

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

DOCKET NO. DE 23-063

Public Service Company of New Hampshire d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty and Unitil Energy Systems, Inc.

Joint Utilities' Petition for Waiver of Certain Provisions of the Puc 2200 Rules

JOINT UTILITY MOTION FOR A PREHEARING CONFERENCE AND
SUPPLEMENTAL ORDER OF NOTICE

Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (the “Utilities”) hereby submit this joint motion to the New Hampshire Public Utilities Commission (the “Commission”) pursuant to Puc 203.07 requesting that the Commission schedule a prehearing conference to discuss certain exigent matters that need resolution prior to the parties resuming the procedural schedule and issue a supplemental order of notice clarifying the scope of the instant docket. In support of this motion, the Utilities state the following:

1. On June 14, 2023, the Utilities filed a proposal to implement the requirement of Puc 2205.16(d)(1) for the Utilities to offer “bill-ready billing” to community power aggregations (“CPAs”). A prehearing conference was held on August 17, 2023, where the Community Power Coalition of New Hampshire (“CPCNH” or the “Coalition”) made certain suggestions that were posed as alternatives to the Utilities’ proposal to enable CPAs to offer net metering credit programs and time of use rates to their customers. After the prehearing conference the Parties held a technical session where preliminary issues were discussed, and a procedural schedule was agreed upon.

2. On September 29, 2023, the Commission issued a prehearing order (the “Order”) in which it approved the procedural schedule and also ruled on certain issues in the docket, including: granting the Utilities a temporary waiver of Puc 2205.16(d)(1) for the pendency of this docket; ruling that “usage data” meant customer usage data and customer-generator energy export data whenever “usage data” appeared in the Puc 2200 rules; and granting Eversource temporary waivers of Puc 2204.02(a)(2) and 2205.13(a)(7) until such time as customer-generator energy export data becomes available for providing in the Puc 2200 reports. The Order also stated that “potential alternatives [to bill-ready billing] that could meet the intent of the rule appear to exist . . . [t]hese alternatives should be explored and vetted in the instant proceeding before the Joint Utilities set out on a time consuming and costly path to compliance with Puc 2205.16(d)(1).” (Order at 4).

3. The parties to this docket embarked upon the procedural schedule, but it soon appeared that all parties were in agreement as to the relevant issues in this docket, namely, the disposition of the Utilities’ proposal, and therefore requested a suspension of the procedural schedule to explore resolution of the docket. However, as discussions continued, the parties reached an impasse as to how to approach the next procedural steps. This motion requests another prehearing conference so that the Commission may hear the differing views of the parties on how best to proceed and provide direction as to the rest of the procedural schedule.

4. Regarding the suggestions made by CPCNH at the prehearing conference: to the extent those suggestions are understood by the Utilities, there does seem to be overlap of policy objectives between the Utilities’ proposal and the suggestions made by the Coalition. However, the Utilities have an obligation to provide a specific type of billing service under Puc 2205.16(d)(1)—the rule is unambiguous. To the extent the Utilities understand what the

Coalition is suggesting, it appears that these suggestions are to enable CPAs to engage in *dual billing* and specifically enabling the functionality of providing time-of-use rate billing and issuing net metering credits to the customers on time-of-use rates and those who net meter. While there is seeming policy overlap, it is not appear to the Utilities that the Coalition's prehearing conference suggestions comprise a substitute or alternative method for bill-ready billing.

5. The Utilities do not oppose dual billing on principle, and in fact already offer it to competitive suppliers, and suppliers use it to direct bill usually very large customer accounts—also referred to as passthrough billing. But as a general matter, dual billing places a significantly greater onus on the CPAs and suppliers to provide billing services and process payments that bill-ready billing does not. By comparison, bill-ready billing enables CPAs and suppliers to offer innovative rate design without the cost and burden of issuing bills, processing payments, and conducting their own collections, along with all the required policies, processes and responsibilities attendant with those operations. Also, dual billing is not covered by the purview of the pending New Hampshire Purchase of Receivables (“POR”) program where bill-ready billing is, so CPAs and suppliers are at greater risk in the event of nonpayment by customers if they engage in bill-ready billing. From a high-level, one does not seem to be an alternative to the other, as the impact to those affected by the rule if dual billing were offered as a substitute to bill-ready would be substantial, and not all entities that would or could be affected by the substitution of dual billing for bill-ready billing as compliance with Puc 2205.16(d)(1) are represented in this docket. For these reasons, the Utilities ask that the Commission issue a supplemental order of notice clarifying that the bill-ready proposal is the proper scope of this docket, and that dual billing, if it is to be considered as a nearer-term offering to bill-ready billing or otherwise, should be the subject of a separate docket.

6. In the alternative, if dual billing is to be considered in this docket as an alternative to bill-ready billing, there is a significant lack of clarity that must be resolved before the Utilities can move forward, and the inclusion of certain provisions in a supplemental order of notice would ameliorate any lack of clarity. First, the Commission could direct CPCNH to put its suggestions in writing in the form of granular proposals that address not only the functional changes needed from the Utilities, but also how it plans to provide dual billing. The Utilities have made several requests of the Coalition to put its suggestions in writing in the form of proposals so that the Utilities could assess the feasibility and cost, as well as any utility operational impacts and regulatory implications, but at this time have only received a list of the Electronic Data Interchange (“EDI”) changes it asserts is necessary for CPCNH to offer time-of-use rates and net metering credits through dual billing services. As previously mentioned, there is a great deal more involved with dual billing, and it would be beneficial for both the Utilities and the regulatory agencies to see how CPCNH intends to address those concerns if the Utilities, by approval of the Commission, are going to enable this functionality. These considerations include but are not limited to: compliance with Puc 2004.06; plans for billing, payment, and customer service processes and standards, process for nonpayment by customers¹; and security and cybersecurity plans for handling customer financial information. Without the details of this alternative proposal, it is not possible for the Utilities and other parties to evaluate the extent of the cost and implementation time advantages, if any, relative to bill-ready billing.

¹ Puc 2004.18 lays out the parameters for termination of service by CEPS, namely that customers will not be disconnected for a CEPS terminating service, including for nonpayment. This would apply equally to CPAs: “(e) The notice required to be given to a customer pursuant to this section shall include a statement that termination of service ***will not result in disconnection from the electric distribution system and that the customer may obtain service from another CEPS or through utility default service***, subject to the conditions applicable to utility default service.”

7. As a second, procedural matter, not all eligible entities have been given adequate notice that dual billing would be considered as an alternative to bill-ready billing in this docket, and without that notice could bring a future petition to the Commission to enforce the bill-ready requirements of Puc 2205.16(d)(1) against the Utilities, despite any final order in this docket, or appeal any final order in this docket to the New Hampshire Supreme Court for insufficient due process. If this docket is to proceed with dual billing being considered as a substitute for bill-ready billing, that issue must be properly noticed, and potential parties must be given adequate opportunity to intervene in this docket, so that any decision rendered in this docket would be unappealable on the grounds of improper notice. Additionally, an indefinite waiver for the Utilities from Puc 2205-16(d)(1) pursuant to Puc 201.05(b)(2) must be included in any final order should dual billing be found to be an adequate substitute for bill-ready billing, and valid until such time as the Commission sees fit to direct the Utilities to implement their bill-ready billing proposal.

WHEREFORE, the Utilities respectfully request that the Commission:

- A. Issue a supplemental order of notice clarifying that the proper scope of the docket is the consideration of the Utilities' bill-ready billing proposal;
- B. If the Commission declines the above request, in the alternative, issue a supplemental order of notice that lists the consideration of dual billing as a possible alternative to the Utilities' bill-ready billing proposal as an issue in this docket, and provide a sufficient period for potential affected parties to intervene;
- C. Grant any further relief as may be just and equitable.


Respectfully submitted,

Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty; New Hampshire Electric Cooperative, Inc.; Public Service Company of New Hampshire d/b/a Eversource Energy; and Unitil Energy Systems, Inc.

(signatures follow on next pages)

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY


____3/22/2024____

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LIBERTY UTILITIES (GRANITE STATE ELECTRIC)
CORP. D/B/A LIBERTY UTILITIES


By:_____
Michael Sheehan, Esq.
Director, Legal Services

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

____ 3/22/2024 ____
Date

____  ____
Jessica A. Chiavara