

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-046

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

2024 Energy Service Solicitations

**Order Denying Motions for Rehearing, and Referencing NRG Retail Companies'
Motion for Intervention**

O R D E R N O. 27,046

August 9, 2024

This order denies two motions for rehearing filed by (1) the Office of the Consumer Advocate (OCA) and (2) the Community Power Coalition of New Hampshire (CPCNH) and the NRG Retail Companies regarding the Commission's Order No. 27,022 (June 20, 2024), issued in this instant docket, for the Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or the Company) energy service (ES)¹ rates.

The Commission will take up, as held in prior Commission rulings, its final adjudication of the issues of concern referenced by the OCA, CPCNH, and the NRG Retail Companies in a forthcoming proceeding to consider the Company's Stranded Cost Recovery Charge (SCRC) proposals. The Motions for Rehearing are therefore premature, and denied on that basis.

Furthermore, the motion for intervention filed by the NRG Retail Companies on July 29, 2024 will be addressed in a future Order issued by the Commission in a further phase of this instant proceeding.

¹ The customer bill for those customers that take Eversource default service is composed of three parts: power supply, transmission, and distribution. The ES rates for default service customers are for the power supply component only.

I. BACKGROUND

Interested persons may read a summation of the procedural history and Commission rulings issued in the earlier phases of this proceeding in Commission Orders Nos. 27,022 (June 20, 2024) and 27,034 (July 12, 2024).

The above-referenced Orders, motions, and related docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at

<https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-046.html>

In Order No. 27,022, the Commission made a ruling, in connection with the Company's ES rate proposals, addressing a \$6.5 million reconciliation shortfall in the ES rate structure for the Eversource ES Large Customer Group. This under-collection was brought to the attention of the Commission for the first time within the Company's June 13, 2024 ES rate petition filing, made in advance of the requested August 1, 2024 effective date for ES rates, for which, consistent with past ES rate review practice, the Company had an expectation of final Commission approval within one calendar week (no later than June 20, 2024). *See* Hearing Exhibit 1 at Bates Page 5.

As a temporary expedient, pending a final Commission adjudication of how to approach the issue, the Commission ordered that: (1) Eversource place the \$6.5 million into a deferral account; (2) Eversource provide a recalculation of the Company's ES Tariff rate elements and expected ES bill impacts based on this deferral, to be filed no later than July 10, 2024; (3) Eversource provide a calculation of the carrying charges associated with this deferral for the next calendar year as part of this July 10 filing; and (4) Eversource prepare *a proposal* for the integration of the ES Reconciliation Adjustment Factor charges (including those arising from the \$6.5

million referenced above) into collection through the SCRC *to be filed thirty (30) days in advance of the Company's next SCRC petition filing*. Order No. 27,022, at 9. No Ordering clause appeared giving final approval of the inclusion of the \$6.5 million in question into the SCRC within the language of Order No. 27,022; *See, Id.* at 10-11.

The Company complied with the Commission's directive relating to the \$6.5 million under-collection by filing the requested calculations on July 3, 2024, which were updated by a subsequent limited technical correction on July 5, 2024. On July 11, 2024, after the Eversource compliance filings were made, and after the July 10, 2024 compliance filing deadline, the OCA filed a Motion for Rehearing of Order No. 27,022. On July 12, 2024, the Commission issued, on a *nisi* basis, Order No. 27,034, which, on Page 5, contained an amplification of the Commission's intent to have an adjudication of the Company's forthcoming SCRC proposal in a future proceeding, with a separate order of notice. On July 18, 2024, Eversource filed a timely response to the OCA Motion for Rehearing. On July 19, 2024, CPCNH and the NRG Retail Companies², though not having been granted intervenor status in the earlier phases of this docket, filed a subsequent Motion for Rehearing of Order No. 27,022. Eversource filed a timely response to the CPCNH/NRG Retail Companies Motion for Rehearing on July 29, 2024.

The arguments presented by the OCA and CPCNH/NRG Retail Companies in their respective Motions for Rehearing were essentially congruent; the two Eversource responses in opposition to the Motions for Rehearing were also largely congruent in their approach. The Motions for Rehearing presented two grounds for objection to the

² The NRG Retail Companies filing the Motion for Rehearing are: Direct Energy Services LLC; Direct Energy Business LLC d/b/a NRG Business; NRG Business Marketing, LLC (f/k/a Direct Energy Business Marketing LLC), Reliant Energy Northeast LLC d/b/a NRG Home, and XOOM Energy New Hampshire, LLC; it is presumed that these various entities are under common ownership and/or control.

Commission's approach to the \$6.5 million under-collection issue in Order No. 27,022: (1) that no adequate notice was given in the Commission's order of notice for this ES rate review proceeding (issued on May 6, 2024) regarding the potential changes (which were characterized by the entities seeking rehearing as final changes) to the ES/SCRC rate structures involved; and (2) if such changes were to be integrated into the ES and SCRC rate structures, they would constitute violations of the Restructuring Act provisions, as enumerated in RSA Chapter 374-F. In its responses, Eversource pointed to the fact that a future SCRC-centered proceeding, with a separate order of notice, would be the venue for the final adjudication of the Company's future proposal to integrate the ES Reconciliation Adjustment Factor charges into the SCRC, thereby rendering the due-process objections of the entities seeking rehearing premature and moot. Eversource also disputed the OCA's, CPCNH's, and the NRG Retail Companies' characterization of the potential inclusion of ES-related reconciliation charges in the SCRC as violating the Restructuring Act, pointing to Commission authority to include, by Order, such potential charges into the SCRC for recovery. Eversource Response to OCA Motion for Rehearing, July 18, 2024, at Pages 2-4.

On July 29, 2024, the NRG Retail Companies filed a motion for intervention in this proceeding. No timely responses were filed by any person or party to this motion for intervention, nor were any further responses made to the Motion for Rehearing-related pleadings delineated above.

II. COMMISSION ANALYSIS

Pursuant to RSA 541:3, the Commission may grant rehearing or reconsideration when a party states good reason for such relief. Good reason may be shown by identifying new evidence that could not have been presented in the underlying proceeding, *O'Loughlin v. N.H. Personnel Comm'n*, 117 N.H. 999, 1004

(1977), or by identifying specific matters that were “overlooked or mistakenly conceived” by the Commission, *Dumais v. State*, 118 N.H. 309, 311 (1978). A successful motion for rehearing does not merely reassert prior arguments and request a different outcome. *Abenaki Water Company, Inc.*, Order No. 26,312 at 8-9 (November 27, 2019).

In this instance, the OCA's, and CPCNH's/NRG Retail Companies', Motions for Rehearing are premature, and are therefore DENIED. No final adjudication of an Eversource proposal to include ES Reconciliation Adjustment Factor charges, including any such charges arising from the \$6.5 million under-collection discussed in this proceeding, has been issued by the Commission. Rather, the Company is to present this proposal for final Commission adjudication to the Commission in a filing made thirty (30) days in advance of the Company's next SCRC petition filing. Order No. 27,022 at 9; *see also* Order No. 27,034 at 5. As these SCRC filings are generally made by Eversource in mid-December each year, the Commission expects that this future filing would be made in November, after which an order of notice regarding the Company's proposal would issue, and intervention petitions by interested persons and entities invited. Arguments regarding the merits, or detriments, of Eversource's proposal, including those related to the Restructuring Act and allied law, would be considered in the context of that proceeding. Given the Commission's denial of the Motions for Rehearing for lack of ripeness here, any questions of standing that could arise in connection with the CPCNH/NRG Retail Companies Motion are rendered moot.

The Commission will soon issue a supplemental Order of Notice for this proceeding regarding the Company's market-based ES procurement proposals, filed pursuant to the Commission directive established in Order No. 27,022, on July 30,

2024. The Commission will take up the NRG Retail Companies' motion to intervene in this instant proceeding following the issuance of that supplemental Order of Notice.

Based upon the foregoing, it is hereby

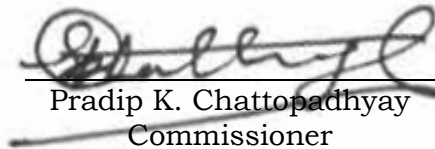
ORDERED, that the OCA Motion for Rehearing is DENIED; and it is

FURTHER ORDERED, that the CPCNH/NRG Retail Companies Motion for Rehearing is DENIED.

By order of the Public Utilities Commission of New Hampshire this ninth day of August, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 24-046

Printed: 8/9/2024

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