

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

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

**Petition for Waiver of Portions of Puc 2200 Rules**

NOW COMES, New Hampshire Electric Cooperative, Inc. (“NHEC”), by and through its undersigned attorney, and respectfully petitions the New Hampshire Public Utilities Commission (“the Commission”) pursuant to Admin. Rules Puc 2201.03(b) and/or Puc 201.05 to waive or temporarily waive certain provisions in Puc 2200, the recently adopted Municipal and County Aggregation Rules. In support of this petition NHEC states the following:

1. NHEC is a non-profit, member-owned electric cooperative for which a certificate of deregulation is on file with the Commission pursuant to RSA 301:57; the certificate was filed on June 6, 2000. *See also* RSA 362:2,II and RS 374-F:4, XII. NHEC supports the development of Community Power Aggregations (“CPAs”) and believes that they can be a powerful tool for providing “access to competitive markets for supplies of electricity and related services” and for encouraging “voluntary, cost effective and innovative solutions to local needs” as articulated in the statement of purpose in RSA 53-E:1. NHEC was an early adopter of retail choice in New Hampshire.

2. NHEC utilizes software products and systems provided by National Information Solutions Cooperative (“NISC”) for member billing, information management, meter data management (“MDM”), accounting, engineering, and operational support. NISC provides similar services to over 900 electric cooperatives and public power members, five of which,

including NHEC, have customized their account management and billing software and enabled Electronic Data Interchange (“EDI”) processing to accommodate retail choice, but none of which provide municipal aggregation.

3. Puc 2201.03(b) states: “The commission shall waive the application of any particular rule in this part to a rural electric cooperative for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 if it finds upon petition of such a cooperative that compliance is not reasonably practical at a reasonable cost to the cooperative or CPA or CPAs requesting information or services from the cooperative.” The Commission also has the authority pursuant to Puc 201.05 to waive the provision of any of its rules if it finds that the waiver serves the public interest and that it “will not disrupt the orderly and efficient resolution of matters before the commission.”

4. In Order No. 26,707 (October 18, 2022) in DRM 21-142, the Commission denied a request for a waiver from the Puc 2200 rules on the basis that such a waiver should not be considered in the context of a rulemaking docket. NHEC is thus filing this Petition with the understanding that the Commission will open a new docket to consider its waiver request.

5. NHEC expects to be able to provide information in response to requests for anonymized, aggregated usage and count requests pursuant to Puc 2203.02(b)(1), Puc 2203.02(b)(2), Puc 2203.02(b)(3), and Puc 2203.02(b)(4) by the end of 2022. This will be done through custom programming. NHEC does not expect to be able to provide the usage information detailed in Puc 2203.02(b)(5) (billing, receipts and past due accounts receivable for the utility by small and large customer groups for the most recent 12 months if readily available) prior to the implementation of a Purchase of Receivables (“POR”) program. If the Commission approves a POR program, however, Puc 2203.02(b)(5) will no longer be applicable. At this

time, NHEC intends to propose a POR program consistent with the provisions of, and in the time frame spelled out in, RSA 53-E:9 and Puc 2205.16(e). In the Summary of Comments and Reply Comments on Initial Proposal with Responses (July 26, 2022), at page 29, the Senior Advisor to the Commission suggested that “NHEC could be carved out for additional time to file a POR proposal, as it does not have prior experience with POR, did not participate in prior Commission dockets related to POR, and may benefit from the time to review the other utility POR proposals and study the issue before filing.” NHEC intends to file a POR proposal in January 2023, but may require additional time, as NHEC has no prior experience with such a program. NHEC therefore requests a waiver of Puc 2203.02(b)(1), (2), (3) and (4) through December 31, 2022, and a waiver of Puc 2203(b)(5) until a POR program is approved.

6. PUC 2204.02(a)(1) requires that a utility provide the following information: “Individual capacity tags for the current power year beginning on June 1, and, if known and readily available, the prior power year and the next power year.” NHEC does not store capacity tags in its billing system. Additionally, it does not currently provide prior power year or next power year capacity tags, nor does it store town or county information with capacity tags.

7. Puc 2204.02(a)(4) requires that a utility provide the following information: “Whether the customer net meters and, if so, whether under original net energy metering terms available prior to September 1, 2017, or new alternative net metering terms and tariffs that have been available since September 1, 2017, or any subsequent successor terms and tariffs.” NHEC does not store terms and tariffs in its billing system. Pursuant to Puc 2201.02(b), this rule does not apply to NHEC. Nonetheless, NHEC plans to voluntarily provide information on whether or not an account is net metered.



8. NHEC expects to be able to facilitate anonymized, customer-specific data requests pursuant to Puc 2204.02(a)(2) and Puc 2204.02(a)(3) by the end of 2022. NHEC expects to be able to develop a method to facilitate the providing of information pursuant to Puc 2204.02(a)(1) for the current power year by the end of 2022. This will be done through custom programming. NHEC therefore requests a waiver of Puc 2204.02(a)(1),(2) and (3) through December 31, 2022.

9. Puc 2204.02(a)(5) requires that a utility provide the following information: “Whether the customer is a group net metering host or a member of a net metering group with on-bill crediting, generally, if such information is known and readily available.” Puc 2204.02(a)(6) requires that a utility provide this information: “Whether a group net metered customer-generator operates as a low-moderate income community solar project pursuant to RSA 362-F:2, X-a and the commission’s Puc 900 rules, if such information is known and readily available.” Puc 2204.02(a)(7) requires that it provide this information: “The size in kW-AC, or if not known, the size in kW-DC, of any such net-metered generation referenced in (5) above, if such information is known and readily available.” Puc 2204.02(a)(8) requires that the utility provide this information: “The year and month such distributed generation referenced in (7) above was placed into service, if such information is known and readily available.” NHEC is not subject to Puc 900 rules and does not track group net metering membership or low-moderate income community solar projects in its billing system, nor does it provide on-bill crediting. Additionally, the size of net-metered generation is not readily available in NHEC’s billing system. NHEC therefore requests a waiver of Puc 2204.02(a)(5),(6),(7), and (8).

10. Puc 2204.03 requires that a utility provide customer name, address, account number and other information to CPAs. NHEC expects to be able to facilitate the providing of

information to CPAs pursuant to Puc 2204.03(a) by the end of 2022. This will be done through custom programming. NHEC therefore requests a waiver of Puc 2204.03 through December 31, 2022.

11. Puc 2204.05(g) requires an “off-cycle meter reading and billing charge if such a service is available from the utility.” NHEC does not provide off-cycle meter reading for competitive electric power supplier (“CEPS”) changes and therefore will not be able to provide this service for CPAs.

12. Puc 2204.06(a) requires that “each CPA planning to use a CEPS to serve CPA customer loads shall confirm with the CEPS and each utility serving the CPA service area the CEPS’s ability to use EDI for enrollment of default service customers in the CPA service area.” At present, NHEC’s tariff and billing software require CEPS to choose either standard-billing (i.e. separate billing) or consolidated-billing, which applies to all accounts, and has different EDI configuration and testing requirements. EDI configuration and testing is constrained by availability of staff and software systems and typically has to be scheduled a few months in advance. As part of its prospective POR filing, NHEC is attempting to enable the ability for suppliers to choose billing service by account, which will require changes to the existing EDI configuration and testing requirements. NHEC therefore requests a waiver of Puc 2204.06(a) until a POR program is approved.

13. Puc 2205.03 requires utilities to “provide services, including, if requested, passthrough or complete billing services to CPAs on the same terms and conditions and at the same rates and charges as apply to CEPS, except as otherwise provided by statute or under these rules.” At present, NHEC’s tariff and billing system require CEPS to choose either standard-billing (i.e. separate billing) or consolidated-billing, which applies to all accounts, and has

different EDI configuration and testing requirements. EDI configuration and testing is constrained by availability of staff and software systems, and typically has to be scheduled a few months in advance. In the Summary of Comments and Reply Comments on Initial Proposal with Responses (July 26, 2022), at page 22, the Senior Advisor to the Commission, in his response to comments on Puc 2205.03, suggested that: "A specific waiver pursuant to Puc 201.05 for NHEC may be appropriate." As part of its POR filing, NHEC is attempting to enable the ability for suppliers to choose billing service type by account, which will require changes to the existing EDI configuration and testing requirements. NHEC therefore requests a waiver of Puc 2205.03 until POR is implemented.

14. Puc 2205.05 contains certain requirements related to new utility customers. NHEC expects to be able to facilitate the providing of information pursuant to Puc 2205.05(b) by the end of 2022. This will be done through custom programming. NHEC therefore requests a waiver of Puc 2205.05 through December 31, 2022.

15. Puc 2205.13 with regard to individual customer billing information requires NHEC to provide certain information to CPAs. NHEC follows the existing New Hampshire approved EDI standards and guidelines, which do not include some of the items required in Puc 2005.13. Puc 2205.13(a)(3) (service address) is not part of the New Hampshire EDI standard. Puc 2205.13(a)(8) (capacity tags) is not part of the New Hampshire EDI standard. Next power year capacity tags are not known or readily available. NHEC is able to provide current power year capacity tags via encrypted e-mail. Puc 2205.13(a)(9) (net metering) is not part of the New Hampshire EDI standard and, pursuant to Puc 2201.02(b), does not apply to NHEC. Puc 2205.13(b)(1) (customer contact), Puc 2205.13(b)(2) (home or company phone number), Puc 2205.13(b)(3) (mobile phone number), Puc 2205.13(b)(4) (email address), Puc 2205.13(b)(5)



(preferred billing and communication method), Puc 2205.13(b)(6) (meter reading, model, and communication module), Puc 2205.13(b)(7) (size of distributed generation), Puc 2205.13(b)(8) (group net metering host or member), Puc 2205.13(b)(9) (low-moderate income community solar project), Puc 2205.13(b)(10) (battery storage program), Puc 2205.13(b)(11) (electric assistance program), and Puc 2205.13(b)(12) (payment or budget billing plan) are not part of the New Hampshire EDI standard. NHEC does not plan to provide Puc 2205.13(b)(5), Puc 2205.13(b)(6), Puc 2205.13(b)(7), Puc 2205.13(b)(8), Puc 2205.13(b)(9), Puc 2205.13(b)(10), and Puc 2205.13(b)(12), as they are not known and/or not readily available. NHEC expects to be able to facilitate the providing of information pursuant to Puc 2205.13(a) and Puc 2205.13(b) in machine-readable digital electronic format by the end of 2022. This will be done through custom programming. NHEC therefore requests a waiver of Puc 2205.13 through December 31, 2022.

16. Puc 2205.14(a)(1) requires, at the request of the CPA and approval by the utility and Commission, “an arrangement to enable the CPA to directly read existing utility meters, including meters capable of reporting load data at intervals of hourly or more frequently.” Additionally, Puc 2205.14(a)(2) requires “an arrangement to enable the CPA to have near real time access to meter data as it is collected and electronically stored by the utility.” NHEC’s metering system is encrypted to prevent outside access. NHEC’s meter data is not transmitted or stored in real-time, nor is it configured for direct outside access. As a result, NHEC cannot provide access to NHEC meters or meter data. NHEC therefore requests a waiver of Puc 2205.14.

17. Pursuant to Puc 2201.02(b), Puc 2205.15 regarding net metering does not apply to NHEC.

18. Puc 2205.16(a) requires that “Prior to enrolling any customer, a CPA shall determine which of the following two utility services to use for billing and notify the electric distribution utility of that determination.” At present, NHEC’s tariff and billing system require CEPS to choose either standard-billing (i.e. separate billing) or consolidated-billing, which applies to all accounts, and has different EDI configuration and testing requirements. EDI configuration and testing is constrained by availability of staff and systems and typically has to be scheduled a few months in advance. As part of its POR program development, NHEC is attempting to enable the ability for suppliers to choose billing service by account, which will require changes to the existing EDI configuration and testing requirements.

19. Puc 2205.16(e) requires that “each electric distribution utility shall propose to the commission for review and approval through an adjudicated proceeding a program for the purchase of receivables of CPAs functioning as load serving entities and CEPS serving CPA customers consistent with the provisions of RSA 53-E:9” within 90 days of the effective date of the Puc 2200 rules. In the Summary of Comments and Reply Comments on Initial Proposal with Responses (July 26, 2022), at page 29, the Senior Advisor to the Commission suggested that “NHEC could be carved out for additional time to file a POR proposal, as it does not have prior experience with POR, did not participate in prior Commission dockets related to POR, and may benefit from the time to review the other utility POR proposals and study the issue before filing.” As noted above, NHEC intends to file a POR proposal in January 2023, but may require additional time, as NHEC has no prior experience with such a program. NHEC therefore requests a waiver of 2205.16(a) until POR is implemented.

20. Puc 2205.16(c)(2) requires the utility to: “Allow a CPA to define on-peak, mid-peak, and off-peak periods or other pricing options and rate structures that are different from



those defined in the utility's applicable tariffs on file with the commission, and to request enhanced metering services for customers to participate in programs and services beyond the provision of basic electricity supply service." The vast majority of NHEC's meters are configured with only one billing register. A change from a regular meter to a time-of-day meter with multiple billing registers requires NHEC to program a new meter and dispatch a meter technician to install it. Additionally, NHEC's metering system can only facilitate eight meter configuration programs, a limit which has been nearly reached with NHEC's existing rate and metering structure. Any changes to NHEC's meter configuration programs are resource intensive, as they must be tested in all systems that transmit, process, and/or store meter reads. Additionally, Puc 2205.16(c)(2) enables "enhanced metering services" and "services beyond the provision of basic electricity supply service, provided that [t]he requested rate structures, customer class definitions, and availability requirements are within the capabilities of the utility's billing system, customer information system or meter data management system." Since most cooperatives using NISC software do not participate in retail choice, NHEC's billing software has been custom programmed to facilitate CEPS. As a result, advanced functionality included in the software package is not available for other energy suppliers. One example is hourly pricing, which is computed in NHEC's MDM, outside of NHEC's billing system. Though NHEC is planning a pilot using this functionality, it is currently not available for other energy suppliers.

21. Puc 2205.16(d)(1) allows a CPA to "Calculate the charges or credits for electricity supply and services for the customer in accordance with the CPA's customer classes or rate structures, based upon customer usage data provided by the customer's utility, and provide such charges or credits to the utility for presentment on the customer's bill," while Puc

2205.16(d)(2) allows a CPA to provide the utility with: “The custom rate applicable to the customer” or “The non-custom, complete schedule of electricity rates and service pricing options applicable to the customer’s class and rate structure.” NHEC’s billing system, and the New Hampshire EDI standard, are designed for “rate-ready” billing only. With rate-ready billing, a pre-existing rate factor is multiplied by the monthly metered usage for an account. NHEC’s billing system cannot facilitate custom rates for every customer. NHEC therefore requests a waiver of Puc 2205.16(c)(2), 2205.16(d)(1), and 2205.16(d)(2), limiting CPAs using NHEC’s metering or billing systems to rate-ready billing and the rate structures that NHEC uses for billing its unbundled volumetric distribution charges.

22. NHEC submits that compliance with the rules cited above would not be reasonably practical at a reasonable cost to NHEC. The Commission should therefore grant its request for a waiver for the time period requested or as otherwise requested. It is clear that NHEC is making a good faith effort to comply with as many of the 2200 rules as quickly as it possibly can, in many cases before the end of 2022. In the situations where NHEC cannot comply with the rules by end of this year, there are a number of situations specifically noted which will be resolved by the implementation of a POR program. Finally, the remaining requests for waivers are ones from which NHEC is specifically exempted by rule or law, or which because of its unique information systems it would be virtually impossible or unreasonably expensive to comply with. While NHEC understands that Puc 2201.03(b) does refer to a waiver being granted if “compliance is not reasonably practical at a reasonable cost,” it is next to impossible at this time to estimate costs of compliance in the absence of a waiver. Nonetheless, NHEC anticipates that the cost and practicality of providing the information or

services from which it is seeking waivers, and in most cases temporary waivers, will be unreasonable if the Commission were not to grant the requested waivers.

23. In the alternative the Commission should waive the rules cited above on the basis that such a waiver will serve the public interest and will not disrupt the orderly and efficient resolution of matters before the Commission. *See* Admin. Rule Puc 201.05. NHEC submits that compliance with the rules cited above would be onerous and would result in significant expenses to NHEC which would have to be passed on to all of its members, not just those participating in municipal aggregation plans. By waiving the rules cited above, the Commission would be facilitating the purpose of the law and the 2200 rules in that it would be streamlining the process for communities with NHEC has members to be able to participate in municipal aggregation. Granting these waivers will also assist in the orderly and efficient resolution of the consideration of municipal aggregation plans that have been or will be filed with the Commission because it will create certainty about what related information and services NHEC can and will provide for communities involved in municipal aggregation plans.

24. While NHEC is not aware at this time of any additional waivers which it may need to seek, NHEC wants the Commission and CPAs to understand that it may need to seek additional waivers at some point in time. NHEC therefore reserves the right to file any such waivers.

**WHEREFORE**, New Hampshire Electric Cooperative respectfully requests that the Commission:

- A. Grant a waiver of Puc 2203.02(b)(1), (2), (3) and (4) through December 31, 2022;
- B. Grant a waiver of Puc 2203.02(b)(5) until a POR program is approved for NHEC;
- C. Grant a waiver of Puc 2204.02(a)(1),(2) and (3) through December 31, 2022;

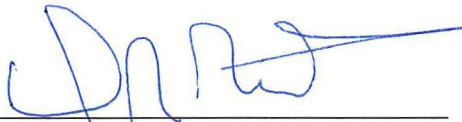


- D. Grant a waiver of Puc 2204.02(a)(5),(6),(7) and (8);
- E. Grant a waiver of Puc 2204.03 through December 31, 2022;
- F. Grant a waiver of Puc 2204.06(a) until a POR program is approved for NHEC;
- G. Grant a waiver of Puc 2205.03 until a POR program is approved for NHEC;
- H. Grant a waiver of Puc 2205.05 through December 31, 2022;
- I. Grant a waiver of Puc 2205.13 through December 31, 2022;
- J. Grant a waiver of Puc 2205.14;
- K. Grant a waiver a waiver of 2205.16(a) until POR is implemented
- L. Grant a waiver of Puc 2205.16(c)(2), and Puc 2205.16(d)(1) and (2); and
- M. Grant such other relief as the Commission deems appropriate.

Respectfully submitted,

**New Hampshire Electric Cooperative**

By Its Attorneys



---

Douglas L. Patch  
Orr & Reno, P.A.  
45 South Main Street  
PO Box 3550  
Concord, NH 03302  
(603) 223-9161  
[dpatch@orr-reno.com](mailto:dpatch@orr-reno.com)

Dated: November 28, 2022

**Certificate of Service**

I hereby certify that a copy of the foregoing petition has on this 28th day of November, 2022 been provided to the Department of Energy, the Office of Consumer Advocate, and the service list in DRM 21-142.

By: \_\_\_\_\_

Douglas L. Patch

#4098364