

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 22-080**

**NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.**

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

**Order *Nisi* Granting Waiver of Portions of Puc 2200 Rules**

**ORDER NO. 26,830**

**May 30, 2023**

In this order, the Commission approves a settlement agreement and grants New Hampshire Electric Cooperative, Inc. (NHEC)'s request to waive identified substantive provisions of N.H. Admin. R. ch. Puc 2200 on a *nisi* basis, affording notice and opportunity for hearing to interested persons.

**I. BACKGROUND AND PROCEDURAL HISTORY**

On November 28, 2022, NHEC, a rural electric cooperatives with a certificate of deregulation on file, filed a petition (Petition) requesting waiver of certain provisions of the Puc ch. 2200 rules pursuant to the waiver provisions of Puc 2201.03(b) and Puc 201.05.

On December 2, 2022, the Commission convened an adjudicative proceeding to address these requests and granted waiver of identified rules on an interim basis for the pendency of the adjudicative proceeding.

The Department of Energy filed a letter of appearance. The Community Power Coalition of New Hampshire and the Colonial Power Group, Inc. intervened.

On May 8, 2023, the parties filed a settlement agreement (Settlement Agreement), in which the parties jointly recommend that the Commission grant NHEC waivers from rules listed in Appendix 1 to the Settlement Agreement.

NHEC's petition, Settlement Agreement, and related docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-080.html>.

## **II. SUMMARY OF SETTLEMENT AGREEMENT**

The parties jointly recommend that the Commission grant waiver of specific rules identified in Appendix 1 to the Settlement Agreement. The Parties' agreement appears to be premised on two factors. First, the NHEC agrees to provide group net metering host information despite not being subject to RSA 362-A:9 or Puc ch. 900. Second, the parties agree that compliance with the rules identified in Appendix 1 meets the public interest standard because compliance would be "onerous or inapplicable" or "would not be reasonably practical at a reasonable cost to NHEC." Settlement Agreement at 3.

## **III. LEGAL STANDARD**

As identified in the Commission's notice of adjudicative proceeding, the following rules apply:

1. Puc 2203.01(b) prescribes a standard for rule waiver applicable to Puc ch. 2200 for rural electric cooperatives with a certificate of deregulation on file. Such waiver shall be granted if the Commission finds that compliance is not reasonably practical at a reasonable cost to the cooperative or CPA or CPAs requesting information or services from the cooperative.
2. Puc 201.05 prescribes the general standard by which the Commission shall waive the provisions of any of its rules. In pertinent part, the rule requires the Commission to grant waiver if it finds that: (1) the waiver serves the public interest; and (2) the waiver will not disrupt the orderly and efficient

resolution of matters before the commission. In determining the public interest, the Commission shall waive a rule if: (1) compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or (2) the purpose of the rule would be satisfied by an alternative method proposed.

In addition, in filing the Settlement Agreement, the parties' implicate another applicable rule:

3. Puc 203.20(b) requires the commission approve disposition of any contested case by stipulation, settlement, consent order or default, if it determines that the result is just and reasonable and serves the public interest.

#### **IV. FINDINGS OF FACT**

The parties agree that it would not be reasonably practical at a reasonable cost to NHEC for NHEC to comply with the rules identified in Appendix 1 to the Settlement Agreement. Appendix 1 contains comments that contains factual assertions. Although not explicitly identified as a stipulation pursuant to Puc 203.20(c), the Commission relies Appendix 1's comments column in making the following findings of fact: NHEC does not have detailed data, or detailed data is not readily available, to comply with Puc 2203.02(b)(5), 2204.02(a)(7), 2204.02(a)(8), 2205.13(b)(1), 2205.13(b)(5), 2205.13(b)(6), 2205.13(b)(10), 2205.14(a)(1), or 2205.14(a)(2); capability enhancements within NHEC's existing systems are available but would be resource intensive and would result in only partial compliance with Puc 2205.16(c)(2), 2205.16(d)(1), and 2205.16(d)(2); system enhancements relating to billing services to comply with Puc 2204.06(a), 2205.03, 2205.16(a)(1), and 2205.16(a)(2) will be effectuated as quickly as possible, but may not be fully available until NHEC's Purchase of Receivables program is implemented; and NHEC is not subject to RSA 362-A:9 or Puc ch. 900 and therefore

does not possess information on group net metering membership, low and moderate income community solar projects, or the size of customer net-metering generation installations to comply with Puc 2204.02(a)(5), 2204.02(a)(6), 2205.13(b)(7), 2205.13(b)(8), or 2205.13(b)(9).

#### **V. COMMISSION ANALYSIS**

In applying the rules to the facts above, the Commission finds that NHEC's waiver requests meet the standards to grant waiver under Puc 2203.01(b) or 201.05 because the compliance is not practical at a reasonable cost or because NHEC is exempt from the provisions of RSA 362-A:9 and Puc ch. 900. As noted in Appendix 1, waiver of 2203.02(b)(5), 2204.06(a), 2205.03, 2205.16(a)(1), and 2205.16(a)(2) is time limited based on NHEC's implementation of its proposed Purchase of Receivables Program. As such, we approve the Settlement Agreement, finding that it is just and reasonable and serves the public interest.

#### **Based upon the foregoing, it is hereby**

**ORDERED *NISI***, that subject to the effective date below, the parties' Settlement Agreement and recommended waivers identified in Appendix 1 to the Settlement Agreement are APPROVED; and it is

**FURTHER ORDERED**, that NHEC shall post a copy of this order *nisi* on its website within two business days, such posting to be documented by affidavit filed with this office on or before June 9, 2023; and it is

**FURTHER ORDERED**, that a copy of this order *nisi* shall be posted on the Commission's website within two business days; and it is

**FURTHER ORDERED**, that all persons interested in responding to this order be notified that they may submit their comments or file a written request for a hearing

which states the reason and basis for a hearing no later than June 16, 2023, for the Commission's consideration; and it is


**FURTHER ORDERED**, that any party interested in responding to such comments or request for a hearing shall do so no later than June 23, 2023; and it is

**FURTHER ORDERED**, that this order shall be effective June 30, 2023 unless any publication or filing obligation set forth above is not complied with or the Commission provides otherwise in a supplemental order issued prior to the effective date.

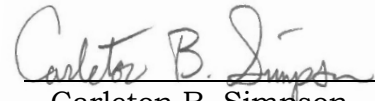
By order of the Public Utilities Commission of New Hampshire this thirtieth day of May, 2023.



Daniel C. Goldner  
Chairman



Pradip K. Chattopadhyay  
Commissioner



Carleton B. Simpson  
Commissioner

# Service List - Docket Related

Docket#: 22-080

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