

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-074

**TOWN OF MARLBOROUGH
Board of Selectmen
Post Office Box 487
Marlborough, NH 03455**

**Request for Approval of Marlborough Community Power
Electric Aggregation Plan**

Commission Approval of Community Power Aggregation Plan

ORDER NO. 26,755

December 29, 2022

In this order, the Commission approves the Town of Marlborough's (Marlborough) Community Power Electric Aggregation Plan (Plan).

I. BACKGROUND

On November 2, 2022, Marlborough submitted a request for approval of a community power aggregation plan to provide electric power supply and services for residents, businesses, and other entities in Marlborough pursuant to RSA chapter 53-E. Accompanying its request, Marlborough submitted the text of its Plan with exhibits.

On November 3, 2022, the Commission issued an order of notice establishing a deadline for comments on Marlborough's Plan. Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) filed comments on November 21, 2022.

Marlborough's request, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-074.html>.

II. COMMISSION ANALYSIS

The Commission has reviewed Marlborough's Plan pursuant to RSA 53-E:7, II, as amended, which states that

The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules.


RSA 53-E:7, II also provides specific direction on the process to be used for the submission of such plans, including the following requirements: 1) on the same day the plan is submitted to the Commission, copies shall be provided to the Office of the Consumer Advocate and any electric distribution utility providing service within the jurisdiction of the municipality; 2) the Commission shall accept public comments for 21 days thereafter; and 3) the Commission's review of the plan and comments shall not require a contested case. N.H. Code Admin R. Puc 2204.01 (a) also requires notification of aggregation plan filings be made with the New Hampshire Department of Energy. Marlborough's submission complied with these procedural requirements.

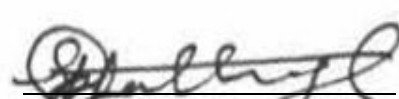
Eversource commented that the Plan appeared to be consistent with the Puc chapter 2200 rules, while noting that the Plan contains an illustrative schedule stating that a "Competitive Supplier, at its expense, mails Customer Notification Letters to all retail electric customers, identifying the return date by which the reply card envelopes for Eligible Customers must be mailed and postmarked." Eversource commented that RSA 53-E:7, III places the responsibility of mailing such customer notification letters with the municipality, does not mention an ability to delegate that responsibility, and that a customer receiving a notification letter from a competitive supplier rather than directly from the municipality could result in confusion for customers who may think they are receiving some sort of marketing or advertisement.

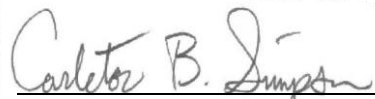
Based on our review of the Plan, we have determined that Marlborough's Plan contains an adequate level of detail of the RSA 53-E:6, III statutory criteria, other applicable statutory requirements, and applicable rules including N.H. Code Admin R. ch. 2200. With respect to Eversource's comments, we agree that care should be taken to ensure that customer mailings, from the four corners of the envelope to contents of the letters, should reflect that the communication relates to official town business that is both time sensitive and could impact the recipients' rights and responsibilities. We are, however, satisfied that Marlborough will be cognizant of these factors based on provisions in sections VI.b of the Plan and 2.1 of Exhibit II to the Plan, which respectively state that "[t]he Education and Outreach Plan will be developed and implemented by the Consultant in conjunction with the Town Energy Committee and approved by the Selectboard" and "[t]he notification envelope will be designed to appear as an official Town communication and it will be clearly marked as containing time sensitive information related to the Program."

Based upon the foregoing, it is hereby determined that the Town of Marlborough's Request for Plan Approval is GRANTED.

By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of December, 2022.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-074

Printed: 12/29/2022

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