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7	Technical Statement of Yi-An Chen, Bryant K. Robinson, and Scott R. Anderson, with attachments (08-05-24)	<i>premarked</i>
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P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. Good morning.
I'm Chairman Dan Goldner. I'm here with the
Commissioner Chattopadhyay.

This is the consolidated hearing for
the Eversource Dockets DE 23-091 and DE 24-032,
being held today pursuant to the procedural order
issued by the Commission on June 14th, 2024.

I would like to inform the hearing
attendees here today that the Commission has
introduced a backup recording system for our
hearing room. Over recent months, we have
occasionally struggled with speakers at hearings,
not using microphones with the red lights on,
mumbling, whispering, cross-talking, or speaking
too fast, as I did just now.

I would like to kindly request that all
the speakers in today's hearing speak with good
volume into the microphones with the red lights
on, speak one at a time, annunciate, and not
speak too quickly.

Also, we ask that anyone who speaks
today, use their first and last names at the
beginning of each statement that they make for

1 the benefit of the recording.

2 For the purposes of today's hearing,
3 the key order of business is the exploration of
4 whether it is time, in light of the termination
5 of the Burgess PPA, to terminate the Chapter 340
6 Adder of the SCRC and roll it into the remaining
7 balance for recovery into the general Part 2
8 category of SCRC costs, pursuant to Commission
9 order, under RSA 375:28, and the terms of the
10 Divestiture Settlement Agreement.

11 The Commission is well-disposed towards
12 the terminating of the Chapter 340 Adder as of
13 August 31st, 2024, and commencing the recovery of
14 any remaining balance in the Part 2 costs, the
15 cost category of the SCRC, as of September 1st,
16 with the understanding that no new
17 Burgess-related costs should be generated or
18 streamed into the SCRC after August 31st.

19 The Company has proposed four witnesses
20 for today's hearing. Its personnel, in
21 alphabetical order: Anderson, Chen, Johnson, and
22 Robinson.

23 Eversource has proposed one exhibit, to
24 be marked number "7", using the numbering scheme

1 for DE 23-091, its Technical Statement and
2 Attachments, prepared by Anderson, Chen, and
3 Robinson, and filed by the Company on August 5th,
4 2024.

5 The Commission will take simple
6 appearances from the parties here today, where we
7 ask that the other parties indicate whether they
8 have any objections to the Company's proposed
9 rate presentation in Hearing Exhibit 7.

10 Following this, we will invite the Company to
11 engage in direct examination of their witnesses;
12 followed by cross-examination by the Department
13 and the Office of the Consumer Advocate;
14 Commissioner questioning; and then Company
15 redirect.

16 We'll also invite the parties to make
17 closing statements at the conclusion of today's
18 proceeding.

19 Are there any other issues requiring
20 our attention here today?

21 *[No verbal response.]*

22 CHAIRMAN GOLDNER: Okay. Seeing none.
23 We'll take appearances, beginning with the
24 Company.

1 MR. WIESNER: Thank you, Mr. Chairman.
2 Good morning, Commissioners. I've David Wiesner,
3 representing Public Service Company of New
4 Hampshire, doing business as Eversource Energy.
5 To my immediate right is Honor Heath, who is also
6 in-house attorney with the Company, doing
7 commercial and bankruptcy work for Eversource.

8 CHAIRMAN GOLDNER: Thank you.

9 MR. WIESNER: And our witnesses are
10 impaneled, and you will meet them shortly.

11 CHAIRMAN GOLDNER: Thank you. The New
12 Hampshire Department of Energy?

13 MR. YOUNG: Good morning,
14 Commissioners. Matthew Young, on behalf of the
15 Department of Energy. And with me today is Steve
16 Eckberg, who is a Utility Analyst in the Electric
17 Division.

18 CHAIRMAN GOLDNER: Thank you. And the
19 Office of the Consumer Advocate?

20 MR. CROUSE: Good morning,
21 Commissioners. My name is Michael Crouse, Staff
22 Attorney at the OCA, representing residential
23 customers in this matter.

24 CHAIRMAN GOLDNER: Thank you.

1 One housekeeping item: Are there any
2 objections to taking administrative notice of the
3 Company's responses to the OCA and CPCNH/NRG
4 Companies' Motion for Rehearings filed in DE
5 24-046, the Eversource Default Service
6 proceeding, which presents the Company's position
7 as to the allowable use of the SCRC?

8 MR. WIESNER: I'll say "no objection",
9 but we weren't really prepared to address those
10 issues, which I think are probably more relevant
11 in the Energy Service docket.

12 CHAIRMAN GOLDNER: Yes, I would agree.
13 We're just looking to take administrative notice
14 today, so that it can be referenced in this
15 docket, if needed.

16 MR. CROUSE: The Consumer Advocate is
17 primarily handling that docket. I'm not aware of
18 any direction that he's provided. So, I have no
19 position on that.

20 CHAIRMAN GOLDNER: Okay.

21 MR. YOUNG: For the Department, I guess
22 similar to what Attorney Wiesner stated, that
23 there's no objection from the Department.
24 However, we're not prepared to discuss that

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 today.

2 CHAIRMAN GOLDNER: Okay. Okay. So,
3 hearing no objection to the Company's plan of
4 case presentation, we'll now invite the swearing
5 in of the Company's witnesses by Mr. Patnaude.

6 *(Whereupon **YI-AN CHEN, BRYANT K.***
7 ***ROBINSON, SCOTT R. ANDERSON, and***
8 ***RUSSELL R. JOHNSON, III, were duly***
9 *sworn by the Court Reporter.)*

10 CHAIRMAN GOLDNER: Okay. And we'll
11 remind all speakers, including the attorneys
12 questioning the witnesses, and the witnesses
13 themselves, to mention their first and last names
14 every time that they speak today. We recognize
15 that it's a little bit inconvenient. But, for
16 purposes of the recording, we need everyone to do
17 that.

18 Okay. Let's begin with the Company.

19 MR. WIESNER: So, once again, I'm
20 Attorney David Wiesner, representing Eversource.
21 And I will begin direct examination with Ms.
22 Chen.

23 **YI-AN CHEN, SWORN**

24 **BRYANT K. ROBINSON, SWORN**

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 **SCOTT R. ANDERSON, SWORN**

2 **RUSSELL R. JOHNSON, III, SWORN**

3 **DIRECT EXAMINATION**

4 BY MR. WIESNER:

5 Q Would you please state your name and title with
6 Eversource for the record?

7 A (Chen) My name is Yi-An Chen. I am the Director
8 of Revenue Requirements for New Hampshire.

9 Q And what are the responsibilities of your role
10 with the Company?

11 A (Chen) I am responsible for --

12 CHAIRMAN GOLDNER: I'm sorry, Ms. Chen.
13 If you could speak up, maybe get closer to the
14 microphone. Thank you.

15 **BY THE WITNESS:**

16 A (Chen) I am responsible for coordination and
17 implementation of the revenue requirements
18 calculation and regulatory filings, such as
19 Stranded Cost Recovery Charge and Energy Service
20 rates for the Company.

21 BY MR. WIESNER:

22 Q Have you testified previously before the
23 Commission?

24 A (Chen) Yes. I have testified in numerous

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 rate-related proceedings since joining the
2 Company in 2023.

3 Q And did you file a joint technical statement and
4 related attachments in anticipation of this
5 hearing, which has been marked for identification
6 as "Exhibit 7"?

7 A (Chen) Yes, I did.

8 Q Was that technical statement and supporting
9 attachments prepared by you or at your direction?

10 A (Chen) Yes, it was.

11 Q Do you have any changes or updates to make at
12 this time?

13 A (Chen) Yes. In the technical statement and
14 attachments, there are references to Burgess
15 bankruptcy-related legal fees being incurred by
16 the Company, in the total amount of \$635,522. In
17 fact, that stated total did not include amounts
18 billed by Attorney Johnson during 2023, in
19 preparation for an anticipated Burgess bankruptcy
20 filing.

21 With those additional amounts included,
22 the total for legal fees is \$682,637. We have
23 not modified the illustrative rate schedules
24 based on that change, because we do not believe

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 that impact would be substantial.

2 Q And, Ms. Chen, the total legal fees that you just
3 stated, is it fair to characterize those as
4 "estimated, but likely to represent a close
5 estimate of the total amount"?

6 A (Chen) Yes.

7 Q Thank you. And with that correction that you
8 noted, do you adopt the technical statement and
9 attachments as your testimony today as they were
10 written and filed?

11 A (Chen) Yes, I do.

12 Q Thank you. I'll turn now to Mr. Robinson, and
13 ask you to please state your name and title with
14 Eversource for the record?

15 A (Robinson) Yes. Good morning. My name is Bryant
16 Robinson. I'm Team Leader of New Hampshire
17 Revenue Requirements.

18 Q And what are the responsibilities of that role
19 with the Company?

20 A (Robinson) Our team is responsible for the
21 coordination and implementation of revenue
22 requirement calculations and regulatory filings,
23 such as the SCRC, Energy Service rates, and other
24 reconciling rate mechanisms.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q And have you testified before the Commission
2 previously?

3 A (Robinson) Yes. I have previously testified
4 before this docket, and in other rate-related
5 proceedings.

6 Q Did you file a joint technical statement and
7 related attachments in anticipation of this
8 hearing, which, as previously noted, has been
9 marked for identification as "Exhibit 7"?

10 A (Robinson) Yes, I did.

11 Q And that technical statement and supporting
12 attachments were prepared by you or at your
13 direction?

14 A (Robinson) Yes, it was. Excuse me.

15 Q And do you have any changes or updates to make at
16 this time?

17 A (Robinson) Other than the change previously noted
18 by Ms. Chen, I have no additional changes.

19 Q And with her noted correction, do you adopt the
20 technical statement and attachments as your
21 testimony today as they were written and filed?

22 A (Robinson) Yes, I do.

23 Q And, now, on to Mr. Anderson. And would you
24 please state your name and title with

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Eversource?

2 A (Anderson) My name is Scott Anderson. And I'm
3 the Manager of Rates for New Hampshire.

4 Q And what are the responsibilities in that role
5 with the Company?

6 A (Anderson) In my position as Manager of Rates at
7 Eversource, I provide rate and tariff-related
8 services to the operating companies of Eversource
9 Energy, including PSNH.

10 Q And have you previously testified before the
11 Commission?

12 A (Anderson) Yes. I have testified on several
13 occasions before the Commission in rate-related
14 matters since joining the Company.

15 Q And did you also file the joint technical
16 statement and related attachments that have been
17 marked for identification as "Exhibit 7"?

18 A (Anderson) Yes, I did.

19 Q And was that technical statement and the
20 supporting attachments prepared by you or at your
21 direction?

22 A (Anderson) Yes, it was.

23 Q And do you have any changes or updates to make at
24 this time?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Anderson) Other than the correction previously
2 noted by Ms. Chen, I have no further changes or
3 updates to make to the technical statement and
4 attachments.

5 Q And with that noted correction, do you adopt the
6 technical statement and attachments as your
7 testimony today as they were written and filed?

8 A (Anderson) Yes, I do.

9 Q Now, I'll turn back to Ms. Chen, and ask her to
10 briefly summarize the Company's technical
11 statement and attachments, and what they
12 illustrate in the context of this hearing?

13 A (Chen) Sure thing. We prepared the technical
14 statement and supporting attachments to
15 illustrate the potential impacts of an interim
16 adjustment of the SCRC rate as of September 1st,
17 2024, that would zero out the Burgess PPA-related
18 costs recovered through the SCRC.

19 We did that because the Commission, in
20 the June 14th procedural order, raised the issue
21 of whether certain elements of the SCRC should be
22 sun-setted by the end of the current SCRC rate
23 year, on January 31st, as a result of the
24 termination of the Burgess PPA.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Our projections show that adjusting the
2 current SCRC rate to reduce the Burgess
3 PPA-related costs to zero before the next SCRC
4 rate period beginning on February 1st, 2025,
5 would result in an increase 0.391 cents per
6 kilowatt-hour, or 32 percent increase, in the
7 SCRC rate, on average, from the current SCRC
8 rate.

9 The Burgess PPA-related costs include
10 under-recoveries due to changes in underlying
11 assumptions related to PPA administration costs
12 incurred in connection with the Settlement
13 approved by the Bankruptcy Court, and legal fees
14 incurred by the Company, in anticipation of and
15 during the Bankruptcy proceedings in Delaware.

16 That increase in the SCRC rate is due
17 to necessary changes in the underlying
18 assumptions regarding the revenues and expenses
19 related to Burgess PPA from those underlying in
20 the rates provisionally approved by the
21 Commission earlier this year. Those changes are
22 described in more detail in the technical
23 statement.

24 And I'd just like to emphasize that the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Company has submitted the analysis included in
2 the technical statement purely for the
3 informational purposes. And we are not proposing
4 any changes to the SCRC rates currently in effect
5 at this time.

6 Q Thank you, Ms. Chen. I'll now turn back to
7 Mr. Anderson, and ask what effect would the
8 illustrative interim adjustment to the SCRC have
9 on customers' bills?

10 A (Anderson) The illustrative SCRC rate shown in
11 the technical statement attachments would result
12 in customer bill impacts as depicted in
13 Attachment YC/SRA 11, at Page 4.

14 Q Thank you.

15 A (Anderson) It --

16 Q Oh, sorry.

17 A (Anderson) Sorry. It provides comparisons of
18 adjusted SCRC rates, implemented as of
19 September 1st, 2024, to the current SCRC rates,
20 effective February 1st, 2024. The impact to a
21 600 kilowatt-hour Rate R customer of the adjusted
22 SCRC rate would be an increase of \$3.68, or 2.9
23 percent, to the total customer bill.

24 Q Thank you, Mr. Anderson. I'll now turn to

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Attorney Johnson, and ask that he please -- that
2 you please state your name and business address
3 for the record?

4 A (Johnson) My name is Russell R. Johnson, the
5 Third. I'm an attorney at the law firm of
6 Russell R. Johnson, the Third, PLC. My address
7 is 2258 Wheatlands Drive, Manakin-Sabot,
8 Virginia.

9 Q And what is the concentration of your legal
10 practice?

11 A (Johnson) My legal practice considers -- concerns
12 representations of about 80 utility companies,
13 both public and municipal, across the United
14 States in bankruptcy proceedings.

15 Q Have you testified before this Commission
16 previously?

17 A (Johnson) No. My only testimony was before the
18 Ohio State Senate on a bankruptcy bill years ago.

19 Q And could you describe what role you played in
20 representing PSNH, before and during the Burgess
21 bankruptcy proceedings in Delaware?

22 A (Johnson) Yes. My firm was retained in October
23 2023 to assist in the preparation of what was
24 expected to be a bankruptcy filing, and most

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 likely in Delaware. So, we were retained in
2 October, that was when all the legislative
3 actions were going on up here in New Hampshire,
4 so there was a belief that that would be filed.

5 So, then, when they did file, without
6 any notice to us, on February 9th, we were
7 engaged and continued to represent Public Service
8 New Hampshire during the bankruptcy proceeding.

9 Q And did PSNH retain other counsel in connection
10 with that bankruptcy representation?

11 A (Johnson) We did. My firm only has three
12 lawyers, myself and two other attorneys. And we
13 knew, based on the nature of this filing in
14 advance of that, PSNH had retained -- we needed
15 to retain a Delaware firm, because you have to
16 have Delaware counsel to participate in Delaware
17 Bankruptcy Court. So, we retained the firm of
18 Whiteford Taylor. Bill Taylor, Richard Riley,
19 and Michael Roeschenthaler were the three
20 attorneys there that were retained.

21 And, then, we also retained -- Public
22 Service New Hampshire also retained Hunton,
23 Andrews & Kurth to help as well. Tyler Brown and
24 Jason Harbour were the two attorneys that were

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 retained. They, it is my understanding, from
2 correspondence and things that I've seen, that
3 they had substantial experience with the PPA, on
4 regulatory matters, so they were already up to
5 speed on issues regarding the PPA.

6 Q And what was the primary focus of your
7 representation of PSNH in the Delaware bankruptcy
8 proceedings?

9 A It was clear, from the pleadings that they filed,
10 that they were trying to take all the benefits
11 that Public Service Company had under these
12 contracts, the PPA, the Purchase Option
13 Agreement, and the liens, subordinated lien. So,
14 and also the market recovery, the recoupment
15 offset in the PPA.

16 So, and, further, they also sought to
17 replace Public Service Company with their own
18 affiliate, or the affiliate of one of the Debtors
19 as the Lead Market Participant in the ISO-New
20 England Market. They asserted in other claims,
21 also in the bankruptcy case, against Public
22 Service, claiming they terminated the contract,
23 claiming some damage claims.

24 In response as well, we filed a Motion

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 to Transfer Venue. We felt that this case was a
2 New Hampshire case, it was note a Delaware case.
3 And we filed that very shortly after the filing.

4 Q And can you please describe in more detail the
5 nature of the positions taken, and claims
6 asserted by the Debtors of the Burgess Companies
7 in the Delaware bankruptcy proceedings?

8 A (Johnson) Certainly. Russell Johnson, apologize,
9 I keep forgetting to say my name before I make a
10 statement. I'll do that now.

11 On Friday, February 9th, was when the
12 Debtors filed. They filed right before the
13 weekend. And they filed eleven motions, ten of
14 which were heard in what's called a "First Day
15 Hearing", on February 13th. So, right after the
16 weekend, February 13th, they were heard. So, we
17 had a lot of work to do over the weekend. And
18 so, we had to address -- the only -- the only
19 motion that was not heard on that February 13th
20 was the Motion to Reject the PPA. The United
21 States Trustee intervened, and said "It was not
22 appropriate for that to be heard." And, based on
23 that, that motion was not heard.

24 So, we had to prepare pleadings in

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 response to those, knowing that there was going
2 to be a hearing early the following week. We had
3 to spend an extraordinary amount of time, because
4 there were so many pleadings that were all
5 against the Company. There were motions that
6 were filed where the Debtors wanted to pay their
7 affiliates. The Debtors have no employees. They
8 source out all of their work to affiliates, and
9 they wanted to pay them. They wanted to pay
10 their pre-petition charges. And, in the filings,
11 they only listed one creditor, "Public Service
12 New Hampshire". So, we felt that was
13 inappropriate. That, if they're going to pay the
14 pre-petition claim to creditors, why are they
15 paying their affiliates and not us.

16 So, there were a number of pleadings
17 filed. They were all trying to take away the
18 rights of Public Service New Hampshire. And,
19 also, as I said, we filed a Motion to Transfer
20 Venue, because there are certain jurisdictions in
21 the United States, Delaware being one of them,
22 that are generally seen to be pro-debtor. It's
23 just -- and that's why they file there. They
24 want to get that pro-debtor bent. I get it. If

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 I was a debtors counsel, I would probably file
2 there, too.

3 But -- and, so, we -- and we also
4 thought it was more appropriate that this be a
5 New Hampshire case. The public interest in this
6 was New Hampshire. If there were other
7 creditors, which there eventually ended up being
8 some additional creditors, they would be New
9 Hampshire, plus the government interest of New
10 Hampshire probably. And, also, less expensive
11 for the Company -- for Public Service New
12 Hampshire, having to trek down to Delaware all
13 the time, as opposed to up here, was an
14 additional cost. So, we had to get that filed.
15 We knew, if we didn't get that filed right away,
16 it was never going to be considered by Court.
17 So, that had to be done.

18 And, in addition to all of this, you
19 have to understand that, once we got to the
20 hearing on February 13th, we were engaged in
21 settlement negotiations almost from the outset.
22 We spent several hours with the Lenders and the
23 Debtors, but mostly the Lenders, trying to, you
24 know, discuss settlement.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 So, in addition to everything that was
2 done, filings, pleadings, three -- three in-court
3 hearings, one virtual hearing, and then
4 settlement discussions constantly going on, that,
5 you know, you had a February 9th hearing and a
6 February 27th hearing to approve the Settlement.
7 That's 18 days, all that work was done.

8 Q And did PSNH also submit a number of claims in
9 the bankruptcy proceedings, including --

10 A (Johnson) We did.

11 Q -- for utility services and Large Generator --

12 *[Court reporter interruption.]*

13 **BY MR. WIESNER:**

14 Q So, in connection with utility services and a
15 Large Generator Interconnection Agreement?

16 A (Johnson) Russell Johnson. Yes. So, in no
17 particular order, the largest claim was the
18 rejection of the PPA. That was -- we filed two
19 claims -- well, Public Service filed them, and we
20 assisted in the preparation of them. But there
21 were two claims filed, one for 65.5 million,
22 which was the remaining ECR at that time, the
23 time the claim was filed. That was filed as a
24 liquidated claim.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 And, then, we filed an unliquidated
2 claim for the value of the loss of the Purchase
3 Option Agreement, because that contract was also
4 rejected. So, the inability of Public Service to
5 be able to exercise that, we asserted as a
6 contingent claim.

7 And we do know, from the current plan
8 that's on file by the Debtors, that there's kind
9 of likely not seek -- get any recovery, because
10 the Debtor, Berlin Station, that those claims
11 where filed against, which is the appropriate
12 Debtor for those claims, there will be no
13 recovery of those.

14 There were also claims filed for
15 utility service. Utility service is provided on
16 several accounts, one large account and two
17 smaller accounts. The larger account, I think
18 the claim, and I would have to look at my notes,
19 but I think it was around \$115,000. So, not big
20 numbers, compared to everything else, but those
21 claims were filed.

22 And, then, we also filed a claim for
23 the Large Generator Interconnection Agreement.
24 That claim will probably see a full recovery,

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 because the Debtors have stated and filed
2 pleadings that they intend to assume that
3 contract, either pursuant to the Plan of
4 Reorganization, or pursuant to a sale. So,
5 that -- and that claim, though, is not very
6 large. The claim filed was 29,000 -- it was two
7 claims, sorry. One for liquidated amounts,
8 29,000, which was the pre-petition O&M charges
9 for that Interconnection Agreement.

10 And then also filed a contingent claim,
11 because the Debtor has to pay taxes for the
12 generating station -- the interconnection station
13 that's out there. And, because this filing
14 occurred on February 9th, and those taxes won't
15 be billed until 2025, we filed a contingent
16 claim, for the January 1 to February 8th
17 pre-petition charges on those.

18 So, those are all the claims that I've
19 been familiar with.

20 Q And to get back to the Debtors' motions to reject
21 the PPA, and for PSNH to relinquish its Lead
22 Market Participant role, did the Court ultimately
23 approve those motions?

24 A (Johnson) Yes. Russell Johnson. They

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 rejected -- the judge, the bankruptcy judge,
2 rejected both of those agreements on
3 February 21st, at the February -- after a
4 litigated evidentiary hearing, but the Court did
5 not set a rejection date for that, because the
6 Debtors were seeking to have that date be as of
7 the filing, on February 9th, retroactively. We
8 opposed that retroactively, because it impaired
9 some of PSNH's rights under those agreements.
10 And, eventually, as part of the Settlement, we
11 agreed on February 29th Rejection Date for the
12 PPA and the Purchase Option Agreement. And we
13 also agreed in the Settlement that the Lead
14 Market Participant Agreement would -- we would
15 transfer that over to them as of March 1st.

16 Q And the Settlement Agreement you referenced was
17 approved by the Court on February 27th, is that
18 correct?

19 A (Johnson) Russell Johnson. Yes. On
20 February 27th, the Court entered an order
21 approving that Settlement Agreement, which had
22 been filed a day or two before that.

23 Q And Attorney David Wiener again. Could you
24 please describe in further detail the terms of

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 that Settlement Agreement, and the net benefits
2 secured for PSNH's customers under the Settlement
3 terms?

4 A (Johnson) Russell Johnson again. The Settlement
5 Agreement details are described actually in more
6 detail in PSNH's filing submitted on this docket
7 on February 29th. But this is just a brief
8 summary of them.

9 Under the Settlement, PSNH retained
10 all of the approximately 9.87 million in amounts
11 that it was able to net pre-petition prior to the
12 February 9th hearing, for energy, capacity, and
13 third quarter REC, RECs. PSNH is released from
14 all further obligations to purchase the
15 over-market RECs under the PPA, including those
16 for the December 2023, January and February 2024;
17 we needed to file claims, including an unsecured
18 rejection damages claim for the rejection of the
19 PPA and the rejection of the Purchase Option
20 Agreement.

21 In return for getting those protections
22 and releases from the Lenders and from the
23 Debtors for claims that they were asserting
24 against PSNH, PSNH agreed to serve as the LMP

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 through February 29th, so that the Debtor could
2 get transitioned over on March 1st; we cooperated
3 with the transfer of the LMP role to an affiliate
4 of the Debtor; continued purchasing energy and
5 pro rata capacity at the PPA contract prices,
6 without recoupment mechanism, through the
7 post-petition period, February 9th to 29th, which
8 is in the amount of 2.2 million; and it paid an
9 additional amount of 1. -- \$1,129,153, was the
10 difference between the February payment I just
11 mentioned and \$3,350,000, that was a negotiated
12 amount. I can't remember the specifics of it at
13 this point.

14 But, and anyway, that was the full and
15 final settlement of all claims. Everybody, this
16 was a complete walkaway situation. The only
17 thing that the parties reserved was the right to
18 object to claims filed by PSNH.

19 Q And just for the record, you referenced "LMP".
20 Those are the initials of "Lead Market
21 Participant", which is a role that is played in
22 the ISO-New England's Market Settlement System,
23 is that correct?

24 A (Johnson) Russell Johnson. Yes, that is correct.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 And that was part of the PPA as well.

2 Q Okay. Thank you. And, in the event that the
3 Settlement Agreement had not been entered into or
4 had not been approved by the Court, what risks
5 would PSNH, acting on behalf of its customers,
6 have faced?

7 A (Johnson) Russell Johnson again. As an initial
8 matter, PSNH would have incurred significant
9 additional legal fees, to fully litigate all
10 those motions and all the claims, all the
11 asserted claims that the Lenders and the Debtors
12 were claiming against PSNH. And the Court even
13 recognized this, in the hearing to approve the
14 Settlement, that all parties would have incurred
15 significant additional legal fees in hearings.
16 So, that's Point 1.

17 Point 2, the Company was able to keep
18 the 9.87 million that it had offset, the Lenders
19 and Debtors had threatened to try to recover
20 that. We didn't think that they would be able
21 to, but you have to, you know, understand there's
22 litigation risk involved with that, as well as
23 expenses.

24 We also believe we had good defenses to

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 other claims that the Lenders and the Debtors
2 were asserting. But, once again, very expensive
3 litigation would have occurred to resolve those.
4 Excuse me.

5 Also, we were -- excuse me -- in the
6 course of the settlement, which I said took place
7 at all the hearings, either before, after, or
8 during, you know, we had a judge who was making
9 statements on the record that indicated that she
10 was inclined to rule in the Debtors' favor on
11 most, if not all, of the motions, whether she
12 would have, there's no crystal ball here, but you
13 do have to take account of statements made by the
14 judge at those hearings, after an evidentiary
15 hearing.

16 Q And what is your understanding of the net
17 benefits secured for PSNH customers as a result
18 of approval of the Bankruptcy Settlement
19 Agreement terms you described?

20 A (Johnson) Russell Johnson again. Once again,
21 it's the 9.87 million in the pre-petition offset
22 that we were able to accomplish against the
23 energy, capacity, and the RECs. Also, the
24 Company was able to benefit from the period from

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 February 9th, '24, of about \$1 million for market
2 settlements and the capacity market credits that
3 it obtained during that period in that role.

4 They also -- PSNH avoided having to
5 purchase over-market RECs for other periods.
6 Initial one was for a value of approximately
7 \$2.3 million. So, part of the settlement was we
8 did not have to purchase the RECs for the fourth
9 quarter of I think it was December/January of
10 2023 and 2024. That total, that was about 2.3
11 million.

12 Also, there were benefits to the
13 customer, because, if litigation had proceeded,
14 in absence of a settlement, it's not clear
15 whether the Court would have awarded damages
16 against PSNH. And, certainly, the 10 million --
17 9.87 million that was already offset was at risk.

18 Also, in addition, there are
19 significant long-term benefits to the Company, as
20 I understand it, from a review of various
21 documents, that the above-market prices the
22 Company was paying for energy, capacity, and RECs
23 would have continued through the full term of the
24 PPA. And, even if netting had occurred, the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 balances against payments under the PPA would
2 have continued to grow.

3 So, the Settlement cut everything down
4 February 29th. The contract's rejected, the
5 parties have no more obligations to one another.

6 Q And, again, Attorney Wiesner, for Eversource.
7 Attorney Johnson, can you describe the current
8 status of the Burgess bankruptcy proceedings
9 before the Court in Delaware?

10 A (Johnson) Yes. Russell Johnson. So, as the
11 Court may be -- the Commission may be aware, the
12 Debtors filed a Plan of Reorganization, and they
13 also are conducting a sale process. There's a
14 two-tier approach that they're in in the
15 bankruptcy. It was supposed to have been
16 completed in May, by the end of May 2024.

17 And, just from reviewing from the
18 docket, I can tell that they continue to adjourn
19 those hearings. They have not announced a
20 successful bidder. Part of their procedures were
21 they were supposed to announce a successful
22 bidder. No pleadings have been filed announcing
23 a successful bidder. So, on that sale path, all
24 I can tell you is no bidder has been designated

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 on the record. And the hearing on that sale has
2 been adjourned to a date in the future, to be
3 determined. There's no specific date, which,
4 quite frankly, I find a little bit odd.

5 Second, with request to the Plan, it is
6 also in limbo, in the sense that the hearing on
7 that was supposed to occur at the end of May,
8 it's been adjourned several times, and, once
9 again, adjourned to a date to be determined. And
10 we do not know -- at this time, I do not know
11 what date that would be.

12 The only thing we do know for certain,
13 as far as dates, are that the Debtors recently
14 filed a motion seeking the right to have the --
15 to be the exclusive party to file a plan. So, in
16 bankruptcy, a debtor is given the right to -- the
17 exclusive right to file a plan up to a certain
18 period of time. They can seek extensions of that
19 time, which the Debtors did do. They sought a
20 longer extension, and the Court cut that off, or
21 did cut it off. And, so, they have to
22 September 8th. So, through September 8th, the
23 Debtor is the only party that can file a plan.
24 And, once again, they can always seek another

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 extension of that. I have no idea whether they
2 will or not.

3 So, at this point, we know who's to
4 file a plan, we know there's sale procedures, we
5 know they continue to adjourn the hearings. And
6 that's as much as I know at this point.

7 Q Thank you. And, finally, Attorney Johnson, I'll
8 ask if you could please describe for us the
9 substantial time and efforts expended by the PSNH
10 legal team in order to achieve the customer net
11 benefits through the Bankruptcy Settlement
12 Agreement?

13 A (Johnson) Attorney Johnson again. The filing was
14 a surprise filing, in the sense of the date. It
15 was known that they probably were going to file,
16 but they filed, as I mentioned before, on
17 February 9th, on Friday. And we knew that they
18 would get a hearing very shortly the next week,
19 because of the way this court operates on a First
20 Day Hearing.

21 So, there was a substantial amount of
22 time that my firm, as well as the Delaware
23 co-counsel, at Hunton, Andrews & Kurth, had to
24 prepare for the ten motions at the first hearing,

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 had to draft responses, because they had to be
2 filed. The Court had to see what our positions
3 were in advance of that. Plus, as I mentioned
4 before, we filed a Motion to Transfer Venue.

5 In preparing for all of this, there was
6 a lot of work done by my firm, you know,
7 researching the various contract issues, the
8 offset issues, and there was some work done by
9 the regulatory counsel as well in advance of all
10 this.

11 So, there was a lot of prep work that
12 had to be done, so we could be ready to prepare
13 pleadings on almost a moment's notice. But, you
14 know, you really can't prepare them until they
15 get filed to see what they actually say, because
16 they could have taken a different approach on
17 some of the pleadings that they did.

18 We -- as I mentioned before, the Motion
19 for a Venue had been prepared in advance. It did
20 have to be revised to account for the facts in
21 the pleadings that were filed. But that all had
22 to be done in advance of the filing, because, as
23 I mentioned before, if that isn't heard at the
24 beginning part of a case, a very low chance of

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 success. So, you have to get that on file right
2 away.

3 So, you have a February 9th hearing,
4 you have a February -- a February 9th filing,
5 sorry, a February 13th initial hearing, and a
6 February -- I think the next hearing was the
7 21st, and then there was a virtual hearing a
8 couple days later, and, then, on February 27th
9 there was another hearing to approve the
10 Settlement.

11 So, three, essentially, litigated
12 hearings, with numerous pleadings that were
13 seeking relief against the Company and its
14 ratepayers. And we had to make sure, because we
15 were the only entity that filed pleadings. The
16 State did file a joinder to our Motion to
17 Transfer Venue. But the only party that filed
18 pleadings and contesting what I would call
19 "extraordinary relief" that the Debtors were
20 seeking, was PSNH.

21 So, as I said, in order to assert the
22 rights, we had to have pleadings filed, we had to
23 be there, we had to be at the hearings, present
24 our argument, present evidence, cross-examine and

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 things of this nature. It was -- it was a
2 substantial amount of work.

3 MR. WIESNER: Thank you, Mr. Johnson.
4 That is all I have for the Company's witnesses on
5 direction examination.

6 CHAIRMAN GOLDNER: Thank you. We'll
7 now take a break.

8 *[Brief off-the-record discussion*
9 *ensued.]*

10 CHAIRMAN GOLDNER: And we'll just take
11 a five-minute break, allow the technology to get
12 in place, and we'll return in five minutes.

13 Off the record again. Thanks.

14 *(Recess taken at 9:42 a.m., and the*
15 *hearing reconvened at 9:49 a.m.)*

16 CHAIRMAN GOLDNER: Okay. Back on the
17 record.

18 Anything else, Attorney Wiesner, from
19 the Company on direct?

20 MR. WIESNER: Nothing further on
21 direct, Mr. Chairman.

22 CHAIRMAN GOLDNER: Okay. Thank you.
23 And we'll turn now to cross, and the Department
24 of Energy.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 MR. YOUNG: Matthew Young, for the New
2 Hampshire Department of Energy. Thank you, Mr.
3 Chairman.

4 My questions are directed for the panel
5 generally. So, anybody who feels equipped to
6 answer is welcome to respond.

7 **CROSS-EXAMINATION**

8 BY MR. YOUNG:

9 Q So, the Company has presented two different what
10 I'll call, I think it was quoted in the technical
11 statement, as "illustrative scenarios", is that
12 correct?

13 A (Chen) That's correct.

14 Q Matthew Young again. And what I'll call
15 "Scenario 1", which would result in a rate change
16 of the current Stranded Cost Recovery Charge, by
17 adding costs from the termination of the Burgess
18 PPA and the subsequent Settlement, is that
19 correct?

20 A (Chen) Yi-An Chen. That's correct.

21 Q Matthew Young. And those costs would be added
22 into the current SCRC rate, which is for the
23 twelve-month period between February 1st, 2024,
24 through January 31st, 2025, is that correct?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Chen) Yi-An Chen. That would be the scenario,
2 that is the illustrative scenario effective
3 February 1st, 2025.

4 Q Thank you. And that scenario, which I guess I'm
5 describing as "Scenario 1", is described on the
6 beginning of Page 2 in the technical statement, I
7 believe, in Paragraph 2. Is that accurate?

8 A (Robinson) Bryant Robinson. Yes.

9 Q Thank you. Matthew Young again. The second
10 illustrative scenario, which is described on the
11 beginning of Page 3 of the technical statement,
12 would then basically be the "*status quo*
13 arrangement", I'll call it, which would be the
14 current SCRC rate, and having costs related to
15 the Burgess Settlement and the resulting
16 bankruptcy included in the next twelve-month
17 SCRC period, beginning on February 1st, is that
18 correct?

19 A (Robinson) Bryant Robinson. That's correct.

20 Q And, in that description of Scenario 2, there is
21 a reference to -- on Page 3 of the technical
22 statement, there's a reference to "Attachment
23 Illustrative SCRC Rate_2-1-25".

24 I'm just wondering if you could point

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 us to that attachment in Exhibit 7 please,
2 perhaps with a Bates page number?

3 A (Robinson) Bryant Robinson. If you could just
4 give me a moment?

5 [Short pause.]

6 **BY THE WITNESS:**

7 A (Robinson) Yes. The second -- Bryant Robinson.
8 The second scenario would basically start on
9 Page 43 of that document.

10 The version I have does not have Bates
11 pages, so --

12 BY MR. YOUNG:

13 Q Matthew Young. So, there was a filing made, I
14 believe, August 5th, 2024, and then the exhibits
15 were filed later that week, I believe it was on
16 Thursday, August 8th. Am I correct in
17 understanding that, while the information in
18 those two filings were the same, they were
19 arranged differently?

20 A (Robinson) Bryant Robinson. If we may just take
21 a step back, and the two exhibits that you're
22 referring to, the first exhibit was proposed --
23 well, was illustrating an interim rate change
24 effective September 1. The information was the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 same in both scenarios, in both illustrations.
2 It's just that, in the first scenario, the
3 interim rate change, we weren't projecting out
4 over the new rate year, February 1, 2025, to
5 January 1, 2026 [sic].

6 That interim rate change, I believe,
7 Mr. Young, as you previously mentioned, just went
8 through the end of the current reconciliation
9 period, January 31, 2025.

10 MR. WIESNER: If I can jump in? So,
11 this is Attorney David Wiesner, representing
12 Eversource. And, when we made the filing on
13 August 5th, it was basically filed in pieces, if
14 you will, with a technical statement, and the
15 various attachments separate. And, then,
16 Exhibit 7, as submitted in advance of the
17 hearing, has all of that, the technical statement
18 and the three attachments, in a single document,
19 Bates paged throughout.

20 And I think it is correct that the
21 second illustrative scenario, if you will, for a
22 rate change effective February 1st of next year,
23 begins with an index on Bates Page 042. And
24 Bates Page 041 is the other attachment, which

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 shows the Bankruptcy Settlement-related costs and
2 revenues.

3 I hope that helps.

4 MR. YOUNG: Matthew Young for the
5 Department of Energy. Thank you.

6 And that last line of questioning was
7 just really meant to orient kind of everybody in
8 the room. I will be referencing Exhibit 7 and
9 the Bates pages there.

10 BY MR. YOUNG:

11 Q Matthew Young again. So, the technical statement
12 and attachments in Exhibit 7 provided estimates
13 for the rate impacts for the Scenario 1. But it
14 does not seem to have any rate impacts for the
15 estimates in Scenario 2.

16 So, my next question is, in Exhibit 7,
17 would someone be able to point us to where we
18 could find the schedules that would reflect the
19 rate impacts for Scenario 2?

20 A (Chen) Yi-An Chen. So, that would be Bates
21 Page 043 in Exhibit 7.

22 Q And, just to clarify, that then would show the
23 forecast for the *status quo* now, as if nothing
24 were changed, and the costs related to Burgess

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 were implemented in the next SCRC filing?

2 A (Chen) Yi-An Chen. That's correct.

3 Q Thank you. Matthew Young again. Am I correct in
4 understanding then that, if the rate impacts,
5 including the Burgess costs in the near-term, in
6 this Scenario 1, over the next few months, that
7 would result in a larger rate impact for
8 customers than if the *status quo* was maintained?

9 A (Anderson) Scott Anderson. That is correct.

10 MR. YOUNG: I think those are all the
11 questions I have, Mr. Chairman.

12 CHAIRMAN GOLDNER: Thank you. We'll
13 turn now to cross, and the Office of the Consumer
14 Advocate.

15 MR. CROUSE: Attorney Crouse, beginning
16 cross. I just have a couple simple clarifying
17 questions directed to the witness panel as a
18 whole. If any of you feel that you are better
19 suited to answer my question, or if you feel the
20 need to support one another, please feel free to
21 do so.

22 I guess my first question, I'll direct
23 it to Ms. Chen.

24 BY MR. CROUSE:

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q Ms. Chen, with your correction, was I correct in
2 understanding that the outside legal fees are in
3 the neighborhood of \$680,000?

4 A (Chen) Yi-An Chen. That is correct. And that is
5 the estimate as of today.

6 Q Attorney Crouse continuing cross. I'm just
7 looking to put some guardrails around the
8 estimate. So, some of my questions are going to
9 be such as the following: Ms. Chen, is it your
10 understanding that the substantive work related
11 to the Burgess PPA and Bankruptcy Settlement, as
12 far as PSNH is concerned, has mostly come to an
13 end? We're not expecting more substantive work
14 that would generate some larger fee to come down
15 the pipe?

16 A (Chen) Yi-An Chen. That is the understanding I
17 have today. That the majority of the legal fees
18 have already been incurred. And I have -- we
19 have just shared the estimate as of today.

20 A (Johnson) Attorney Johnson, if I may?

21 Q Please.

22 A (Johnson) That is correct. So, in the
23 bankruptcy, the only items that are left, as far
24 as PSNH is concerned, are the filed claims,

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 whether they're allowed, paid, objected to. We
2 don't expect that to be an issue, in the sense
3 that we have a offer from the other side right
4 now to resolve all claims. We've been back and
5 forth with the Debtors on that. And that's in
6 connection with, as I mentioned earlier, in order
7 to either get a plan approved or a sale, they
8 have to assume the Interconnection Agreement.
9 They did not reject that. They have moved to
10 assume that. And, so, as part of the Settlement,
11 we're working with them to get the correct
12 amount, the cure amount paid, what is the
13 pre-petition and post-petition under the
14 Interconnection Agreement. But, in those
15 settlement discussions, we've talked about doing
16 a broad settlement of all claims.

17 So, I do not -- I don't spend a lot of
18 time on it. I, when we get near a hearing date,
19 I will contact Debtors' counsel and say "If you
20 have an offer, then I can respond?" And I get
21 "We're getting to it."

22 So, other than just, you know,
23 communications, unless, for some reason, they
24 decide to take a very odd approach on the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Interconnection Agreement, which I can't imagine
2 they would, I do not expect substantial legal
3 fees going forward.

4 Q Thank you. Over the short period of time that we
5 saw those legal fees accrue, I was just looking
6 to seek confirmation that we wouldn't see a
7 similar amount be building up over the next
8 couple of months as those loose ends get tied up?

9 A (Johnson) Understood. Attorney Johnson. The
10 Settlement pretty much covered everything, other
11 than just the claims.

12 MR. CROUSE: Attorney Crouse. That's
13 all I had for cross. Thank you.

14 CHAIRMAN GOLDNER: Thank you. We'll
15 turn now to Commissioner questions, beginning
16 with Commissioner Chattopadhyay.

17 CMSR. CHATTOPADHYAY: Good morning.
18 Commissioner Chattopadhyay.

19 BY CMSR. CHATTOPADHYAY:

20 Q So, the first thing I want to make sure is, if
21 you go to the technical statement, on Page 1, at
22 the end it says "all expenses and revenues
23 related to the Burgess PPA are now known." So,
24 that, I'm assuming, doesn't -- it's not about the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 legal fees, it's just strictly about the PPA.

2 So, that statement is correct?

3 A (Chen) Yi-An Chen. That is correct.

4 Q Okay. And I also want to make sure I'm following
5 this. With respect to the claims, the discussion
6 that you were having just a while ago, those are
7 claims, and they're going to lower the cost
8 eventually for the ratepayers, if they pan out?

9 A (Johnson) Attorney Johnson. Let me clarify what
10 you're probably talking about. The
11 Interconnection Agreement claims, the 29,000 and
12 the pre-petition amount, and the taxes for
13 January 1 to February 8th, those should be paid
14 in full, because they're going to assume that
15 contract. So, it's not nothing, but, in the
16 grand scheme of things, it's not a significant
17 amount.

18 With respect to the -- what I would
19 call the "regular utility charges", for providing
20 power to the plant, electricity, those are in the
21 nature of about 115,000, and those should
22 probably be paid in full as well.

23 Q None of that is being assumed in the calculations
24 here?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Robinson) Bryant Robinson. That is correct.

2 Q I was just confirming. Okay. So, again, going
3 to Exhibit 7, Bates Page 005. Again, this is
4 Commissioner Chattopadhyay. Getting used to
5 this. Actually liking it, because I don't think
6 I say that too often.

7 Bates Page 005 is for the interim
8 calculation, right? Confirm that, please?

9 A (Chen) Yi-An Chen. That's correct. And that's
10 for assuming an effective date of September 1st,
11 2024.

12 Q Okay. And, if I remember, it was Bates Page 043,
13 that -- I'm going to go there -- that shows the
14 rate that will go into effect if we continue the
15 same process, correct?

16 A (Chen) Yi-An Chen.

17 Q Or the existing process?

18 A (Chen) Yi-An Chen. That is correct. And just to
19 note that the two scenarios that, Commissioner,
20 you are asking about, they are under the
21 assumption of the same costs, with actuals
22 through June of 2024. And that, without any
23 additional changes to the -- in the forecast, but
24 we did include the --

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 *[Court reporter interruption.]*

2 **CONTINUED BY THE WITNESS:**

3 A (Chen) But we did include the estimated legal
4 fees, as stated earlier.

5 BY CMSR. CHATTOPADHYAY:

6 Q Okay. Can you tell me, comparatively, what are
7 the rates right -- let me put it differently.

8 The numbers appearing in Bates
9 Page 043, Line 16, how do they compare with the
10 existing rates?

11 A (Chen) Yi-An Chen. Sure. So, for the
12 illustrative scenario, with effective date
13 September 1st, 2024, that represents an average
14 rate increase of 0.391 cents per kilowatt-hour.

15 Q Yes. Can I -- can I interject? I know that
16 that's been provided. So, I know the -- and I'll
17 go there a little later. But I'm just trying to
18 get a sense of, these rates, the ones on Bates
19 Page 043, they will go into effect in February
20 2025, correct, if this was the scenario?

21 A *[Witness Chen indicating in the affirmative].*

22 Q I'm trying to understand, relative to the
23 existing rates right now, how do these rates
24 compare?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Chen) Sure. Yi-An Chen. So, that would be a
2 decrease of 0.471 cents per kilowatt-hour, or
3 38.5 percent decrease, compared to the existing
4 rates.

5 A (Anderson) Scott Anderson. For a residential
6 customer, right now, the SCRC, for a 600
7 kilowatt-hour customer, they pay \$7.57; under
8 this scenario that you're talking -- asking
9 about, they would pay \$4.87, or a \$2.70 reduction
10 from current SCRC rates, Residential Rate R.

11 Q Okay. Because I went back and forth, based on
12 the Exhibit 7, which has the Bates Pages, and I
13 also looked at the previous submission, which
14 didn't have the Bates pages, and didn't say it
15 was "Exhibit 7". So, I'll probably spend too
16 much time figuring out which page it is.

17 But, in the interim, you know,
18 documents, it's going to be Attachment YC/SRA-11,
19 Page 4 of 7. And, if someone can tell me what's
20 the Bates page in the exhibit, that I would
21 appreciate it.

22 MR. WIESNER: So, this is Attorney
23 Wiesner. I believe that attachment, in
24 Exhibit 7, begins on Bates 078. This is

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Attachment YC/SRA-11, two pages, beginning on
2 Bates 078.

3 CMSR. CHATTOPADHYAY: But I think
4 you're talking about the non-interim one. And
5 I'm talking about the other one. So, it's
6 probably Bates Page --

7 MR. YOUNG: Matthew Young. Would that
8 be Bates Page 070?

9 WITNESS CHEN: Yi-An Chen. So, for
10 Attachment YC/SRA-11, for the interim rate
11 effective September 1st, 2024, that's starting
12 Bates Page 035.

13 CMSR. CHATTOPADHYAY: Okay. But that
14 is not the page I'm trying to get at. So, I'm
15 going to use the other.

16 BY CMSR. CHATTOPADHYAY:

17 Q So, it's -- in the email where you shared the
18 documents for the interim calculations, it was
19 Attachment YC/SRA-11, Page 4 of 7. And, if you
20 look at the technical statement, that's -- I
21 think that's what it was.

22 But, anyway, let's -- can we go to
23 other, like it's very -- that's showing the
24 comparison, with the calculation of the 550

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 kilowatt-hours, 600 kilowatt-hours, that page.

2 MR. WIESNER: I believe that's

3 Bates 038.

4 CMSR. CHATTOPADHYAY: It's 038? Thank
5 you. Bates Page 038. Okay. So, quick question.

6 BY CMSR. CHATTOPADHYAY:

7 Q Initially, it was mentioned that the average
8 increase is 32 percent, relative to current
9 rates. And, here, if I look at the -- let's say,
10 for the 600 kilowatt-hours, for the Residential
11 class, I think the change is 48.6 percent. Can
12 you just reconcile? I think we're still talking
13 the same numbers, one of them is the average.
14 This is for the Residential class.

15 A (Anderson) Scott Anderson. That's accurate. The
16 32 percent is a Company-wide impact. And this
17 48.6 percent that you just referred to is a
18 Residential impact.

19 Q Can you throw some light on what the impact is
20 for the other classes?

21 You know, just generally. You don't
22 have to give me the exact numbers. So, which has
23 the lowest impact? Which has the highest impact?
24 Things like that.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Anderson) Scott Anderson. If you refer to
2 YC/SRA-11, Page 6, you can see impacts by rate
3 class. Residential is 2.9 percent; General
4 Service, 3.5 percent; Total General Service, 1.9
5 percent; Large Customers, negative 0.2 percent;
6 Outdoor Lighting, 0.7 percent. Those are all
7 impacts on a total bill.

8 Q But they're not on the SCRC component itself.
9 This is for total bill. I'm asking for the SCRC
10 itself.

11 A (Anderson) Scott Anderson. Bear with me, I think
12 I can probably answer that.

13 Q Yes.

14 [Short pause.]

15 **BY THE WITNESS:**

16 A (Anderson) Scott Anderson. I misspoke. I may
17 not have that information at my fingertips.

18 BY CMSR. CHATTOPADHYAY:

19 Q Okay. That's --

20 A (Chen) Yi-An Chen. So, for just the SCRC rate
21 itself, with everything included, meaning the
22 adders and all the other components, so, for
23 Rate R, the increase, with the illustrative rate
24 effective September 1st, 2024, compared to the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 existing rate, that's 48.6 percent increase.

2 And, then, would you also like to know
3 the other rate classes?

4 Q Okay.

5 A (Chen) So, for Rate G, that's the 52.6 percent
6 increase; for Rate GV, that's a 38.2 percent
7 increase; for Rate LG, that's a 3.1 percent
8 decrease; for Rate OL and EOL, that's an 18.5
9 percent increase.

10 And, so, the average of the
11 Company-wide is 32 percent.

12 Q Thank you. I know the Company has said that the
13 one with the rates being changed on September 1st
14 is just for illustration. Sorry. But, out of
15 the two that have been shared here, with the
16 interim and without, is there any preference?

17 And anyone can answer it, including the
18 attorney.

19 MR. WIESNER: I'll take that
20 invitation. So, Attorney David Wiesner, for
21 Eversource.

22 We prepared these illustrative
23 scenarios for the Commission's consideration in
24 connection with this hearing. I just want to

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 make it clear, we're not proposing an interim
2 rate change.

3 And it's my understanding that the rate
4 increase may be higher, because of the compressed
5 time period for recovery of the related costs.
6 So, if we're looking at the February 1st
7 scenario, you would have a twelve-month recovery
8 period. Here, we're looking at a portion of the
9 year, a five-month recovery period, through the
10 end of January.

11 CMSR. CHATTOPADHYAY: In either cases,
12 we are still, you know, zeroing out, you know,
13 the Chapter 340?

14 MR. WIESNER: The rate, as I understand
15 it, is designed to achieve that result.

16 CMSR. CHATTOPADHYAY: Okay.

17 MR. WIESNER: But there are, you know,
18 it partly depends on sales and revenues.

19 CMSR. CHATTOPADHYAY: Okay.

20 MR. WIESNER: Not just the cost side.

21 BY CMSR. CHATTOPADHYAY:

22 Q Is there a quick way for me, Commissioner
23 Chattopadhyay, to -- going to the attachments
24 here, and get a sense of what this delayed, you

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 know, approach, meaning the rates are changed in
2 February, how much does it add, in terms of, you
3 know, the carrying costs? So, is there a way for
4 me to figure that out?

5 A (Robinson) Bryant Robinson. Commissioner
6 Chattopadhyay, could you just please, I'm not
7 sure I fully understand what your question is.

8 Q Okay. Sure.

9 A (Robinson) I apologize.

10 Q So, it's the same dollar amount that you're
11 trying to, you know, zero out, right? One of
12 them would implement it September 1st, the other
13 approach -- sorry -- the other scenario is going
14 to implement it February 1st, correct?

15 A (Chen) Yi-An Chen. That's correct.

16 Q And, in delaying it from September 1st to
17 February 1st, are there additional costs that are
18 being picked up because of interest rates
19 considerations? That's my question.

20 A (Robinson) Is your question -- I'm sorry, Bryant
21 Robinson. Commissioner Chattopadhyay, is your
22 question related to the Chapter 340 Adder
23 specifically?

24 Q No. For everything.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Robinson) For everything. The way illustrative
2 Example 1, the "interim rate change", what we've
3 done is we've projected what the
4 over-/under-recoveries would be for all
5 components, not just Chapter 340, for all
6 components. And, then, we're basically assuming,
7 whatever that over-/under-recovery -- that
8 projected over-/under-recovery, we're looking to
9 recover that, as Commissioner [sic] Wiesner
10 mentioned, over the five-month period, September
11 through January.

12 And the calculations are the same in
13 both scenarios. In that, our
14 over-/under-recovery -- projected over-/under-
15 recoveries at the end of January 31 are the same.

16 And, also as Commissioner [sic] Wiesner
17 said, but, in the second alternative, where
18 we're -- actually, Mr. Young's reference as sort
19 of the "status quo", our setting the rate for the
20 new reconciliation period February 1, 2025,
21 through January 1 -- January 31, 2026. All
22 those -- all those over-/under-recoveries, as of
23 January 31, 2025, are the same in both scenarios.

24 Q Okay.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Robinson) It's just that we're rolling that over
2 under -- in the "interim" example, we're
3 adjusting the rate to try to get that to zero.

4 Q Okay.

5 A (Robinson) Are we going to get to zero? It's
6 going to be different, because, you know, the
7 revenues -- the sales will be different, the
8 revenues will be different.

9 CMSR. CHATTOPADHYAY: Understood. So,
10 I think you just confirmed that, where I was
11 going to go next, which is, end of the day you
12 might still end up having some dollars not being
13 recouped, or maybe over-recouped. But this is
14 just looking at a specific assumption, and doing
15 the calculations. That's all it is.

16 And I think Attorney Wiesner will be
17 very happy to hear he was called "Commissioner"
18 two times.

19 That's all I have.

20 MR. WIESNER: I'm not sure I'm ready
21 for that promotion. And, if I were,
22 Commissioner, I wouldn't be able to hear this
23 case.

24 CHAIRMAN GOLDNER: I think it might be

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 a payroll -- or, a reduction in pay.

2 MR. WIESNER: No comment.

3 CHAIRMAN GOLDNER: Okay. Okay, so,
4 this is Chairman Goldner.

5 BY CHAIRMAN GOLDNER:

6 Q So, now that the PPA is severed and final,
7 understanding there's a couple perturbations that
8 we've talked about, but it's more or less final.
9 Can you tell us what the final ratepayer cost was
10 for the entire Burgess arrangement in dollars?

11 I didn't see that in the filing. But
12 I'm trying to get to the final cost for Burgess,
13 now that we know what all the costs are.

14 A (Robinson) Bryant Robinson. Commissioner
15 Goldner, I assume you're referring to the Excess
16 Cumulative Reduction balance?

17 Q Yes. So, at last check, I think it was 171, or
18 71, depending on how you deal with the first 100
19 million that was sort of forgiven. So, I'm just
20 trying to get to the final amount, now that we
21 have all the numbers in place?

22 A (Robinson) Yes. We can give you that.

23 Q Okay. Do you know what that is?

24 A (Robinson) Yes.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q Okay.

2 A (Robinson) But let me just walk through --

3 Q Okay.

4 A (Robinson) -- how we get from the Operating
5 Year 10 ending balance as of November 30th, 2023.
6 That's the 71 and a half million dollars that
7 you're referring to.

8 Q Yes.

9 A (Robinson) That was the ECR, Excess Cumulative
10 Reduction, balance as of that point in time, at
11 the end of the Operating Year 10. Now, we've
12 had activity for December 2023 through
13 February 2023 [sic]. And that activity is, as
14 Attorney Johnson's mentioned, you know, per the
15 Settlement, we were able to recoup \$9.7 million
16 of that, clawed that back from Burgess, for the
17 benefit of customers. So, that will be a deduct.

18 So, we had 71.5 -- and I'm just talking
19 dollars in millions.

20 Q Perfect.

21 A (Robinson) And, so, 71.5 dollars in millions,
22 November 30th, 2023, ECR balance, less the
23 recoupment, I'll use the term "recoupment", for
24 the December 2023 through February -- to

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 February 8th, 2024. February 8th is important,
2 because you heard Attorney Johnson refer to that
3 as the "pre-petition period". Per the
4 Settlement, that's what we're allowed to recoup
5 up to. We were not allowed to recoup the
6 post-petition period, February 9th through
7 February 29th. So, that was \$9.9 million.

8 But, Commissioner Goldner, I'm sure
9 both near and dear to your heart, and we had
10 discussions back in January and February on the
11 ECR. And I know you went through calculations.
12 Burgess was above-market. That excess was about
13 \$3.9 million.

14 So, the 71.5, November 30, 2023 ECR
15 balance, less the 9.9 recoupment, plus the 3.9
16 excess for the period December through February,
17 and we end up with a 65 and half million dollar
18 balance in the ECR.

19 Q And that corresponds perfectly, I think, to the
20 filing that the Company made in the bankruptcy
21 proceeding in Claim Number 3, that those two
22 numbers are identical, correct?

23 A (Robinson) My understanding, yes. I'll defer to
24 Attorney Johnson for the legal interpretation of

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 the claims. But, yes. You are correct.

2 A (Johnson) Attorney Johnson. That is correct.

3 CHAIRMAN GOLDNER: Thank you. So, I'll
4 ask this question of Attorney Wiesner.

5 So, that 65.5 million claim, I couldn't
6 find it in the Commission's docketbook anywhere.

7 Is there -- is there any reason that Claim
8 Number 3 wasn't filed with the Commission? I
9 only found it on the Delaware website.

10 MR. WIESNER: Attorney Johnson might be
11 better positioned to answer that question. We
12 can provide a copy of it, if that would be
13 helpful?

14 I know the Commission has been
15 receiving multiple filings in the bankruptcy. I
16 think most of them from the Debtor side, that
17 have been posted in the 24-032 docket.

18 I don't know off the top of my head why
19 the proof of claim that timely was submitted
20 would not have been sent to the service list.
21 But, again, I'll defer to Attorney Johnson.

22 WITNESS JOHNSON: Attorney Johnson.
23 This bankruptcy case, the Debtors sought and
24 obtained a claims agent, a third-party claims

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 agent. So, claims had to be filed with the
2 claims agent. So, that would not appear on the
3 Bankruptcy Court docket in the Delaware
4 bankruptcy. Instead, you have to go, I think it
5 was Stretto --

6 *[Court reporter interruption.]*

7 WITNESS JOHNSON: Oh, I'm sorry. You
8 would have to go to claims agent, the third-party
9 claims agent, to get that. But we certainly can
10 provide it, and we have electronic copies of all
11 the claims we filed.

12 CHAIRMAN GOLDNER: Okay. Thank you.
13 Attorney Wiesner, I'll take you up on that offer
14 to file it.

15 It shows up on the Burgess website in
16 Delaware. So, you know, we saw it under Claim 1,
17 Claim 2, Claim 3. Claim 3 was 65.5. But we were
18 puzzled, because we didn't see that. Came three
19 in our docket. And, then, we were trying to
20 figure out what the final bill was. We thought
21 it was 65.5. Mr. Robinson has triangulated that.
22 So, it just -- it's actually a nice summary in
23 Claim Number 3. And it tells you exactly how you
24 get to the final number.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 So, good. So, I think we've closed
2 that loop. And we've gotten to have clarity on
3 the -- sort of the final bill for Burgess, which,
4 including the forgiven \$100 million, from a
5 ratepayer point of view, would be 165.5 million,
6 pending the final resolution of attorney bills
7 and so forth. So, is that a fair summary?

8 WITNESS JOHNSON: Attorney Johnson.
9 That is correct. And the 100 million was covered
10 in the unliquidated claim, which was Claim 4.

11 CHAIRMAN GOLDNER: Thank you. Perfect.

12 Okay. So, I have a couple minutes
13 before the tape runs out and we have to take a
14 quick break.

15 BY CHAIRMAN GOLDNER:

16 Q Any concerns, anyone can answer this, including
17 Attorney Wiesner, whatever is best for the
18 Company, any concerns with closing Chapter 340 on
19 the 30th of August, and moving the costs to a
20 Part 2?

21 MR. WIESNER: I'm not sure we've
22 considered that. And I don't believe we included
23 that in the illustrative scenario.

24 And I think what we tried to do is

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 accelerate the recovery of all known costs, which
2 are really all the costs, excess for perhaps a
3 few straggling legal fees, and then recover them
4 by the end of January.

5 I am not going to pretend to be an
6 expert on the Chapter 340 Adder and exactly how
7 it works, or what the impact of that change would
8 be. I'm also not sure it's necessary, as long as
9 we get to the same end result.

10 CHAIRMAN GOLDNER: Okay. So, let's
11 take -- this is a good time to take a break. So,
12 Attorney Wiesner, I guess a topic for the break
13 would be, the Commission proposes to close
14 Chapter 340 on August the 30th [sic] of this
15 year, so in a couple of weeks, issuing an order
16 shortly here in the next week or so.

17 And, then, not denying the Company
18 recovery in any way, those Chapter 340 costs
19 would just be moved to the generic Part 2
20 account. And we can just take a break, and then
21 I can come back to you, Attorney Wiesner, to see
22 if the Company objects to that, and the parties
23 object to that approach.

24 So, we'll go off the record, and return

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 in ten minutes. Thank you.

2 (Recess taken at 10:31 a.m., and the
3 hearing resumed at 10:45 a.m.)

4 CHAIRMAN GOLDNER: Okay. We'll go back
5 on the record.

6 And I'll check in with Attorney Wiesner
7 on the question of August 30th [sic] closure of
8 Chapter 340?

9 MR. WIESNER: So, as I said, we had not
10 prepared a scenario that shows that approach. My
11 understanding is there would be a difference in
12 the rates charged to various rate classes,
13 because, and, you know, one of the witnesses can
14 explain this better than I can, but there is an
15 allocation agreed to per previous settlement, if
16 memory serves, that applies to Part 2, but that
17 is not the case with the 340 Adder.

18 But I would invite now either Mr.
19 Robinson or Ms. Chen to speak to that.

20 CHAIRMAN GOLDNER: Okay. And I'll
21 just, before you answer, I'll just add that it
22 would be our proposal that the rates for each
23 rate class would, in fact, not change, whether it
24 was Chapter 2 [sic] or Chapter 340, intention

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 would be not to affect ratepayers in any way.
2 Just closing Chapter 340. The special law is in
3 the past, the PPA is closed. And, so, now we can
4 just move forward without the Chapter 340 account
5 itself, but the rates we would -- I would suggest
6 would not change at all.

7 But please proceed.

8 **BY THE WITNESS:**

9 A (Robinson) Bryant Robinson. Commissioner
10 Goldner, if I'm understanding your question or
11 alternative, in our -- and I'm talking Scenario 1
12 of our illustrative interim rate calculation.
13 You want -- you would basically like to see
14 Chapter 340 end, terminate August 31, 2024?

15 BY CHAIRMAN GOLDNER:

16 Q That's correct.

17 A (Robinson) And per the Attachment YC/SRA-5,
18 Page 2, of our interim 9/1 rate change
19 illustrative example, --

20 Q I'm sorry, let me catch up with what the Bates
21 is. Anyone have a Bates page please?

22 A (Robinson) Unfortunately, my *pdf* does not have
23 Bates pages, Commissioner. So, I apologize for
24 that.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q No, no worries. We can just pause and wait till
2 we find it.

3 MR. WIESNER: If that is -- if that is
4 Attachment YC/SRA-5, Page 2, I see that on
5 Bates 024.

6 CHAIRMAN GOLDNER: Yes. Okay. I'm
7 there.

8 **BY THE WITNESS:**

9 A (Robinson) Okay. So, Commissioners -- I'm sorry,
10 Bryant Robinson. If you go down to Line 7 of
11 that schedule, over to the "Estimate August 24"
12 column, we have an under-recovery of \$7.7
13 million, or \$7.8 million, however you want to
14 round.

15 BY CHAIRMAN GOLDNER:

16 Q I'm sorry, I see 7.2 on Line 7. Is there -- am I
17 missing something?

18 A (Robinson) No. Again, we're looking at the
19 "Estimate August 2024" column, --

20 Q August.

21 A (Robinson) -- if you're looking at the *pdf*. I
22 can't see the Excel column, but --

23 Q So, I'm looking at Bates Page 024. I see many
24 columns, beginning with a "Balance 1/31/24", and

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 going across to a "12 Month Total". And, so, I'm
2 looking at the "12 Month Total".

3 A (Chen) Yi-An Chen. So, Chairman, if you look at
4 that Bates Page 024, under "Estimate" -- the
5 column that says "Estimate August 24", --

6 Q "Estimate August 24", okay.

7 A (Chen) Yes. And, then, that would be on Line 7,
8 "Ending Monthly Balance".

9 Q I see. So, that's the current status.

10 A (Chen) Yes.

11 Q So, you're giving me the instantaneous balance,
12 okay. Thank you.

13 A (Robinson) Correct. I just want to make sure I'm
14 understanding what we're now discussing.

15 Q Thank you.

16 A (Robinson) And, so, if I understand correctly,
17 you would like to see that shifted to the Part 2
18 costs?

19 Q That's correct.

20 A (Robinson) Therefore, if you look at Line 1, the
21 "Chapter 340 Revenues", if you're proposing to
22 eliminate that effective September 1, that
23 revenue line would go to zero.

24 Q Yes.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Robinson) So, you would be picking that -- we
2 would be picking up that \$7.7 million unrecovered
3 amount in the Part 2.

4 Q Yes.

5 A (Robinson) Which Part 2 does get allocated by
6 rate class, --

7 Q Perfect.

8 A (Robinson) -- 48 percent Residential, I forget
9 the exact percent, it's on Page 1 of the rate
10 pages.

11 Q Right. So, the rate, just to repeat back, the
12 rate allocation is the same in Part 2 as it is in
13 340. So, if you simply move the total balance,
14 \$7.7 million, from Chapter 340, to Part 2, and
15 then allocate it by rate class in the same way,
16 you get to the same number?

17 A (Robinson) You're partially there. Chapter 340
18 is an average rate. When the Chapter 340 was
19 designed in Docket DE 19-142, in excess of the
20 \$100 million, it was deemed -- they wanted that
21 recovered on an average cents per kWh basis, and
22 not split by the Part 2 percentages. That's why
23 the excess was always a deduct from the Part 2
24 costs, transferred to the Chapter 340, in order

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 to determine a rate on an average cents per
2 kilowatt-hour basis, rather than the ratio set by
3 the Divestiture docket.

4 Q Okay.

5 A (Robinson) So, there would be a -- it would be a
6 difference. I just want to make that perfectly
7 clear, that there would be difference. It's not
8 a one-for-one. You know, we're going from an
9 average rate, taking whatever annual
10 under-recovery divided by sales, and we're taking
11 that cost, in this case, let's use the \$7.8
12 million under-recovery as an example, that will
13 get allocated among the rate classes based on
14 those Divestiture percentages that were developed
15 back in DE 14-136 [14-238?], if that's the
16 correct docket.

17 Q Maybe it would be helpful to quickly go to the
18 Bates page that shows the allocation to rate
19 classes for Part 2, and the allocation to rate
20 classes for 340, so we can collectively look at
21 the difference between the two allocations.

22 A (Chen) Yi-An Chen. So, if we go to Bates
23 Page 005 of Exhibit 7. So, on the top line,
24 where it says "Rate R @ 48.75 percent" there's

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 like an "Allocation Per Docket Number DE 14-238".

2 Q I'm sorry. I'm not quite there.

3 A (Chen) I'm sorry.

4 Q So, we're on Bates Page 005, correct?

5 A (Chen) Correct.

6 Q And, then, what line are you on, or lines?

7 A (Chen) The top line, where there is header in
8 bold text. There is "Allocation Per Docket
9 Number DE 14-238".

10 Q I see. Thank you.

11 A (Chen) Yes. So, what has been referred to is
12 that different rate class allocation percentage,
13 and then that would be the difference between, if
14 we are recovering that cost in the Part 2 SCRC,
15 or in Chapter 340 Adder, which, if you look at
16 the same page, on Line 13, that is the cents per
17 kilowatt-hour, that's a universal rate.

18 So, there is going to be a -- so, the
19 total dollar is the same, but who is paid for
20 that, like, the balance is going be different.

21 Q I see. That's very helpful. Thank you.

22 So, I have a solution to the problem.
23 See if this works. So, you could take the 7.7
24 million. You could divide it into each of the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 categories, as you would have billed it as a
2 Chapter 340. Then, that's the amount that you
3 move to Part 2, so that the appropriate amount
4 gets charged to Part 2. You allocate that over
5 the remaining months, between now and the end of
6 the period, January 31st. And you have precisely
7 the right allocation, based on Chapter 340, but
8 charged in Part 2.

9 Would you have any concerns with that
10 approach?

11 A (Robinson) Bryant Robinson. That can be done. I
12 would like to do the calculations. I can't do
13 them on-the-fly here.

14 You know, I understand what your intent
15 is, Commissioner. It's just, I don't want to be
16 hasty. And I could sit here and try to plug
17 things in right now. But I don't want to be
18 prone to error.

19 Q Oh, no. No.

20 A (Robinson) But I just want to make it perfectly
21 clear that, under that proposal, that, at least
22 from this scenario, again, these are actuals
23 through June, if we're going to have to make
24 another filing, I would assume, because either

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 right around now we should be able to update for
2 July actuals. So, whatever that projected
3 over-/under-recovery is, in this case it was an
4 under-recovery of \$7.8 million, you know, that
5 would be what we propose to recover, in order to
6 zero out the Chapter 340 Adder.

7 And it's just, these interim
8 adjustments are always a nuisance, because you're
9 work -- you're trying to recover a projected
10 over-/under-recovery in January 31, 2025, that
11 remaining over-/under-recovery, because we've
12 already had activity for actuals, we are
13 recovering it over a compressed time period.
14 And, you know, like, I think your initial
15 question was "Oh, you know, whatever is in
16 Chapter 340, it will be sort of a penny-for-penny
17 match in Part 2." And I don't believe that's the
18 case. And I just want to make sure that we
19 understand that.

20 Q I'm perfectly clear.

21 A (Robinson) Yes.

22 Q Thank you for the explanation. In the end, what
23 we're suggesting is that the charge, from a
24 customer point of view, regardless of rate class,

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 would not change at all. And the adjustment
2 would be made between Chapter 340 and Part 2 to
3 accommodate the 7.7 million. So, in other words,
4 we're -- I'm not suggesting that the charges,
5 from a customer point of view, would change at
6 all. It's just "where do you put the charges, in
7 Part 2, versus 340?" And I would suggest that
8 they're exactly the same, in, pardon me, just
9 moving it from one category to another.

10 A (Robinson) And, Commissioner, if I could, you
11 were asking "where we could put that \$7.7
12 million?" So, I think you're on Bates Page 005
13 now.

14 Q Yes.

15 A (Robinson) I think, if you go to Bates
16 Page 009, --

17 Q I'm there.

18 A (Robinson) My suggestion, at this point, would
19 be, and if scroll down, on Bates Page 009, to
20 Line 20 of the schedule, it's labeled "Generation
21 Divestiture Costs not Securitized", we haven't --
22 that's gone. That was a novelty a couple years
23 ago, a number of years ago.

24 I would suggest that what we could do

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 was take that 7.7 that we saw on the Chapter 340
2 reconciliation at the end of August, as an
3 under-recovery, we could reflect that on Line 20,
4 as basically a cost, i.e., an under-recovery,
5 i.e., a cost.

6 That's where, off the top of my head,
7 that would be the easiest place to mechanically
8 place it. Which, again, then would roll into our
9 Part 2 costs, and then, in developing the rates,
10 that's where it would get allocated. The Part 2
11 costs would then be allocated based on
12 Residential, Commercial, Industrial --

13 *[Court reporter interruption.]*

14 CHAIRMAN GOLDNER: Thank you.

15 WITNESS ROBINSON: I'm sorry?

16 CHAIRMAN GOLDNER: The list, you just
17 go through the list again.

18 **CONTINUED BY THE WITNESS:**

19 A (Robinson) The rates would be allocated to
20 Residential, Commercial, Industrial, and Street
21 Lighting.

22 CHAIRMAN GOLDNER: So, that makes --
23 that makes a lot of sense, Mr. Robinson. Thank
24 you for helping to think through that and define

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 how that would work.

2 I'll look to the Department and the
3 Consumer Advocate, to see if there would be any
4 objections to that approach?

5 MR. YOUNG: So, Matthew Young, for the
6 Department of Energy. The Department would have
7 a strong preference in maintaining the Chapter
8 340 accounts, I guess the "*status quo*" I guess
9 we've been saying today.

10 I think for one issue is the allocation
11 of costs that we've been discussing today.
12 Another would be the Department would have an
13 interest in tracking the separate Chapter 340
14 costs until they actually do go down to zero, or
15 are, you know, collected.

16 It's my understanding at least that
17 customers don't see the Chapter 340 costs on
18 their bill. They would only see the "SCRC" as an
19 item. So, I'm not sure, you know, it's necessary
20 to start kind of changing things at this time.

21 I think that's where I'll leave it for
22 now, unless the Commissioner has any questions?

23 CHAIRMAN GOLDNER: Yes. And maybe I'll
24 just ask a follow-up. Which is, I'm looking at

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 the ending monthly balance that Mr. Robinson
2 pointed us to, for August '24, of "7.757", on
3 Bates Page 024. And, so, there's really no need
4 for a further accounting in Chapter 340, the
5 amount is fixed. So, all we're doing is we're
6 saying "Okay, well, let's just close off the
7 Chapter 340 account. We know exactly the amount
8 that we moved." And, so, there's a perfect
9 accounting to understand what's happening, and
10 what happened to Chapter 340.

11 So, I'm -- it seems like we know
12 exactly the accounting on Chapter 340 in that
13 context.

14 *[Atty. Young and Mr. Eckberg*
15 *conferring.]*

16 MR. YOUNG: So, I think there's a
17 number of factors we're thinking through at
18 little bit on-the-fly. Sorry, this is Matthew
19 Young again, for the Department of Energy.

20 I understand the Commissioner's point
21 in pointing out that figure on Line 7, on Bates
22 Page 024. We would still be interested, I think,
23 in seeing that Chapter 340 costs, and how that
24 would impact over- and under-collections, and I

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 guess whenever these over- and under-collections
2 do occur.

3 And that's sort of what's coming to me
4 at the moment.

5 CHAIRMAN GOLDNER: The conundrum is
6 that, if you look at "August 24", it's 7.757 to
7 the positive. If we were to wait until January
8 of '25, it's 7.2 to the negative. So, you almost
9 have the exact same number, it's either positive
10 or negative, depending on when we close the
11 Chapter 340. So, that's the sort of premise of
12 the question.

13 MR. YOUNG: So, Matthew Young, for the
14 Department of Energy again.

15 I think at this time the Department,
16 kind of the Department-based position, you know,
17 having received the illustrative scenarios last
18 week, and, you know, in order to review for this
19 hearing as best we could, I don't know that we do
20 see a compelling reason to alter the methodology
21 at this point.

22 So, I think this would fall sort of
23 into that category as well.

24 CHAIRMAN GOLDNER: Do you feel,

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 speaking on behalf the Department, that the
2 Department has fully reviewed the Burgess SCRC
3 numbers? Or, do you feel as though there's
4 additional analysis needed from the Department?

5 And, before you answer, I'll add the
6 next question, which is, does the Department plan
7 to have an audit, a final audit, on the Burgess
8 facility, to close out all aspects of this, this
9 analysis?

10 *[Atty. Young and Mr. Eckberg*
11 *conferring.]*

12 MR. YOUNG: When the -- Matthew Young,
13 for the Department of Energy again. When the
14 Chairman asked that we "review the Burgess
15 figures", are you referring to this, this
16 illustrative filing?

17 CHAIRMAN GOLDNER: No. I'm really
18 referring to the final calculation of 165.5
19 million, and the -- that the Department confirms
20 that it agrees that that is the right final
21 number for Burgess.

22 *[Atty. Young and Mr. Eckberg*
23 *conferring.]*

24 MR. YOUNG: So, regarding the audit, we

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 have not discussed performing an audit -- any
2 such audit. I'm not aware that anyone would
3 be -- any such audit would be conducted.

4 The Department does maintain its
5 position, I guess, in 23-091, that those -- that
6 the current SCRC rates and recovery are accurate.
7 We have no reason to doubt those figures.

8 CHAIRMAN GOLDNER: If the -- if the
9 Commission required an audit, would the
10 Department want to perform that audit, or would
11 it prefer that Eversource performs that audit?

12 *[Atty. Young and Mr. Eckberg*
13 *conferring.]*

14 MR. YOUNG: Matthew Young, for the
15 Department.

16 I'm not able to state one way or
17 another whether the Department would be able to
18 conduct an audit. I do know that it's a very
19 complex calculation.

20 That's probably all I can say on that.

21 CHAIRMAN GOLDNER: Okay. And I'll just
22 point out that, in the proposed 200 rules that
23 are ongoing right now, that this idea of the
24 audit, and who does it and when, is a part of the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 200 rules proposal, so that we get in front of
2 this. We're not talking about audits at the end
3 of the process.

4 So, in fairness, we were talking about,
5 you know, audits or not audits at the end of the
6 process, as opposed to beginning. So, I
7 recognize that that's imperfect.

8 Okay. Very good. The Office of the
9 Consumer Advocate?

10 MR. CROUSE: Attorney Crouse, speaking
11 for the OCA. Thank you for the opportunity to
12 respond.

13 The OCA was not prepared to make
14 changes or propose changes to the SCRC, or the
15 Part 2 costs. We appreciate what the line of
16 questioning the Commissioner has presented. But
17 hearing the reservations of the Department, and
18 some of the concerns from the Eversource witness
19 panel, I think that provides enough reason that
20 it might need another look, and get some more
21 assurance that, whether it's a one-for-one
22 exchange, or how those calculations neatly tie
23 up, we'd be interested in just better
24 understanding that.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 CHAIRMAN GOLDNER: Okay. And not to --
2 I'll just mention again that the choices are
3 between closing it now with a \$7.7 million
4 positive balance or closing it at a \$7.2 million
5 negative balance. And that -- and this proposal,
6 ratepayer costs are not affected at all, it's
7 just an accounting issue of what you put on what
8 line. So, that's really all we're talking about
9 here.

10 Okay. Anything else, Attorney Crouse?

11 MR. CROUSE: Attorney Crouse
12 responding. I appreciate that clarification,
13 especially the impact on ratepayers. We're just
14 not prepared to support a change at this time,
15 until we better understand how the numbers tie
16 up.

17 CHAIRMAN GOLDNER: Okay. Thank you.
18 And does the Consumer Advocate have a position on
19 auditing the final numbers for the Burgess ever
20 Burgess facility.

21 MR. CROUSE: I don't believe we have
22 any reason to doubt the numbers that have been
23 presented. I think you accurately stated Claim 3
24 provides a neat summary. And I believe I heard

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 from the Eversource witnesses that Claim 4 also
2 better addresses some of those concerns.

3 I would have to defer to the
4 Department's position, as to whether or not a DOE
5 audit would make sense. I'm not in a position to
6 comment on the complexities of how that plays
7 out.

8 CHAIRMAN GOLDNER: Okay. And I'll just
9 point out that audits are not -- are not
10 performed because of a lack of trust. It's a
11 verification process that's very standard in
12 corporations to make sure that no errors have
13 happened in the accounting. So, it has nothing
14 to do with trust. I would say it just has to do
15 with a validation that everything is ticked and
16 tied at the end of the process.

17 And, when you have something that's
18 \$165 million, I would argue that that's
19 significant. So, just to clarify, the purpose of
20 the audit isn't -- it has nothing to do with a
21 lack of trust.

22 MR. CROUSE: Attorney Crouse
23 responding. I think you're probably referring to
24 Socrates, "Trust, but verify"?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 CHAIRMAN GOLDNER: Thank you. Thank
2 you, yes. I think that's a good motto.

3 Okay. I guess I'll just ask one last
4 question of the OCA. Has the OCA's technical
5 team reviewed the numbers in the SCRC, or for
6 Burgess specifically, in this docket? Or, is the
7 Consumer Advocate relying on the Department's
8 analysis in this particular proceeding?

9 MR. CROUSE: There has been limited
10 internal review. But we are relying on the
11 Department's analysis.

12 CHAIRMAN GOLDNER: Thank you. Attorney
13 Chattopadhyay.

14 I'm sorry, now I've promoted you as
15 well.

16 CMSR. CHATTOPADHYAY: I'm not sure
17 that's a promotion, but --

18 *[Laughter.]*

19 CHAIRMAN GOLDNER: Commissioner
20 Chattopadhyay.

21 BY CMSR. CHATTOPADHYAY:

22 Q So, just going back to Bates Page 009, we were
23 talking about it. And you mentioned Row 20,
24 "Generation Divestiture Costs not Securitized",

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 that row. And I'm just trying to make sure I'm
2 following this.

3 So, whatever the rates are, if we were
4 going down the September 1st route, okay, one of
5 the rates that you've sort of shown in the
6 calculations, if those rates can be implemented
7 by not showing the "Chapter 340" row, but putting
8 that money in this column, 20 -- sorry, Row 20,
9 that's what you were talking about, right?

10 A (Robinson) Bryant Robinson. Yes.

11 Q Yes.

12 A (Robinson) Under --

13 Q But --

14 A (Robinson) Yes. Under the -- under the scenario
15 that we were discussing.

16 Q Yes. And I'm trying to make sure I followed
17 that.

18 A (Robinson) Yes.

19 Q But those costs will still be reflected in a way
20 that the rates do not change, or, for all of the
21 classes, as calculated by you, without even
22 considering this change?

23 A (Robinson) I'm not sure I fully understand,
24 Commissioner Chattopadhyay.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q That's okay.

2 A (Robinson) But, if we change what was filed on
3 August 5th, rates will change, because we did not
4 reflect Chapter 340 going away effective
5 September 1. And, if we are reclassifying costs,
6 from Chapter 340 to Part 2, and, again,
7 hypothetically, effective September 1, you would
8 have zero for a Chapter 340 Adder rate, again,
9 hypothetically, --

10 Q Okay.

11 A (Robinson) -- if we would have different Part 2
12 rates.

13 Q I think I should be careful how I put this.
14 Again, Commissioner Chattopadhyay.

15 If we go with Scenario 1, which is the
16 rates will be changed 1st of September, okay,
17 under that scenario, my question is, can we have
18 the same, the rates that you had calculated
19 overall, because these are all components, by
20 moving the dollars, instead of reflecting it in
21 "Chapter 340" row, be shown somehow? And I'm
22 trying to understand whether that can be done,
23 through a row like Number 20, in Bates Page 009,
24 and yet keeping intact this understanding, to the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 best of my reconciliation, that the Chapter 340
2 is -- the rates are uniform across all rate
3 classes? So, that's my question. Can that be
4 done?

5 Because I'm really worried about, if
6 you go to Bates Page 005, was it? I think let's
7 go to Bates Page 005. Once you're there, let me
8 know.

9 Clearly, some of the elements, the
10 rates are being set uniformly. And, so, there
11 are, for example, of course, the Chapter 340
12 Adder rate, you also have the same rate for
13 Environmental Remediation Adder rate, things like
14 that. And I'm trying to get a confirmation if
15 you're going to change the approach, and not
16 allow this dollar to be shown in this row, which
17 is the "Chapter 340 Adder"?

18 Is it still possible to do the same
19 thing? Meaning that, for the other elements,
20 yes, we are dividing it across the different
21 classes, based on the top-row percentages. But,
22 for 340, it remains, that dollar amount is still
23 being uniformly collected.

24 And I'm saying it because I think there

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 may be -- at the time this was set, this was --
2 this approach was chosen. There was some sort of
3 agreement with the other, the parties. So,
4 that's what bothering me a bit.

5 A (Robinson) Okay. May I -- may I just sort of
6 replay what I think I heard?

7 Q You should, and then I will change the tape.

8 A (Robinson) Thank you, Commissioner. I believe
9 what I heard was that we're talking about, and,
10 again, let's talk about -- again, hypothetically,
11 we're talking about the \$7.8 million
12 under-recovery that we have in Chapter 3 --
13 projected under-recovery that we have in Chapter
14 340 as of August 31, 2024. And, then, I would
15 propose I would have to add the carrying charge
16 to that. So, you'd be at about \$7.8 million, you
17 know.

18 I think what I'm hearing you say is,
19 instead of -- when you contrast -- well, upon the
20 hypothetical transfer to Part 2, instead of
21 having that be subject to the generation
22 divestiture allocation by rate class, I think I
23 heard you ask "Can we do it, take that \$7.8
24 million on a straight average cents per kWh?"

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 So, we're mixing and matching Part 2. So, we
2 would have the traditional Part 2, that will be
3 allocated subject to the generation divestiture
4 percentages. And, then, we'll have just sort of
5 a separate side calculation of that \$7.8 million
6 Chapter 340-related transfer to Part 2, but have
7 that be calculated on a straight cents per
8 kilowatt-hour basis.

9 Q Correct.

10 A (Robinson) Again, mechanically, we can do that.

11 Q Okay.

12 A (Robinson) You know, we can do that. I mean, I
13 prefer not to. But can it be done? Yes, it can
14 be done.

15 Q Another hypothetical question. If we went the
16 February 1st route, meaning the second
17 hypothetical that we have talked about today,
18 meaning the rates are going to remain in effect
19 as what they are right now. But somehow still
20 get rid the "Chapter 340" row currently, and put
21 that money into some other column -- sorry, row,
22 and yet the rates remain unchanged. Is that
23 possible?

24 A (Robinson) So, we're on the second scenario now?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q Yes.

2 A (Robinson) So, we're on the new rate year. We're
3 looking at the new rate year, February 1, 2025,
4 through January 31, 2026. Just want to make sure
5 we're on the same --

6 Q Correct.

7 A (Robinson) -- on the same page?

8 Q Yes.

9 A (Robinson) In that second scenario, that's
10 basically what we've done, is we have, in that
11 second scenario only, we have zeroed out the
12 Chapter 340 Adder. We transferred the \$5.9
13 million over-recovery from Chapter 340, to that
14 line, that same Line 20 on the schedule. And the
15 difference between the 5.9 is that that's the
16 over-/under-recovery, plus the carrying charges.

17 So, in that second scenario, that's
18 what we've done. But, again, that -- by that
19 transfer, that's subject to the generation
20 divestiture allocations. So, that's what we've
21 included in that scenario.

22 Q But, in that scenario, you were calculating rates
23 that would go into effect in February.

24 A (Robinson) Correct.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q What I'm asking is, if -- can we do something to
2 this, it's almost like fictional, we're dealing
3 with the tariff, but the rates are not going to
4 change right now. They'll continue until the end
5 of January. But, somehow the "Chapter 340" row
6 is no longer there in the tariff, but that amount
7 is being reflected in some other way? That's the
8 question.

9 So, it's happening starting September
10 1st, but the rates are all -- remain at what they
11 are right now. Do you follow what I was talking
12 about?

13 Like, it's -- what you did in the
14 Scenario 2, the rates have been calculated to
15 begin in February. I'm saying, is there
16 something that we can do without touching the
17 rates, ultimately, that the ratepayers see, which
18 is what the rates are right now, and tweak,
19 present the numbers in a way that the "Chapter
20 340" row disappears, but that money is being
21 reflected somewhere else?

22 A (Robinson) To make sure I understand, --

23 Q Yes.

24 A (Robinson) -- because, again, just bear with my

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 slow mind at times, but --

2 Q Believe me, I'm slower.

3 A (Robinson) No, you're a Commissioner. I'm here,
4 so --

5 I think -- I think what I heard again,
6 Commissioner Chattopadhyay, was that the
7 provisional rates stay in effect through January.
8 Did I hear that correctly?

9 Q Commissioner Chattopadhyay. Correct.

10 A (Robinson) Okay. So -- and Bryant Robinson. So,
11 let's work with that premise: Provisional rates
12 stay where they are right now. I want to make
13 sure I understand what your ask -- what your ask
14 was. With promotional rates still in effect, but
15 to be adjusted by, and I just want to make sure I
16 understand what you meant by that "adjusted by"?

17 Q Okay. The rates will still be the same, but,
18 because now we don't want to have "Chapter 340"
19 row, you know, being there in the tariffs, if it
20 is there, whatever dollar amounts that are
21 associated with that row being picked up by some
22 other row? That's my question.

23 So, you'll continue with the existing
24 rates until January 1st, but somehow you present

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 the numbers differently, as far as the tariff is
2 concerned.

3 A (Chen) So, if I may? Yi-An Chen. If I may? So,
4 am I --

5 Q And please, please get closer to the mike, if you
6 don't mind.

7 A (Chen) So, if I understand correctly,
8 Commissioner, so, are you suggesting and asking
9 if we can ultimately, I think, what you are
10 trying to achieve is to have the Chapter 340
11 Adder end as of the end of August, this year, but
12 in a way it's really just presentation. But, in
13 a way, you still expect it to be allocated --
14 well, to be spread among rate classes the same
15 way it was for recovery purposes, but just for
16 presentation purpose, it would disappear?

17 Q Exactly.

18 A (Robinson) So, if I understand that correctly,
19 and, again, and bear with me, Commissioner, just
20 I'm thinking "provisional rates", where we have
21 our SCRC rates, including the adders.

22 So, you mentioned "tariff".

23 Q Repeat that? Did you say "tariff"?

24 A (Robinson) You mentioned "tariff".

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q Yes.

2 A (Robinson) Is it your expectation that, effective
3 September 1, we would show zero for a Chapter 340
4 Adder rate?

5 Q Correct. If --

6 A (Robinson) And have that be picked up in the
7 Part 2?

8 Q Correct, without impacting the rates.

9 A (Robinson) May I -- can we ask if Mr. Anderson
10 has any thought on that?

11 Q Sure.

12 A (Anderson) Scott Anderson. I'm looking at the
13 tariff table that has the SCRC rate components.
14 And I'm understanding the question to be, "can
15 one of those rows be zeroed out, and dollars
16 shifted to another row?" I think that part of
17 the tariff, it's simple to do. Although, it
18 doesn't comport with the other language in the
19 tariff that speaks to the allocation of these
20 components to various rate classes or straight
21 averages.

22 If we're going to deviate from that, it
23 may take a tariff change, or else we'd be in
24 violation of the tariff.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Q So, again, I'm not a lawyer, so, I'm asking this
2 as an economist. This is still provisional,
3 because, in February, the rates are going to be,
4 again, going back to, now that 340 is gone,
5 wherever it is, it is. But, really, it's trying
6 to recognize that Chapter 340, that is no longer
7 there. And, without -- and we don't want to
8 impact the provisional rate, --

9 A (Robinson) Okay.

10 Q -- because we haven't spent a whole lot of time
11 analyzing, you know, what may be the optimal
12 approach. So, it's really still provisional, but
13 just simply moving around the dollars, and
14 getting rid of "340 Chapter" line. That's what
15 it is.

16 And I understand your point about, you
17 know, what it might mean for the tariff. But
18 that's -- I was still probing.

19 But, mechanically, you were saying it
20 can be done quite easily?

21 CHAIRMAN GOLDNER: If I could, just a
22 moment, we need to flip the tape in back. So, we
23 can just stay here. We'll just go off the
24 record, flip the tape, and then go back on the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 record.

2 [Short pause.]

3 CHAIRMAN GOLDNER: Okay. We can go
4 back on the record. Commissioner Chattopadhyay.

5 BY CMSR. CHATTOPADHYAY:

6 Q So, I think I was awaiting a response. Really, I
7 think the question that I asked was prompted by
8 the discussion about the -- about I think it was
9 Bates Page 009, the "Divestiture" row, so moving
10 around money.

11 When you do that, do you have to choose
12 a specific allocation, or any approach, or you
13 can just take the dollar amounts, and plug it in,
14 whatever needed, to make sure that the rates
15 remain unchanged across the different classes?
16 And then, therefore, maybe we don't need to worry
17 about any tariff violations. But that's just a
18 thought.

19 A (Robinson) Bryant Robinson. When I mentioned
20 that, hypothetically, we could transfer from the
21 Chapter 340 Adder reconciliation schedule, to
22 Bates Page 009, that would be, again, by making
23 that simple change, and, again, hypothetically,
24 making that simple -- that would subject that

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 amount that you're transferring to be allocated
2 to the rate classes. As Mr. Anderson mentioned,
3 Part 2 is allocated based on those divestiture
4 percentages.

5 Q Okay. Got it.

6 A (Robinson) And that's -- I think that's what -- I
7 think that's what Mr. Anderson was alluding to,
8 was that, if you want to change that dynamic,
9 then we have to change the tariff. It would
10 require a tariff change.

11 Q Is there any other placeholder, other than
12 Part 2, where that can go?

13 A (Robinson) Bryant Robinson. And, again, going
14 back to the -- going back to the description of
15 "no change in the provisional rates as they're in
16 effect now", I think, for all intents and
17 purposes, all we would do is be changing out the
18 "Chapter 340 Adder" description to unknown, or
19 some generic description, or "Chapter 340
20 Closeout".

21 CMSR. CHATTOPADHYAY: Okay. I think I
22 probed enough. I understand where it's going.

23 WITNESS ROBINSON: Am I answering your
24 questions, Commissioner?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 CMSR. CHATTOPADHYAY: Sure. I think
2 that's all I have. It's helpful. Thanks.

3 CHAIRMAN GOLDNER: So, the notice for
4 this meeting focused -- or, this hearing focused
5 on Burgess. But I do have a couple of questions
6 relative to net metering, which is also a docket
7 for next week. And, so, I'm just going to ask a
8 few questions relative to that. It's relative to
9 Ms. Chen's testimony in this docket, and perhaps
10 others. And, so, I think we have the right
11 witness here.

12 BY CHAIRMAN GOLDNER:

13 Q So, Ms. Chen, I'm looking at, in 23-091, I'm
14 looking at the filing made or dated "January 8th,
15 2024", called "YC/EAD-13". And my question
16 ultimately relates to that filing in January, and
17 why this filing looks so different?

18 I don't understand why there would be
19 such a big difference in the span of only six
20 months or so. But let me begin the questioning
21 this way.

22 So, in this docket, 23-091, on Line 2
23 of that exhibit, it shows an estimated net
24 metering cost of \$24.5 million. And my first

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 question is, how is that net metering cost
2 calculated? Is that a bill credit? Is that --
3 what exactly are we looking at, in terms of the
4 composition of the estimated net metering costs
5 from February '24 to January '25?

6 And my initial assumption was that it
7 was just the bill credit. But I don't know if
8 that's right.

9 *[Witness Chen and Witness Robinson*
10 *conferring.]*

11 **BY THE WITNESS:**

12 A (Robinson) Bryant Robinson. Commissioner
13 Goldner, when you're looking at the January 8th
14 filing, on Line 2, we had an estimate of \$28.2
15 million of net metering.

16 BY CHAIRMAN GOLDNER:

17 Q I show "24.47".

18 A (Robinson) Yes. That's on Line 4.

19 Q I'm showing that on Line 2. But I'm showing
20 "27.9" on Line 1; "24.5" on Line 2; and "53.4" on
21 Line 4. Exhibit 2, 23-091.

22 A (Chen) Yi-An Chen. Just to check on the Bates
23 pages. That's Bates Page 072.

24 Q I don't have the Bates page. But it's

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 "YC/EAD-13, Page 1".

2 A (Chen) Page 1.

3 A (Robinson) Yes. And I would ask you to turn to
4 Bates Page 072.

5 Q Okay.

6 A (Robinson) Because what I'm referring to,
7 Commissioner -- and, I'm sorry, Mr. Patnaude,
8 Bryant Robinson. Line 2 is the projection of net
9 metering costs for the twelve-month period \$28.2
10 million.

11 Q Okay. And what is that composed of? Is that the
12 bill credit? Or what are we looking at?

13 A (Robinson) And that is -- those are the net
14 metering charges that show up in customers'
15 bills. And all those charges are booked to an
16 Account 55500, Purchase Power account.

17 And what we do, for forecast purposes,
18 we forecast based on historical. So, on Line 2,
19 where you see the \$2.3 million forecast
20 monthly, --

21 Q Yes.

22 A (Robinson) -- that was based on an average from
23 last fall.

24 Q And I just want to make sure I'm understanding

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 the transaction. So, I have solar on my house.
2 I'm a residential, in this particular example,
3 net metering customer. When I purchase power
4 from the grid, I pay the same rate as everyone
5 else, supply, plus transmission, plus
6 distribution. That's the -- that's my cost.

7 But, if I sell energy to the grid under
8 the net metering tariff, I get supply, plus
9 transmission, plus a quarter of distribution.

10 So, I'm just trying to understand the
11 transaction. When I'm looking at this line, am I
12 looking at how much the residential solar person
13 is paying to Eversource? Or how much that person
14 is receiving via putting energy on the grid?

15 A (Robinson) Bryant Robinson. If I can try to
16 consult with Mr. Anderson?

17 Q Thank you.

18 A (Robinson) Because, when it comes to the
19 application of the tariff, that's a little beyond
20 my ability.

21 Q Thank you.

22 *[Witness Robinson, Witness Anderson,*
23 *and Witness Chen conferring.]*

24 MR. YOUNG: Excuse me, Mr. Chairman.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Matthew Young, with the Department of Energy.

2 Could I have a reference on what page
3 we're on?

4 CHAIRMAN GOLDNER: I am also not
5 following the Company's numbers perfectly. But
6 I'm looking at Exhibit 2, in 23-091, YC/EAD-13.

7 But, when the Company comes back
8 online, we can perhaps clarify for everyone, so
9 we can use the same table.

10 MR. YOUNG: "Exhibit 2" you said?

11 CHAIRMAN GOLDNER: Exhibit 2.

12 **BY THE WITNESS:**

13 A (Chen) Yi-An Chen. So, we -- so, that would be
14 the purchase power expense. And, then, that,
15 just to note, that that's not the lost base
16 revenue. It's just the purchase power expense.

17 And, then, we, like Mr. Robinson noted
18 earlier, we based on the historical number to
19 come up with the forecast.

20 BY CHAIRMAN GOLDNER:

21 Q Totally understand. And what I'm trying to
22 understand is, what is that composed of? Is that
23 energy that's being sent from the house, the
24 solar customer, to the grid?

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 I don't understand what that number is
2 composed of. It just says "Company Forecast",
3 and I don't know what that means.

4 A (Robinson) Bryant Robinson. Commissioner, I
5 believe that would be the excess that's delivered
6 to the grid that we need to pay for. So, you
7 know, it's -- that's the best I can interpret the
8 tariff.

9 Q Okay.

10 A (Robinson) But, for it to be a purchase power
11 expense, it would have to be an excess, excess
12 energy that we're paying for, that's getting
13 delivered to the grid.

14 Q Okay. That makes sense to me. So, I'm just
15 going to repeat that back, to make sure that I
16 understand.

17 So, I have solar on my house. I have
18 excess power. I provide that to the grid. The
19 Company gives me a bill credit, I think it's
20 monthly. That bill credit is based on the
21 default service cost, the transmission cost, and
22 a quarter of distribution. That's the payment
23 that I get, times my energy, the energy that I
24 provided to the grid. And that, ultimately, is

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 what ends up in that account.

2 I recognize that the forecast is based
3 on history. But that's what it's actually
4 composed of, correct?

5 A (Robinson) Correct.

6 Q Okay. Thank you. And, then, what is the "Market
7 Revenues"? What does that mean? What is that
8 composed of?

9 A (Robinson) Bryant Robinson. For some of the
10 customers, where they're, you know, basically,
11 ISO energy -- I mean, ISO revenues that are
12 awarded to the Company, that are booked -- that
13 are credited to the Company for some of those net
14 metering customers, not all the customers, but it
15 would be energy and capacity.

16 Q Okay. So, now, I'm a large net metered customer,
17 let's say I'm running at almost a megawatt. So,
18 I'm a commercial customer. And I'm providing
19 energy to the grid as a net metering customer.
20 What does the -- maybe just kind of walk us
21 through, what does the Company collect based on
22 that power that's being provided to the grid,
23 maybe explain how the Company collects a revenue
24 based on that customer's energy being sent to the

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 grid?

2 I'm not sure I understand what
3 Eversource is collecting revenue for.

4 A (Robinson) Bryant Robinson. I know -- I know
5 what we receive from ISO. As far as the
6 technical aspects of it, I can't really explain
7 that. Unless someone here has any idea?

8 A *[Witness Anderson indicating in the negative].*

9 Q So, it would be, and we can talk about this
10 now --

11 CHAIRMAN GOLDNER: Mr. Eckberg, yes?
12 Please.

13 MR. ECKBERG: It's my understanding
14 that, for large customer-generators, over a
15 certain size, Eversource registers those
16 generators as what's called "settlement-only
17 generators" at the ISO Market. And they receive,
18 I think as one of the witnesses said, payments
19 from ISO for energy and capacity related to those
20 large generators.

21 That revenue that the Company receives
22 is an offset to the expenses, which are
23 represented by the payments that the Company
24 makes to customer-generators. So, I believe that

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 is what you're asking about.

2 CHAIRMAN GOLDNER: Thank you. And, so,
3 I think, just to hopefully repeat back, that's
4 probably largely capacity payments for the energy
5 provided from these large customers?

6 MR. ECKBERG: I think, dollarwise,
7 probably the energy payments are larger than the
8 capacity payments. But I would have to be
9 subject to check on that.

10 WITNESS ROBINSON: Bryant Robinson.
11 That is correct, Mr. Eckberg.

12 CHAIRMAN GOLDNER: Okay.

13 BY CHAIRMAN GOLDNER:

14 Q And it looks like those revenues, and I know
15 we're struggling with exactly which exhibit we're
16 looking at here, but those net metering market
17 revenues, what we just discussed, are about 10
18 percent of the net metering expenses, at least on
19 the table I'm looking at. So, the revenues are
20 much smaller than the expenses. Would that be an
21 expected outcome?

22 A (Robinson) Bryant Robinson. I can't really speak
23 to the ratio of revenues to expense.

24 Q Okay.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 A (Robinson) I don't have that type of technical
2 understanding of net metering transactions.

3 Q Okay. No problem. And, then, there's another
4 line, on Line 1, and, again, I'm looking at
5 YC/EAD-13, this time Page 2 of Exhibit 2, the
6 January 8th filing. And there's a line, Line 1
7 is called "Net Metering Adder Revenues". And
8 it's huge. It's 53.4 million. What is that?

9 A (Robinson) Bryant Robinson. That is the approved
10 Net Metering Adder rate that is used to calculate
11 the Net Metering Adder revenues on a monthly
12 basis.

13 Q Okay. So, I now understand net metering expense.
14 That explanation was excellent. I appreciate
15 Mr. Eckberg's definition on "Market Revenues".
16 Those are clear to me.

17 I don't -- maybe put it in layman's
18 terms for the Net Metering Adder Revenues of, in
19 this case, 53 million. Like, what -- so, I have
20 solar on my house. Is this for energy sent onto
21 the grid? Energy received from the grid? What
22 is -- what are we talking about?

23 A (Robinson) No. These are the revenues received
24 based on what the forecast reconciliation is, of

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 the forecast expense, forecast revenue, and any
2 prior period over-/under-recoveries.

3 Q Oh, I understand the accounting piece. I'm
4 trying to understand what it's physically for.
5 So, the Company is, --

6 A (Robinson) Actual --

7 Q -- I think, collecting 53 million, and I don't
8 understand what for? Like, I have solar on my
9 house. How is that related to the 53 million?

10 A (Robinson) That would primarily be related to,
11 you know, prior period over-/under-recoveries,
12 plus whatever the net activity is --

13 Q Okay.

14 A (Robinson) -- for that given forecast period.

15 Q Okay. So, that's truly an accounting --

16 A (Robinson) Correct. Correct.

17 Q Okay. So, that's helpful. So, I'm going back to
18 Page 1 of 2 in the same Exhibit 2, and dated
19 January 8th, 2024. And this was the big thing
20 that I'm puzzled by.

21 So, the over-/under-recovery from the
22 prior period is actually larger than the total
23 net metering costs for the period. So, it
24 implies that the Company maybe even wasn't

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 collecting net metering costs up to this
2 particular proceeding. So, I'm not quite sure
3 what's going on there. Why would the
4 carryforward be larger than the total net
5 metering amount for the period?

6 A (Robinson) It would have to do with our forecast
7 was --

8 Q Terrible?

9 A (Robinson) -- was off.

10 Q Right. Because they're off by a factor of two.

11 A (Robinson) And, for that prior period,
12 Commissioner Goldner, keep in mind, that prior
13 period number you're seeing was just coming off
14 the twelve months of 20 plus-cent Default Service
15 rates. So, our forecast, I think, was just much
16 lower --

17 Q Okay.

18 A (Robinson) -- than what -- because, again, since
19 we forecast based on historical, I was hesitant
20 to forecast based on 20 cents, you know, --

21 Q Yes.

22 A (Robinson) -- you know, that --

23 Q Rightfully so, yes.

24 A (Robinson) So -- and, no, touché. You're right.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Our -- my forecast was off on that. Because,
2 again, when we're in a good, relatively stable
3 default service market, prices varied by smaller
4 percentages. But, when we jumped, when prices
5 doubled, our forecast was off. So, --

6 Q Okay. Thank you. And, so, let's return to
7 Exhibit 7 here. And maybe you can orient me to
8 your -- what Bates page has the current forecast
9 for net metering?

10 So, now, we're smarter, six or seven
11 months have elapsed, rates have stabilized. What
12 is the current forecast?

13 A (Robinson) Are we talking -- you're looking at
14 the interim or you're looking at the Scenario 1,
15 which is the interim rate, or Scenario 2, the --

16 Q What I'm really interested in is the -- is the
17 current forecast.

18 A (Robinson) So, we're looking at through
19 January 31, 2025?

20 Q Correct.

21 A (Robinson) That's the current -- that's the
22 current forecast period.

23 Q Yes.

24 A (Robinson) Yes. So, I don't know the Bates page.

[WITNESS PANEL: Chen|Robinson|Anderson|Johnson]

1 Bates Page 031.

2 MR. WIESNER: Mr. Chairman?

3 CHAIRMAN GOLDNER: Yes.

4 MR. WIESNER: I'm wondering if it's
5 possible for Attorney Johnson to be excused from
6 the panel, if there are no further questions for
7 him, and I don't have any redirect for him? He's
8 got to catch a plane back to Virginia this
9 afternoon. And I know he was -- and Attorney
10 Heath needs to go as well.

11 So, I know we were scheduled to go
12 through noon, and may go after, further, and
13 that's fine. But, if we're done with his
14 testimony, if he could be excused, that would be
15 most appreciated.

16 CHAIRMAN GOLDNER: Sure. The witness
17 is excused. Thank you for coming in today, sir.

18 WITNESS JOHNSON: Thank you.

19 CHAIRMAN GOLDNER: Thank you.

20 WITNESS JOHNSON: Thank you,
21 Commissioner.

22 *[Witness Johnson excused from the*
23 *Witness Panel.]*

24 **BY THE WITNESS:**

[WITNESS PANEL: Chen|Robinson|Anderson]

1 A (Chen) Yi-An Chen. So, if I understand your
2 question correctly, Chairman, so, you're asking,
3 for Exhibit 7, Bates Page 031 and 032, if we
4 reflected any updates on the forecast, or if we
5 have better forecasted numbers?

6 BY CHAIRMAN GOLDNER:

7 Q Well, what I'm really interested in is what is
8 the bill for ratepayers for net metering in the
9 current year, and then what do you expect it to
10 be next year, ultimately?

11 And, because, in your rate chart,
12 you're showing that, of the total SCRC, including
13 all the Part 1 costs and everything else, net
14 metering is half of your SCRC rate. So, it's
15 become a gigantic portion of the SCRC rate that
16 Eversource is charging ratepayers. And I'm
17 trying to understand "Why this cost is so large?"

18 A (Robinson) Bryant Robinson. I mean, that's one
19 of the issues, on an interim rate change, is that
20 even our projected \$7 million under-recovery, for
21 the September through January 31 period, I mean,
22 to recover that \$7 million over the remaining
23 period, five months, just exacerbates the
24 problem.

{DE 23-091 & DE 24-032} {08-14-24}

[WITNESS PANEL: Chen|Robinson|Anderson]

1 But, because we were so significantly
2 under-recovered in our January 8th filing, that's
3 what led to the significant increase in the Net
4 Metering Adder, at that point in time, that was
5 approved -- that was approved for provisional
6 purposes.

7 And, so, now, in this scenario, we're
8 looking at the interim rate, again, I think we
9 use the term "to zero out", --

10 Q Uh-huh.

11 A (Robinson) -- in order to zero out, what would we
12 need to do to get net metering to zero? We would
13 have to adjust that rate by 0.237, in order to
14 get that to zero by year-end.

15 Q Okay. Okay. And, then, can you point me to the
16 Bates page for the projected rate next year,
17 beginning February 1st, 2026 [sic]?

18 A (Robinson) We're looking that up, Commissioner,
19 because Ms. Chen has the right version of the
20 document.

21 But I just want to mention that, when
22 we get there, again, what we've done for that
23 projection is we just based on historicals, based
24 on an average of historical costs. That's how we

[WITNESS PANEL: Chen|Robinson|Anderson]

1 developed this illustrative February 1, 2025, to
2 January 2026 forecast.

3 Q Thank you. And I guess my criticism of the
4 approach is that it -- the numbers appear to be
5 bouncing around wildly. And, so, when that
6 happens, it's not a criticism of the forecaster,
7 it's a criticism of the process.

8 And, so, I would argue that the process
9 for estimating net metering is somehow broken,
10 and that we should revisit the process of the
11 forecast here, because it's -- I'm just seeing
12 significant carryforwards over and under. And I
13 guess I would -- I'm concerned about the process
14 that we have in place that has these
15 fluctuations.

16 A (Robinson) And -- Bryant Robinson. And we have
17 talked about that in the past in, I think, prior
18 SCRC dockets. Commissioner, I think you and I
19 had that discussion at one point, is it our
20 forecasting method not perfect -- I mean, is our
21 forecasting method perfect? No.

22 But, in this case, particularly when
23 you're looking out over the next rate year,
24 you're trying to -- we don't want to get into the

[WITNESS PANEL: Chen|Robinson|Anderson]

1 position of estimating what Energy Service rates
2 will be for an extended period of time. So,
3 that's why we've always sort of, again, in stable
4 times, "stable times", history wasn't a bad
5 indicator. But it's, since we've had volatility
6 in the Default Service rates, I mean,
7 participation in net metering has increased.

8 So, I would suggest -- I would take
9 what your comment is, take that back, and have
10 it -- discuss it among folks in Eversource, to
11 see if there is a better way for us to forecast,
12 other than just using the average of historical.

13 Q Thank you. It doesn't appear to be working.
14 And, as you said, it might be related to the
15 fluctuations recently. But it's been pretty
16 stable for the last year and a half.

17 A (Robinson) Well, as far as Energy Service prices.
18 But it's just that I think the number of
19 participants in net metering has also increased.
20 And, so, it's just difficult to gauge. Because I
21 don't really know how you would -- again, I
22 don't -- I personally don't know of a way to
23 estimate what all those credits you were talking
24 about, you know, transmission, things of that

[WITNESS PANEL: Chen|Robinson|Anderson]

1 nature, because we don't look at it on a
2 customer-by-customer basis. That's why took a
3 holistic approach, looking at it, you know,
4 "Okay, here's what the cost was, here's what the
5 payments were."

6 Q But I think you -- I guess my critique would be
7 "But you could." I mean, Eversource knows what
8 the bill credit is that it's sending to
9 customers. Eversource knows what it is for each
10 individual customer.

11 So, there could actually be, I would
12 propose, a sort of almost real-time view of
13 what's happening in the market. You could see
14 the number of customers increasing. You could
15 see the dollar value by customer. You would have
16 seasonality information.

17 So, I'm just wondering if the Company
18 is using the right information to make this
19 particular forecast?

20 A (Robinson) Bryant Robinson. I, as mentioned
21 previously, I will take -- we will take that back
22 and discuss that, and see what alternatives are
23 available to us. I don't know if such
24 information is available, or readily available.

{DE 23-091 & DE 24-032} {08-14-24}

[WITNESS PANEL: Chen|Robinson|Anderson]

1 I don't know how much work it would be, if it's
2 not readily available, to create.

3 So, there are just answers I don't have
4 at this point in time as to an alternative
5 forecasting method.

6 CHAIRMAN GOLDNER: Thank you. And,
7 Attorney Wiesner, and this is perhaps for next
8 week's docket, but it's unclear, to me at least,
9 that there's clarity on the tariff itself for net
10 metering. And I would argue, I think, that a
11 specific and unique tariff would be something
12 that we would want to talk about next week for
13 net metering itself, to sort of clarify this.
14 Number one.

15 And, number two, I would say that, if
16 the net metering SCRC includes the supply rate,
17 I'm not sure that that's -- I'm not sure that
18 that's correct, because it's then being
19 subtracted out. In other words, I think you're
20 overidentifying, the Company is overidentifying
21 the net metering amount that it's charging to
22 customers.

23 Now, I don't doubt that that gets
24 netted out elsewhere, because you're consuming

[WITNESS PANEL: Chen|Robinson|Anderson]

1 less power, that this hypothetical solar customer
2 is putting power on the grid, therefore, the
3 Company doesn't have to purchase as much. So, it
4 all nets out.

5 But, if you're including supply in the
6 SCRC, that's probably a point of further
7 discussion, because I'm not sure that that makes
8 sense.

9 MR. WIESNER: I'm not handling the net
10 metering docket. So, I won't be involved in
11 those hearings next week. And I know there are
12 some related issues.

13 This is more about the recovery of the
14 actual payments/dollars that the Company makes to
15 net metered customers, and how that can be
16 recovered net of whatever is received from the
17 ISO Markets, as we discussed earlier.

18 And, other than the forecasting, I'm
19 not sure, and we can take a look at what -- if it
20 is possible to do more accurate forecasting.
21 It's very much of a moving target, mostly because
22 of the market prices on the revenue side, the
23 Energy Service rates, which change twice a year,
24 of course, and the net -- more and more projects

[WITNESS PANEL: Chen|Robinson|Anderson]

1 are net metering, as we understand it.

2 And, you know, the Company has no
3 control over who's going to net meter, other than
4 to monitor that through the interconnection
5 process. But it's really not the Company's call
6 as to when a particular project becomes
7 operational.

8 That said, as Attorney Robinson -- or,
9 excuse me. Everyone is getting a promotion here
10 today.

11 *[Laughter.]*

12 MR. WIESNER: Or, demotion, depending
13 on your perspective.

14 Mr. Robinson suggested that we can take
15 a closer look at what -- trying to refine the
16 forecasting somewhat, and achieve a greater level
17 of accuracy. And we will certainly commit to do
18 that.

19 CHAIRMAN GOLDNER: And, I suppose, if a
20 customer, that Eversource is servicing today,
21 moves into community aggregation, that customer
22 would then disappear from the calculation, I
23 think.

24 So, I have no doubt this is very

[WITNESS PANEL: Chen|Robinson|Anderson]

1 complex. I would just appreciate the Company's
2 revisiting of the process by which the
3 forecasting happens, because it just -- the
4 numbers are bouncing around, from a Commission's
5 perspective, so much, it's a little bit hard to
6 track what's going on.

7 Okay. So, I don't think we will have a
8 lot after lunch. The Commissioners will regroup
9 and see if there's anything else that we need to
10 talk about today. We can be as long or short at
11 lunch as the parties wish.

12 Do you prefer a half-hour lunch, an
13 hour lunch, 45 minutes? Do the parties have a
14 preference?

15 I don't think there will be a lot after
16 the break, but I would anticipate maybe half an
17 hour or 45 minutes.

18 MR. WIESNER: I wonder if it's possible
19 -- well, I wonder if it would be possible to take
20 a very short break for the Commissioners to
21 confer, and defer lunch, and just finish up with
22 a final push, if that's possible?

23 CHAIRMAN GOLDNER: Okay. Would the
24 parties be okay with that?

[WITNESS PANEL: Chen|Robinson|Anderson]

1 MR. YOUNG: The Department would
2 support that approach.

3 MR. CROUSE: Attorney Crouse
4 responding. The OCA is supportive of the
5 approach presented by Attorney Wiesner.

6 CHAIRMAN GOLDNER: Thank you.
7 Mr. Patnaude, are you okay with that approach?

8 MR. PATNAUDE: Yes.

9 CHAIRMAN GOLDNER: Yes. Thank you.
10 Okay. We'll return as quickly as
11 possible. And let's call it 12:10, and resume
12 then. Off the record.

13 *(Recess taken at 12:01 p.m., and the*
14 *hearing reconvened at 12:15 p.m.)*

15 CHAIRMAN GOLDNER: Okay. Just final
16 Commissioner questions here.

17 BY CHAIRMAN GOLDNER:

18 Q So, still on net metering. Does the Company know
19 how much of the net metering expense is, or
20 ratepayer cost, is commercial versus residential?
21 Do you know the percentage breakout on that, for
22 the current year?

23 A (Robinson) Bryant Robinson. That's not something
24 we have readily available, Commissioner.

[WITNESS PANEL: Chen|Robinson|Anderson]

1 Q Okay.

2 A (Robinson) I mean, the big -- the big items for
3 net metering is group host payments, and a
4 combination of the net metering tariffs. They're
5 done on two different billing systems. So, I
6 know what the gross amount is. I don't know
7 how -- group host would be just that, group host
8 payments for group host customers. But, as far
9 as the other billing system, I think that does
10 break it out by net metering tariff, and it may
11 break it out between residential and commercial.

12 But I don't know if I have that
13 information, I have it going back a number of
14 months, but I don't know how far back I have
15 that.

16 CHAIRMAN GOLDNER: Okay. Yes, I'll
17 just share my concern, and then I'll make a
18 record request.

19 So, my concern is that, when you have a
20 process that's based on something called a
21 "company forecast", there's the opportunity for
22 financial engineering. Meaning that companies
23 can recover, or secure from ratepayers, more or
24 less money every month. Now, it's all

[WITNESS PANEL: Chen|Robinson|Anderson]

1 reconciling. So, in the end, it all comes out in
2 the wash.

3 But what you don't want to have to
4 do -- what you don't want to do, in my opinion,
5 is have an opportunity for regulated companies to
6 have a process where they can recover more or
7 less, just based on, you know, sort of an
8 opaque -- an opaque line on a spreadsheet.

9 So, what I want to do moving forward is
10 make this net metering forecast more clear, less
11 opaque. And what I would say about that is we,
12 and in the record request that I'll make here,
13 is, for the current year, the current amount
14 that's being charged to customers for the current
15 year, how much is, of that, the tariff, how much
16 of that cost is commercial? How much is
17 residential? How many customers are in this
18 number? What's the dollar amount per customer?
19 Just to get a handle on what's, you know, what's
20 going on here.

21 So, I'd like to do that sort of moving
22 forward, as we work on next year's net metering
23 tariff, to have a much line of -- a much deeper
24 line of detail. And I'm respectful of the

[WITNESS PANEL: Chen|Robinson|Anderson]

1 process that the Company is using in forecasting
2 and so forth. I just don't think, frankly, it's
3 working.

4 And I don't understand the numbers that
5 I'm looking at. And, as a regulator, if I don't
6 understand what I'm looking at, I need to talk to
7 the Company about what we can do, so that the
8 regulator knows what it is they're approving. If
9 I'm approving a line called "Company Forecast", I
10 don't know to -- I don't know how to approve
11 that.

12 So, that's -- I'll make the record
13 request, Attorney Wiesner, here. And I'll just
14 pause here to see if there's any questions about
15 that request?

16 MR. WIESNER: If I understood the
17 request, one of the things that's being requested
18 is the "dollar amount per customer". And I don't
19 know how easily available that is or what it
20 would take to put that together.

21 I think the other three questions, if I
22 got them right, are, you know, "How many are
23 commercial/industrial?" "How many are
24 residential?" And "How many customers?", I

[WITNESS PANEL: Chen|Robinson|Anderson]

1 guess, in each category?

2 CHAIRMAN GOLDNER: Yes.

3 MR. WIESNER: Is that fair to say?

4 Okay.

5 I don't know how easy it is to, if the
6 Commissioner is looking for this, you know, by
7 customer, or by net metered facility, to total
8 the dollars that have been paid over the year to
9 date. And I don't know whether we have the
10 witnesses here that could speak to that either.
11 But --

12 CHAIRMAN GOLDNER: I think that's okay,
13 Attorney Wiesner. Really, what I'm looking for
14 is the aggregated number. So, let's say that --
15 let's say that \$10 million of this amount is
16 residential, and let's say that the current
17 number of customers is a thousand. Then, we
18 would just -- we would just do the simple
19 numerator divided by denominator to get the
20 dollars per customer. It's not -- I'm not
21 looking for, you know, like, individually, every
22 single customer by address. It's just the
23 aggregated number.

24 So, thank you for the clarification.

[WITNESS PANEL: Chen|Robinson|Anderson]

1 It's just the aggregate would be all that I would
2 be looking for.

3 MR. WIESNER: Okay. But I appreciate
4 that clarification. I think that's much more
5 doable.

6 I'm going to suggest that we have a
7 week to provide that information? Looking for a
8 reaction.

9 CHAIRMAN GOLDNER: It would be helpful
10 before the net metering docket, which is Tuesday
11 next week. And I don't see us going into
12 Thursday next week.

13 And I recognize that's a short
14 timeline. But, if we could do it before the
15 docket, that would be helpful for our
16 understanding.

17 MR. WIESNER: Have it filed on Monday?

18 CHAIRMAN GOLDNER: That would be
19 helpful. Maybe noon or so, would be -- to give
20 us a chance to look at it before the docket.

21 WITNESS ROBINSON: Just one clarifying
22 question, Commissioner.

23 What time period are we looking for? I
24 mean, are you looking for a month? You looking

[WITNESS PANEL: Chen|Robinson|Anderson]

1 for a couple of months? I mean, a number of
2 things are going through my mind. And I think I
3 could start pulling something together for some
4 pieces. But everything else is a muddle right
5 now. So, I apologize for not having a clear line
6 of thought. But --

7 CHAIRMAN GOLDNER: Honestly, I think
8 any time period you're comfortable with, and that
9 could even be last year. What the Commission, at
10 least I don't understand, is that, of this SCRC,
11 half of the total cost is net metering. So, it's
12 a big deal. It's a significant portion of the
13 total cost that ratepayers are paying.

14 And, so, I'm just trying to get a
15 handle on how much of this is residential? How
16 much of this is commercial? You know, what's
17 happening in this, with this number?

18 And, so, any time period that you have
19 that's within the last year or year and a half
20 would be fine.

21 WITNESS ROBINSON: Because there are,
22 as I mentioned -- Bryant Robinson. There are,
23 just off the top of my head, I know there's some
24 information I could pull together for group host

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[WITNESS PANEL: Chen|Robinson|Anderson]

1 payments, things of that nature. It's just
2 breaking it down by class, number of customers,
3 as Attorney Wiesner mentioned, that I -- that, I
4 don't know those -- I don't know that
5 information.

6 CHAIRMAN GOLDNER: I can be helpful, I
7 hope, in further simplifying, because I do think
8 it's a fair critique.

9 I'm not looking for, you know, many
10 pages and spreadsheets. It's just really a
11 high-level -- if this doesn't fit on one page,
12 I've asked for too much.

13 So, there's -- really, there's two net
14 metering tariffs today. There's one from,
15 basically, zero to 100 kilowatts, and then a
16 tariff from 100 kilowatts to one megawatt. So,
17 breaking it into those two categories is really
18 the main thing. And, so, inside of that, whether
19 it's residential or commercial, I don't know that
20 I care that much. But those two categories are
21 how the tariff is described today, that would be
22 helpful.

23 WITNESS ROBINSON: Bryant Robinson.
24 And I'm just thinking that part of -- that's why,

[WITNESS PANEL: Chen|Robinson|Anderson]

1 I was just thinking on-the-fly here, but I may
2 not have a full year of information on some of
3 this stuff. So, would a partial year be helpful?

4 CHAIRMAN GOLDNER: Yes.

5 WITNESS ROBINSON: That's all I'm just
6 trying to get some clarity on. Is that, you
7 know, because, again, I don't know off the top of
8 my head everything I have -- we have available to
9 us in order to turn this around by Monday.

10 CHAIRMAN GOLDNER: Yes. Probably, if
11 you have six months of data, I think that that's
12 fine. We just don't understand, going into the
13 net metering docket, it's hard to know -- we
14 just, it's important for the Commission, I think,
15 to know what it is we're reviewing next week.
16 And this is the review where we can see the
17 numbers. And we don't understand how much of
18 this is commercial versus residential. But I
19 think a breakout in those two categories would be
20 sufficient.

21 Attorney Young, any comments?

22 MR. YOUNG: Matthew Young, for the
23 Department of Energy. I have a couple of
24 questions, I guess, clarifying procedurally.

[WITNESS PANEL: Chen|Robinson|Anderson]

1 So, first, would the record request be
2 filed in this docket or the net metering docket?

3 CHAIRMAN GOLDNER: Filed in this
4 docket. But we could take administrative notice
5 in the net metering docket, if that's helpful.

6 MR. YOUNG: And, then, my next question
7 would be, would it be possible to have a
8 transcript, or something similar, maybe expedited
9 even of the net metering portion of today's
10 discussions?

11 I am not a part of the net metering
12 docket. I don't believe Mr. Eckberg is either.
13 So, that would be helpful, from the Department's
14 perspective, and I imagine from other parties'
15 perspectives as well.

16 CHAIRMAN GOLDNER: What I would say
17 about that is that, for mechanical reasons, we
18 can't do that, as you can see here, we're
19 recording in multiple places. The stenographer
20 will be out for some time. So, it will be -- we
21 will -- we are working to have a process to get a
22 transcript via the tapes. But it's a new process
23 for us. I don't know exactly how long that will
24 take.

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[WITNESS PANEL: Chen|Robinson|Anderson]

1 MR. YOUNG: Okay. So, there definitely
2 will not be a transcript?

3 CHAIRMAN GOLDNER: I think that that's
4 a good assessment.

5 MR. YOUNG: Okay.

6 CHAIRMAN GOLDNER: Although, we will
7 endeavor to have one. I don't see that coming.

8 Okay. Maybe just wrapping up here on
9 net metering with Mr. Anderson.

10 BY CHAIRMAN GOLDNER:

11 Q If there's anything that you would like to
12 highlight? I don't know that we have given you a
13 sufficient opportunity to weigh in. But I wanted
14 to hear from you before we wrapped up net
15 metering.

16 A (Anderson) Scott Anderson. I guess the only
17 thing I'd add to your question of how much net
18 metering is happening in one class of customers
19 versus another, I'm looking at the Docket 24-035
20 filing in the RRA proceeding, where we have lost
21 base revenues associated with net metering. And
22 it looks to be about two-thirds of that lost base
23 revenue is residential. If that's of any help?

24 Q It is. What's the dollar amount associated with

[WITNESS PANEL: Chen|Robinson|Anderson]

1 that?

2 A (Anderson) 1.370 million, Rate R, Residential.

3 Q Okay. And that's per year? Per year?

4 A (Anderson) That is for the -- for the year. And
5 724 -- 725,000 for Rate G and Rate GV.

6 Q Okay. That's helpful.

7 A (Anderson) That's Attachment SRA-1, Page 1 of 1,
8 in DE 24-035.

9 CHAIRMAN GOLDNER: Okay. That's
10 helpful.

11 The Commission is trying to understand,
12 in preparation for next week's proceeding, how
13 the entire net metering picture fits together.
14 So, the lost base revenue is part of it. And
15 we'll talk more about line losses next week. I'm
16 not -- the Commission doesn't grasp how that's
17 being calculated. So, we'll talk more about
18 that.

19 But the lost base revenue is very
20 helpful. Thank you.

21 Okay. Commissioner Chattopadhyay, any
22 other Commissioner questions, before we move to
23 redirect?

24 CMSR. CHATTOPADHYAY: No, I don't.

[WITNESS PANEL: Chen|Robinson|Anderson]

1 CHAIRMAN GOLDNER: Okay. We can move
2 to redirect, and Attorney Wiesner.

3 MR. WIESNER: I do not believe I have
4 any questions on redirect.

5 CHAIRMAN GOLDNER: Okay. Thank you.

6 So, let's turn now to the next portion
7 of the proceeding. So, I'll take this
8 opportunity to thank the witnesses. The
9 witnesses are excused.

10 Having heard no objections, we'll now
11 strike identification on Hearing Exhibit 7 and
12 enter it into evidence.

13 And we'll invite the parties to make
14 closing statements regarding this matter,
15 beginning with the Department of Energy.

16 And just a moment please.

17 *[Chairman Goldner and Atty. Speidel*
18 *conferring.]*

19 CHAIRMAN GOLDNER: And we'll reserve
20 Hearing "Exhibit 8" for the record request.

21 *(Exhibit 8 reserved for the record*
22 *request.)*

23 CHAIRMAN GOLDNER: And, if the Company
24 can produce that by noon on Monday, that would be

1 appreciated.

2 Okay. Let's begin with the Department
3 of Energy, and closing.

4 MR. YOUNG: Thank you, Mr. Chairman.
5 This is Matthew Young, with the Department of
6 Energy.

7 The order scheduling this hearing
8 stated that this was scheduled to "assess whether
9 certain elements of the Eversource SCRC Tariff
10 should be sun-setted by the end of the current
11 SCRC rate year...as a consequence of the
12 termination of the Burgess Plant PPA, and how a
13 final Burgess-Plant-related reconciliation for
14 the SCRC can be timely effectuated in advance of
15 Eversource's next SCRC filing, expected in
16 December."

17 Last Monday, the Company filed the
18 illustrative scenarios that were discussed here
19 today, that were then subsequently filed as
20 exhibits. On Thursday, we did hold a brief
21 technical session with the Company -- or on,
22 excuse me, on Monday, Monday, late in the day.

23 The Department, from its opportunity --
24 from its limited opportunity to review those

1 scenarios, does not see a compelling reason to
2 amend any of the rates that have been
3 provisionally proposed.

4 And, regarding the, I guess, newly
5 proposed removal of the Chapter 340 cost
6 accounts, we also, at this time, see no reason to
7 move forward with that approach either.

8 In terms of the net metering discussion
9 today, I know there is a hearing next week. As I
10 previously mentioned, I am not a party -- or, I'm
11 not involved in that docket. And I would hope
12 that, understanding limited time is available,
13 that if any sort of transcript could be made
14 available to the parties, I think that would be
15 helpful for the Department in preparation for
16 that hearing.

17 I understand that the exhibits and
18 everything referenced today do include costs,
19 dollar amounts recovered for the net metering
20 charges. However, I think that we did venture
21 into areas that would be relevant for that
22 discussion next week.

23 I think that's all the Department has.
24 Thank you.

1 CHAIRMAN GOLDNER: Okay. And I'll just
2 add, Attorney Young, that, by law, all these
3 proceedings are recorded. So, in the event that
4 a transcript can't be produced before the net
5 metering docket on Tuesday, a recording is
6 available to the Department and anyone else.

7 All right. We'll move now to the
8 closing statement of the Office of the Consumer
9 Advocate.

10 MR. CROUSE: Thank you. Attorney
11 Crouse, for the OCA closing statements.

12 Chairman Goldner, just as a clarifying
13 question, if I may ask? Is that recording made
14 available upon request? Or will that be on -- I
15 wouldn't imagine the Virtual File Room? So, I'm
16 just trying to make sure I can pass that on to
17 our team.

18 CHAIRMAN GOLDNER: It's, for sure,
19 available upon request. We can check with the
20 clerks after the meeting. But, for sure,
21 available upon request. Just reach out to the
22 Clerks Office, and they can provide it right
23 away.

24 MR. CROUSE: Thank you. I'm not the

1 attorney on that docket next week. And, so, I
2 want to make sure the Consumer Advocate has an
3 accurate, or as best as accurate information.

4 CHAIRMAN GOLDNER: Okay.

5 MR. CROUSE: Regarding our closing
6 statements, I'll just be rather succinct.

7 We appreciate the illustrative
8 scenarios that the Company has provided in
9 response to the Commission's request via its
10 order.

11 The Office of the Consumer Advocate, at
12 this time, is not suggesting or proposing or
13 recommending any changes to the -- I believe it's
14 been characterized as the "interim rate", that
15 removes the "Chapter 340" as a presentation line
16 item, and then adds that into the Part 2 costs.

17 However, we appreciate the
18 clarification that the Chair and the Commission
19 provided, that, even if that were to be the case,
20 there's no impact on ratepayers. We're just not
21 prepared to support a change at this time.

22 Thank you.

23 CHAIRMAN GOLDNER: Okay. Thank you.

24 And, finally, Eversource.

1 MR. WIESNER: Thank you, Mr. Chairman.

2 The Company is pleased to have had the
3 opportunity to address the Commission's questions
4 today, and to illustrate the potential impacts of
5 two different scenarios for a rate adjustment
6 that would zero out the Burgess PPA-related
7 costs: The interim September 1st approach that
8 we had illustrated through schedules filed with
9 the Commission; as well as the "Wait until
10 February 1st" approach.

11 In terms of what we do next, we will
12 await direction from the Commission. And, if
13 there's a need for any further information, we
14 will be happy to provide that, in addition to the
15 record request, which we just discussed, as well
16 as the relevant proofs of claim filed in
17 bankruptcy that we will provide to you.

18 We also hope that Attorney Johnson's
19 information regarding the history, and the
20 current status of the Burgess bankruptcy
21 proceedings in Delaware, and the intensive
22 efforts of the Company's legal team related to
23 those proceedings has been helpful for the
24 Commission's understanding.

1 So, we appreciate the time and efforts
2 of the Commission and the parties in this docket.
3 We were glad to participate in a technical
4 session earlier this week to develop a better
5 understanding with the DOE and OCA. And, as I
6 said, we'd be pleased to provide additional
7 relevant information, if that would be useful to
8 the Commission.

9 I also want to say, even though he's
10 not in the room this morning, and, hopefully, it
11 will filter back to him, I'll say it on the
12 record that we thank Commissioner Simpson for his
13 service on the Commission. And we'll miss seeing
14 him on the Bench. And we wish him all the best
15 going forward, all of the best luck. And I think
16 he may need it with four little ones at home.

17 CHAIRMAN GOLDNER: Thank you.

18 Okay. First, I do wish to extend the
19 thanks for the Company for the thoughtful
20 inclusion of Attorney Johnson. That was helpful.
21 And I do realize he came a long distance today.
22 And that gave us information we did not have
23 relative to the bankruptcy previously.

24 I'll then add, I think, that the

1 Commission expects it will issue a ruling,
2 regarding this phase of the proceeding, by the
3 end of next week.

4 And we'll hold open a third and
5 fourth -- a date the third or fourth week of
6 October, pending developments in the Burgess
7 bankruptcy proceeding. Though, given the
8 developments as relayed by Mr. Johnson, it looks
9 like that that is -- that the Company's
10 engagement in that particular phase of the
11 proceeding looks like it might be over. But we
12 will hold a date there, just in case something
13 changes.

14 And I'll just check now to see if
15 there's anything else that we need to cover
16 today?

17 *[No verbal response.]*

18 CHAIRMAN GOLDNER: All right. Seeing
19 none.

20 Thank you, everybody. We are
21 adjourned.

22 ***(Whereupon the hearing was adjourned***
23 ***at 12:36 p.m.)***

24