

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-070

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

Request for Change in Distribution Rates

Order Granting Petitions to Intervene

ORDER NO. 27,054

September 5, 2024

In this order, the Commission grants the Petitions to Intervene filed by Clean Energy of New Hampshire (CENH), Community Power Coalition of New Hampshire (CPCNH), Conservation Law Foundation (CLF), the Rate LG Customer Consortium (composed of Hancock Lumber Company, Inc., Monadnock Paper Mills, Inc., Pike Industries, Inc., and the University System of New Hampshire, together, 'Consortium'), Mary Ellen O'Brien Kramer, New England Connectivity and Telecommunications Association, Inc. (NECTA), Standard Power of America, and Walmart, Inc.

Eversource's petition and subsequent docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at

<https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-070.html>.

I. BACKGROUND

Eversource filed a full distribution rate case on June 11, 2024. Pursuant to the Order of Notice, Commission Order No. 27, 079 (June 28, 2024), interested parties had until July 12, 2024 to file petitions to intervene, objections to intervention were to be filed by July 18, 2024. The prehearing conference (PHC) was held on July 22, 2024. At the time of the PHC, the Commission had received eight petitions to intervene and one partial objection to intervention. The Commission deferred ruling on the Petitions

to Intervene pending additional information from the parties. Specifically, the Commission assessed whether it was appropriate to limit the intervention requests in scope that would maintain an intervener's right to participate while promoting orderly and prompt proceedings. See July 22, 2024 Hearing Transcript at 7-8. In response to the Commission's July 22, 2024 inquiry, timely responses on the Commission's questions concerning intervention were received from Eversource, CPCNH, Department of Energy (DOE) and the Office of the Consumer Advocate (OCA).

II. REVIEW OF UNOPPOSED PETITIONS TO INTERVENE

The petitions to intervene from the following seven parties were unopposed.

- CENH
- CLF
- Rate LG Customer Consortium
- Mary Ellen O'Brien Kramer
- NECTA
- Standard Power
- Walmart

Under New Hampshire Code of Administrative Rules, Puc 203.17, petitions to intervene are governed by RSA 541-A:32. RSA 541-A:32, II, the "presiding officer may grant one or more petitioners for intervention at any time, upon determining that such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings."

The Commission agrees with Eversource that the parties listed above have set forth sufficient basis for intervention. The parties' participation in the matter, as expressed in their petitions to intervene, is limited to the parties' area of interest. Eversource indicated that formal limitation on participation is not needed at this time for these parties. See Eversource's Brief Regarding Limiting Intervention, August 2, 2024, at 3.

The Commission therefore GRANTS the petitions to intervene for CENH, CLF, the Consortium, Mary Ellen O'Brien Kramer, NECTA, Standard Power and Walmart. The Commission finds that these parties' participation in this docket is in the interest of justice and would not impair the orderly and prompt conduct of the proceedings.

III. CPCNH's PETITION TO INTERVENE

CPCNH argues that it has standing to intervene and that its municipal members have several areas of substantial interest in this matter. *See* CPCNH's Reply Brief, August 9, 2024, at 8-11. CPCNH asserted that they function as a government instrumentality with 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 also stated that it represents more than 35% of the state's population, including 67,000 Eversource customers. *See* July 12, 2024 Petition at 1.

Eversource asserts that CPCNH's petition to intervene is overly broad. *See* Eversource's August 2, 2024 Brief at 4. Eversource argues that CPCNH is attempting to use this case as a tool to investigate issues that are not relevant. Therefore, Eversource argues there is a legitimate concern that CPCNH may, through its investigation of issues not relevant to its interests, jeopardize the prompt and orderly conduct of the docket, which already has a very tight procedural schedule to comply with the legal time restriction on the duration of rate cases. Eversource requests that CPCNH's participation in this docket be limited to issues that CPCNH has a "particular interest". Specifically, these issues would be: interconnection, and the reporting metrics for interconnection and demand response. Eversource asserts that inquiries regarding distribution rates and the proposed performance-based ratemaking (PBR)

plan should be prohibited as CPCNH has no standing to intervene on these issues. *See Id.*

Both the DOE and the OCA oppose limiting the scope of CPCNH's intervention status. In its August 2, 2024 position statement, the DOE notes that limitation of intervention status under RSA 541-A:32 can occur at any time in a proceeding. Therefore, if an issue arises during a technical session or hearing, Eversource could renew its motion to limit CPCNH's participation. *See* DOE August 2, 2024 Position Statement at 3. The OCA's August 2, 2024 correspondence supported the position of the DOE and agreed that if CPCNH, or any other party, sought to expand the scope of a proceeding beyond those identified in the June 28, 2024 order of notice, a limiting motion could be filed.

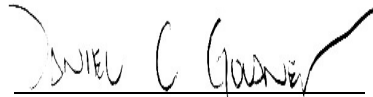
IV. COMMISSION ANALYSIS ON CPCNH's PETITION TO INTERVENE

As stated above, the standards outlined in RSA 541-A:32 and Puc 203.17 govern review of intervention requests in administrative proceedings. Intervention can either be mandatory under RSA 541-A:32, I or discretionary under 541-A:32, II. Having reviewed the CPCNH's petition to intervene, Eversource's objection, and the follow-up briefs, the Commission GRANTS CPCNH's Petition to Intervene on the basis that CPCNH's intervention is in the interest of justice and their participation may assist in the investigation of the noticed issues. In granting the intervention request, the Commission is not unsympathetic to the concerns expressed by Eversource. However, comparable to the position of the DOE and the OCA, the Commission finds limitation of CPCNH's intervention status at the inception of this proceeding to be premature. Should CPCNH's participation in this docket, or any other intervener's participation, become irrelevant and unnecessary, RSA 541-A:32, III provides a remedy for the Company.

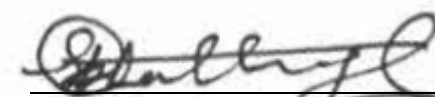
The Commission takes note that leaving aside CPCNH's assertions of acting as a "government instrumentality," we will operate on the working understanding that CPCNH speaks for itself as an intervener in this proceeding, with aspects of both a trade association and a service provider for its member communities (municipalities and counties); the Commission will not presume that CPCNH presents a definitive position regarding this instant proceeding for any specific Town, City, or County in this State unless independently confirmed by such Town, City, or County.

Based upon the foregoing, it is hereby ORDERED, that that the petitions to intervene of CENH, CLF, CPCNH, Rate LG Customer Consortium, Mary Ellen O'Brien Kramer, NECTA, Standard Power, and Walmart, Inc. are APPROVED pursuant to the terms of this order.

By order of the Public Utilities Commission of New Hampshire this fifth day of September, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 24-070

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