

DR 96-150  
DE 01-057

**ELECTRIC UTILITY RESTRUCTURING**

**Energy Efficiency Programs**

**Order Clarifying Previous Order**

**O R D E R   N O.   23,829**

**November 1, 2001**

**I.    PROCEDURAL HISTORY**

On November 1, 2000, the New Hampshire Public Utilities Commission (Commission) issued Order No. 23,574 Establishing Guidelines for Post-Competition Energy Efficiency Programs (Order). The Order was issued after a Commission hearing held on September 21, 1999. With certain exceptions, the Order approved the recommendations of the New Hampshire Energy Efficiency Working Group Report dated July 6, 1999 (Report) and ordered the utilities to file their core programs on or about January 1, 2001.

On December 15, 2000, the Commission granted an extension of time for filing the core programs until March 15, 2001. On March 14, 2001, the Core Programs filing was submitted to the Commission on behalf of Concord Electric Company (Concord), Connecticut Valley Electric Company (CVEC), Exeter and Hampton Electric Company (E&H), Granite State Electric Company (GSEC), New Hampshire Electric Cooperative, Inc. (NHEC)

and Public Service Company of New Hampshire (PSNH) (collectively, the Electric Utilities). The filing included a Low Income Energy Efficiency Program (LIEEP). The Commission thereafter issued an Order of Notice scheduling a Pre-Hearing Conference, requiring public notice of the Pre-Hearing Conference through publication of the Order and establishing a deadline for intervention petitions.

In its Order of Notice, the Commission granted the request of the Electric Utilities to open a new docket, DE 01-057, to consider the Core Programs, rather than conduct the instant proceeding under the Commission's longstanding restructuring docket, DR 96-150. The Electric Utilities reasoned that in light of the voluminous service list and roster of intervenors in Docket No. DR 96-150, it would be reasonable to require each DR 96-150 party desiring to participate in the instant proceeding to indicate that intention affirmatively. Accordingly, the Commission set a deadline for the DR 96-150 parties to indicate such an intention on the same date as the general deadline for intervention in this docket.

The Order of Notice was published and, thereafter, the Commission received intervention petitions from the Conservation Law Foundation (CLF); the Environmental Responsibility Committee

of the Episcopal Diocese of New Hampshire, the Province I Environmental Network of the Episcopal Church and New Hampshire Interfaith Power and Light (appearing jointly and collectively referred to here as the Diocese); the Governor's Office of Energy and Community Services (GOECS); the New Hampshire Department of Environmental Services (DES) and the Save Our Homes Organization (SOHO). The Commission also received requests for limited intervention from New Hampshire Ball Bearing, Inc. and Energy North Natural Gas d/b/a Keyspan Energy Delivery New England. The Office of Consumer Advocate (OCA) exercised its authority under RSA 363:28 to enter an appearance on behalf of residential ratepayers.

The Pre-Hearing Conference took place as scheduled on May 3, 2001. The Commission considered the pending intervention petitions and heard statements of preliminary positions from the parties and Commission Staff (Staff). Subsequent to the Pre-Hearing Conference, the parties and Staff conducted a technical session for the purpose of seeking agreement on a proposed procedural schedule to govern the remainder of this proceeding. On May 4, 2001, Staff filed a letter with the Commission indicating that such an agreement had been reached and outlining the proposed schedule that had been agreed upon.

On June 7 and 8, 2001, the Parties and Staff participated in technical sessions at the Commission's offices at which the Electric Utilities conducted slide presentations on the Core Programs for the benefit of Staff and the Intervenors. From June 8 through August 8, 2001, the Electric Utilities responded to rolling data requests from Staff and the Intervenors.

On July 30, August 6, August 23, August 31, September 7, September 28 and October 2, 2001, the Parties and Staff participated in settlement discussions, which led to a Settlement Agreement in DE 01-057. The Settlement Agreement was filed with the Commission on October 4, 2001.

One of the matters dealt with in the agreement was low income energy efficiency programs. Under the Settlement Agreement, the Electric Utilities would offer the low income program to eligible households that heat with natural gas until the Commission requires gas companies to offer similar services. Also, the Electric Utilities, along with SOHO, and others, will develop a comprehensive plan to implement the coordination and delivery of services, as well as a training and customer education program that could include the Governor's Office of Energy and Community Service providing training for all

providers who deliver Core LIEEP services.

A hearing was held on October 31, 2001 to discuss all aspects of the Settlement Agreement.

## **II. POSITIONS OF THE PARTIES**

SOHO moved on December 1, 2000 to clarify whether (i) Order No. 23,574 approved the recommended statewide low income energy efficiency program design described in the Report and (ii) such program was to be included in the core program filing of the utilities (SOHO Motion). No party filed a response to the motion.

## **III. COMMISSION ANALYSIS**

Our Order clearly implied that we expected to review all the proposed core programs at one time, including the LIEPP, before ruling on any one of them. See Order, pages 16-17, 21-23. Although the Order did not approve the LIEPP, it is now part of the settlement agreed upon by the parties, including SOHO, which has been reviewed by the Commission. This disposes of the first item SOHO requests to be clarified. In addition, the filing of the LIEEP as part of the Settlement Agreement moots the second item SOHO requests to be clarified.

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**Based upon the foregoing, it is hereby**

**ORDERED**, that the SOHO Motion is clarified as stated  
above.

By order of the Public Utilities Commission of New  
Hampshire this first day of November, 2001.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Claire D. DiCicco  
Assistant Secretary