



Town of Derry

DRAFT COMMUNITY POWER PLAN

June 30, 2023

**Approved by the Electric Aggregation Committee
for PUC Submission July 5, 2023**

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I. Derry Community Power Executive Summary

The Town of Derry intends to develop and implement its Community Power Program (Program) as described in this Community Power Plan (Plan) developed with public input by the Electric Aggregation Committee (Committee).

I.a. Overview

Derry Community Power is a program to purchase electricity for its residents, businesses, and other entities in the Town of Derry as authorized under RSA 53-E.

The Legislature's purpose in enabling Community Power was to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities. Municipalities and counties are allowed to aggregate retail electrical customers, including residential, non-profit, and small commercial accounts, to provide such customers access to competitive markets for supplies of electricity and related energy services.

Instead of simply utilizing the Default Service suppliers, Eversource, Unitil, New Hampshire Electric Coop, or Liberty Utilities, this enables the Town of Derry to bundle together the electricity needs of its residents and businesses and put out a bid for an electricity supplier to provide the necessary electricity at competitive prices. Aggregations such as this provide small customers with similar opportunities to those currently available to large electric customers in obtaining lower electric costs, reliable service, and secure energy supplies, particularly as they differ from standard default service provided by the distributed utilities serving Derry, Eversource, Unitil, Liberty Utilities, and the New Hampshire Electric Coop (NHEC).

With Community Power, the Town is able to make strategic pricing decisions about when to solicit bids for our electrical supply and lock in fixed pricing for multiple years. The Town can also increase the amount of renewable energy available to individual customers and the community. The utility would continue to own and manage the distribution poles and wires, emergency services and billing.

The Derry Electric Aggregation Committee was tasked by the Derry Town Council with drafting this Community Power Plan, which sets forth goals, implementation and management principles, and requirements for the program, for consideration by the Derry Town Council. This Plan is intended to guide the implementation of the Derry Community Power Program. It is a living document; elements of this plan are likely to change over time based on evolving laws and energy supply options. This plan reflects options currently available or expected in Eversource, Unitil, Liberty, or NHEC service territory and provides flexibility for adding options in the future as warranted to benefit the Town community.¹

¹ Technical terms and acronyms are used frequently in this document. All terms conform to the legal definitions listed in the NH Puc. 2200 rules, linked here for reference: <https://www.puc.nh.gov/Regulatory/Rules/PUC2200.pdf>.

I.b. Mission Statement

The vision for Derry Community Power is to launch a timely Community Power Program that provides community members with attractive choices and substantially enhanced renewable energy options at competitive prices.

Goals:

- Establish a default electricity supply product that delivers competitive rates, uses more renewable energy, and supports the growth of local, renewable energy.
- Provide residents competitive rates with a variety of plan options while ensuring consumer protections.
- Establish a plan that creates resilience and self-sufficiency for our community in power procurement and use, and the development of local renewable sources.
- Ensure fiscal stability and financial reserves for the community surrounding power sourcing.
- Engage residents and allocate program benefits equitably.
- Explore town policies that promote renewables and energy conservation.
- Increase residents' understanding of their energy usage, to include quantity used as well as impact of energy sources and the value of efficiency.

II. Process to Develop and Approve Plan

The process to develop a Community Power program involves community input to develop the Plan that will govern program operation and local- and state-level review and approval of the Plan. Approving the Community Power Plan does not obligate the Town to launch a program if conditions are not favorable. The process to develop and approve the Plan is summarized here, and full details on each step are available in **Exhibit I**.

Before implementation, a review and approval process will ensure that the Plan satisfies all of the statutory requirements, including that the Plan provides universal access, reliability and equitable treatment for all classes of customers. This Plan was developed to demonstrate that the Derry Community Power Program satisfies all the requirements necessary.

The process to develop the Plan, consistent with New Hampshire Revised Statutes Annotated (RSA) 53-E, is the following:

1. Creation of Community Power Aggregation Committee,
2. Creation of a Draft Plan with public hearings,
3. Approval of a Plan by Community Power Aggregation Committee,
4. Approval of the Plan by Town Council

5. Review and approval of the Plan by the Public Utilities Commission.²

To develop the Plan, the Town engaged the consulting team of Standard Power and Good Energy to assist the Committee in its work at no cost to the Town budget and no obligation to move forward with a program.

The Town Council commissioned the Derry Electric Aggregation Committee on June 20, 2023. See **Exhibit I** for the Resolution commissioning the Committee to act under RSA 53-E.

The Committee released a Community Survey to receive public input on a Community Power Plan on June 5, 2023. The survey will be promoted throughout the summer to engage community input. Details of how the survey was shared with the community can be found in **Exhibit I**. Complete survey results with consultant commentary will be summarized here and included in full in **Exhibit IV** and posted on the Community Power page of the Town's website as they become available.

² Alternatively, the Plan may be submitted to the PUC for review before Town Council approval.

III. Customer Participation

III.a. Applicable classes of customers

The Community Power Program will be available for the residential, commercial and industrial classes of electricity customers as defined by the Town's electric distribution companies (Applicable Classes).

Eversource current classes: <https://www.eversource.com/content/nh/residential/my-account/billing-payments/about-your-bill/rates-tariffs>

New Hampshire Electric Coop current classes:
<https://www.nhec.com/rates-tariffs/>

Liberty Utilities current classes:
<https://new-hampshire.libertyutilities.com/derry/residential/rates-and-tariffs/electrical.html>

Unitil current classes:
<https://unitil.com/electric-gas-service/pricing-rates/tariffs>

III.b. Universal access

The Plan provides for universal access for all customers by guaranteeing that all customer classes will be included in the Program under equitable terms.

All retail electric customers will have access to the Program. All retail electric customers receiving Default Service supply from the electric utility will be eligible for automatic enrollment in the Program (Eligible Customers), and they will be automatically enrolled in the Program unless they choose to opt out. All customers will have the right to opt-out of the Program with no charge.

As required by the statute, there shall be equitable treatment of Applicable Classes within the Program.

III.c. Equitable treatment

The community power statute requires equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs and arrangements between different electric distribution utilities in their respective franchise territories. This does not mean that all classes of customers must be treated "equally," but rather that similarly situated classes of customers be treated "equitably."

Among applicable classes of customers, the Plan makes three distinctions.

First, the Program will distinguish among customer classes by soliciting separate pricing for each of the same customer classes the electric distribution utility uses for the distribution service.

Second, the Program will distinguish between customers receiving the default product and customers that affirmatively choose an optional product. Customers selecting an optional product will be charged the price associated with that product.

Third, the Program will distinguish between customers that join the program through an automatic enrollment process (i.e. customers who do not choose to opt-out) and customers that affirmatively elect to join the program.

- Customers that join through an automatic enrollment process include a) the initial Eligible Customers at the start of the program and b) new Eligible Customers that move into the municipality after the program start-date. All initial Eligible Customers will receive the Program pricing for their rate class. Among new customers, the Program will distinguish between new residential and small commercial customers, who will receive the Program pricing, and all other commercial and industrial customers, who may receive pricing based on market prices at the time the customer joins the Program.
- Customers that affirmatively elect to join include two types of customers: a) customers that were being served by a Competitive Supplier but then later join the Program; and b) customers re-joining the Program after having previously opted out. Those customers that were being served by a Competitive Supplier at program initiation but who later join the Program will be treated the same as new Eligible Customers – residential and small commercial customers will receive the Program pricing and all other commercial and industrial customers may be offered a price based on the then-current market rates. All customers that join the Program after having previously opted out may be offered a price based on then-current market rates rather than the standard contract price. This distinction is designed to limit any incentive for frequent switching back and forth between the Program and Default Service of the electric distribution utility.

III.d. Reliability

Reliability has both physical and financial components. The Program will address both through the Electric Services Agreement (“ESA”) with the Competitive Electric Power Supplier (“Competitive Supplier”), which shall be the Load Serving Entity (“LSE”). From a physical perspective, the ESA commits the Competitive Supplier to provide all-requirements power supply and to use proper standards of management and operations. All-requirements power supply includes all of the electrical energy, capacity, reserves, ancillary services, transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply to Program participants, meet the state’s Renewable Portfolio Standard and any other basic environmental and service standards established by the Public

Utilities Commission and other applicable agencies and laws, and any additional renewable energy requirements of the default or optional products. The electric distribution utility will continue to remain responsible for delivery service, including the physical delivery of power to the customer, maintenance of the delivery system, and restoration of power in the event of an outage.

From a financial perspective, the ESA requires the Competitive Supplier to pay actual damages for any failure to provide supply at the contracted rate (i.e., to pay the difference between the contract rate and the utility supply rate). The ESA requires the Competitive Supplier to maintain insurance and the Request for Proposals for a Competitive Supplier will require that an investment-grade entity either execute or guarantee the ESA.

Accordingly, the Program satisfies the reliability requirement of the statute.

IV. Organizational Structure

IV.a Roles

Electric Aggregation Committee (Committee): The Town Council voted to establish the Committee on June 20, 2023. The Committee will develop a draft plan, hold public hearings on the plan to solicit public input, revise the draft plan based on that input, and ultimately submit an approved Plan to the Town Council. See **Exhibit I** for detail on the public input process.

Town Council: As both the Town's governing and legislative body of government, the Town Council may vote to approve the Plan. Should the Plan be approved by the Town Council, becoming the Derry Community Power Program, the Town Council will be responsible for making decisions and overseeing the administration of the Program with the assistance of the Community Power Consultant. The Town Council will review and approve any proposed amendments to the Plan.

Community Power Consultant: The Community Power Consultant will manage certain Program activities under the direction of the Town Council or their designee. Their responsibilities will include managing the supply procurement, developing and implementing the public education plan, interacting with the electric distribution utility and monitoring the supply contract. The Committee is currently working with the consulting team of Standard Power and Good Energy for all services.

Competitive Supplier: The Competitive Supplier will provide power for the Program, provide customer support including staffing a toll-free number for customer questions, and fulfill other responsibilities as detailed in the Electric Services Agreement (ESA). The Competitive Supplier shall be required to enter into an individual ESA with the Town under terms deemed reasonable and appropriate for the retail electric customers by the Town Council.

Buying Group: The Town may elect to join with other municipal aggregators in combining its load for purposes of soliciting bids from Competitive Suppliers. The purpose of the Buying Group is to allow municipal aggregators to capture the benefits of collective purchasing power while retaining full municipal autonomy. The Town shall be represented by the designee of the Town Council, on the executive committee of the Buying Group. The Town, through its designee as authorized by the Town Council, shall select a Competitive Supplier based on the needs of the Town and shall not be required to select the same terms or Competitive Supplier as other members of the Buying Group.

Retail electric customers: Retail electric customers shall include all electric customers taking distribution service of electricity located within the geographic boundaries of the Town of Derry.

IV.b. Data Security

Pursuant to RSA 363:38 and PUC 2004.19, the Program, as an aggregator, is required to protect individual customer data that it may receive as part of Program implementation. See **Exhibit III** for the data protection plan to be used by the Program.

V. Electricity Supply Product Options

V.a. Default and Optional Electricity Supply Products

The Program intends to offer electricity supply products as described below. Any retail electric customer that joins through an automatic enrollment process shall be enrolled into the Program's default product unless they affirmatively choose to enroll in any of the optional products.

All products will include the minimum amount of renewable energy as required by any applicable statutory requirements, such as the Renewable Portfolio Standard ("RPS") required in the state of New Hampshire. In 2023 the RPS was 23.4%, with scheduled increases until 2025 when it reaches 25% and plateaus. Some products will include additional renewable electricity above the RPS. All purchases of additional renewable electricity will be verified and certified through Renewable Energy Certificates (RECs), the instruments used to trade and track renewable energy generation. These additional RECs are intended to be sourced as locally as possible - see **Section V.b** for more information on sourcing additional RECs.

At launch, the Program expects to offer a default product and optional product choices:

Default Product: The default product, referred to as Derry Default, is expected to include additional renewable energy in an amount that is 5-10% greater than the state minimum RPS, with the exact amount to be determined after the receipt of bids from competitive suppliers. While the Derry Default product cannot guarantee savings to customers in any given month, the product is intended to perform well compared to utility default service price.

Optional Products: The Program may offer two or more optional products:

- **Derry 50%.** A product with substantial additional renewable energy, this product offers up to 50% renewable energy above the RPS.
- **Derry 100%.** A product with maximum renewable energy impact, this product offers up to 100% renewable energy above the RPS.
- **Derry Basic.** A product with no additional renewable energy over the state minimum RPS. This product offers the lowest price in the program.

The Town reserves the right to adjust the amount of renewable energy to be included with its default and optional product, and the amounts will be the same for all customers choosing each product, respectively.

The Program notes that it cannot guarantee savings for any of its products compared to the utility Default Service rates. Utility Default Service rates may not be known for the entirety of any Program supply contract.

Sample Product Summary Table:

	<i>Automatic enrollment</i>		
Basic	Default	Green 50%	Green 100%
Lowest Rate	Competitive Rate	Small increase	Market rate
Meets state minimum requirements	Target 5-10% additional renewable energy	Target 50% additional renewable energy	Target 100% additional renewable energy

See written descriptions above for more information.

V.b. Additional RECs

The program anticipates that the default product and two of the three optional products will have more renewable energy than the state minimum requirements. The additional RECs will come from renewable energy sources that are part of our ISO-New England electricity grid. This means the sources are located in New England or the energy is imported as allowed by ISO-New England from locations such as New York or eastern Canada. This stands in contrast to some electricity supplies that obtain RECs from national sources (e.g. Texas) in which the electricity is not part of our ISO-New England electricity grid.

In its procurement, as described in **Section VI.a**, Derry seeks to support renewable energy generation located within Derry or as close to Derry in New Hampshire as possible. Derry also seeks to support the growth of renewable energy, thereby displacing fossil fuels and reducing greenhouse gas (GHG) emissions. To meet these goals, all additional RECs, above those

required by state law, are initially expected to be New Hampshire Class I eligible RECs.

The Town intends to purchase a portion of the RECs from renewable energy generators and include these RECs in a renewable energy product. If RECs are obtained through the Competitive Supplier, any charge for these RECs would be included in the same rate submitted to the electric distribution utility.

V.c. NH Class I Renewable Energy

New Hampshire Class I renewable energy is known as “new renewable energy”. The State requires all electricity supplies to include a minimum quantity of Class I renewable energy, and that amount currently is scheduled to increase annually until 2025 to max out at 25%. This increasing requirement, along with similar requirements in other New England states, has been a major driver of the growth of renewable energy in our region. If the Program voluntarily purchases additional Class I renewable energy at significant scale, Derry will augment this growth even further.

Class I renewable energy can come from wind, solar, small hydroelectric, biomass, renewable methane, as well as hydrogen and ocean thermal, tidal or wave energy. All Class I renewable energy must have started operation after January 1, 2006 and must be physically delivered to our regional electricity grid, which means it can come from New England, New York or eastern Canada.

- Additional detail on NH Class I renewable energy, as well as the other classifications of renewable energy covered by the New Hampshire Renewable Portfolio Standard, may be found at <https://www.energy.nh.gov/renewable-energy/renewable-portfolio-standard>
- Additional detail on EPA’s Green Power definition can be found at <https://www.epa.gov/green-power-markets/what-green-power>.

VI. Operation

The implementation of the Community Power Program requires extensive interaction between the Town, the Competitive Supplier, and the electric distribution utility.

Following adoption of the Plan at Town Meeting, the key operational steps will be:

- a. Issue a Request for Proposals (RFP) for power supply, select a Competitive Supplier, and provide notice
- b. Implement a public information program, including a Customer Notification Letter
- c. Enroll customers and provide service, including quarterly notifications and annual reporting
- d. Plan for program evolution

These steps are described in the sections below.

VI.a. Issue an RFP for power supply, select a competitive supplier, and provide notice

The Town, under direction of the Town Council or its designee and acting through its Community Power Consultant, will solicit bids from leading competitive suppliers, including those currently supplying community power programs in New England and other states. In seeking bids from competitive suppliers, the Town may solicit bids for its load individually or as part of a Buying Group with other municipal aggregators. The RFP will require that the supplier satisfy key threshold criteria, including:

- Registration with the New Hampshire Public Utilities Commission (NHPUC)
- Strong financial background
- Experience serving the New England competitive market or community power programs (also known as municipal aggregations) in other states
- Demonstrated ability, supported by references, to provide strong customer service
- Demonstrated ability to use Electronic Data Interchange (“EDI”) for enrollment of customers with the electric distribution utility or a plan to successfully complete testing required to use the electric distribution utility’s EDI prior to the mailing of the Customer Notification Letters.

In addition, suppliers will be required to agree to the substantive terms and conditions of the ESA, including, for example, the requirement to:

- Provide all-requirements power supply at a fixed price
- Allow customers to exit the program with no charge, subject to reasonable notice to the distribution utility;
- Agree to specified customer service standards
- Comply with all requirements of the NHPUC and the electric distribution utility

The RFP will include data on Eligible Customer load and other characteristics provided to the Town by the electric distribution utility pursuant to Puc 2204.02.

Price bids will be solicited from suppliers that meet the threshold criteria and agree to the terms and conditions of the ESA. The solicitation will request bids for a variety of term lengths (e.g. 12, 24, 36 or 48 months) and for power from different sources. The Town Council or their designee(s), in consultation with the Community Power Consultant, will determine the appropriate level of renewable energy to be included with the default product and the optional products based upon their assessment of market conditions and what would be in the best interest of retail electric customers at the time of the solicitation. As noted in **Section V.a.**, all claims of renewable energy use will be substantiated by the supplier obtaining and retiring the appropriate

quantity of RECs. Bidders will be required to identify the technology, vintage, and location of the renewable energy generators that are the sources of the RECs. Bidders will also be required to supply RECs that have been created and recorded in the New England Power Pool Generation Information System. The Town may seek RECs from a variety of renewable energy sources; may elect to procure from those sources RECs, power or both; and will choose the best combination of environmental benefits and price.

Prior to delivery of the bids, the Town Council shall set parameters for accepting a bid, including the price, term and characteristics that are appropriate for its constituents. At minimum, no bid will be accepted at a price higher than the utility default rate at the time of program launch, but the Town may specify stricter criteria. The Town Council shall provide authorization to a designee(s) to select a bid and enter into an ESA based upon those parameters.

The Town may conduct an individual solicitation or participate in a solicitation with a Buying Group. Participation in the Buying Group shall not require the Town to select the same price, terms or supplier as other members of the Buying Group. The Community Power Consultant shall advise the Town in evaluating bids received. If a bid is satisfactory, the Town shall execute an Electric Service Agreement (ESA) with the selected supplier(s). The Town reserves the right to select supplier(s) per customer class (as distinguished in **Section III.c** to ensure equitable treatment). If none of the bids is satisfactory, the Town will reject all bids and repeat the solicitation for bids as often as needed until market conditions yield a bid that is acceptable.

The Town may provide customers with renewable energy generation source information through a variety of vehicles including the program web site, content disclosure labels and the Customer Notification Documents.

The Town will provide written notice of its acceptance of a bid and the Program's date of commencement of service to the Public Utilities Commission, the Office of Consumer Advocate, the Department of Energy as required by Puc 2204.04.

The Program will utilize consolidated billing such that the participating customers receive a single bill from the electric distribution utility that includes the charges for the Program's electricity supply and all other charges from the electric distribution utility. The Program will confirm this choice of billing service by notifying the electric distribution utility prior to the enrollment of customers, including providing any applicable Product details required pursuant to Puc 2205.16.

VI.b. Implement public information program including Customer Notification Letters

An Education and Outreach Plan is required to fully inform and educate potential customers and participants in advance of automatic enrollment in the Community Power Program. Customers, including customers with limited English language proficiency and disabilities, must be informed that they would be automatically enrolled in the Program and that they would have the right to

opt-out of the Program without penalty. The purpose of the Education and Outreach Plan is to raise awareness and provide retail electric customers with information concerning their opportunities, options and rights for participation in the Program. To facilitate the Education and Outreach Plan, the Town will utilize contact information for retail electric customers provided to the Town by the electric distribution utility pursuant to Puc 2004.03.

The Education and Outreach Plan will be developed and implemented by the Consultant, acting under the oversight of the Town Council, or its designee. Funding for the Plan, as with other administrative costs, is to be supplied by a fee paid from the Competitive Supplier(s) to the Consultant, as specified in the ESA (see **Section VII** below).

The Education and Outreach Plan (**See Exhibit II**) consists of four components:

i. Initial Outreach and Education: This will be conducted after the selection of a Competitive Supplier and prior to arrival of the Customer Notification Documents. It is intended to promote general awareness of the upcoming program, minimize any questions generated by the arrival of the Customer Notification Documents and maximize recipients' ability to make an informed choice about their participation in the Program. This effort will include information about the goals of the Program, the basic terms and conditions including renewable energy components, and the opt-out process. This effort will also include posting of the Program's product information for residential and small commercial customers on the Department of Energy's shopping comparison website. Such information will be posted on the website in advance of mailing the Customer Notification Letters.

ii. Customer Notification Letters: In addition to the initial outreach and education initiatives, a notice ("Customer Notification Letter") will be mailed to every retail electric customer. The notification envelopes and letters will be designed to appear as official Town communications. The Program will have two versions of this letter, one for Eligible Customers and one for other customers.

The Customer Notification Letter for Eligible Customers will contain a description of the aggregation Program; the implications to the Town; the rights and responsibilities that the participants have under the Program; all details, including all rates, on the products offered by the Program; explain that the customer will be automatically enrolled in the default product unless they choose otherwise and identify the deadline to make such a choice; have instructions for how to not participate (opt out) via web, phone or a pre-addressed envelope and opt-out card included with the letter; and instruction for how to enroll in an optional Program product. The opt-out period will last a minimum of 30 days from the date of mailing of the Customer Notification Letters.

The Customer Notification Letter for other customers will, at a minimum, contain a description of the aggregation Program, the implications to the Town, and instructions for how to enroll in any of the Program products if desired.

Prior to the mailing of the Customer Notification Letters, the Program will ensure the Competitive Supplier and the electric distribution utility that the Competitive Supplier is able to use EDI for enrollment of Default Service customers.

iii. Opt-Out Period Education & Outreach: After the Customer Notification Letters have been sent, the Town will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the program. This will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification documents.

v. Ongoing Outreach & Education:

- Communicating program goals and performance, particularly as they relate to progress towards the Town's short- and long- term goals for renewable energy.
- On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law ("Opt up campaigns"). Increasing participation in these products will serve the Town's goals to expand new renewable energy and increase overall renewable energy use; AND
- Promotion and support of the NHSaves energy efficiency program, and future energy efficiency and weatherization programs

The attached Education and Outreach Plan (**Exhibit II**) describes in detail the Town's anticipated outreach efforts, including a timeline.

VI.c. Enroll customers and provide service

i. Enroll Customers: After the conclusion of the opt-out period (i.e. no sooner than 37 days from the date of the postmark of the Customer Notification Letters, which include 3 days for mailing, 30 days for customer consideration, and 3 days for returning the reply card), the Competitive Supplier will enroll into the Program all retail electric customers on Default Service with the electric distribution utility who did not opt out, and any other retail electric customers that have affirmatively requested in writing or through email to be enrolled in the Program. All enrollments and other transactions between the Competitive Supplier and the electric distribution utility will be conducted in compliance with the relevant provisions of New Hampshire Public Utilities Commission regulations, Terms and Conditions for Competitive Suppliers, and the protocols of the New Hampshire Electronic Business Transaction (EBT) standards.

After enrollment of each customer, the Program may receive applicable customer billing information from the electric distribution utility pursuant to Puc 2205.13.

ii. Provide Service: Once customers are enrolled, the Program will provide all-requirements power supply service. The Program will also provide ongoing customer service, maintain the Program website, and process customer enrollments, ongoing opt outs, and customer selections of optional products. The Program will provide Energy Source Disclosure labels to participants as required by RSA 378:49.

Prior to the expiration of the initial ESA, the Town intends to solicit a new power supply agreement, as described in **Section XIII. Method of Terminating and Entering Agreements with Other Entities**. If the Town elects not to enter into a new power supply agreement, participating customers would return to Default Service as described in **Section XV. Extensions or Termination of Program**.

Retail electric customers that apply for new service with the electric distribution utility (e.g. new customers that move into the Town or move within the Town), will initially be enrolled in Default Service supply provided by the electric distribution utility. The Program will mail such customers a Customer Notification Letter for Eligible Customers per **Section VI.b.2**. New customers may proactively enroll by contacting the Program directly.

The Program will update the information on the Program's products on the New Hampshire Department of Energy's comparison-shopping website whenever such information changes.

iii. Annual Report: On an annual basis, there will be a report to the Town Council on the status of the Community Power Program, including the number of customers enrolled and opting-out, kilowatt-hour usage, customer savings, participation in renewable energy products, and such other information as the Town may request. The information for this report will be prepared by the Community Power Consultant, and the Community Power Consultant will assist or lead in presenting to the Town Council as desired by the Town.

VI.d. Plan for program evolution

The Town seeks to continually improve the program and progress towards its long-term goals. To this end, the Community Power Consultant and Town will regularly assess new opportunities such as technologies, services, regulatory policy changes, and more for their applicability to the program. The Community Power Consultant will develop appropriate strategies to integrate these opportunities into the Program. The Community Power Consultant will support the Town to present new opportunities to the Town Council for their consideration and approval, if amendments to the Plan are needed.

VII. Funding

All of the costs of the Program will be funded through the ESA.

The primary cost will be the charges of the Competitive Supplier for the power supply. These charges will be established through the competitive solicitation for a supplier.

The administrative costs of the Program will be funded through a per kilowatt-hour implementation fee that will be paid by the Competitive Supplier to the Community Power Consultant, as specified in the ESA. This implementation fee will cover the services of the Community Power Consultant, including developing the Community Power Plan, managing the supply procurement, developing and implementing the public education plan, providing customer support, interacting with the electric distribution utility, monitoring the supply contract, and providing ongoing reports.

VIII. Rate Setting and Other Costs to Participants

The Program is offered on an opt-out basis, such that Eligible Customers will be automatically enrolled unless they proactively choose to opt out. Derry Community Power will only launch if it is able to offer default rates that are initially lower than or competitive with those offered by the regulated utilities; thereafter, the program will strive to maintain competitive rates while working to achieve the goals set forth in this Plan including savings over the contract period.

As described above, the power supply charges of the Program will be set through a competitive bidding process and will include the implementation fee and applicable taxes pursuant to the ESA. Prices, terms, and conditions may differ among customer classes, which classes will be the same as the Default Service customer classes of the electric distribution utility. The frequency of price changes will be determined through the competitive bid process. The Town expects to solicit bids for a number of different contract terms. Prices may change as specified in the winning bid and customers will be notified of price changes through media releases and postings on the Community Power Program website.

Regulatory events, such as new or altered requirements for the Renewable Portfolio Standard, or new taxes may result in a direct, material increase in costs during the term of the ESA. In such cases, the Town and the Competitive Supplier will negotiate a potential change in the program price. At least 30 days prior to the implementation of any such change, the Town will notify customers of the change in price by issuing a media release and posting a notice in the Town Office and on the program website. The Town shall also notify the NHPUC Consumer Services and External Affairs Division prior to implementation of any change in the Program price related to a regulatory event or new taxes. Such notice shall be provided prior to notifying customers and will include copies of all media releases, postings on the Town and Program websites and any other communications the Town intends to provide to customers regarding the price change.

The Program affects only the electricity supply charges of the customers. Delivery charges will be unchanged and will continue to be charged by the electric distribution utility in accordance with tariffs approved by the NHPUC.

Participants in the Program will receive one bill from the electric distribution utility that includes both the power supply charge of the Competitive Supplier and the delivery charge of the electric distribution utility. Any applicable taxes will be billed as part of the Program's power supply charge.

Participants in the Program will be able to opt-out of the Program and transfer to Default Service with the electric distribution utility or to another Competitive Supplier. Such requests submitted to the Program will be submitted by the Competitive Supplier to the electric distribution utility for processing on the customer's next available regular meter read date. There shall be no penalty or exit fee for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge if such a service is available from the electric distribution utility.

IX. Method of Entering and Terminating Agreements with Other Entities

The process for entering, modifying, enforcing, and terminating all agreements associated with the Plan will comply with the municipal, federal and state law and rules and regulations, and the provisions of the relevant agreement.

The Town plans to use the same process described in **Section IV.a** of this Plan to solicit bids and enter into any subsequent ESAs with the assistance of its then-current Community Power Consultant. Customers will be notified of subsequent ESAs through press releases and public notices. The transfer of customers from the existing supplier to the new supplier will be coordinated with the electric distribution utility using established Electronic Data Interchange (EDI) protocols.

If the Town determines that it requires the services of a Community Power Consultant after expiration of the existing agreement, it will evaluate opportunities to solicit a Community Power Consultant individually or as part of a group of municipalities aggregating the electric load of their respective customers. The Town will solicit proposals for, and evaluate, potential Community Power Consultants using a competitive procurement process or alternative procedure which the Town determines to be in the best interest of its customers and consistent with all applicable local, state and federal laws and regulations.

X. Rights and Responsibilities of Program Participants

All participants will have the right to opt out of the Program without charge. Participants' exit from the program will be subject to reasonable notice to the distribution utility and may only occur after the next meter read, consistent with Puc 2204.05(g). They may exercise this right by any of the following: 1) calling the toll-free number of the Competitive Supplier; 2) contacting the electric distribution utility and asking to be returned to Default Service; or 3) enrolling with another competitive supplier.

All participants will have available to them the customer protection provisions of the law and regulations of New Hampshire, including the right to question billing and service quality practices. Customers will be able to ask questions of and register complaints with the Town, the Community Power Consultant, the Competitive Supplier, the electric distribution utility and the NHPUC. As appropriate, the Town and the Community Power Consultant will direct customer complaints to the Competitive Supplier, the electric distribution utility or the NHPUC.

Participants will continue to be responsible for paying their bills and for providing access to metering and other equipment necessary to carry out utility operations. Participants are responsible for requesting any exemption from the collection of any applicable taxes and must provide appropriate documentation of such exemption to the Competitive Supplier.

XI. Net Metering Compensation

In accordance with RSA 362-A:9, II, the Program may determine the terms and conditions for net metering. In order to support the development of distributed energy resources within Derry, the Program will seek to offer net metering terms and conditions - for standard, alternative and group net metering - equal to or better than that provided on Default Service. To this end, the Program will evaluate the net metering terms and conditions offered by competitive suppliers as part of the procurement and bid selection process.

To ensure net metering customers can make a fully informed decision on their participation in the Program, the Program will tailor all education and outreach materials to clearly communicate any and all differences between the net metering value and operation provided by the Program and Default Service.

Additionally, the Program will evaluate how any proposed or implemented changes to the utility metering or billing infrastructure may create new opportunities to enhance the net metering benefits.

XII. Electric Assistance Program and Other Discounts

The New Hampshire Electric Assistance Program (EAP) provides qualifying customers with a discount on their monthly electric bill. The New Hampshire Legislature authorized funding for this statewide program as part of electric utility deregulation. All electric utility ratepayers support the statewide EAP through the System Benefits Charge (SBC) portion of their electric bill.

The EAP for income-eligible customers that may qualify for a discount off their monthly electric bill would continue for participants in the Program. The level of discount depends on household income, household size and electricity usage.

The EAP discount applies to the Supplier Services portion of an electric bill when a customer chooses an independent supplier for their electricity needs. The participants in the Program who

are enrolled in the EAP will receive their discounts by the same method they presently receive their discount. Participation in the Program is independent of enrollment in the EAP and does not impact the EAP discount.

Other discount programs administered by Community Action Programs that address the needs of low-income residents would continue for participants in the Program.

XIII. Extensions or Termination of Program

The Town is not contemplating a termination date for the Program. Prior to the end of the term of the initial ESA, the Town will solicit bids for a new supply agreement and plans to continue the program with the same or new competitive supplier, or may consider a portfolio management model.

The program could be terminated upon the termination or expiration of the ESA without any extension, renewal, or negotiation of a subsequent supply contract, or upon the decision of the Town to dissolve the program effective on the end date of the existing ESA. In the event of termination, customers would return to the Default Service of the electric distribution utility, unless they choose an alternative competitive supplier. The Town will notify customers of a planned termination of the program through media releases and postings on the Program page of the Town's website.

The Town will notify the electric distribution utility of the planned termination or extension of the Program in writing. In particular, the Town will provide the electric distribution utility notice: (1) 90 days prior to a planned termination of the program; (2) 90 days prior to the end of the anticipated term of the ESA; and (3) four business-days after the successful negotiation of a new electric service agreement. The Town will also provide written notice to the Public Utility Commission 90 days prior to a planned termination, which notice shall include copies of all media releases, Town Office and website postings and other communications the Town intends to provide customers regarding the termination of the Program and the return of participants to Default Service. The Town will also provide written notice 90 days prior to a planned termination to the Office of the Consumer Advocate and the New Hampshire Department of Energy.

In the event of unplanned termination of the Program because the Program can no longer provide service to its customers, the Program shall provide immediate written notice to the Public Utilities Commission describing the market suspension or other event that caused the Program to no longer be able to provide service, the effective time of the inability to provide service, and the notice provided to customers of the timing and consequences of the cessation of the Program's service. The Program shall file a copy of such notice at the same time to the office of the Office of the Consumer Advocate, the Department of Energy, and the electric distribution utility.

In the event of the termination of the Program, it is the responsibility and requirement of the Competitive Supplier to return the customers to Default Service of the electric distribution utility in accordance with the then applicable EDI rules and procedures.

XIV. Aggregating Municipalities & Buying Group

Participating in a buying group may offer the potential for the Town to expand its buying power for greater economies of scale and to support the Town's goal of acting as a regional leader, supporting other municipalities to access the benefits for Community Power. Derry will evaluate opportunities for such a buying group before issuing a bid for competitive supply. See **Section VI.a. Issue an RFP for Power Supply and Select a Competitive Supplier** for details on the implementation of a buying group.

Additionally, the Town reserves its right, in accordance with RSA 53-E:6, I, to join with other municipalities or counties for its Community Power Plan and implementing its Community Power program. Any changes to the Community Power Plan must be reviewed and approved by the Town Council.

XV. Promoting Energy Efficiency

In addition to supporting cost-competitive and cleaner electricity, the Town seeks to leverage the Community Power Program to help reduce energy use. This will initially take the form of cross-promoting awareness of efficiency programs through the Program's education and outreach. The Program will also evaluate opportunities for more direct support of energy efficiency.

Promotional education will focus on existing energy efficiency and conservation programs, such as New Hampshire's Weatherization Assistance Program for low-income households and the New Hampshire Saves (NHSaves) program, which provides customers with information, incentives and support designed to save energy, reduce costs, and protect our environment statewide.

If and when additional energy efficiency and conservation programs or initiatives become available, the Program will evaluate how to incorporate them into its promotional outreach and education.

XVI. Planned Schedule

The planned schedule below is presented for illustrative purposes. The final schedule will be established once the Program has received all necessary approvals, and will ensure compliance with all required notification timelines prior to Program commencement.

Day	Action or Event
1	Issue RFP for Competitive Supplier
31	ESA executed between Town and Competitive Supplier. Provide required notifications to NHPUC, Department of Energy, Office of the Consumer Advocate, and the electric distribution utility
34	Competitive Supplier receives retail electric customer mailing data from the Program
48	Competitive Supplier, at its expense, mails Customer Notification Letters to all retail electric customers, including identifying the return date by which the reply card envelopes for Eligible Customers must be mailed and postmarked
51	Retail electric customers receive Customer Notification Letter in the mail
81	Return date by which Eligible Customers deciding to opt-out must mail a reply card in a pre-paid envelope to the Competitive Supplier.
85	Competitive Supplier removes all Eligible Customers who opt out from the Eligible Customer list
85	Competitive Supplier sends “supplier enrolls customer” EDI for all Eligible Customers that did not opt-out and any other customers that affirmatively elected to opt-in to the Program.
90	Service begins as of each customer's next meter read date

XVII. Conclusion

Derry’s Community Power Program meets all of the requirements of the Community Power law, including providing universal access, a reliable power supply and treating all customer classes equitably. The Town looks forward to launching the Program and pursuing the benefits of a competitive power supply, renewable energy, and electricity choice for its retail electric customers.