

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-028

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY
AND NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

Joint Petition to Alter Franchise Areas in Chester New Hampshire

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On February 15, 2024, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) and New Hampshire Electric Cooperative, Inc. (NHEC) filed a joint petition to adjust their franchise areas with respect to two lots in Chester, New Hampshire pursuant to RSA 374:22 and RSA 374:26. All docket filings, other than any information subject to confidential treatment, are available on the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-028.html>.

I. BACKGROUND AND PROCEDURAL HISTORY

Eversource is a public utility with a franchise area that includes parts of Chester. NHEC is a rural electric cooperative with a franchise area that includes parts of Chester. Their petition concerns two lots in Chester.

The first is Lot 2-38, which sits entirely within the Eversource franchise area. The owner of the lot intends to build a residence on it and seeks electric service. Eversource and NHEC represent that, given the location of the two utilities' respective electric distribution facilities, it would be more efficient for NHEC to provide electric service to the new residence on the lot and therefore request that the Commission transfer the lot to NHEC's franchise area. *See* Petition, Attachment B (showing the location of the utilities' respective distribution facilities).

The second, Lot 2-40, sits partially within Eversource's franchise area and partially within NHEC's franchise area. The petitioners represent that NHEC currently provides electric service to the lot because, given the location of the utilities' distribution facilities, it is more efficient for NHEC to do so. See Petition, Attachment B. The petitioners are seeking to adjust their franchise boundaries so that Lot 2-40 is entirely within NHEC's franchise area.

The petitioners' proposed boundary changes are reflected in Attachment A to the petition. The petitioners represent that the new customer on Lot 2-38 and the existing customer on Lot 2-40 assent to the boundary changes.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issue: whether the modification of Eversource's and NHEC's franchise areas to transfer Lot 2-38 and Lot 2-40 to NHEC's franchise area would be for the public good and thus permissible under RSA 374:22 and RSA 374:26. Accordingly, an adjudicative proceeding will be convened to address this issue.

The Commission notes, as do the petitioners, that RSA 374:26 authorizes the Commission to grant permission for certain extensions of utility service without hearing when all interested parties are in agreement. The Commission will assess whether exercising this statutory authority to grant permission pursuant to RSA 374:26 without hearing is appropriate after the deadline for interventions has passed and the positions of all parties are known. Specifically, the Commission will require verification that the owners of the two lots assent to the boundary change in order to rule via order *nisi*. This is the process the Commission followed in Docket No. DE 22-077, in which the Commission approved a similar request by Eversource and NHEC to alter their franchise boundaries by order *nisi* after receiving the DOE's

recommendation that the change was in the public interest, that the owners of the relevant lots assented to the boundary changes, and that approval by order *nisi* was appropriate.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission's Clerk's Office no later than fifteen (15) 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 foregoing issues pursuant to RSA chapter 541-A, RSA 374:22, RSA 374:26, and the Commission's procedural rules; and it is

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on May 23, 2024, 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 the New Hampshire Department of Energy shall file its position regarding the petition, including the reasons for this position, on or before

May 3, 2024. In addition to a substantive analysis, the DOE's filing should include a recommendation as to whether the Commission should resolve this issue via order *nisi* as requested by the petitioners; 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 petitioners shall make appropriate personnel available for the parties to hold a technical session to review the filing; 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. Each party has the right to have an attorney represent the party at the party's own expense; 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 petitioners and any other parties on the service list, on or before April 5, 2024. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before April 12, 2024; 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 the joint petitioners shall file any supporting documentation they wish to be considered, including details of the requested service extension and details supporting NHEC's proposed extension, on or before April 5, 2024; 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

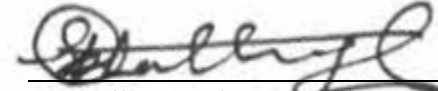
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, the petitioners shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue. Further, the petitioners shall provide direct notice of this proceeding to the owners of the two lots at issue by first-class U.S. mail no later than

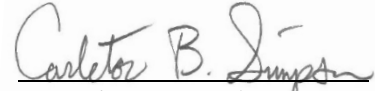
two business days after the date of issue. The petitioners shall document their compliance with these publication requirements by affidavit filed with the Commission on or before March 20, 2024. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business 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 twelfth day of March, 2024.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
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#: 24-028

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