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April 17, 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 Opposition to the Joint Objection of The United Illuminating Company and The Connecticut Light and Power Company dba Eversource Energy to the Retail Energy Supply Association's Third and Fourth Set of Interrogatories 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 ("Authority") 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,



Joey Lee Miranda

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 17, 2019

**RETAIL ENERGY SUPPLY ASSOCIATION’S OPPOSITION TO
THE JOINT OBJECTION OF THE UNITED ILLUMINATING COMPANY AND THE
CONNECTICUT LIGHT AND POWER COMPANY DBA EVERSOURCE ENERGY TO
THE RETAIL ENERGY SUPPLY ASSOCIATION’S
THIRD AND FOURTH SET OF INTERROGATORIES**

The Retail Energy Supply Association (“RESA”)¹ hereby files this Opposition to the electric distribution companies’ (“EDCs”) joint objection to RESA’s third and fourth set of interrogatories.² For the reasons set forth more fully below, the Public Utilities Regulatory Authority (“Authority”) should overrule the Joint Objection and order the EDCs to fully respond to RESA’s third and fourth set of interrogatories.

BACKGROUND

Connecticut General Statutes § 16-245o(m) permits the Authority to initiate a docket to review the feasibility, costs and benefits of placing on default service (“Standard Service”) all customers of all electric suppliers (1) who are hardship cases, (2) having moneys due and owing deducted from such customer bills by the EDC, (3) receiving other financial assistance from an EDC, or (4) who are otherwise protected by law from shutoff of electricity services (collectively,

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 Objection of The United Illuminating Company and The Connecticut Light and Power Company dba Eversource Energy to the Retail Energy Supply Associations’ (sic) 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) (“Joint Objection”).

“Hardship Customers” or “§ 16-245o(m) accounts”).³ On June 4, 2018, the Authority initiated the instant proceeding to undertake this review.⁴ As part of its review, the Authority indicated that it intends to investigate several areas, including:

- trends in § 16-245o(m) accounts, including the conditions driving and impacting those trends;
- the number of § 16-245o(m) accounts serviced by a supplier;
- the amount that § 16-245o(m) accounts have paid versus the amount that the same accounts would have paid if on Standard Service;
- the impact of placing § 16-245o(m) accounts on Standard Service;
- any nonmonetary value that the § 16-245o(m) accounts have received while being serviced by a supplier; and
- any other information that will assist the Authority in reviewing the feasibility, costs, and benefits of possibly switching § 16-245o(m) accounts to Standard Service.⁵

On March 26, 2019, RESA issued its third set of interrogatories to the EDCs.⁶ On April 1, 2019, RESA issued its fourth set of interrogatories to the EDCs.⁷ On April 2, 2019, Direct Energy Business, LLC and Direct Energy Services, LLC issued their first set of interrogatories to the EDCs.⁸ On April 10, 2019, the EDCs filed the Joint Objection.⁹ RESA now hereby files its Opposition to the Joint Objection.

ARGUMENT

As set forth more fully below, the RESA Interrogatories are relevant because they seek information directly related to the issues that the Authority intends to investigate in the instant proceeding. Moreover, the RESA Interrogatories are not overly burdensome because they seek a

³ Conn. Gen. Stat. § 16-245o(m).

⁴ Revised Notice of Proceeding (Feb. 7, 2019), at 1.

⁵ *See id.*

⁶ Retail Energy Supply Association’s Third Set of Interrogatories to the Electric Distribution Companies (Mar. 26, 2019) (“RESA Set 3 Interrogatories”).

⁷ Retail Energy Supply Association’s Fourth Set of Interrogatories to the Electric Distribution Companies (Apr. 1, 2019) (“RESA Set 4 Interrogatories,” together with the RESA Set 3 Interrogatories, the “RESA Interrogatories”).

⁸ Direct Energy Business, LLC and Direct Energy Services, LLC’s First Set of Interrogatories (Apr. 2, 2019).

⁹ Joint Objection.

limited set of information. Accordingly, RESA requests that the Authority overrule the Joint Objection and require the EDCs to fully respond to the RESA Interrogatories.

I. LEGAL STANDARD

The Authority generally adheres to the following standard respecting the scope of discovery in proceedings: “parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in a pending proceeding.”¹⁰ Evidence is relevant if it “has a logical tendency to aid the trier in the determination of an issue.”¹¹ Additionally, “[o]ne fact is relevant to another if in the common course of events, the existence of one, alone or with other facts, renders the existence of the other more certain or more probable.”¹² In fact, “[a]ll that is required is that the evidence tend to support a relevant fact even to a slight degree”¹³ Indeed, in the instant proceeding, the Authority has deemed evidence relevant, even when it was not expressly mentioned among the areas to be explored in the Authority’s Notice of Proceeding because it provides a “basis for comparison” that “may be helpful to the Authority in determining the best result.”¹⁴

In addition, there is no automatic or universally applicable cut-off date prior to which discovery would be irrelevant or unduly burdensome.¹⁵ “How far discovery should go back . . .

¹⁰ *Office of Consumer Counsel v. Department of Pub. Util. Control*, 44 Conn. Supp. 21, 27 (1994) (quoting August 20, 1992 Authority ruling setting forth Authority discovery procedures). At the time of the decision, the Authority was known as the Department of Public Utility Control.

¹¹ *State v. Pagan*, 158 Conn. App. 620, 634 (2015) (citations and internal quotation marks omitted).

¹² *State v. Colon*, 272 Conn. 106, 200 (2004) (citations and internal quotation marks omitted).

¹³ *Id.* at 201.

¹⁴ See Motion No. 5 Ruling (Nov. 21, 2018), at 2 (“Although this docket addresses returning only hardship customers to standard service, a basis for comparison regarding such customers may be helpful to the Authority in determining the best result.”).

¹⁵ *Bershtein v. Rogol*, Docket No. CV 93-0343958-S (3), 1996 Conn. Super. LEXIS 499 (Feb. 23, 1996), *3.

depends on the type of discovery sought and what information a discovery request seeks to procure.”¹⁶

II. RESA-EDC-27, RESA-EDC-28, RESA-EDC-39, AND RESA-EDC-40 SEEK RELEVANT INFORMATION AND ARE NOT UNDULY BURDENSOME

The EDCs have asserted that Interrogatories RESA-EDC-27, RESA-EDC-28, RESA-EDC-39 and RESA-EDC-40 are irrelevant to the current proceeding and are unduly burdensome.¹⁷ Interrogatories RESA-EDC-27 and RESA-EDC-28 ask whether residential customers on amortization agreements are protected from shut-off and the criteria used to determine if a residential customer is eligible for an amortization agreement.¹⁸ By the plain language of the statute, Hardship Customers specifically include residential customers receiving financial assistance from an EDC or who are protected by law from shutoff of electricity services.¹⁹ Thus, Interrogatories RESA-EDC-27 and RESA-EDC-28 seek information specifically relevant to determining the scope of customers potentially within the purview of the statute and this proceeding.

Similarly, Interrogatories RESA-EDC-39 and RESA-EDC-40 request information about how The Connecticut Light and Power Company d/b/a Eversource Energy defines hardship customers and whether that definition is consistent with the manner in which The United Illuminating Company defines its hardship customers and how Connecticut General Statutes section 16-245o(m) defines Hardship Customers.²⁰ Thus, Interrogatories RESA-EDC-39 and

¹⁶ *Bershtein*, 1996 Conn. Super. LEXIS 499, at *3; *see also Hartford County Sheriff's Dep't v. Blumenthal*, 47 Conn. Supp. 447, 474-75 (2001) (evaluating burdensomeness on the bases of the period of time in question and the nature of the documents sought).

¹⁷ *See, generally*, Joint Objection

¹⁸ *See* Interrogatories RESA-EDC-27 and RESA-EDC-28.

¹⁹ Conn. Gen. Stat. § 16-245o(m).

²⁰ *See* Interrogatories RESA-EDC-39 and RESA-EDC-40.

RESA-EDC-40 also both seek information directly relevant to determining the scope of customers potentially within the purview of the statute and this proceeding.

Moreover, Interrogatories RESA-EDC-27, RESA-EDC-28, RESA-EDC-39, and RESA-EDC-40 are not unduly burdensome. Despite the EDCs' bald assertions to the contrary, these interrogatories do not seek "a tremendous amount of information, including from legacy customer account systems over several years."²¹ These interrogatories request information about *current* customer classifications and whether those current classifications qualify those customers as Hardship Customers. Thus, they do not seek a "tremendous amount of information" nor do they require the EDCs to obtain information from "legacy customer accounts systems" or "over several years." Accordingly, Interrogatories RESA-EDC-27, RESA-EDC-28, RESA-EDC-39, and RESA-EDC-40 are not unduly burdensome.

III. RESA-EDC-29 SEEKS RELEVANT INFORMATION AND IS NOT UNDULY BURDENSOME

The EDCs have asserted that Interrogatory RESA-EDC-29 is irrelevant to the current proceeding and is unduly burdensome.²² Interrogatory RESA-EDC-29 asks about the criteria used to determine if a residential customer's account is uncollectible and whether that criteria varies based on the customer's status as hardship or non-hardship.²³ The Authority has already determined that information about uncollectible accounts is relevant to this proceeding.²⁴ In addition, the EDCs have already responded, *without objection*, to interrogatories from the OCC regarding uncollectibles for both hardship and non-hardship customers.²⁵ Furthermore,

²¹ Joint Objection, at 4.

²² See, generally, Joint Objection.

²³ Interrogatory RESA-EDC-29.

²⁴ Motion No. 5 Ruling, at 2 (overruling RESA's objection to Interrogatory OCC-15).

²⁵ See, e.g., EDCs' Responses to Interrogatories OCC-14 and OCC-15.

understanding how the EDCs' determine an account is uncollectible is relevant to understanding those prior responses. Thus, Interrogatory RESA-EDC-29 seeks relevant information.

Moreover, Interrogatory RESA-EDC-29 is not unduly burdensome. Despite the EDCs' bald assertions to the contrary, this interrogatory also does not seek "a tremendous amount of information, including from legacy customer account systems over several years."²⁶ It requests information about the criteria to determine *current* customer classifications. Thus, Interrogatory RESA-EDC-29 does not seek a "tremendous amount of information" nor does it require the EDCs to obtain information from "legacy customer accounts systems" or "over several years." Accordingly, Interrogatory RESA-EDC-29 is not unduly burdensome.

IV. RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-38, RESA-EDC-46 AND RESA-EDC-47 SEEK RELEVANT INFORMATION AND ARE NOT UNDULY BURDENSOME

The EDCs have also asserted that Interrogatories RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-38, RESA-EDC-46 and RESA-EDC-47 are irrelevant to the current proceeding.²⁷ However, these interrogatories seek information that is comparable to that which the Authority already determined to be relevant²⁸ and to that which the EDCs have already provided, *without objection*, in response to Interrogatories issued by the Office of Consumer Counsel ("OCC").²⁹

Moreover, the Authority has determined that the instant proceeding will review, among other things, the costs and benefits of switching Hardship Customers to Standard Service.³⁰ Further, the Authority has noted that a necessary part of this inquiry involves comparing costs

²⁶ Joint Objection, at 4.

²⁷ See, generally, Joint Objection.

²⁸ See Motion No. 5 Ruling, at 2 (overruling RESA's objections to Interrogatories OCC-3, OCC-4, OCC-23(a) and OCC-24(a)).

²⁹ See Interrogatories RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-46 and RESA-EDC-47, which each refer to the EDCs' responses to either OCC-3 or OCC-4; see also EDCs' Responses to Interrogatories OCC-23, OCC-24, OCC-26 and OCC-27 providing usage information.

³⁰ See Revised Notice of Proceeding, at 1 ("The Authority will solicit and receive information on the feasibility, costs, and benefits of switching the accounts detailed in Conn. Gen. Stat. §16-245o(m) to standard service.").

paid by Hardship Customers when enrolled in competitive supply products to the costs “the same accounts would have paid if on standard service.”³¹ Similarly, the Authority has recognized that another necessary part of its inquiry involves exploring the impact of placing Hardship Customers on Standard Service.³² The information sought by Interrogatories RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-38, RESA-EDC-46 and RESA-EDC-47 is relevant because it is directly related to all of these issues and will provide a “basis for comparison” that “may be helpful to the Authority in determining the best result.”³³

Lastly, the information sought by Interrogatories RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-38, RESA-EDC-46 and RESA-EDC-47 is not unduly burdensome. These interrogatories seek information for a comparable period of time³⁴ and/or timeframe³⁵ as the vast majority of the OCC’s interrogatories. Thus, just like the OCC interrogatories to which the EDCs already responded, *without objection*,³⁶ RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-38, RESA-EDC-46 and RESA-EDC-47 are not unduly burdensome.

CONCLUSION

For all the foregoing reasons, RESA requests that the Authority overrule the Joint Objection and order the EDCs to fully respond to the RESA Set 3 and Set 4 Interrogatories.

³¹ See Revised Notice of Proceeding, at 1.

³² *Id.*

³³ See Motion No. 5 Ruling, at 2 (“Although this docket addresses returning only hardship customers to standard service, a basis for comparison regarding such customers may be helpful to the Authority in determining the best result.”).

³⁴ Compare, e.g., Interrogatories OCC-3 and OCC-4 (requesting data spanning a two year period) with Interrogatories RESA-EDC-36a, RESA-EDC-37a, RESA-EDC-46 and RESA-EDC-47 (each requesting data for a one year period).

³⁵ Compare, e.g., Interrogatory OCC-3 (requesting information for the period October 2016-September 2018) with Interrogatory RESA-EDC-38 (requesting information for the period October 2016-March 2019).

³⁶ See, generally, EDCs’ Responses to OCC’s Interrogatories.

Respectfully Submitted,
RETAIL ENERGY SUPPLY
ASSOCIATION

By 

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CERTIFICATION

I hereby certify that a copy of the foregoing was sent to all participants of record on this
17th day of April 2019.


Joey Lee Miranda