

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-080

NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.

Petition for Waiver of Portions of Puc 2200 Rules

**COMMENCEMENT OF ADJUDICATIVE PROCEEDING
AND NOTICE OF PREHEARING CONFERENCE**

On November 28, 2022, New Hampshire Electric Cooperative, Inc. (NHEC) filed a petition requesting that the Commission waive certain provisions of the newly adopted Chapter Puc 2200 “Municipal and County Aggregation Rules” pursuant to Puc 2201.03(b) and/or Puc 201.05. The petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are available on the Commission’s website at www.puc.nh.gov/Regulatory/Docketbk/2022/22-080.html

I. BACKGROUND AND PROCEDURAL HISTORY

The Commission adopted the Puc 2200 rules, which became effective on October 12, 2022, in Docket No. DRM 21-142. The purpose of the rules is to implement certain provisions of RSA chapter 53-E by regulating “the implementation and operation of community power aggregation programs [(CPAs)] and their interactions with electric distribution utilities.” N.H. Admin. R., Puc 2201.01. Among other things, the Puc 2200 rules require electric distribution utilities to provide CPAs with certain information and services.

Puc 2201.03(a) states that the Commission shall determine requests to waive any of the Puc 2200 rules pursuant to Puc 201.05. However, with regard to a rural electric cooperative with a certificate of deregulation on file with the Commission pursuant to RSA 301:57, Puc 2201.03(b) requires the Commission to waive the

application of any Puc 2200 rule if it finds that “compliance is not reasonably practical at a reasonable cost to the cooperative or CPA or CPAs requesting information or services from the cooperative.” After Public Service Company of New Hampshire d/b/a Eversource filed a motion requesting a partial waiver of one of the Puc 2200 rules in Docket No. DRM 21-142, the Commission issued an order denying this request without prejudice and indicating that requests to waive portions of the Puc 2200 rules should be filed in a separate, adjudicative docket. *See* Order No. 26,707 (October 18, 2022).

In its petition, NHEC stated that it is a non-profit, member-owned electric cooperative with a certificate of deregulation on file with the Commission, and therefore, the specific waiver provision of Puc 2201.03(b) applies. NHEC requested a waiver of several provisions of the Puc 2200 rules for different timeframes and for the following reasons:

1. NHEC requests a temporary waiver, through December 31, 2022, of Puc 2203.02(b)(1)-(4), Puc 2204.02(a)(1)-(3), Puc 2204.03, Puc 2205.05, and Puc 2205.13, because compliance requires NHEC to custom program the account management and billing software it currently uses, which will not be completed until after December 31, 2022;
2. NHEC requests a temporary waiver, until such a time as its “purchase of receivables” (POR) program proposal is received and approved by the Commission, of Puc 2203.02(b)(5), Puc 2204.06(a), Puc 2205.03, and Puc 2205.16(a), because compliance would require implementation of a POR program, for which NHEC intends to file a proposal with the Commission in January 2023; and

3. NHEC requests a total waiver of Puc 2204.02(a)(5)-(8), Puc 2205.14, and Puc 2205.16(c)(2), (d)(1) and (d)(2). NHEC stated that it is either specifically exempted from these rules by rule or law or it would be “virtually impossible or unreasonably expensive” for the NHEC to comply with them given its unique information systems.

The Commission grants NHEC’s requests for waiver of Puc 2203.02(b)(1)-(4), Puc 2204.02(a)(1)-(3), Puc 2204.03, Puc 2205.05, Puc 2205.13, Puc 2203.02(b)(5), Puc 2204.06(a), Puc 2205.03, and Puc 2205.16(a) on an interim basis only, until it can fully consider NHEC’s filing, as well as any responses.

II. ISSUES PRESENTED

The filing presents, *inter alia*, the following issues: whether a waiver of the foregoing rules is warranted under Puc 2201.03(b) and/or Puc 201.05. Accordingly, an adjudicative proceeding will be convened to address these issues.

The Commission will be conducting the prehearing conference and any hearings scheduled in this matter in person. The Commission will consider requests to conduct hearings using a hybrid format to permit remote participation by a specific individual only if the Commission has determined that a sufficient reason has been provided for why that individual would be unable to attend in person. Any party requesting that a specific individual be permitted to participate remotely should file a written request with the Commission’s Clerk’s Office no later than fifteen (15) days prior to the prehearing conference or hearing date. If the Commission determines that one or more individuals will be permitted to appear remotely, then individuals in the Commission’s hearing room, including the Commissioners, will be broadcast on a web-enabled platform.

Based upon the foregoing, it is hereby

ORDERED, that an adjudicative proceeding be commenced for the purpose of reviewing and resolving the foregoing issues pursuant to RSA chapter 541-A, New Hampshire Code of Administrative Rules Puc 2201.03(b) and/or Puc 201.05, and the Commission's other procedural rules; and it is

FURTHER ORDERED, that the Commission grants NHEC's request for a waiver of Puc 2203.02(b)(1)-(4), Puc 2204.02(a)(1)-(3), Puc 2204.03, Puc 2205.05, Puc 2205.13, Puc 2203.02(b)(5), Puc 2204.06(a), Puc 2205.03, and Puc 2205.16(a) on an interim basis, until it can fully consider NHEC's filing, as well as any responses;

FURTHER ORDERED, that the Commission will hold a prehearing conference, pursuant to N.H. Admin. R., Puc 203.15, at its offices located at 21 S. Fruit St., Suite 10, Concord, New Hampshire, on February 9, 2023, at 1:30 p.m., at which each party should be prepared to address any of the issues set forth in N.H. Admin. R., Puc 203.15; and it is

FURTHER ORDERED, that during the prehearing conference, the Commission will consider the matters listed in Puc 203.15(c) and (d), including the establishment of a procedural schedule governing the remainder of the proceeding. Parties and potential parties are encouraged to facilitate the development of a procedural schedule by conferring prior to the prehearing conference, so that the presiding officer can address any matters on which there is disagreement during the prehearing conference. Any procedural schedule, however, will not be approved until after the prehearing conference and after consulting the Commission's calendar; and it is

FURTHER ORDERED, that, immediately following the prehearing conference, NHEC shall make appropriate personnel available for the parties to hold a technical session to review the filing; and it is

FURTHER ORDERED, that any entity or individual may petition to intervene and seek to be admitted as a party in this proceeding. Each party has the right to have an attorney represent the party at the party's own expense; and it is

FURTHER ORDERED, that, consistent with N.H. Admin. R., Puc 203.17 and Puc 203.02, any entity or individual seeking to intervene in the proceeding shall file with the Commission a petition to intervene with copies sent to NHEC and any other parties on the service list, on or before January 20, 2023. The petition shall state the facts demonstrating how the petitioner's rights, duties, privileges, immunities, or other substantial interests may be affected by the proceeding, consistent with N.H. Admin. R., Puc 203.17; and it is

FURTHER ORDERED, that any party objecting to a petition to intervene make said objection on or before February 2, 2023; and it is

FURTHER ORDERED, that parties shall file any proposed exhibits, written testimony, motions, or other documents intended to become part of the record in this proceeding with the Commission. Pursuant to the secretarial letter issued on March 17, 2020, which is posted on the Commission's website at <https://www.puc.nh.gov/Regulatory/Secretarial%20Letters/20200317-SecLtr-Temp-Changes-in-Filing-Requirements.pdf>, all Commission rules requiring the filing of paper copies are suspended until further notice. Parties may elect to submit any filing in electronic form unless otherwise ordered by the Commission. Filings will be considered filed as of the time the electronic copy is received by the Commission; and it is

FURTHER ORDERED, that routine procedural inquiries may be made by contacting the Commission's Clerk's Office at (603) 271-2431 or ClerksOffice@puc.nh.gov. All requests to the Commission should be made in a written

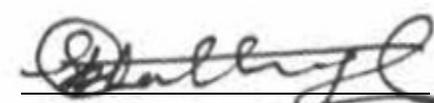
pleading filed with the Commission. Unless otherwise authorized by law, *ex parte* communications are prohibited; and it is

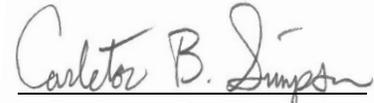
FURTHER ORDERED, that pursuant to N.H. Admin. R., Puc 203.12, NHEC shall notify all entities and individuals desiring to be heard at this hearing by publishing a copy of this order of notice on its website no later than two business days after the date of issue, such publication to be documented by affidavit filed with the Commission on or before December 20, 2022. In addition, the Clerk shall publish this order of notice on the Commission's website no later than two business days after the date of issue; and it is

FURTHER ORDERED, that any hearings in this matter shall be conducted in accordance with the attached hearing guidelines.

So ordered, this second day of December, 2022.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.

Service List - Docket Related

Docket#: 22-080

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Email Addresses

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