

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Docket No. DE 23-002

UNITIL ENERGY SYSTEMS, INC.

Proposed Purchase of Receivables Program

CPCNH COMMENTS ON HEARINGS EXAMINER’S REPORT

AND RECOMMENDED ORDER

January 12, 2024

Pursuant to the Procedural Orders issued by the New Hampshire Public Utilities Commission (“Commission”) on September 1, 2023 and December 29, 2023, the Community Power Coalition of New Hampshire (“CPCNH”) respectfully submits these Comments on the Hearings Examiner’s Report and Recommended Order filed on December 22, 2023 (the “Report”).

1. CPCNH supports the comments and exceptions submitted by Unitil in its filing in this docket on this same date.

2. CPCNH further suggests amending the proposed Report at section 5 on pages 10-11 to add the text as shown in red on the next page. This addition pertains to recognizing the fact that the inclusion of POR into Unitil Tariff Terms & Conditions for Suppliers (T&Cs) and Supplier Agreement (SA) necessarily requires the incorporation of Community Power Aggregations (CPAs) into those documents, which *may* in turn necessitate reconciling conflicts between those T&Cs and SAs with Puc 2200 rules and RSA 53-E. See Exhibit 3<sup>1</sup> at 7-10 for further explanation.<sup>2</sup>

---

<sup>1</sup> The proposed Hearing Examiner’s Report at page refers to CPCNH’s testimony as Exhibit 3, but as filed it was apparently marked as Exhibit 4, however, since it the exhibits do not appear to be posted in the docket book, it is not clear which is the correct reference.

<sup>2</sup> In its testimony CPCNH expressed several concerns about Unitil’s proposed tariff and supplier agreement edits to enable POR, the second of which stated: “the proposed edits, while ostensibly only for the purpose of ‘showing changes to the current agreement exclusively to implement the POR program’ actually include a number of

## 5. Tariff and Supplier Partner Agreements

The Settlement Agreement also requests that this proceeding be continued into a separately noticed phase to consider amendments to Unitil's Competitive Electric Supplier Trading Partner Agreement and Terms and Conditions for Competitive Suppliers tariff necessary to implement the POR program. Exh. 5 at Bates page 1. The parties agree that changes to Unitil's Competitive Electric Supplier Trading Partner Agreement and Terms and Conditions for Competitive Suppliers tariff are necessary to implement the POR program and that additional public notice would be advisable due to the scope of the Commission's Notice. At hearing several of the parties observed that supplemental notice for a second phase of the docket might include notice that amending the tariff terms and conditions and supplier agreement to incorporate the POR program entails incorporating CPAs into those documents and may necessitate addressing related issues that arise from such. See Tr. at 25-26. The Commission's Notice was limited to whether Unitil's proposed POR program was consistent with the requirements of RSA 53-E and Puc chapter 2200. Notice at 2. It is reasonable to separately notice an additional phase of this proceeding to consider changes to Unitil's Competitive Electric Supplier Trading Partner Agreement and Terms and Conditions for Competitive Suppliers tariff.

3. The relevant transcript references in the above suggested addition are as follows, from Attorney Miranda on behalf of the NRG companies (Tr. at 25, lines 4-10):

If additional notice is provided by the Commission with respect to Phase II of these proceedings, we do request that it be a notice that is limited and discrete to POR and, to the extent necessary, to cover CPAs and their role under the terms and conditions and supplier agreements for Unitil.

From myself on behalf of CPCNH (Tr. at 25, lines 16-24 and at 26, lines 1-4):

---

'housekeeping' edits, other material changes not related to POR, and create broad inconsistencies between these documents and requirements and authorities that apply to community power aggregations pursuant to RSA 53-E and Puc 2200 rules, as explained in more detail below."

The Coalition concurs with the comments or closing remarks of Attorney Miranda on behalf of NRG. And I would just add a bit. That we do think it's advisable to provide an additional Order of Notice that this next phase will be considering amending the terms and conditions and the supplier agreement to incorporate the POR Program, as it may be approved by the Commission. As well as to address any issues that arise in applying that to Community Power Aggregations, and how they are written into the terms and conditions and the supplier agreements.

And immediately thereafter, from Attorney Ladwig (Tr. at 26, lines 8-10):

DOE also concurs with what's been said by NRG and CPCNH, and is in support of the Settlement Agreement.

4. This need for additional notice was recognized in the text of the Settlement Agreement (Exh. 5) at Bates pages 5-7 which stated:

The Settling Parties further agree that the Company will not offer the POR Program to Suppliers until the Commission has issued a final order approving revisions to the Competitive Electric Supplier Trading Partner Agreement (the "TPA Revisions") and the Company's revised Terms and Conditions for Competitive Suppliers tariff (the "T&Cs") necessary to fully implement the POR Program ("Phase II Order"). . . As discussed in Section 3, the Settling Parties request that revisions to the TPA and the T&Cs be addressed in a second phase of this proceeding. . . .

3.1 The Settling Parties agree that this proceeding should be bifurcated into two phases, with the second phase focused on revisions to the T&Cs and TPA, which are necessary to fully implement the POR Program.

5. In order to provide potentially affected or interested parties good notice that Unitil's Tariff T&Cs for suppliers and TPA will be incorporating POR and CPAs and Competitive Electric Power Suppliers (CEPS) when serving CPAs into the provisions of these documents for the first time ever, CPCNH suggests, if possible and appropriate, that that the title of the docket in the Supplemental Order of Notice be supplemented along the following lines:

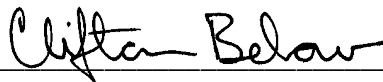
**DE 23-002**  
**UNITIL ENERGY SYSTEMS, INC.**  
**Proposed Purchase of Receivables Program and Revisions to Trading  
Partner Agreements and Tariff Terms and Conditions for Competitive  
Suppliers incorporating Municipal and County Aggregations**  
**SUPPLEMENTAL ORDER OF NOTICE**

6. CPCNH recommends adding to the text of the second paragraph of the proposed Supplemental Order of Notice as follows:

The Commission denied the Settlement Agreement, but approved parts of the POR program described therein, and continued this proceeding to a second phase to further develop inputs in the calculation of discount percentage rate of the POR program, and to address necessary revisions to Unitil's Competitive Electric Supplier Trading Partner Agreement and Terms and Conditions for Competitive Suppliers tariff to incorporate the POR program and municipal and county aggregations into those documents. Order No. xx,xxx (ADMIN INSERT DATE). This order is to provide supplemental notice of the additional issue presented in this proceeding: the consideration of revisions to Unitil's Competitive Electric Supplier Trading Partner Agreement and Terms and Conditions for Competitive Suppliers tariff necessary to implement the POR program and incorporate municipal and county aggregations under Puc 2200 rules into those documents. The Commission notes that, at this time, Unitil has not filed proposed revisions to these documents with the Commission. All

7. WHEREFORE, CPCNH respectfully requests that the Hearing Examiner incorporate the suggested edits into their Report and Recommended Order and Recommended Supplemental Order of Notice.

Community Power Coalition of New Hampshire



by CPCNH Chair Clifton Below  
P.O. Box 840 Concord, NH 03302 | (603) 448-5899  
[Clifton.Below@CommunityPowerNH.gov](mailto:Clifton.Below@CommunityPowerNH.gov)

cc: DE 23-002 service list