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Daniel C. Goldner, Chair
NH Public Utilities Commission
21 South Fruit Street, Suite 10, Concord, N.H. 03301-2429

January 19, 2024

Re: PUC Docket # 24-006

Dear Mr. Goldner and Commissioners,

Please accept the following as public comment on the “Town of Lancaster Community Power Electric Aggregation Plan” currently under review by the Public Utilities Commission.

I believe the plan as submitted does not meet the requirements of RSA Chapter 53-E and applicable rules (PUC 2200) which authorizes Electric Aggregation Committees duly appointed by the governing body of the municipality to file a Community Power Electric Aggregation Plan.

Lancaster’s Plan was developed and filed by the Lancaster Energy Commission, an unchartered group and was filed without final Select Board approval, and should be declined until the Select Board can ensure appropriate compliance with RSA 53-E.

- On July 17, 2023, the Lancaster Select Board approved creation of an Energy Committee for the purpose of developing a Community Power program, as follows: *Motion made by Leon and seconded by Troy to formulate an energy committee composed of 5 members, one of which will be a board of selectmen member. All in favor. Motion carried.*
- On November 20, 2023, the Select Board approved the charter of the Lancaster Energy Committee with a minor change, as follows: *Motion made by Shane and seconded by Kathy-Jean to accept the Energy Committee Charter with the change adding “or designee”. Shane and Leon voted yes and Kathy-Jean no.*
- On January 2, 2024, a group calling themselves the Lancaster Energy Commission submitted the Lancaster Community Power Electric Aggregation Plan to the Select Board for approval. That plan authorized the Lancaster Energy Commission to perform a number of duties. The Select Board noted the discrepancy between the appointed and chartered committee and the unappointed and unchartered commission. The Plan was approved by the Select Board as follows: *Motion made by Kathy-Jean and seconded by Shane to adopt the Lancaster Community Power Electric Aggregation Plan pending review by Town Counsel. All in favor. Motion carried.*
- That same plan, not yet approved by Town Counsel, was subsequently filed with the PUC by the Lancaster Energy Commission.

The Lancaster Select Board followed the requirements of NH RSA 53-A by appointing the Lancaster Energy Committee and approving the Lancaster Energy Committee charter. They did not appoint an Energy Commission to develop an electric aggregation program. Even if they had appointed an energy commission under RSA 38-D, such an energy commission, or any subcommittee thereof, would not be authorized to develop electric aggregation program for residential customers.

I raise this concern not to quibble about the use of “committee” vs “commission,” but because I think Lancaster’s Community Power Plan should be in keeping with the legislation and not subject to challenge because of procedural errors. I believe the residents of Lancaster, who will be asked to approve the Electric Aggregation Plan at a future Town Meeting, deserve to have confidence that the Select Board and their appointed Energy Committee are operating in compliance with the legal and regulatory framework for community power. I have raised my concerns with the group operating as the Energy Commission and they have declined to revise the plan, and to have it resubmitted by the duly appointed and chartered Energy Committee.

Since the group operating in Lancaster as the Lancaster Energy Commission a) was never appointed by the Select Board; b) is not authorized to develop an aggregation plan; and c) has created an aggregation plan that enables the unchartered Lancaster Energy Commission to engage in electric aggregation, I believe the Lancaster Community Power Electric Aggregation Plan as submitted to the PUC does not meet the requirements of RSA 53-E. Additionally, the Lancaster Energy Commission submitted the Plan before completion of review by Town Counsel, disregarding the conditional approval by the Lancaster Select Board.

I ask the Public Utilities Commission to decline approval of Lancaster Community Power Electric Aggregation Plan.

Respectfully Submitted,

Racheal Stuart

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