

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

DE 23-026

ELECTRIC DISTRIBUTION UTILITIES

**Potential Jurisdictional Conflicts Related to Authorization of
Pilot Programs Under RSA 362-A:2-b**

April 28, 2023

**COMMUNITY POWER COALITION OF NEW HAMPSHIRE
PETITION TO INTERVENE**

Now Comes the Community Power Coalition of New Hampshire (“CPCNH”) and petitions the New Hampshire Public Utilities Commission, in response to its Order of Notice, issued on March 9, 2023, in this docket and pursuant to NH Code of Administrative Rules Puc 203.02 and Puc 203.17, to allow CPCNH to intervene in the above-captioned matter for the following reasons:

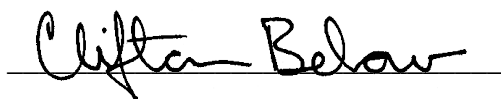
1. CPCNH is a voluntary New Hampshire nonprofit corporation with a principal place of business of City Hall, 51 North Park St., Lebanon, NH 03766 and a mailing address of P.O. Box 840, Concord, NH 03302.
2. CPCNH is a governmental instrumentality of its 33 members comprised of 32 NH municipalities and one county and is organized pursuant to a joint powers agreement (JPA) under NH RSA 53-A and 53-E:3, II(b).
3. The 2020 census population of CPCNH’s 32 municipal members is more than 23% of the state’s total 2020 census population.
4. CPCNH has just begun operation as a functioning joint power supply agency to procure and supply electricity and related services to member community power programs, having begun alternative default power supply service to over 8,000 customers as of meter reads on April 27, 2023.
5. CPCNH is launching power supply for 12-member community power aggregations this spring and expects to enroll about 75,000 customers over the next 2 months pursuant to RSA 53-A and Puc 2200 rules in all three investor-owned electric distribution utility territories.

6. The JPA authorizes CPCNH “to jointly exercise certain powers, privileges, and authorities granted to municipalities and counties pursuant to” a number of statutes “in order to study, promote, develop, conduct, operate, and manage energy-related programs, and to exercise all other powers necessary and incidental to accomplishing this purpose.” Article 7.16 of its Articles of Agreement, part of the JPA, specifically grants CPCNH the power to “[i]ntervene in germane regulatory proceedings on behalf of itself and its Members”.
7. The JPA also authorizes CPCNH to jointly exercise authorities granted to subdivisions of the State pursuant to all of RSA 53-E, which includes providing supply of electric power and capacity, and RSA 374-D that authorizes municipalities to “ design, develop, acquire, and construct small scale power facilities at sites owned or leased by them or otherwise made available to them” and to operate or “enter into contracts for the operation of, such facilities”.
8. RSA 374-D:2 further provides that “[p]ower produced by such facilities may be transmitted and distributed by a municipality to any user of power or to any public utility, at such price and on such terms and conditions as may be agreed to by the governing board.”
9. CPCNH Members are interested in developing or contracting for the output of electric power from limited producers pursuant to RSA 362-A:2-b; our JPA expressly provides for joint development of such projects; and vendor contracts have provisions for professional support for the evaluation and integration of such distributed storage and generation projects into our actively managed supply portfolio. Thus, CPCNH has a very substantial interest in the jurisdictional issues to be addressed in this proceeding.
10. CPCNH’s intervention will not impair the orderly and prompt conduct of the proceedings, will not result in undue delay, and will not prejudice the interest of any party.

WHEREFORE, CPCNH requests that the Commission grant this petition to allow CPCNH to be made a full intervenor in this proceeding and grant such other relief as is just and proper.

Respectfully submitted this 28th day of April 2023

Community Power Coalition of New Hampshire

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

by CPCNH Chair Clifton Below, duly authorized