Date Filed: November 02, 2026

Witness: Counsel
Request from: ALLCO

Question:

(Treatment of behind-the-meter solar generation that is consumed on site.) For a customer with a rooftop or other behind-the-meter solar facility, describe step by step — by reference to the specific sections of Market Rule 1, Manual M-28, ISO-NE Operating Procedure No. 18, and the Company's own load settlement procedures on which the Company relies, which should be produced — how the energy generated by the facility and consumed on the premises (not exported to the distribution system) is treated in the Company's Load Settlement Process under Market Rule 1, separately for each of the following four cases: (i) a customer without interval metering served by a licensed third-party supplier; (ii) a customer without interval metering taking Standard Service or Last Resort Service from the Company; (iii) a customer with interval metering served by a third-party supplier; and (iv) a customer with interval metering taking Standard Service. For each case state: (a) the Load Asset to which the customer's load is assigned and the entity that holds it; (b) whether the on-site generation reduces the hourly load reported for that Load Asset, and if so how the hourly reduction is determined — in particular, for a profiled customer, whether the reduction in billed kilowatt-hours is spread across all hours of the month according to the rate-class load profile rather than assigned to the daylight hours in which the generation occurred, and whether the Company applies any solar-adjusted or net-metered-customer load profile; (c) which load-serving entity's wholesale energy, capacity, and regional-network-service obligations are reduced as a result, and by what amount per kilowatt-hour of on-site consumption; and (d) a worked example for a customer consuming 1,000 kWh in a month of which 400 kWh is supplied by on-site solar, showing the kilowatt-hours reported to ISO-NE for the customer's Load Asset in each case.

Response:

Eversource objects to this request. The requested information regarding load settlement for behind-the-meter solar generation is not probative of any material or disputed issue relevant to the Company's application in this proceeding, which PURA is conducting as a general distribution rate proceeding pursuant to Conn. Gen. Stat. § 16-19, to amend the Company's base-rate schedules. Absent such a connection, the requested information is not reasonably calculated to advance the evidentiary record upon which PURA must base its decision.

The purpose of discovery is to provide PURA, the parties, and intervenors with access to relevant, probative information necessary to develop a complete and accurate record -- not to allow repetitive or irrelevant requests that divert time and resources from that objective. By statute,

administrative agencies must exclude "irrelevant, immaterial or unduly repetitious evidence." Conn. Gen. Stat. § 4-178(1); see also Conn. Agencies Regs. § 16-1-38(a). Connecticut judicial precedent explains that evidence is relevant only if it has a tendency to establish the existence of a material fact. United Technologies Corp. v Commission on Human Rights & Opportunities, 72 Conn. App. 212, 229 (2002). Discovery must advance the efficiency of the proceeding and provide the factual foundation upon which an agency decision may rely. Therefore, a party is required to produce discovery documents only if they are "material and necessary to [an] action." Dotson v. Hartford Roman Catholic Diocesan Corp., No. CV106012742S, 2011 WL 1021745, (Conn. Super. Ct. Feb. 17, 2011) (citing, Berger v. Cuomo, 230 Conn. 1, 7 (1994)); see also Conn. Gen. Stat. § 4-177c(a)(1) (permitting discovery of "relevant and material records, papers and documents[.]").

Additionally, discovery "does not afford an open invitation to delve into [CL&P's] affairs". J. Pub. Co. v. Hartford Courant Co., 261 Conn. 673, 681 (2002). Allco "must be able to demonstrate good faith as well as probable cause that the information sought is both material and necessary" to this rate case. Id. Practice Book § 13-2, which defines the scope of discovery, provides in relevant part that a party may only seek discovery of nonprivileged information that is "material to the subject matter involved in the pending action . . . ." "It is axiomatic that [e]vidence is admissible only to prove material facts, that is to say, those facts directly in issue or those probative of matters in issue; ***evidence offered to prove other facts is immaterial***." Salmon v. Dept. of Public Health & Addiction Services, 259 Conn. 288, 316 (2002) (internal quotation marks omitted; emphasis added.)

Further, discovery may not be used to conduct an unrestricted search for information. As the Connecticut Supreme Court has explained, a party "should not be allowed to indulge a hope that a thorough ransacking of any information and material which . . . [CL&P] may possess would turn up evidence helpful to [his] case". J. Pub. Co. v. Hartford Courant Co., 261 Conn. at 681. Simiarly, "[i]nterrogatories should not be used to . . . permit a party to go on a fishing expedition." Mfr.'s Advert., Inc. v. Pancoast, 4 Conn. Cir. Ct. 668, 670 (1967) (internal quotation marks omitted).

Here, Allco's request pertains to load settlement for behind-the-meter solar generation, which is not relevant to PURA's evaluation of either the Company's application as a whole or its proposed revenue requirement. Thus, the information requested in this interrogatory is not relevant or material to the Company's rate application as it does not advance the factual foundation upon which PURA's decision will rely. Office of Consumer Counsel v. Department of Public Utility Control, 44 Conn. Supp. 21, 26-27 (1994). As the information is irrelevant and immaterial, this discovery must be excluded. See General Statutes § 4-178(1); see also Conn. Agencies Regs. § 16-1-38(a).

In addition, the statutory 350-day timeframe for issuing a final decision on the Company's application, coupled with the volume of interrogatories issued, strongly weighs against devoting

the time and resources of the parties and PURA to discovery that does not advance the resolution of this proceeding. Requiring the Company to collect, review, and produce information that has not been shown to be material or relevant would impose unnecessary administrative burdens and divert resources from the important issues PURA must evaluate and resolve within the statutory timeframe. Accordingly, in the interest of the orderly and efficient conduct of this proceeding, Eversource respectfully requests that this objection be sustained.