

STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DRM 21-142

RULEMAKING

New Hampshire Code of Administrative Rules Chapter 2200

Municipal and County Aggregation Rules

INITIAL COMMENTS OF NEW HAMPSHIRE ELECTRIC COOPERATIVE, INC.

March 14, 2022

New Hampshire Electric Cooperative, Inc. ("the Co-op" or "NHEC") appreciates the opportunity to provide initial comments on the proposed rules to implement legislative changes to RSA 53-E for Community Power Aggregations.

The Co-op is a member-owned and governed non-profit rural electric cooperative that serves approximately 85,000 members in portions of 118 communities located in nine of New Hampshire's ten counties. In some communities the Co-op serves only a small number of members, such as Loudon, where NHEC provides service to only four members.

The Co-op is governed by our member-owners and we strive to support the communities we serve. The Co-op is guided in our work by the seven Cooperative Principles, which include "Concern for Community: While focusing on member needs, cooperatives work for the sustainable development of communities through policies and programs accepted by the members."

The Co-op fully supports the development of Community Power Aggregations ("CPAs") and believes that they can be a powerful tool for local governments to make policy decisions on the electric service for their citizens. The Co-op also strongly supports the ability of our members to access competitive supply options and was an early adopter of retail choice in New Hampshire.

The Co-op is not rate-regulated by the New Hampshire Public Utilities Commission ("the Commission") and is not subject to the Puc 900 Net Metering rules. In addition, the Co-op was not subject to RSA 378:50:54, the Multi-Use Energy Data Platform. However, the Co-op is subject to the Puc 2000 Competitive Electric Power Supplier and Aggregator Rules.

The Co-op recommends that the final rules make clear that CPAs are responsible for the costs associated with utility software and system customization required to provide the requested data. In addition, in each instance where the CPA requests data, the utility should be required to

develop a schedule of fees to be paid by the requesting entity to ensure that nonparticipating retail electric customers are not responsible for any costs associated with aggregation programs.

RSA-53-E:5 makes clear that any costs incurred in the implementation and operation of CPAs shall not be borne by retail electric customers, but instead be charged to CPAs:

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers, but shall not include any capitalized or operating costs of an aggregation program.

To serve our members, the Co-op utilizes products and systems provided by National Information Solutions Cooperative (“NISC”) for member billing, information management, meter data management (“MDM”), accounting, engineering, and operational support. NISC provides similar services to over 900 electric cooperatives and public power members.

In order to provide our members with retail choice, the Co-op worked closely with NISC on software customization and made significant changes to system functionality. According to NISC, only five of its members, which are operating in five states (New Hampshire, Pennsylvania, Delaware, Massachusetts and Texas), have customized their account management and billing software and enabled Electronic Data Interchange (“EDI”) processing to accommodate retail choice. Of those five members, none have customized software to provide municipal aggregation. Unlike other utilities operating in New Hampshire, the Co-op does not have experience in providing community aggregation in other states.

Changes to the Co-op’s existing processes or data requirements to accommodate the information requests in the proposed rules would result in additional custom programming charges. Accommodation of the proposed rules would result in unknown custom programming charges, new process development costs and an unknown amount of time to implement. In addition to custom NISC software development, system changes will require testing and integration by Co-op staff to confirm process functionality and data accuracy. There would also be an on-going expense for staff to provide operational support and fulfill the proposed data requests.

The Co-op appreciates the hard work and effort that went into the development of the draft rules offered by the Community Power Coalition. The proposed draft rules provide clarity in several areas on how the Co-op and other distribution utilities would interact with community aggregation committees, CPAs, and competitive energy suppliers (“CEPS”). In addition to the clarity the draft rules provide, they also raise questions and practical technical challenges. The Co-op’s initial comments and concerns are detailed below. At a high level, the Co-op

recommends using existing metering, billing, and communications functionality wherever practicable in order to save on both the time and the expense required for implementation. The Co-op looks forward to working with stakeholders on the development of rules that allow for the quick, efficient implementation of CPAs, while not burdening the Co-op's other members.

The following recommended revisions to the draft rules are offered where compliance is either technically difficult, requires unavailable information, or is resource intensive.

2202 – Definitions

2202.02 The Co-op recommends having parameters of anonymization defined so that member data can be protected.

2203.01 – Notification of Formation of a Community Power Aggregation Committee

2203.01 (a) The Co-op recommends striking or amending Section (b) to allow for a single mailing or email address to be provided, in lieu of the proposed individual contact requirement. The Co-op currently posts a group e-mail address on its website to ensure employee redundancy, as well as to protect individual employee contact information for cyber security reasons.

2203.01 (c) The Co-op recommends clarifying that the required notice is in business days.

2203.02 – Request for Usage Information from Utilities

The Co-op recommends providing aggregated data grouped by residential and non-residential in a manner similar to that initially proposed by Department of Energy (“DOE”) with a few clarifications.

The Co-op recommends clarifying that if the number of utility customers does not meet the thresholds in the proposed rules, that the utility shall not provide that information until the municipality has received approval of its community power aggregation plan and can request customer identifiable information.

The Co-op also recommends setting a 12-month period for calculating the proposed 50% usage threshold.

2203.02 (b) The Co-op recommends amending this section to read:

“Within 30 *calendar* days following the date of a request made pursuant to (a) above, each utility shall provide the following load information for the customers it serves in the municipality or county, *if known and readily available*:”

2203.02 (b)(1) The Co-op recommends grouping aggregated usage information by residential and non-residential accounts. The term “rate class” is not defined in the proposed rules and is inconsistent across New Hampshire’s distribution utilities. The Co-op has a detailed schedule of rates with rate codes within each revenue class.

2203.02 (c) The Co-op does not bill its members based upon interval data. Large-scale hourly interval data is resource-intensive, not readily queried, and cannot be transmitted via e-mail. The

Co-op meters grid deliveries and exports, and in some instances, member generation. The Co-op defines “consumption” as a computation of grid deliveries plus member generation less grid exports. This computation does not exist in the Co-op’s billing system, as members are only billed based upon grid deliveries and exports.

2203.02 (e) The proposed rules do not provide guidance on how to handle situations in which the group has fewer than the proposed minimum (e.g., there are multiple towns in which the Co-op serves fewer than 10 residential and fewer than 4 non-residential members). In addition, the proposed language regarding a single customer comprising 50% or more of the total usage for the reporting group does not address issues when a single customer has multiple accounts, and the sum of those accounts exceeds the 50% threshold. This proposed section also does not define the time parameter that shall be used to determine the usage of the reporting group (e.g. 50% of total usage in a single month; 50% of usage over a 12-month period).

The Co-op recommends clarifying that if the number of utility customers does not meet the thresholds, or if the 50% threshold is exceeded, the utility shall not provide that information until the municipality has received approval of its community power aggregation plan and can request customer identifiable information.

2203.02 (f) The Co-op recommends amending this section so that a committee may not request data more than once every six months. As community aggregations grow and are adopted by multiple municipalities throughout the Co-op’s service territory, compliance with these requests will be labor intensive and require hiring additional staff. If half of the communities the Co-op serves were to adopt CPAs and requested this data every three months, Co-op staff would have to respond to over 230 individual municipal data requests annually.

2204.02 - Request for Anonymized Customer-Specific Information from Utilities

The Co-op recommends providing anonymized billing cycle and 12 months usage data. Due to the Co-op’s detailed rate codes and rural service areas, specific customer locations could be determined using the suggested detailed anonymized data.

The Co-op recommends amending 2204.02 (a) to read as follows:

“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 **business** 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, ***if known and readily available:***”

2204.02 (a)(1) The Co-op does not store ICAP tags in its billing system. As a result, the Co-op provides a current ICAP tag for a specified account only when requested by a CEPS via encrypted e-mail communication. The Co-op does not determine the town or energy provider with its ICAP tags.

2204.02 (a)(2) The Co-op is not able to comply with this proposed requirement. The Co-op's MDM system does not store energy provider name and cannot determine which accounts are default service.

2204.02 (a)(3) The Co-op is not able to comply with this proposed requirement. Providing data on the reading cycle of each meter (rather than account) will create an issue with multiple-meter accounts that are aggregated for billing.

2204.02 (a)(4) The Co-op believes the intent of this proposed requirement is to ascertain the rates and charges provided to Co-op net metering members. The Co-op does not store specific terms of service in its billing system. Net metering terms and rates are available on the Co-op's web site.

2204.02 (a)(5) The Co-op is not able to comply with this proposed requirement. The Co-op does not actively track group membership in its billing system, nor does it provide on-bill crediting for group net metering members.

2204.02 (a)(6) The Co-op is not able to comply with this proposed requirement. Switching the customer-generator energy supplier would break this functionality within the Co-op's billing system. The Co-op is not subject to Puc 900 community solar project rules.

2204.02 (a)(7) The Co-op is not able to comply with this proposed requirement. Multiple Co-op members have more than one net metered installation, which would create a one-to-many relationship that would cause data issues.

2204.02 (a)(8) The Co-op is not able to comply with this proposed requirement. As stated in 2204.02 (a)(7), multiple Co-op members have more than one net metered installation, which would create a one-to-many relationship that would cause data issues.

2204.02 (b) Most Co-op billing system reports are exported in PDF format. In addition, the interval data requested in section (a)(2) would in many instances exceed the limitations of a Microsoft Excel spreadsheet.

2204.02 (c) Specific customer locations could be determined using the detailed anonymized data such as ICAP tags, rate codes, and net metering details.

2204.02 (d) The Co-op recommends clarifying that if the number of utility customers does not meet the thresholds, or if the 50% threshold is exceeded, that the utility shall not provide that information until the municipality has received approval of its community power aggregation plan and can request customer identifiable information.

The Co-op also recommends setting a 12-month period for calculating the proposed 50% usage threshold.

2204.02 (e) The Co-op recommends amending this section so that a committee may not request data more than once every six months. As community aggregations grow and are adopted by multiple municipalities throughout the Co-op's service territory, compliance with these requests will be labor intensive and require hiring additional staff. When added to the early committee data requests required in section 2203.02 (b), if half of the communities were to adopt CPAs and

requested this data every three months the Co-op would have to respond to over 470 individual municipal data requests annually.

2204.03 - Request for Names, Addresses, and Account Numbers of Customers

2204.03 (a)(3) The Co-op is unclear as to what is meant by meter identification(s).

2204.03 (b) requires utilities to provide the information requested in sections (a) as a database or spreadsheet file but does not specify any standards. Most Co-op billing system reports are exported in PDF format. In addition, the interval data requested in section (a)(2) would in many instances exceed the limitations of a Microsoft Excel spreadsheet.

2204.03 (c) The Co-op recommends specifying the information being provided within 15 business days of the request.

2204.03 (d) The Co-op recommends amending this section so that a committee may not request data more than once every six months. When added to the early committee data requests required in section 2203.02 (b) and 2204.02 (a), if half of the communities the Co-op serves were to adopt CPAs and requested this data every three months, NHEC staff would have to respond to over 700 individual municipal data requests annually.

2204.05 - Notification of CPA Service Rates and Customer Enrollment

2204.05 (g) would allow customers to transfer back to default service when opting out of a CPA but does not specify the notice period that must be provided to the utility for these transfers. The Co-op recommends mirroring Puc 2000 rules, which require a CEPS to send an EDI drop transaction a minimum of two business days prior to the next scheduled meter read.

The proposed section also allows for off-cycle reading and billing, which is not available in the Co-op's billing system.

2204.06 - Use of Electronic Data Interchange

To ensure a timely and efficient implementation of Community Aggregation, the Co-op recommends using the existing procedures and New Hampshire EDI standard already in place for communication with CEPS.

2204.06 (b)(1) The Co-op complies with the New Hampshire EDI standards adopted in 1998. NHEC has found that setting up and testing utility EDI is a lengthy and labor-intensive process. If each CPA were to set up EDI, it will increase CPA costs for implementation as well as time as each utility tests the EDI. This additional time could create a backlog should multiple CPAs require testing simultaneously.

2205.01 - Provision of Electricity Supply Service

The Co-op recommends allowing only one load-serving-entity per aggregation.

2205.01 (a) The Co-op is not able to comply with this proposed requirement. The Co-op's billing system only allows one supplier per member, and each supplier may only have one load asset per metering domain.

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

This section does not include Puc 2000 provisions such as 2004.11 (Solicitation of Customers), 2004.12 (Off-Cycle Meter Reading), 2004.14 (Notifying Customers of Change in Ownership).

2205.03 - Utility Services to CPAs

The Co-op recommends using the same billing service parameters currently used for retail choice. The Co-op allows dual-bill OR consolidated billing, which must be chosen at the time of the supplier's registration with NHEC. This requirement is related to the Co-op's billing software and EDI configuration and cannot be readily changed.

2205.04 – County CPAs That Contain Municipalities with Adopted or Planned CPAs

The Co-op recommends resolving these conflicts during the Commission CPA approval process. This section does not provide any guidance if a municipal aggregator were to request data in a town that is already part of an active county aggregation (e.g., if an account is being served through a county aggregator vs. competitive supply vs. default service). This may result in conflicts involving multiple aggregations.

2205.05 New Utility Service Customers

2205.05 (b) It is unclear if the utility is obligated to automatically send this data or if a CPA is required to request the data. The Co-op recommends requiring that the CPA request the data.

2205.13 Individual Customer Billing Information

Changes to the New Hampshire EDI Standard may be difficult and require significant time to implement, particularly when considering the impact to on-going EDI operations with existing suppliers.

While the inclusion of the following phrase “to the extent applicable, known, and readily available” is helpful, it is important to note that the following items are not included in the New Hampshire EDI Standard: (b) Name of customer contact, (d) Service address, (f) Home or company phone, (g) Mobile phone, (h) Email address, (j) Preferred billing and communication method, (m) Meter model and communication module, (n) Capacity tag, (o) 24 months usage, (p) (1) If customer owns or purchases power from a distributed generation resource, (p) (2) size of distributed generation, (p) (3) net metering terms, (p) (4) group host or on-bill crediting, (p) (5) low-moderate income community solar, (p) (6) battery storage program participant, (p) (7) electric assistance program status, (p) (8) payment or budget plan.

The intent of the term communication module identifier is unclear (item (m)). Preferred billing and communication method are not stored in the Co-op's billing system. The Co-op does not store ICAP data in its billing system, nor does it forecast future years (item (n)). The Co-op does not store net metering tariff data in its billing system (item (p) (3)). The Co-op does not actively store group net metering member information and does not have on-bill crediting (item (p) (4)).

Item (p) (9) is ambiguous (rate class), in that the Co-op has rate codes, which roll up into revenue classes.

To ensure a timely and efficient deployment of Community Aggregation, the Co-op recommends retaining the existing New Hampshire EDI Standard already in place with CEPS.

2205.14 - Enabling Meter Reading Authority and Access to Interval Meter Data

The Co-op is opposed to providing access to its secure metering infrastructure to third parties. The Co-op utilizes AMI meters that communicate via radio frequency through a mesh network, sending member usage data to the Co-op via microwave transmission and fiber optic cable. There are also significant potential costs and technical difficulties if some NHEC AMI meters are replaced with non-standard meters. The proposed rules do not specify any data security requirements that CPAs are required to meet if granted access to member meter data.

Regarding load settlement, the Co-op is the host participant that is responsible for ISO-NE meter reading. The Co-op recommends clarification that a CPA is not the ISO-NE assigned meter reader.

2205.14 (a)(1) The Co-op opposes providing CPAs access to its meter network, as it would create an unacceptable cybersecurity risk to all Co-op members. The Co-op's metering system is encrypted to prevent outside access. Encryption and limiting access to the Co-op's meter network is critical to securing this infrastructure.

2205.14 (a)(2) The Co-op is unable to comply with this proposed requirement. The Co-op's meter data is not transmitted or stored in real-time, nor is it configured for direct outside access.

2205.14 (a)(3) This proposed language does not capture all of the costs of this replacement, including, but not limited to, the cost of dispatching trucks and personnel, asset retirement, incremental maintenance cost, additional communications costs, incremental replacement costs, additional data storage costs, or additional property tax costs.

The Co-op recommends the following language:

"Pay for the cost of utility-provided meter, system and communications upgrades required to enable the collection of such interval meter data and any required future meter replacement, as determined by the utility"

2205.14 (a)(5) does not provide guidance on how a secondary meter would be wired by the member, if it is reconstituted, if it is to be communicated to the billing system, or who will cover the installation and on-going costs of the meter.

The Co-op recommends the following language:

"Install and maintain a secondary revenue grade meter, ***approved by the utility and*** provided by the CPA, ***that does not interfere with 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.”

2205.15 Net Metering by CPAs

The Co-op has members taking legacy “Below the Cap” net meter service which mirrors the original Puc 900 rules, as well as the Co-op’s own terms and conditions. Allowing CPAs to define net metering terms and conditions and settlement parameters would create technological issues. The Co-op recommends that the proposed rules do not impact bill components set by the distribution utility or Commission.

2205.15 (a) is ambiguous and may be incompatible with existing net metering terms and conditions in place for Distribution and Transmission, as well existing data, billing, and communications systems.

2205.15 (b) provides no provision for net generation for a given hour, which ISO-NE will not accept for load asset settlement. Section (b) will also require the Co-op’s load settlement system software to be modified through an unknown amount of custom programming.

2205.16 – Billing Services and Purchase of Receivables for CPAs

2205.16 (a), 2205.16 (b) The Co-op’s billing software allows dual-bill OR consolidated billing to be chosen at the time of the supplier’s registration with the Co-op, for all of the supplier’s customers. This configuration in the Co-op’s billing software and EDI configuration cannot be changed.

2205.16 (c)(2) With few exceptions, the Co-op’s AMI meters are configured with only one billing register. Additionally, the Co-op can only store a finite number of meter configurations, and any changes must be tested in all systems. The Co-op’s other metering arrangements (such as Below the Cap Net Metering) may prevent these changes.

2205.16 (d)(1) The Co-op is unable to comply with this proposed requirement. This is not consistent with existing Puc 2000 rules and is not available in the Co-op’s billing system. Additionally, this section does not specify how the charges would be communicated with the utility.

2205.16 (d)(2) The Co-op is unable to comply with this proposed requirement. The Co-op’s billing system cannot handle a custom rate code for every member.

2205.16 (e) The Co-op opposes the inclusion of the 90-day proposal deadline. The Co-op has no prior experience with purchase of receivables and is actively evaluating different compliance options to implement it.

The Co-op has highlighted concerns over the sections of the proposed rules, many of which the Co-op’s systems will not be able to accommodate. The Co-op hopes these comments can be the basis of a constructive dialogue with other stakeholders to enable community aggregation in an

efficient, cost-effective manner. The Co-op supports CPAs and wishes to make this powerful tool available to our members as soon as possible.