA 541-A:33, VI. Two years ago, the Commission apparently believed its experience, technical competence, and specialized knowledge justified a determination that the Granite State Test was too subjective and confusing to be taken seriously. This is a claim that was devoid of record support in DE 20-092, an argument the Office of the Consumer Advocate was prepared to make on appeal until the adoption of House Bill 549 made appellate proceedings improvident. We

respectfully urge today's Commission not to replicate such a mistake, particularly when use of the Granite State Test is now so clearly required by statute.

III. Free Ridership and Related Issues

The three subparts enumerated in the Commission's first question require additional discussion because they vary the general query somewhat.

Subpart (a) concerns the extent to which the Commission may alter 'inputs, assumptions and variables" explicitly addressed in House Bill 549 – citing, in particular, the example of "savings impacts associated with free ridership for those programs and measures where such free ridership may have a material impact on savings figures, planned electric system savings, etc." Prehearing Order at 2. In this specific realm, the Commission confronts some tension between subparagraphs (4) and (5) of the statute.

Subparagraph (4) directs the Commission to base its "review of the cost effectiveness" on "the latest completed and available Avoided Energy Supply Cost Study for New England, the results of any Evaluation, Measurement, and Valuation [sic][7] studies contracted for by the department of energy or joint utilities, incorporate savings impacts associated with free-ridership for this programs and measures where such free-ridership may have a material impact on savings figures." RSA 374-F:3, VI-a(d)(4). But, by its terms, subparagraph (5) limits the scope of the Commission's review to "approving or denying a joint utility request to alter program offerings" from those currently made available via NHSaves. RSA

[7] It is reasonable to assume the General Court actually meant to refer to "Evaluation, Measurement, and Verification," a ubiquitous phrase that is used correctly elsewhere in House Bill 549.

374-F:3, VI-a(d)(5). In our judgment, applying the plain meaning rule as well as the requirement to construe statutes as a unified whole, on the question of free ridership the Commission must limit itself to approving or rejecting what the Triennial Plan proposes, which is a continuation of the present practice. Although the New Hampshire Cost Effectiveness Review recommended in 2019 that there be ongoing reevaluation of the role free ridership plays, requiring such reevaluation is beyond the scope of the instant proceeding.

Subpart (b) of the Commission's first question concerns "[i]nputs, assumptions, or variables" not explicitly addressed in subparagraph (d) of the statute but addressed in the *New Hampshire Cost Effectiveness Review*. Similarly, subpart (c) inquires about inputs, assumptions, or variables that the New Hampshire Cost Effectiveness Review highlights as worthy of being updated or monetized over time. The answer as to both of these subparts is the same one that applied to the question of free ridership. Subjects addressed or analyzed in the report from Synapse Energy Economics were not enshrined in New Hampshire law via House Bill 549, but neither is the Commission in a position to import them into this proceeding. Again, that is because subparagraph (5) directs the Commission to review "changes to program offerings," as between those currently available and those included in the proposed Triennial Plan, and nothing else.[8]

[8] Although the Commission did not inquire about the meaning of the phrases "primary test" and "secondary test" in RSA 374-F:3, VI-a(d)(4), we take this opportunity to draw the Commission's attention to the unambiguous meaning of these terms as well. Our analysis is grounded in the reality that, for the reasons already explained, the purpose and effect of House Bill 549 are to restore the *status quo ante* as set forth, principally, in the Commission's 2019 Order adopting the Granite State Test. That Order stated that, as the "primary test" the Granite State Test "would be the determinant of whether a program should be included in the portfolio of energy efficiency measures"

IV. Working Groups

The Commission's second question asks whether the agency is legally precluded from "changing in this proceeding the role, composition, or function of any working group convened under the authority of a prior Commission order." Prehearing Order at 3. The answer is yes, in light of the directive in subparagraph (5) of the statute, describing this very proceeding with notable particularity. As noted, *supra*, the General Court instructed the Commission to consider changes to program offerings and nothing more.

Further, RSA 365:28 requires notice and hearing whenever the Commission seeks to "alter, amend, suspend, annul, set aside, or otherwise modify any order made by it." The establishment of four "stakeholder working groups" – one covering benefit-cost issues, another investigating alternate sources of funding and financing for energy efficiency programs, a third looking into "the calculation of demand savings in connection with lost base revenues," and a fourth the renewal of the previously existing EM&V (evaluation, measurement, and verification) working group -- were key provisions of the settlement approved by the Commission in 2018

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that comprise a triennial energy efficiency plan. Order No. 26,322 at 3; *see also id.* at 9 (same), and 16 (ordering clause adopting the primary test). Any secondary test (i.e., here, the Total Resource Cost test specified by RSA 374-F:3, VI-a(d)(4)) plays only a limited, subordinate role – "to help inform future resource allocation decisions, as well as treatment of marginally cost-effective programs." Order No. 26,322 at 4; *see also id.* at 9 ("secondary tests provide additional data points, among several others, that the Commission may consider when evaluating marginally cost-effective programs, and that the primary test shall be the primary determinant of whether to include a program in the portfolio"); *see also* Testimony of Tim Woolf and Danielle Goldberg (tab 48) at 16, lines 1-10 (describing the difference between primary and secondary tests). In other words, even if there is residual skepticism about the Granite State Test of the sort the Commission expressed so emphatically on November 12, 2021, the agency is not free to invoke a secondary test as a basis to disqualify any programs or measures that pencil out as cost-effective under the Granite State Test.

in its order authorizing the implementation of the 2018-2020 Triennial Energy Efficiency Plan. *See* Order No. 26,095 in Docket No. DE 17-136 (January 2, 2018) at 1-2, 14-16, and 19. Of these four working groups, only the one covering EM&V is a feature of the proposed 2024-2026 Triennial Plan. Because it has been previously approved by the Commission, the Commission could abolish or reform the EM&V Working Group only after opening a new docket to afford the requisite notice and hearing. The OCA urges the Commission not to take such a step; the EM&V Working Group, which includes a stakeholder representative as well as utility employees, analysts from the Department of Energy, and experts under contract to the Department of Energy, is an effective and functioning body.

V. Performance Incentives and Lost Base Revenue Framework

The Commission's third and fourth questions asks whether the agency is legally precluded from changing in this proceeding any input, assumption, or variable in the performance incentive framework or the lost base revenue framework as previously established by Commission order. The answer is "yes" because the Commission's review in this proceeding is limited to the program offerings described in the proposed Triennial Plan. As noted, *supra*, RSA 365:28 would allow the Commission to revisit these issues after notice and hearing.

VI. RSA 374-F:3 and RSA 378:37

The Commission's Prehearing Order next turns to other statutory issues beyond those addressed in House Bill 549. The first of these questions asks

whether the "policy priorities and statements" in RSA 374-F:3 and RSA 378:37 are "complimentary or conflicting."

This question is not germane to the instant proceeding, which is limited to the program offerings proposed in the 2024-2026 Triennial Plan. Assuming, *arguendo*, the theoretical relevance of the question, the Commission must also keep in mind that the Restructuring Policy Principles are not *in pari materia* with House Bill 549 – i.e., they do not cover the same subject matter, *cf. Williams v. Babcock*, 121 N.H. 185, 190 (1981) ("statutes in *pari materia* should be read as a part of a unified cohesive whole") -- and therefore there is no need to reconcile those Policy Principles with RSA 378:37.

Moreover, RSA 378:37 is, essentially, an orphan statute – or so it will become on October 7, when Chapter 233 of the 2023 New Hampshire Laws (also known as House Bill 281) is effective. Section 37 was the first of four successive sections of RSA 378 that collectively comprised the state's Least Cost Integrated Resource Planning ("LCIRP") statute. The central purpose of House Bill 281 was to consign the LCIRP statute to oblivion and, with it, the requirement that electric and gas utilities periodically submit integrated resource plans for Commission approval. The Senate opted to retain Section 37 at the request of the bill's lead sponsor, who told the Senate Committee on Energy and the Environment that he wanted to avoid any unintended consequences for other statutes that refer to this provision.[9]

[9] Our research in the Lexis/Nexis database yielded only one such reference – RSA 362-I:2, II(b) concerning proposed investments in "renewable natural gas" facilities, which must be submitted to the Commission along with, *inter alia*, explanation of "[t]he extent to which the proposal advances the objectives of the energy policy of the state under RSA 378:37."

Although section 37 laudably states that "to maximize the use of cost effective energy efficiency" is a part of the "energy policy of this state," at this point the objective is devoid of efficacy.

Therefore, the Commission need not resolve questions 6 and 7 set forth in the Procedural Order, concerning, respectively, the difference between the word "optimized" as used in RSA 374-F:3 and "maximize" as used RSA 378:37, and the interpretive value of "Least Cost Energy Planning" as the title of the LCIRP statute. These questions are properly treated as moot.

VII. The *Algonquin Gas Transmission* Case

Finally, the Commission asked whether the decision of the New Hampshire Supreme Court in *Appeal of Algonquin Gas Transmission, LLC*, 170 N.H. 763 (2018), establishes any "principles or rules applicable to the Commission's review under RSA ch. 374-F in this proceeding." Procedural Order at 4. The citation in the Procedural Order refers in particular to 170 N.H. at 774. The Commission has no reason to entangle the issues germane to the instant proceeding with those discussed in the *Algonquin Gas Transmission* decision. The actual holding in the case is that the Restructuring Act did not preclude the Commission from considering a request to include the cost of natural gas capacity for electricity generators in nonbypassable electric distribution rates even though the generators themselves were no longer in utility rate base.

At page 774 of volume 170 of the New Hampshire Reports, the Court offers up an elaborate disquisition on the meaning of the word "should," as contrasted

with the word "shall," in the RSA 374-F:3 Restructuring Policy Principles. *But see* 170 N.H. at 780 (Hicks, J., dissenting) (criticizing the majority for considering statutory words in isolation, rather than in the context of the entire statute, by focusing on what "should" means). The lesson here, if any, is that drafters of future legislation should deploy their verbs with more care. The lesson for the Commission, if any, is that "the primary intent of the legislature in enacting RSA chapter 374-F was to reduce electricity costs to consumers." *Id.* at 774. Cost-effective ratepayer-funded energy efficiency, as proposed in the 2024-2026 Triennial Energy Efficiency Plan, does precisely that.

VIII. Conclusion

The Office of the Consumer Advocate thanks the Commission for the opportunity to address legal issues of concern to the agency, and at a juncture that is conducive to the progress of this proceeding toward its statutory deadline. We believe that the legal analysis we have presented here, in conjunction with the written testimony we filed on September 12, the written testimony filed the same day by Clean Energy New Hampshire and the New Hampshire Department of Energy, along with the proposed 2024-2026 Triennial Energy Efficiency Plan and supporting testimony submitted by the NHSaves utilities, collectively comprise a sound basis for Commission approval of the Triennial Plan. We look forward to a smooth and uncontentious hearing process leading inexorably to that outcome.

WHEREFORE, the OCA respectfully request that this honorable Commission:

A. Approve the proposed 2024-2026 Triennial Energy Efficiency Plan, and

B. Grant such further relief as shall be necessary and proper in the circumstances.

Sincerely,

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Certificate of Service

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Commission's service list for this docket.

Donald M. Kreis