

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-043

STATEWIDE LOW-INCOME ELECTRIC ASSISTANCE PROGRAM

2022-2023 Program Administrative Budgets

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING, ORDER ON PETITION FOR
INTERVENTION, AND NOTICE OF PREHEARING CONFERENCE**

On September 29, 2022, the Commission issued Order No. 26,693, in which it approved the Electric Assistance Program administrative budgets for the program year. In its order, the Commission noted it would issue a separate order on the petition to intervene filed by LISTEN Community Services (LISTEN). In this order, the Commission convenes an adjudicative proceeding in this matter, grants LISTEN's petition to intervene, and sets a prehearing conference for August 8, 2023.

Order No. 26,693, this order, and all docket filings are available on the Commission's website at www.puc.nh.gov/regulatory/Docketbk/2022/22-043.html.

I. PROCEDURAL HISTORY

Order No. 26,693 provides the procedural history of this docket up until the date of its issuance. On October 3, 2022, after the Order issued, the New Hampshire Department of Energy (DOE), on behalf of itself, the NH Electric Utilities¹, the Community Action Agencies, and LISTEN, filed a September 2022 report entitled "New Hampshire Electric Assistance Program (EAP): Review of Performance/Future Directions." This report was prepared by consultant Roger Colton of Fisher, Sheehan & Colton (Colton Report). The Colton Report included a review and evaluation of the

¹ Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty), Unitil Energy Systems, Inc. (UES), the New Hampshire Electric Cooperative, Inc. (NHEC) are referred to collectively as the "NH Electric Utilities" for purposes of this order.

EAP. *See* Docket No. DE 21-133, Procedural Order dated August 11, 2022 (extending report deadline to October 3, 2022). The joint filing also included the EAP Advisory Board Recommendations dated September 28, 2022 relative to the Colton Report.

The filing states all parties identified above support the Colton Report and EAP Advisory Board Recommendations. They asked that the Commission approve and adopt the Colton Report's recommendations, as summarized. Alternatively, the parties request the Commission issue an order of notice and schedule a hearing, in order to provide all parties with an opportunity to address Commission questions and concerns.

The parties also identified legislation enacted on September 15, 2022, after Mr. Colton filed his report. *See* HB 2023-FN, enacted as Chapter 346. The new legislation made an additional \$7 million dollars available to the EAP program. According to the DOE, this appropriation will supplement the dedicated fund established for the EAP.

II. LISTEN'S PETITION FOR INTERVENTION

No objection was filed to LISTEN's request to intervene. After reviewing LISTEN's petition, the Commission grants LISTEN intervention under the discretionary intervention standard of RSA 541-A:32, II, insofar as the participation of LISTEN will be in the interests of justice and will not impair the orderly and prompt conduct of this proceeding. The standard for intervention in RSA 541-A:32, II being met, LISTEN may participate as an intervenor. The Commission reserves the authority to impose conditions on LISTEN's participation under RSA 541-A:32, III.

III. ISSUES PRESENTED

The filing presents the following issues:

- (1) whether the Colton Report and EAP Advisory Board recommendations represent the most administratively efficient and best use of the EAP

funds under RSA Chapter 374-F, specifically: RSA 374-F:3, V(a); RSA 374-F:3, VI; RSA 374-F:3, VI-a; RSA 374-F:4, VIII(a) and (c); RSA 374-F:4, X; RSA 374-F:4, XI; RSA 374-F:4, XII; together with RSA 369-B:1, XIII;

- (2) whether the Commission should approve and adopt the recommendations summarized in the DOE's filing.
- (3) Furthermore, the Commission will consider if the current EAP program design, implemented in 2002 by Commission Order No. 23,980 (May 30, 2002), in Docket No. DE 02-034, still meets the applicable statutory standards in RSA 369-B:1 and RSA 374-F:3, V(a), per RSA 365:28. As part of this review, the Commission will assess EAP administrative costs, EAP benefits accruing to low-income customers, and the potential for a streamlined qualification process for EAP recipients, pursuant to the directives of RSA Chapter 374-F and RSA 369-B:1, XIII, and its general supervisory powers under RSA 363:17-a, RSA 374:3, RSA 374:4, RSA 374:7, and RSA 374:18.

Accordingly, an adjudicative proceeding is convened to address these issues under RSA Chapter 541-A and the allied Commission statutes listed above. All electric utilities regulated by the Commission² shall be mandatory parties to this proceeding.

The Commission will conduct any prehearing conferences and the hearing in this matter in person. The Commission will consider requests to use a hybrid format to permit remote participation by a specific individual. Such requests will be granted only if the Commission determines a sufficient reason is provided for why an

² As a point of clarification, the NHEC is made a mandatory party to this adjudicative proceeding, insofar as NHEC is a participant in the EAP programming structure. RSA 374-F:4, XII.

individual is unable to attend in person. Any party requesting a specific individual be permitted to participate remotely must file a written request with the Commission's Clerk's Office no later than fifteen days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission's hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the above issues under RSA Chapter 374-F, specifically: RSA 374-F:3, (V)(a); RSA 374-F:3, VI; RSA 374-F:3, VI-a; RSA 374-F:4, VIII(a) and (c); RSA 374-F:4, X; RSA 374-F:4, XI; RSA 374-F:4, XII; together with RSA 365:28, 369-B:1, XIII, RSA 363:17-a, RSA 374:3, RSA 374:4, RSA 374:7, RSA 374:18, RSA Chapter 541-A, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the NH Electric Utilities, including the New Hampshire Electric Cooperative, Inc., shall be mandatory parties to this proceeding; and it is

FURTHER ORDERED, that LISTEN's petition to intervene is GRANTED under RSA 541-A:32, II; and it is

FURTHER ORDERED, that each party has the right to have an attorney represent the party at the party's own expense; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, under N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on August 8, 2023, at 9:00 a.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, the NH Electric Utilities shall make appropriate personnel available for the parties to hold a technical session to review the filings; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to the service list, on or before July 31, 2023; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before August 7, 2023; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper


copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

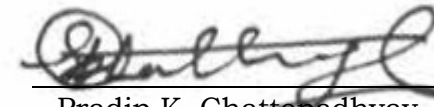
FURTHER ORDERED, under N.H. Admin. R., Puc 203.12, the NH Electric Utilities shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on their websites no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before August 7, 2023. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this seventeenth day of July, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket#: 22-043

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