

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 22-066**

**TOWN OF DURHAM  
Office of the Town Administrator  
8 Newmarket Road  
Durham, NH 03824**

**Request for Approval of Durham Community Power Electric Aggregation Plan**

**Commission Approval of Community Power Aggregation Plan**

**O R D E R N O. 26,742**

**December 12, 2022**

In this order, the Commission approves the Town of Durham's (Durham) Community Power Electric Aggregation Plan (Plan).

**I. BACKGROUND**

On October 12, 2022, Durham submitted a request for approval of a community power aggregation plan to provide electric power supply and services for residents, businesses, and other entities in Durham pursuant to RSA chapter 53-E. Accompanying its request, Durham submitted the text of its Plan with attachments.

On October 13, 2022, the Commission issued an order of notice establishing a deadline for comments on Durham's Plan. Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) and the New Hampshire Electric Cooperative, Inc. (NHEC) submitted timely comments.

Durham's request, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-066.html>.

## II. COMMISSION ANALYSIS

The Commission has reviewed Durham's Plan pursuant to RSA 53-E:7, II, as amended, which states that

The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules.

RSA 53-E:7, II also provides specific direction on the process to be used for the submission of such plans, including the following requirements: 1) on the same day the plan is submitted to the Commission, copies shall be provided to the Office of the Consumer Advocate and any electric distribution utility providing service within the jurisdiction of the municipality; 2) the Commission shall accept public comments for 21 days thereafter; and 3) the Commission's review of the plan and comments shall not require a contested case. N.H. Code Admin R. Puc 2204.01 (a) also requires notification of aggregation plan filings be made with the New Hampshire Department of Energy.

Durham's submission complied with these procedural requirements. Durham is a founding member of the Community Power Coalition of New Hampshire (CPCNH), a joint powers agency authorized under RSA 53-A. As a member of CPCNH, Durham's Plan indicates that it will likely utilize (but is not required to) CPCNH's joint resources with other member-municipalities, including shared third-party services, staff support, power solicitations, local project development, information sharing, and public advocacy.

Based on our review of the Plan, we have determined that Durham's Plan contains an adequate level of detail of the RSA 53-E:6, III statutory criteria and other applicable statutory requirements. In reviewing compliance with the N.H. Code Admin R. ch. Puc 2200, we note that Durham's Plan was one of the first two aggregation plans submitted after the effective date of this new rule set. Therefore, we detail several regards in which Durham's Plan addressed requirements contained in the Puc ch. 2200 rules:

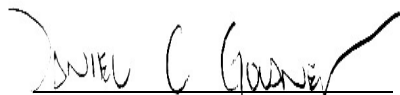
1. Pursuant to Puc 2204.01, the aggregation plan shall provide contact information for a government official serving as a liaison or responsible person, any applicable website URL, and certain statements regarding whether that applicable governing body has approved the aggregation plan. Durham complied with these requirements in the cover letter accompanying the Plan.
2. Puc 2204.04 through 2204.06 prescribe requirements relating to the commencement of services, including timeframes based on utility default service schedules, rate notification requirements, mailing requirements, public meeting requirements, and requirements related to the use of utility electronic data exchange services. Durham addressed many of these provisions by stating that it would comply with applicable requirements of statute or regulation. We interpret these provisions of the Plan to mean that Durham acknowledges Puc ch. 2200 rules and will implement its Plan in accordance with these applicable requirements.
3. Puc 2205.06 prescribes requirements relating to the termination of services, including providing 90 day's notice. Durham stated that it would comply with applicable requirements of statute or regulation. We interpret these

provisions of the Plan to mean that Durham acknowledges Puc ch. 2200 rules and will implement its Plan in accordance with these applicable requirements.

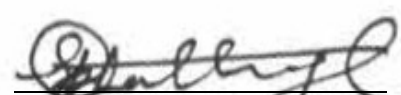
4. Puc 2205.16 prescribes requirements relating to the use of utility billing services, including the identification, prior to enrollment, whether any customer will utilize consolidated or separate billing services. Although it appears Durham will elect to utilize consolidated billing services in most instances (including for all customers enrolled in the electric assistance program) we note that Durham identified that some customer-generators may find separate billing to be more advantageous. We note that Plan further states that net energy metering terms, conditions, and rates will be set at duly noticed public meetings and fully disclosed to prospective customers through the enrollment notification process. This process is not inconsistent with the rules, however, we note that it will require collaboration with the utilities, and recognition that Eversource and the NHEC may have different capabilities with respect to the terms and conditions that they will be able to implement.

**Based upon the foregoing, it is hereby determined** that the Town of Durham's Request for Plan Approval is APPROVED.

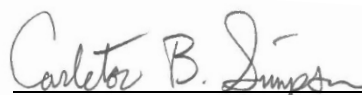
By order of the Public Utilities Commission of New Hampshire this twelfth day of December, 2022.



Daniel C. Goldner  
Chairman



Pradip K. Chattopadhyay  
Commissioner



Carleton B. Simpson  
Commissioner

# Service List - Docket Related

Docket#: 22-066

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