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August 2, 2024

Daniel C. Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

Re: DE 24-070, Public Service Company of New Hampshire d/b/a Eversource Energy
Request for Change in Distribution Rates; *DOE written statement on pending petitions to
intervene, pursuant to Chairman’s Request at Prehearing Conference*

Dear Chairman Goldner:

The New Hampshire Public Utilities Commission (“Commission”) held a prehearing conference in the above referenced docket on July 25, 2024. *See Order No. 27, 029, Commencement of Adjudicative Proceeding and Notice of Prehearing Conference and Hearing* (June 28, 2024) at 9. At the beginning of the prehearing conference, the Chairman directed the then-parties to this docket, the New Hampshire Department of Energy (“DOE” or “Department”), Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “the Company”), and the Office of the Consumer Advocate (“OCA”), to make a written response regarding each party’s position on eight pending petitions for intervention. *July 25, 2024 Transcript* not yet available; *see* RSA 541-A:32 and NH Admin Rule. Puc 203.17. For the reasons explained in greater detail below, the Department does not object to any of the eight pending petitions.

I. Background

Pending petitions to intervene have been filed by the following entities, listed in chronological order:

- Clean Energy New Hampshire (CENH) (6/12/24)
- Standard Power of America (6/26/24)
- Walmart (07/09/24)
- New England Connectivity and Telecommunications (NECTA) (7/10/24)
- Community Power Coalition of New Hampshire (CPCNH) (7/12/24)
- Conservation Law Foundation (CLF) (7/12/24) (Amended 7/18/24)
- Hancock Lumber Company, Inc. Monadnock Paper Mills, Inc. Pike Industries, Inc., and University Systems of New Hampshire (collectively the “Rate LG Customer Consortium”) (7/12/24)

- Mary Ellen O’Brien Kramer (represented by New Hampshire Legal Assistance) (07/12/24).

Eversource filed a “*Motion to Limit Intervention By [CPCNH]*” on July 18, 2024.

II. Standard of Review

In considering petitions to intervene, the Commission is guided by RSA 541-A:32 and Puc 203.17. The Commission shall grant intervention to parties demonstrating that their rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law and if intervention is in the interests of justice and would not impair the orderly and prompt conduct of the proceedings. RSA 541-A:32, I; *see* Order No. 25,886 (April 22, 2016) at 3-4. The Commission may also grant intervenor status on a discretionary basis pursuant to RSA 541-A:32, II, if the intervention is in the interests of justice and would not impair the orderly and prompt conduct of the proceeding. *See* Order No. 25,866.

If a proposed intervenor’s petition is granted, the Commission may impose conditions upon the intervenor’s participation, including but not restricted to limitation to designated issues; limitation on use of cross-examination and other procedures; or requiring two or more intervenors to combine their presentations. RSA 541-A:32, III. Limitations may be established at the beginning of the docket or at any subsequent time. *Id.*

III. Department’s Analysis

Eversource has filed a rate case proposing an increase in rates in the amount of approximately \$182 million dollars and the adoption of a new framework -- performance based ratemaking (PBR)- for the next four-year period among other requests. The Company’s filing comprises approximately 20,000 pages.

A. Walmart, NECTA, Rate LG Customer Consortium, Mary Ellen O’Brien

Walmart, the Rate LG Customer Consortium, and Mary Ellen O’Brien Kramer each assert that they are, or represent, New Hampshire customers of Eversource. As a result, in the opinion of the Department, it is mandatory that these parties be granted intervenor status. *See* RSA 541-A:32, I; *Hampstead Area Water Company, Inc. Request for Change in Rates*, Dkt. No. DE 20-117, Staff Position on Pending Requests for Intervention (May 31, 2024), Secretarial Letter (April 9, 2021) (granting all petitions for intervention). Accordingly, the Department recommends that those parties be granted intervenor status.

NECTA is a trade association which stated in its petition to intervene that it represents most cable operators and affiliates in New England, including New Hampshire. Their members are customers, and members also provide services by attaching facilities and associated equipment to utility poles, which Eversource owns

outright or jointly. Costs associated with Eversource’s pole maintenance impact NECTA and its members. *See, e.g.,* RSA 374:34-a. As such, the Department recommends that the Commission grant their mandatory intervention.

B. CLF, CENH

CLF is a national nonprofit organization with stated interests in environmental and climate impacts of energy policy, including but not limited to distributed energy resources (DER) and DERs intersection with PBR. *See* CLF Pet. To Intervene (July 18, 2024).

CENH is a statewide nonprofit organization, describing its focus as “an affordable clean energy system in New Hampshire,” and its stated interests as interconnection, PBR, energy efficiency, conservation, and demand response.

The Department recommends that CLF and CENH be granted discretionary intervenor status because they have technical and policy expertise relevant to this docket. *See* Order No. 25,886. Given what appear to be similarities in their focus and interests, the Department recommends that the Commission encourage CLF and CENH to work together when possible to do so. *See* RSA 541-A:32, III (c).

C. Standard Power of America and CPCNH

Standard Power of America is an energy broker and consultant for the New England area. It asserts that renewable energy is a key component of New England’s energy resources and a critical source of affordable energy. The company believes the docket will impact the pace and scale of future renewable energy development and Standard Power of America’s customers—irrespective of the form of energy its customers use. The company notes that it has a long history of legislative engagement regarding net metering and other energy policy issues.

CPCNH is a government instrumentality with stated interests in “distribution costs to their own accounts, their customer accounts, and a range of topics including interconnection, PBR, rate design, energy efficiency and conservation, and advanced demand response. CPCNH states that it represents more than 35% of the state’s population, including 67,000 Eversource customers. Eversource has filed a motion to limit CPCNH’s participation to DER and demand response metric.

At so early a stage in the proceeding, in the opinion of the Department, limiting CPCNH’s participation is ill-advised. The Department notes that RSA 541:32 provides for limitations at any stage of the proceedings. So long as CPCNH’s - or any other intervenor’s - participation remains relevant, limitation is unnecessary. Any issue that may arise later seems best suited to case-by-case resolution during technical sessions or at hearing, if necessary. *See Public Service Company of New Hampshire d/b/a Eversource Energy*, Order No. 25,946 at 3 (September 27, 2016) (Commission finding

that it was unnecessary to limit a party's intervention as "all parties are limited to the scope of the proceeding").

The Department recommends that Standard Power of America and CPCNH be granted discretionary intervenor status because they have technical and policy expertise relevant to this docket. *See* Order No. 26,886. Recognizing that Standard Power of America and CPCNH are competitors, there may be some similarities in their focus and interests. Accordingly, the Department recommends that the Commission encourage Standard Power of America and CPCNH to work together when possible to do so. *See* RSA 541-A:32, III (c).

The Department's response to the petitions for intervention should not be construed as supporting the positions or concerns expressed by any would-be intervenor. The Department reserves the right to take any position on the matters at issue in this docket regarding permanent rates.

Consistent with the Commission's current practices, this letter is being filed only in electronic form. Thank you for your assistance in this matter.

Sincerely,

/s/ Mary E. Schwarzer

Mary E. Schwarzer, Esq.
Hearings Examiner

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