

Residential Ratepayers' Advisory Board
January 28, 2019 Meeting Minutes

Present for the Board:

Claira Monier, Chair
Tom Moses, Vice Chair
Ryan Clouthier
Dana Nute
Jim Garrity
Herb Vadney
Matt Kfoury

Present for the OCA:

D. Maurice Kreis
Pradip Chattopadhyay
James Brennan
Brian Buckley
Jamie Breen

Guest Speaker: Michael Licata, Director-Government Relations for Liberty Utilities-East Region

Guest: Michael Sheehan, Senior Counsel for Liberty Utilities-New Hampshire

Ms. Monier called the meeting to order at 2:00 p.m. Mr. Licata introduced himself and Mr. Sheehan to the Board members.

1. Minutes of November 19, 2018 Meeting

Ms. Monier moved to approve the minutes. Mr. Moses seconded the motion. The Board members agreed unanimously.

2. Presentation by Michael Licata

Mr. Licata presented the attached slide presentation to the Board, answering questions throughout. Some key points of his presentation:

- Overview of Liberty Utilities Company
- Overview of Granite Bridge Project
- Needed Infrastructure Investment
- Granite Bridge Pipeline in New Hampshire
- Storage Facility in Epping and Commitment to Safety
- Savings and Project Benefits to Customers
- Project Labor Teams
- Project updates with NHDOT, Easement with Exeter, field survey work, LNG facility design and updated project cost estimates
- Regulatory Review Process through Public Utilities Commission and Site Evaluation Committee

3. Legislative Update

Mr. Kreis directed the Board's attention to recent legislative developments of interest, noting that the OCA is following a variety of bills as reflected in the written legislative update. He discussed:

- **HB 365** Relative to net energy metering limits for customer generators. Mr. Kreis reported that the OCA has taken a neutral position on the bill thus far, expressing a willingness to work with lawmakers and stakeholders on crafting a version that

would not be subject to gubernatorial veto, as happened to HB446 in the previous session.

- **HB 562** An act relative to the state building code. This bill would adopt the 2015 version of the international energy conservation code throughout New Hampshire in lieu of the currently applicable 2009 version. Mr. Kreis indicated that the OCA testified in favor of the bill on the ground that any increases in construction cost would likely be offset by energy savings obtained via increased building efficiency.
- **SB 284**. This bill will establish a statewide, multi-use online energy data platform. It is being sponsored by Senator Martha Fuller Clark, who introduced it at the request of the OCA. SB 284 would establish a statewide online energy data platform administered by the Public Utilities Commission to provide information about energy use. The OCA supports this bill.
- **HB 735** Relative to carbon pricing. Mr. Kreis indicated that the OCA would not be testifying about the bill initially but would monitor its progress and weigh in as necessary.

4. **Case Update**

Mr. Kreis described recent developments concerning last session's SB365 (codified as RSA 362-H) as they have been playing out in connection with Docket No. DE 18-002 at the PUC and in Docket No. ER19-10 at the Federal Energy Regulatory Commission, a declaratory judgment request initiated by the New England Ratepayers Association (NERA). Mr. Kreis noted that the OCA agrees with NERA that RSA 362-H is subject to preemption in light of certain provisions, which protect consumers, in the Federal Power Act. He also noted that to assist the OCA with participating in any federal proceedings arising out of the controversy, with the help of the Department of Justice the OCA has hired the law firm of Orr & Reno for assistance. Mr. Kreis reported that in Docket DE 18-002 and DE 18-182 the Commission has recently made consumer-favorable rulings to the effect that Eversource may not recover subsidies to wood-fired generators, as mandated by RSA 362-H, until the issue of the constitutionality of those subsidies is resolved. Mr. Kreis indicated that he expected some developments in the near term since RSA 362-H contemplates that the subsidy payments would begin flowing from Eversource to the wood-fired generators in its territory as of February 1, 2019.

5. **Consumer Advocate Reappointment Process**

Ms. Monier asked Mr. Moses to report on the progress of the committee appointed to make a recommendation to the Board concerning the possible reappointment of the Consumer Advocate, whose current term expires on November 5, 2019. Mr. Moses said the committee; which consists of Mr. Moses, Mr. Clouthier, Mr. Nute and Mr. Mailloux, met in January. The meeting's purpose was to establish organization and a timeline to progress through the beginning of the year into summer. The committee planned to meet again on February 20th. Mr. Moses explained that they were receiving assistance from Business Administrator Juli Pelletier and Executive Director Debra Howland of Public Utilities Commission as well as Senior Assistant Attorney Nancy Smith from the Attorney General's Office. He noted that Mr. Kreis had written to the Board on January 2 formally indicating his interest in reappointment.

6. Consumer Advocate Salary

Mr. Kreis informed the Board that upon being notified in January that he was eligible for a step increase newly authorized by statute, he requested (via letter issued by the Deputy Consumer Advocate) that the Governor, as the appointing authority, approve the increase and recommend it to the Executive Council. Mr. Kreis noted that the Governor approved the request and presented it to the Executive Council, which unanimously endorsed it on January 23. Mr. Kreis, who attended the Executive Council meeting, reported that he was received very cordially by the Governor and Council.

7. Public Input

There was no public input.

8. Executive Session

There was no executive session.

Ms. Monier moved to adjourn. Mr. Nute seconded the motion, which was adopted unanimously. The meeting was adjourned at 3:43 p.m.