Date Filed: October 27, 2026

**Witness: Counsel**
**Request from: ALLCO**

**Question:**

(Follow-up to ALLCO-088, ALLCO-096, ALLCO-097, and ALLCO-098 — load-reducer treatment.) ALLCO-088, Attachment 1, presents an "Estimated CL&P Distributed Solar Output" at each ISO-New England monthly peak hour from 2021 through 2025, while the response to ALLCO-088, subpart (e) states that the Company "has not expressly estimated the effect of behind-the-meter or load-reducing generation on peaks, load obligations, or transmission billing determinants." State: (a) the source, method, author, and date of preparation of Attachment 1, and each other purpose for which the Company or any affiliate uses that or any similar estimate (including load forecasting, standard-service procurement, and ISO-New England reporting); (b) the installed distributed-generation capacity (MW AC) assumed for each month in Attachment 1, reconciled to the capacity reported in ALLCO-095; (c) why the estimated output at the monthly peak hour is reported as zero in most months, including months in which the peak hour is 18:00 or 19:00 and daylight remains, and the estimated output at the ISO-New England annual peak hour and at the hour of the Company's own monthly distribution-system peak in each year 2021 through 2025; (d) the mechanism by which, as stated in ALLCO-098, subpart (b), excess generation delivered to the grid by a customer served by one load-serving entity "reduces load and capacity obligations for all load-serving entities" rather than the obligation of the load-serving entity that serves the host customer, by reference to the ISO-New England settlement rules the Company relies on; (e) whether the Company, as standard-service and last-resort-service provider, receives the reduction in energy, capacity, and transmission settlement attributable to load-reducing generation at the premises of its standard-service customers, and where in the standard-service rate or reconciliation that reduction is credited; and (f) whether the Company's standard-service procurement solicitations disclose to bidders any forecast of behind-the-meter generation, and if so produce the most recent such disclosure.

**Response:**

Eversource objects to this request on the basis of relevance and administrative burden. In terms of relevance, this request seeks information that is not relevant to any request of the Company 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. This discovery request is seeking information regarding solar generation, electric generation and supply and load settlement issues and is, therefore, not reasonably calculated to lead to the discovery of evidence that would further the purposes of this proceeding or be relevant to any issue that will be decided in this proceeding.

Under Connecticut case law, 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 hearing 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)).

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.)

Also, Allco "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. "Interrogatories 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).

The information requested in this interrogatory is not 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).

PURA has also previously ruled that interrogatories must pertain to the evidence and testimony submitted by a witness in the proceeding. See, Ruling on Motion No. 73, Docket No. 23-11-02 – Application of Connecticut Natural Gas Corporation and The Southern Connecticut Gas Company to Amend Their Rate Schedules, April 3, 2024, citing, General Statutes § 4-177c(a)(2); Motion Ruling Nos. 15 and 17, Jan. 2, 2009, Docket No. 08-07-15, Petition of the Office of Consumer Counsel for Enforcement of Quality of Service Standards for The Southern New England Telephone Company d/b/a AT&T Connecticut.

In addition, considering the statutory 350-day timeframe to issue a final decision on the Company's application and the number of interrogatories issued in this proceeding to-date, the litigation of issues irrelevant to the Company's application threatens to adversely impact the orderly conduct of this proceeding.[1]

[1] Allco previously litigated renewable energy projects as load reducers in the Company's Docket No. 24-01 03, Revenue Adjustment Mechanism proceeding. See, Docket No. 24-01-03, Eversource responses to ALLCO-04, and ALLCO-027. Eversource objected to both of these questions.