

1 **STATE OF NEW HAMPSHIRE**

2 **PUBLIC UTILITIES COMMISSION**

3 **July 27, 2023** - 9:14 a.m.
4 21 South Fruit Street
5 Suite 10
6 Concord, NH

7 RE: **DE 23-068**
8 **ELECTRIC AND GAS UTILITIES:**
9 2024-2026 Triennial Energy Efficiency
10 Plan. **(Prehearing conference)**

10 **PRESENT:** Chairman Daniel C. Goldner, *Presiding*
11 Commissioner Pradip K. Chattopadhyay
12 Commissioner Carleton B. Simpson

12 Eric Wind, Esq./*PUC Legal Advisor*

13 Tracey Russo, Clerk

14 **APPEARANCES:** **Reptg. Public Service Company of**
15 **New Hampshire d/b/a Eversource Energy:**
16 Jessica A. Chiavara, Esq.

16 **Reptg. Liberty Utilities (Granite**
17 **State Electric) Corp. and Liberty**
18 **Utilities (EnergyNorth Natural Gas)**
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20 Michael J. Sheehan, Esq.

19 **Reptg. Unitil Energy Systems, Inc. and**
20 **Northern Utilities, Inc.:**
21 Matthew C. Campbell, Esq.

21 **Reptg. New Hampshire Electric**
22 **Cooperative:**
23 Susan S. Geiger, Esq. (*Orr & Reno*)

23 Court Reporter: Steven E. Patnaude, LCR No. 52
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APPEARANCES: *(C o n t i n u e d)*

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Reptg. Conservation Law Foundation:
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Reptg. The Nature Conservancy:
Meredith A. Hatfield, Esq.

Reptg. LISTEN Community Services:
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Reptg. Southern New Hampshire Services:
Ryan Clouthier, Chief Operating Officer

Reptg. Residential Ratepayers:
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Office of Consumer Advocate

Reptg. New Hampshire Dept. of Energy:
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Molly M. Lynch, Esq.
Elizabeth Nixon, Dir./Electric Group
Jay Dudley, Electric Group
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P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. Good morning. I'm Chairman Goldner. I'm joined by Commissioner Simpson and Commissioner Chattopadhyay.

We're here this morning for a prehearing conference in Docket DE 23-068, relating to a Petition to Approve the 2024-2026 Triennial Energy Efficiency Plan, which the joint electric and gas utilities filed on June 30th.

Excuse me. I want to set the tone today by making clear that this proceeding cannot and will not address the rate of the energy efficiency charge or whether or not the Joint Utilities should offer energy efficiency programming during the 2024 to 2026 planning period. The General Court answered those questions. The energy efficiency charge is legislatively set, and its proceeds shall be used for energy efficiency programming offered by the Joint Utilities. With the possible exception of Eversource's lost base revenue adder, this is not a rate proceeding.

Rather, this proceeding will focus on whether the Joint Utilities' programming plan and

1 incentive payments are optimized to deliver
2 ratepayer savings, along with policy evaluations
3 relating to equitable treatment of ratepayers,
4 market barriers, and other implementation
5 directives that have been identified in the
6 Commencement of Adjudicative Proceeding Notice
7 issued by the Commission on the 13th of July.

8 The Commission has committed to
9 following the law by implementing the
10 Legislature's directives and policy priorities as
11 efficiently and effectively as possible in this
12 complex filing.

13 This prehearing conference will touch
14 on a number of topics, which I will go over in
15 the order we plan to take them up. We'll start
16 by addressing intervention petitions, Unitil's
17 request for either a waiver or a determination
18 related to publication of notice filed July 19th,
19 Eversource's lost base revenue, and procedural
20 aspects of the OCA's request that the entire
21 Commission be recused. After that, the
22 Commission will hear preliminary positions of the
23 parties. Finally, we'll discuss a procedural
24 schedule in this matter, including discussion of

1 a hearing schedule. If time remains, we'll take
2 up other issues as raised by the parties.

3 Let's begin by taking appearances,
4 beginning with Eversource.

5 MS. CHIAVARA: Good morning,
6 Commission. Jessica Chiavara, here on behalf of
7 Public Service Company of New Hampshire, doing
8 business as Eversource Energy.

9 CHAIRMAN GOLDNER: Thank you. Northern
10 Gas and Unutil?

11 MR. CAMPBELL: Good morning,
12 Commissioners. Matt Campbell, on behalf of
13 Unutil Energy Systems, Incorporated, and Northern
14 Utilities, Incorporated.

15 CHAIRMAN GOLDNER: Granite State
16 Electric and EnergyNorth?

17 MR. SHEEHAN: Good morning,
18 Commissioners. Mike Sheehan for the two Liberty
19 entities, Liberty Utilities (EnergyNorth Natural
20 Gas) and Liberty Utilities (Granite State
21 Electric). Thank you.

22 CHAIRMAN GOLDNER: Thank you. The New
23 Hampshire Electric Cooperative?

24 MS. GEIGER: Good morning,

1 Commissioners. I'm Susan Geiger, from the law
2 firm of Orr & Reno. I represent New Hampshire
3 Electric Cooperative. And with me this morning
4 from the Co-op is Ms. Carol Woods.

5 CHAIRMAN GOLDNER: Thank you. The New
6 Hampshire Department of Energy?

7 MR. DEXTER: Good morning,
8 Commissioners. Paul Dexter and Molly Lynch,
9 appearing on behalf of the Department of Energy.
10 We're joined today by Liz Nixon and Jay Dudley of
11 the Electric Division.

12 CHAIRMAN GOLDNER: Thank you. The
13 Office of the Consumer Advocate?

14 MR. KREIS: Good morning,
15 Commissioners. I am the Consumer Advocate,
16 Donald Kreis. With me today is our Staff
17 Attorney, Michael Crouse. Very happy to be here
18 today in my first appearance before the PUC in my
19 official capacity as a duly -- duly, well, as an
20 old geezer, on behalf of the residential
21 customers of all of these fine utilities.

22 CHAIRMAN GOLDNER: Thank you. And
23 we'll move to the potential intervenors,
24 beginning with Clean Energy New Hampshire?

1 MR. SKOGLUND: Good morning,
2 Commissioner. My mike is on, but not working.

3 Good morning, Commissioners. Chris
4 Skoglund, Director of Energy Transition, with
5 Clean Energy New Hampshire.

6 CHAIRMAN GOLDNER: Thank you. The
7 Conservation Law Foundation?

8 MR. KRAKOFF: Good morning,
9 Commissioners. Nick Krakoff, on behalf of the
10 Conservation Law Foundation.

11 CHAIRMAN GOLDNER: Thank you. CPower?
12 *[No indication given.]*

13 CHAIRMAN GOLDNER: Okay, they're not
14 here. Acadia Center?

15 *[No indication given.]*

16 CHAIRMAN GOLDNER: Okay, not here. The
17 Nature Conservancy?

18 MS. HATFIELD: Good morning,
19 Commissioners. Meredith Hatfield, for The Nature
20 Conservancy.

21 CHAIRMAN GOLDNER: Thank you. LISTEN
22 Community Services?

23 MR. BURKE: Good morning,
24 Commissioners. Raymond Burke, from New Hampshire

1 Legal Assistance, representing LISTEN Community
2 Services.

3 CHAIRMAN GOLDNER: All right. The
4 Southern New Hampshire -- Southern New Hampshire
5 Services?

6 MR. CLOUTHIER: Good morning,
7 Commissioners. I'm Ryan Clouthier. I'm
8 representing Southern New Hampshire Services.

9 CHAIRMAN GOLDNER: All right. Thank
10 you.

11 Is there anyone from the public that
12 wishes to be heard today?

13 *[No indication given.]*

14 CHAIRMAN GOLDNER: Okay. Seeing none.

15 Let's turn to interventions. For the
16 six timely pending intervention requests, as well
17 as SNHS's late-filed request, I'll note that no
18 objections have been received.

19 Do the parties or potential intervenors
20 object to any intervenor requests?

21 *[Atty. Chiavara indicating in the*
22 *negative.]*

23 MR. DEXTER: No objections from the
24 Department of Energy.

1 CHAIRMAN GOLDNER: Okay. Seeing none.

2 Okay. We have reviewed and determined
3 that CENH, CLF, CPower, Acadia Center, The Nature
4 Conservancy, LISTEN, and SNHS intervention would
5 be in the interest of justice and would not
6 impair the orderly and prompt conduct of the
7 proceedings, and therefore grant intervention
8 pursuant to Puc 203.17 and RSA 541-A:32, II.

9 Next, we'll move to the website
10 publication issue. Unitil requested a waiver
11 and/or determination of substantial compliance
12 after website publication was delayed by one
13 business day.

14 Do any parties want to be heard on this
15 issue?

16 *[No verbal response.]*

17 CHAIRMAN GOLDNER: Okay. Seeing none.
18 The Commission will take it under advisement.

19 Next, on the Eversource rate base
20 revenue, as a point of clarification on the scope
21 of this proceeding, is it Eversource's position
22 that approval of the 2024-2026 Triennial Plan
23 would constitute approval of the lost base
24 revenue as described in the testimony of Marisa

1 Paruta, Attachment K, that this would be a
2 separate rate charged to Eversource ratepayers?

3 MS. CHIAVARA: Yes, I do have some
4 comments on that issue.

5 It was not Eversource's intent to,
6 sorry, to have the LBR rate approved in this
7 order. It's not a component part of the Plan.
8 And the request in testimony that the LBR rate be
9 approved in the same order approving the Plan is
10 not consistent with Eversource's planned approach
11 for the rate filings. I believe there is some
12 confusion on how the mechanics of the statutory
13 requirements pertaining to LBR in RSA 374-F:3,
14 VI-a(d) (2) and (d) (5) would work.

15 I apologize if that did create
16 confusion for the Commission. The Company is
17 mindful that that statutory provision requires
18 that LBR be approved by Commission order. But
19 Eversource sees benefit for the Commission and
20 for customers in filing the LBR rate on
21 December 1st, with the SCC rates, in that it
22 would be the most administratively efficient,
23 consistent with past practice, and filing in
24 December allows Eversource to rely on more actual

1 figures and less forecasting, which would result
2 in a more accurate rate that would require less
3 future reconciliation.

4 That all said, as a fully reconciling
5 rate, Eversource could file the LBR sooner, if
6 that's the Commission's preference. It would
7 just, if we filed the LBR rate sooner, we'd
8 obviously have to rely on more forecasted
9 numbers, and depending the earlier it's filed.

10 CHAIRMAN GOLDNER: Thank you. Any
11 Commissioner questions on the topic?

12 *[Cmsr. Simpson and Cmsr. Chattopadhyay*
13 *indicating in the negative.]*

14 CHAIRMAN GOLDNER: Okay. Seeing none.
15 Okay. Thank you, Attorney Chiavara. We'll take
16 that under advisement.

17 Next, we'll move to the OCA recusal
18 issue. So, immediately after the Joint
19 Utilities' Petition was docketed, but before the
20 Commission convened an adjudicative proceeding,
21 the OCA filed a letter with an appended motion
22 from an investigative docket. This filing
23 requested the recusal of all members of the
24 Commission from this proceeding. The

1 Commissioners would like hear from the parties
2 and intervenors as to whether they would like to
3 be heard relative to the OCA's filing.

4 From a procedural standpoint, I'll read
5 one of the Commission's organizational rules into
6 the record. Puc 102.08 defines a "motion" as "a
7 request made to the commission or the presiding
8 officer after the commencement of a contested
9 proceeding for an order or ruling directing some
10 act to be done in favor of the party making the
11 motion, including a statement of justification or
12 reasons for the request."

13 Procedurally, we know that the OCA
14 believes that it has requested relief and that
15 the issues raised are ripe, however we will now
16 hear from the other parties and intervenors. We
17 ask the parties to address whether they desire to
18 be heard on any issues raised by this filing
19 before the Commission issues any order or orders.
20 If parties would like to be heard, but are not
21 prepared to state their position today, it would
22 be helpful to hear proposals for the next
23 procedural steps.

24 So, now, I'll go around the room and

1 ask each party if they have a position; if so,
2 would you like to share that position at the
3 hearing today, or would you like to make a
4 written filing? And, if you wish to make a
5 written filing, how much time do you need? So,
6 three things.

7 And we'll just start moving around the
8 room one-by-one, beginning with Eversource?

9 MS. CHIAVARA: Eversource has no
10 position on the motion.

11 CHAIRMAN GOLDNER: Thank you. Liberty
12 Utilities?

13 MR. SHEEHAN: The same. We take no
14 position on the motion.

15 CHAIRMAN GOLDNER: Unitil?

16 MR. CAMPBELL: Unitil takes no position
17 on the motion.

18 CHAIRMAN GOLDNER: The New Hampshire
19 Cooperative?

20 MS. GEIGER: The Co-op takes no
21 position on the motion.

22 CHAIRMAN GOLDNER: The New Hampshire
23 Department of Energy?

24 MR. DEXTER: The Department of Energy

1 takes no position on the motion.

2 CHAIRMAN GOLDNER: Clean Energy New
3 Hampshire?

4 MR. SKOGLUND: Still needing to shout,
5 Clean Energy New Hampshire is not prepared to
6 make any statement at this time.

7 CHAIRMAN GOLDNER: Would you want to
8 reserve the right for a written filing or would
9 you prefer to take no position?

10 MR. SKOGLUND: I guess we'll reserve
11 the right to take additional time. We wouldn't
12 need that much time.

13 CHAIRMAN GOLDNER: Okay. How much time
14 is "not much time"? Would a week be sufficient?

15 MR. SKOGLUND: Yes.

16 CHAIRMAN GOLDNER: We're on a tight
17 timeline. Okay, a week would be fine.

18 Okay. CPower is not here. The
19 Conservation Law Foundation?

20 MR. KRAKOFF: Yes, just briefly.

21 I guess I don't take a position on the
22 motion. I have a lot of respect for Don's
23 judgment on this, and, you know, I think he
24 raises some very valid points in his motion.

1 Given the report that was done in the
2 investigatory docket earlier this year, it almost
3 does appear to reflect a prejudgement on behalf
4 of the Commission, you know, especially with
5 respect to some issues that have already been
6 decided in HB 549 last year, particularly the
7 cost-effectiveness testing.

8 So, I don't take a position. But, you
9 know, I do think that Don raises many valid
10 points in that motion. Thank you.

11 CHAIRMAN GOLDNER: Okay. The Nature
12 Conservancy?

13 MS. HATFIELD: Thank you, Mr. Chairman.

14 The Nature Conservancy agrees with
15 Conservation Law Foundation. And we do think it
16 would be helpful if the Commission were clear
17 about whether it intends to utilize the Zelle
18 Report in this current docket.

19 But we otherwise don't have a position
20 on the Consumer Advocate's motion. Thank you.

21 CHAIRMAN GOLDNER: Okay. LISTEN
22 Community Services?

23 MR. BURKE: LISTEN does not take a
24 position on the motion.

1 CHAIRMAN GOLDNER: Thank you. And
2 SNHS?

3 MR. CLOUTHIER: SNHS does not take a
4 position on the motion.

5 CHAIRMAN GOLDNER: Thank you. Okay. I
6 thank everyone for their comments, and we'll take
7 it under advisement. And we will issue a
8 post-PHC order regarding all the issues relative
9 to today's proceeding. So, --

10 CMSR. SIMPSON: May I make one comment,
11 Mr. Chairman?

12 CHAIRMAN GOLDNER: Yes. Of course.

13 CMSR. SIMPSON: I would just state for
14 the record that I intend to follow the law, and I
15 have not prejudged any facts. I will act
16 impartially in this proceeding. I had not
17 participated in the prior Triennial planning
18 docket, DE 20-092. And I will take all of the
19 facts that have been submitted into the record
20 and will be submitted into the record as stated.
21 And, once again, I will follow the law.

22 Thank you.

23 CHAIRMAN GOLDNER: All right. Anything
24 else on this topic?

1 *[No verbal response.]*

2 CHAIRMAN GOLDNER: Okay. Thank you
3 very much. We will take the issue under
4 advisement.

5 So, now, let's move to preliminary
6 positions of the parties and intervenors. So,
7 let's begin with Eversource.

8 MS. CHIAVARA: Sure. And good morning
9 once again.

10 I would like to start, this, the brief
11 statement that I have, is on behalf of the
12 utilities and the New Hampshire Electric
13 Cooperative. Just referred to, in general, as
14 the "utilities" here.

15 As a first matter, the utilities do
16 support the revised procedural schedule that was
17 developed by the Department of Energy, as that
18 was made in consultation with all the parties to
19 the docket, including the perspective
20 intervenors, and that was filed to the docket
21 yesterday. We believe that the proposed
22 procedural schedule balances the needs of the
23 parties to have full due process and develop a
24 complete record, while still allowing plenty of

1 time to examine the Plan thoroughly at hearing,
2 so the Commission can make a fully informed
3 decision.

4 In regard to the proposed Plan itself,
5 the utilities note that utility staffs worked
6 diligently over the last thirteen months seeking
7 stakeholder input frequently throughout to ensure
8 diverse statewide interests are reflected in
9 programming. The resulting Plan for
10 consideration in this docket contains a balanced
11 suite of program offerings that targets as many
12 residents and businesses as possible, and across
13 all rate classes, within budgetary parameters, so
14 that program benefits are optimized for New
15 Hampshire customers of all kinds.

16 The Plan and its programs were designed
17 pursuant to, and consistent with, the various
18 directives and polices contained within the
19 relevant statutory provisions, chief among those
20 being RSA 374:1's stated public policy of
21 developing "a more efficient industry structure
22 and regulatory framework that results in a more
23 productive economy by reducing costs to customers
24 while maintaining safe and reliable electric

1 service with minimum adverse impacts on the
2 environment", which is referred to in the
3 Commission's Order of Notice on Page 2.

4 But the Plan is likewise compliant with
5 the mandates of RSA 374-F:3 and F:4, in
6 particular, the recently implemented requirements
7 that were added to the law through HB 549. These
8 Plan design requirements include 20 percent of
9 the total program funding dedicated to
10 income-eligible programming; programs that are
11 all deemed cost-effective using the Granite State
12 Test; planned electric savings of at least 65
13 percent; and programming and incentive payments
14 that have been set to levels optimized to deliver
15 customer savings.

16 The proposed Plan's budgets have been
17 designed consistent with the funding mandate for
18 the energy efficiency portion of the Systems
19 Benefit Charge and Local Distribution Adjustment
20 Charge in RSA 374-F:3, VI-a(d)(2), but with the
21 caveat that the utilities did not include the
22 0.25 percent inflation increase over the
23 three-year average of the Consumer Price Index,
24 as is currently allowed by that statutory

1 provision, but would be removed by SB 113, which
2 has been passed by both houses of the Legislature
3 by voice vote, and should be acted upon by the
4 Governor shortly.

5 As the proposed Plan has been designed
6 to meet current statutory requirements, the
7 utilities are committed to an engaged examination
8 and discussion of the Plan amongst the parties to
9 arrive at consensus support for the Plan, which
10 we hope will pave the way for timely approval of
11 the Plan by the Commission.

12 That's all I have. Thank you.

13 CHAIRMAN GOLDNER: Thank you. Let's
14 move to Northern Gas and Unitil.

15 MR. CAMPBELL: Thank you. Attorney
16 Chiavara's statement was a joint one on behalf of
17 the utility companies. So, I join in and adopt
18 that statement.

19 I would also just add that Unitil looks
20 forward to working with all the parties in this
21 proceeding, to review the robust Plan jointly
22 submitted by the utilities for review, which we
23 believe complies with all the relevant provisions
24 of New Hampshire law and Commission precedent,

1 and which we also believe is in the best interest
2 of ratepayers.

3 Thank you.

4 CHAIRMAN GOLDNER: Thank you. Granite
5 State Electric and EnergyNorth.

6 MR. SHEEHAN: Liberty also joins in the
7 statement by Ms. Chiavara. And, having heard Mr.
8 Campbell, that is the way we think as well.

9 Thank you.

10 CHAIRMAN GOLDNER: Thank you. The New
11 Hampshire Electric Cooperative.

12 MS. GEIGER: New Hampshire Electric
13 Cooperative similarly joins in the preliminary
14 statements made by all of the other utilities'
15 counsel thus far.

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you. The New
18 Hampshire Department of Energy.

19 MR. DEXTER: Thank you, Mr. Chairman.

20 The Department of Energy did take place
21 in the pre-filing collaborative meetings that the
22 attorneys for the utilities mentioned. And,
23 therefore, we're not expecting any either
24 surprises in the utilities' filing or major

1 changes in the utilities' filing, and nor have we
2 found any based on our preliminary review.

3 We do note that there are some areas of
4 interest that the Department will examine.
5 Probably the most important is that a
6 confirmation and a verification that the Plan
7 does, in fact, meet the statutory requirements,
8 as Attorney Chiavara laid out, particularly the
9 major changes that were implemented by HB 549.

10 We note that the utilities have
11 presented this Plan as a "true three-year Plan".
12 And, so, we're interested in the mechanics of any
13 updates that might be filed under the three-year
14 Plan, versus how they were handled in the past.

15 We continue to be interested in the
16 move from pilot programs to full program for the
17 Active Demand Response programs as presented by
18 the utilities in this case.

19 As always, we will review the
20 performance incentive calculation, to see that
21 it's in conformance with the findings of the
22 Performance Incentive Working Group and past
23 calculations of the performance incentive.

24 So, those are some of the areas that we

1 plan to look at. Likewise, we have worked
2 diligently with the parties to present a proposed
3 procedural schedule that we hope balances the
4 interests of everyone here.

5 I would again remind the Commission
6 that our primary role in this case is to develop
7 a record on which the Commission can make an
8 informed decision. That was the foremost
9 thinking in our mind when we put this proposed
10 procedural schedule together, also keeping in
11 mind the statements by the Commission in the
12 earlier procedural order concerning the timing
13 and number of hearings.

14 So, this schedule that we've proposed
15 is a bit different than what you've seen in the
16 past. Our proposal includes more hearings
17 starting earlier than what we've had in the past,
18 and we've worked backwards from there to try to
19 allow for meaningful discovery and review. And
20 we think we've struck the right balance. And we
21 seek your support of the proposed procedural
22 schedule.

23 So, that concludes my preliminary
24 comments.

1 CHAIRMAN GOLDNER: Thank you. And
2 we'll move to the Office of the Consumer
3 Advocate.

4 MR. KREIS: Thank you, Mr. Chairman.
5 Just very briefly.

6 The Office of the Consumer Advocate
7 envisions a smooth glide path to Commission
8 approval of the proposed Triennial Plan, in
9 marked contrast to what occurred in Docket
10 Number DE 20-092, which is the analogous
11 proceeding that the Commission undertook three
12 years ago. And that might sound like an odd
13 statement coming from the entity that filed the
14 disqualification motion that you all talked about
15 earlier.

16 I just want to say briefly that that
17 motion was filed in the wake of the Commission's
18 issuance of the so-called "Zellem Report" back on
19 January 13th, and the Chairman's statement to the
20 Executive Council about five days later that the
21 three Commissioners are collectively the authors
22 of that Report. That is a really interesting
23 Report, and it deals thoughtfully with certain
24 issues that I think are very germane to this

1 proceeding. My concern is that the Report
2 doesn't just describe or outline those issues,
3 but then moves on to analyze and draw what I
4 consider to be some conclusions about them, and
5 that's the source of my concern.

6 I really appreciated what I heard
7 Commissioner Simpson say about his impartiality.
8 I really am not trying to be divisive or
9 unconstructive or obstructionist. The reason I
10 originally filed that motion back in March, in
11 the Commission's investigative docket, is that
12 the Commission said that it was keeping that
13 docket open specifically to address issues that
14 would come up prior to the commencement of this
15 docket. And my only interest was in avoiding
16 delay. And, so, I put that out there back in
17 March so that everybody was aware of the position
18 we were taking. I thought that maybe it could
19 get resolved before we started this docket. I
20 understand why that didn't happen. I have no
21 concerns about the way that you all just
22 described the way you would like to handle this.
23 And, again, I see all of these things being
24 worked out smoothly on the glide path to Plan

1 approval.

2 Why do I think there's a smooth glide
3 path to Plan approval? It's simply because House
4 Bill 549, which adopted RSA 374-F, Section VI-a
5 -- or, RSA 374-F:3, Paragraph VI-a, Subparagraph
6 (d), I think resolved a lot of the issues that we
7 were in controversy about three years ago. And,
8 so, that there is relatively little for the
9 parties or the PUC to contend with each other
10 about this time around.

11 That said, I do have some worries, I
12 guess, about some of the language that I read in
13 the Commission's procedural order opening the
14 docket, particularly a discussion of the way the
15 Commission will, as it said, "review
16 cost-effectiveness", and "review the Granite
17 State Test as the primary test and the Total
18 Resource Cost Test as the secondary test." I
19 could address that issue as I understand it in
20 detail today, but I don't know that that would be
21 constructive or helpful, given that the main
22 question we have to address today is the
23 procedural schedule.

24 I haven't heard a word so far from

1 anybody that I disagree with. I appreciate what
2 I heard from the Bench. I appreciate what I've
3 heard from the utilities. And I appreciate what
4 I've heard from Mr. Dexter. And I look forward
5 to working constructively to resolving this
6 docket in a manner that meets with everybody's
7 needs and is consistent with applicable law.

8 CHAIRMAN GOLDNER: Thank you. I think
9 Commissioner Simpson --

10 CMSR. SIMPSON: If I can offer a couple
11 more comments?

12 CHAIRMAN GOLDNER: Yes.

13 CMSR. SIMPSON: With respect to the
14 language in the Prehearing Conference Order and
15 Notice of Adjudicative Proceeding, I would say
16 that, from my perspective, the Legislature has
17 answered the question of the tests that we must
18 use and that the utilities must use. And I would
19 say "review application of those tests", as
20 opposed to the "details" of the tests themselves.
21 That's my initiative here. That's what I intend
22 to do.

23 And, then, I want to further react to
24 the motion and the comments offered by The Nature

1 Conservancy and CLF. The report is not binding
2 in any way. I do not feel bound by it. And I
3 will, as I said before, participate in this
4 docket faithfully and impartially.

5 Thank you.

6 MR. KREIS: Commissioner, I just want
7 to say, I particularly appreciate the
8 clarification you just offered on the question of
9 what the nature of the Commission's review of the
10 Granite State Test is. And, to the extent what
11 you just said reflects the views of the
12 Commission as a body, I truly appreciate it.

13 CHAIRMAN GOLDNER: Mr. Kreis, could
14 you -- Attorney Kreis, could you elaborate on
15 your concerns relative to the Report the
16 Commission issued in January? I don't refer to
17 it as the "Zellem Report" because -- but let's
18 not debate authorship today. But could you
19 please share your concerns relative to that
20 Report?

21 MR. KREIS: Well, as I said, and I know
22 the Report has an official title, which I didn't
23 use. I've been referring to it as the "Zellem
24 Report", but we all know the Report that we're

1 talking about.

2 You know, it talks about issues like
3 "cost-benefit analysis", and "discount rates",
4 and the "role of other policy considerations" as
5 they bear upon the Commission's determination.

6 And, as I said before, I think that --
7 so, the Commission has conducted a series of
8 investigative dockets over the last month -- or
9 year or so. And, in two instances that I can
10 think of, the Commission issued reports that
11 concluded those investigations. And the
12 Commission issued a report at the conclusion of
13 its investigation of default service procurement
14 that really was a straight-up summary of the
15 facts that came to light as a result of that
16 investigation. And I think the so-called "Zellem
17 Report" takes a step beyond that, and actually
18 purports to analyze and draw conclusions about
19 some of those issues.

20 And, with respect to what I just heard
21 Commissioner Simpson say, the fact that that
22 Report is not binding on the Commission, doesn't
23 necessarily resolve the question of whether it
24 reflects prejudgment of certain issues, given

1 what I understand to be the authorship of that
2 Report.

3 Now, I'm not inside the Commission's
4 offices. I'm not inside the heads of the
5 Commissioners. I don't question the good faith
6 or good intentions of any of the Commissioners.
7 I'm simply reacting to what I have heard -- what
8 I've read in the Report, what I've heard said on
9 the record about the Report from the Chairman.
10 And my need, on behalf of the constituency that I
11 represent, to make sure that all of the issues in
12 the Zelle Report, and any issues that are raised
13 outside of that Report that need to be resolved
14 here, are addressed by a Commission that hasn't
15 prejudged any of the issues.

16 I don't know what else I could possibly
17 say at this point. I explained my position in my
18 motion. And I am prepared to proceed with this
19 docket.

20 CHAIRMAN GOLDNER: Anything else?

21 MR. KREIS: I hope that is helpful.

22 CMSR. SIMPSON: I appreciate that.

23 I would note, there is a history of the
24 Commission opening investigations focused on

1 energy efficiency. I wasn't involved in the
2 investigation in 2015, 15-072.

3 My goal here is to adjudicate this case
4 fairly and impartially. And I look forward to
5 it. I personally had joined the investigation
6 later on in the process, due to my recusal from
7 cases involving my former employer, two of the
8 affiliates are here today, Unitil Energy Systems
9 and Northern Utilities, Incorporated. So, this
10 is the first time I've had an opportunity to join
11 into an energy efficiency adjudicative
12 proceeding. I'm looking forward to faithfully
13 discharging my duties as Commissioner. And
14 appreciate the comments that we've heard today.
15 It's a healthy process.

16 CHAIRMAN GOLDNER: Commissioner
17 Chattopadhyay.

18 CMSR. CHATTOPADHYAY: I've been silent
19 until now. But, you know, to me, it goes without
20 saying, that, given the responsibility, I take it
21 very seriously. And, so, I don't even have to
22 tell you that I would follow the law all the
23 time.

24 Thank you.

1 CHAIRMAN GOLDNER: Yes. I think that
2 goes for the Chairman, too. I think we all take
3 our duties seriously, and are committed to
4 following the law.

5 Would the OCA consider withdrawal of
6 his filing?

7 MR. KREIS: I regret to say that I
8 don't feel comfortable taking that particular
9 step at this time.

10 CHAIRMAN GOLDNER: Okay. Thank you.
11 We'll move to Clean Energy New Hampshire.

12 MR. SKOGLUND: Clean Energy New
13 Hampshire deeply appreciates Rorie Patterson's
14 help getting us on the record via this
15 microphone.

16 We also appreciate the tone that was
17 set by the Chair at the outset of this hearing
18 today, and the comments that have just generally
19 come from the Bench. We feel like this is a
20 constructive clarification that will contribute
21 to the overall I guess I'll use the word "tone"
22 again of this proceeding.

23 Clean Energy New Hampshire also took
24 part in the development of the schedule that was

1 noted earlier, and we support that schedule.

2 But we would note that, with the coming
3 electrification that is expected across the
4 ISO-New England Region, particularly with EVs
5 expected to grow by 5,000 percent over the next
6 decade, and heat pumps, which I believe, in the
7 State of Maine, just hit their 100,000 units
8 installed two years ahead of schedule, the
9 importance of energy efficiency is increasing
10 dramatically.

11 At this time, we are still seeing a
12 ramp-up in that new electric load. But, across
13 the country, we are seeing expectations of a two
14 to four times increase in overall electric
15 generation that will be required in order to meet
16 state clean energy targets, greenhouse gas
17 emissions targets, and adjust to the direction
18 that the market is going, in terms of pursuing
19 the most efficient technologies, which tend to be
20 electricity-backed.

21 And, so, the importance of this docket
22 is extremely high, because getting energy
23 efficiency maximized now and in the future will
24 create space to avoid additional investments in

1 distribution and transmission infrastructure,
2 which is very expensive and hard to site.

3 So, we look forward to this proceeding.
4 We are particularly, on behalf of our members,
5 which include installers, residents, businesses,
6 and municipalities, interested in support -- or,
7 support the true three-year Plan that has been
8 proposed by the utilities, as that provides more
9 certainty. Projects can start in December,
10 rather than kind of be told they "have to wait
11 until the next year, when the budgets open up."
12 So, market certainty, we feel, is very important.

13 But we would also just note, because
14 the Zelle Report, to just use the language that
15 others have described it as, has come up, and we
16 may not end up filing anything on that, based on
17 the comments that we've heard today.

18 We, as Clean Energy New Hampshire, and
19 I, personally, when I was with the New Hampshire
20 Department of Environmental Services, have
21 participated in numerous investigations, okay
22 three, three investigations that were led by the
23 PUC. And I think, from a procedural standpoint,
24 our main concern was that the Report came out

1 after comments were filed, which was a little bit
2 different than prior reports that Staff put
3 together, and then issued through the Commission,
4 where there was a series of opportunities for
5 participants to comment on what the Commission
6 thought they were hearing, and just making sure
7 that they were hearing it right. We thought that
8 maybe that step was missed.

9 And, while it may not be germane to
10 anything else we talk about today, I think it is
11 important, when taking -- undergoing
12 investigations, just to make sure that there is
13 kind of an opportunity for an iterative
14 development of those reports and understanding.

15 Thank you for your time.

16 CHAIRMAN GOLDNER: Thank you. The
17 Conservation Law Foundation.

18 MR. KRAKOFF: Yes. Thank you
19 Commissioners.

20 Yes, I'd like to reiterate my support
21 for the proposed procedural schedule. I agree
22 with Eversource that it sets a correct balance
23 between the needs of the parties to fully engage
24 in this docket, and the needs of the Commission

1 to have a hearing that delves into all the issues
2 in this docket.

3 I've reviewed the proposed Plan now.
4 And, you know, a lot of programs are a
5 continuation of existing programs. But there are
6 several new programs that I look forward to
7 learning more about, through data requests and
8 technical sessions in the coming month or two.

9 Finally, I'd just like to just
10 reiterate as well that, though the prior Plan,
11 sure, it was very contentious, and I think that
12 HB 549 removes a lot of contention by getting rid
13 of a lot of the Commission's and the parties'
14 discretion in this matter, especially with
15 respect to budgeting and the cost-effectiveness
16 testing. So, you know, my hope is that, the fact
17 that that discretion is removed, that we will be
18 able to reach a, you know, a quick resolution in
19 this case.

20 Thank you.

21 CHAIRMAN GOLDNER: Thank you. Let's
22 move to The Nature Conservancy.

23 MS. HATFIELD: Thank you, Mr. Chairman.

24 The Nature Conservancy appreciates the

1 Commission granting our intervention motion. And
2 we look forward to working with the parties to
3 review the proposal.

4 One thing we'll be keeping in mind is
5 whether it's consistent with RSA 378:38, which is
6 the New Hampshire Energy Policy, which states,
7 among other things, that we should meet the
8 energy needs of the state by maximizing the use
9 of cost-effective energy efficiency and other
10 demand resources.

11 We also want to thank the parties,
12 particularly the Department of Energy, for their
13 work to develop a proposed schedule that we think
14 meets the short timeline, while taking into
15 account the schedules of all the parties.

16 So, thank you.

17 CHAIRMAN GOLDNER: Thank you. LISTEN
18 Community Services.

19 MR. BURKE: Thank you, Mr. Chairman.

20 LISTEN would also initially like to
21 thank the utilities, the other parties, and
22 stakeholders for their time and effort that went
23 into the planning process that led up to the
24 filing of this Plan. LISTEN believes it was a

1 valuable process.

2 And would also like to echo what The
3 Nature Conservancy just said, to thank the
4 Department of Energy for putting together the
5 recently filed procedural schedule, and working
6 hard to address all of the parties' needs and
7 prior obligations, given the timeframe we have.

8 LISTEN has intervened primarily because
9 it is interested in the budget design and
10 implementation of the low-income electric and
11 natural gas energy efficiency programs, known as
12 the "Home Energy Assistance Program". LISTEN
13 believes that the HEA Program is crucial to
14 reducing the energy burden of low-income families
15 and individuals, who often spend a larger
16 percentage of their household income on energy
17 costs than non-low-income households.

18 There are several elements of the Plan
19 that LISTEN supports, including LISTEN believes
20 that there are significant advantages to the true
21 three-year planning structure that was proposed,
22 and believes a number of those advantages will
23 benefit the low-income program.

24 LISTEN also agrees that this Plan

1 should focus on meeting the strong demand for
2 weatherization assistance in low-income
3 households. And LISTEN also supports that the
4 HEA Program will continue to be closely
5 coordinated with other low-income energy
6 programs, such as the Weatherization Assistance
7 Program, the Fuel Assistance Program, and the
8 Electric Assistance Program, along with the
9 partners that help administer those programs and
10 serve low-income households throughout the state.

11 LISTEN looks forward to working with
12 the other parties in the docket to make sure the
13 HEA Program continues to provide low-income
14 households with meaningful access to the
15 Statewide Energy Efficiency Plan.

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you. The
18 Southern New Hampshire Services.

19 MR. CLOUTHIER: Thank you, Chairman.
20 Is this on? Yes, okay. Thank you.

21 Southern New Hampshire Services, we are
22 in agreement with the procedural schedule that's
23 been put forward. And would like to echo the
24 comments that have been made, to thank the

1 utilities and the other parties involved, in not
2 only putting that schedule together, but putting
3 the Plan that's before us today together.

4 I've read through the Plan, and we are
5 generally supportive of the Plan that is put
6 before us. We are particularly interested in the
7 continued support for the Home Energy Assistance
8 Program, and the offerings for income-eligible
9 clients that give them the ability to participate
10 in energy efficiency programs here in the state.

11 We look forward to, you know, working
12 with parties as we move forward with this Plan.

13 Thank you.

14 CHAIRMAN GOLDNER: Thank you. And I
15 know there were a number of comments in
16 preliminary statements relative to the hearing
17 schedule and procedural schedule, but I have some
18 additional comments on this one.

19 So, I'll begin by thanking the DOE and
20 Ms. Lynch for working with the expected parties,
21 and proposing a procedural schedule that works to
22 balance the interests of the parties and the
23 Commission, specifically by proposing a densely
24 packed schedule, and providing some time between

1 any settlement and/or stipulation of facts, and
2 Commission hearings, with a final hearing
3 October 31st, providing the Commission with a
4 month for a final order as requested.

5 From a scheduling perspective, the
6 General Court has provided an expedited timeline,
7 with a requirement to issue a final order by
8 November 30th, 2023. We recognize that all
9 parties are entitled to probe the utilities'
10 request, provide testimony and evidence, and
11 allow for cross-discovery and rebuttal testimony.
12 At the same time, the Commission has a very
13 limited time to hear the evidence and issue a
14 final order in a large and complex docket. In
15 the Notice of Adjudicative Proceeding, we
16 reserved hearing dates of September 21st, 26th,
17 October 3rd, 10th, 24th, and 31st, with hearing
18 dates covering specific docket -- specific
19 topics, rather.

20 I'll also note that the new Commission
21 was formed July 1st, 2021, and no current
22 Commissioner has participated in a full Triennial
23 Plan proceeding from start to finish. So, we'll
24 need to understand the baseline of existing

1 programs, not just the changes to those programs
2 and any new programs. The Commission plans to
3 issue record requests to help expedite this
4 process.

5 That said, there's a disconnect of
6 nearly a month in the schedule, with the Notice
7 of Adjudicative Proceeding's first hearing
8 September 21st, and the proposed schedule from
9 the parties' first hearing October 18th. The
10 Commission held six dates open for hearings; the
11 parties proposed four. And I'll also note that
12 the proposed schedule does not include proposed
13 topics for the hearings.

14 So, I'd like to go around the room one
15 more time and just hear from the parties on the
16 procedural schedule and hearing schedule,
17 including proposed topics for the hearing dates,
18 beginning with Eversource. And, if you need a
19 moment, Ms. Chiavara, that's fine.

20 MS. CHIAVARA: I'll do my best to just
21 do this on-the-fly.

22 I believe that, you know, it's a
23 condensed procedural schedule for all parties
24 involved, and, so, we're definitely dealing with

1 an accelerated timeline. I would say that this
2 Plan is also different for the reasons stated by
3 other parties already, in that HB 549 sort of
4 takes the mystery out of a lot of the elements
5 and just sets them in stone. And, so, a lot of
6 the inquiries that would normally take up quite a
7 bit of time at hearing, the scope of those and
8 the inquiry required around those is, I think,
9 pretty limited, as they're defined by statute
10 now.

11 The parties did discuss, in the
12 development of the schedule, about having topics
13 for the hearing dates. We just felt it was
14 premature to name those at this time, since
15 discovery hasn't been conducted, testimony by the
16 parties and rebuttal -- possible rebuttal
17 testimony has not been filed yet. So, we're not
18 sure what issues may be the most salient issues
19 to put in front of the Commission for
20 consideration.

21 We assume that the cost-benefit test
22 and showing, as Commissioner Simpson pointed out,
23 showing the application of the cost-benefit test,
24 to demonstrate that the programs are, in fact,

1 cost-effective, will certainly be one of those
2 topics. We just didn't want to either, you know,
3 predetermine the outcome by setting topics before
4 we get started. So, we're fully onboard with
5 having topics for the hearings.

6 And I think the schedule, as presented
7 by the Department of Energy, the one that was
8 filed yesterday, I do believe it's about as
9 abbreviated as we can get, and still get all the
10 necessary process in, so that we can build a
11 complete record for the Commission. And I do
12 believe that four hearings, four hearing days
13 should be able to get the job done.

14 CHAIRMAN GOLDNER: And when would you
15 anticipate having the topics ready for
16 publication? I guess, when the settlement -- on
17 the settlement timeline, I think that was
18 October 6?

19 MS. CHIAVARA: Yes, that sounds about
20 right.

21 CHAIRMAN GOLDNER: Is that what you
22 were thinking in terms of the topics?

23 MS. CHIAVARA: Yes, without consulting
24 anybody else behind me. But, yes, that sounds

1 about -- that sounds about right.

2 CHAIRMAN GOLDNER: Okay. Thank you.

3 Okay. Northern Gas and Unitil?

4 MR. CAMPBELL: Thank you, Commissioner.

5 So, the proposed schedule was the
6 product of a compromise among every party, and,
7 as I'm sure you can appreciate, it's difficult to
8 land on dates that are good for everyone.

9 And, with regard to identifying
10 specific topics for hearing dates, I would just
11 echo what Attorney Chiavara stated. The group
12 did discuss that, but we concluded that it was
13 premature to identify specific topics for
14 specific dates. And that it would be more
15 efficient to identify topics as the proceeding
16 unfolded.

17 Thank you.

18 CHAIRMAN GOLDNER: Okay. Thank you.

19 Granite State Electric and EnergyNorth?

20 MR. SHEEHAN: Thank you.

21 And, again speaking without consulting
22 anyone, so, I may get virtually kicked as I talk,
23 what you've said that piqued my interest was the
24 concept of two different kind of hearings. One

1 is over issues in this case that parties may not
2 agree on that you need to decide, and the other
3 is education. You mentioned that none of you
4 folks have sat through one of these before, you
5 may have some basic questions of what is an EE
6 plan that's not in dispute at all. Everyone
7 agrees that a plan is X, Y, and Z, you just don't
8 know that.

9 And, so, I don't know if there's a -- I
10 fully support the schedule that we signed on to,
11 which is thinking, after discovery and testimony,
12 we know there's a little dispute over A and B,
13 and those would be the hearing days. But perhaps
14 there's a different vehicle to make a
15 presentation to the Commission on basic facts
16 that are, from our side of the table, undisputed
17 and not necessary for hearings, which is why we
18 felt we could get away with fewer, that may be
19 very helpful to you. And maybe it's a tech
20 session format, not an evidentiary format.

21 So, and, again, I'm sure I'm
22 volunteering lots of work for people who are here
23 that haven't scheduled it in, but that was
24 thought, in light of your statement.

1 CHAIRMAN GOLDNER: Thank you, Attorney
2 Sheehan. That's very helpful. I made a note
3 there.

4 Okay. Anything else, Attorney Sheehan?
5 *[Atty. Sheehan indicting in the*
6 *negative.]*

7 CHAIRMAN GOLDNER: No. Let's move to
8 New Hampshire Electric Cooperative?

9 MS. GEIGER: Thank you, Mr. Chairman.
10 The Co-op fully supports the schedule
11 that's been put forth by the Department of
12 Energy. The named parties in that letter worked
13 very hard to arrive at the dates that are
14 reflected there. And we fully understand the
15 fact that the Commission will need some time to
16 digest the topics that have been raised in the
17 hearing and to write its order. And, so, we
18 believe this schedule, you know, balances the
19 parties' interests and the Commission's interests
20 to have a fully developed record, as well as
21 about a month to write an order. So, we support
22 the schedule.

23 And I fully agree with what Attorney
24 Chiavara said about waiting a bit before

1 identifying topics for each hearing date. I
2 think that information will become more apparent
3 as the docket moves forward, and we understand
4 whether there are any parties that are in dispute
5 over issues and what those issues might be.

6 Thank you.

7 CHAIRMAN GOLDNER: Thank you. The
8 Department of Energy?

9 MR. DEXTER: Thank you, Mr. Chairman.

10 So, I've been involved, I think, in, I
11 don't know, five or six of these since I joined
12 the Commission in 2016. It was one of the first
13 things I was assigned to. At that time, the
14 filings were filed in September, and the
15 Commission decisions were issued New Year's Eve,
16 basically. So, that was about a four-month
17 schedule.

18 And one of the things that struck me
19 from the very start was that the schedule, the
20 way it was laid out, basically presumed a
21 settlement, because we found there was no time to
22 litigate any issues. And that's one of the
23 reasons that led to the many working groups back
24 in the 2017 docket. And, because we identified

1 issues, but we couldn't work them out in the
2 short timeframe. So, we went down the road of
3 the working groups. I think we had four of them
4 after one docket, concerning benefit-cost and
5 lost base revenues and performance incentive, all
6 the very difficult and important issues.

7 In any event, as time went by, we
8 started to build in more hearing dates, in case
9 there were issues that needed to be litigated.

10 And, then, in the last Plan, we agreed
11 that the Plan would be filed in July. And the
12 idea there, it was going to be a six-month review
13 period, essentially doubling what had been there.
14 Then, the legislation came out and moved your
15 decision date up a month, so that cut it down to
16 five months. And that's where we are now.

17 So, I guess I wouldn't look at it as an
18 "abbreviated schedule", you know, with the
19 benefit of some history, it's actually longer
20 than what we've had in the past.

21 The other thing I'll note in the past
22 is that all but one of these cases that I've been
23 involved in since 2016 has resulted in a
24 comprehensive settlement, and, in those

1 instances, only one hearing date was needed, even
2 though we had scheduled extra ones.

3 The one case that was not settled was
4 primarily an issue over rate impacts, issues
5 raised by the then Commission Staff, and then the
6 hearings went a little bit beyond rate impacts.
7 But that issue has been resolved by HB 549. So,
8 we're not going to be talking about rate impacts
9 and budget levels in this case, to my knowledge.

10 I've also heard a lot of talk today
11 about moving towards a settlement, and that's
12 certainly the Department of Energy's hope in this
13 case, is that we can present either a settlement
14 or a stipulation of facts, or testimony in
15 support of the Plan, and really work to narrow
16 the issues of dispute that get put before the
17 Commission.

18 So, having heard all that today, it's
19 our hope that, of the four hearings, one of them
20 could be dedicated towards reviewing any
21 stipulation or settlement that comes before the
22 Commission.

23 Certainly, if the Commission has
24 particular topics that they want to learn about,

1 or have, you know, questions, you know, we can
2 structure those topic by topic. It is actually
3 something we talked about when we put the draft
4 schedule together.

5 But I think the single most important
6 event determining how the hearings are going to
7 go, and whether there is enough of them, is
8 whether or not the parties reach a settlement.
9 And that's why we have the target date for the
10 settlement fairly early, it's only about two
11 months from today, October 6th, maybe two and a
12 half months from today. And that date is in
13 advance of the first hearing, more than the five
14 days required by the Commission rules. We sought
15 to double that, couldn't quite double that, but
16 came up with October 6 as a target date for
17 settlement and a hearing date.

18 And, of course, if there is a
19 settlement, and we have four days of hearings
20 scheduled, but only one of them is necessary,
21 it's not necessary or even certain that the
22 Commission would choose the earliest hearing
23 date. They could choose the later hearing date,
24 if they needed more time to review the

1 settlement.

2 So, we've tried to build in as much
3 time as we can, given the parameters. We believe
4 four hearing dates should be sufficient. We
5 started working with the Commission's proposed
6 first hearing date of September, I think it was
7 15th, or something like that. And we, at the
8 Department of Energy, concluded that we
9 couldn't -- all the things that would have to
10 happen in the schedule before that date just
11 couldn't be compressed. The schedule includes
12 one round of data requests and one tech session,
13 and some follow-up data requests. And that's --
14 those are the bare elements. If you try to cut
15 out any one of those, it's going to make it
16 difficult for us to present you with a full
17 record. And, importantly, we have a date in here
18 which is, again, less than two months away for
19 intervenor testimony, which I think is going to
20 be important in narrowing down the issues.

21 So, we would strongly recommend
22 adoption of this schedule as it is. And would
23 ask the question -- ask the Commission to think
24 seriously before starting the hearings any

1 earlier than what we've outlined here, because of
2 the side effect it would likely have on the
3 record that's presented before you.

4 And, as I said, if the Commission has
5 particular topics that they know they're going to
6 want to explore, certainly, the Department of
7 Energy would be amenable to structuring the
8 hearings by those topics. And it may be that you
9 know that irrespective of whether there is a
10 settlement. And we could get working on that,
11 even, you know, even before the schedule unfolds.

12 So, I'll conclude by requesting that
13 the Commission seriously consider what the
14 parties put forth here and adopt it.

15 Thanks.

16 CHAIRMAN GOLDNER: Thank you. Just a
17 couple of questions, Attorney Dexter.

18 So, one thing, when I look at the
19 schedule, that I see is a risk is the October 6th
20 date for the target settlement and/or stipulation
21 of facts. And I have no doubt that the parties
22 will endeavor to meet that schedule, but that's
23 not a commitment, that's a plan. So, what would
24 you -- what would you like to share with us, if

1 that October 6th date is not achievable, things
2 slip out a little bit? I start to worry about
3 our ability to take good care of this docket, if
4 these dates slip.

5 MR. DEXTER: Well, there isn't really
6 any time for slippage. Maybe a day or two. Like
7 I said, we're mindful of the Commission's rule
8 requiring a settlement five days before the first
9 hearing, or before the hearing on the settlement.
10 No one has any intention of trying to shorten
11 that period. We also are mindful of recent
12 Commission decisions, where you've requested ten
13 days. And we've tried to hit the ten days, and
14 came up with I think the eight days.

15 But I think that -- I think the message
16 you just sent, didn't need to be sent, but I
17 think it's kind of loud and clear that if we, you
18 know, if we're going to settle this case, we've
19 got to get it to you in time that still allows
20 the Commission to review the settlement, as well
21 as answer any underlying questions that you might
22 have from the Bench on topics that are, you know,
23 that are not necessarily spelled out in the
24 settlement.

1 And I agree with what Attorney Sheehan
2 said. And I'm not sure what the answer is for
3 early education. You mentioned "record
4 requests". So, certainly, we'll be expecting
5 those. But if there's -- if there is a way to
6 have a, you know, some sort of preliminary
7 technical session, Commission-attended technical
8 session to go over the filing, the Department of
9 Energy would be involved in that without
10 objection.

11 CHAIRMAN GOLDNER: And we are for sure
12 sensitive to the -- sort of the almost dual
13 track, if the Commission has record requests, and
14 what Attorney Sheehan called "education", what I
15 call the "baseline plan", and then trying to
16 handle everything within this schedule. We
17 appreciate the complexity and the work involved
18 by the parties. And we'll certainly try to make
19 this process as efficient for everyone as
20 possible.

21 And, if I could just say this, Attorney
22 Dexter. I just want to repeat back what I think
23 I heard. If the Commission requests technical
24 sessions or answers to record requests, or maybe

1 it would be more fruitful to have a discussion in
2 person, rather than in writing, to try and again
3 make things as efficient as possible, the
4 Department would be supportive of that approach,
5 that is having what I'll call here "technical
6 sessions" prior to October 6th? Is that -- any
7 concerns with that approach?

8 MR. DEXTER: Well, you know, in the
9 context of this compressed case and the
10 complexity of the filing, no, I don't think the
11 Department would have any objection. I don't
12 want that to be read as like a general statement
13 in all cases. But, yes, we could see the value,
14 the value of participating in something like
15 that --

16 CHAIRMAN GOLDNER: Thank you.

17 MR. DEXTER: -- in this docket.

18 CHAIRMAN GOLDNER: That's very helpful.
19 Commissioner Simpson.

20 CMSR. SIMPSON: I just wanted to thank
21 Attorney Dexter for the context that he offered
22 at the beginning. And appreciative of the
23 Department's work in coordinating amongst many
24 parties. So, thank you for your work pulling

1 this together.

2 MR. DEXTER: Sure.

3 CMSR. SIMPSON: Putting this proposed
4 procedural schedule together.

5 CHAIRMAN GOLDNER: Thank you. We'll
6 move to the Office of the Consumer Advocate.

7 MR. KREIS: Thank you, Mr. Chairman.

8 The first thing I'd like to say,
9 because I think it might have some bearing on the
10 orderly progress of this docket to its
11 resolution, is I just want to make sure that I
12 have been understood correctly. I heard earlier
13 what I understood to be a request from the Bench
14 that I "withdraw my disqualification motion"
15 based on the representations that each of you
16 made, and I simply declined to make a decision
17 about that in real time. I take that request
18 very seriously. I want to go back to my office,
19 and maybe talk to my potted plants about it.
20 And, then, I guess I can commit to letting the
21 Commission know whether that's something that I
22 can do.

23 I just didn't want you to think that I
24 was blowing off that suggestion or that request.

1 CHAIRMAN GOLDNER: Thank you for your
2 consideration.

3 CMSR. SIMPSON: Thank you.

4 MR. KREIS: Beyond that, I agree with
5 everything I've heard so far, including the
6 suggestions that my learned colleague,
7 Mr. Dexter, just made about how to keep the
8 Commission informed, or help the Commission
9 become as informed as it wants to be.

10 This docket, the historical context
11 that Mr. Dexter offered was helpful, and I agree
12 with all of it. And I would embellish that just
13 a little bit to point out that the paradigm under
14 which we've been operating for several cycles of
15 these Triennial Plans is that the program
16 administrators, by which I mean the utilities,
17 work with interested stakeholders as they develop
18 their Plan, so that we know in advance, meaning
19 before they make their filing, what it is that
20 they're thinking about, they know what we're
21 thinking about. And, so, the Plan that they
22 ultimately filed is more likely to be a consensus
23 document than, say, what you would read in a rate
24 case that they file, which they compile on their

1 own without consulting very much with us other
2 interested parties beforehand.

3 So, in other words, most, if not all,
4 of the parties here have already been talking to
5 the utilities for some considerable length of
6 time about the elements of the Plan that they
7 have proposed to you. And, so, because of that,
8 and because the Legislature resolved many of the
9 issues that were in controversy three years ago,
10 the dynamic of this case is such that there is a
11 pretty high likelihood of consensus among the
12 parties about most, if not all, of the issues.
13 And the question then becomes "How to get the
14 Commission comfortable with approving the Plan?"

15 So, I say all of that by way of saying
16 that, really, I think what drives, in significant
17 part, the issues that we ought to lay out in the
18 procedural schedule for resolution on particular
19 hearing days is more a function of what you need
20 to hear, than it is what we need to tell you.
21 Because I, and I think many, if not all, of the
22 other parties simply want to get you comfortable
23 with the way the program administrators have
24 addressed all of the issues.

1 So, I don't mean to turn the questions
2 back on you. But I do want to say that, from my
3 perspective, what will drive the positions I take
4 is largely what I perceive to be the issues and
5 concerns that you have.

6 The other thing I want to say is, the
7 reason I am attracted to the idea that Mr. Dexter
8 just laid out, about informal technical sessions,
9 at which the three of you participate, and
10 thereby share your perspectives and concerns with
11 us, is this whole question of record requests,
12 and I think I've said this before, makes me
13 queasy. Because, as an attorney, I'm a creature
14 of habit. And I'm painfully aware that the
15 Commission's rules actually don't contain the
16 phrase "record request" anywhere in them. The
17 Commission does have a rule about "late-filed
18 exhibits", and those late-filed exhibits are
19 typically referred to by everybody as "record
20 requests". But that doesn't comport with what
21 you're talking about here, because we're not
22 talking about "late-filed exhibits". We're
23 talking about data, information, or exhibits that
24 are developed before the hearing. And, so, it is

1 the opposite of a "late-filed exhibit".

2 And I'm not sure how to resolve that.
3 I'm hoping that the Commission gets around to
4 adopting a new set of procedural rules that will
5 clarify how the Commission intends to keep itself
6 informed, so that it can manage its dockets
7 effectively. I have a lot of sympathy for the
8 needs that you have to feel like you're really in
9 command of your docket. I really appreciate
10 that.

11 So, I want to be flexible and
12 accommodating here, and make sure that you all
13 get what you need in order to make the best
14 possible decision. And, in light of what I've
15 already heard, I'm eager to be as cooperative as
16 I possibly can.

17 CHAIRMAN GOLDNER: Thank you. Just a
18 couple of comments.

19 One is that we are working hard on the
20 update to the 200 rules, but it will surely not
21 be completed in time for this docket. So, we
22 won't have that ready.

23 And we do, I just want to reemphasize
24 maybe, or emphasize, that we sort of would like

1 to offer the opportunity for the parties to
2 propose topics to us. We would be happy to
3 propose, you know, propose topics back to you.
4 But I thought it would be more helpful if the
5 parties had the opportunity to declare the topics
6 that they would like to discuss first. So, that
7 was the spirit of the offer.

8 Okay. Anything else, Attorney Kreis?

9 MR. KREIS: I don't have any problem
10 with what you just suggested. I'd be happy to
11 work with the other parties or to tell you myself
12 what I think the topics that I think are highly
13 germane to this. But, in the end, my list is
14 less important than your list, is all I'll really
15 say.

16 CHAIRMAN GOLDNER: Thank you.

17 CMSR. SIMPSON: I might offer that
18 something that might be considered by the parties
19 is an approach taken by Liberty Utilities in
20 their recently filed rate case, where they
21 offered a presentation to the Commission that
22 provided an overview of topics in the case. And
23 perhaps that may be a path that would be helpful
24 and in line with the parties' expectations in

1 this case.

2 CHAIRMAN GOLDNER: Okay. Thank you.

3 We'll move now to Clean Energy New Hampshire.

4 MR. SKOGLUND: Thank you, Mr. Chairman,
5 and members of the Commission.

6 I really don't have anything -- or, we
7 do not have anything to add to the discussion of
8 the schedule. We are supportive of what has been
9 already provided by the utilities and Department
10 of Energy and OCA.

11 Not being a lawyer, though, I guess I
12 have questions on the notion of the "technical
13 sessions". So, I'm going to blunder along and
14 ask some questions, that may benefit others,
15 because they're too afraid to ask them, because
16 they're lawyers, and they need to appear very
17 smart.

18 For those of you that have done Lean
19 training, I have played the role of the "fresh
20 eyes" several times.

21 So, I guess, for these technical
22 sessions, and I deeply appreciate the fact that
23 the PUC itself, the Commissioners, are charged
24 with overseeing all of the electrical utilities,

1 and not just energy efficiency, as well as
2 telecom and water. And you do not have a large
3 staff. And, as you note, none of you have sat
4 through the entire proceeding, much less all
5 together prior.

6 And, so, Clean Energy New Hampshire is
7 sympathetic to the need to have a mastery and
8 command of the material in order to rule. But I
9 wonder if the technical sessions that you're
10 describing how they do factor into the record, as
11 that is an important part, like that's how
12 decisions are made.

13 And, so, it almost does sound like we
14 are reopening Investigatory Docket IR 22-042 and
15 holding some of these technical sessions, and
16 perhaps I'm just mishearing. But do wonder about
17 the nature of this education, though I am
18 sympathetic to the need for that, given the scope
19 of what you're dealing with, the importance of
20 it, that has been indicated by both the public
21 and the Legislature, and everyone that's here in
22 this room.

23 So, I just kind of raise those
24 questions.

1 CMSR. SIMPSON: I would just say, I
2 don't think any of us, myself, I'll speak for
3 myself, are in favor of reopening the
4 investigatory docket. But I appreciate that
5 comment.

6 I think any time that parties can
7 provide context, history, that is helpful. And
8 we've, as a Commission, thought about the forum
9 through which those types of conversations can be
10 had. Because we're very mindful of our *ex parte*
11 rules, and we take them very seriously, and we
12 take our duties extremely seriously.

13 So, comments like these are helpful to
14 us, so that we can reflect and provide a feedback
15 to the parties on what would be helpful for us.
16 So, thank you.

17 CHAIRMAN GOLDNER: And I'll just add to
18 Commissioner Simpson's comments. That the
19 intention of the IR docket was to -- we knew we
20 would only have five months to adjudicate this
21 docket. So, from a learning perspective, trying
22 to get as much of that baseline or understanding
23 as we could relative to the topics, because none
24 of us have sat through an entire Triennial Plan

1 before. So, trying to learn and understand what
2 was going on on topics was the intent.

3 So, hopefully, that proceeding will
4 help accelerate here, and we'll have to have
5 less, in terms of, you know, just baselining or
6 understanding, because we do have a better
7 understanding of the topics based on that IR
8 docket, which we found to be -- we found to be
9 helpful.

10 Anything else, Commissioner Simpson or
11 Commissioner Chattopadhyay?

12 CMSR. SIMPSON: As with any docket,
13 appreciate the work that the parties put into the
14 requests that we make. I am mindful of our
15 resource burdens, and the burdens of all of the
16 parties in this room. So, it doesn't fall on
17 deaf ears. So, appreciate the work that parties
18 have done in prior energy efficiency dockets, the
19 IR docket, and this proceeding before us today.

20 CMSR. CHATTOPADHYAY: I will add that I
21 completely agree with, you know, what the
22 Chairman just said. The IR docket was, in my
23 mind, it was educational. But that doesn't mean
24 that there may not be some elements that are

1 still in the nature of education that may crop up
2 here. So, but I have a -- I'm just, I think,
3 given how much time we spent on the IR docket,
4 there will be significantly less need for it.

5 So, I'm quite comfortable with how, you
6 know, things are laid out right now. But I just
7 wanted to share that.

8 CHAIRMAN GOLDNER: Absolutely. And we
9 appreciate the parties' time, the participants in
10 the IR docket, with the participants' time on
11 those topics, because it was helpful for the
12 Commission's learning process.

13 Okay. Let's move to the Conservation
14 Law Foundation.

15 MR. KRAKOFF: Yes. Thank you.

16 I'd agree with most of what Mr. Dexter
17 said. I think the proposed procedural schedule
18 is set in such a way that it would be very
19 difficult to start the hearings much earlier than
20 they are in the proposed schedule, in order to
21 ensure that the parties have ample time for
22 discovery and for the settlement discussions.

23 You know, one thing I would like to
24 bring to the Commission's attention, if they're

1 concerned about having only four days of hearing,
2 is that, you know, I just looked back at the
3 prior energy efficiency docket and there were
4 five days of hearings there. And my recollection
5 is that only one of those days was a full day,
6 and the other four days were half days. So, if
7 we scheduled the four days of hearings over four
8 full days, it could be just as much time as the
9 last -- or, about just as much time as the last
10 docket. And, as we've been reminded, in that
11 last docket, the most contentious issue was on
12 the budgetary issue, which we're not going to
13 have here.

14 So, given that we've taken out the most
15 contentious issue, and that we're still going to
16 have, you know, basically the same amount of time
17 as the last docket, assuming we schedule those
18 efficiently, I think that should provide the
19 Commission enough time to probe the issues.

20 You know, I guess the only other issue
21 I'd like to raise is, I think it's a difficult
22 question with respect to whether the Commission
23 should be issuing its own record requests or not,
24 and conducting its own tech sessions. I mean, on

1 one hand, sure, you know, it should be the
2 parties that are developing the record. But, you
3 know, on the other hand, if the Commission is
4 truly is trying to educate itself, that's a noble
5 effort.

6 And, so, I think some of these
7 questions were already answered when the
8 Department of Energy was created. You know,
9 obviously, before the Department of Energy was
10 created, PUC had Staff, and they could take those
11 roles on.

12 And having practiced some in
13 Massachusetts, you know, there, the DPU, they
14 kind of function, you know, as sort of as the PUC
15 would like, you know, is proposing to function
16 here, they have their own data requests, and can
17 hold their own tech sessions.

18 And, so, I think it's a difficult
19 question. And, hopefully, with the 200 rules, we
20 can start answering that.

21 Thank you.

22 CHAIRMAN GOLDNER: Thank you. And I
23 think one of the -- the spirit of having maybe
24 more sessions than might be deemed as necessary,

1 it's just easier to subtract than to add. And,
2 so, if we schedule sessions ahead of time, and we
3 need to remove some, then that's easier than
4 trying to add some, some late in the game. So,
5 that would be the comment on the number of
6 sessions that I would maybe add.

7 But thank you, Attorney Krakoff.
8 That's very helpful. Thank you.

9 Okay. The Nature Conservancy.

10 MS. HATFIELD: Thank you, Mr. Chairman.

11 The idea of having an education session
12 is certainly intriguing, and it sounds like
13 there's a model from the docket that Commissioner
14 Simpson just referenced. We would certainly be
15 open to participating in that. Seems like a good
16 approach.

17 Thank you.

18 CHAIRMAN GOLDNER: Thank you. Okay.

19 LISTEN Community Services.

20 MR. BURKE: Thank you. I think -- I'll
21 try to keep it brief, because I know we've been
22 talking a lot about it.

23 I think Attorney Dexter provided a lot
24 of helpful context that we were thinking about.

1 I wanted to just kind of make one finer point
2 there.

3 I think, you know, it is true that,
4 technically, we have one more month than
5 previously. But I think the key difference that
6 wasn't -- was sort of alluded to, but I want to
7 call out, is that, in that prior schedule where
8 the plan was filed September 1, the hearings
9 weren't conducted until the middle of December.
10 And, so, this schedule feels more compressed,
11 even though we have, technically, one more month,
12 because this, at least the proposed schedule that
13 the parties came up with, gives that month to the
14 Commission to work on a decision, which we
15 certainly understand why that would be helpful
16 and needed. But we agree what's been said, that
17 compressing it even further just makes it really
18 challenging to do all of the steps that are the
19 "bare bones", as Attorney Dexter pointed out.

20 And, so, we would just ask that, if
21 there is a need to have more dates, to reserve
22 that time, that we not cut short the timeframe
23 even further. That we add on, you know, into
24 November.

1 And, with respect to what's been
2 discussed regarding the tech sessions and record
3 requests, it sounds like we're in the minority
4 here, but those ideas I think make me a little
5 uncomfortable, and I want to reserve the right to
6 raise an objection, depending on what happens and
7 how it's structured. I'm not familiar with what
8 was done in the Liberty rate case, so perhaps
9 that is a model. But I think I get uncertain
10 about the idea of tech sessions, where things
11 will be discussed off the record with the
12 Commissioners.

13 And, in the past, what was typically
14 done, at least since we -- I have been involved
15 in these energy efficiency dockets, is, if the
16 Commission were to issue record requests, it was
17 done in the context of the hearings, because
18 there was more information needed that was
19 brought up during testimony of witnesses at
20 hearings.

21 And, so, you know, I realize, you know,
22 Attorney Krakoff and others have identified some
23 of the challenges we're trying to wrestle with,
24 and again appreciate those challenges. But it

1 seems to me that, just in terms of, from a
2 party's perspective, that is the cleaner way to
3 go, would be to add more hearing dates, and have
4 the record requests issued during those hearings,
5 to be addressed in writing after, or at a
6 subsequent hearing through witness testimony,
7 because it's -- it just allows the parties to
8 work through discovery, file any testimony that's
9 needed, and engage in those conversations through
10 data requests and tech sessions, and then present
11 it to the Commission, and then get the
12 Commission's questions.

13 But that being said, you know, we're
14 open to trying to figure out a resolution that
15 works for everyone. Just felt we needed to
16 mention the reservations we have about some of
17 what was said.

18 CHAIRMAN GOLDNER: Thank you. That's
19 helpful. So, just to maybe clarify something
20 that I think maybe is obvious from what you said,
21 but just to make sure that we're on the same
22 page. So, you would want any of these
23 discussions, whether we call it "tech sessions"
24 or "hearings", or whatever it's called, you would

1 just want it to be on the record, would be your
2 concept?

3 MR. BURKE: Yes. I just worry about
4 anything that could be said in front of the
5 Commissioners that would not be part of the
6 record. You know, if a party were to take issue
7 or object, it would be -- create some challenges,
8 I think, in a more -- in that informal setting,
9 where, you know, there's -- you don't have the
10 rules of procedure and a transcript to reference
11 after, and things like that.

12 CHAIRMAN GOLDNER: Okay. Thank you.

13 MR. SHEEHAN: Mr. Chairman, if I could,
14 Mike, over here, just describe what we did in the
15 rate case, because most of the folks in the room
16 don't know?

17 CHAIRMAN GOLDNER: Thank you.

18 MR. SHEEHAN: In our electric rate case
19 filed this spring, the Commission's order
20 scheduling the prehearing conference asked for a
21 thorough description of our case, under a -- I
22 guess an expansion of the normal requirement of a
23 statement of the case.

24 And, so, what we did was prepared a 20-

1 or 30-page PowerPoint that just walked through
2 the rate case in detail of what we were
3 proposing. The session was, in all respects, a
4 prehearing conference. I don't recall the
5 questions had any substantive questions. It
6 wasn't an exchange, so much as a walk-through of
7 our rate case in a lot of detail.

8 CHAIRMAN GOLDNER: Thank you. And,
9 then, finally, SNHS.

10 MR. CLOUTHIER: Thank you.

11 Yes, I think, you know, we would agree
12 with the comments that were made by Mr. Dexter.
13 And we are fully supportive of the schedule as it
14 stands, as it was presented.

15 But we would be, you know, we are
16 certainly open to what other parties decide. I
17 do agree with what Mr. Burke had just said about
18 anything added. I think I would feel more
19 comfortable, too, if it was something that was on
20 the record, you know, moving forward.

21 But, otherwise, we're in full
22 agreement, and willing to work with other parties
23 as necessary.

24 So, thank you.

1 CHAIRMAN GOLDNER: Okay. Thank you.

2 Okay. Having heard from all the
3 parties, we'll take the issue under advisement.
4 And, again, we'll issue a post-PHC order.

5 I think what would be wise would be
6 just to take a quick break, so the Commissioners
7 can consult and make sure that everything has
8 been taken care of today, from at least our
9 perspective.

10 So, let's -- we don't anticipate
11 anything else today, other than we'll ask the
12 parties if there's any additional matters to
13 cover. So, we'll give everyone one last
14 opportunity to comment. But let's take a short
15 break and return at quarter of. Thank you.

16 *(Recess taken at 10:34 a.m., and the*
17 *hearing resumed at 10:56 a.m.)*

18 CHAIRMAN GOLDNER: Okay. Just one
19 question from the Commission. Are there any
20 objections to the Commission's initial
21 questions -- any objections to the Commission's
22 initial questions being on the same schedule as
23 the one published by the DOE?

24 In other words, there's an initial

1 round of questions August 4th, and responses to
2 the data requests August 15th. And the
3 Commission would propose that any initial
4 questions we have would just be on that same
5 calendar. We would submit on the 4th, and look
6 for a response on the 15th.

7 Would anyone have any concerns with
8 that approach?

9 *[No verbal response.]*

10 CHAIRMAN GOLDNER: Okay.

11 MS. CHIAVARA: I guess, just I want to
12 circle back to the "Liberty presentation in the
13 rate case" approach.

14 I think the thought is that a
15 presentation, an educational presentation, might
16 be a little more administratively efficient, as
17 well as more productive, than firing written
18 requests back and forth at the same time that
19 we're dealing with discovery amongst the parties.
20 That way, we could have a live interaction, ask
21 questions -- ask and answer questions as they're
22 being presented, and sort of have an organic
23 development of the conversation, which might move
24 things further, as far as Commission education on

1 these topics.

2 So, I believe the utilities would be
3 open to that approach, in lieu of the written
4 approach.

5 I think it's also, and there is, I
6 think, still some discussion going on about this,
7 as to whether such conversation should be on the
8 record. I think it would probably be more
9 candid -- a more candid exchange if it weren't on
10 the record, since it's operating kind of in a
11 space outside of how we usually build the record.
12 So, and, again, for educational purposes, I think
13 it's good if everybody can ask their questions
14 candidly and can get candid responses.

15 So, I think that would be the
16 recommendation.

17 CHAIRMAN GOLDNER: That's good input.
18 I think -- I think we'll have to take this under
19 advisement, as everything else today.

20 MS. CHIAVARA: Fair enough.

21 CHAIRMAN GOLDNER: But, if anyone else
22 would like to comment, please do so now?

23 MS. HATFIELD: Mr. Chairman?

24 CHAIRMAN GOLDNER: Yes.

1 MS. HATFIELD: Thank you very much.

2 I would like to think about it more.

3 But I do have concerns regarding an
4 off-the-record meeting with a quorum of the
5 Commissioners. And it's a little troubling that
6 people would be more candid off the record,
7 frankly. But I think, if there is going to be
8 any session with a quorum of the Commissioners,
9 that it needs to be publicly noticed and on the
10 record.

11 If you are taking additional input at a
12 later date, I'd like to reserve the right to
13 opine further.

14 Thank you.

15 CMSR. SIMPSON: I think the question
16 that the Chairman asked stemmed from the
17 Commission seeing whether we can follow the
18 proposed procedural schedule that's been
19 developed by the parties, and to help us, in our
20 review of the record, along the same timeframe
21 that the other parties are issuing discovery.
22 Because we're mindful of the work that's been put
23 into developing a procedural schedule and the
24 timeline that we're all operating under.

1 CHAIRMAN GOLDNER: And I think I'll
2 just add that, you know, as we try to develop our
3 questions, you know, there -- it would perhaps
4 require a small army to answer those questions,
5 to find the right person at the right utility,
6 and the right expert. So, it might be more
7 efficient to have some written questions.
8 Everyone can see them at the same time, it's part
9 of the same process. So, what we were thinking
10 is we were just trying to get onboard with the
11 procedural schedule, and not be disruptive to
12 that schedule. So, that was the intent of maybe
13 asking some questions at the same time as
14 everyone else.

15 Any other comments on that, on the
16 topic?

17 [No verbal response.]

18 CHAIRMAN GOLDNER: Okay, seeing none.

19 Okay. Additional matters, is there any
20 other -- anything else that the parties would
21 like to discuss or would aid in the disposition
22 of the proceeding?

23 [No verbal response.]

24 CHAIRMAN GOLDNER: All right. Well,

1 then, seeing none, I'll thank everyone for their
2 time today. We'll issue a prehearing order
3 shortly. And we are adjourned. Thank you.

4 ***(Whereupon the prehearing conference***
5 ***was adjourned at 11:00 a.m.)***

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