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March 28, 2022

Daniel C. Goldner, Chair
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 Stakeholders - Department of Energy Reply Comments on
Initial Proposal for Puc 2200 Municipal and County Aggregation Rules

Dear Chair Goldner:

The Department of Energy (DOE) hereby submits the following reply comments regarding the Commission's Initial Proposal for adoption of the Chapter Puc 2200 Municipal and County Aggregation Rules:

Puc 2204.04(b). Colonial Power Group recommends replacing the entirety of this section with "(b) The notice required pursuant to (a) above for any CPA to be operated on an opt-out basis shall be 45 days." CPG asserts that, given the relatively small size of any individual CPA program, it is unnecessary to impose the timing constraints as proposed in the initial draft, which only inhibits program flexibility."

DOE does not agree that shortening the time for prior notice of CPA commencement from 90 days to 45 days in the case of a CPA opt-out plan to become effective during the first two months of a utility default service supply period for which rates are or will be fixed or known for 6 months or more would adequately serve the purpose of protecting the utility default service solicitation process.

As noted by the Community Power Coalition of New Hampshire (CPCNH), the 90-day prior notice requirement in Puc 2204.04(b)(1) is effectively a "compromise . . . 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." CPCNH Initial Comments at 3. The DOE urges the Commission to respect that compromise and incorporate the two-tiered prior notice requirement in the final rules.

The DOE also acknowledges the many comments submitted jointly by the three regulated electric distribution utilities and separately by New Hampshire Electric Cooperative, Inc. that question the relevance and need for certain data and information sought by CPCNH

and others, as well as the current feasibility of providing that data and information without potentially expensive and time-consuming system upgrades and process modifications. Those concerns are mitigated to a significant extent by the “if known and readily available” qualifying language that appears in many of the rules provisions requiring utility data releases. *See, e.g.*, Puc 2203.02(b)(3), Puc 2204.02(a), and Puc 2205.13.

The DOE encourages the Commission to consider including utility data and information sharing requirements that go beyond the “Core Functionality Approach” outlined by the joint utilities in their initial comments, provided that the requirements are subject to such “if known and readily available” qualifying language. That more fulsome approach to data sharing would serve to mitigate the risk that the rules provisions will become fixed at a sub-optimal level that would effectively withhold necessary or useful information from CPAs even if utility systems later become capable of readily providing that information at a reasonable cost.

The DOE appreciates the opportunity to provide these reply comments and respectfully requests that the Commission take these comments into consideration when adopting a Final Proposal for the Chapter Puc 2200 Municipal and County Aggregation Rules.

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

Sincerely,

/s/ David Wiesner

David K. Wiesner

Legal Director/Sr. Hearings Examiner

cc: Docket Service List