Date Filed: November 02, 2026

Witness: Counsel
Request from: ALLCO

Question:

(The claimed ratepayer benefit of load-reducer treatment.) The Company stated in ALLCO-040, and ALLCO-041, that treating distribution-connected resources under five megawatts as unregistered load reducers "produces benefits for customers by reducing wholesale load obligations," and in ALLCO-087, that it is the "general Company practice to not register" such resources with ISO-NE and that this practice has been "acknowledged and accepted by PURA." Explain how the Company's treatment of projects under 5 MW as load reducers results in benefits to ratepayers, and in doing so: (a) identify the customers who receive the benefit — the Company's Standard Service and Last Resort Service customers, customers of third-party suppliers, all distribution customers, or some other group — and quantify the benefit to each group for each year 2020 through 2025 in megawatt-hours, in capacity megawatts, and in dollars; (b) identify the docket, decision, or ruling in which the Authority "acknowledged and accepted" the practice of not registering resources under 5 MW, and produce it; (c) compare the treatment in (a) with the treatment that would result if a facility whose output the Company purchases were registered as a Settlement Only Resource — in which case its metered output would be settled at the locational marginal price to the account of the Company as purchaser — and state whether the Company has ever evaluated registering, as Settlement Only Resources or otherwise, facilities whose output it purchases under buy-all tariffs or power purchase agreements, so that the energy and capacity value of that output accrues to the customers who pay for it; produce each such evaluation or state that none exists; (d) state whether the Company's load forecasts used for Standard Service procurement, and the Standard Service bids it receives, reflect the load-reducing effect of behind-the-meter generation, and if so how, so that the Authority can determine whether the claimed benefit reaches Standard Service customers in the price they pay; and (e) state whether the Company's statement in ALLCO-087, that "no individual or group determines" whether a resource under 5 MW is registered with ISO-NE remains accurate, and if so identify the person or group responsible for the Company's compliance with ISO-NE registration and metering requirements for distributed resources.

Response:

Eversource objects to this request. The requested information regarding the treatment of distributed energy resources as load reducers 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 the treatment of distributed energy resources as load reducers, 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 imposse uneccesary 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.