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**APPEARANCES:**    *( C o n t i n u e d )*

**Reptg. Colonial Power Group:**  
Stuart Ormsbee

**Reptg. Community Power Coalition of  
New Hampshire:**  
Clifton Below, Chair  
Brian Callnan, Chief Executive Officer

**Reptg. Residential Ratepayers:**  
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*Office of Consumer Advocate*

**Reptg. New Hampshire Dept. of Energy:**  
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Elizabeth Nixon, Dir./Electric Group  
Scott Balise, Electric Group  
Stephen Eckberg, Electric Group  
*(Regulatory Support Division)*

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**P R O C E E D I N G**

1  
2 CHAIRMAN GOLDNER: Okay. Good morning.  
3 I'm Chairman Goldner. I'm joined by Commissioner  
4 Simpson and Commissioner Chattopadhyay. We're  
5 here for a prehearing conference in Docket Number  
6 DE 23-063, in which the Commission docketed  
7 Public Service Company of New Hampshire, doing  
8 business as Eversource, Liberty, and Unitil  
9 Electric Systems' Petition for a waiver of  
10 certain provisions of the PUC 200 rules and a  
11 request to recover costs of implementing the PUC  
12 200 rules.

13 First, let's start by taking  
14 appearances, beginning with Eversource.

15 MS. CHIAVARA: Good morning,  
16 Commission. Jessica Chiavara, here for Public  
17 Service Company of New Hampshire, doing business  
18 as Eversource Energy.

19 CHAIRMAN GOLDNER: Thank you. And  
20 Liberty?

21 MR. SHEEHAN: Good morning.  
22 Commissioners. Mike Sheehan, for Liberty  
23 Utilities (Granite State Electric) Corp.

24 CHAIRMAN GOLDNER: Very good. And

1 Unitil Energy Systems?

2 MR. TAYLOR: Good morning,  
3 Commissioners. Patrick Taylor, on behalf of  
4 Unitil Energy Systems, Inc.

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

7 MR. YOUNG: Good morning,  
8 Commissioners. Matthew Young, on behalf of the  
9 Department of Energy. With me today is Amanda  
10 Noonan, who is the Director of Consumer Services;  
11 Steve Eckberg, who is a utility analyst working  
12 on this matter; Liz Nixon, who is the Director of  
13 the Electric Division; and Scott Balise, who is  
14 also a utility analyst.

15 CHAIRMAN GOLDNER: Very good. And the  
16 Office of the Consumer Advocate?

17 MR. KREIS: Good morning, Commissioners  
18 I'm Donald Kreis, the Consumer Advocate. As you  
19 know, we are here representing the interests of  
20 residential utility customers.

21 CHAIRMAN GOLDNER: Thank you. And  
22 we'll also go through the potential intervenors,  
23 beginning with Colonial Power Group?

24 MR. ORMSBEE: Good morning. Stuart

1 Ormsbee, on behalf of Colonial Power Group.

2 CHAIRMAN GOLDNER: Thank you. And the  
3 Conservation Law Foundation?

4 *[No indication given.]*

5 CHAIRMAN GOLDNER: Is CLF here today?

6 MR. BELOW: They are not. But I note  
7 that Nick Krakoff is on parental leave right at  
8 the moment. So, he indicated he was not  
9 available this week.

10 CHAIRMAN GOLDNER: Okay. Thank you.  
11 And the Community Power Coalition of New  
12 Hampshire?

13 MR. BELOW: Good morning,  
14 Commissioners. Clifton Below, Chair of the  
15 Community Power Coalition. And with me here  
16 today is our new CEO, Brian Callnan.

17 CHAIRMAN GOLDNER: Thank you.

18 Okay. For the pending intervention  
19 requests, I'll note that no objections have been  
20 received. Is there anything anyone would like to  
21 add on interventions?

22 *[No verbal response.]*

23 CHAIRMAN GOLDNER: Okay. Seeing none.  
24 We have reviewed and determined that the Colonial

1 Power Group, Conservation Law Foundation, and the  
2 Community Power Coalition of New Hampshire, their  
3 intervention would be in the interest of justice,  
4 and would not impair the orderly and prompt  
5 conduct of the proceedings, and therefore grant  
6 intervention pursuant to Puc 203.17 and RSA  
7 541-A:32, II.

8 Okay. Today we plan to hear party  
9 positions on the requests for temporary waivers;  
10 then preliminary positions of the parties on the  
11 remainder of the requests for relief; and then,  
12 finally, to discuss a procedural schedule, in  
13 those three steps.

14 Before we get onto those topics, are  
15 there any over preliminary matters or issues that  
16 should be on the agenda today?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: Okay. Seeing none.  
19 Let's begin with the topic of temporary waivers;  
20 then we'll go to preliminary positions; and then  
21 we'll go to procedural schedule, but just one at  
22 a time, if you could please. And we'll start  
23 with temporary waivers, and Eversource.

24 MS. CHIAVARA: Thank you, Chairman

1 Goldner. I actually had a combined total initial  
2 statement. So, I will skip to the part about  
3 temporary waivers. If you could give me just a  
4 moment?

5 CHAIRMAN GOLDNER: Thank you.

6 MS. CHIAVARA: So, as you know, the  
7 purpose of this docket is to determine if the  
8 implementation of Puc 2205.16(d)(1) is in the  
9 public interest, and the utilities have presented  
10 as detailed a picture as possible as to how  
11 implementation can be accomplished. But, since  
12 any implementation would necessarily be quite a  
13 ways off, the utilities would respectfully  
14 reiterate our request for the Commission to grant  
15 a temporary waiver from Puc 2205.16(d)(1) in a  
16 prehearing order until such time as the  
17 Commission makes a determination on  
18 implementation. And, if the decision is to  
19 implement bill-ready billing, then to extend that  
20 waiver until the functionality is available, as  
21 none of the utilities will be capable of  
22 complying with this provision until all requisite  
23 implementation work is complete.

24 The utilities likewise seek

1 clarification in a prehearing order from the  
2 Commission, as requested in the Petition,  
3 regarding whether the references in both Puc  
4 2204.02(a)(2) and Puc 2205.13(a)(7) to "usage  
5 data" includes "exports to the grid from customer  
6 generators in kilowatt-hours for each reported  
7 interval", language which only appears in Puc  
8 2203.02(d). It would not appear that the  
9 definition of "usage" inherently includes  
10 exports, as exports are not used by the customer,  
11 nor does the reference to export data in Puc  
12 2203.02(d) apply to the other reporting  
13 provisions, as there is no cross reference that  
14 appears in any of the provisions at issue.

15 However, should the Commission  
16 interpret "usage data" in 2204.02(a)(2) and Puc  
17 2205.13(a)(7) to include export data, Eversource  
18 would also need a temporary rule waiver from  
19 providing such export data until that information  
20 can be provided upon completion of the necessary  
21 IT modifications, which I will note are underway  
22 right now, and so would also respectfully request  
23 that the Commission grant such a waiver in a  
24 prehearing order as well.

1 Thank you.

2 CHAIRMAN GOLDNER: Thank you. Moving  
3 to Liberty?

4 MR. SHEEHAN: Liberty has nothing to  
5 add to what Eversource said. Ms. Chiavara's  
6 statements apply on all fours to Liberty as well.

7 CHAIRMAN GOLDNER: Okay. Thank you.  
8 Unutil Energy Systems?

9 MR. TAYLOR: I will reiterate what  
10 Liberty and Eversource have already said. We all  
11 have worked very closely on this. We are all  
12 similarly situated. And, so, certainly, with  
13 respect to the provision Puc 2205.16(d)(1), which  
14 covers what is referred to as "bill-ready  
15 billing", we would also seek temporary waiver of  
16 that particular provision.

17 CHAIRMAN GOLDNER: Thank you. We'll  
18 move to the Department of Energy?

19 MR. YOUNG: Department of Energy I  
20 think would just reiterate our position in the  
21 August 8th letter we filed with the Commission,  
22 regarding the temporary waiver of Puc  
23 2205.16(d)(1), we would take no position.

24 Regarding Eversource's request to

1 temporarily waive Puc 2204.02(a)(2) and Puc  
2 2205.13(a)(7), should the Commission interpret  
3 these provisions to require the provision of  
4 export data, the Department does not oppose a  
5 temporary waiver of these provisions for  
6 Eversource only, and for the three-month period  
7 beginning June 14th, 2023, to September 14th,  
8 2023, as was indicated in the Joint Utilities'  
9 Petition.

10 CHAIRMAN GOLDNER: Thank you. And  
11 moving to the Office of the Consumer Advocate.

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

13 The Office of the Consumer Advocate  
14 opposes the requested temporary waivers. In our  
15 opinion, the utilities have failed to demonstrate  
16 why they have not, to date, acted diligently to  
17 bring themselves into compliance with the PUC's  
18 rules.

19 CHAIRMAN GOLDNER: Thank you. And  
20 let's move on to Colonial Power Group?

21 MR. ORMSBEE: Mr. Chairman, Colonial  
22 Power Group doesn't have any comments to offer at  
23 this time. We will be fully supporting those  
24 comments presented by the Coalition, who you will

1 be hearing from shortly.

2 CHAIRMAN GOLDNER: Thank you. And the  
3 Community Power Coalition of New Hampshire?

4 MR. BELOW: Thank you.

5 The Coalition would support at least a  
6 temporary waiver regarding the bill-ready billing  
7 provision. We would go a step further and  
8 suggest that an indefinite waiver be granted, and  
9 that the substance of the testimony on that  
10 matter essentially be deferred to a later date,  
11 as a way to simplify the issues in this  
12 proceeding.

13 I think, with the estimated 8.9 million  
14 cost, and the fact that we're not able to access  
15 net metering data, time-of-use data, or interval  
16 data on an ongoing basis, that it's somewhat moot  
17 to move towards bill-ready billing until other  
18 issues are resolved. And it may be some years  
19 before that's appropriately considered.

20 And it seems that the New Hampshire EDI  
21 Working Group being reconstituted could start to  
22 look at that issue. But I think it's premature  
23 to try to litigate that at this point.

24 With regard to the temporary waivers,

1 we believe that they should only be granted with  
2 some conditions, to mitigate the problems that  
3 have arisen as a result of not being able to  
4 serve net-metered customers, as the statute  
5 entitled us to do, and I think the intent of the  
6 rules was as well.

7 And we'd like to speak to that in the  
8 form of an offer of settlement, noting that Puc  
9 203.15, concerning prehearing conferences, notes  
10 that "such conferences shall include  
11 consideration of one or more of the following:  
12 Offers of settlement; simplification of the  
13 issues;" and "other matters which aid in the  
14 disposition of the proceeding."

15 There's a fair amount of context we'd  
16 like to offer in that regard. So, you know, if  
17 it's okay, we would like to do that as part of  
18 the package in terms of our overall view on the  
19 case.

20 CHAIRMAN GOLDNER: Sure. Thank you.  
21 That would be -- that would be perfect.

22 Let's move to any Commissioner  
23 questions on the topic of temporary waivers.  
24 And, then, after that, we'll move to the

1 preliminary positions of the parties.

2 Any questions, Commissioners?

3 CMSR. SIMPSON: No. I'd like to hear  
4 what Mr. Below noted first.

5 CHAIRMAN GOLDNER: Okay. Commissioner  
6 Chattopadhyay?

7 CMSR. CHATTOPADHYAY: No. I don't have  
8 any questions.

9 CHAIRMAN GOLDNER: Okay. Let's move  
10 straight then to preliminary positions, beginning  
11 with Eversource.

12 MS. CHIAVARA: Good morning again.

13 The utilities appreciate the  
14 Commission's consideration of this matter and we,  
15 as the utilities, work diligently to find a path  
16 forward for implementation for these novel rules  
17 that govern municipal aggregation. As referenced  
18 in comments during the rulemaking, as well as in  
19 the Petition for this docket, the utilities face  
20 many systemic modifications to implement these  
21 rules, and the utilities' efforts began the  
22 moment the rules were adopted last October.  
23 Since that time, there have been numerous  
24 projects that have been completed to comply with

1 the rules, which the utilities have been taking  
2 in order of priority. And this meant addressing  
3 the various reporting requirements first, as  
4 those were the first items that would be needed  
5 by newly forming aggregations.

6 Once the reporting work was complete,  
7 the utilities turned to Puc 2205.16(d)(1), the  
8 subject of this docket, and what the utilities  
9 are calling "bill-ready billing". But the  
10 utilities struggled with the lack of detail in  
11 the new directive of Puc 2205.16(d)(1) for  
12 several months before concluding that we should  
13 craft a detailed proposal that satisfies the  
14 high-level requirements, while being compatible  
15 with our tightly synchronized meter-to-cash  
16 processes and systems.

17 To be completely candid, it seems that  
18 the need for bill-ready billing was quite a ways  
19 off, and, as I just mentioned, there were more  
20 pressing matters regarding the 2200 rules'  
21 implementation that needed addressing first.  
22 Nonetheless, the utilities turned to bill-ready  
23 billing as soon as the reporting requirements --  
24 reporting frameworks had been completed and the

1 reports were being successfully generated.

2 But bill-ready billing is not nearly as  
3 straightforward as the work that was required to  
4 create the reports for the 2200 rules, but the  
5 utilities wanted to devise a viable long-term  
6 solution, rather than prop up an expedient but  
7 not well-thought out approach. The changes  
8 needed to implement bill-ready billing are  
9 complex and far-reaching, with many moving parts,  
10 some of which are out of the utilities' control  
11 entirely.

12 With this context in mind, the  
13 utilities designed a bill-ready billing solution  
14 to prevent cumbersome core utility systems from  
15 stifling supplier experimentation, so we designed  
16 a solution that provides maximum flexibility,  
17 while ensuring that any CPA or supplier's  
18 approaches comply with the utilities' parameters.  
19 The creation of the design itself took some time,  
20 and then the required work to implement the  
21 solution had to be scoped so that supporting cost  
22 estimates could be developed; and, in total, this  
23 process took a number of months.

24 As soon as the proposal that is now

1 before the Commission was complete, the utilities  
2 filed the Petition package for this docket. We  
3 understand that this has taken a better part of a  
4 year from the time of the adoption of the rules,  
5 and to that all the utilities can say is that  
6 we've been working in good faith to navigate the  
7 changes to utility systems required by these new  
8 rules, and doing so as quickly as possible.

9 Any arguments that the utilities should  
10 have undertaken this work decades ago upon the  
11 advent of the Electronic Data Interchange in New  
12 Hampshire overlook the fact that no one was  
13 requesting this functionality until the  
14 development of the 2200 rules. And the only  
15 authority in New Hampshire regarding EDI, the EDI  
16 Working Group report entitled "Consensus Plan for  
17 the Transmission of Electronic Data in New  
18 Hampshire's Retail Electric Market", from Docket  
19 Number 96-150, required that competitive  
20 suppliers using utility complete billing would be  
21 "limited to the rate structures, customer class  
22 definitions and availability requirements that  
23 are within the capabilities of the Distribution  
24 Company's billing system." That same report says

1           that the first step in the EDI change control  
2           process is for the party who wants a change to  
3           EDI petitioning for the convening of the EDI  
4           Working Group. No such petition was ever made,  
5           and no proposal to add this functionality was  
6           ever put forward until the 2200 rules. So, there  
7           was no justifiable reason for the utilities to  
8           unilaterally implement unnecessary functionality.

9                         The 2200 rules were adopted without the  
10           convening of the EDI Working Group and without  
11           the EDI change control process that was outlined  
12           25 years ago, which is entirely appropriate  
13           because it was a rulemaking and not an  
14           adjudication or stakeholder process. I'm not  
15           suggesting that the Commission should have done  
16           either, as neither of those processes were even  
17           mentioned during the rulemaking. I only mention  
18           it now because these rules are novel, with many  
19           that entail technical processes that are not  
20           enumerated in the provisions and provide no road  
21           map for implementation.

22                         This has required a certain amount of  
23           trial by fire on the part of the utilities, as  
24           well as aggregation stakeholders. The unknowns

1           that were attendant with the 2200 rules were a  
2           core concern of the utilities during the  
3           stakeholder process prior to the rulemaking and  
4           were expressed in Joint Utility comments in the  
5           rulemaking docket. For those who may assert that  
6           the utilities should have undertaken these  
7           changes sooner, either during the rulemaking or  
8           prior, reaching back to 25 years ago, I would  
9           assert that taking such an approach would have  
10          been an imprudent course, as the utilities did  
11          not know what the final rule requirements would  
12          be until it became relatively certain what the  
13          final rules would look like, and undertaking the  
14          implementation work prior to knowing if that work  
15          would, in fact, be used and useful would have  
16          ill-advised. And, as for implementation of this  
17          functionality prior to the 2200 rules, expecting  
18          the utilities to unilaterally make systemic  
19          changes to EDI and to utility billing systems  
20          outside of the processes established by the EDI  
21          Working Group, when no one was requesting them or  
22          even petitioning for the necessary processes to  
23          make such changes, is an unreasonable  
24          expectation, and unsound from both business and

1 policy perspectives.

2 But looking to the recent or distant  
3 past will not resolve the matter at hand. The  
4 purpose of this docket is to determine if  
5 implementation of Puc 2205.16(d)(1) is in the  
6 public interest.

7 The utilities are mindful of the  
8 sensitivity and complexity of these issues  
9 required to make a determination on  
10 implementation of bill-ready billing, and are  
11 eager to have a productive and forward-looking  
12 discussion throughout the course of this docket  
13 to forge a path to a solution space that allows  
14 community aggregations to succeed in a manner  
15 that maximizes benefits to New Hampshire electric  
16 customers.

17 Thank you.

18 CHAIRMAN GOLDNER: Thank you. Let's  
19 move to Liberty.

20 MR. SHEEHAN: As before, Liberty joins  
21 the statement by Ms. Chiavara. The utilities  
22 have been working closely on the underlying work  
23 and today's presentation.

24 Thank you.

1 CHAIRMAN GOLDNER: Thank you. Unitil.

2 MR. TAYLOR: Thank you.

3 As usual, Ms. Chiavara has done a very  
4 good and thorough job or reiterating the  
5 utilities' positions.

6 I just want to, you know, reiterate and  
7 make clear that Unitil supports community  
8 aggregation, and works closely, or -- and is  
9 willing to work closely with any municipality  
10 that wants to pursue that path. And, so, I want  
11 to be very clear about that. This is not  
12 something where Unitil or I think any of the  
13 other companies are resistant to community  
14 aggregation as a concept. That simply isn't  
15 true. And, to my knowledge, this particular  
16 functionality, bill-ready billing, is not  
17 something that serves as an impediment to the  
18 launch of community aggregations.

19 With respect to Unitil, I would just  
20 note that any sort of change to the billing  
21 system like this would necessarily be on an  
22 enterprisewide basis. And this is not something  
23 that is actually required at this time in the  
24 Company's other jurisdictions.

1           It is something that we are looking at,  
2           and we are scoping out, both in terms of time to  
3           implement and in terms of cost. And, you know,  
4           we look forward to working in this docket and  
5           reaching a solution.

6           Thank you.

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

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

10          As previously mentioned, I don't think  
11          the Department has anything to add to our  
12          August 8th letter. I think what I will note is  
13          that the Department takes no position on the  
14          permanent waiver request of the bill-ready  
15          billing provision of Puc 2205.16(d)(1).

16          If the Commission does determine that  
17          the cost of implementing bill-ready billing to be  
18          reasonable, and directs the utilities to  
19          undertake the necessary billing system changes,  
20          it is the Department's preliminary position that  
21          suppliers should be required to provide the  
22          utility with all information necessary for  
23          compliance with Puc 1203.06(b).

24          The Department also takes no position

1           regarding the Joint Utilities' request to  
2           authorize a reconciling rate mechanism.

3                     And, as previously stated, we would  
4           support a limited temporary waiver for Eversource  
5           only of Puc 2204.02(a)(2) and Puc 2205.13(a)(7).

6                     CHAIRMAN GOLDNER: Thank you. And the  
7           Office of the Consumer Advocate?

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

9                     The discussion so far today is the  
10          latest in a series of events that have made me,  
11          as the Consumer Advocate, feel very, very old.  
12          And the reason I say that is, I'm probably one of  
13          the few people in the room, I might even be the  
14          only person in the room, who has actually been to  
15          a meeting of the EDI Working Group, back when the  
16          EDI Working Group existed. And I guess I have  
17          two sort of potentially contradictory  
18          observations to make.

19                    One, I want to acknowledge all of the  
20          good faith that goes into the way the utilities  
21          approach these questions today. And I note that  
22          two of our three electric distribution companies  
23          have different owners than they did back in the  
24          era of the EDI Working Group, when the transition

1           into a restructured electric industry was still  
2           being worked out. So, what I'm about to say  
3           might be unfair. But it seems to me that, over  
4           the entire course of that time, going back to  
5           what I observed at EDI Working Group meetings,  
6           right up to what I read in the Petition that  
7           triggered this docket, I worry, as the ratepayer  
8           advocate, that what we have here are companies  
9           that are not adequately leaning in to the kinds  
10          of transitions that we are talking about.

11                        Because, after all, competition day was  
12          22 years ago. And, while it's true that the 2200  
13          rules are essentially the newest of the PUC's  
14          rules, and so recently promulgated, the changes  
15          that we're talking about here have been coming,  
16          and have been, I think, fairly obvious to  
17          everybody who watches the industry, or who is  
18          part of the industry, for a couple of decades  
19          now.

20                        And, so, to be sitting here now  
21          listening to people talk about how diligently  
22          they have been working, and how it would have  
23          been imprudent for us to do anything other than  
24          just kind of sit around and wait for the PUC to

1           adopt the final version of its rules, I just --  
2           that doesn't summon a great deal of sympathy in  
3           me.

4                         And I'm tempted to come here and say  
5           that, rather than grant waivers and tell the  
6           utilities that they can recover massive sums of  
7           money, what the utility -- what the Commission  
8           should actually be doing is invoking its  
9           authority under 365:41 to impose penalties, and  
10          tell the utilities that any cost recovery is the  
11          reason we have rate cases.

12                        However, I've also listened to what the  
13          Community Power Coalition has already said. I  
14          have some notion of what they are going to say,  
15          because I've talked with them before we convened  
16          here today. And I think their approach to this  
17          docket is probably more constructive than mine.  
18          Which is to say, I heard them tell you that  
19          they're willing to look at or consider a waiver  
20          of the rule that is the primary focus here,  
21          2205.16(d)(1), in exchange, I think, for more  
22          timely resolution of the other issues in the  
23          docket. I think that's a good approach, and I  
24          think we should take their proposal very

1 seriously.

2 I'm impressed by the fact that they are  
3 invoking the explicit authority in both the  
4 statute and the Commission's procedural rules, to  
5 actually talk at prehearing conferences about  
6 ways of settling disputed issues in cases,  
7 because there are some of that that could be  
8 accomplished right here on the record.

9 So, I think that's all I have to say,  
10 at least at this juncture.

11 CHAIRMAN GOLDNER: Okay. Thank you.  
12 And we'll move to Colonial Power Group?

13 MR. ORMSBEE: Thank you. I don't have  
14 any opening statements to provide. I'm going to  
15 defer to those comments offered by the Coalition.

16 CHAIRMAN GOLDNER: Okay. Thank you.  
17 The Community Power Coalition?

18 MR. BELOW: Thank you.

19 The Joint Utilities' filing estimates  
20 that it will cost at least \$8.9 million to  
21 implement bill-ready consolidated billing, while  
22 substantially modifying New Hampshire's EDI  
23 standards, and suggests that this expense will  
24 need to be authorized to enable CPAs to offer net

1 metering programs for customers.

2 We view this proposal as having three  
3 tracks, which have many interrelated aspects, but  
4 are separate enough to warrant individual  
5 discussion and consideration in that context:  
6 One, the first is the implementation of  
7 bill-ready consolidated billing; two, the second  
8 is enforcement of New Hampshire EDI standards,  
9 and then updates to those standards; and three is  
10 the provision of services and data that utilities  
11 need to provide CPAs in order for CPAs to be able  
12 to administer their own net metering programs.

13 The Coalition agrees that bill-ready  
14 consolidated billing implementation entails  
15 significant changes to the utility EDI systems  
16 and utility business processes. Consequently, we  
17 agree that it will be necessary for the  
18 Commission to waive Puc 2205.16(d)(1), requiring  
19 utility provision of bill-ready consolidated  
20 billing services to CPAs at least for the time  
21 being temporarily or indefinitely. The New  
22 Hampshire EDI Working Group should be  
23 reconstituted, as a forum to discuss and plan  
24 updates to data interchange systems and

1 processes, which should be considered alongside  
2 planned upgrades to utility billing and meter  
3 data management systems, and the Statewide Energy  
4 Data Platform, so as to minimize overall  
5 implementation costs. This is a renewed  
6 requirement for the New Hampshire market created  
7 by the Commission's adoption of the Puc 2200  
8 rules.

9 Separately, however, the Coalition  
10 observes that the Joint Utilities have each  
11 deviated from New Hampshire EDI standards and are  
12 therefore now unable to rely upon their EDI  
13 systems to transmit net metered export data and  
14 3-part Time-of-Use data. These requirements are  
15 not new, but have been, in fact, disregarded by  
16 utilities for the last quarter century and  
17 contrary to their own tariffs.

18 Lastly, while the Coalition is  
19 generally supportive of opportunities to  
20 modernize utility services in support of New  
21 Hampshire's competitive retail marketplace, we  
22 view the Joint Utilities' proposal as somewhat of  
23 a premature initiative, and, quite frankly, a  
24 distraction to the more pressing issue of

1 enabling CPAs to serve all customers as the  
2 default -- as the alternative default service  
3 provider in the communities that we serve on an  
4 opt-out basis. Specifically, there is a much  
5 easier way to enable CPAs to serve net metering  
6 customer generators, at practically no additional  
7 cost, and over a matter of months, instead of  
8 multiple years as proposed by the Joint  
9 Utilities.

10 I've invited the CEO of CPCNH, Brian  
11 Callnan, who, in his prior occupation, was Vice  
12 President of Power Resources and Access at the  
13 New Hampshire Electric Cooperative, to explain  
14 how CPA net metering can be readily implemented.

15 After he does so, I'll conclude the  
16 Coalition's preliminary statement on the waiver  
17 request, and offer -- and make -- elaborate on  
18 the offer of settlement.

19 MR. CALLNAN: Thank you, Clifton. And  
20 good morning, Chairman and Commissioners. I'm  
21 happy to be here today, and appreciate the  
22 opportunity to provide these comments.

23 The Coalition is appreciative of the  
24 Commission's leadership, in adopting rules to

1 enable New Hampshire's Community Power market,  
2 and all of the customer savings and innovative  
3 potential that come with it. Our first rate  
4 offering created \$5.8 million in customer  
5 savings, \$8.1 million in reserves for our  
6 communities. We anticipate our current rates  
7 will deliver an additional \$5.5 million in  
8 customer savings, and another 1.7 million in  
9 community reserves, for a total of more than  
10 \$21 million in value for New Hampshire  
11 communities in less than a year. And  
12 congratulations, Community Power is working.

13 On a personal net, I'd like to say it's  
14 the chance to offer the promise of non-profit  
15 public power opportunities to communities  
16 throughout New Hampshire as one of the main  
17 reasons I joined the Coalition, and I look  
18 forward to working closely with the Commission,  
19 utilities, and our communities to implement  
20 practical solutions that create real value for  
21 our customers and communities.

22 As Clifton described, we view the  
23 utilities' \$9 million update upgrade proposal as  
24 more appropriate of consideration and refinement

1 within the New Hampshire EDI Working Group. We  
2 do view a waiver for bill-ready functionality as  
3 necessary, because it will take several years for  
4 the utilities to implement the proposed upgrades.  
5 One of the first questions I hear when visiting  
6 communities interested in the Coalition is if  
7 they can join if they are a net-metered customer.  
8 Our answer is "No, they should not, and the  
9 reason is that there are technical limitations."  
10 I usually see a frown with that answer.

11 There is a near time lower cost  
12 solution to changing this answer. It does  
13 require the utilities to perform three distinct  
14 services: The first is that utilities tell us  
15 which customers are net metered, prior to  
16 enrollment, so we can identify them. The second  
17 is that the utilities send us net metered  
18 customer usage data on a regular monthly basis.  
19 The third is that the utilities properly account  
20 for net metered generation as a reduction to our  
21 wholesale load obligations. These services can  
22 be readily implemented this year at a much lower  
23 cost to the utilities. The utilities, in fact,  
24 have already implemented, or are in the process

1 of implementing, the first two services. The  
2 third service is required to not double count the  
3 export energy from net metered systems. It is  
4 also required by law and Puc 2200 rules.

5 Combined, these three services would  
6 enable CPAs to offer their own terms, conditions,  
7 and prices for net metered customer generators,  
8 on a dual billing basis. CPAs would have all the  
9 data necessary to run the program, perform the  
10 internal accounting, and send separate supply  
11 bills to net metered customers. While this  
12 reduces the efficiency of consolidated billing  
13 and introduces new costs to the Coalition, it  
14 will help our communities enroll these net  
15 metered residents.

16 There are specific considerations for  
17 each of these services that warrant the  
18 Commission's direction. All of the utilities are  
19 currently performing the first required service,  
20 that is identifying net metering customers for us  
21 prior to enrollment by including the data on the  
22 2204.03 and the 2205.05 reports.

23 The utilities began providing this data  
24 at the Coalition's request after we explained

1           that we needed to identify net metering customers  
2           and exclude them from being automatically  
3           enrolled onto Community Power service, until such  
4           time as we could offer our own net metering  
5           programs, because, if we didn't get that data,  
6           and the customers were automatically enrolled,  
7           they might be financially harmed. Unfortunately,  
8           that has occurred in a few instances in recent  
9           weeks, where net metered customers were not  
10          identified in the reports provided by the  
11          utilities. Those customers, despite being told  
12          that they would not be automatically enrolled,  
13          were switched, and, as a result of that switch,  
14          lost their net metering supply credits. One  
15          recent incident involved a group net metering  
16          host that lost a substantial sum of close to  
17          133,000 -- \$130,000 in the period of a couple  
18          months. This is why we need the utilities to  
19          identify net metering customers in these reports.

20                        The second required service, ongoing  
21          sharing of net metered customer usage data from  
22          utilities to CPAs, is similarly straightforward  
23          to implement. As described in the Joint  
24          Utilities' waiver filing, Unitil and Liberty have

1 already incorporated net metered customer usage  
2 data in 2205.13 reports, and Eversource is  
3 planning to include the same data beginning later  
4 this fall. 2205.13 reports are customer-specific  
5 reports sent to CPAs after each customer is  
6 switched. However, Puc 2200 rules don't actually  
7 specify how often the utilities will send these  
8 reports to CPAs. To ensure that CPAs will be  
9 able to independently administer their own net  
10 metering programs, the Commission should clarify  
11 that the utilities send us these reports on an  
12 ongoing billing cycle basis.

13 The third service needed to enable CPAs  
14 to serve net metering customers is for the  
15 utilities to subtract net metering output when  
16 they construct our wholesale load settlement  
17 profiles, which is required by Puc 2205.15 and  
18 RSA 362-A:9, II. I should also say "net of any  
19 applicable line loss adjustments, as approved by  
20 the Commission."

21 Reducing the wholesale load settlement  
22 for Community Power Aggregations requires  
23 shifting load from the Load Asset IDs of the CPA  
24 to the utility's ISO-New England Load Asset ID.

1 This process will stop the double counting of  
2 energy from net metering exports. Not doing so  
3 would have the Community Power Aggregation  
4 crediting the customer for their export, while  
5 the utility receives the value of that export in  
6 reduction of their own ISO-New England  
7 settlement, which effectively requires the CPA to  
8 pay twice for that export.

9 Every Electric Aggregation Plan by law  
10 has to describe "How net metered electricity  
11 exported to the distributing grid by program  
12 participants, including for group net metering,  
13 will be compensated and accounted for." Our  
14 Members' Electric Aggregation Plans, which the  
15 Commission has approved, have detailed how our  
16 CPAs intend to create new value for customers by  
17 offering innovative net metering services, and  
18 how the utilities will modify their calculation  
19 of our wholesale settlement profiles for CPA net  
20 metering programs.

21 As an example, from Nashua's approved  
22 Electric Aggregation Plan, it states "The surplus  
23 generation from both NEM, Net Energy Metering,  
24 1.0 and Net Energy Metering 2.0

1 customer-generators will be tracked and netted  
2 out from the program's wholesale load obligations  
3 by Eversource." Identical language was included  
4 in other Commission-approved CPA Electric  
5 Aggregation Plans where Unitil and Liberty  
6 Utilities will provide these services, pursuant  
7 to Puc 2205.15(b) and RSA 362-A:9, II.

8 In closing, I'd like to reiterate my  
9 appreciation for the Joint Utilities' proposal.  
10 It is a valuable starting point, and longer-term  
11 framework for enabling important aspects of the  
12 Commission's rules. We look forward to  
13 collaborating with the utilities in the EDI  
14 Working Group.

15 Today, however, I'm hopeful that we can  
16 begin down the path to offer a solution to  
17 Community Power Communities that want to enroll  
18 their net metering customers in just a matter of  
19 months. If the Commission was to order the  
20 utilities to identify net metered customers,  
21 something the utilities are already doing on a  
22 voluntary basis; share net metered customer usage  
23 data in a regular matter on the 2205.05 reports,  
24 which the utilities are also offering to do on a

1 voluntary basis; and, third, properly account for  
2 net metering generation as a reduction to CPA  
3 wholesale load obligations, as the Commission has  
4 already been approved in our Electric Aggregation  
5 Plans.

6 Thank you so much for the  
7 consideration, and I look forward to any  
8 questions the Commission may have on this.

9 Clifton has a number of additional  
10 insights to contribute. So, I'll turn this back  
11 to him now.

12 MR. BELOW: Thank you.

13 We appreciate the utilities' statements  
14 that they want to look for practical solutions  
15 that benefit -- maximize benefits to ratepayers  
16 and communities, and want to be supportive of  
17 community power aggregation. And I know they  
18 have done a lot of work over this past year to  
19 help us launch, in spite of a number of hiccups  
20 along the way.

21 I do want to agree that we would  
22 support the PUC going in and making a ruling at  
23 an early stage on whether usage data for all  
24 purposes should include dual channel meter

1 data -- meter usage data, both imports and  
2 exports, for net metered customers, based on both  
3 the utilities' filing and what I'm going to say  
4 here today, and by taking administrative notice  
5 pursuant to Puc 203.27(a)(2) of the relevant  
6 record in DE 23-047, the Harrisville complaint  
7 against Eversource regarding net metering; DE  
8 23-062, CPCNH's complaint against Eversource; and  
9 CPCNH's complaint against Eversource in the New  
10 Hampshire Department of Energy and related  
11 comments, which can be found at Tab 65 in docket  
12 book IR 22 -- in the docket book for IR 22-076,  
13 Investigation of Whether Current Tariffs and  
14 Programs are Sufficient to Support Demand  
15 Response and Electric Vehicle Charging Programs.

16 After sort of explaining why we think  
17 the ruling should conclude that that data should  
18 be included at each step of the way where usage  
19 data is provided, I'd like to then explain a bit  
20 more about the settlement offer, and what we  
21 think should be appropriate conditions for  
22 granting a waiver of that rule.

23 And I also note, in terms of the  
24 settlement offer, RSA 53-E:7, X, provides that

1 "the commission shall adopt rules to implement  
2 this chapter and, to the extent authorities  
3 granted to municipalities and counties by this  
4 chapter materially affect the interests of  
5 electric distribution utilities and their  
6 customers, to reasonably balance such interests  
7 with those of municipalities and counties for the  
8 public good, which may also be done through  
9 adjudicative proceedings to the extent specified  
10 or not addressed in rules."

11 So, some of the issues I'm going to  
12 talk about are not addressed in the rules  
13 directly, but I think the law makes clear that  
14 you can resolve those matters through an  
15 adjudicative proceeding as well. We don't have  
16 to go back to modify the rules necessarily.

17 That being said, one of the things that  
18 the utilities argued is that, you know, if you  
19 think about the common meaning of "usage", it's  
20 "consumption", it's not "production". So, they  
21 argue that the initial reference that's explicit  
22 in the aggregated anomalous data, the first data  
23 option in the rules, that that has a provision  
24 that allowed rates and says "usage should include

1 both import and exports." It's not in the  
2 definition section. And, so, they argue that,  
3 according to the negative implication canon of  
4 statutory interpretation, the exclusion of one  
5 thing -- inclusion of one thing implies the  
6 exclusion of others, and argue that there's  
7 nothing in the text that recent [sic] states or  
8 reasonably implies that -- that requirement for  
9 import and export usage data extends beyond the  
10 first aggregated dataset. And they also point  
11 out that the New Hampshire Supreme Court treats  
12 rules as statutes when it reviews them, and the  
13 same logic applies here.

14 So, what I'd like to point to that's in  
15 both of those complaints is some explanation that  
16 we cited that we need to look at the overall  
17 context in which this data is being provided, and  
18 cites four New Hampshire Supreme Court cases, and  
19 I'll just sort of cite how they're paraphrased.  
20 You know, the citations are in those documents I  
21 suggested could be -- that the Commission could  
22 take administrative notice of.

23 But, basically, they say that statutes,  
24 or, in this case, rules should not be read in

1 isolation. Isolated words or phrases should  
2 not -- should be looked at in the overall context  
3 of overall purpose and effect of the RSAs, or the  
4 rules or the statutes. Legislative intent is to  
5 be determined from words of the statute  
6 considered as a whole. Statutes are to be  
7 interpreted not in isolation, but in the context  
8 of the overall statutory scheme. In *Appeal of*  
9 *Pennichuck Water Works*, various statutory  
10 provisions to be construed harmoniously insofar  
11 as reasonably possible.

12 We went on to explain that RSA 53-E  
13 provides community power aggregators, CPAs, with  
14 the power to determine the terms and conditions  
15 and prices under which they will supply  
16 generation and credit or purchase the generation  
17 output exported to the grid. It specifically  
18 provides, in RSA 53-E:6, that municipalities or  
19 counties may develop an aggregation program to  
20 provide universal access for all classes of  
21 customers. And it states that such a plan shall  
22 detail how net metered electricity exported to  
23 the distribution grid by program participants,  
24 including for group net metering, will be

1 compensated and accounted for.

2 That is also in the context of the net  
3 metering statute, which, for 25 years ago  
4 starting this month, when it first became law,  
5 provided that competitive power suppliers would  
6 be able to determine their own terms and  
7 conditions for net metering. It gives them that  
8 authority.

9 The rules look to implement the statute  
10 and the authorities given to the CPAs. And, when  
11 we look at the three major steps for providing  
12 usage data in the rules, each one of them  
13 references information about customers who net  
14 metered. And it sort of makes no sense to say  
15 "Okay, we'll give you information about exports  
16 to the grid on an aggregated basis, but that's  
17 it." When it's pretty clear that the overall  
18 intent or even obligation of the rules is to  
19 enable us to be able to serve net metered  
20 customers. And, so, it just doesn't, on the face  
21 of it, make sense that you get to the point of  
22 getting individual customer data, and you no  
23 longer supply that data, which is necessary to  
24 both plan to serve those customers and to

1           actually serve them.

2                       Moreover, it's really important to note  
3           that New Hampshire law recognizes that, in the  
4           context of net metering, usage includes exports  
5           to the grid. "Negative usage data" is actually a  
6           term used in our statutes when it comes to  
7           determining net metered usage.

8                       So, citing RSA 362-A:9, IV(a), and  
9           IV(a) is about facilities with peak generation  
10          capacity of not more than 100 kilowatts. And it  
11          says "When billing a customer-generator under a  
12          net energy metering tariff that is not  
13          time-based, the utility shall apply the  
14          customer's net energy usage when calculating all  
15          charges that are based on kilowatt-hour usage.  
16          Customer net energy usage shall equal the  
17          kilowatt hours supplied to the customer over the  
18          electric distribution system minus the kilowatt  
19          hours generated by the customer-generator and fed  
20          into the electric distribution system over a  
21          billing period." And then, it goes on and talks  
22          about facilities, in IV(b), with generating  
23          capacity of more than 100 kilowatts, --

24                       CHAIRMAN GOLDNER: Mr. Below, I'm just

1 going to --

2 MR. BELOW: Yes.

3 CHAIRMAN GOLDNER: I'm sorry, let me  
4 interrupt you real quick. This seems like an  
5 oral argument. And I'll sort of reach out to the  
6 other parties, if they wish to be heard, on the  
7 request to take administrative notice of the  
8 dockets that Mr. Below mentioned. So, I'd just  
9 like to pause there, Mr. Below.

10 MR. BELOW: Sure.

11 CHAIRMAN GOLDNER: I think you  
12 mentioned "23-063", "23-047", and "22-076".  
13 Would the parties like to be heard on this?

14 MS. CHIAVARA: Yes, please.

15 To the extent that the Commission were  
16 to take administrative notice of the materials in  
17 that docket, Eversource would ask, as they are  
18 the party to all of those dockets, that  
19 Eversource's comments are administratively  
20 noticed, as well as the Coalition's.

21 CHAIRMAN GOLDNER: Okay. Thank you.  
22 Would anyone else like to be heard on this topic?

23 *[No verbal response.]*

24 CHAIRMAN GOLDNER: No? Okay. Please

1 proceed, Mr. Below. And are you almost done?

2 MR. BELOW: Well, I'm getting there.

3 CHAIRMAN GOLDNER: Because I noticed  
4 you had about seven pages, so, --

5 MR. BELOW: Well, there's just a few  
6 things. I'm not reading from the whole thing.

7 CHAIRMAN GOLDNER: Thank you.

8 MR. BELOW: There's just a few things  
9 to cite.

10 CHAIRMAN GOLDNER: All right. Thank  
11 you.

12 MR. BELOW: In RSA 362-A:9, V, the law  
13 says "When a customer-generator's net energy  
14 usage is negative", usage is negative, "(more  
15 electricity is fed into the distribution system  
16 than is received) over a billing period, such  
17 surplus shall either be: (a)", I won't read all  
18 this, but it's basically "credited to the account  
19 on an equivalent basis for use in subsequent  
20 billing cycles", and it goes on with some  
21 options. But it then ties it back, this notion  
22 of usage when net energy usage is negative, to  
23 both under 100 kW systems and over 100 kW  
24 systems, as applicable.

1           So, my point is, when it comes to  
2           thinking about "net metered usage", New Hampshire  
3           law already makes clear of the concept of  
4           "negative energy usage".

5           So, what has occurred here is they're  
6           requesting the temporary waivers in that regard.  
7           And, you know, I think I have pretty much covered  
8           that. So, that being said, I want to turn to  
9           just a couple other issues.

10          One is the request to authorize a  
11          reconciling rate recognize -- excuse me --  
12          authorize a reconciling rate mechanism that  
13          allows for recovery of all prudently incurred  
14          incremental costs associated with the Joint  
15          Utilities' implementation of the Puc 2200 rules,  
16          or, alternatively, authorize a deferred  
17          accounting treatment for recovery in the next  
18          rate cases.

19                 CHAIRMAN GOLDNER: Mr. Below, I'm  
20                 sorry, I'm going to interrupt one more time.

21                 MR. BELOW: Yes.

22                 CHAIRMAN GOLDNER: Would it be easier  
23                 to make a briefing on this? Because you have a  
24                 lot of very intricate and important topics that

1           you're covering today, I'm just wondering if it  
2           might be more efficient to cover this in the form  
3           of a briefing?

4                     MR. BELOW: Well, I'm well over halfway  
5           through it. And happy to -- well, not "happy",  
6           but I can write it up.

7                     CHAIRMAN GOLDNER: I think it would be  
8           helpful to the parties.

9                     MR. BELOW: Yes.

10                    CHAIRMAN GOLDNER: I mean, everyone can  
11           wait for the court reporter and so forth. But I  
12           think it might be -- that might be efficient.  
13           So, we can offer, in the next portion, in the  
14           procedural schedule, --

15                    MR. BELOW: Okay.

16                    CHAIRMAN GOLDNER: -- we can talk about  
17           a briefing schedule, and a reply brief.

18                    But, in the meanwhile, if you want to  
19           hit a couple of the high points, --

20                    MR. BELOW: Okay.

21                    CHAIRMAN GOLDNER: -- I think that may  
22           be helpful to the parties.

23                    MR. BELOW: I'll just hit the high  
24           points then.

1           A key point, the New Hampshire EDI  
2 standards, which are referenced in all the  
3 utilities' tariffs and/or supply agreements, and  
4 reference back to the EDI Working Group and the  
5 PUC order approving that, has some rather  
6 interesting specific provisions. In the 8100 EDI  
7 report, that's usage and billing information, it  
8 was structured to only provide a field for  
9 positive usage data. So, we don't disagree --  
10 or, we agree that the 8100 EDI reports, in the  
11 original standard, don't provide for negative  
12 usage data. However, the 867 reports for  
13 historical usage data do, in fact, choose two  
14 separate fields that are specifically for any  
15 measurement requiring a sign, plus or minus, for  
16 any measurement where a positive value can not be  
17 assumed, then use MEA 05 [sic] as the negative  
18 value and MEA 06 [sic] as the positive value.  
19 And those values, those units, are kilowatt  
20 hours, in the original EDI standards.

21           So, our point is, none of the utilities  
22 are providing -- are using those two fields to  
23 differentiate between positive and negative usage  
24 data, even though the original EDI standards

1 provided for it.

2 And, so, our assumption throughout this  
3 process, and as you know from reading our  
4 Electric Aggregations Plan, is that we  
5 anticipated serving net metered customers. When  
6 we realized we could not serve net metered  
7 customers out of the gate, which sort of came  
8 about in February of this year, we realized we  
9 had a problem doing this launching on an opt-out  
10 basis, because we would substantially harm net  
11 metered customers if we couldn't serve them as we  
12 planned to. We couldn't -- we wouldn't have  
13 their negative usage data, so we couldn't credit  
14 them. And we wouldn't know that that exports  
15 would be used to offset our wholesale load  
16 obligation.

17 So, in a couple of meetings with the  
18 utilities, and with follow-up emails that are  
19 attached to those complaints, we asked the  
20 utilities to say "what we need is flags for net  
21 metered customers, so we simply don't enroll them  
22 until we're able to serve them." And we don't  
23 put the burden on those customers to have to opt  
24 out, and then subsequently opt in at a later

1 date.

2 So, the point being that the utilities  
3 did eventually realize that was appropriate. And  
4 I think we engaged with the Consumer Services  
5 Director, Amanda Noonan, who also thought that  
6 that was a good idea, and that has by and large  
7 worked. But, in a few instances, the utilities  
8 didn't -- they missed the flag, they didn't flag  
9 the customer. So, we enrolled them.

10 And, as Mr. Callnan noted, in the most  
11 recent case, this is costing the host and their  
12 participants, you know, on the order of \$130,000  
13 of missing revenue. And what's interesting about  
14 that particular case is that used to be a  
15 settlement-only generator, or it still is a  
16 settlement-only generator, before they converted  
17 to group net metering. And, as a condition to do  
18 that, they agreed or contracted with Eversource  
19 to assign that revenue stream to Eversource.  
20 And, as far as we understand, that customer,  
21 Eversource is collecting the revenue for this  
22 same period of time, but we don't even know what  
23 those kilowatt hours are, except from the  
24 customer, and we're not able to serve them.

1           So, as happened in one or two instances  
2           before that, we went -- Calpine went to  
3           Eversource and said "Could you please reverse  
4           this? And let's fix this problem, since you  
5           missed the flag." And Eversource's response was,  
6           in bold underlined letters, "Eversource will no  
7           longer process cancel/rebills for these or any  
8           other customers that are enrolled contrary to  
9           their wishes, unless there's a clear Company  
10          error." And they disclaimed responsibility for  
11          incorrectly flagging these customers. So, they  
12          said "You can't count on our flags. And, if we  
13          missed the flag, tough luck."

14                 And we don't think that's appropriate,  
15                 in the context in which they arguably aren't  
16                 complying with the original EDI standards, and  
17                 they arguably missed the opportunity, when they  
18                 could comment on all the electric aggregation  
19                 plans, to point out, until we realized it in  
20                 February of this year, that we wouldn't be able  
21                 to serve net metering customers. And that's  
22                 going to continue. And, so, that's the source of  
23                 the temporary waiver.

24                 And, so, what we would ask, in the

1 settlement proposal we propose, is that we  
2 support that waiver, but with conditions. And  
3 the conditions being that they provide us that  
4 flag. And, if they fail to file the flag --  
5 provide the flag, that we be able to reverse that  
6 situation as soon as it comes to our attention,  
7 so we don't harm the customer or impose costs on  
8 us for which we have no source of recovery.  
9 There's no offset to our load obligation, and we  
10 don't even necessarily know what those exports  
11 are.

12 So, that's the long and short of it. I  
13 do want to just touch on something else, which  
14 is, even though the Petition and the testimony  
15 never mentions "time-of-use rates", in  
16 Eversource's cost estimate, in their Attachment  
17 JU-1, Page 3 of 6, as well as Page 2 of 6, there  
18 are references, and maybe it's only on the second  
19 document, but in the second document, Page 3  
20 of 6, there are references to amending the EDI  
21 867 reports or records to include net metering  
22 and time-of-use data.

23 The problem with that is, again, the  
24 original EDI standard expressly provided for

1 3-part time-of-use usage data in all of the usage  
2 reports. That's very clear. Those were enabled  
3 fields. They're not providing that. We can't  
4 serve time-of-use rate customers. So, the same  
5 issue arises. We think they should be  
6 responsible for flagging customers, all three  
7 utilities, that have time-of-use -- that are on  
8 time-of-use rates, and that that data be provided  
9 to us, so that we can serve them at least on a  
10 dual billing basis.

11 So, that is pretty much it. I just  
12 want to comment on one other thing. One other  
13 issue that came up is the Puc 1203.06 bill forms  
14 rule that applies to utilities, and provides that  
15 "utilities providing metered service, bills shall  
16 indicate at a minimum:...(6) All factors  
17 necessary to compute the charges."

18 We don't disagree that that rule would  
19 apply to a utility-issued bill if it was in  
20 bill-ready billing. I think the problem, and  
21 this sort of is a reason to sort of set that  
22 whole issue aside for the time being and grant an  
23 indefinite waiver, is that part of the intent,  
24 from our point of view, of bill-ready billing is

1 to allow more innovative rate structures, such as  
2 more -- a variety of time-varying rates,  
3 transactive energy rates, hourly rates. And some  
4 of these would have too complex of a set of  
5 factors to compute the charge to print on a bill.

6 So, either -- I don't deny that  
7 customers should have access to that. I think  
8 the problem is the notion that you could print  
9 all factors, if you have, you know, if somebody  
10 takes a pass through real-time price or day-ahead  
11 price, which some of our customers do that  
12 through other suppliers, or they used to do it,  
13 before they became our customers. But that's not  
14 an option we can really offer at this point. It  
15 is something that someday might make sense in  
16 bill-ready.

17 But the point being that there's no  
18 need to rule on that issue at this time, if we  
19 decide that the whole issue of bill-ready billing  
20 should be waived indefinitely at this point, and  
21 held for future consideration probably at least a  
22 year or two out in the future, perhaps longer.

23 And, in the meantime, we can think  
24 about how that rule might need to be modified to

1 accommodate, if bill-ready was ever to proceed,  
2 how that might accommodate more innovative rate  
3 structures that couldn't be easily described on a  
4 printed bill.

5 Thank you.

6 CHAIRMAN GOLDNER: Okay. Thank you. I  
7 think, before we move to Commissioner questions,  
8 I'll just, given the length and depth of the  
9 Community Power Coalition's preliminary  
10 statement, I'll offer an opportunity to the other  
11 parties to reply.

12 We will also have a prehearing  
13 conference order. We will offer the opportunity  
14 for briefs and reply briefs. So, you can also  
15 attend to it there.

16 But, if there are any comments, the  
17 Commission would be happy to take those at this  
18 time?

19 MS. CHIAVARA: I do have a few things  
20 to say. I don't know that I could address all of  
21 those. But there are a few things that I would  
22 like to address.

23 Starting with the EDI standards: I  
24 would argue that the utilities, and the other

1 utilities may wish to clarify for themselves, but  
2 I would argue that the utilities are complying  
3 with the EDI standards. I'm not an IT expert.  
4 But the EDI standards themselves, the forms to  
5 which Mr. Below is referring, are not regulatory  
6 mandates in and of themselves. Order 22,919 was  
7 the order that approved the EDI Working Group's  
8 report, and it -- all the order approved was the  
9 recommendations within that report. The EDI  
10 standards were an addition, they were an  
11 attachment to that report.

12 But, in that report, on Page 19, as I  
13 had mentioned in my opening statement, the report  
14 explicitly states that "competitive suppliers  
15 using a utility complete billing would be limited  
16 to the rate structures, customer class  
17 definitions, and availability requirements that  
18 are within the capabilities of the distribution  
19 company's billing system." That is how, to the  
20 best of our knowledge, because, as Mr. Kreis  
21 pointed out, most of the people here today were  
22 not here when the EDI Working Group was around,  
23 but, to the best of our knowledge, we developed  
24 EDI based on the limitations and capabilities of

1           our billing systems at that time.

2                       Regarding the net metering flag: The  
3           net metering flag, Mr. Below is referring to a  
4           flag that was added voluntarily to the Puc  
5           2204.03 Report at the request of the Coalition,  
6           the utilities voluntarily added this. It is not  
7           a rule requirement. At the time of implementing  
8           the flag, Eversource had significant concerns  
9           about using the flag, because, when customers,  
10          under the original net metering tariff, were  
11          entered into the system, for whatever reason,  
12          being that it was many years ago or I can't say  
13          for sure, for whatever reason, they were not  
14          flagged in a way that they were identifiable by  
15          this net metering flag functionality that was  
16          added.

17                      It is not that Eversource "dropped the  
18          ball" on the flag. We said from the outset "we  
19          are not capable of identifying customers that are  
20          on the original net metering tariff." We cannot  
21          see into -- we just cannot see some customers  
22          that are net metered.

23                      Regardless, I don't believe that the  
24          2200 rules outline an opt-out system. It is the

1 customer's responsibility to opt out of the  
2 program. That the Coalition decided to employ a  
3 business practice that absolved or advised  
4 customers that they did not have to opt out, I  
5 believe, was ill-advised, and they should have  
6 required customers to opt out, if they wanted to  
7 ensure that customers were not enrolled with  
8 Community Power.

9 As for Eversource's cancel/rebill  
10 function: Cancel and rebilling is used for a  
11 very specific purpose, and that is for clear  
12 errors in calculations of customer bills. It is  
13 not used to go back into customer bills and  
14 rewrite history by changing, like, theoretically,  
15 who the customer was being supplied by. It is  
16 for clear calculation errors, such as, you know,  
17 a customer was billed \$7.00 a kilowatt-hour,  
18 instead of 7 cents. That's a clear calculation  
19 error, we make those corrections. And,  
20 typically, those are corrections, when those  
21 errors are made by the Company, that's when we  
22 make those corrections.

23 Doing cancel/rebiling for a customer  
24 who was, from the Eversource perspective, was

1 properly enrolled, because an EDI enrollment was  
2 submitted to the Company, we are not supposed to  
3 second guess those, according to the 2200 rules.  
4 So, we properly enrolled that customer. We do  
5 not see why cancel/rebilling would be appropriate  
6 in that instance.

7 So, to the extent that Mr. Below's  
8 comments somewhat mischaracterized that  
9 situation, I wanted to clear that up a bit, even  
10 though I believe it kind of strayed from the  
11 scope of the current docket.

12 But, regarding the offer of settlement,  
13 I did not necessarily track what the offer was.  
14 But I think that, you know, Puc 203.15 that says  
15 that "prehearing conferences would entertain  
16 offers of settlement", usually those are  
17 settlements, I would imagine, that the parties  
18 have agreed to. And, right now, Mr. Below has  
19 proposed a number of things that contain issues  
20 that would likely be contested. And, so, I would  
21 say that any of those offers of settlement should  
22 rather be the subject of an adjudication, and  
23 subject to full due process by all parties. I  
24 think deciding any of those in a prehearing order

1 would be premature. And I would say that, as far  
2 as the legal issues, that briefing would be the  
3 appropriate course for those.

4 And that's all I have. Thank you very  
5 much.

6 CHAIRMAN GOLDNER: Thank you. Would  
7 anyone else like to comment?

8 MR. KREIS: I just would like to say  
9 that I found that -- I found what I just heard to  
10 be disappointing. I mean, what the Community  
11 Power Coalition is basically saying here is, that  
12 "Consistent with the Commission's rules and the  
13 relevant provision of the Administrative  
14 Procedure Act, we're prepared to narrow the  
15 issues, resolve some of them, and litigate  
16 others."

17 And what Eversource just said is "Oh.  
18 Well, that wouldn't be appropriate." I don't get  
19 how it's inappropriate, when the rules and the  
20 Administrative Procedure Act tell us that that is  
21 what we should be doing at gatherings like this.

22 CHAIRMAN GOLDNER: Okay. Thank you.  
23 Mr. Young?

24 MR. YOUNG: The Department does

1 appreciate all parties' attempts to offer  
2 settlement and simplify the issues in this  
3 docket, and I guess, really, for any docket. But  
4 I think, at this point, I think we would want  
5 to -- we would take no position on the settlement  
6 at this time. I think we would want to learn a  
7 little more at the tech session following, and  
8 potentially in further discovery.

9 CHAIRMAN GOLDNER: Thank you. Let's  
10 move at this time to Commissioner questions, if  
11 any?

12 Oh, I'm sorry. Did Mr. Sheehan or Mr.  
13 Taylor want to comment?

14 MR. TAYLOR: I was just going to say,  
15 and I -- and, you know, at the risk of being  
16 repetitive --

17 *[Court reporter interruption.]*

18 CHAIRMAN GOLDNER: The microphone, he's  
19 having a hard time hearing.

20 MR. TAYLOR: Oh. At the risk of  
21 repeating anything that Attorney Chiavara said,  
22 you know, we do think that, with respect to the  
23 EDI standards, you know, unfortunately, our EDI  
24 expert was not able to appear today, being on a

1           previously scheduled vacation. I'm confident  
2           that he would tell you that the utilities, and  
3           Mr. Lambert is here with me today, that Unitil is  
4           compliant, and believes that it is complying with  
5           the EDI standards.

6                        But, you know, it would be a good task  
7           for the EDI Working Group to try to clarify the  
8           intent for the use of the 867 standard, and  
9           whether it should be or could be used for the  
10          purposes outlined by CPCNH.

11                      And, so, I think, rather than deeming  
12          that's something where the utilities are not  
13          compliant, because we disagree with that, that  
14          just further -- it just further militates in  
15          favor of the EDI Working Group being  
16          reconstituted to address these things.

17                      CHAIRMAN GOLDNER: Okay. Thank you.

18                      We'll move to Commissioner questions,  
19          beginning with Commissioner Simpson.

20                      CMSR. SIMPSON: Thank you, Mr.  
21          Chairman. A question for Attorney Chiavara, for  
22          my understanding.

23                      Did you explain that, in terms of  
24          flagging net metered customers on the prior net

1 metering tariff, that the Company isn't able to  
2 flag those, in terms of identification?

3 MS. CHIAVARA: That is correct.

4 CMSR. SIMPSON: How do you bill them  
5 then?

6 MS. CHIAVARA: It's, and that's --  
7 we're going to hit the limit of my IT knowledge  
8 pretty quickly. They were not coded with any  
9 kind of identifiable flag to be able to pick them  
10 up in a report. We, obviously, do bill these  
11 customers, which I believe is on a banked  
12 kilowatt hour, rather than a monetary credit  
13 system.

14 I'd have to say that's the limit of my  
15 knowledge. I can't answer your question further  
16 than that.

17 CMSR. SIMPSON: Okay. So, I'd be  
18 interested in learning more about that through  
19 the process of this proceeding.

20 And, then, with respect to Order 22,919  
21 that you mentioned, I wasn't here at the time.  
22 There's an ordering clause from our predecessors  
23 pertaining to "the pending outcome of a  
24 rulemaking to implement EDI standards." Is

1 anyone here aware of that ever occurring?

2 MS. CHIAVARA: No.

3 *[Mr. Below indicating in the negative.]*

4 CMSR. SIMPSON: Okay. And I would ask  
5 whether convening that rulemaking may be a proper  
6 settlement term recommended to the Commission, in  
7 addition to our own deliberations at the end of  
8 this proceeding.

9 Thanks.

10 CHAIRMAN GOLDNER: Commissioner  
11 Chattopadhyay?

12 CMSR. CHATTOPADHYAY: So, I have -- I  
13 would characterize this as "30,000 feet-level"  
14 questions.

15 The first one is, in this changing  
16 environment where you have also issues like grid  
17 modernization and other developments that are  
18 taking place, this is purely out of curiosity, if  
19 you're going to end up implementing all of that,  
20 do all of the others also impact EDI development?

21 And, I'm asking the utilities here.

22 MS. CHIAVARA: Again, my IT limits are  
23 going to probably govern my answer. But, to my  
24 knowledge, what impacts EDI transactions the most

1 has to do with transactions with competitive  
2 suppliers and municipal aggregations. It has to  
3 do with those third-party transactions.

4 So, to the extent that grid  
5 modernization, advance rate designs, to the  
6 extent that third parties want to offer those, I  
7 believe those would all have EDI implications.

8 CMSR. CHATTOPADHYAY: Yes. And I was  
9 suspecting that that might be what it would be.

10 So, you have an estimate here of sort  
11 of 8 -- of \$8.9 million. Is that strictly for  
12 what we are talking about here, which is to have  
13 bill-ready billing?

14 MS. CHIAVARA: Yes. And, actually,  
15 it's only sort of a subset of what we're talking  
16 about here for bill-ready billing. All the  
17 utilities could estimate was what the internal  
18 work would cost for enterprise billing system  
19 modifications and our side of the EDI process.  
20 But there is another component of the EDI  
21 process, which the EDI Working Group would have  
22 to be convened. And I believe there would be a  
23 price tag associated with that as well.

24 CMSR. CHATTOPADHYAY: Okay. Assuming

1           that the other changes that's happening to the  
2           electric industry, and as I just mentioned, you  
3           know, grid modernization, and perhaps we can't  
4           even see for now, but there might be other things  
5           that might happen, is it possible that all of the  
6           investments here could be done better, so we can  
7           deal with all of those issues together? And  
8           maybe, you know, when you think about how to get  
9           CPNH [sic] into the mix here, it's probably going  
10          to cost less per kilowatt-hours, you know, at the  
11          end of the day.

12                        So, I'm just curious whether we are  
13          being constrained by thinking one step at a time?  
14          Maybe it's better to look at everything together,  
15          and there may be -- the cost-effectiveness may be  
16          more there.

17                        So, do the utilities have any comments  
18          on it?

19                        And I know that you mentioned that I'm  
20          probably pushing the limits on your IT  
21          information, but, you know, I'm going to ask that  
22          question anyway.

23                        MS. CHIAVARA: I think that -- I think  
24          that, to the extent that a more comprehensive,

1 more wide-angle lens, larger picture view  
2 approach might be possible, I think there's  
3 probably some -- I would assume there is some  
4 merit in that. That is probably a question for  
5 people smarter than me.

6 But the Petition that we put in front  
7 of you was due to an immediate compliance need  
8 with a particular rule, and so that necessitated  
9 this particular proposal. It does not  
10 necessarily rule out other approaches. And I  
11 think, to the extent that waivers would resolve  
12 the compliance issues of the utilities, I don't  
13 think we would foreclose other approaches to  
14 comprehensive solutions to these issues.

15 CMSR. CHATTOPADHYAY: Okay. Do the  
16 utilities have Community Power in other  
17 jurisdictions, and I'm talking about non-New  
18 Hampshire jurisdictions?

19 MS. CHIAVARA: Eversource does  
20 municipal aggregation in Massachusetts, yes. It  
21 looks quite a bit different than it does in New  
22 Hampshire, though.

23 CMSR. CHATTOPADHYAY: Do they have  
24 bill-ready billing?

1 MS. CHIAVARA: No, they do not.

2 MR. TAYLOR: I can tell you that  
3 Unitil, most of its service territory is under  
4 community aggregation in Massachusetts. And  
5 there is no bill-ready billing in Massachusetts.

6 MR. SHEEHAN: And New Hampshire's only  
7 electric affiliates are not -- are vertically  
8 integrated. So, we don't have anything close to  
9 this, California and the middle of the country.

10 CMSR. CHATTOPADHYAY: Okay. So, the  
11 issue that CPCNH is raising here, did you go  
12 through similar issues in the other  
13 jurisdictions?

14 And I'm just curious, you know, whether  
15 you're able to do much of what the CPN --  
16 sorry -- CPCNH is talking about that could be  
17 done, is that already being done in other states?

18 MS. CHIAVARA: To my knowledge, it is  
19 not being done in other Eversource service  
20 territories. It's not being done in  
21 Massachusetts under that municipal aggregation  
22 model. And there is no municipal aggregation in  
23 Connecticut at this time.

24 CMSR. CHATTOPADHYAY: Okay. Thank you.

1           That's all I have.

2                         CHAIRMAN GOLDNER:   Just a couple of  
3           questions.

4                         This, whether it's \$9 million, or it  
5           ends up being a different number, what's the  
6           utility position on who pays for that?  Is that  
7           all Eversource ratepayers, for example?  Is that  
8           just the ones in the community aggregation zones?  
9           Who bears the -- who would bear the cost?

10                        MS. CHIAVARA:   That is a good question.  
11           The \$8.9 or \$9 million is a quote for all three  
12           utilities.  This is -- these costs come out of  
13           the implementation of the 2200 rules, which would  
14           be a state mandate, which I think in, you know,  
15           utility rate recovery speak, would be an  
16           "exogenous event", a nonrecurring event that is  
17           not in the ordinary course of utility operations.

18                        So, yes.  I believe the approach would  
19           be to recover from all ratepayers.

20                        CHAIRMAN GOLDNER:   Okay.  Mr. Taylor?

21                        MR. TAYLOR:   I don't disagree with what  
22           Attorney Chiavara just said.  And I would also  
23           point out that the Consumer Advocate earlier  
24           suggested that it was something that ought to be

1           dealt with in a rate case, which also suggests  
2           that would be the position of the Consumer  
3           Advocate.

4                        I just want to clarify something that I  
5           had said earlier. Which is that any change to  
6           our billing system would necessarily have to  
7           occur on an enterprisewide basis. That being  
8           said, with our other jurisdictions not requiring  
9           bill-ready billing, and with that functionality  
10          not being something that is currently implemented  
11          in those states, it would not be appropriate for  
12          us to allocate the costs to those states. And,  
13          so, that is something that would be allocated on  
14          a New Hampshire only basis, I think.

15                       CHAIRMAN GOLDNER: Okay. Thank you.

16                        Any other parties wish to comment on  
17          who should pay?

18                        We can, obviously, discuss that further  
19          later, but I just wanted to understand the  
20          preliminary positions.

21                        MR. KREIS: I feel like, since Mr.  
22          Taylor mentioned the Consumer Advocate, I ought  
23          to say something, because that is a question that  
24          I have been thinking about.

1           I don't want to take a definitive  
2           position. But I think my hypothesis is that the  
3           utilities are probably right. That it's probably  
4           a cost that should be recovered from all  
5           customers, and not just those who reside or take  
6           service in a community power aggregation  
7           municipality.

8           CHAIRMAN GOLDNER: Okay. Thank you.

9           Okay. And, then, the final question  
10          I'll direct to Mr. Below.

11          Would any -- I'm sorry, you're getting  
12          the microphone, yes. Would any settlement  
13          discussions include all the matters in your  
14          Docket 23-062? The matters seem, to me at least,  
15          as somewhat overlapping.

16          MR. BELOW: I agree that they're  
17          overlapping. I'm not sure all the matters in  
18          that proceeding would be addressed here, in terms  
19          of the scope. I mean, I think there's a clear  
20          nexus to the net metering issues and to the  
21          time-of-use issues. But there are a few others  
22          in that complaint that sort of fit -- don't  
23          clearly fit within the scope of this proceeding.

24          CHAIRMAN GOLDNER: Okay. Okay. Just I

1           guess my encouragement would be, if it is  
2           possible, that might simplify matters.  If it's  
3           not possible, then it's not possible.

4                        Okay.  Anything else, before we move to  
5           the procedural schedule, Commissioner  
6           Chattopadhyay?

7                        CMSR. CHATTOPADHYAY:  Yes.  I have a  
8           note from my attorney, so -- and he's telling me  
9           that Colonial Power Group representative wanted  
10          to respond to my last question.  And I've already  
11          forgotten what the last question was.  But,  
12          please.

13                       MR. ORMSBEE:  Thank you for the  
14          opportunity.

15                       One of your questions is you were  
16          asking the utilities "Whether or not, in  
17          Massachusetts, there's a similar issue with  
18          respect to net metering?"  And it may be helpful  
19          to understand that the net metering tariffs in  
20          Massachusetts are different than, as well as the  
21          statute, as it is in New Hampshire.  And, so, in  
22          large part, the reason why this issue hasn't come  
23          up in Massachusetts is the aggregation programs  
24          don't necessarily need bill-ready billing.

1           A customer who is a net metering  
2 customer in Massachusetts, if they are enrolled  
3 in an aggregation program, the utility companies  
4 continue to do the crediting for the net  
5 metering. They retain that, that responsibility.

6           CMSR. CHATTOPADHYAY: Thank you.

7           CHAIRMAN GOLDNER: Commissioner  
8 Simpson.

9           CMSR. SIMPSON: Thank you. One more  
10 question.

11           At the beginning of this prehearing  
12 conference, there was a lot of discussion  
13 pertaining to the term "usage" in the rules and  
14 "usage data". So, I'm interested in better  
15 understanding throughout the course of this  
16 proceeding how the utilities distinguish net  
17 metering customers' imports with respect to usage  
18 and their exports with respect to usage. And I  
19 ask whether the utility's position is that, when  
20 a net metered customer is exporting energy, are  
21 they not using your system or systems?

22           MS. CHIAVARA: Are you --

23           CMSR. SIMPSON: You're free to respond  
24 now, or, if you want to put it in the briefing,

1           you can do that, too.

2                   MS. CHIAVARA:   Okay.   Fantastic.   Thank  
3           you.

4                   CHAIRMAN GOLDNER:   All right.

5                   MR. YOUNG:   Mr. Chairman, I think I  
6           would just like to note, too.

7                   CHAIRMAN GOLDNER:   Yes.

8                   MR. YOUNG:   I'm sorry.   To your point,  
9           the discussion about "who should be responsible  
10          to pay these costs?", I think I would just again  
11          refer the Commissioners to the Department's  
12          letter, and specifically RSA 53-E, V.   And just  
13          as -- I think I just want to flag that as  
14          something that the Department is looking at as  
15          well as this proceeding continues forward.

16                   CHAIRMAN GOLDNER:   Okay.   Did you have  
17          a position at this point or it's something that  
18          you're researching?

19                   MR. YOUNG:   It is something that we're  
20          going to look into, kind of as we get into  
21          discovery and subsequent technical sessions.

22                   CHAIRMAN GOLDNER:   Okay.   Thank you.

23                   Okay.   Very good.   So, let's move to  
24          the final leg here on the procedural schedule.   I

1 don't know what would be most efficient. But  
2 let's start with Eversource, and any thoughts or  
3 comments you would have on proceeding with a  
4 procedural schedule.

5 MS. CHIAVARA: Sure. We -- Eversource  
6 circulated a starting place for a procedural  
7 schedule, I believe that -- I think it was the  
8 beginning of this week. The Community Power  
9 Coalition revised that schedule. The parties  
10 have been looking at it. So, we are working  
11 towards an agreed-upon procedural schedule. And  
12 I believe the hope is that we would use the  
13 technical session to try to hammer that out and  
14 provide you with a unified recommendation.

15 CHAIRMAN GOLDNER: Okay. Anyone else  
16 have any comments on the procedural schedule?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: No? That would be  
19 good. So, if we put in the prehearing conference  
20 order that -- to sort of require a procedural  
21 schedule, would a week be enough time? Two  
22 weeks? I don't want to --

23 MS. CHIAVARA: I really hope so, yes.

24 CHAIRMAN GOLDNER: Okay. All right.

1           Sometimes it makes it easier to have a deadline.  
2           So, we'll put "two weeks" in there, and then --  
3           and that may make matters easier.

4                     Mr. Below.

5                     MR. BELOW: You had raised the  
6           possibility of briefing -- or, more than a  
7           possibility, you suggested that we should do  
8           that, and reply briefing. I'm just wondering if  
9           the parties felt that maybe there wasn't a need  
10          for reply briefing? Because, in a sense, both  
11          sides of the issue have already laid out their  
12          initial position.

13                    My hope would be that we could expedite  
14          this and do it with just a round. And then, just  
15          want to check to make sure that would be okay  
16          with you, as we discuss the procedural schedule?

17                    CHAIRMAN GOLDNER: Do the parties -- do  
18          you have any comments, Mr. Taylor?

19                    MR. TAYLOR: Well, I was just, on the  
20          briefing, and briefing versus reply briefing,  
21          just based on the procedural posture, and I think  
22          what you contemplated, is that, and you can  
23          correct me if I'm wrong, is that CPCNH, I guess,  
24          would provide their briefing, and then other

1 parties would have an opportunity to react to it.  
2 Because, otherwise, we wouldn't really -- if it  
3 was a briefing where everybody put their initial  
4 briefs in at the same time, we wouldn't really  
5 know what the issues we're to be briefing beyond  
6 what's already in our Petition.

7 And, so, if there's to be some  
8 additional briefing, I think the initial briefing  
9 would come from CPCNH, and then we would have an  
10 opportunity to react to that.

11 CHAIRMAN GOLDNER: That's a good  
12 summary of what I meant. And is everyone fine  
13 with that process?

14 MR. KREIS: My recommendation would be  
15 to just set an initial briefing date, and then a  
16 date for reply briefing. And, if the utilities  
17 would like to just wait to see that CPCNH has to  
18 say in its initial brief, I don't have any  
19 problem with them doing so. I understand why  
20 they might take that view.

21 I guess, as a lawyer, I am stuck with  
22 my legal training, which tells me that any time  
23 you offer a briefing opportunity, you pretty much  
24 have to give people an opportunity to reply to

1           it.

2                         CHAIRMAN GOLDNER: I think that's  
3           right. And I think I did use the word  
4           "opportunity" for the first round as well. So,  
5           we would offer the opportunity for a briefing and  
6           the opportunity for a reply briefing. So, the  
7           parties can feel free to file both, if they wish.  
8           So, --

9                         MR. TAYLOR: And just to clarify, the  
10          briefing would be on the issues raised in the  
11          Petition?

12                        Because I did hear Mr. Below actually  
13          raise some things that arguably went beyond the  
14          scope of what's in the Petition, and they haven't  
15          actually made any sort of filing in the case yet.  
16          So, I think that's where I'm getting a little bit  
17          hung up on, everybody coming in with initial  
18          briefing at the same time.

19                        We have a Petition that's before the  
20          Commission right now, which to then put a  
21          briefing on it would be somewhat unusual, but --

22                        CHAIRMAN GOLDNER: I wouldn't presume  
23          to encourage the utilities in one direction or  
24          another. But my thought was that Mr. Below

1 presented a number of issues today, and to give  
2 him the opportunity to document those issues, and  
3 then for the utilities and the other parties to  
4 reply, I think was the vision. But I wouldn't  
5 want to stop anyone from filing a briefing on any  
6 relevant topic that they wish.

7 Mr. Simpson.

8 CMSR. SIMPSON: I guess my thought was  
9 that briefing would pertain to matters raised at  
10 this prehearing conference.

11 CHAIRMAN GOLDNER: Correct. Oh, yes.  
12 Yes, please don't send us a briefing on your trip  
13 to Portugal.

14 *[Laughter.]*

15 CMSR. SIMPSON: Well, but it seems as  
16 if there have been some new issues raised here,  
17 and we have the initial Petition. So, if it  
18 could be focused on what we've heard today, that  
19 might be the most productive.

20 MR. TAYLOR: And, if I may add to that,  
21 I think --

22 *[Court reporter interruption.]*

23 MR. TAYLOR: If I may add to that, I  
24 think, again, on the issue of briefing, if we

1           were to brief the issues raised in the Petition,  
2           that would seem to be skipping over a very large  
3           number of procedural steps. And, so, that's my  
4           other concern, is that we would be briefing  
5           something without a record, you know, issues of  
6           fact that are not really -- haven't borne out  
7           yet.

8                         So, those are just kind of some of my  
9           concerns. And I just want to make sure, from a  
10          resource standpoint, we're responding to the  
11          right things.

12                        CMSR. SIMPSON: So, I would ask whether  
13          there would be general agreement of limiting  
14          briefing at this stage to matters raised at this  
15          prehearing conference?

16                                 *[No verbal response.]*

17                        CHAIRMAN GOLDNER: All right. Seeing  
18          none, we'll take briefing on matters raised at  
19          the prehearing conference.

20                        Okay. I think we've gotten through the  
21          procedural schedule.

22                        Is there anything else that we need to  
23          cover today?

24                                 *[No verbal response.]*

1                   CHAIRMAN GOLDNER: All right. Seeing  
2 none. We'll issue a prehearing conference order  
3 shortly. And we are adjourned. Thank you.

4                   ***(Whereupon the prehearing conference***  
5                   ***was adjourned at 10:35 a.m., and a***  
6                   ***technical session was held thereafter.)***

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