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RFP No. 2018-01

**NEW HAMPSHIRE OFFICE OF THE CONSUMER ADVOCATE
REQUEST FOR PROPOSALS
FOR SERVICES RELATED TO PARTICIPATING IN
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION DOCKETS
ON BEHALF OF RESIDENTIAL UTILITY CUSTOMERS**

Dear Prospective Bidder:

The New Hampshire Office of the Consumer Advocate (OCA) requests proposals from qualified firms or individuals to provide assistance to the OCA related to representing residential customers before the New Hampshire Public Utilities Commission (Commission) or, on occasion, other entities. The OCA seeks, through this Request for Proposals (RFP), to retain one or more expert consultants to assist OCA in litigating rate cases and other contested proceedings, as they arise, involving public utility services to residential customers. The expert assistance sought by this RFP will complement OCA in-house analysis. OCA's goal is generally to provide evidence for the lowest feasible, adequate revenue requirement necessary for high-quality public service from regulated utilities, in order to produce just and reasonable rates as well as safe and reliable service for residential consumers in the State.

1. Completed proposals must be received via e-mail by the OCA by 12:00 noon on Friday, November 9, 2018 with a hard copy postmarked on or before that date. Please submit proposals to:

Ms. Jamie Breen
New Hampshire Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, New Hampshire 03301
jamie.breen@oca.nh.gov

2. Prospective consultants may submit written inquiries about this RFP by email to jamie.breen@oca.nh.gov by 4:30 p.m. on Friday, October 26, 2018. Inquiries and written responses will be posted on the OCA's website at: www.oca.nh.gov. The subject line of the email must state the following: RFP #2018-01, LITIGATION SERVICES.
3. Follow-up conferences and interviews will be scheduled as needed.
4. The OCA will evaluate the proposals as described herein.

I. BACKGROUND

The Office of the Consumer Advocate is charged by NH RSA 363:28 with representing the interests of residential customers of public utilities, primarily in proceedings at the Commission. The types of utilities regulated by the Commission include electric, natural gas and water.

The OCA has a limited budget for expert assistance. As a result, hourly rates and affordable all-in cost estimates will be major factors in the selection process. The OCA will consider bids in response to this RFP that propose a total cost estimate of no more than \$200,000, which will be disbursed, based on assigned projects and hourly rates, for the period between the contract date and June 30, 2020.

Over the next six months, the OCA expects two of the state's three investor-owned electric utilities to file new rates for Commission approval, which will trigger full rate cases. Public Service Company of New Hampshire d/b/a Eversource Energy ("Eversource"), the state's largest electric utility, recently completed the divestiture of the last of its generation assets and has indicated it will file its rate case in late 2018 or early 2019. This will be the first Eversource rate case in nearly a decade. Granite State Electric Company d/b/a Liberty Utilities, whose most recent rate case was filed in 2016, has also indicated it expects to file its next rate case in April 2019.

N.H. Code Admin. Rules Puc 1604.05 requires a utility to provide 30 days' notice to the Commission and the OCA of its intent to file new general rate schedules. RSA 378:6 requires cases to be concluded within 12 months after the general rate schedules are filed.

Given the size and scope of such proceedings, participating as a party in these two nearly simultaneous rate cases will be the OCA's major undertaking during the available 12-month period. The OCA plans to conduct a thorough review of the rate filing, to submit expert testimony, and to litigate such a case vigorously. It is anticipated that the OCA will require substantial outside assistance, to complement in-house expertise, in areas that may include revenue requirements (including, but not

limited to the prudence of capital investments, incurred operating and administrative expenses, taxes, and affiliate expense allocations), cost of capital, safety and reliability, depreciation and amortization, marginal and embedded cost studies,¹ rate design, consumer protection, and grid modernization.² In recent rate cases and other proceedings, areas that have been of particular importance to the OCA have included revenue decoupling (as a means of eliminating the so-called “throughput incentive” and increasing welfare for both customers and shareholders); time-of-use rates; non-wires alternatives to distribution and transmission upgrades; and the acquisition of individual customer usage data, the analysis of such data, and the sharing of such data with regulators and third parties in a manner that benefits consumers. When it participates in electric rate cases, the OCA is committed to seeking innovative approaches to utility service and utility rates that save money, make utility service safer and more reliable, and increase the ability of consumers to use the electric grid flexibly.

In addition, as available resources allow and as strategic considerations dictate, the OCA may wish to use consulting services obtained via this RFP in connection with other PUC proceedings. These may include cases such as franchise expansion requests, petitions for pre-approval of utility capital projects and/or contracts, utility pilot programs, least-cost integrated resource plan approvals, and utility financing proposals. The OCA does not intend to use this RFP to obtain services related to grid modernization; although we expect the PUC to initiate a major proceeding in this area in the near future we have already obtained outside assistance in connection with that proceeding,

It is presently the intention of the OCA to enter into a single contract with a bidder who is able to provide services on an as-needed basis across all subject areas described above. The OCA is also willing to consider proposals from bidders that are able to provide services across a more limited range of subject areas, provided this is clearly specified in the bid. Bidders are encouraged to combine resources and submit joint bids, as appropriate. We reserve the right to enter into more than one contract in the event a combination of winning bidders provides the best option for obtaining the services that are being sought via this RFP.

¹ In anticipation of their pending divestiture and associated rate case, the Commission directed Eversource to develop a marginal cost of service study, which was filed July 16, 2018 and is available here: http://www.puc.state.nh.us/Regulatory/Docketbk/2016/16-576/LETTERS-MEMOS-TARIFFS/16-576_2018-07-16_EVERSOURCE_MARGINAL_COST_SERVICE_STUDY.PDF

² The Commission hosted a grid modernization working group between April 2016 and February 2017. That group filed a report with the Commission in March 2017 and the recommendations of that report remain pending before the Commission. Notably, page 39 and 41 of the report highlight Eversource’s recent investment in more than 500,000 meters incompatible with time of use rates or recording time-of-use data. The report is available here: http://www.puc.state.nh.us/Regulatory/Docketbk/2016/16-576/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/16-576_2017-03-30_EXH_72.PDF

Bidders should be aware that approximately half of the contract will be funded via the OCA's Fiscal 2019 budget (for work to be undertaken on or before June 30, 2019) and the remaining half, funded via the OCA's Fiscal 2020 budget for work undertaken on or after July 1, 2019, is contingent on approval of the OCA's budget for Fiscal Years 2020 and 2021.

II. SCOPE OF SERVICES

The contractor(s) chosen will be expected to assist the OCA in the review and analysis of issues in utility cases impacting residential customers, and the development of positions and strategies to represent residential customers' interests.

Deliverables may include, but not be limited to:

- Review and analysis of filings, focusing on the impacts of such filings and proposals on residential customers;
- Development of alternatives to utility proposals in the areas of cost allocation and rate design;
- Assistance in the preparation of discovery requests related to the filings and the relief requested;
- Review and analysis of the companies' responses to discovery requests;
- Preparation of pre-filed written testimony on behalf of the OCA;
- Responses to discovery requests on testimony;
- Review and analysis of rebuttal testimony, if any;
- Assistance with possible settlement discussions;
- Assistance with hearing preparation including drafting questions for cross examination;
- Attendance at technical sessions, settlement conferences and/or hearings as needed to assist the OCA; and
- Assistance with the preparation of legal pleadings, including motions to compel responses to discovery requests and post-hearing briefs.

III. CONFIDENTIALITY

The contractor must agree to maintain the confidentiality of all confidential and work product information to which it has access until such time as it is instructed otherwise by the OCA. The contractor agrees to execute a nondisclosure agreement if necessary.

IV. WORK PAPERS

At the conclusion of the work, the contractor will make available to the OCA work papers and source documents as requested.

V. COMPONENTS OF THE PROPOSAL

The following is a list of the information that must be provided in a proposal. Bidders should respond to all areas listed below, in the order listed, including with a separate detailed section on a proposed budget.

1. *Corporate/Company Information.* Contractor must provide the OCA with information concerning its corporate/company history; *i.e.*, how many years in business, corporate officers or company principals, location of main and any branch offices, professional and business association memberships, etc.
2. *Personnel Assigned.* Contractor must provide the OCA with a list of all personnel who might be assigned to this project, including the project manager (if applicable) and detailed resumes and summaries of each individual reflecting their relevant experience and the nature of their specific responsibilities. During the course of the work, the OCA must approve in writing any substitutions or changes in personnel assigned to perform the work.
3. *Detailed Budget Proposal.* Provide the OCA with information about the Contractor's hourly rate, identifying the hourly rate(s) for all personnel and any associated expenses, including areas of expertise for all personnel, and any estimated travel expenses that the Contractor would incur when required to be in Concord, New Hampshire. The Contractor must identify any limitations on the number of hours per month that the Contractor is available.
4. *References.* Contractor must provide the OCA with a list of three references for work performed which is similar in scope or content to the services sought through this RFP, preferably work performed within the past five years.
5. *Relevant Writing Samples.* Contractor must provide writing samples, which could include testimony on such topics as utility base rate case issues, utility acquisition cases, consumer protection issues or other writings on these issues. Contractor should identify and describe if Contractor provides similar services to other ratepayer advocates or similar agencies. Electronic links to documents are preferred over hard copies.
6. *Statement of Disclosure.* Contractor must identify any and all existing or potential conflicts of interest, including those that arise as a result of any

relationships or affiliations with utility companies under the jurisdiction of the New Hampshire Public Utilities Commission, or their affiliates.

7. *Schedule Conflicts.* Contractor must identify any pre-existing professional and personal obligations during 2019 and the first half of 2020 which may require consideration in scheduling of existing or future Commission cases.

VI. CRITERIA FOR SELECTION

Cost is a consideration but may not be the determining factor in the OCA's decision. In addition to cost, the OCA will consider the following criteria and assign a corresponding point score, where a maximum score for all criteria would be 100 points and any proposal with a total aggregate point score of less than 65 points will not be considered for an award:

1. Qualifications, technical expertise, knowledge, and practical experience that the organization possesses, including that of the staff and any subcontractors assigned to the project, providing services directly relevant to major, comprehensive rate cases, particularly as they involve affiliates of the two electric utilities that will be initiating rate cases at the PUC as described herein. **Maximum Point Score: 30**
2. Cost of consulting services and expenses, with particular emphasis on the competitiveness of the proposed hourly rates and any proposed discounts or other cost-effective benefits. (The OCA reserves the right to negotiate lower fees or a different fee structure than proposed, with any selected firm(s).) **Maximum Point Score: 25**
3. General experience and qualifications in providing similar services in New Hampshire as well as other states and to other ratepayer advocates or regulatory agencies, including similar current or prior engagements and the positions publicly advocated in connection with such engagements. **Maximum Point Score: 25**
4. Availability and accessibility of staff assigned to project, including physical proximity to New Hampshire. **Maximum Point Score: 10**
5. Overall responsiveness to the requirements of the RFP, including completeness, clarity and quality of the proposal. **Maximum Point Score: 10**

VII. GENERAL BID CONDITIONS

Bids must be typed. One original hard copy and one electronic copy in PDF format must be received. Bids that are incomplete or unsigned will not be considered. The deadline for submitting bids electronically is 12:00 p.m. noon on Friday, November 9, 2018 (a hard copy must be postmarked on or before that date). Bids should be addressed to Jamie Breen, Office of the Consumer Advocate, 21 South Fruit Street, Suite 18, Concord, NH 03301 and sent via e-mail to jamie.breen@oca.nh.gov.

The OCA reserves the right to reject or accept any or all bids, to reject or accept all or any part of any bid, to determine what constitutes a conforming bid, to waive irregularities that it considers not material to the bid, to award the contract solely as it deems to be in the best interest of the State, to contract for any portion of the bids submitted, and to contract with more than one bidder if necessary.

All information relating to this bid (including but not limited to fees, contracts, agreements and prices) are subject to applicable New Hampshire law regarding public information.

Any contract awarded from this RFP must be approved by the New Hampshire Governor and Executive Council. The approved contract will expire on June 30, 2020. For each Project Assignment, the Consultant may be required to conduct a project scoping meeting with the OCA. The purpose of the meeting would be to review and refine the scope, task and project approach requirements, establish a project plan, with key deliverables and milestone dates, and to establish project management and communication protocols to ensure that the information needs of both the OCA and the Consultant are satisfied.

The OCA at any time, in its sole discretion, may terminate the contract, or postpone or delay all or any part of the contract, upon written notice.

VIII. CERTIFICATES

The chosen contractor will be required to provide the following certificates prior to entering into a contract (these materials are not required in responses to the RFP):

New Hampshire Secretary of State's Office Certificate of Good Standing ("CGS")	Individuals contracting in their own name do not need a CGS. Business organizations and trade names need a CGS, except for nonresident nonprofit corporations.
Certificate of Vote Authority ("CVA")	Individuals contracting in their own name do not need a CVA. Business entities and trade names need a CVA.
Certificate of Insurance	Certificate of Insurance form attached with insurance coverage required under the contract. Modifications of insurance coverage required under the contract will be specified in Exhibit C.
Workers' Compensation	Contractor must demonstrate compliance with or exception from RSA 281-A (and if applicable, RSA 228:4-b and RSA 21-I:80, and any other applicable laws or rules).

IX. FORM OF CONTRACT

The terms and conditions set forth in Attachment 1 Form P-37 (v. 5/15) General Provisions Agreement will apply to any contract awarded (but does not need to be completed as part of a proposal). Any contract resulting from this bid proposal shall not be deemed effective until it is signed by the Consumer Advocate and approved by the Governor and Executive Council.

Modifications to Form P-37: Proposals may substitute professional liability, errors and omissions, or similar insurance for some or all of the comprehensive general liability insurance identified in Paragraph 14.1.1 of the Form P-37. Any request to modify standard terms in the P-37 must be identified in the bid response.