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STATE OF NEW HAMPSHIRE



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July 20, 2015

Robert Fisher  
58 Adams Street  
Laconia, NH 03246-3732

Re: DE 15-251; Complaint of Robert Fisher against Eversource Energy

Dear Mr. Fisher:

You filed a complaint alleging Eversource Energy violated Puc 1203.03, which authorizes utilities to demand a deposit or "written guarantee" when a customer has received four disconnect notices in a 12 month period. The rule lists "a customer in good standing of the utility" as one who may sign a written guarantee. Puc 1203.03(i)(1).

Eversource demanded a deposit from you based on 11 disconnect notices during the prior 12 months. You offered the written guarantee of your brother, Sam Fisher. Eversource declined the offer because Sam Fisher had been an Eversource customer for only 2 months and Eversource interprets "customer in good standing" to mean one with a 12 month timely payment history. You alleged this 12 month requirement violated Puc 1203.

The Commission denied your complaint by secretarial letter dated June 8, 2015 stating:

The Commission's rules do not define the term "customer in good standing of the utility." Instead, the Commission applies the common understanding of that term to determine whether a utility's practices are reasonable. The Commission found that it is reasonable for Eversource to define "customer in good standing" as a customer with a history of twelve timely payments without arrearages before accepting that customer's personal guarantee as surety for another customer's account.

The Commission thus "determined that there is no basis for your dispute with Eversource." Puc 204.04(b).

You filed a motion to reconsider, which the Commission construed to be a motion for rehearing pursuant to RSA 541:3. Your motion argues that Puc 1203 does not define "good standing" and that Eversource's imposition of 12 month requirement is unreasonable. The motion argues that

the phrase should carry “the common understanding of the term,” citing definitions from many other sources. The motion asks the Commission to find “that Sam Fisher, a customer in good standing with Eversource, using the common understanding of the term, meets the qualifications of ... Puc 1203.03(i) and therefore must have his written guarantee accepted.” Eversource timely objected, arguing the motion raises no new issues or matters that the Commission overlooked or misapprehended.

After a review of the pleadings and further consideration, the Commission has granted your motion and will conduct a hearing on August 10, 2015 at 1:30 p.m. The Commission adopts the following procedures and determinations with respect to the hearing:

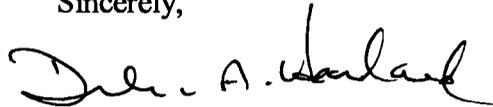
1. Mr. Fisher and Eversource shall file the following with the Commission, no later than July 31, 2015:
  - (a) a list of witnesses they intend to call at the hearing, identifying each witness by name and business or home address;
  - (b) a short written summary of each witness’s position, which summary should provide the witness’s account of the facts and any other relevant topic about which the witness is expected to testify; and
  - (c) The parties *may* also provide a summary of the legal issues involved in this case. The Commission is particularly interested in whether and how a utility may interpret and apply a Commission rule when the rule does not specifically or precisely provide the answer to the situation that the utility confronts.
2. Mr. Fisher and Eversource shall file with the Commission, no later than August 7, 2015, all exhibits they intend to introduce at the hearing. Exhibits should include copies of the disconnect notices, any official correspondence or other communication between Mr. Fisher and Eversource, documents related to the offer to have Sam Fisher serve as a guarantor, and other documents the parties believe will support their respective positions.
3. Mr. Fisher and Eversource will each have a chance to ask questions of all witnesses, regardless of who called the witness. However, only witnesses who have filed summaries with the Commission prior to the hearing, as described in paragraph 1 above, will be allowed to provide information or testify at the hearing. Witnesses for Mr. Fisher shall appear first, followed by witnesses for Eversource.
4. Unless a good reason can be given, the Commission will not accept any exhibits unless they were submitted prior to the hearing as described in paragraph 2 above.

5. At the end of the hearing, each side will be allowed to make a final statement to the Commission. Eversource will go first, followed by Mr. Fisher.

6. The hearing shall be recorded. Eversource shall bear the cost of the transcription.

To the extent that any of the above is inconsistent with the Commission's procedural rules, the Commission has determined that a waiver of the applicable rule or rules serves the public interest and will be conducive to, rather than disruptive of, the orderly proceeding of the Commission. *See* Puc 201.05(a). Finally, the Commission places Mr. Fisher on notice that, as the moving party, he will have the burden of proof at the hearing. The Commission encourages Mr. Fisher to contact Staff with questions or for assistance as needed as Mr. Fisher may not be familiar with the Commission's procedures.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Debra A. Howland  
Executive Director

cc: Service list

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

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**FILING INSTRUCTIONS:**

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with: DEBRA A HOWLAND  
EXEC DIRECTOR  
NHPUC  
21 S. FRUIT ST, SUITE 10  
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.
- c) Serve a written copy on each person on the service list not able to receive electronic mail.