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May 1, 2023

**Via Electronic Mail Only**

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

RE: Docket No. DE 23-047, Town of Harrisville Complaint Against  
Public Service Company of New Hampshire d/b/a/ Eversource Energy  
Eversource Response to Town of Harrisville Complaint

Chairman Goldner:

The Town of Harrisville (“Town”) submitted an email on April 4, 2023 to the Public Utilities Commission (“Commission”), alleging that Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”) has improperly failed to fulfill a requirement to “provide information to the Community Power Coalition of NH which is needed to provide value to our net metering customers who produce extra power (over what they consume) on a monthly basis.” April 4 email at 1. The Commission docketed that as a complaint and the Town subsequently submitted a supplemental filing on April 21 (the “Supplement”).<sup>1</sup>

As a first matter, the complaint lacks specificity as to what is entailed by “information . . . which is needed to provide value to [the Town’s] net metering customers who produce extra power.” The Company is assuming for purposes of this response that the Town is referring to individual net-metered customer import and export data, both as sales and kWh, as that information would be most relevant to providing net metering offerings to aggregation customers. The Puc 2200 rules, however, have relatively limited requirements for providing net metered data that do not include the type of data just described, which the Company assumes is the Town’s desire, and with which the Company is in full compliance, as will be discussed in more detail below.

The Supplement refers to numerous RSA sections and Chapter Puc 2200 rules provisions, most of which simply enable municipalities and municipal aggregations to provide various services rather than create obligations for any party, and only a few of which create specific

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<sup>1</sup> The Supplement reiterated the same complaint: “CPCNH, representing Harrisville, has not been provided by Eversource with the information necessary to permit (and also encourage) net metering customers who export power to the grid to join in our town’s aggregation plan. Eversource should have provided this information, and it is required to do so by relevant RSAs and PUC regulations. We submit that Eversource should now be directed to provide such information to CPCNH immediately. If it fails to provide the mandated information post-haste to CPCNH, the Commission should make Eversource shareholders liable for the loss of payment Harrisville net metering customers would have received for their solar energy sales and direct payment through CPCNH to those customers.”

obligations for the utilities. But the crux of the Town's complaint is that Eversource is not providing information to aggregations that it is required to provide. Eversource's response, in short, is that the Company is complying with all rules requiring the provision of net metering data and is not in violation of any rule or statute regarding the provision of net metering data, nor has the Company caused any damages or harm of any kind to the Town or the future customers of the Town's aggregation.<sup>2</sup>

Despite this position, in addition to the Town's complaint the Company is aware of an interest of other stakeholders in obtaining enhanced customer net metering data in different formats and at more frequent intervals than such data are currently provided, and Eversource understands that all of the electric utilities are sensitive to those interests. For this reason, should the Commission interpret certain provisions of the Puc 2200 rules to apply in a way that calls for more extensive provision of net metering data to aggregations by the utilities (as detailed at the conclusion of this response), the electric utilities have already begun developing cost estimates and ascertaining the level of effort required to accommodate expanded net metering data provision so that this additional functionality can be implemented as expeditiously as possible if the Commission were to interpret the Puc 2200 rules in that manner. Eversource understands that, at this time, none of the electric utilities have the system functionality to provide net metering data to aggregations beyond the existing explicit and mandatory requirements of the Puc 2200 rules, as discussed further below.

The response that follows addresses specific claims made by the Town and provides the requisite support to demonstrate that Eversource is currently meeting all regulatory obligations regarding the provision of net metering data to municipal aggregations.

### **Current Requirements for Providing Net Metered Data**

The following provisions of the Puc 2200 rules comprise all mandatory obligations of the utilities to provide net metering information to municipal aggregations:

**Puc 2203.02(d)**: All customer usage data provided by the utility shall include consumption power delivered to customers and exports to the grid from customer generators in kWh for each reported interval.

- **Response**: Eversource has been complying and continues to comply with this provision.

**Puc 2204.02(a)(4)**: 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;

- **Response**: Eversource has been complying and continues to comply with this provision.

Additionally, upon request of the Community Power Coalition of New Hampshire, Eversource agreed to add a net metering and time-of-use "flag" to the Puc 2204.03 and 2205.05 reports, so that aggregations could easily identify which customers are net metering or are on time-of-use

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<sup>2</sup> Eversource notes that there is no mechanism for the Commission to award damages to customers or their representatives under any provision of the public utility statutes.

rates. The Company also added the meter reading cycle to these reports upon request, as these changes were possible without incurring incremental costs.

### **Statutes and Regulations Cited by the Town**

The following are Eversource's responses to the Town's references to those authorities in the Supplement that the Town implies create an obligation on the Company:

**RSA 362-A:9, II:** Competitive electricity suppliers registered under RSA 374-F:7 and municipal or county aggregators under RSA 53-E may determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution grid from eligible customer-generators. The commission may require appropriate disclosure of such terms, conditions, and prices or credits. Such output shall be accounted for as a reduction to the customer-generators' electricity supplier's wholesale load obligation for energy supply as a load service entity, net of any applicable line loss adjustments, as approved by the commission. Nothing in this paragraph shall be construed as ***limiting*** or otherwise ***interfering with*** the provisions or ***authority*** for municipal or county aggregators under RSA 53-E, including, but not limited to, the terms and conditions for ***net metering***. (Emphasis added by the Town).

- **Response:** This statute enables and authorizes suppliers and municipal aggregations to offer net metering crediting programs, but creates no corresponding obligation for the utility. The words in the statute emphasized by the Town simply reinforce that nothing in the statute limits the authority of suppliers and aggregators to offer net metering programs. Eversource agrees that the statute grants such authority and enables such programs. But there is no obligation applicable to utilities in this statute that Eversource can fail to comply with.

**RSA 53-E:6(f):** [regarding what aggregations plans should detail] How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.

- **Response:** This specifies how the aggregation would provide net metered credits, but there is no obligation of the utility in this provision, express or implied.

**RSA 53-E:7, III:** [in relevant part] after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all electric customers taking distribution service within the municipality or county service area, and for such customers on utility provided default service, the account numbers ***and any other information necessary for successful enrollment in the aggregation***. (Emphasis added by the Town).

- **Response:** Net metering data is not necessary for the successful enrollment of customers in an aggregation. To enroll in an aggregation or with a competitive supplier, all that is needed is a name key which is the first four letters of the customer last name, or the first four letters of the business name, and the customer's service address and account number. This is true regardless of whether a customer net meters.

**Puc 2203.02(d):** (See above).

- **Response:** Eversource is complying with this provision.

**Puc 2204.02(a)(4):** (See above).

- **Response:** Eversource is complying with this provision

**Puc 2204.02(a)(5 and 7):** (5) 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*; (7) 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*. (Emphasis added).

- **Response:** This information is not readily available to extract and present in any report and would require system modifications to provide. In the Supplement, the Town asserts:  
“the concept of “readily available” is, *by its very nature*, a temporal concept. What might theoretically not be “readily” available at one stage, becomes “readily available” with the passage of time and the effort necessary to transform a concededly “known” body of information into a known and practicably available one. Any other interpretation simply and merely eviscerates the rule it purports to interpret.”  
Supplement at 5.

This information will not become “readily available” merely with the passage of time, and not without system modifications and dedicated labor to implement the necessary changes. There are several other provisions in the Puc 2200 rules that also required system modifications, but did not contain the qualifier “if known and readily available,” and it was therefore implied that the utility should execute whatever system modifications were necessary to provide the data to comply with the provision. Moreover, a plain-meaning reading of the rule’s language “readily available” means available quickly, easily, immediately, and without effort. The passage of time alone will not make this information more easily or readily available; only executing the necessary system modifications would do it.

The Town also argues that “the statutes and regulations quoted above cannot be so easily tossed aside simply because Eversource employs an information system that it may claim does not allow it easily to comply with state law and policy.” *Id.* But again, there are provisions of the Puc 2200 rules that *did* require Eversource to modify its systems to provide required data, which it did with all due haste. The Company is not “tossing aside” any statute or regulation, rather it is abiding by the express terms of the rule, that such information should be provided if known *and readily available*. In fact, it is the Town’s reading of the rule that would toss aside the “if known and readily available” clause, by asserting that the Company must provide the information regardless of the effort required. To read the rule that way would render the phrase “if known and readily available” meaningless, which frustrates the purpose of statutory construction and interpretation to give meaning to all words in a rule or statute.

**Puc 2205.05(b):** Upon request of a CPA, but not more frequently than monthly following provision of the customer list for the initial mailing pursuant to Puc 2204.05, the utility **shall** make available to each operating municipal CPA, or county CPA where there is no municipal CPA, the names, account numbers, mailing addresses, and ***any other information necessary for successful enrollment in the aggregation of customers*** that are then currently on utility default service and are located within the CPA service area. (Emphasis added by Town).

- **Response:** The Company reiterates its response to RSA 53-E:7, III. Net metering data is not necessary for the successful enrollment of customers in an aggregation. To enroll in an aggregation or with a competitive supplier, all that is needed is a name key, which is the first four letters of the customer's last name, or the first four letters of the business name, and the customer's service address and account number. This is true regardless of whether a customer net meters.

**Puc 2205.15(a):** CPAs shall determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution system from CPA customers with customer-sited distributed generation.

- **Response:** Similar to the response to RSA 362-A:9, II, this rule enables and authorizes aggregations to offer net metering credit programs and gives aggregations discretion to determine its own terms and conditions for those programs, which can differ from those that the regulated utilities must adhere to. But there is nothing in this rule that creates an obligation upon the utility, and so there is no way for Eversource to be in violation of or non-compliance with this rule.

### **Possible Broader Interpretation of Puc 2200 Rules**

As mentioned at the outset of this response, Eversource is aware that municipal aggregation stakeholders have a desire to obtain net metering information beyond that required to be provided under Puc 2203.02(d) and Puc 2204.02(a)(4), and the Company acknowledges that certain net metering data could play a significant role should an aggregation want to provide its own net metering crediting program. Specifically, it seems that stakeholders would like the usage data that is currently provided in the aggregate pursuant to Puc 2203.02(d)—import and export data of customer-generators in kWh—as well as customer-generator sales information, provided on an individual customer basis through the Puc 2204.03 and 2205.05 reports. Neither Puc 2204.03 or 2205.05 include net metering import and export data in the list of data to be provided in those reports, nor do those provisions reference Puc 2203.02(d); similarly, Puc 2203.02(d) does not indicate that it applies outside the aggregated data supplied under Puc 2203.02. For these reasons, Eversource has only been providing the aggregated net metering data in the form and format described in Puc 2203.02(d) along with the rest of the data provided pursuant to Puc 2203.02, as it is the Company's interpretation that the provision of net metering data is limited to that provision, and to Puc 2204.02(a)(4), as well as 2204.02(a)(5) and (a)(7), if known and readily available.

But to be responsive to the expressed desire of various stakeholders, including the Town, for additional net metering data, Eversource (and to its understanding, the other electric utilities as well) are currently developing cost estimates along with scopes of work and estimated timelines for making the modifications necessary to provide individualized net-metered customer import and export data in kWh and sales on the 2204.03 and 2205.05 reports, so that the Company will

be prepared to execute that work should the Commission either interpret the rules that broadly or take other action to require that data to be provided. While Eversource believes that the current Puc 2200 rules do not address the provision of individualized net-metered customer import and export data, the Company is also neutral regarding how the Commission should interpret the Puc 2200 rules regarding this particular issue or what additional action may be necessary to account for the provision of such data. The Company will update the Commission when the cost estimate/scope of work/estimated timeline is finalized and it is fully prepared to perform that work to implement this additional functionality at the direction of the Commission.

Consistent with current Commission policy, this filing is being made electronically only; paper copies will not follow.

Regards,

A handwritten signature in black ink, appearing to read 'JAC', with a stylized flourish at the end.

Jessica A. Chiavara  
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cc: DE 23-047 Service List