

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**IR 22-053**

**ELECTRIC AND GAS UTILITIES**

**Investigation of Energy Commodity Procurement  
(Renewable Portfolio Standard; Default Service Electric Power; Cost of Gas)  
Methodology and Process**

**Order Addressing Participant Comments and Closing Docket**

**ORDER NO. 26,826**

**May 24, 2023**

In this order, the Commission addresses certain participant comments regarding this investigative proceeding and closes this docket pending future developments with an upcoming Department of Energy investigation regarding these matters.

**I. BACKGROUND**

On April 24, 2023, Chairman Daniel Goldner issued a procedural order requesting that the staff of the Commission produce a report summarizing the input of the participants in this investigation for the Commission's consideration. Staff of the Commission filed this report (Staff Report) on May 8, 2023 as ordered. As indicated in the April 24 procedural order, the Staff Report provided an invitation for participants and other interested persons to file responsive comments with the Commission by May 18, 2023.

On May 18, 2023, three investigation participants, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), the New Hampshire Department of Energy (DOE), and Unitil Energy Systems, Inc. with Northern Utilities, Inc. (Unitil) each filed timely comments regarding the Staff Report. No other responses to the Staff Report were filed.

Materials related to this investigation, 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/2022/22-053.html>

## **II. PARTICIPANT COMMENTS**

### **A. Eversource**

Eversource indicated in its comments that it greatly appreciated the efforts of the Commission's Senior Advisors in preparing the Staff Report. Eversource also stated that it did not identify any statements in the Staff Report's summary of Eversource's positions elucidated during the investigation as requiring correction. (Eversource did point to a likely cross-reference error in the narrative description of Unitil's electric load on Page 10 of the Staff Report, discussed below). Eversource reiterated its positions regarding default energy service and renewable energy certificate (REC) procurement, namely: that adjustments to procurement practices could provide some mitigation of price volatility, but, in Eversource's view, the effects of such measures would be limited and may result in unintended consequences; that Eversource does not support a regional default service process; that Eversource supported a more-abbreviated RFP review period by the Commission; and that Eversource continued to support a shifting of REC procurement obligations to the wholesale electricity suppliers.

### **B. DOE**

The DOE, in its responsive comments, announced the opening of its own investigation (DOE Investigation), to address several technical issues raised by this Commission investigation and summarized by the Staff Report. The DOE states that it intends to retain the services of an outside expert to review the Staff Report and

“produce a report which will address the issues identified above as well as other relevant and related topics,” with a timing goal for issuance of December 1, 2023, “in order to inform policy makers on issues related to energy service procurement under the current paradigm of electric utility restructuring.” DOE Comments of May 18, 2023 at Page 2. The DOE also expressed its appreciation for the Commission’s embarking on this investigation, and the production of the Staff Report. The DOE also provided a technical clarification of its timing of REC compliance review within its comments. This clarification, and the list of expected issues considered in the upcoming DOE Investigation, may be seen here:

[https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-053/LETTERS-MEMOS-TARIFFS/22-053\\_2023-05-18\\_NHDOE\\_RESPONSE-REGARDING-COMMISSION-STAFF-REPORT.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-053/LETTERS-MEMOS-TARIFFS/22-053_2023-05-18_NHDOE_RESPONSE-REGARDING-COMMISSION-STAFF-REPORT.PDF)

### **C. Unitil**

Unitil, in its joint electric-gas affiliate utility comments made on May 18, stated that “Unitil reiterates and incorporates by reference all comments that it has submitted in this docket.” Unitil also pointed out what it believed to be two errors in the quantitative data presented by the Staff Report; (1) the percentage of Renewable Portfolio Standards (RPS) obligations met through Alternative Compliance Payments (ACP) referenced on Pages 8 and 9 of the Staff Report not being reflected in Table 5 of same; and (2) the load reference figure applied to Unitil Electric on Page 10 of the Staff Report was not accurate as to Unitil, but rather, accurate as to Eversource.

### **III. COMMISSION ACTION**

As an initial matter, having reviewed the Staff Report and the comments by Eversource and Unitil, we have confirmed that the narrative discussion on Page 10 of the Staff Report for Unitil’s load should read, “Load served ranged from roughly 222

million kWhs to 253 million kWhs at different times between 2018 and 2022.”

Regarding the RPS/ACP Table issue, we note that the Staff Report did make certain editorial choices regarding what data to present in its summary tables, as indicated in the Executive Summary of the Staff Report (Page 1). Interested persons may view the RPS/ACP data referenced by Unitil in its February 17 response attachments here:


[https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-053/LETTERS-MEMOS-TARIFFS/22-053\\_2023-02-17\\_NORTHERN\\_UES\\_ATT-RESPONSE-2-8-23-PROC-ORDER.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-053/LETTERS-MEMOS-TARIFFS/22-053_2023-02-17_NORTHERN_UES_ATT-RESPONSE-2-8-23-PROC-ORDER.PDF)


Regarding the Staff Report, and the stakeholder engagement process by the investigation participants that led to its issuance, we wish to extend our appreciation for this effort, which has led a better understanding of the current procurement processes and potential improvement approaches. This transparency will allow the Commission to apply lessons learned in the Commission’s adjudicative setting. We also appreciate the DOE, as the energy policy arm of the State, offering its effort and input to add to the Commission’s work and providing recommendations to policy makers by December 1, 2023, at the conclusion of the DOE Investigation. Therefore, we view the work of this investigation to be concluded, and we will close this docket forthwith.


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

**ORDERED**, that this investigative docket is now CLOSED.

By order of the Public Utilities Commission of New Hampshire this twenty-fourth day of May, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

# Service List - Docket Related

Docket#: 22-053

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Email Addresses

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ClerksOffice@puc.nh.gov  
denise@colonialpowergroup.com  
Faisal.DeenArif@energy.nh.gov  
asbury@unitil.com  
Scott.T.Balise@energy.nh.gov  
Clifton.Below@CPCNH.org  
sbrowning@daypitney.com  
rburke@nhla.org  
john.butler@eversource.com  
Mark@colonialpowergroup.com  
carroll@unitil.com  
brandy.chambers@eversource.com  
jessica.chiavara@eversource.com  
rclouthier@snhs.org  
gary.m.cronin@energy.nh.gov  
Michael.J.Crouse@oca.nh.gov  
mdean@mdeanlaw.net  
demeris@unitil.com  
Energy-Litigation@energy.nh.gov  
paul.b.dexter@energy.nh.gov  
Aaron.Doll@libertyutilities.com  
downesm@unitil.com  
jay.e.dudley@energy.nh.gov  
tracy.dyke-redmond@eversource.com  
steven.elliott@eversource.com  
joshua.w.elliott@energy.nh.gov  
maromilee.emerick@eversource.com  
eemerson@primmer.com  
erin.engstrom@eversource.com  
sam@cleanenergynh.org  
thomas.c.frantz@energy.nh.gov  
sandra.gagnon@eversource.com  
sgeiger@orr-reno.com  
genestj@unitil.com  
deborah.gilbertson@libertyutilities.com  
dgoldberg@synapse-energy.com  
golding@communitychoicepartners.com

gouldingc@unitil.com  
dhenry@hotzero.biz  
henry@cpcnh.org  
dhill@energyfuturesgroup.com  
cholahan@foleyhoag.com  
ajudd@daypitney.com  
maureen.karpf@libertyutilities.com  
James.King@libertyutilities.com  
nkrakoff@clf.org  
donald.m.kreis@oca.nh.gov  
kroll@gcglaw.com  
luann.lamontagne@eversource.com  
Philip.W.LaMoreaux@des.nh.gov  
clane@synapse-energy.com  
marc.lernenager@eversource.com  
parker.littlehale@eversource.com  
emaher@dtclawyers.com  
mcdonald@optenergy.com  
nelson.medeiros@eversource.com  
frank.melanson@eversource.com  
Erica.Menard@libertyutilities.com  
mandymerrill60@gmail.com  
mmineau@essexhydro.com  
jmiranda@rc.com  
nhregulatory@eversource.com  
elizabeth.r.nixon@energy.nh.gov  
amanda.o.noonan@energy.nh.gov  
ocalitigation@oca.nh.gov  
rebecca.ohler@des.nh.gov  
sormsbee@colonialpowergroup.com  
palma@unitil.com  
dpatch@orr-reno.com  
deandra.m.perruccio@energy.nh.gov  
katherine.peters@eversource.com  
ralph.prahl@gmail.com  
melissa.price@eversource.com  
bryant.robinson@eversource.com  
neal.roper@constellation.com  
Melissa.Samenfeld@libertyutilities.com  
mary.e.schwarzer@energy.nh.gov  
michael.sheehan@libertyutilities.com  
sshensstone-harris@synapse-energy.com  
karen.sinville@libertyutilities.com  
chris@cleanenergynh.org  
skumatz@serainc.com  
taylorp@unitil.com

Joshua.Tilbury@libertyutilities.com  
mark.p.toscano@energy.nh.gov  
stower@nhla.org  
jacqueline.m.trottier@energy.nh.gov  
jvanrossum@clf.org  
michael.vose@leg.state.nh.us  
john.warshaw@libertyutilities.com  
tanya.p.wayland@energy.nh.gov  
david.wiesner@eversource.com  
kiersten.williams@eversource.com  
wirtino@comcast.net  
woodsca@nhec.com  
twoolf@synapse-energy.com  
Matthew.C.Young@energy.nh.gov  
andrew@tosdalapc.com  
harringt@metrocast.net  
Jason.morse@baesystems.com  
mhoplamazian@nhpr.org  
dvoorhees@veic.org