



**COMMUNITY  
POWER COALITION**  
OF NEW HAMPSHIRE  
*For communities, by communities.*

**c/o Sustainability Director  
Town of Hanover,  
41 S Main Street  
Hanover, NH 03755**

March 14, 2022

Daniel C Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301-2429

**Re: DRM 21-142, Community Power Coalition of New Hampshire Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Public Stakeholders - CPCNH Comments on Initial Proposal for Puc 2200 Municipal and County Aggregation Rules**

Dear Chair Goldner,

The Community Power Coalition of New Hampshire (CPCNH ) hereby submits comments on the Commission's Initial Proposal for Puc 2200 Municipal and County Aggregation Rules. CPCNH is a New Hampshire non-profit corporation formed pursuant to Joint Powers Agreement pursuant to RSA 53-E:3, II(b) and RSA 53-A and operates as governmental instrumentality on behalf of its municipal and county members.<sup>1</sup> We broadly support the initial proposal, as it reflects a series of compromises that were negotiated with other stakeholders, including former PUC staff, now with the Department of Energy, and the electric distribution utilities over the course of a series of approximately four informal work sessions in 2000 and a couple in May and June of 2021 that involved just PUC staff, Eversource and myself after the passage of HB 315 in the House to conform with those legislative revisions to RSA 53-E. We do recognize that there are some issues, particularly with regard to the provision of certain data elements, that some or all of the utilities may object to.

I start with a couple of suggested minor technical corrections:

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<sup>1</sup> The members of CPCNH include the County of Cheshire, the cities of Nashua, Dover, and Lebanon, and the towns of Hanover, Enfield, Plainfield, Walpole, Harrisville, New London, Warner, Webster, Pembroke, Hudson, Exeter, Rye, Durham, and Newmarket. The City of Portsmouth has also voted to join CPCNH by entering into the Joint Powers Agreement and may be formally admitted as a member this week. Together these municipal members, with Portsmouth, will represent 20% of New Hampshire's population.

1. Puc 2204.01 (g) reads in the middle of the sentence ". . . once such plan has been approval or rejected the CPA . . . ." The word "approval" should be "approved."

2. Puc 2205.03 in the second line refers to "passthrough or complete billing services". Those were terms used in an earlier draft for "consolidated" and "separate" billing service as described in Puc 2205.16 and should be changed to these more recent conforming terms.

I apologize if these were errors in our petitioned draft. Beyond those specifics I'll provide some additional background on a number of key provisions.

3. Puc 2202.14 is the definition of "Load Serving Entity (LSE)" which is based on the ISO New England definition except the term "transmission" in their definition is altered to "which may include transmission service if not provided by the distribution utility" to reflect the fact that as a matter of practice in New Hampshire, under state jurisdiction, the distribution utilities provide and pay for transmission services, although the FERC jurisdictional transmission tariffs do allow that transmission services could be charged directly to LSEs.<sup>2</sup>

4. Puc 2203.02 (b)(3) seeks customer counts of net energy metering by rate class and whether they are on utility default service or competitive supply "to the extent that such data is readily available." Some utilities have resisted providing such data, although Liberty was able to provide it to the City of Lebanon. This is important because there are planning and financial implications for how CPAs will serve such customers. RSA 362-a:9, II provides that "municipal or county aggregators under RSA 53-E may 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 grid from eligible customer-generators." Understanding the extent of net metering customers among a given community's customer base may inform the options that will be offered by a CPA, should those customer-generators become their alternative default service customer base. The provision that such data be provided only "to the extent such data is readily available" is an effort to compromise with some utilities' position that it would be unduly burdensome for them to produce such data. The utility would have the discretion to judge in the first instance whether such data "is readily available." The only recourse of a requesting CPA would be to request that the PUC review such a determination.

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<sup>2</sup> The ISO New England definition is "An entity that secures and sells electric energy, transmission service, and related services to serve the demand of its end-use customers at the distribution level" found here: <https://www.iso-ne.com/participate/support/glossary-acronyms#j>.

5. Puc 2204.04 concerns "notification of CPA Commencement of Service." This was contentious early on as potential CPAs sought only the 45 days notice cited in (b)(2), while some utilities wanted more lead time, so they would know if any CPAs were launching in the first half of a six-month default service period, which would require the CPA to commit to procurement and rates in advance of the utility putting their default service load out to bid. This would effectively preclude the launch of any CPA program in such a time period as it seems extremely unlikely that any CPA would make such a commitment and launch, not knowing the utility default service rate they would be competing with. The compromise was Puc 2204.04(b)(1) which gives notice in advance of default service RFPs being issued for CPAs seeking to launch within the first 1/3 of a default service 6-month rate period. This remains effectively a black out period as voter approved electric aggregation plans are unlikely to authorize the launch of a CPA unless the rate is equal to or less than the utility default service rate.

The concern by some parties as to whether the launch of CPAs may impact default service bidding by LSEs is mitigated by the many points of notice along the way as CPA programs develop, such that there will quickly evolve plenty of opportunity to understand the potential and timing for the loss of utility default service load by seeing the progress of each community. I have attached at the end of this letter an implementation timeline that illustrates the fact that there are likely to be a minimum of 240 days between initial notice of an electric aggregation and the beginning of enrollment of customers. This timetable is followed by a flow chart also illustrating the steps involved, although for established LSEs (a.k.a. "CEPS or Competitive Electric Power Suppliers" some of the steps won't apply as, for example, they are already approved for EDI transactions with the utilities.

6. Puc 2204.05 (d) concerns the mailing to all retail electric customers within a CPA service area currently required by RSA 53-E:7, II. SB 265, which has already passed the Senate on its consent calendar by a voice vote, would remove this requirement for opt-in only aggregation programs and services.<sup>3</sup> In anticipation of the possibility that SB 265 is enacted into law the final proposed text for this section might read: "(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***

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<sup>3</sup> The relevant language in SB 265 is as follows, with new language shown in bold italics:

"If the plan is adopted or once adopted is revised to include an opt-out alternative default service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county ***service area where such opt-out service is to be provided. If an electric aggregation program or energy service is offered only on an opt-in basis, mailing of written notification to each retail electric customer within the municipality or county service area shall not be required. . . .***"

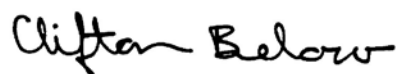
**law**, and shall hold a public information meeting within 15 days of the mailing to answer questions regarding the approved plan.

6. Puc 2205.13 concerns the provision of a variety of individual customer information for only those utility customers that become customers of a CPA for their electricity supply. Some of this information is available through the EDI, while some is not. Some of the utilities objected to some of these data elements because they said they either don't have the information or it is not readily available, hence the caveat in the first sentence that the provision of all such data is only required "to the extent applicable, known, and readily available." This leaves a great deal of discretion to each utility to determine if they have the data, if it is applicable to each particular customer, and if it is readily available. We presume that "readily available" would mean that it can be made available without significant new investment in software or databases or burdensome manual labor. It might be ideal to give this discretion more definition, but we are willing to trust the goodwill of the utilities and hope to be able to work with them collaboratively to resolve differences, understanding that both parties have recourse to the Commission to hear disputes or complaints per proposed Puc 2205.12.

7. Puc 2205.16(e) is the final proposed rule provision that would require each utility to file a purchase of receivables (POR) program within 90 days of the effective date of the rules. RSA 53-E:9, II, provides that "[e]ach electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier . . ." Eversource originally proposed language along these lines as part of negotiations on last year's HB 315 that amended RSA 53-E, in lieu of changing the current "waterfall" payment system where current receivables of CPAs would be the last amounts paid when a customer made less than full payment on their electric bill. The specific language in statute was drafted so Eversource and Unitil could offer POR on essentially the same basis as they already do in Massachusetts. The law puts the burden on the utility to make the proposal but sets no time frame. RSA 53-E:7, X requires the Commission to adopt rules to implement the chapter. Ensuring that there is something resembling a reasonable time frame in which to initiate consideration of POR programs may prove to be a key in implementing the chapter and enabling the launch of community power programs.

Pursuant to current Commission policy, this filing is being made electronically only.

Yours truly,



Vice Chair, CPCNH, (603) 448-5899, [Clifton.Below@CPCNH.org](mailto:Clifton.Below@CPCNH.org)

**COMMUNITY POWER AGGREGATION IMPLEMENTATION TIMELINE**  
**BASED ON PUC INITIAL PROPOSAL For Puc 2200 Community Power Aggregation RULES**

Step	RSA* or Proposed Rule	CPA Implementation Process	Explanation / Notes	Days	
				(min)	(max)
1	RSA 53-E:6, I	Governing Body forms Electric Aggregation Committee (EAC)	CPA implementation process begins	0	
2	Puc 2203.01	EAC contact information submitted to Public Utilities Commission (PUC), Electric Distribution Companies (EDCs), Office of Public Advocate (OCA) & Dept. of Energy (DOE)	Notice must be submitted <b>10+ days</b> in advance of request for community-level data	10	10
3	RSA 53-E:7, X Puc 2203.02	EAC requests/ receives 12-24 months of usage & account data by rate class (distinguishing bundled and competitive supply service) + NEM data (if available)	EDCs provide data <b>w/in 30 days</b> of request	6	30
4	RSA 53-E:6	EAC drafts Electric Aggregation Plan (EAP) with public input (including public hearings)	Estimated <b>2 to 3 months</b> for EAP drafting, public review process and EAC finalization & adoption process	60	90
5	RSA 53-E:7, I	Governing Body provides EAP to Legislative Body for review and adoption	Note that EAP may be submitted for PUC review <u>either before or after</u> adoption by Legislative Body. PUC has <b>60 days</b> to approve or else identify changes required to submit a revised EAP.	60	365
6	RSA 53-E:7, II Puc 2204.01	Municipality submits EAP for PUC review and approval (note EAP is also sent to OCA & DOE on submittal date)	<b>Estimate one month</b> notice for EAP adoption by City Councils <u>or &lt; 1 year notice</u> for the next Town Meeting.		
7	RSA 53-E:4, VI RSA 53-E:7, X Puc 2204.02	CPA requests/ receives anonymized default customer-specific data from EDCs: rate class, energy usage (12-24 mo.), ICAP tags (1-3 power years), meter read cycles, NEM / Group NEM status, DG service start date & capacity	Data request submitted after EAP approved by both PUC & Legislative Body — EDCs provide data <b>w/in 30 days</b>	15	30
8	Puc 2205.01	CPA arranges for provision of all-requirements electricity (conducts forecasting, portfolio strategy & procurement)	Estimated <b>45 to 90 days</b> , depending on individual CPA approaches. Note: CPA will set rates at this stage and be prepared to (1) assign customers as load assets for ISO-NE settlements and (2) commence Electronic Data Interchange w/ EDCs.	45	90
9	Puc 2205.15	CPA determines Net Energy Metering (NEM) terms, conditions and prices			
10	Puc 2204.06	CPA satisfies Electronic Data Interchange (EDI) registration and testing requirements w/ EDCs			
11	RSA 53-E:4, VI RSA 53-E:7, III & X Puc 2204.03	CPA requests/ receives all current customer mailing data (names, addresses & account numbers)	Data provided by EDCs to CPA <b>w/in 15 days of request</b>		
12	Puc 2204.04	CPA submits 45 or 90 day advance notification of commencement of service to PUC & EDCs	<b>90 day notice</b> required for CPA launch during first 2 months of 6-month EDC default service period; otherwise, <b>45 day notice</b> is required.		
13	Puc 2204.05	CPA posts rates on DOE Shopping Comparison Website (note: required prior to mailing written customer notifications)	Website credentials provided to CPA <b>w/in 10 days of receipt</b> of advance notification.		
14	RSA 53-E:4, V RSA 53-E:9 (POR) Puc 2205.03 Puc 2205.16	CPA establishes billing & other services w/ EDCs	CPA provides EDCs w/ CPA call center #, determination of which customers are placed on separate or consolidated billing services and — for consolidated billing customers — the CPA's customer classes & rate structures. Note that NEM customers may warrant separate billing services & enhanced coordination btw. EDCs & CPA. Optional: CPA requests & pays EDC for incremental upgrade costs for customized pricing periods (on/off peak, etc.), enhanced metering services (if any), etc. Note that timeline impacts here are TBD.	45	90
15	RSA 53-E:7, III-V Puc 2204.05	CPA commences customer notification process	Estimate <b>7 to 14 days</b> to validate EDC data, prepare and mail notifications: opt-out notice for default customers & opt-in notice for competitive supply customers. Note that CPA ensures website, call center scripting & opt-in / opt-out processes are in-place.		
16		CPA holds Public Information Meeting	Note that Public Meeting is held <b>w/in 15 days</b> of mailing.		
17		Mandatory 30-day waiting period: CPA processes customer opt-out/-in requests (via postcard, web, call center, etc.)	Note default customers must have <b>30 days</b> or more — after notices are posted — to opt-out prior to enrollment.		
18	RSA 53-E:4, V & VI RSA 53-E:7, VI & X Puc 2205.03 Puc 2205.05 Puc 2205.13	CPA Customer Mass Enrollment proceeds: - Customers transferred to Community Power service - Utility provides CPA w/ individual customer data - Utility Electronic Data Interchange (EDI) commences - New default customers periodically notified & enrolled	First customer tranche enrolled based on meter reading date.  Remaining customer enrolled in tranches, over the course of the month, based on meter reading date.	30	

\* Note: wherever a specific RSA is not referenced, RSA 53-E7, X still provides PUC with broad rule making authority for the public good

<b>Total days from Step 1 until CPA begins enrolling customers (8 month min.):</b>	<b>241</b>	<b>705</b>
<b>Total days from Step 1 until CPA finishes enrolling customers (9 month min.):</b>	<b>271</b>	<b>735</b>

## OVERVIEW OF ESTABLISHING COMMUNITY POWER AGGREGATION SERVICE

