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Via Electronic Filing and First Class Mail

April 11, 2019

Jeffrey R. Gaudiosi, Esq.
Executive Secretary
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051

Re: Docket No. 18-06-02: Review of Feasibility, Costs, and Benefits of Placing Certain Customers on Standard Service Pursuant to Conn. Gen. Stat. § 16-245o(m)

Dear Mr. Gaudiosi:

Enclosed please find the Retail Energy Supply Association's Motion for Reconsideration of the Motion No. 15 Ruling or Extension of the Testimony Deadline in connection with the above-referenced proceeding.

I certify that a copy hereof has been sent to all participants of record as reflected on the Public Utilities Regulatory Authority's (the "Authority's") service list as of this date. A copy has also been filed with the Authority as an electronic web filing and is complete.

Please do not hesitate to contact me if you have any questions or require additional information. Thank you.

Sincerely,



Brian E. Calabrese

Enclosure

Copy to: Service List

STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

REVIEW OF FEASIBILITY, COSTS, AND : DOCKET NO. 18-06-02
BENEFITS OF PLACING CERTAIN :
CUSTOMERS ON STANDARD SERVICE :
PURSUANT TO CONN. GEN. STAT. § 16- :
2450(M) : APRIL 11, 2019

RETAIL ENERGY SUPPLY ASSOCIATION’S
MOTION FOR RECONSIDERATION OF THE MOTION NO. 15 RULING OR
EXTENSION OF THE TESTIMONY DEADLINE

The Retail Energy Supply Association (“RESA”)¹ hereby requests that the Public
Utilities Regulatory Authority (the “Authority”) reconsider its ruling granting in part the Joint
Motion for Extension by The Connecticut Light and Power Company d/b/a Eversource Energy
and The United Illuminating Company (together, the “EDCs”)² or extend the deadline for
submission of further pre-filed testimony in connection with the above-referenced proceeding.

BACKGROUND

On June 4, 2018, the Authority initiated the instant proceeding to review the feasibility,
costs, and benefits of transferring to Standard Service all customers enumerated in Connecticut
General Statutes section 16-245o(m).³ The Authority has established a procedural schedule
providing for, among other things, the issuance of and response to interrogatories, pre-filed
testimony, hearings, and briefing.⁴ Indeed, on March 29, 2019, the Authority revised the Time

1 The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as
an organization but may not represent the views of any particular member of the Association. Founded in 1990,
RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and
customer-oriented competitive retail energy markets. RESA members operate throughout the United States
delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy
customers. More information on RESA can be found at www.resausa.org.

2 Joint Motion for Extension by The Connecticut Light and Power Company d/b/a Eversource Energy and The
United Illuminating Company (Motion No. 15) (Apr. 8, 2019) (“Motion No. 15”).

3 Revised Notice of Proceeding (Feb. 7, 2019), at 1.

4 See Time Schedule (Date of Last Revision: Mar. 29, 2019).

Schedule to maintain the hearing date “while affording additional time for discovery.”⁵ Among other things, the Authority provided for the issuance of interrogatories by April 4, 2019, with responses due by April 18, 2019, in advance of the April 25, 2019 deadline for pre-filed rebuttal testimony.⁶

On various dates, since the opening of the instant proceeding, participants have issued and responded to interrogatories.⁷ On March 26, 2019, RESA issued its third set of interrogatories to the EDCs with a response deadline of April 9, 2019.⁸ On April 1, 2019, RESA issued its fourth set of interrogatories to the EDCs with a response deadline of April 15, 2019.⁹ On April 2, 2019, Direct Energy Business, LLC and Direct Energy Services, LLC (the “Direct Energy Companies”) filed their first set of interrogatories to the EDCs with a response deadline of April 16, 2019.¹⁰

On April 8, 2019, the EDCs filed Motion No. 15¹¹ in which they sought an extension until April 30, 2019 to respond or object to the RESA Interrogatories and the Direct Energy Interrogatories.¹² In Motion No. 15, the EDCs asserted: “Since there is currently no schedule issued in this docket, the requested additional time will not unduly delay the proceeding or cause

⁵ Motion No. 11 Ruling (Mar. 29, 2019) (“Motion No. 11 Ruling”), at 1.

⁶ Motion No. 11 Ruling, at 1.

⁷ *See, generally*, Record.

⁸ Retail Energy Supply Association’s Third Set of Interrogatories to the Electric Distribution Companies (Mar. 26, 2019) (“RESA Set 3 Interrogatories”).

⁹ Retail Energy Supply Association’s Fourth Set of Interrogatories to the Electric Distribution Companies (Apr. 1, 2019) (“RESA Set 4 Interrogatories” and, together with the RESA Set 3 Interrogatories, the “RESA Interrogatories”).

¹⁰ Direct Energy Business, LLC and Direct Energy Services, LLC’s First Set of Interrogatories (Apr. 2, 2019) (“Direct Energy Interrogatories”).

¹¹ Motion No. 15.

¹² *See, generally*, Motion No. 15.

other scheduling issues. In addition, no parties will be prejudiced by the requested extension of time.”¹³

On April 9, 2019, the Authority issued its Motion No. 15 Ruling¹⁴ granting the EDCs’ request to provide responses to the RESA Interrogatories and the Direct Energy Interrogatories by April 30, 2019, but requiring that any objection be filed by April 15, 2019.¹⁵

RESA now hereby files its request for reconsideration of the Motion No. 15 Ruling or extension of the deadline for submission of further testimony.

ARGUMENT

The EDCs incorrectly asserted that there was no current schedule and that no parties would be prejudiced by their requested extension. In fact, there is an existing schedule and allowing the EDCs to respond to the RESA Interrogatories by April 30, 2019 will prejudice other participants. Therefore, the Authority should direct the EDCs to respond to the RESA Interrogatories (and the Direct Energy Interrogatories) by April 18, 2019 or extend the deadline for submission of further testimony.

I. THE AUTHORITY SHOULD RECONSIDER THE MOTION NO. 15 RULING TO THE EXTENT THAT IT IS BASED ON THE EDCS’ REPRESENTATION THAT “THERE IS CURRENTLY NO SCHEDULE ISSUED IN THIS DOCKET.”

In Motion No. 15, the EDCs represented that, “[s]ince there is currently no schedule issued in this docket, the requested additional time will not unduly delay the proceedings or

¹³ Motion No. 15, at 2.

¹⁴ Motion No. 15 Ruling (Apr. 9, 2019) (“Motion No. 15 Ruling”).

¹⁵ Motion No. 15 Ruling. On April 10, 2019, the EDCs filed objections to certain of the RESA Interrogatories and the Direct Energy Interrogatories. *See* Joint Objection of The United Illuminating Company and The Connecticut Light and Power Company dba Eversource Energy to the Retail Energy Supply Associations’ Third and Fourth Set of Interrogatories and the First Set of Interrogatories Issued by Direct Energy Business LLC and Direct Energy Services LLC (Apr. 10, 2019) (the “EDC Objection”). While it does not respond to the EDC Objection here, RESA reserves the right to respond to it within the timeframes established by the Authority.

cause other scheduling issues.”¹⁶ Of course, as discussed above, there is a current schedule in the instant docket,¹⁷ and the extension that the EDCs were granted not only creates scheduling issues, but also prejudices other participants by not failing to allow other participants to prepare pre-filed testimony based on the information to be provided in the EDCs’ responses to the RESA Interrogatories (and the Direct Energy Interrogatories). To the extent that the Authority relied upon the EDCs’ representation about the schedule in this docket in the Motion No. 15 Ruling, the Authority should reconsider its ruling.

II. THE AUTHORITY SHOULD DIRECT THE EDCS TO RESPOND TO THE RESA INTERROGATORIES BY APRIL 18, 2019

In its Motion No. 11 Ruling, the Authority allowed the participants additional time for discovery and formulating rebuttal testimony.¹⁸ Indeed, the intent of the Motion No. 11 Ruling’s revision of the procedural schedule was to allow “more time to gain information from an additional set of discovery” and additional time to formulate rebuttal testimony.¹⁹ The Motion No. 11 Ruling provided that interrogatories issued by April 4, 2019 would receive responses by April 18, 2019 - one week before the deadline for pre-filed rebuttal testimony.²⁰ Accordingly, the Authority afforded participants preparing testimony a minimum of one week to review responses to interrogatories and to address them in their pre-filed testimony.

By extending the deadline for the EDCs’ responses to the RESA Interrogatories (and the Direct Energy Interrogatories) until April 30, 2019,²¹ the other participants, including RESA,

¹⁶ Motion No. 15, at 2.

¹⁷ See Time Schedule; see also Motion No. 11 Ruling.

¹⁸ Motion No. 11 Ruling, at 1-2.

¹⁹ See Motion No. 11 Ruling, at 2 (“[T]his revision allows [the Direct Energy Companies] more time to gain information from an additional set of discovery and an additional three weeks to formulate [their] rebuttal testimony.”).

²⁰ Motion No. 11 Ruling, at 1.

²¹ See Motion No. 15 Ruling.

will not receive information necessary to prepare fully further testimony until *after* the current deadline.²² This prejudices participants because it effectively restricts their ability to offer pre-filed testimony on material in the record as contemplated by the Motion No. 11 Ruling, which provided that participants that issued interrogatories by April 4, 2019, as RESA (and the Direct Energy Companies) did,²³ would receive responses *before* the deadline for their pre-filed testimony.²⁴ Therefore, the Authority should require the EDCs to respond to the RESA Interrogatories (and the Direct Energy Interrogatories) by no later than the date contemplated in the Motion No. 11 Ruling (i.e., April 18, 2019).²⁵

Further, preventing participants from addressing responses the RESA Interrogatories and the Direct Energy Interrogatories in their pre-filed testimony will create administrative inefficiencies. The purpose of pre-filed testimony is to expedite hearings²⁶ by focusing on cross-examination.²⁷ Without the benefit of the information requested in the RESA Interrogatories and the Direct Energy Interrogatories, in order to provide testimony on this material,²⁸ participants will need to do so orally at the hearing. Scheduling oral testimony at the hearing, in addition to cross-examination, is administratively inefficient, particularly when some testimony (i.e., testimony based on already-filed interrogatory responses or pre-filed testimony) will be pre-filed

²² See Time Schedule (Date of Last Revision: Mar. 29, 2019) (setting an April 25, 2019 due date for pre-filed rebuttal testimony).

²³ See RESA Set 3 Interrogatories; RESA Set 4 Interrogatories; Direct Energy Interrogatories.

²⁴ See Motion No. 11 Ruling, at 1.

²⁵ See *Id.* at 1. Setting an April 18, 2019 deadline for responses to the RESA Interrogatories (and the Direct Energy Interrogatories) will still provide the EDCs with extensions beyond the initial due dates of these interrogatory responses. See RESA Set 3 Interrogatories (April 9, 2019 initial due date); RESA Set 4 Interrogatories (April 15, 2019 initial due date); Direct Energy Interrogatories (April 16, 2019 initial due date).

²⁶ Cf. Conn. Gen. Stat. §4-178 (“In contested cases . . . when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form . . .”).

²⁷ Cf. Conn. Agencies Regs. §16-1-39 (“In a case where the opening portion has already been submitted in written form as provided by these rules, the hearing shall open with the cross examination of persons who have given written testimony.”).

²⁸ See Motion No. 11 Ruling, at 2 (contemplating pre-filed testimony on data readily available in interrogatory responses).

in written form. To prevent this administrative inefficiency and to streamline the hearings, participants should be afforded the opportunity to prepare pre-filed testimony based on all of the information in the record, including the responses to the RESA Interrogatories and the Direct Energy Interrogatories, in accordance with the timeframes established by the Motion No. 11 Ruling, which provided for responses to all interrogatories issued by April 4, 2019 to be filed by April 18, 2019.²⁹

III. IF THE EDCS ARE PERMITTED TO RESPOND TO THE RESA INTERROGATORIES BY APRIL 30, 2019, THE AUTHORITY SHOULD EXTEND THE DEADLINE FOR FURTHER TESTIMONY

As noted above, the Motion No. 11 Ruling contemplated allowing more time for participants to gain information and prepare pre-filed testimony.³⁰ If the EDCs are permitted to respond to the RESA Interrogatories (and the Direct Energy Interrogatories) by April 30, 2019,³¹ and corresponding extensions (or other adjustments) are not made to the other procedural deadlines established in the instant proceeding,³² participants will be denied access to responses to these interrogatories when formulating their pre-filed testimony and left to address the information provided in these interrogatory responses in oral rebuttal testimony at the hearing. As discussed above, the best way of avoiding this issue and maintaining the current schedule is to direct the EDCs to respond to the RESA Interrogatories (and the Direct Energy Interrogatories) by April 18, 2019. However, this issue also could be addressed by extending the current deadline for the submission of further pre-filed testimony by a period of time corresponding to the length of the extensions provided to the EDCs for their responses to the

²⁹ See Motion No. 11 Ruling, at 1

³⁰ See Motion No. 11 Ruling, at 2.

³¹ See Motion No. 15 Ruling.

³² See Time Schedule (Date of Last Revision: Mar. 29, 2019) (setting an April 25, 2019 due date for pre-filed rebuttal testimony).

RESA Interrogatories (and the Direct Energy Interrogatories).³³ Although not as efficient, alternatively, the Authority could allow participants to file supplemental pre-filed testimony once the EDCs file responses to the RESA Interrogatories and the Direct Energy Interrogatories.

CONCLUSION

For the reasons set forth above, the Authority should reconsider the Motion No. 15 Ruling and direct the EDCs to respond to the RESA Interrogatories (and the Direct Energy Interrogatories) by April 18, 2019 or grant an extension of the deadline for the submission of further pre-filed testimony comparable to the extension granted to the EDCs to respond to the RESA Interrogatories (and the Direct Energy Interrogatories).

Respectfully Submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION



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³³ See Conn. Agencies Regs. §16-1-6 (noting that the Authority may extend any time limit prescribed or allowed by its *Rules of Practice* for good cause shown).

CERTIFICATION

I hereby certify that a copy of the foregoing was sent to all participants of record on this
11th day of April 2019.

Brian E. Calabrese

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