

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-043

STATEWIDE LOW-INCOME ELECTRIC ASSISTANCE PROGRAM

Order *Nisi* Approving Recommended Modifications to Program

O R D E R N O. 26,870

August 9, 2023

In this order, the Commission approves on a *nisi* basis certain modifications to the statewide low-income electric assistance program, as recommended to the Commission by the program's Advisory Board, to be integrated for the 2023–2024 program year.

I. BACKGROUND

Interested persons may review the procedural history and background for earlier stages of this proceeding in Commission Order No. 26,693 (September 29, 2022), issued in this DE 22-043 docket, and Order Nos. 26,593 (March 16, 2022) and 26,739 (December 1, 2022), issued in Docket No. DE 21-133. The current purpose of this DE 22-043 docket, as indicated in the Commission's supplemental order of notice issued on July 17, 2023, is to review the design and administration of the statewide low-income electric assistance program (EAP), as established by statute and by prior orders of the Commission. See Order No. 23,980 (May 30, 2002). The EAP is funded by the system benefits charge, which is paid by all ratepayers as required by RSA 374-F:3, VI, and RSA 374-F:4, VIII(c). The EAP program is administered by the community action agencies (CAAs), the New Hampshire Department of Energy (DOE), and the State's four electric distribution utilities: Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty); the New Hampshire Electric Cooperative, Inc (NHEC); Public

Service Company of New Hampshire d/b/a Eversource Energy (Eversource); and Unitil Energy Systems, Inc. (UES) (together, the Utilities).

On October 3, 2022, the DOE filed, on behalf of itself, the Utilities, the CAAs, and LISTEN Community Services (LISTEN), represented by New Hampshire Legal Assistance, a report prepared by Mr. Roger Colton of Fisher, Sheehan & Colton, the consultant with whom Eversource contracted, on behalf of the DOE, to undertake a review and evaluation of the EAP (Colton Report).¹ The DOE's October 3 filing also included a series of recommendations made to the Commission in response to the Colton Report by the EAP Advisory Board.²

On July 17, 2023, the OCA filed a letter of participation. A prehearing conference (PHC) was held for this proceeding, as scheduled by the July 17 supplemental order of notice, on August 8, 2023, at which representatives of the DOE, the OCA, the Utilities, LISTEN, and the CAAs attended. The Colton Report, the EAP Advisory Board recommendations, and all other filings in this docket, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at

<https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-043.html>

¹ The intervention of LISTEN in this proceeding was approved by the Commission, pursuant to RSA 541-A:32, II, within the supplemental order of notice issued on July 17, 2023. The CAAs, as represented by the Community Action Program of Belknap-Merrimack Counties, Inc., have been deemed by the Commission to be a party since the beginning of this DE 22-043 proceeding by the CAAs' filing of their petition to approve their 2022-2023 EAP Budget on August 1, 2022. However, the Commission hereby responds to the CAA's letter requesting participation in this phase of the proceeding, filed on July 28, 2023, by ruling that the CAAs have full rights to participate under RSA 541-A:32, II, in any instance.

² The EAP Advisory Board is comprised of the following entities: the DOE; the Office of the Consumer Advocate (OCA); Eversource; Liberty; NHEC; UES; New Hampshire Legal Assistance; the CAAs; and the New Hampshire Local Welfare Administrators Association. The EAP Advisory Board recommendations are available here: https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-043/LETTERS-MEMOS-TARIFFS/22-043_2022-10-03_NHDOE_JT_UTILITIES_EAP_ADVISORY_RECOMMENDATIONS.PDF

II. EAP ADVISORY BOARD RECOMMENDATIONS

The EAP Advisory Board's recommendations, keyed off of the conclusions presented in the Colton Report, are as follows:

Recommendation 1. EAP should maintain a limit of 750 kilowatt hours (kWh) per month on the customer usage to which the EAP discount is applied.

Recommendation 2. EAP should identify program participants with monthly usage in excess of 1,000 kWh, or annual usage in excess of 9,000 kWh and refer those households to the State's low-income weatherization program.³ (According to the EAP Advisory Board, this Recommendation comports with current EAP practice).

Recommendation 3. EAP should modify the discounts offered to provide greater assistance to the lower income Tiers in the EAP program (Tier 6, Tier 5), and lesser assistance to the higher income Tiers (Tier 3, Tier 2), according to the following schedule devised by Mr. Colton and presented in the Colton Report, Pages 95 and 96:

EAP Tier	Current Discount	Proposed Discount
2	8%	5%
3	22%	19%
4	36%	36%
5	52%	54%
6	76%	86%

Recommendation 4. EAP should retain its five existing income Tiers in its program design.

³ The EAP Advisory Board recommendations refer to 1,000 kWh of "seasonal" usage, as does the Colton Report at certain points, *see* Colton Report at Page 94, but the Colton Report also refers to "...monthly consumption in excess of 1,000 kWh or annual consumption in excess of 9,000 kWh..." which is the logical construction of Recommendation 2 that the Commission adopts here.

Recommendation 5. The Commission should consider, through a “generic investigation,” the integration of an Arrearage Management Program (AMP) into the EAP program design, along the lines of the AMP Eversource offers to its customers.

Recommendation 6. EAP should seek the aid of the New Hampshire Department of Health and Human Services (DHHS) to enroll participants in the State’s “various Cash Assistance programs” in EAP. The EAP Advisory Board encourages data sharing between the CAAs and DHHS to facilitate this effort.

Recommendation 7. EAP should seek expanded assistance in identifying and enrolling income-qualified customers into EAP, with the assistance of DHHS and local Public Housing Authorities of priority importance; the EAP Advisory Board encourages collaboration between DHHS and the CAAs in facilitating this, as with Recommendation 6.

Recommendation 8. Legislation should be sought to index the funding of the EAP to the price of electricity in New Hampshire, total program participations, or other cost-driving factors.

At the August 8 PHC, the DOE, the OCA, Utilities, CAAs, and LISTEN reiterated their support for Commission approval of these EAP Advisory Board recommendations. On further Commission inquiry, Eversource, with the apparent assent of the other Utilities, indicated at the PHC that the integration of Recommendation 3 (that relating to Tier discount benefit reallocation) would be technically feasible for the launch of the 2023-2024 EAP program year on October 1, 2023, if the Commission acted expeditiously in approving this Recommendation.

III. COMMISSION ANALYSIS

The supplemental order of notice issued by the Commission on July 17, 2023 presented the following two issues, among others: (1) whether the Colton Report and

the 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; and (2) whether the Commission should approve and adopt the recommendations summarized in the DOE [October 3, 2022] filing.

In our assessment of these recommendations, we are informed and guided by the various requirements, and the restructuring policy principles incorporated by reference, in the above-listed statutes, and our own EAP Orders beginning with Order No. 23,980. *See, e.g.*, RSA 369-B:1, XIII (“The [C]ommission should design low income programs in a manner that targets assistance and has high operating efficiency, so as to maximize the benefits that go to the intended beneficiaries of the low income program.”) With regard to Recommendations 1, 2, and 4, we find these Recommendations, that amount to re-endorsements of existing EAP practices, to be reasonable for application in the upcoming 2023-2024 program year (October 1, 2023 to September 30, 2024), and therefore approve them.

We likewise approve Recommendation 3, that relating to the re-allocation of EAP discounts to better serve the lowest-income EAP recipients, as just and reasonable, and in conformity with the EAP principles of efficiency and targeting of benefit to the neediest recipients. We approve and order this reallocation for integration by the Utilities, the CAAs, and the DOE as of the beginning of the upcoming program year as of October 1, 2023, and direct the Utilities and CAAs to make any changes necessary for the integration of the new discount structure into their annual budget petitions filed in Docket No. 23-073 forthwith.

For Recommendations 5, 6, and 7, the Commission will consider these proposals as part of the ongoing EAP review process in this docket; this process, geared for potential EAP modifications for the 2024-2025 program year and beyond, and established by the July 17 order of notice, will be addressed in a subsequent post-PHC Order that will be issued by the Commission.

Regarding Recommendation 8, the Commission does not view advocacy for such legislative changes to be within the scope of this proceeding, and therefore will not address this Recommendation.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that subject to the effective date below, the EAP Advisory Board's Recommendations 1, 2, 3, and 4, pertaining to the design of the EAP for the 2023-2024 program year (October 1, 2023 to September 30, 2024), including the allocations of EAP Discounts offered by the Utilities presented within Recommendation 3, are APPROVED; and it is

FURTHER ORDERED, that the Utilities and CAAs shall make any modifications necessary to their EAP budget petitions filed in Docket No. DE 23-073 to incorporate the Commission's approval of Recommendation 3 as soon as feasible; and it is

FURTHER ORDERED, that the Utilities shall cause a copy of this order to be published on their websites, such publication to be made no later than August 14, 2023, and to be documented by an affidavit filed with this office on or before August 31, 2023; and it is

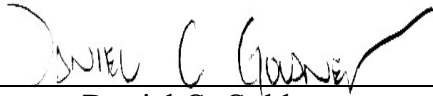
FURTHER ORDERED, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing

which states the reason and basis for a hearing no later than August 21, 2023, for the Commission's consideration; and it is

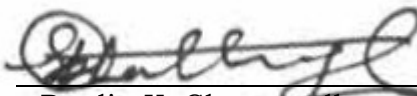
FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than August 28, 2023; and it is

FURTHER ORDERED, that this order shall be effective September 1, 2023, unless the Utilities fail to satisfy the publication obligation as set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this ninth day of August, 2023.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 22-043

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