

**BEFORE THE PUBLIC UTILITIES COMMISSION
STATE OF NEW HAMPSHIRE**

IR 22-076

ELECTRIC DISTRIBUTION UTILITIES

**Investigation of Whether Current Tariffs and Programs are Sufficient to Support
Demand Response and Electric Vehicle Charging Programs**

December 15, 2023

COMMUNITY POWER COALITION OF NEW HAMPSHIRE

ELECTRONIC DATA INTERCHANGE WORKING GROUP (EDI WG)

PROCESS RECOMMENDATIONS

The Commission opened IR 22-076 on November 15, 2022, to “*consider whether to adopt rate mechanisms or standards concerning such demand response practices and electric vehicle charging programs*” and solicited responses to a set of questions relating to these matters to consider in future, including “*What structural reforms could enable a more competitive retail electricity market in New Hampshire and within ISO-NE?*” and “*Should New Hampshire continue to leverage the current Electronic Data Interchange (EDI) paradigm, or should a new standard be used?*”

The Commission subsequently issued Order No. 26,903 on November 15, 2023, closing the investigation and requesting additional input from the parties regarding “*the most optimal process for reconvening the [EDI] working group*”, inclusive of “*whether the EDI working group should be convened by [the NH Department of Energy] or established through a new Commission investigative docket*” and any additional “*recommendations on the process for reconvening the EDI working group to explore the current status of the EDI offerings and any improvements that may be required, and at what cost, with written comments to be filed with the Commission on or before December 15, 2023.*” The Commission also found that:

- “*The EDI Working Group should be reconvened with a goal of determining whether the current EDI system is meeting the evolving electric system needs and if not, what changes may be required, and at what cost.*”

- *“The EDI working group should also consider whether the statewide Data Platform currently under development, see Docket DE 19-197, will interface with, or replace the utilities’ EDI systems.”*
- *“The working group should include various classes of users of the system including various competitive providers and other customer representatives as well as the regulated distribution utilities.”*

The Community Power Coalition of New Hampshire (CPCNH) provides these comments in response to the Commission’s request for recommendations on the above matters. CPCNH is a community-governed power agency that provides electricity supply service to customers on a default and competitive basis. We operate with the combined authority of our growing membership of almost 50 town, city, and county members — representing nearly 30% (~400,000 residents) of the population in New Hampshire — 14 of which have already launched Community Power Aggregation (CPA) programs, and 20 more are planning to do so in 2024.¹ CPCNH currently serves more retail electric supply customers than Unitil, Liberty Utilities, or any Competitive Electric Power Supplier (CEPS), and we expect to become the second largest default supplier in the state next year.

Informed public advocacy to enable market-based solutions to energy challenges is a top priority for CPCNH. The governing bodies of each of our 49 member communities have executed our Joint Powers Agreement, which authorizes and empowers CPCNH to “*Engage in germane legislative activity...*” and “*Intervene in germane regulatory proceedings on behalf of itself and its Members.*”

Our members recognize that the ability of CPAs and CEPS to innovate and create new value for customers is contingent upon being afforded non-discriminatory use of the utility systems and services that the competitive retail market needs to engage with and effectively help customers in practice: retail metering and data management, customer billing services, and the calculation of transmission cost allocation and wholesale load settlement profiles. Equitable treatment for all market participants and transparent, open access across these systems and market functions is vital to ensuring that New Hampshire maximizes cost-effective innovation —

¹ Webpages for CPAs operated by CPCNH are online at: <https://www.communitypowernh.gov/>

through the promulgation of time-varying rate structures, new products, and enabling services that lower customer bills and reward and leverage private investment in electric vehicles, storage, and distributed energy technologies.

Towards that end, the Charter of CPCNH's Regulatory and Legislative Affairs Committee requires CPCNH's regulatory and legislative engagement "*to broadly enable an affordable, equitable, and market-based sustainable energy transition*" centered around three foundational principals — the first of which is: "*Advancing Community Benefits through Open Access to the Electric System [by] ensuring equitable treatment of customers on competitive supply, community power default and utility power default service ... and ultimately achieving non-discriminatory open access to the electric system for wholesale and retail transactions [to enable] an affordable, equitable, and market-based sustainable energy transition in New Hampshire.*"²

Reconvening the EDI Working Group is a key step on the path to modernizing NH's retail electricity market, as CPCNH first brought to the Commission's attention during the Puc 2200 CPA Rulemaking process in joint comments with the NH Office of the Consumer Advocate and Clean Energy NH.³ CPCNH appreciates and applauds the Commission's subsequent investigation and finding in IR 22-076 confirming that the EDI working group should be reconvened. We are grateful for the opportunity to submit these comments on behalf of our members and intend our recommendations to advance and strengthen the evolution of NH's competitive market for the benefit of all ratepayers.

1. Recommended Clarification of Terminology

The report submitted by the EDI Working Group to the Commission on April 2, 1998, and approved by Order No. 22,919 has been referred to by various parties and in various

² See CPCNH Charter of the Regulatory & Legislative Affairs Committee, p. 2. Online: https://www.cpcnh.org/files/ugd/202f2e_d7890441253442a7be9479bd57e092ba.pdf

³ See Docket # 21-142, CPCNH Reply Comments, p. 26. Online: https://www.puc.nh.gov/regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-28_CPCNH_OCA_CENH-COMMENTS.PDF

documents as “NH EDI Standards” (Electronic Data Interchange Standards) or “NH EBT Standards” (Electronic Business Transaction Standards).⁴

CPCNH observes that the report defines the responsibilities of utilities and suppliers across metering, data management, Electronic Data Interchange (EDI), passthrough and utility consolidated billing, customer account administration, and wholesale settlements. The intent was to establish a holistic system of standard transactions and processes spanning across these different retail value chain business functions, with the objective of implementing restructuring principles to drive competition and innovation, including in rate options and in the context of providing open and nondiscriminatory access to the electric system for retail customers.⁵ These standardized requirements were supposed to be enabled through conforming utility tariffs, documented in comprehensive training materials, and updated thereafter through an ongoing working group and change management process.

Given that utility and supplier EDI systems, and the associated EDI transaction requirements, represent only one of these functions, CPCNH recommends that the Commission standardize use of the term “NH EBT Standards” to refer to the full scope of data interchange and business rules requirements going forward. Consequently, the NH EDI Working Group should be referred to as the “NH EBT Working Group”. This should ensure that future mention of NH EDI standards is understood to refer to the subset of EBT requirements related to EDI.

For the sake of clarity here, the remainder of CPCNH’s comments employ the terms NH EBT Standards and NH EBT Working Group and refer to electronic data interchange as EDI.

2. Need to Assess, Enforce, and Update NH EBT Standards

As the Commission explained at the outset of Docket No. IR 22-076 (emphasis added), the *“EDI standards in place today were temporarily adopted in draft form in 1998, with formal rulemaking planned to take place at a later date. See, Order No. 22,919 (May 4, 1998). The*

⁴ See Order No. 22,919 (May 4, 1998). Information on the EBT / EDI Standards is available on the Commission’s website at: <https://www.puc.nh.gov/Electric/edi.htm>

⁵ See for example RSA 374-F:3, II and IV.

Commission ... believes that for the past twenty-four years, EDI systems have operated under the original, interim standards.”⁶

In fact, the regulated utilities appear to be following the standards maintained by the Massachusetts EBT Working Group rather than the NH EBT Standards. Further, it is relevant to note that the utilities’ EBT-related systems and processes are not “standard” in the typical sense of the word, but rather distinct in ways that materially impact supplier services and customer experience. Adding to the confusion is the fact that documentation is outdated and generally incomplete, and that utility representatives are often unable to provide a sufficient degree of clarification upon request.

The practical consequence has been such that, even though CPCNH is functionally capable of offering advanced rates and products to customers, our power agency has largely been prevented from doing so in practice because the regulated utilities do not provide the necessary EDI, billing, and load settlement services required to support an evolving retail market. CPCNH has devoted substantial effort over the past several years to investigating the ways in which regulated utility services are noncompliant with NH EBT Standards and Commission orders. See Docket No.’s DRM 21-142,⁷ IR 22-076,⁸ DE 23-062,⁹ DE 23-039,¹⁰ and NH DOE case CPT 2023-002.¹¹

⁶ See Docket # IR 22-076, Order Instituting Rulemaking, p. 3, fn. 2. Online: https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/INITIAL%20FILING%20-%20PETITION/22-076_2022-11-15_NHPUC_OON.PDF

⁷ See Docket No. 21-142, CPCNH Reply Comments, pp. 4, 26-28. Online: https://www.puc.nh.gov/regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-28_CPCNH_OCA_CENH-COMMENTS.PDF

⁸ See Docket No. IR 22-076, CPCNH Reply Comments, pp. 3. Online: https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/LETTERS-MEMOS-TARIFFS/22-076_2023-05-09_CPCNH_REPLY-COMMENTS.PDF.

See also CPCNH Final Comments, pp. 2-4. Online: https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/LETTERS-MEMOS-TARIFFS/22-076_2023-06-13_CPCNH_FINAL-COMMENTS.PDF

⁹ See Docket No. DE 23-062, Complaint Against Public Service Company of New Hampshire d/b/a Eversource Energy and Attachments, pp. 6-9. Available at tab 1: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-062.html>

¹⁰ See Docket No. DE 23-039, Testimony of Clifton C. Below on behalf of CPCNH, pp. 5-6, 10-15. Available at : <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-039.html>

¹¹ See generally DOE Case CPT 2023-002, CPCNH Complaint Against Public Service Company of New Hampshire d/b/a Eversource Energy, pp. 3-5, 9-14, 15-24. Online: <https://www.energy.nh.gov/sites/g/files/ehbemt551/files/inline-documents/sonh/cpt-23-002-complaint.pdf>

The summary table below provides a snapshot of how EDI, consolidated billing, and wholesale settlement services provided by the regulated utilities¹² fail to provide the same level of service to competitive supply vs. utility default customers — and have particularly failed to enable CPAs and CEPS to offer net metering or advanced rate structures and programs (to support demand response, adoption of batteries and electric vehicles, etc.), limiting market innovation in New Hampshire:

| | Eversource | Liberty | Unitil | NHEC |
|--|------------|---------|--------|------|
| ELECTRONIC DATA INTERCHANGE SERVICE | | | | |
| <i>Customer's Current Billing Month Usage Data</i> | | | | |
| 2-part TOU usage data | Yes | No | No | ? |
| 3-part TOU usage data | No | No | No | ? |
| NEM usage data | No | No | No | ? |
| <i>Customer's Historic Usage Data File (12 Prior Months)</i> | | | | |
| 2-part TOU usage data | No | No | No | ? |
| 3-part TOU usage data | No | No | No | ? |
| NEM usage data | No | No | Yes | ? |
| <i>Customer's Account Data</i> | | | | |
| Billing Cycle | Yes | Yes | No | ? |
| Distribution Tariff Rate ** | No | Yes | No | ? |
| Default Supply Rate Election*** | No* | No* | No | ? |
| NEM flag | No | No | Yes | ? |
| NEM tariff (1.0 or 2.0) | No | No | No | ? |
| Group NEM (host or member) | No | No | No | ? |
| UTILITY CONSOLIDATED BILLING SERVICE | | | | |
| Monthly Rate Proration **** | No | Yes | No | ? |
| Index rates (hourly market + RPS adder) | No* | No* | No | ? |
| 2-part TOU supply rates | No* | No | No | ? |
| 3-part TOU supply rates | No* | No | No | ? |
| NEM 1.0 (kWh supply credits) | No | No | No | ? |
| NEM 2.0 (\$\$\$ supply credits) | No | No | No | ? |
| Group NEM Participant | Yes | Yes | Yes | ? |
| Group NEM Host | No | No | No | ? |
| ISONE WHOLESALE SETTLEMENT SERVICE | | | | |
| Interval hourly data (large NEM & C&I) | Yes | Yes | Yes | Yes |
| NEM hourly data (smaller NEM) | No | ? | ? | ? |
| NEM profiles | No | No | No | ? |
| 2-part TOU profiles | No | ? | ? | ? |
| 3-part TOU hourly data | N/A | Yes | ? | ? |
| 3-part TOU profiles | N/A | N/A | ? | ? |

¹² CPCNH has only recently begun serving customers in NHEC's territory and is in the process of documenting NHEC's provision of key EDI, billing, and settlement services.

- *Indicates service that isn't provided to utility default service customers either.
- ** Eversource and Unitil only identify the wholesale supply group (e.g., "Residential") which cannot be used to identify customers on TOU rates.
- *** Unitil allows customers to elect monthly variable supply rates (instead of 6-month fixed rates), and places customers returning from competitive supply onto monthly variable rates but does not identify these customers.
- ****Proration refers to applying calendar month rates to usage within individual customer billing cycles (which may span two calendar months)

Further, CPCNH observes that the regulated utilities continue to propose investments to enable new utility-administered retail rates, products, programs, and services for utility default service customers without enabling the same services for competitive supply customers.¹³

CPCNH's complaints against Eversource in particular (Docket No. DE 23-062 and DOE case CPT 2023-002) detail how the utility's EDI system, tariff, and supplier service agreements all deviate from NH EBT Standard, in interrelated ways that make it practically impossible for CEPS and CPAs to fully serve NEM and TOU customers from an operational perspective.

CPCNH has chosen to delay filing similar complaints against Unitil and Liberty Utilities, partly due to the need to focus intensely on implementing emergency data interchange and business processes to identify and avoid enrolling NEM and TOU customers onto CPA program default supply service — with the goal of not inadvertently causing financial harm to these customer groups. While CPCNH appreciates the utilities' cooperation (primarily, by identifying NEM and TOU customers in advance of the CPA mailing and enrollment period), this additional work and expense would not have been needed if the utilities' EDI systems and billing services had been in compliance with NH EBT Standards, Puc 2200 rules, and Commission orders in the first place.

Most recently, utility efforts have begun to focus on expanding alternate data access, including custom reports provided to CPAs pursuant to Puc 2200 rules, as a temporary means to support enabling CPAs to serve NEM and potentially, TOU customers. CPCNH is appreciative of these efforts and we are preparing a petition to the Commission to propose a more structured approach to enabling CPAs to serve NEM customers on a dual-billing basis. As part of this

¹³ *For the most recent example, see* Docket No. DE 23-039, Testimony of Clifton C. Below on behalf of CPCNH, 12/13/23, pp. 11-14. Available at: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-039.html> when posted by the PUC clerk's office.

effort, CPCNH has engaged with the regulated utilities to evaluate corresponding updates to the preparation of ISO-NE wholesale load settlements to more accurately account for and allocate the impact of distributed generation on reducing load.

CPCNH has also continued to engage with the regulated utilities on the need to update and standardize their supplier agreements and associated tariff terms and conditions to comply with Puc 2200 rules and original NH EBT Standards, as part of the efforts underway in DE 23-002, DE 23-003, and DE 23-004 to implement purchase of receivables.

Lastly, the regulated utilities have submitted a proposal in DE 23-063 to implement bill-ready consolidated billing, and to comply with various requirements of the original NH EBT Standards as well as more recent Puc 2200 rule requirements, inclusive of updates to utility EDI systems and business processes. While the parties involved, including CPCNH, concur that implementation of bill-ready consolidated billing functionality should be deferred in favor of more pressing upgrades, we appreciate that the regulated utilities have been proactive and observe that their plans for upgrading EDI systems can be expediently leveraged for consideration and refinement by the EBT Working Group.

3. EBT Working Group Process and Timeline Recommendations

CPCNH has invested substantial time and effort into assessing the degree to which utility systems and business processes comply with current NH EBT Standards, rule requirements, and Commission orders, and which upgrades will be necessary to support the requirements of the competitive market. Similarly, the regulated utilities have been engaged in preparing to upgrade EDI, billing, and settlement services in addition to tariffs to conform with extant requirements.

Consequently, CPCNH anticipates that the NH EBT Working Group will be able to make rapid progress in bringing forward comprehensive and actionable solutions to modernize the systems and processes needed to support an innovative retail market for NH— provided that the Commission provides sufficient guidance and a framework to coordinate and direct stakeholder efforts. To do so, CPCNH recommends that the Commission:

- Clarify that the working group should include the New Hampshire Electric Cooperative (NHEC),¹⁴ in addition to the regulated utilities and “*various classes of users of the system including various competitive providers and other customer representatives*” referenced in Order No. 26,903, and that membership should be open to all interested such parties.
- Designate the NH DOE to facilitate meetings of the EBT Working Group.
 - Meetings should commence promptly in January 2024, and be held regularly every two weeks or twice monthly, at least through May 1, 2024, and then at least monthly thereafter.
 - Meetings should be noticed in advance on a dedicated website hosted by DOE and allow for remote participation. Video recordings of meetings, along with any materials presented, and summary notes, should be subsequently posted online and shared promptly with Working Group members.
- Order the EBT Working Group to:
 - Prepare an evaluation regarding whether each utility’s systems and business processes satisfy the original NH EBT Standards, for submission to the Commission by March 1, 2024.
 - Prepare a report detailing updates to NH EBT Standards required to implement current statutory and rule requirements and allow for additional recommendations by stakeholders while noting areas of consensus and non-consensus, for submission to the Commission by April 1, 2024.
 - Prepare a consensus plan for the utilities to meet original NH EBT Standards requirements that are still relevant today, and to implement current statutory and rule requirements, including a timeline for the utilities to implement upgrades to their EDI systems and associated business processes for submission to the Commission by May 1, 2024.

¹⁴ NHEC was part of the original EDI Working Group and necessarily should be part of it going forward as under RSA 362:2, II they remain subject RSA 374:26 and all of RSA 374-F (except RSA 374-F:7, which is not relevant here) and the Commission’s regulatory authority to approve and modify EBT standards and process requirements as more fully described on page 11 below.

- Provide the following additional guidance to the EBT Working Group:
 - Clarify that the current NH EBT Standards require utility EDI systems in New Hampshire to enable data fields to provide the following data via EDI: 2-part and 3-part TOU usage data,¹⁵ NEM usage data, inclusive of negative usage data,¹⁶ and distribution tariff rate.¹⁷
 - Clarify that the current NH EBT Standards require the utilities to enable Suppliers to submit TOU charges by TOU period as well as other charges and allowances/adjustments/credits for inclusion in consolidated billing.¹⁸
 - Clarify that any new services enabled by Puc 2200 rules should be implemented for both CPAs and CEPS on a non-discriminatory basis (excepting for any necessary differences to accommodate CPA's distinct requirements as default service providers).
 - Clarify that Utility Consolidated Billing Service should enable the same quality and extent of rate, billing, and product options to a customer regardless of whether the customer is on utility default supply service or competitive supply.
 - Direct the NH EBT Working Group to reevaluate whether ISO-NE Wholesale Load Settlements would be more efficiently, effectively, and transparently performed by a single, neutral third-party platform operator, or alternatively, how the utilities could better and most cost effectively provide this service.

¹⁵ See detailed discussion at pp. 10-13 in my testimony in DE 22-039 and Attachments 2-4 at pp. 26-32 linked to in footnote 13, and [EDI Working Group Report](#) at 30 that provides: "The EDI format we plan to implement will use existing American National Standards Institute (ANSI) ASC X12 transactions which will be tailored for use in the exchange of information between Distribution Companies and Competitive Suppliers. This will be accomplished by "mapping" the fields defined in Appendix D of this report to the appropriate segments of the established EDI transaction sets." Then see [Appendix D](#), EDI Data Formats, at p. D-3, line 9; p. D-13, lines 9, 13, 16, 19, 27, 28, and 29; p. D-15, lines 13, 16, and 19; and Page D-17, lines 9, 13, 16, 19, 27, 28, and 29.

¹⁶ See EDI Working Group Report, "[867 Product Transfer and Resale Report](#)" which is now known as the 867HU or historical usage data file, at p. 9 where the fields for "MEA Measurements" of kWh are specified as MEA05 (for negative measurements) and MEA06 (for positive measurements) to the exclusion of MEA03 which can otherwise be used when the kWh measurement can be assumed to always be positive.

¹⁷ *Id* for "Distribution Co. rate code" and "Type of Service Indicator" at pp. D-4, lines 7 and 10; D-5, lines 7 and 10; D-6 lines 7 and 10; and D-9, lines 7 and 10. See also pp. 15 and 22 in "[814 Account Administration](#)".

¹⁸ *Id* see the same Appendix D citations as in FN 14, as well as p. D-19 lines 4-6 and the "810 Usage Billing Invoice" provisions for SAC (Supplier Allowance/Charge) to allow suppliers to "request or identify a service, promotion, allowance, or charge;" and "to specify the amount or percentage for the service, promotion, allowance, or charge" at pp. 48-65.

- Initiate an adjudicated proceeding to:
 - Receive EBT Working Group reports, evaluate proposals and recommendations, and adjudicate cost recovery and related issues.
 - Evaluate and update the EBT Working Group governance structure and change management process.
 - Lead into any appropriate administrative rulemaking for EBT standards and requirements.

CPCNH believes that, while a reconstituted EBT Working Group can bring forward the technical reports called for above in an expedited fashion, it is appropriate for proposals, especially where there is no consensus, to be adjudicated by the Commission.

CPCNH observes that the original NH EBT Working Group worked by consensus and where they did not have consensus in their original report, the issues were brought to the attention of the Commission for resolution. The decision-making process for a NH EBT Working Group going forward never seems to have been memorialized, and the description of the Change Control process in the main report (at 42) stated that it *“is anticipated that the EDI standards will be modified and enhanced as market or regulatory requirements dictate.”*

The Commission’s authority to set regulatory requirements and oversee the electronic business transactions to enable customer choice and competition in the supply of electricity derives from: 1) its “duty to prescribe terms and conditions on franchise rights whenever it would serve the public good”¹⁹ under RSA 374:26; 2) its “delegated mandate is to promote competition not to perpetuate monopolies”²⁰ pursuant to RSA 374-F:4, VIII (“The Commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring...”), and 3) the directive pursuant to RSA 374-F:3, IV that “the commission and the department should monitor companies providing transmission or distribution services and take necessary measures to ensure that no supplier has an unfair advantage in offering and pricing such services.” And:

“As the New Hampshire Supreme Court stated:

¹⁹ PUC Order No. 22,875 (3/20/98) in DR 96-150, Electric Utility Restructuring, p. 23.

²⁰ *Id.*

...[L]egislative grants of authority to the PUC should be interpreted in a manner consistent with the State's constitutional directive favoring free enterprise. Limitations on the right of the people to "free and fair competition"... must be construed narrowly, with all doubts resolved against the establishment or perpetuation of monopolies. RSA 374:26 thus should not be interpreted as creating monopolies capable of outliving their usefulness.

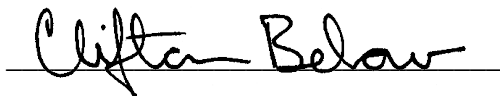
Appeal of PSNH, 141 N.H. 13, 19 (1996) (emphasis added) (internal citation omitted)."²¹

CPCNH is of the view that the Commission should: 1) require those changes necessary to conform with the originally anticipated EDI/EBT functionality that would still be of value and use to competitive suppliers and CPAs today, even if 25 years behind schedule; and 2) assert its authority to oversee updates to the electronic business transactions necessary to support "free and fair competition" in the supply of electricity to retail consumers, especially when comparing monopoly utility provided default service with alternative default service provided by community power aggregations and all of the competitive options provided by both CPAs and CEPS.

4. **Conclusion**

CPCNH appreciates the Commission's consideration of our recommendations, and looks forward to working collaboratively throughout the forthcoming NH EBT Working Group process and adjudicative proceeding, most of all by leveraging our newfound capabilities as the largest competitive power enterprise in the state, in all the ways needed to ensure that utility services are realigned to fully enable a non-discriminatory and innovative competitive market for electricity services that create opportunities and new value for our customers, communities, and ratepayers as a whole.

Community Power Coalition of New Hampshire

A handwritten signature in black ink, reading "Clifton Below", written over a horizontal line.

by CPCNH Chair Clifton Below

cc: IR 22-076 service list

²¹ *Id* at 24.