

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-063**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY,  
LIBERTY UTILITIES (GRANITE STATE ELECTRIC) CORP. d/b/a LIBERTY, AND  
UNITIL ENERGY SYSTEMS, INC.**

**Petition for Waiver of Certain Provisions of the Puc 2200 Rules and Request to  
Recover Costs of Implementing the Puc 2200 Rules**

**Prehearing Order**

On August 17, 2023, the Commission held a prehearing conference in this matter pursuant to N.H. Code Admin. R. Puc 203.15, which was attended by: Public Service Company of New Hampshire d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, Unitil Energy Systems, Inc., (together, the Joint Utilities); Colonial Power Group; the Community Power Coalition of New Hampshire; the Office of the Consumer Advocate; and the New Hampshire Department of Energy. The Commission issued an initial prehearing order after the conclusion of the prehearing conference addressing intervention requests and setting a deadline for the parties to file a proposed procedural schedule. Eversource filed an assented-to proposed procedural schedule on August 31, 2023.

This prehearing order addresses the following issues: a procedural schedule to govern the remainder of this proceeding, temporary rule waivers during the pendency of this proceeding, interpretation of term “usage data” as it is used in Puc ch. 2200, and future processes to consider updates to New Hampshire’s Electronic Data Interchange (EDI) standards.

1. Procedural Schedule

The assented-to proposed procedural schedule filed by Eversource on August 31, 2023 is approved. Consistent with that proposal, a hearing will be held on

February 22, 2024, from 1:00 to 4:00 p.m. The hearing will be conducted in-person and in accordance with the previously issued hearing guidelines. If additional time will be required, the parties should notify the Commission within ten days from the date of this order.

2. Temporary Waivers

a. Standard

Puc 2201.03 and Puc 201.05 authorize the Commission to waive the provisions of any of its rules upon finding that waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the commission. Puc 201.05(a)(1)–(2). The public interest criterion is informed by whether compliance with the rule would be onerous or inapplicable given the circumstances and whether the rule would be satisfied by an alternative method. Puc 201.05(b)(1)–(2). No statute or rule specifically addresses short-term or interim waiver requests, however the Commission has granted temporary waiver related to Puc ch. 2200 rules on a case-by-case basis during the pendency of waiver request proceedings. *See, e.g.*, Docket Nos. DE 22-072 and DE 22-080.

b. Eversource’s Request re: Puc 2204.02(a)(2) and 2205.13(a)(7)

Eversource requested temporary waiver of Puc 2204.02(a)(2) and 2205.13(a)(7), both of which require utilities to provide usage data to community power aggregation entities in kWh for each reported interval. As discussed below, the parties disagree whether the rules require utilities to provide net-metered customer export data. Eversource stated that if it is required to provide negative usage data, it is unable to do so at this as of the time of filing. Eversource further stated that it is implementing system changes that would allow it to provide negative usage data by the end of September, 2023.

We grant Eversource's waiver of Puc 2204.02(a)(2) and 2205.13(a)(7) from the date of the petition's filing until such time as capabilities are implemented. Waiver serves the public interest because Eversource is not presently able to provide the data, and Eversource is implementing system changes to be able to provide such data. As such, compliance during the interim period would be onerous or impossible, and system changes are being implemented on a defined timeline.

c. Joint Utilities' Request re: Puc 2205.16(d)(1)

The Joint Utilities requested waiver of Puc 2205.16(d)(1), which requires the utilities to provide what is informally known as "bill-ready billing." Bill-ready billing allows an energy aggregator or supplier to calculate the amount due for the energy supply portion of a customer bill, while still using utility facilitated consolidated billing service for the presentment and collection of that amount. This requires exchanges of information between the utility and the aggregator or supplier. Bill-ready billing is different from "rate-ready billing" consolidated billing service where the supplier or aggregator provides the utility with a volumetric rate or rates for energy supply and the utility calculates the bill amount. The Joint Utilities can provide rate-ready billing.

According to the Joint Utilities, changes to billing systems and EDI standards, as well as establishment of minimum parameters, would be needed in order to implement and facilitate bill-ready billing. The Joint Utilities estimate that changes would take up to 2 years to implement, with estimated costs in excess of \$8.9 million.

At the prehearing conference, the Community Power Coalition of New Hampshire (CPCNH) supported waiver of Puc 2205.16(d)(1) during this proceeding and, potentially, indefinitely, as a way to simplify issues and facilitate addressing other barriers to bill-ready billing first, such as access to data. The other parties either saw merit in CPCNH's position or took no position.

We grant the Joint Utilities' request for waiver of Puc 2205.16(d)(1) for the duration of this proceeding. This waiver serves the public interest because the costs and timeframe for implementation of bill-ready billing are significant, while potential alternatives that could meet the intent of the rule appear to exist. These alternatives should be explored and vetted in the instant proceeding before the Joint Utilities set out on a time consuming and costly path to compliance with Puc 2205.16(d)(1).

3. Interpretation of the term "usage data" in the Puc ch. 2200 rules

The parties request the Commission interpret the term "usage data" as it is used in Puc ch. 2200. The term is not defined, but can be found 10 times within the chapter. The Joint Utilities focus on three specific instances of the term's use:

- a) Puc 2203.02(d): All customer usage data provided by the utility shall include consumption power delivered to customers and exports to the grid from customer generators in kWh for each reported interval.
- b) Puc 2204.02(a)(2): The most recent 24 months of usage data in kWh for each reported interval if available, or 12 months otherwise[.]
- c) Puc 2205.13(a)(7): The most recent 24 months, if available, or 12 months otherwise, of usage data in kWh for each monthly interval for accounts reported in monthly intervals for load settlement, and for each hourly interval for accounts reported in hourly intervals for load settlement[.]

Puc 2203.02(d) follows Puc 2203.02(b)(1), which requires "The most recent 24 months of monthly usage data if available, or 12 months otherwise..." The Joint Utilities argue that Puc 2203.02(d) applies only to Puc 2203.02(b)(1), and therefore the language "consumption power delivered to customers and exports to the grid from customer generators in kWh for each reported interval" only applies to usage data provided pursuant to 2203.02(b)(1). As noted above, Eversource is the only company not able to provide net-metered customer export data, and is implementing changes that would enable it to provide such data.

CPCNH encourages the Commission not to view the term "usage data" in isolation, but instead to look at the context of the overall statutory and regulatory

scheme. According to CPCNH, community power aggregators both plan to, and are obligated to, serve net-metered and time-of-use customers, which requires the applicable monthly or hourly interval data whether that data is negative or positive.

Puc 2203.02(d) does not create a definition that is applicable to the entire chapter. Reviewing Puc 2204.02(a)(2) and 2205.13(a)(7), we find no conclusive language addressing negative data values, and that “usage data” could be reasonably interpreted to either exclude or include negative values, therefore the term as it is used in those parts is ambiguous.

Reviewing Puc 2205.13(a)(7) in context, we note that the purpose of the “usage data” is for load settlement purposes. In the context of net-metering, generation output for an aggregator or supplier “shall be accounted for as a reduction to the customer-generators' electricity supplier's wholesale load obligation for energy supply as a load service entity, net of any applicable line loss adjustments, as approved by the [C]ommission.” RSA 362-A:9, I-a(II). Furthermore, “[m]etering shall be done in accordance with normal metering practices. A single net meter that shows the customer's net energy usage by measuring both the inflow and outflow of electricity internally shall be the extent of metering that is required at facilities with a total peak generating capacity of not more than 100 kilowatts.” RSA 362-A:9, I-a(III) (emphasis added). Because the purpose of Puc 2205.13(a)(7)'s usage data is for load settlement we conclude such “usage data” for net-metering customers (as identified by Puc 2205.13(a)(9)), interpreted with reference to a comparable statute, includes net usage during a reported interval, whether positive or negative. We also construe 2203.02(d) harmoniously with the remainder of the chapter to require the provision of positive and negative values for each reported interval.

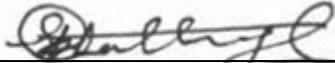
#### 4. Consideration of potential changes to EDI standards

Finally, the time has come to follow through on the Commission's stated intention in Order No. 22,919 (May 4, 1998), and to engage in a rulemaking to review EDI standards on a statewide basis. We therefore will open a new rulemaking docket and request advance public comment on subject matter of possible rulemaking as an initial step in facilitating a Commission overseen review of New Hampshire's EDI standards.

So ordered, this 29th day of September, 2023.



Daniel C. Goldner  
Chairman



Pradip K. Chattopadhyay  
Commissioner



Carleton B. Simpson  
Commissioner

# Service List - Docket Related

Docket#: 23-063

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