

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Puc 2200 MUNICIPAL AND COUNTY AGGREGATION RULES

Statutory Authority: RSA 53-E:7, X

PART Puc 2201 PURPOSE AND APPLICATION OF THE RULES

Puc 2201.01 Purpose. The purpose of Puc 2200 is to implement the provisions of RSA 53-E to provide for implementation and operation of community power aggregation programs and their interactions with electric distribution utilities.

[Source](#). #13457, eff 10-12-22

Puc 2201.02 Application of Rules.

(a) This chapter shall apply to:

- (1) Community power aggregations as defined in Puc 2202.05;
- (2) Committees as defined in Puc 2202.04;
- (3) Competitive electric power suppliers (CEPS) to the extent they are serving community power aggregations as a load serving entity; and
- (4) Electric distribution utilities in their relationship and interaction with community power aggregations and committees.

(b) Puc 2204.02(a)(4), Puc 2205.13(a)(9), and Puc 2205.15 shall not apply to CPAs where their customers are served by a rural electric cooperative for which a certificate of deregulation is on file with the commission, except by voluntary agreement of such a rural electric cooperative.

[Source](#). #13457, eff 10-12-22

Puc 2201.03 Waiver of Rules.

(a) The commission shall consider and determine any request for a waiver from the provisions of these rules pursuant to Puc 201.05.

(b) The commission shall waive the application of any particular rule in this part to a rural electric cooperative for which a certificate of deregulation is on file with the public utilities commission pursuant to RSA 301:57 if it finds upon petition of such a cooperative that compliance is not reasonably practical at a reasonable cost to the cooperative or CPA or CPAs requesting information or services from the cooperative.

[Source](#). #13457, eff 10-12-22

PART Puc 2202 DEFINITIONS

Puc 2202.01 “Aggregation plan” means a proposed or approved electric aggregation plan developed pursuant to RSA 53-E:6. The term includes “community power aggregation plan.”

[Source](#). #13457, eff 10-12-22

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Puc 2202.02 “Anonymized” means customer data presented in a way that removes information that can be used to identify the individual customer that it pertains to, such that it does not constitute “individual customer data” as defined by RSA 363:37, I.

[Source.](#) #13457, eff 10-12-22

Puc 2202.03 “Commission” means the New Hampshire public utilities commission.

[Source.](#) #13457, eff 10-12-22

Puc 2202.04 “Committee” means “committee” as defined in RSA 53-E:2, IV, namely, an “electric aggregation committee established under RSA 53-E:6” and the term includes any person or entity acting as an agent for such a committee.

[Source.](#) #13457, eff 10-12-22

Puc 2202.05 “Community power aggregation (CPA)” means a municipal or county aggregation program established pursuant to RSA 53-E to group retail electric customers to provide, broker, or contract for energy services for such customers as defined by RSA 53-E:2, V-a and RSA 53-E:3, II(a), including a group of such entities operating jointly pursuant to RSA 53-E:3, II(b) and RSA 53-A and any person or entity acting as an agent for a municipal or county aggregation program. The term includes “aggregation.”

[Source.](#) #13457, eff 10-12-22

Puc 2202.06 “Competitive electric power supplier (CEPS)” pursuant to Puc 2002.08, means any person or entity that sells or offers to sell all-requirements electricity supply service to retail customers, including net metering customers, in this state using the transmission or distribution facilities of a utility. A CEPS takes ownership of the electricity it sells. The term does not include community power aggregations, any utility or any municipal or county corporation operating within its corporate limits, or submetering at campgrounds as described in RSA 362:3-a.

[Source.](#) #13457, eff 10-12-22

Puc 2202.07 “Confidential customer information” means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information.

[Source.](#) #13457, eff 10-12-22

Puc 2202.08 “CPA service area” means the municipality, municipalities, county, or counties served or proposed to be served by a community power aggregation.

[Source.](#) #13457, eff 10-12-22

Puc 2202.09 “Customer” means any person or entity in this state, including any governmental unit, which purchases electricity at retail, and is the customer of record on the utility account.

[Source.](#) #13457, eff 10-12-22

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Puc 2202.10 “Default service” means “default service” as defined in RSA 374-F:2, namely, “electricity supply that is available to retail customers who are otherwise without an electricity supplier and are ineligible for transition service and is provided by electric distribution utilities under RSA 374-F:3, V or as an alternative, by municipal or county aggregators under RSA 53-E.”

[Source.](#) #13457, eff 10-12-22

Puc 2202.11 “Electronic data interchange (EDI)” means a standard set of data transactions used by electric distribution companies and CEPS or CPAs serving as LSEs to send and receive data.

[Source.](#) #13457, eff 10-12-22

Puc 2202.12 “Enrollment” means the commencement of a customer’s electricity supply service from a CPA serving as an LSE, or a CEPS serving a CPA under contract, effective on the meter read date described in Puc 2004.10(a) following successful EDI notification by a CEPS or a CPA serving as an LSE to the utility.

[Source.](#) #13457, eff 10-12-22

Puc 2202.13 “ISO-NE” means ISO New England, Inc., the entity serving as the regional transmission operator and which oversees the operation of New England’s bulk electric power generation and transmission system and administers the regional wholesale markets for electric energy and other electricity products, or its successors.

[Source.](#) #13457, eff 10-12-22

Puc 2202.14 “Load Serving Entity (LSE)” means an entity that is registered with ISO-NE as a market participant and secures and sells electric energy and related services to serve the demand of end-use customers at the distribution level.

[Source.](#) #13457, eff 10-12-22

Puc 2202.15 “Utility” means any electric generation, transmission, or distribution company meeting the definition of a public utility under RSA 362:2 and RSA 362:4-a and includes rural electric cooperatives.

[Source.](#) #13457, eff 10-12-22

PART Puc 2203 ELECTRIC AGGREGATION COMMITTEES AND REQUESTS FOR LOAD DATA

Puc 2203.01 Notification of Formation of a Community Power Aggregation Committee.

(a) A municipality or county that forms a committee pursuant to RSA 53-E:6, I shall provide notice to the commission in writing and by email at the addresses provided in Puc 103.01(m) and pursuant to Puc 202.06, and also to the office of the consumer advocate, the department of energy, and the utility or utilities serving customers in such municipality or county at the addresses provided to the commission by utilities and posted on the commission’s website under (b) below.

(b) Each utility shall provide to the commission and the department of energy current contact information that can be posted on the commission and the department of energy’s websites as to the mailing or email address to be used for notices from a committee to the utility required under these rules and for requests for information from a committee or CPA to the utility under these rules. That information as submitted by the utility shall be posted on the commission and the department of energy’s websites.

(c) The notice from a committee required under (a) above shall be sent not less than 10 business days before any request by the committee for aggregated load information from the utility or utilities serving customers in the municipality or county becomes effective.

(d) The notice required under (a) above shall include the following:

- (1) The name and email or postal address of the primary contact for the committee;
- (2) The name, address, telephone number, and email address for the municipal or county official or employee who serves as the liaison or support person for the committee;
- (3) Designation of person or persons identified under (1) or (2) above who are authorized to request information from the utility pursuant to Puc 2203.02; and
- (4) The URL of any website page maintained by or for the committee.

(e) The information required under (d) above shall be updated whenever there is a change to that information.

[Source.](#) #13457, eff 10-12-22

Puc 2203.02 Request for Usage Information from Utilities.

(a) A committee may request aggregated usage information for all electric customers located within the applicable municipality or county from each utility serving such customers by making an electronic mail or written request for such data to each such utility with a copy provided to the commission consistent with the requirements of Puc 202.06 and to the office of the consumer advocate and the department of energy.

(b) Within 30 calendar days following the date of a request made pursuant to (a) above, each utility shall provide the following load information in machine-readable format for the customers it serves in the municipality or county:

- (1) The most recent 24 months of monthly usage data if available, or 12 months otherwise, for each customer rate class, aggregated and sorted by whether the customers were taking competitive electric power service or utility default service for each such month;
- (2) Counts of customers in each rate class for each month, sorted by whether the customers were taking competitive electric power service or utility default service for each such month;
- (3) Current counts of customers that participate in net energy metering in each rate class, sorted by whether the customers are taking competitive electric power service or utility default service, to the extent such data is readily available;
- (4) Current counts of residential customers that participate in the electric assistance program, sorted by whether the customers were taking competitive electric power service or utility default service for each such month;
- (5) Until such time as the utility offers a commission approved purchase of receivables program pursuant to RSA 53-E:9, revenues billed, actual receipts, and past due accounts receivable for utility default service for each rate class or by small customer group and large customer group for each of the most recent 12 months available, if readily available, and if not, then the utility shall provide such information on a system-wide basis for a recent 12-month period; and

(c) Each customer rate class shall mean, as a minimum, each rate class or group of rate classes for which the utility publicly provides class average load shapes.

(d) All customer usage data provided by the utility shall include consumption power delivered to customers and exports to the grid from customer generators in kWh for each reported interval.

(e) No individual customer data, as defined in RSA 363:37, I, shall be provided to a committee in response to a request made pursuant to (a) above.

(f) With respect to the monthly usage data required to be provided pursuant to (b)(1) above and as determined over the most recent 12-month period:

(1) If there are fewer than 4 distinct customers or any one customer comprises 50% or more of the total usage in any one non-residential customer rate class reporting group, such usage data shall be combined with that of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 4 distinct customers and no one customer comprises 50 percent or more of the total usage for the reporting group;

(2) If there are fewer than 10 distinct customers in any one residential customer rate class reporting group, such load data shall be combined with the usage of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 10 distinct customers;

(3) If there are fewer than 4 distinct non-residential customers or fewer than 10 distinct residential customers, such usage data shall be reported together without identifying the type of customer, provided that the overall group contains at least 10 distinct customers and no one customer constitutes more than 25% of the total usage over the most recent 12- month period; and

(4) If the criteria in subparagraph (3) above are not met and there are at least 4 distinct customers, the total annual usage of all such customers, rather than monthly, shall be provided for the most recent 12-month period available without identifying the number of such customers, other than “less than 10 customers,” and if not, than no usage or customer counts shall be provided, other than “less than 4 customers.”

(g) A committee may request to have the data provided by the utility updated to the most recent month available, but not more frequently than once every 6 months after the initial request.

Source. #13457, eff 10-12-22

## PART Puc 2204 AGGREGATION PLANS AND LAUNCH OF COMMUNITY POWER PROGRAMS

### Puc 2204.01 Submission of Electric Aggregation Plans to the Commission for Review and Approval.

(a) Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of RSA 53-E and applicable rules of the commission. Each such plan shall be submitted by the municipality or county to the commission in writing and by email at the addresses provided in Puc 103.01(m), and pursuant to Puc 202.06. A copy of each such plan shall be submitted to the office of the consumer advocate under RSA 363:28, the department of energy, and the electric distribution utility or utilities serving customers in the municipality or county service area on the same date as submission to the commission.

(b) The consumer advocate, the department of energy, utilities, and members of the public may file comments about such plans within the first 21 calendar days of their submission.

(c) The commission shall consider any comments filed pursuant to paragraph (b) in its review and approve any plan submitted to it unless it finds that the electric aggregation plan does not meet the requirements of RSA 53-E 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.

(d) Failure of the commission to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof.

(e) A municipality or county may submit a plan that is revised to comply with applicable requirements as noted in a commission disapproval of a plan at any time and start the commission review process over.

(f) The submission of any aggregation plan to the commission hereunder shall include the following:

(1) A statement as to whether the plan has been approved by the legislative body of the municipality or county or if it is a proposed final plan submitted for review and approval in advance of a legislative body vote on whether to approve the plan;

(2) The name, business address, telephone number, and email address for the municipal or county employee or official who serves as official liaison or the responsible person for questions about the approved or revised plan and who is authorized to request information from utilities under these rules; and

(3) The URL of any website page that is maintained for the CPA.

(g) If a plan submitted to the commission for review and approval under this section has not yet been approved by the legislative body or bodies of the CPA at the time of submission, once such plan has been approved or rejected, the CPA shall notify the commission, department of energy, office of the consumer advocate, and distribution utilities serving the CPA service area in writing and by email of such final plan approval or rejection.

(h) Commission review and approval of electric aggregation plans shall not require a contested case but shall allow time for submission and consideration of any such comments pursuant to paragraph (b) above.

Source. #13457, eff 10-12-22

Puc 2204.02 Request for Anonymized Customer-Specific Information from Utilities.

(a) After the commission has approved a final aggregation plan pursuant to Puc 2204.01 and the legislative body of a municipality or county has voted to approve the community power aggregation plan each utility serving the CPA service area shall provide to the municipality or county, within 30 calendar days of a written request therefor, the following anonymized customer-specific usage and related information for all customers currently receiving default service provided by the utility within the CPA service area, sorted or identified by customer rate class:

(1) Individual capacity tags for the current power year beginning on June 1, and, if known and readily available, the prior power year and the next power year;

(2) The most recent 24 months of usage data in kWh for each reported interval if available, or 12 months otherwise;

(3) The meter reading date or utility reference number cycle for each customer meter;

(4) Whether the customer net meters and, if so, whether under original net energy metering terms available prior to September 1, 2017, or new alternative net metering terms and tariffs that have been available since September 1, 2017, or any subsequent successor terms and tariffs;

(5) Whether the customer is a group net metering host or a member of a net metering group with on-bill crediting, generally, if such information is known and readily available;

(6) Whether a group net metered customer-generator operates as a low-moderate income community solar project pursuant to RSA 362-F:2, X-a and the commission's Puc 900 rules, if such information is known and readily available;

(7) The size in kW-AC, or if not known, the size in kW-DC, of any such net-metered generation referenced in (5) above, if such information is known and readily available; and

(8) The year and month such distributed generation referenced in (7) above was placed into service, if such information is known and readily available.

(b) The information required to be provided pursuant to (a) above shall be provided in machine-readable digital electronic format, such as a database, comma-separated value or spreadsheet file, but not in the form of scanned images.

(c) No individual customer data, as defined in RSA 363:37, I, shall be provided to a CPA in response to a request made pursuant to (a) above.

(d) With respect to the data required to be provided pursuant to (a)(1) and (2) above:

(1) If there are fewer than 4 distinct customers in any one non-residential customer rate class reporting group or if any one customer comprises 50% or more of the total usage over the most recent 12-month period for that reporting group, such customer data shall be combined with the customer data of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 4 distinct customers and no one customer comprises 50 percent or more of the total usage over the most recent 12-month period for that reporting group;

(2) If there are fewer than 10 distinct customers in any one residential customer rate class reporting group, such customer data shall be combined with the customer data of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 10 distinct customers;

(3) If there are fewer than 4 distinct non-residential customers or fewer than 10 distinct residential customers, such usage data shall be reported together without identifying the type of customer, provided that the overall group contains at least 10 distinct customers and no one customer constitutes more than 25% of the total usage over the most recent 12-month period; and

(4) If the criteria in subparagraph (3) above are not met and there are at least 4 distinct customers, the total annual usage of all such customers, rather than monthly, shall be provided for the most recent 12-month period available without identifying the number of such customers, other than "less than 10 customers," and if not, than no usage or customer counts shall be provided, other than "less than 4 customers."

(e) An approved CPA may request to have the data provided by the utility updated to the most recent month available, but not more frequently than once every 6 months after the initial request.

[Source.](#) #13457, eff 10-12-22

Puc 2204.03 Request for Names, Addresses, and Account Numbers of Customers.

(a) After a municipality or county has filed its approved community power aggregation plan with the commission, the office of consumer advocate, the department of energy, and each utility serving the CPA service area, each such utility shall provide to the municipality or county, or their agent, upon its written request,

the following information for every electric customer taking service within the municipality or county CPA service area:

- (1) The names and mailing addresses of each customer;
- (2) Their utility account number or numbers;
- (3) Any related meter number(s) or meter identification number(s) for each account, if readily available;
- (4) The rate class for each such account;
- (5) The email address of each customer, if known and readily available; and
- (6) Whether the account is receiving default service from the utility or supply service from a CEPS.

(b) The information required to be provided pursuant to (a) above shall be provided in machine-readable digital electronic format, such as a database, comma-separated value or spreadsheet file, but not in the form of scanned images.

(c) The information required to be provided pursuant to (a) above shall be provided within 15 calendar days of the municipality's or county's request therefor.

(d) The municipality or county may request to have such information provided by the utility updated to the most recent month available, the utility shall provide such information to the municipality or county upon request at any time the municipality or county is preparing the required written notification pursuant to RSA 53-E:7, III and again when it is preparing the final list of accounts to enroll after the conclusion of the notice period, but otherwise not more frequently than once every 6 months.

[Source.](#) #13457, eff 10-12-22

Puc 2204.04 Notification of CPA Commencement of Service.

(a) Each municipality or county initially implementing a community power aggregation plan shall provide written notice to the commission, the office of consumer advocate, the department of energy, and to each utility serving customers within the CPA service area prior to the enrollment of any electric customers in the CPA.

(b) The notice required pursuant to (a) above for any CPA to be operated on an opt-out basis shall be provided prior to the commencement of service and the enrollment of any electric customers in the CPA by not less than:

- (1) Ninety calendar days if the commencement of service is to occur during the first 2 months of a utility default service supply period with for which rates are or will be fixed or known for 6 months or more; or
- (2) Forty-five calendar days if the commencement of service is to occur after the first 2 months of a utility default service supply period with fixed or known rates of 6 months or more or if there is no distinct known or fixed rate default service supply period of 6 months or more.

(c) When a CPA service area is served by more than one utility, the applicable minimum notice time under (b) above shall be that for the utility with the largest default service usage within the CPA service area as most recently provided by the utilities for development of the CPA plan pursuant to Puc 2204.02. Such usage data and determination shall be included in the CPA's approved aggregation plan if approved after the 2022



effective date of this rule, or in the notice required pursuant to (a) above if the plan was approved prior to the first effective date of this rule.

[Source.](#) #13457, eff 10-12-22

Puc 2204.05 Notification of CPA Service Rates and Customer Enrollment.

(a) Within 10 business days of receipt of a CPA's written notification of commencement of service pursuant to Puc 2204.04(a), the department of energy shall provide to the CPA information on establishing credentials to access the shopping comparison website hosted by the department of energy so the CPA can input rate information to be posted on that website.

(b) Prior to the mailing to customers required under RSA 53-E:7, III, if the CPA will be operated on an opt-out basis, the CPA shall input information regarding its rates and services for residential and small commercial customers, including any variable pricing policies, charges, and key terms, to be posted on the department of energy's shopping comparison website.

(c) Each operating CPA shall update the required information input pursuant to (b) above whenever it changes but no less frequently than once per month.

(d) A municipality or county that approves a final community power aggregation plan shall provide a mailing to all retail electric customers taking distribution service in the CPA service area, unless otherwise provided by law, and shall hold a public information meeting within 15 days of the mailing to answer questions regarding the approved plan.

(e) No retail electric customer shall be enrolled in any such plan to be operated on an opt-out basis in which the customer does not know all of the rates or charges the customer might be subject to at least 30 days in advance and has the option, for a period of not less than 30 days from the date of the mailing, to opt-out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing, through e-mail, or through a secure customer portal or other electronic on-line enrollment to be included in the plan.

(f) No retail electric customer shall be enrolled in any such plan to be operated on an opt-in basis unless the customer expressly requests to be included in the plan in writing, through e-mail, or through a secure customer portal or other electronic on-line enrollment process.

(g) Customers enrolled in a community power aggregation plan operated on an opt-out basis may elect to transfer to utility provided default service or to a competitive electric power supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as otherwise approved by the commission. No such customer shall be required to pay any exit fee or charge 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 utility. Upon request of the customer, the CPA shall transfer the customer back to utility provided default service.

[Source.](#) #13457, eff 10-12-22

Puc 2204.06 Use of Electronic Data Interchange.

(a) Prior to the mailing to customers required under RSA 53-E:7, III, each CPA planning to use a CEPS to serve CPA customer loads shall confirm with the CEPS and each utility serving the CPA service area the CEPS's ability to use EDI for enrollment of default service customers in the CPA service area, excluding those that opt-out of the CPA, during the CPA commencement month.

(b) Each CPA that will serve customer loads as an LSE, or its contracted service provider for customer enrollment, shall:

- (1) Apply to and successfully complete the testing required to use each utility's EDI in the same manner and on the same terms as a CEPS; and
- (2) If the CPA will provide service on an opt-out basis, demonstrate the ability to use EDI for enrollment of default service customers in the CPA service area, excluding those customers that opt-out, during the CPA commencement month.

Source. #13457, eff 10-12-22

PART Puc 2205 OPERATION OF A CPA

Puc 2205.01 Provision of Electricity Supply Service.

(a) CPA customers may be served by one or more CEPS, by the CPA as an LSE, or by a combination of the two, provided that each CPA customer account shall be served by only one LSE at any given time. Such service shall provide all-requirements service to meet each CPA customer's full load requirements, which may include electricity supply provided by distributed generation or other distributed energy resources that are not participants in wholesale electricity markets administered by ISO-NE.

(b) For the balance of customer load requirements, the CPA shall be responsible for:

- (1) The cost of supplying capacity, energy, ancillary services, and any other load-related charges from the ISO-NE market;
- (2) The cost to deliver the associated capacity, energy, and ancillary services to a point or points on ISO-NE pooled transmission facilities and from there to a point where it is delivered to the local distribution system to the extent not billed to and paid for by the electric distribution utility as part of their retail transmission rate; and
- (3) Any and all losses incurred on the local network transmission system and distribution system supplying load.

(c) Each customer account served by or through the CPA shall be assigned to the load asset for one CEPS or the CPA serving as an LSE for each utility meter reading cycle.

Source. #13457, eff 10-12-22

Puc 2205.02 Application of Puc 2000 to CEPS When Providing Electricity Supply to CPA Customers.

(a) The Puc 2000 rules shall apply to CEPS providing electricity supply service to CPA customers as their LSE, except as otherwise provided in (b) below.

(b) Puc 2004 shall not apply to a CEPS if and only to the extent that a CEPS is providing electricity supply service to CPA customers, except as follows:

- (1) Puc 2004.03(k), Puc 2004.05, Puc 2004.10(a), Puc 2004.12, Puc 2004.13, Puc 2004.15, Puc 2004.16, Puc 2004.17, Puc 2004.18, Puc 2004.19, and Puc 2004.20 shall apply to any such CEPS; and
- (2) The CEPS shall be subject to any other provisions of Puc 2004 that are specified to apply to CEPS serving CPA customers in:

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- a. The approved final community power aggregation plan; or
- b. The contract with the CEPS for electricity supply service to CPA customers.

[Source.](#) #13457, eff 10-12-22

Puc 2205.03 Utility Services to CPAs. Electric distribution utilities shall provide services, including, if requested, passthrough or complete billing services to CPAs on the same terms and conditions and at the same rates and charges as apply to CEPS, except as otherwise provided by statute or under these rules.

[Source.](#) #13457, eff 10-12-22

Puc 2205.04 County CPAs That Contain Municipalities with Adopted or Planned CPAs. As required under RSA 53-E:7, VII, municipal community power aggregations shall take priority or precedence over any county community power aggregations with respect to customer enrollment any each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation. A county plan may also provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies.

[Source.](#) #13457, eff 10-12-22

Puc 2205.05 New Utility Service Customers.

(a) Electric customers who apply for new service provided by a utility within the CPA service area of a CPA providing opt-out alternative default service pursuant to RSA 53-E:7, III, after the supply of customer names and addresses by the utility for the customer notification mailing required under RSA 53-E:7, III, shall initially be enrolled in default service provided by the utility unless the customer has relocated within a single utility's service area and is continuing with service provided by a CEPS, or has relocated within a CPA service area and is continuing with service provided by or through the CPA.

(b) Upon request of a CPA, but not more frequently than monthly following provision of the customer list for the initial mailing pursuant to Puc 2204.05, the utility shall make available to each operating municipal CPA, or county CPA where there is no municipal CPA, the names, account numbers, mailing addresses, and any other information necessary for successful enrollment in the aggregation of customers that are then currently on utility default service and are located within the CPA service area.

(c) The CPA shall periodically mail a written notification to such new customers that have not previously opted out of the CPA's service and shall enroll them in the CPA consistent with the requirements of Puc 2204.05.

[Source.](#) #13457, eff 10-12-22

Puc 2205.06 Termination of CPA. If a municipality or county intends to terminate a CPA, it shall provide written notice of the termination to the commission, the office of the consumer advocate, the department of energy, and each utility serving customers in the CPA service area not less than 90 days prior to the termination date. The CPA shall undertake all necessary EDI transactions to drop its customers and return those customers to utility default service, consistent with the required minimum 90 days prior notice.

[Source.](#) #13457, eff 10-12-22

Puc 2205.07 Unexpected Cessation of CPA Service. In the event of suspension from regional wholesale market participation by ISO-NE or another event causing the CPA to be unable to provide service to its customers within the CPA service area, the CPA shall provide immediate written notice to the commission describing the market suspension or other event, the effective time of the inability to provide service, and the

notice provided to customers of the timing and consequences of the cessation of CPA service. A copy of such notice shall be provided at the same time to the office of the consumer advocate, the department of energy, and each utility serving customers in the CPA service area.

[Source.](#) #13457, eff 10-12-22

Puc 2205.08 Restart of an Aggregation Program After Termination. If a CPA is terminated, the municipality or county that sponsored the CPA shall not implement another community power aggregation plan for a period of 12 months following the effective date of such termination.

[Source.](#) #13457, eff 10-12-22

Puc 2205.09 Sales Reporting. Each CPA that serves as an LSE for its participating customers shall submit a confidential quarterly sales report containing the information specified in Puc 2006.03, as and when such submission is required to be made by a CEPS pursuant to Puc 2003.04(a) and Puc 2006.03. Each CEPS providing electricity supply service to CPA customers shall report its sales to such customers through separate entries on its reports submitted pursuant to Puc 2003.04(a) and Puc 2006.03.

[Source.](#) #13457, eff 10-12-22

Puc 2205.10 Renewable Portfolio Standard Reporting. By July 1 of each year, each CPA that serves as an LSE for its participating customers shall file the annual renewable portfolio standard compliance filing required by Puc 2503.03 and shall pay to the department of energy any alternative compliance payment due pursuant to Puc 2503.

[Source.](#) #13457, eff 10-12-22

Puc 2205.11 Environmental Disclosure Label.

(a) Each CPA that serves as an LSE for its participating customers shall, not less frequently than once each year, provide to each of its customers an environmental disclosure label identifying the sources of its electric energy service and the environmental characteristics of such sources, using the customer's preferred form of communication, as and when such actions are required of a CEPS pursuant to Puc 2004.05.

(b) Each CPA that serves as an LSE for its participating customers shall comply with all other requirements of Puc 2004.05, as and when such actions are required of a CEPS pursuant to Puc 2004.05.

[Source.](#) #13457, eff 10-12-22

Puc 2205.12 Complaints and Dispute Resolution.

(a) The commission shall hear and decide complaints or disputes between committees, CPAs, and utilities, as well as complaints regarding a CPA's or utility's compliance with the requirements of RSA 53-E and these rules.

(b) Complaints submitted to the commission under these rules shall be made pursuant to Puc 204, and, consistent with RSA 53-E:7, X, shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

[Source.](#) #13457, eff 10-12-22

Puc 2205.13 Individual Customer Billing Information.

(a) Once an individual utility customer has become a customer of a CPA, the utility shall provide to the CPA the following information, which may be provided through EDI access or otherwise, for each such customer, to the extent applicable:

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- (1) Name and mailing address;
- (2) Utility account number or numbers;
- (3) Service address;
- (4) Utility rate class or code for each account;
- (5) Name key;
- (6) The meter reading date or utility reference number for the read cycle for each account;
- (7) The most recent 24 months, if available, or 12 months otherwise, of usage data in kWh for each monthly interval for accounts reported in monthly intervals for load settlement, and for each hourly interval for accounts reported in hourly intervals for load settlement;
- (8) ICAP capacity tag for the current power year, and for the next power year, when known and if readily available;
- (9) Whether the customer net meters and, if so, whether under original net energy metering terms available prior to September 1, 2017, or new alternative net metering terms and tariffs that have been available since September 1, 2017, or any subsequent successor terms and tariffs; and
- (10) Any other information typically made available to CEPS through the utility EDI.

(b) Once an individual utility customer has become a customer of a CPA, the utility may provide to the CPA the following information, which may be provided through EDI access or otherwise, for each such customer, to the extent applicable, known, and readily available:

- (1) Name of customer contact, if different from customer name;
- (2) Home or company phone number;
- (3) Mobile phone number;
- (4) Email address;
- (5) Preferred billing and communication method;
- (6) Form or type of meter reading or meter model and communication module identifier;
- (7) The size in kW-AC of any such distributed generation located behind the customer's meter;
- (8) Whether the customer is a group net metering host or member with on-bill crediting;
- (9) Whether the customer's distributed generation facility has been determined to be a low-moderate income community solar project;
- (10) Whether the customer participates in any utility battery storage program;
- (11) Whether the customer is currently enrolled in the electric assistance program; and
- (12) Whether the customer is currently on a payment plan or a budget billing plan.

[Source](#). #13457, eff 10-12-22

Puc 2205.14 Enabling Meter Reading Authority and Access to Interval Meter Data.

(a) For the purpose of enabling meter reading authority pursuant to RSA 53-E:3, II(a)(4) and to enable CPA collection and use of interval meter data for load settlement purposes, including capacity tag allocation, the provision of energy services, and near real-time customer access to such data pursuant to RSA 53-E:4, IV for its customers, a CPA may, upon request to and approval by the utility and approval by the commission:

- (1) Propose and implement with the utility an arrangement to enable the CPA to directly read existing utility meters, including meters capable of reporting load data at intervals of hourly or more frequently;
- (2) Propose and implement with the utility an arrangement to enable the CPA to have near real time access to meter data as it is collected and electronically stored by the utility;
- (3) Contribute to the cost of utility-provided meter upgrades to enable the collection of such interval meter data, by paying the incremental cost of such meter upgrades that are in excess of the then current cost of a standard replacement meter up to the utility's unobligated annual budget for new and replacement meters;
- (4) Propose to jointly own with the utility a new interval meter, which may include supporting communications equipment and systems, with the utility required to contribute not less than the cost of a standard replacement meter, up to the utility's unobligated annual budget for new and replacement meters, with ownership shares to be proportional to the relative cost contributions of the CPA and the utility, provided that the utility's ownership share in all cases shall be greater than 50 percent and all such meters shall remain under the control of the utility; or
- (5) Install a secondary revenue grade meter provided by the CPA that is in addition to the meter installed and maintained by the utility, including arrangements for the CPA to share or transfer data from such meters to the utility for load settlement purposes.

(b) The utility and the CPA shall jointly file with the commission any agreement to implement any of the alternatives provided for in (a) above for review by the commission through an adjudicative proceeding.

(c) Following an adjudicative proceeding pursuant to (b) above, the commission shall approve any such agreement if it finds that the agreement is consistent with the requirements of RSA 53-E:4, IV.

(d) If a CPA and a utility cannot agree to terms and conditions for enabling CPA meter reading authority or access to interval meter data, the CPA may submit a proposal for such implementation to the commission. Following an adjudicative proceeding, the commission shall approve the proposal if it finds that the proposal is consistent with the requirements of RSA 53-E:4, IV.

(e) The terms of any proposal filed under Puc 2205.14(d) shall not disturb the utility's status as the ISO-NE meter reader.

Source. #13457, eff 10-12-22

Puc 2205.15 Net Metering by CPAs.

(a) CPAs shall determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution system from CPA customers with customer-sited distributed generation.

(b) Pursuant to RSA 362-A:9, II, such generation output shall be accounted for as a reduction to the CPA customers' electricity supplier's wholesale load obligation for energy supply as an LSE, net of any applicable line loss adjustments, as approved by the commission.

(c) CPA customers with customer-sited distributed generation who are net metered shall net meter pursuant to the applicable utility tariff with respect to transmission and distribution service charges and credits.

[Source.](#) #13457, eff 10-12-22

Puc 2205.16 Billing Services and Purchase of Receivables for CPAs.

(a) Prior to enrolling any customer, a CPA shall determine which of the following two utility services to use for billing and notify the electric distribution utility of that determination:

(1) Separate billing service, whereby the CPA shall separately bill customers for the cost of the electric power supply and energy services provided to such customers, and may combine such billing with billing for other municipal services pursuant to RSA 53-E:3-a; or

(2) Consolidated billing service, whereby the utility shall issue a single monthly bill which will include the CPA's charges for electric power supply and energy services for such customers as well as the utility's charges for electric service.

(b) Changes in the determination of billing service for any customer shall be implemented for the next bill reading cycle, provided that the CPA has notified the utility of any applicable rates and services in accordance with (d) below.

(c) Terms and conditions provided by the utility for CPA billing services shall:

(1) Require that customers contacting the utility regarding the billed amount for CPA services or any other CPA issue shall be provided with the CPA's customer service number; and

(2) Allow a CPA to define on-peak, mid-peak, and off-peak periods or other pricing options and rate structures that are different from those defined in the utility's applicable tariffs on file with the commission, and to request enhanced metering services for customers to participate in programs and services beyond the provision of basic electricity supply service, provided that:

a. The requested rate structures, customer class definitions, and availability requirements are within the capabilities of the utility's billing system, customer information system or meter data management system;

b. The requested modifications do not preclude collection of billing determinants required by the utility, or else are implemented subject to the commission finding it is in the public good; and

c. All incremental costs incurred to provide any special metering, data management, or billing system modifications shall be assigned to and paid by the CPA, in which case such costs shall be:

1. Estimated by the utility to the CPA prior to the start of implementing such changes; and

2. If approved for implementation by the CPA, shall be charged to and paid by the CPA.

(d) When a CPA elects to utilize consolidated billing service for any customer, the CPA shall also elect to:

(1) Calculate the charges or credits for electricity supply and services for the customer in accordance with the CPA's customer classes or rate structures, based upon customer usage data

provided by the customer's utility, and provide such charges or credits to the utility for presentment on the customer's bill; or

(2) Provide the customer's utility with either:

- a. The custom rate applicable to the customer; or
- b. The non-custom, complete schedule of electricity rates and service pricing options applicable to the customer's class and rate structure.

(e) Within 90 days of the 2022 effective date of these rules, each electric distribution utility shall propose to the commission for review and approval through an adjudicated proceeding a program for the purchase of receivables of CPAs functioning as load serving entities and CEPS serving CPA customers consistent with the provisions of RSA 53-E:9.

Source. #13457, eff 10-12-22



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APPENDIX I

<b>Rule(s)</b>	<b>State Statue (RSA)</b>	<b>Federal Statute</b>	<b>Federal Regulation</b>
Puc 2201	RSA 53-E:7, X		
Puc 2202	RSA 53-E:7, X		
Puc 2203	RSA 53-E:7, X		
Puc 2204	RSA 53-E:7, X		
Puc 2205	RSA 53-E:7, X		