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Rules Related to Municipal and County Aggregation: Puc 2200

Summary of Comments and Reply Comments on Initial Proposal with Responses
July 26, 2022

Introduction

RSA 541-A:12 conditions the establishment and filing of the text of a final rulemaking proposal on a quorum of the members of the agency “fully considering public comment.” As an aid to the members of the Commission in establishing and filing the final text of the 2200 rule set, relating to Municipal and County Aggregation, this document summarizes written comments and reply comments received in response to the initial proposal, and either identifies recommended changes to the proposed rules in response to the comments or explains the reason(s) why changes are not recommended. To provide a foundation for the comments and responses, brief explanations of the purpose of the rules and of the rulemaking process are also provided.

On October 25, 2021, the New Hampshire Department of Energy (DOE) filed a Petition for Rulemaking to Amend Puc 2000 Rules to Include Community Power Aggregation Provisions to implement RSA 53-E’s charge “...to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services.” RSA 53-E:1. The DOE also filed a draft rulemaking initial proposal, which readopted with amendments and adopted new language within the existing N.H. Code Admin. R. Ch. Puc 2000. The DOE’s proposal was developed through a working group process with the backing of the Commission’s authority, prior to the establishment of the DOE. The DOE’s petition and initial rulemaking proposal can be found at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-135.html>.

On December 1, 2021, the Community Power Coalition of New Hampshire (CPCNH) filed a separate Petition for Rulemaking to implement RSA 53-E for Community Power Aggregations by Stakeholders. The Coalition also filed a draft rulemaking initial proposal, which consisted of an initial rules proposal that would form a new chapter of rules, the “Puc 2200” rules.

On January 5, 2022, the members of the Commission met in a duly noticed public meeting and voted to deny the DOE’s petition and grant CPCNH’s petition, reasoning that a separate chapter for the rules seemed more in keeping with the legislative intent. *See* Order No. 26,565 at 2 (January 10, 2022).

After adopting CPCNH’s initial rules proposal as the initial proposal for rulemaking, the Commission initiated rulemaking on February 23, 2022, with notice of the proceeding published in the N.H. Rulemaking register on February 10, 2022, a public comment hearing held on March 7, 2022, written comment accepted through March 14, 2022, and written reply comments accepted through March 28, 2022.

By the March 14, 2020, initial comment deadline, the Commission received comments from New Hampshire's Electric Distribution Utilities¹ (Joint Utilities); the DOE; NRG Energy Inc. (NRG); the New Hampshire Electric Cooperative, Inc. (NHEC); the Office of the Consumer Advocate (OCA); Clean Energy New Hampshire (CENH); CPCNH; Colonial Power Group Inc. (CPG); and Axxess Energy Group.

By the March 28, 2022, reply comment deadline, the Commission received reply comments from the Joint Utilities; DOE; NRG; joint reply comments from CPCNH by OCA and CENH; CPG; Good Energy & Standard Power; Constellation NewEnergy, Inc. (Constellation); and NextEra Energy Marketing, LLC (NextEra).

In total, well over one hundred pages of substantive comments were received. All filings, the transcript of the March 7, 2022 public comment hearing, and all written comments are posted on the Commission website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142.html>.

General Summary of Initial Comments

The Joint Utilities focused their initial comments on the intent of RSA 53-E:1, placing emphasis on the “cost effective” language within the statute’s Statement of Purpose and recommending that standards for community power aggregations (CPAs) be consistent with the multi-use energy data platform developed in Docket No. DE 19-197. The Joint Utilities also noted that some utilities have experiences supporting aggregations in other regional states and seek to bring established expertise to the deployment of aggregations in New Hampshire, with the intent of avoiding delay, cost, and controversy in the development of aggregation in New Hampshire. Arguing that the level of detail for individual customer information is unreasonable and unnecessary, the Joint Utilities generally recommend a “core functionality approach” to support short implementation times and be financially responsible. The Joint Utilities identified the information that would be made available through four reports under a “Core Functionality Approach” (CFA) methodology, noting that costs will rise, and delays will occur if additional information is ultimately required.

CPCNH, the initial petitioner in this docket, focused its initial comments on providing additional background explaining the rule set as initially presented, providing limited comments on specific rules and providing an implementation timeline and process flow chart relating to the establishment of a CPA program.

NHEC focused its initial comments on specific difficulties, information barriers, and resource constraints it will experience based on its status as a non-rate-regulated entity that is also not subject to the Puc 900 net metering rules, or the statutory data platform being developed in Docket No. DE 19-197. NHEC generally recommends that the rules make clear that CPAs are responsible for costs associated with utility software and system customization required to provide requested data. NHEC further recommends that 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.

Axxess Energy Group’s comments focused specifically on the concept of opt-out program offerings, and generally maintained that an opt-in methodology should be the only approach used for all customer classes, and especially non-residential customer classes. Axxess Energy Group maintains that open access markets and customer choice should be based on pro-active decision making, that the opt-out approach causes confusion and the potential for enrolling customers without their permission (or “slamming”), and that CPA programs should not depend on non-response.

¹ Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities; Public Service Company of New Hampshire d/b/a Eversource Energy; and Unitil Energy Systems, Inc.

CENH's comments expressed unequivocal support for the initial proposal, and also provided specific points of emphasis.

The OCA's comments urged the Commission to approve the initial proposal, stating that it may provide benefits of electric industry restructuring to residential ratepayers that otherwise exist in the "benthic stratum" of the retail marketplace. The OCA provided links to a scholarly article and noted statutory directives contained in RSA Ch. 374-F that discourage long-term use of default service and encourage customer choice as a key element of restructuring.

CPG's initial comments acknowledged the time and effort put into the initial proposal by stakeholders and noted that a large portion of the proposal is generally acceptable. CPG limited its initial comments to minor improvements and identifying those areas that may require additional discussion and resolution by the Commission.

NRG's initial comments were generally supportive of the initial proposal. NRG highlights the importance of a well-designed Purchase of Receivables (POR) program, stating that POR implementation will underpin and advance the CPA programs. NRG contends that POR implementation should not be exclusively limited to CPAs, but also applicable to Competitive Electric Power Suppliers (CEPS) to avoid potential for higher CEPS energy pricing to account for the risk premium of potential non-payment. Addressing potential costs associated with POR, such as billing changes, protocols, and IT costs, NRG stated that these costs should be applied to all customers and not exclusively segmented to only CPA customers. NRG recommends that the Commission commence an adjudicative proceeding regarding POR that results in a comprehensive program applicable to all customers.

General Summary of Reply Comments

CPCNH, the OCA and CENH provided joint reply comments (CPCNH et al.) proposing modifications and clarifications to the initial proposal. CPCNH et al. generally agreed with the initial comments of CENH, CPG, NRG, and the DOE. CPCNH et al. provided additional background and statistics demonstrating relatively higher energy costs in New Hampshire compared with other restructured states and a lack of retail choices for residential ratepayers in New Hampshire. CPCNH et al. states that the Joint Utilities' initial comments propose sweeping changes to the initial proposal that would increase supply costs for CPAs, risks for CPAs and foreclose opportunities for innovation relating to pricing and service offerings. CPCNH et al. allege that not all utilities competitive supplier terms and agreements are compliant with existing Commission orders or, in some cases, formally approved of by Commission orders. CPCNH et al. argues that all utilities should be required to propose and disclose updated service fees for CPAs serving customers on a default, opt-out basis. CPCNH et al. argues that, in order to enable CPAs to exercise the full authorities provided to CPAs under RSA 53-E, that the utilities must provide CPA programs sufficient data to inform energy procurement and rate setting, as well as work with CPA programs to modify systems in reasonable ways to accommodate new rate structures and services. With respect to the Joint Utilities' initial comments seeking to incorporate standards adopted in the Settlement Agreement in DE 19-197 relating to the online energy data platform, CPCNH et al. argued that as subdivisions of the state, the standards for individual access are not analogous to the level of access, cybersecurity standards, and circumstances of a CPA; and that practically speaking a threshold of 100 customers per customer or rate class could make it difficult to plan for and implement a CPA. CPCNH et al. noted that RSA 53-E:4, VI authorizes CPA's to "use individual customer data ... for research and development of potential new energy services to offer to customer participants." In response to the Joint Utilities' core functionality approach, CPCNH et al. discusses relevant functionalities and models of analogous community aggregation programs in Massachusetts. According to CPCNH et al., the core functionality approach limits the development potential to the most basic community aggregation model of a "broker/bid" model that is inconsistent with RSA 53-E, which it argues supports more expansive and holistic role for CPA's in the in the

management and procurement of supply and other services. CPCNH et al. specifically referenced 2021's HB 315, which it construed as expressly repudiating the "broker/bid" model in favor of more expansive authorities. CPCNH et al. identified seven enumerated authorities and additional permissions unique to New Hampshire CPAs. CPCNH et al. provided clarifying comments on the definition of readily available, suggesting it could be defined as "able to be used or obtained quickly and easily."

The DOE's reply comments generally encourage the Commission to respond to the Joint Utilities' initial comments with due consideration given to the "known and readily available" qualifying language, and to consider including data and information sharing requirements that go beyond the "core functionality approach" to mitigate the risk that the rules will become fixed at a sub-optimal level that would withhold necessary or useful information from CPAs even if later capabilities to provide that information are realized.

The Joint Utilities' reply comments largely maintained the positions taken though initial comments, except as clarified or detailed in specific reply comments. The Joint Utilities also stated that their proposed "core functionality approach" would take several months to implement, and request the Commission take that into consideration when determining the effective date of new rules. The Joint Utilities also supported NHEC's comment recommending that utilities be required to develop a schedule of fees to be paid by the requesting entity for utility software and system customization to ensure that nonparticipating retail electric customers are not responsible for any costs associated with aggregation programs. The Joint Utilities note that given the high levels of interest in this topic at this time, there may be instances where the volume of CPA applications and requests for information may exceed reasonable capacity, in which case utilities may seek waivers from certain requirements. Finally, the Joint Utilities noted that despite the lengthy process to develop these rules, the Commission should consider establishing a timeline for revising the rules following implementation to determine whether adjustments are necessary to manage costs or complexities generated by the program.

CPG's reply comments disagreed with the Joint Utilities recommendation that the 2200 rules should align with the standards agreed upon for the data platform in Docket No. DE 19-197, arguing that the data to be provided to aggregators pursuant to this rule set not be limited by the groundwork laid in DE 19-197, rather that the data information included in the draft rules reflect information valuable and/or necessary for a well-functioning aggregation program, noting that current practices for information sharing in Massachusetts do not necessarily reflect the balanced consideration presented using the standards applicable, goals, and objectives, for New Hampshire. CPG recommends the approach it included in its initial comments and suggests the Commission place information items into three categories in the rules: (1) items that will be provided once the rules go into effect, (2) items that the utilities will provide beginning on a specific date in the future, and (3) items that can be provided for a fee.

Good Energy & Standard Power's reply comments concurred with CPG's suggestion that the Commission provide for some items to be available when the rules go into effect, and other some items to be available at a later date. Good Energy & Standard Power stated the information and data addressed by the initial proposal is reasonable and should be provided without a fee. For information to be provided at a later date, Good Energy & Standard Power recommended rules requiring that such information be provided be effective not later than one year after the rule take effect.

Response: The Comments all should be considered within the statutory scheme of RSA 53-E, which is a New Hampshire specific statute developed over multiple legislative sessions to enable community power aggregations. RSA 53-E specifically contemplates that the Commission will engage in regulatory activities, including this rulemaking process, to enable opt-out community aggregation programs, implementing a legislative balance of this initiative against costs, and the interests of utilities and their ratepayers against the interests of municipal and county aggregation programs. The utilities' experiences in Massachusetts and existing technological capabilities in other contexts, including the

online energy data platform docket and existing electronic data interchange capabilities, are important to consider, they are not necessarily controlling in this instance and context. To the extent proposed modifications to the initial proposal are consistent with RSA 53-E, the Commission should give deference to the agreement of stakeholders as developed through collaborative processes, including specific language memorialized in the DOE's initial proposal in balancing interests in this stand-alone rule chapter.

Rule-Specific Comments, Replies, and Responses

PART Puc 2201 – Purpose and Application of the Rules

2201.02. In reply comments responsive to NHEC's initial comments applicable to Puc 2204.02(a)(4), Puc 2205.13(a)(9), and Puc 2205.15, CPCNH et al. recommends adding two provisions to address NHEC's particular circumstances, including not being subject to net metering requirements pursuant to RSA 362-a:9 and plenary oversight by RSA 362:2, II.

Response: This recommendation is a reasonable accommodation to NHEC, and should be adopted to maintain the identified rules while acknowledging the deregulated status of NHEC.

Item #1) Replace 2201.02 as follows:

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

(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.

(c) 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.

PART Puc 2201 – Definitions

2202.02. NHEC recommended having parameters of anonymization defined so that member data can be protected. The Joint Utilities recommend adding reference to a particular, defined standard, such as using base

fields from Docket No. DE 19-197. In reply, CPCNH et al. states that such a change would specify a substantive requirement into a definition, which is not properly part of a definition under the Office of Legislative Service's New Hampshire Drafting and Procedure Manual.

Response: In light of the disagreement, potential for a definition inconsistent with applicable rulemaking standards, and because this definition matches the definition proposed by the draft initial proposal submitted by the DOE in Docket No. DRM 21-135 following a stakeholder development process, no change to this definition is recommended.

2202.07. The Joint Utilities recommended deleting the language “and also includes specific customer payment, financial, banking, and credit information” because it is inconsistent with RSA 363:37 and not appropriate for the transactions addressed by the rule set. In reply, CPCNH et al. states that the proposed definition is identical to or similar to definitions at Puc 2002.09 and Puc 3002.08, and is more protective of consumer privacy if the initial definition remains unmodified.

Response: In light of the disagreement, and because this definition matches the existing definition in the Puc 1200 rules set and was remained unmodified in that rule set in the draft initial proposal submitted by the DOE in Docket No. DRM 21-135 following a stakeholder development process, no change to this definition is recommended.

2202.11. The Joint Utilities recommend referencing or incorporating specific standards in place in New Hampshire.

Response: Because this definition matches the modified definition of the same term in initial proposal submitted by the DOE in Docket No. DRM 21-135 following a stakeholder development process, no change to this definition is recommended.

2202.14. CPCNH provided background on this definition, noting an ISO-NE glossary definition. In reply, the Joint Utilities cautioned against adopting a definition that strays from ISO-NE's definition, noted that whether someone qualifies to provide or procure transmission service requires applying the terms of the ISO-NE tariff. The Joint Utilities recommend this be clarified to ensure that a CPA acting as a Load Serving Entity (LSE) should be treated as any other LSE and that the definition of LSE in the instant rule set should not open the door to circumvent any obligation. The Joint Utilities state that to the extent the Commission does not address this item through the rules, they reserve the right to propose an appropriate rider or other construct.

Response: This definition matches the definition of the same term in initial proposal submitted by the DOE in Docket No. DRM 21-135 following a stakeholder development process, however the second clause appears to be a modification that occurred later in the process. The ISO-NE glossary definition reads “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.” The definition should be simplified to match the ISO-NE definition, understanding that the definition does not establish any standard that could affect whether FERC jurisdictional tariffs allow transmission services to be charged directly to LSEs.

Item #2) Modify 2202.14 to read as follows:

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, **which may include transmission service if not provided by the distribution utility**, to serve the demand of end-use customers at the distribution level.

PART Puc 2203 – Electric Aggregation Committees and Requests for Load Data

2203.01(b). NHEC recommended striking or amending this provision to allow for a single mailing or email address to be provided, not necessarily associated with any particular individual, in lieu of the proposed individual contact requirement. NHEC states that it uses group email addresses on its website to ensure redundancies and protect individual employee’s contact information. The DOE recommends that such contact information be posted on the DOE website, either as opposed to the Commission website or in addition to the Commission website. In response, CPCNH et al. states that NHEC’s recommendation is appropriate and can be achieved by striking the words “the person or persons” from this provision.

Response: The commenting stakeholders appear to be in agreement and the proposed changes are reasonable.

Item #3) Modify 2203.01(b) as follows:

(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 person or persons and mailing or email address to be used for notices to the utility required under these rules and for requests for information under these rules. That information as submitted by the utility shall be posted on the commission and the department of energy’s websites.

2203.01(c). The Joint Utilities and NHEC recommend clarifying that the required notice is in business days. In response, CPCNH et al. concurs with this recommendation.

Response: The commenting stakeholders are in agreement and the proposed change is both clarifying and reasonable.

Item #4) Modify 2203.01(c) as follows:

(c) The notice 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.

2203.01(d). The Joint Utilities recommend including a requirement that the notice provided under 2203.01(a) shall be updated regularly, with suggested language of every six months or when a change occurs. In response, CPCNH et al. states that it does not object to updating the information when changed, however opposes a bi-annual requirement as being burdensome and unnecessary.

Response: The commenting stakeholders appear to be in agreement that a requirement that notice provided under 2203.01(a) be updated when a change occurs should be included in this rule. Based on this agreement, the agreed-up on change should be made as it is reasonable.

Item #5) Add 2203.01(e) as follows:

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

2203.02. NHEC recommends clarifying that if the number of customers does not meet the thresholds in the proposed rules, that such information will not be provided until the CPA has received Commission approval and can request customer identifiable information.

Response: 2203.02(d) provides that statutorily protected individual customer data shall not be provided pursuant to this rule provision, namely any information that can identify, singularly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer. Based on this provision, NHECs concern appears to be addressed by the existing text; no change is recommended.

2203.02(b). The Joint Utilities recommend adding reference to information standards, such as “in CSV format through a secure email exchange.” NHEC recommends that the 30-day deadline be clarified as calendar days, and that such information required on a “known and readily available” standard. In response, CPCNH et al. states that it is ambivalent to the format and method of transfer so long as it is machine readable, while concluding it would be wise to leave this question to the discretion of the utilities; concurs with clarifying days as calendar days; and disagrees that the “known and readily available” standard should apply to this information.

Response: Greater specificity in the format for the exchange of information is requested by the utilities providing the information, while machine readability is the important attribute to the commenting recipients; a machine-readable standard is reasonable to clarify. Based on the assent of the commentors, this deadline should be clarified as calendar days. A readily available standard should not be applied to all information under this rule, as it is already applied more specifically to particular categories of information.

2203.02(b)(1). The Joint Utilities’ CFA approach includes 12 months of data, not 24. NHEC notes that “rate class” is not defined in the rules and is not consistent across utilities, and recommends grouping based on residential and non-residential accounts. In response, CPCNH et al. states that the text already provides a fallback to 12 months if more are not available, and states that CPAs need to understand the number of customers and amount of load in each rate class for which a utility provides class average load shapes. CPCNH et al. recommends adding a clarifying paragraph: “(x) Each customer rate class shall mean, as a minimum, each rate class or group of rates classes for which the utility publicly provides class average load shapes.”

Response: The existing language allows the Joint Utilities to provide only 12 months of information if more information is not available, while requiring additional information be provided as it is or becomes available in the future. Clarifying “rate class” within the rule is reasonable.

2203.02(b)(3) and (b)(4). The Joint Utilities initially stated the CFA approach does not include net metering or electric assistance program information. CPCNH states that such information has been provided by at least one utility, and net metering information only needs to be provided under the rules to the extent it is available. In reply, CPCNH et al. states that the Joint Utilities have made statements in this proceeding indicating this information may be available, and reiterated that they believe this to be a reasonable request that will be valuable in planning and designing a CFA program. In reply, the Joint Utilities clarify that this information is available and could be included in the identified report, with the exception net metering information for Eversource Large Power Billing system customers. In reply, Good Energy & Standard Power stated it would like this information but that it is not necessary.

Response: The stakeholders appear to have reached agreement, and no changes are recommended.

2203.02(b)(5). The Joint Utilities' CFA approach does not include information on past due accounts receivable, and to the extent that the information is available, it requires the creation of separate reports from multiple utility systems. The Joint Utilities recommend a POR plan be in place to avoid the need for this information, and also note security concerns related to customer privacy. In reply, CPCNH et al. states that absent a POR program, this information is necessary to plan and price supply. To propose a middle ground resolution, CPCNH et al. recommends adding clarifying language to the end of the sentence: “, if readily available, and if not, then the utility shall provide such information on a system wide basis for a recent 12-month period.” In reply, the Joint Utilities reiterate their position that POR proposals are being prepared and may be filed in the “next few months,” therefore recommend eliminating this proposed rule. The Joint Utilities also pointed to a provision in the Puc 1200 rules, noting that a provision prohibiting residential disconnection for non-payment of utility bills for non-utility services will need to be updated so that once the utility owns a receivable of a supplier or CPA, that it will have the rights and obligations regarding those receivables, up to and including disconnection.

Response: If the distribution utilities remain under an obligation to file a POR proposal by this rule set or other order, and those proposals are already in development, maintaining a redundant provision as a temporary stopgap though this rule is not onerous. CPCNH's narrower language is reasonable to further accommodate the distribution utilities interests and is reasonable to incorporate into this rule.

Item # 6) Modify 2203.02(b) as follows:

(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; ~~and~~
- (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

(6) 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.

2203.02(c). The Joint Utilities recommend clarifying that the reported intervals are monthly intervals. NHEC notes that it does not bill based on interval data, that large-scale hourly interval data is burdensome to produce,

and that consumption data does not exist in its system as NHEC's consumption is the product of grid deliveries plus member generation less grid exports. In response to the Joint Utilities, CPCNH et al. states that 2203.02(b)(1) already defines this as monthly data. In response to NHEC, CPCNH et al. acknowledges the way NHEC defines consumption and recommends amending this section to: "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.

Response: CPCNH et al.'s recommendation is a sensible response to the comments received and is reasonable to incorporate into this rule.

Item #7) Modify 2203.02(c) as follows:

(c) 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.

2203.02(e). The Joint Utilities request these standards should match those from Docket No. DE 19-197, and state that under the CFA approach the analysis required would be done by the supplier/aggregator. NHEC states that the proposed rules do not provide guidance on how to handle situations in which the group has fewer than the proposed minimum, instances when a single customer has multiple accounts and the sum of those accounts exceeds the 50% threshold, and does not define the time parameter used to determine the usage of the reporting group. NHEC 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. In reply to the Joint Utilities, CPCNH et al. references its general response to the standard for anonymization. In reply to NHEC, CPCNH et al. argues that customer means clearly separate and distinct customer; supports clarifying that 50 percent of total usage should be determined over the most recent 12-month period; replacing the word "load" with "usage" in line (e); and adding two new numbered paragraphs to address NHEC's concerns about grouping situations: "(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")." In reply, the Joint Utilities support NHEC's proposed anonymization thresholds and timing of information exchange.

Response: CPCNH et al.'s recommendations are a sensible response to the comments received and are reasonable to incorporate into this rule.

Item #8) Modify 2203.02(e) as follows:

(e) With respect to the monthly **loadusage** 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; ~~and~~

(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”).

2203.02(f). NHEC recommends amending the maximum frequency of allowed data requests from three months to six months based on the burden to produce such information. In response, CPCNH et al. states that NHEC’s recommendation is reasonable.

Response: NHEC’s recommendation, as assented to by CPCNH et al., is a reasonable accommodation to incorporate into this rule.

Item #9) Modify 2203.02(e) as follows:

(f) 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 36 months after the initial request.

PART Puc 2204 – Aggregation Plans and Launch of Community Power Programs

2204.01(a). The Joint Utilities recommend adding cross references to Puc 103.01(m) and Puc 202.06 relating to the submission requirements of Electric Aggregation Plans to the Commission.

Response: Although cross references are generally useful, 103.01(m) is outdated and will be revised in a future rulemaking resulting in a likelihood that the cross reference will always be inaccurate, and submission requirements are more specifically defined by RSA 53-E:7, II, therefore no change to this rule is recommended.

2204.01(b). The Joint Utilities request clarification of whether the 21-day comment deadline is in calendar days or business days. In reply, CPCNH et al. recommends clarifying as calendar days.

Response: The commenting stakeholders are in agreement and the proposed change is both clarifying and reasonable.

Item #10) Modify 2204.01(b) as follows:

(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.

2204.01(g). DOE recommends notification also be provided to the DOE and the OCA. DOE and CPCNH recommended technical edits, including changing “approval” to “approved,” and adding a comma after the word “rejected.”

Response: The commenting stakeholders are in agreement and the proposed change is both clarifying and reasonable.

Item #11) Modify 2204.01(g) as follows:

(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 ~~approval~~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.

2204.02. In reply comments, Good Energy & Standard Power stated that core functionality report number two should be provided in non-anonymized format when the rules go into effect, noting that because the information would be proved to an aggregator, which would have responsibilities to protect customer specific information, removing the anonymization criterion would result in less work for the utilities and more granularity of information. Good Energy & Standard Power also recommended that in absence of a POR, that additional data could be provided in 2204.02 including total revenues billed, actual receipts, and past due accounts receivable for the Large C&I rate class for each of the most recent 12 months, as this class represents the largest risk for suppliers while acknowledging the same information for all rate classes would be overly burdensome for the utilities; Good Energy & Standard Power stated that providing this information here is more useful than billing receipts being provided in 2203.02.

2204.02(a). NHEC recommends clarifying the deadline to provide data as business days and including a clause “if known and readily available” at the end of this rule. In reply, CPCNH et al. recommends clarifying the deadline as calendar days, and opposes applying a known and readily available standard because some of this data is essential to determining load shapes and wholesale billing determinants.

2204.02(a)(1). The Joint Utilities’ CFA approach would include capacity tags for current year only, not prior or future years. NHEC states that it does not store capacity tags in its billing system and currently provides capacity tags without determining town or energy provider for specified accounts when requested by encrypted e-mail. In reply, CPCNH et al. acknowledges the comments, states that a known and readily standard provision applies to this information, states that a cost should not be imposed to obtain this data, and concludes that no changes to this provision are necessary. In reply, the Joint Utilities reiterate their comments, and clarify that to the extent future year capacity tags are available, it is time-limited and not in a format that may be easily provided.

2204.02(a)(2). The Joint Utilities’ CFA approach includes 12 months of data, not 24. The Joint Utilities also recommend clarifying that the reported intervals are monthly intervals. NHEC states it cannot comply with this proposed requirement. CPG recommends rewording to match 2203.02(b)(1), proposing: “The most recent 24 months of usage data in kWh for each reported interval if available, or 12 months otherwise;”. In reply, CPCNH et al. agreed in principle with CPG’s recommendation, stated that this information is essential for pricing supply accurately and efficiently in the interval used for actual load settlement, including excess generation from net metered accounts. CPCNH et al. argued that there should be no charge for this information or for system modifications to extract and report it, and that NHEC’s objection should be disregarded, reasoning that NHEC would simply need to export and cross-reference data sets from separate systems. CPCNH et al. recommends

rewording to: “(2) 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.” In reply, the Joint Utilities stated they would agree to the language proposed by CPG or similar language.

2204.02(a)(3). The Joint Utilities request clarification whether this provision references specific read dates or reference to the number used by the utility. NHEC states it cannot comply with this proposed requirement. In response, CPCNH et al. recommends rewording to add “date or utility reference number” after the word “reading.”

2204.02(a)(4). The Joint Utilities express concern about the language implying they may charge net metering customer under terms other than expressed in their applicable tariffs, and recommend deletion of the words “or otherwise.” NHEC states that it does not store specific terms of service in its billing system.² In response to the Joint Utilities, CPCNH et al. clarifies that the rule is intended to provide information regarding the terms of net-metering service, specifically whether the customer is grandfathered and uses the net metering terms available prior to September 1, 2017 or presently available terms. CPCNH et al recommends that the rule be modified as follows: “(4) Whether the customer net meters and, if so, ~~under which~~ **whether under original net energy metering terms, whether set forth in tariff or otherwise 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.**”

2204.02(a)(5). The Joint Utilities question whether this provision requires the identification of specific groups or whether group membership generally is sufficient. NHEC states it cannot comply with this proposed requirement.

2204.02(a)(4)-(8). The Joint Utilities state that the CFA approach does not include items 4 through 8, and that much of this information may be available in various utility systems and that additional time and cost would be required. NHEC states that it cannot comply with proposed provisions (5)-(8). CENH states that these provisions are imperative for load planning purposes, for suppliers to develop bids for supply, and for determining the terms a CPA may offer to its net-metered customers. In reply, CPCNH et al. states that information responsive to (5)-(8) would be desirable and useful in planning value-added energy service options, as such information is not essential to launching CPAs and early development; therefore CPCNH et al. recommended adding the known and readily available standard to (6), noting that (5), and (7)-(8) already contain that proviso.

Response: The text of 2204.02(a) is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE. As such, and based on RSA 53-E’s directives, it is not reasonable for the Joint Utilities’ core functionality approach to replace these information requirements at this juncture. Clarifying changes and modifications that received broad support are reasonable to include. With respect to the dispute of whether business days or calendar days should be used in this section, both RSA 21:35 and Puc 202.03(c) indicate that calendar days should be used unless specifically provided for or agreed upon. A readily available standard should not be applied to all information under this rule, as it is already applied more specifically to particular categories of information.

Item #12) Modify 2204.02(a) as follows:

² NHEC comment responded to by CPCNH et al. reply comment at 2201.02, recommending NHEC be exempted from this rule based on its status as a Rural Electric Cooperative for which a certificate of deregulation on file with the Commission.

(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 12 to 24 months, if available, of usage data in kWh for each reported interval~~ 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, ~~under which whether under original~~ net energy metering terms, ~~whether set forth in tariff or otherwise 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.

2204.02(b). The Joint Utilities recommend adding reference to information standards, such as "in CSV format through a secure email exchange." NHEC states that most billing system reports are exported in PDF format and that in some instances the data requested would exceed the limitations of a Microsoft Excel spreadsheet. In response, CPCNH et al. states that the utilities should be given latitude to determine what format works and is most cost effective, as opposed to determining a specific information standard. CPCNH et. al further states that anything machine readable is acceptable, noting that so long as the PDF can be exported to another format it should be acceptable. CPCNH et al. recommends clarifying as follows: "(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."

Response: As with 2203.02(b) above, requiring machine readability without being needlessly specific as to the standards of information is a reasonable modification.

Item #13) Modify 2204.02(a) as follows:

(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.

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

Response: To NHEC's point, this provision would restrict even approved CPAs from receiving sets of anonymized information that, when taken together, may contain enough information to qualify as individual customer data. Pursuant to RSA 53-E:4, VI, an approved CPA may use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants. As such, this rule may be cited to by a distribution utility as a reason not to provide anonymized information, even when it may otherwise be permissible to provide. As individual customer data is the subject of 2204.03, this scenario will likely be an unusual circumstance that may need to be further studied and understood to determine whether future changes to this rule are necessary.

2204.02(d). The Joint Utilities recommend that these standards should match those from Docket No. DE 19-197. NHEC recommends clarifying that if the number of utility customers does not meet the thresholds, or if the 50% threshold based on a 12-month period for calculating the proposed 50% usage 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. In response to the Joint Utilities, CPCNH et al. references its general response to the standard for anonymization. In response to NHEC, CPCNH et al. argues that customer means clearly separate and distinct customer; supports clarifying that 50 percent of total usage should be determined over the most recent 12-month period; replacing the word "load" with "usage" in line (e); and adding two new numbered paragraphs to address NHEC's concerns about grouping situations: "(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")." And adding the phrase "over the most recent 12-month period" after the phrase "50 percent of the total usage" in subparagraph (1).

Response: The text of 2204.02(d) is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE. As such, and based on RSA 53-E's directive, it is not reasonable to use standards developed in another docket for another purpose to replace these information requirements at this juncture. Clarifying changes and modifications that received broad support are reasonable to include.

Item # 14) Modify 2204.02(d) as follows:

(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; ~~and~~

(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, then no usage or customer counts shall be provided (other than “less than 4 customers”).

2204.02(e). NHEC recommends amending this section so that a committee may not request data more than once every six months. In response, CPCNH et al. states that NHEC’s recommendation is reasonable.

Response: Based on the assent of the commenting parties, the modification is reasonable to include.

Item #15) modify 2204.02(e) as follows:

(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 36 months after the initial request.

2204.03. In reply comments, Good Energy & Standard Power recommend that core functionality report number three be provided at the time the rules take effect, with the addition of service addresses, noting that mailing and service addresses may not be the same in all instances allowing easier customer identification of which service address an opt-out mailer would apply to.

2204.03(a). CPG recommends adding a sixth category of information relating to whether the account receives default service or CEPS service, CPG noted that this information would be useful for multiple purposes, including disseminating educational materials and notices; CPG proposed: “(6) whether the account is receiving default service from the utility or supply service from a CEPS.” In response, CPCNH et al. supported CPG’s recommendation. In reply, the Joint Utilities note that available information can be segregated between default service customers and customers taking competitive supply, and would accept a rule implementing a request for that information. In reply comments to comments Axsess made in 2204.05, CPG recommends adding a new numbered requirement for “the email address of each customer, if available;” as the second item, noting that it should be available information from the utilities based on either the Docket No. DE 19-197 settlement agreement and the core functionality approach proposal.

2204.03(a)(3). The Joint Utilities’ CFA approach does not include customer meter numbers. NHEC states that meter identification(s) is unclear. In response, CPCNH et al. stated that while this item is not essential, it may be helpful in assisting a customer with multiple meters figure out which account goes with which meter when

deciding to enroll some of their loads in a CPA, but not others. CPCNH et al. concludes that it could be qualified with "if known and readily available" or deleted, and the word "number" could follow the term "meter identification" for clarity.

2204.03(a)(5). DOE comments that proposed language "any other information necessary for successful enrollment" is overly broad and lacking in specificity.

2204.03(b). The Joint Utilities request these standards should match those from Docket No. DE 19-197. NHEC states that most system reports are exported in PDF format and that in some instances the data requested would exceed the limitations of a Microsoft Excel spreadsheet. In response, CPCNH et al. states that the utilities should be given latitude to determine what format works and is most cost effective, as opposed to determining a specific information standard. CPCNH et. al further stated that anything machine readable is acceptable, noting that so long as the PDF can be exported to another format it should be acceptable. CPCNH et al. recommends clarifying as follows: "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."

2204.03(c). The Joint Utilities request clarification whether the 15-day response deadline is in calendar days or business days. NHEC recommends that the 15-day response deadline be specified as business days. In response, CPCNH et al. recommends clarifying the deadline as calendar days.

2204.03(d). NHEC recommends amending this section so that a committee may not request data more than once every six months. In response, CPCNH et al. opposes NHEC's change, stating that this is a relatively small quantity of data to produce and refreshed data would be necessary to comply with RSA 53-E:7, III's customer notice requirements if a CPA's launch is delayed. In reply comments to comments Axsess made in 2204.05, CPG recommends a change to this rule: "(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 paragraph III and again when it is preparing the final list of accounts to enroll after the conclusion of the notice period,** but not otherwise more frequently than once every 3 months ~~after the initial request~~."

Response: The text of 2204.03 is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE, with the exception being that the information required by 2204.03(a) has been broken out into a numbered list, with item (5) being new. As such, and based on RSA 53-E's directives, it is not reasonable to use the core functionality approach or standards developed in another docket for another purpose to replace these information requirements at this juncture. Many items are on a known and readily available basis, limiting the distribution utilities costs to comply. As to item 2204.02(e), it not apparent that requires anything other than distribution utility-specific information that is particularized to that utility; as the DOE points out, this is broad and should be removed. As to the proposals for new categories of information, including email addresses if available and whether the account receives default service or is served by a CEPS, both are reasonable to include on a known and readily available basis as they will enable better communication between the CPA and prospective customers, if the information is readily available. With respect to 2204.03(d), both CPG and CPCNH et al. note that compliance with notification requirements will be a key factor for the CPA, and both provide different approaches to balance the utility time and cost to comply with the CPA's interests, both opposed changing the term from not more frequently than 3 months to 6 months; CPG's approach appears to be more directly tailored to the CPA's interest, and can be implemented while changing the term to every 6 months to better balance the utility's interests. On the same tack as above, where the stakeholders disagree as to

whether a deadline should be business- or calendar-days, convention dictates that it be calendar days unless the deadline is 6 days or less. Clarifying changes and modifications that received broad support are also reasonable to include.

Item #16) Modify 2204.03 as follows:

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 ~~(s)~~ number(s) for each account, if readily available;
- (4) the rate class for each such account; ~~and~~
- (5) ~~any other information necessary for successful enrollment of such customer accounts in the aggregation program through the utility's EDI, 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 paragraph 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 36 months after the initial request.

2204.04(b). The Joint Utilities request clarification whether the 90-day and 45-day notice deadlines are in calendar days or business days. CPCNH explained the intent of this provision is to give the utilities appropriate notification of the timing of any CPA launch to minimize potential adverse impacts on the utility default service solicitation process, and was a compromise developed to give advance notice prior to default service solicitations. CPG states that the timing constraints are unnecessary and inhibit program flexibility, CPG recommends replacing 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.” In response, CPCNH et al. recommends clarifying the initial proposal’s existing deadlines as calendar days. In reply, the DOE joined CPCNH’s initial comment, noted that this proposed rule is a compromise reached in the stakeholder development process, and urged the Commission to retain the two-tiered notice requirement in the final rules. NextEra replied specifically to CPG’s comment, stating CPG’s proposed change would add uncertainty that would complicate the ability of a default service provider to manage its load obligations, leading to higher prices and costs for customers, and recommends rejecting CPG’s proposed change.

Response: The 90-day/45-day distinction is a compromise reached by stakeholders through the rules development process facilitated by the DOE, and the distinction protects both distribution utilities and their default service customers. It is not reasonable to disturb this compromise. Clarifying that the notice deadlines are in calendar days is reasonable to include.

Item #17) Modify 2204.04(b) as follows:

(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) 90 **calendar** days if the commencement of service is to occur during the first two 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) 45 **calendar** days if the commencement of service is to occur after the first two 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.

2204.05. Axsess recommends an opt-in process. Axsess stated an opt-in process, especially for commercial customers, alleviates the issue of a customer switching from default service to a 3rd party supplier in the window of time that the utility provides the CPA with a “current” list of customers on default service and the CPA’s enrollment of the customer. Axsess stated it has witnessed instances where a commercial customer is monitoring for a market opportunity to buy or has contracted with a 3rd party supplier for a start date in the future only to have to unwind a CPA enrollment because the best information the CPA had was that the customer was on default service. In reply to Axsess, CPG argued that RSA 53-E is clear that CPAs may aggregate on an opt-out basis. With respect to timing issues raised by Axsess, CPG argued customer education and awareness is key to any potential contractual interference as a result of future enrollments, and that RSA 53-E appropriately emphasizes its importance in setting out requirements for the aggregator. CPG stated that upgrades to utility systems to accommodate future-dated account enrollments might solve this conflict, but such changes fall outside the scope of this rulemaking. CPG recommends rule modifications to 2204.03(a) and 2204.03(d) to facilitate proactive efforts to lessen the incidence of contract interference. In reply comments, Good Energy & Standard Power recommended that the utilities provide core functionality report 3 at the time the rules take effect, noting that CFA reports three and four are slightly different in the utility comments, but redundant in the utility provided redline of the initial proposal; Good Energy & Standard Power stated that rate class information may be necessary for enrollment decisions. While agreeing with the section as written, Constellation notes that this rule does not address instances where customers opt to join a CPA after the start date, states that market changes may require a different price for those customers, and recommends actions for CPA’s to take in managing an aggregation.

2204.05(a). DOE recommends clarifying 10 days as 10 business days.

2204.05(d). CPCNH recommends adding “unless otherwise provided by law,” before the provision “and shall hold a public information session” to address potential statutory notice changes.

2204.05(g). NHEC notes that the notice period that must be provided to the utility for transfers off of a CPA is not provided, and recommends mirroring a two-business days prior to the next scheduled meter read from the Puc 2000 rules, while also noting that off-cycle reading and billing is not available in its system. NHEC recommends using the existing Electronic Data Interchange (EDI) standards and procedures adopted in 1998. In response, CPCNH et al. states that NHEC’s concern seems to be addressed by the existing phrase “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”. Addressing NHEC’s practice of not performing off-cycle meter reads, CPCNH et al. recommends adding the phrase “if such a service is available from the utility” to the end of the penultimate sentence.

2204.06.

Response: CPG is correct in identifying that approved CPA’s may operate on an opt-out basis, and that there is nothing in the statute that allows the Commission to detract from that statutory charge based on rate class or temporal occurrence. As such, no substantive changes to this rule are warranted based on these recommendations. As a clarifying matter, the DOE’s recommendation to clarify its credentialing deadline as business days, as it was not objected to, is reasonable to include. It is not clear that CPCNH’s recommendation to add “unless otherwise provided by law” to a CPA’s public meeting requirement is meritorious as the law did not change during the 2022 legislative session, as such, no change is recommended. CPCNH et al.’s recommended change to accommodate NHEC’s practice of not performing off-cycle meter reads is reasonable to include.

Item #18) Modify 2204.05(a) and 2204.05(g) as follows:

(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.

...

(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.

PART Puc 2205 – Operation of a Community Power Aggregation

2205.01 and 2205.01(a). The Joint Utilities state that to the extent CPAs act as Load Serving Entities (LSE), they should be subject to the same requirements and costs as other LSEs. The Joint Utilities also state that it is unclear what the references to distributed generation and distributed energy resources means, as these resources generally do not meet “all requirements” service. NHEC recommends allowing only one load-serving-entity per aggregation. NHEC states it cannot comply with this proposed requirement because its billing system only allows one supplier per member, and each supplier may only have one load asset per metering domain. In reply, CPCNH et al. acknowledges that there is confusion over this provision and clarifies that the proposed rule is

intended to accommodate a CPA's use of more than one LSE's services (or a CPA serving as an LSE and also using other LSEs), while agreeing that each individual customer account (separate customer meter) can and should only be served by a single LSE. CPCNH et al. objects to NHEC's practice of restricting suppliers to one asset per metering domain. With respect to all requirements service, CPCNH clarifies the rules' intent and the distinction between wholesale power purchases and compensating load reducers under the terms of service from ISO-NE, while citing to New Hampshire statutes for the authority to purchase from distributed energy resources that are considered load reducers at the ISO-NE level. CPCNH et al. recommends replacing the entirety of section (a) as follows to clarify and resolve these issues: "(a) A CPA, including a CPA operating as an LSE, may use more than one LSE to serve their customers, provided that each CPA customer account shall be served by only one LSE at any given time. CPAs shall be responsible for providing all-requirements service to meet each CPA customer's full load requirements, which may include as an offset to each LSE's wholesale load settlement obligation with ISO-NE any electricity exported to the grid of the utility distributing the electricity by distributed generation and storage, including customer-generators of the CPA, that are not participants in wholesale electricity markets administered by ISO-NE, except as an alternative technology regulation resource (ATRR) to the extent ATRRs are deemed by ISO New England to function as retail or network load reducers for all other ISO New England purposes, and that are selling or providing their power to the LSE, with any adjustments for line losses as approved by the commission."

Response: CPCNH et al. propose a substantial re-write of 2205.01(a) that other stakeholders have not had an opportunity to reply to, including new terminology such as the alternative technology regulation resource provision. The text of 2205.01(a) is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE, therefore it is not evident why so much confusion and such a substantial re-write is necessitated. Addressing NHEC's concerns, 2205.01(b) also contains relevant language addressing the concern that individual customers might be served by multiple LSEs. RSA 53-E:3, II(a) also specifically grants municipalities and counties authorities to enter into agreements for various energy services. As such, a substantial re-write of this rule, without further process, is not recommended; however, some clarification is reasonable.

Item #19) Modify 2205.01(a) as follows:

(a) CPA customers ~~shall~~may be served by one or more CEPS, ~~or~~ 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, ~~that~~ 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. For the balance of customer load requirements, the CPA shall be responsible for:

2205.02(a). DOE recommends a technical edit, adding the word "The" before reference to Puc 2000 rules. NHEC notes that 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). In response to NHEC, CPCNH et al. provides explanations as to why NHEC's identified rules are each inapplicable and recommends no changes be made.

Response: NHEC's comments appear to have been accurately addressed by CPCNH et al. The DOE's clarification is reasonable to include.

Item #20) Modify 2205.02(a) as follows:

(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.

2205.03. CPCNH recommends a technical edit, changing the phrase “passthrough or complete” to “consolidated or separate” to match the language used in 2205.16. NHEC recommends using billing service parameters currently used for retail choice, including dual-bill or consolidated billing chosen at the time of the supplier’s registration with NHEC. In reply to NHEC, CPCNH and the OCA (it is unclear why CENH did not join in this reply comment) objected to NHEC’s practice of not allowing individual customers to choose between consolidated or dual billing. CPCNH and the OCA argued that such a practice is inconsistent with current EDI standards and Commission Order 22,919 (May 4, 1998), would hamper a current CPA’s ability to cost-effectively serve net metered customers, citing to examples in existing proposed CPA Plans, and could reduce competition by precluding suppliers from participating in CPA solicitations.

Response: Whereas NHEC has not had an opportunity to respond to the assertion that its practices are inconsistent with current EDI standards, this is an item for further investigation as discussed below. A specific waiver pursuant to Puc 201.05 for NHEC may be appropriate, however, at this time no substantive changes appear reasonable to make to this rule, which requires little more than billing services to CPAs on the same terms and conditions as other CEPS.

2205.04. NHEC recommends resolving conflicts between municipal and county aggregation plans during the Commission CPA approval process, and notes that this section does not provide any guidance for situations where a municipal CPA requests data for a municipality that is already part of an active county aggregation. Axsess notes that overlapping municipal and county programs may result in confusion, and recommends an opt-in process to simplify this provision. In response, CPCNH et al. did not oppose NHEC’s recommendation, but did not agree it is necessary.

Response: Due to concurrent jurisdiction, municipal and county CPAs may coincide at some point in the future, although no county CPA plans have sought approval at this time. Because each CPA using opt-out enrollment requires Commission approval, any such situation will be known in advance of any customer enrolments and structures to prevent customer confusion and utility resources can be addressed, as NHEC recommends, on an ad hoc basis during the approval process to ensure that prioritization of enrollments matches this rule.

2205.05. The Joint Utilities state that 2204.03 and 2205.05 are duplicative. NHEC recommends requiring that the CPA explicitly request data under 2205.05(b). Axsess recommends an opt-in process for all new utility service customers. In reply to NHEC, CPCNH noted that 2205.05(b) begins with the phrase “Upon request of a CPA...” In reply, Good Energy & Standard Power state that it would be beneficial to be able to request core functionality report 2 in this instance for accounts with usage history, particularly for those in the Large C&I rate class.

Response: The stakeholders appear to have reached agreement, and no changes are recommended.

2205.12(b). The Joint Utilities state that the reference to RSA 53-E:7, VI should be changes to 53-E:7, X. In response, CPCNH et al. agreed with the reference change.

Response: The refence should be changes to accurately cite the proper authority.

Item #21) Modify 2205.12(b) as follows:

(b) Complaints submitted to the commission under these rules shall be made pursuant to Puc 204, and, 45 consistent with RSA 53-E:7, ~~VHX~~, shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

2205.13. The Joint Utilities' CFA approach would not add new inputs to the EDI, and further argue that the enumerated list of information, (a)-(q), is unreasonable and unnecessary, and should be paired back to match the EDI. Specifically, the Joint Utilities state that (e) and (i) are duplicative; (m) and (p)(3) require further clarification; and with respect to (o), some utilities only have 12 months of information. CPCNH points out the language "to the extent applicable, known, and readily available addresses utility concerns that information is not known or available. NHEC recommends retaining the existing EDI Standard already in place with CEPS.³ CPG states that this provision will benefit from further discussion because the initial proposal lacks sufficient clarity as to which information each utility is prepared to provide when the rules go into effect, only requires utilities to provide information items that are "readily available", implicitly leaving the interpretation of "readily available" to the discretion of the utility, what information could be provided with minimal system adjustments and modest expense after a few weeks' time. CPG recommends breaking the list into two or more sections, such as, (1) items that will be provided once the rules go into effect, (2) items that will be provided at a defined time in the future, and (3) items that can be provided for a fee. CPG suggests that information in the second category may be valuable for furthering public policy objectives through CPA programs such as electric assistance program and are likely to be changes that the Commission directs the utilities to undertake. In response, CPCNH et al. agrees with CPG's comments, and recommended a rewrite of the section:

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:

- (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 or 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;
- (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;

³ NHEC initial comment responded to by CPCNH et al. reply comment at 2201.02, recommending NHEC be exempted from this rule based on its status as a Rural Electric Cooperative for which a certificate of deregulation on file with the Commission.

- (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 the Liberty Utilities battery storage pilot program or any other 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.

CPCNH et al. noted that item (a)(9) uses the same language it proposes for 2204.02(a)(4), and that items (b)(2), (b)(3), and (b)(4) are among the "minimally viable product" Data Fields for the Utility Logical Data Model in the Settlement Agreement in Docket No. DE 19-197. In reply, Good Energy & Standard Power stated that this is a category of information and would be useful information for both program management and planning that should be provided within one year of the rules taking effect, and should be required to be provided to the extent it is not already provided through the EDI.

Response: The text of 2205.13 is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE, with the addition of two categories of billing information, the most recent 24 months of electricity usage data and whether the customer is currently enrolled in the electric assistance program. CPCNH et al. and CPG have proposed a rewrite to clarify a number of items, provide consistency in the rule set, and make it easier for distribution utilities to comply. As such, despite being a substantial rewrite, the changes are reasonable to include.

Item #22) Replace 2205.13 as follows:

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:

- (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 or 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 the Liberty Utilities battery storage pilot program or any other 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.

2205.14. The Joint Utilities state that provisions relating to interval metering should be paired back. While acknowledging that the law provides a means for requesting interval metering information, the Joint Utilities state that the initial proposal goes too far in cost allocation, arguing the rule should not commit utilities to expend funds before any specific aggregation proposal is made. The Joint Utilities provided comments indicating that provisions within 2205.14 were problematic due to load settlement requirements, burdensome, that some utilities are unable to provide the requested interval data, and that other legal and regulatory hurdles exist. Additionally, the Joint Utilities found some provisions too explicit, to the detriment of other opportunities to reach mutual agreements. NHEC states it is opposed to providing access to its secure metering infrastructure to third parties, citing significant potential costs and technical difficulties if some NHEC AMI meters are replaced with non-standard meters, and that 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, NHEC stated it is the host participant that is responsible for ISO-NE meter reading, and recommends clarification that a CPA is not the ISO-NE assigned meter reader. In reply, CPCNH et al. argues that any costs resulting from 2205.14 are derived from RSA 53-E:4 and that these provisions merely allow a CPA to seek other meter reading arrangements, subject to utility and Commission approval. In reply, the Joint Utilities agree with NHEC’s recommendation that the proposed rule should clarify that the CPA is not the ISO-NE assigned meter reader.

Response: The text of 2205.14 is nearly identical, if not wholly identical, to the analogous rule contained in the initial proposal developed through a stakeholder process by the DOE. CPCNH et al. correctly characterize this as a rule designed to implement RSA 53-E:4, IV, and requires future approvals from both a subject utility and the Commission or the Commission following an adjudicative proceeding if the distribution utility does not agree. As such, no substantial modification is recommended. RSA 53-E:4, IV does direct that meters used for distribution tariff implementation remain under the control and majority ownership of the electric distribution utility, therefore the request to clarify that the distribution utility shall remain the ISO-NE meter reader is reasonable to include.

Item #23) Modify 2205.14 by adding 2205.14(e) as follows:

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

2205.14(a)(1)-(5). NHEC opposes providing CPAs access to its meter network, as it would create an unacceptable cybersecurity risk to all NHEC members. NHEC states it cannot comply with proposed requirement 2205.14(a)(2). NHEC recommends language for 2205.14(a)(3) to more fully address costs of this replacement: “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.” NHEC recommends the changes to 2205.14(a)(5) to provide guidance on secondary meters, proposing that the provision read: “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.” In reply, CPCNH et al. states that the proposed provisions merely mimics and fleshes out what RSA 53-E:4, IV expressly states, and reiterates that all are subject to the approval of the Commission. CPCNH et al. also notes that provisions 2205.14(a)(3)-(4) are based on recommendations of former staff of the Commission in the Grid Modernization docket, as well as the evidence in the Online Energy Data Platform docket.

Response: As noted above, this rule implements RSA 53-E:4, IV, and requires future approvals from both the subject distribution utility and the Commission, or the Commission following an adjudicative proceeding if the distribution utility and CPA do not agree. As such, a substantive rewrite of this rule based on current utility capabilities or potential for future disagreement does not form a reasonable basis to change this rule. If NHEC’s proposed changes to 2205.14(a)(5) are included, the “approved by the utility” language should be modified to include “or the commission” in the event the Commission approves a proposal pursuant to 2205.14(d) that includes secondary metering.

2205.15. NHEC states this rule section (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.⁴ NHEC also states this rule section (b) provides no provision for net generation for a given hour, which ISO-NE will not accept for load asset settlement, and will also require the Co-op’s load settlement system software to be modified through an unknown amount of custom programming.⁵ Constellation generally stated that Puc 2205.15, and net-metering generally, should promote renewable energy and/or reduce carbon emissions, and recommends that the Commission look at in greater depth so customers may receive the benefit of excess generation and excess generation may reduce a CEPS load obligation when reporting to the ISO-NE, which will enable the CEPS to develop creative market-based products to compensate customers for their excess generation.

Response: Assuming NHEC is exempted from this rule’s application, no disagreement appears to exist, and no changes are recommended.

2205.16(a). The Joint Utilities state that the text of 2205.16(a) demonstrates a misunderstanding of the consolidated billing services the utilities provide to competitive suppliers.

2205.16(c) According to the Joint Utilities, 2205.16(c) would require the modification of the general terms and conditions that apply to all other competitive suppliers, requiring the utilities to implement bespoke pricing modifications; the Joint Utilities recommended deleting this provision. NHEC states its billing software allows dual-bill or consolidated billing to be chosen at the time of the supplier’s registration with the NHEC, a configuration that cannot be changed. NHEC also states that with few exceptions, its AMI meters are configured with only one billing register and can only store a finite number of meter configurations, and any changes must be tested in all systems. CPG notes that RSA 53-E:9 requires each utility to file a POR program and is important if not essential for CPA programs to launch because bad debt expense and challenges with customer collections activities otherwise dissuades participation. In reply to NHEC, CPCNH et al. reiterated its objection to NHEC’s

⁴ NHEC initial comment responded to by CPCNH et al. reply comment at 2201.02, recommending NHEC be exempted from this rule based on its status as a Rural Electric Cooperative for which a certificate of deregulation on file with the Commission.

⁵ NHEC initial comment responded to by CPCNH et al. reply comment at 2201.02, recommending NHEC be exempted from this rule based on its status as a Rural Electric Cooperative for which a certificate of deregulation on file with the Commission.

practice of not allowing individual customers to choose between consolidated or dual billing, agreed to a carve out for NHEC if necessary, argues that the Commission should not impose limitations to this proposed rule because a single distribution utility cannot support it. In reply to the Joint Utilities, CPCNH and the OCA (it is unclear whether CENH chose not to join in this portion of the reply comment) strongly objected to removing proposed rule 2205.16(c), arguing that: 2205.16(c)(1) should be non-controversial that customer contacts relating to CPA services should be directed to the CPA's customer service contact, stating that this was initially a Joint Utility request not to be required to directly transfer calls from the utility to the CPA; 2205.16(c)(2) is a standard that is already independently required by Commission Order No. 22,919 (May 4, 1998). According to CPCNH and the OCA's summary of the EDI standards adopted by Order No. 22,919, utilities are already required to accommodate reasonable requests to implement new rate structures, limited only to the capabilities of the utility billing system. CPCNH and the OCA then provide excerpts of each utility's competitive supplier agreements of tariff-based terms and conditions, concluding that Unitil appears to be in compliance with the requirements of Order No. 22,919, Eversource may be in compliance with the requirements of Order No. 22,919, however, Liberty and NHEC appear to be out of compliance with the requirements of Order No. 22,919. CPCNH and the OCA recommend retaining 2205.16(c) with additional lettered provisions added to 2205.16(c)(2) to address NHEC's specific AMI limitations and to more closely align with the letter and spirit of Order No. 22,919, resulting provision a. reading, "The requested rate structures, customer class definitions and availability requirements are within the capabilities of the utility's billing system, customer information system and/or meter data management system;" provision b. reading, "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" and provision c. reading as provision (a) reads in the initial proposal.

2205.16(d). The Joint Utilities state that the text of 2205.16 (d) demonstrates a misunderstanding of the consolidated billing services the utilities provide to competitive suppliers. NHEC states that it is unable to comply with this proposed requirement because its billing system cannot handle a custom rate code for every member. In reply, CPCNH and the OCA agree this is not currently an option available to CEPS through the utility EDI and was not required as part of PUC Order No. 22,919, but state that enabling this functionality in current EDI systems allow most all types of rate innovation and services to be billed through cost effective consolidated billing, with the CPA or CEPS separately providing the customer with the billing determinants and charge calculation opt-in to rate structures and service options while maintaining the convenience of a single electric bill. CPCNH and the OCA note that this functionality is commonly referred to as "bill ready" consolidated billing, whereas the practice of providing rates to the utility to use to calculate customer supply bills is referred to as "rate ready" consolidated billing, which are both allowed in New York and California. In reply to NHEC, CPCNH and the OCA further note that CPAs have the authority to offer opt-in, just as competitive suppliers do, and recommend not modifying the proposed rule.

2205.16(e). The Joint Utilities also recommend deletion of 2205.16(e), as such POR proposals are in progress. CPCNH states that this provision implements RSA 53-E:9, II's requirement that such POR proposals be proposed with a defined and reasonable timeframe. NHEC states that it opposes the inclusion of the 90-day proposal deadline because it has no prior experience with purchase of receivables and is actively evaluating different compliance options to implement it. CENH states that a POR program is critical for some if not all CPAs to launch based on supplier feedback relating to the probability of bidding on CPA loads because past and present CPA receivables would be subordinate to most other utility receivables. In reply, CPCNH et al. joined the Comments of NRG and CPG as to the importance of this rule and recommend retaining this rule. In reply, NRG reiterated its support for a POR requirement, stating that POR programs should be standardized across the state, apply to CPA's and CEPS, and that Massachusetts POR program design elements and tariffs could serve as a model and be readily adopted. In reply, CPG expressed concern the utilities will not act in a timely manner unless specifically ordered by the Commission, while stating its indifference as to how such an order is issued. In reply, Good Energy & Standard Power noted that its understanding is that the primary objection to this rule is NHEC's inexperience with POR, and as such recommended extending the filing deadline to 180 days, or other

reasonable deadline, for utilities that do not presently have a POR operating elsewhere to file a POR proposal. In reply, Constellation stressed the importance of a POR program as well as consolidated billing, as it simplifies the customer billing process and reduces risk, and allows greater customer participation, including avoiding the need for time consuming and costly credit checks, and deposit requirements.

Response: The text of 2205.16(a)-(d) are nearly identical to the analogous rules contained in the initial proposal developed through a stakeholder process by the DOE, while 2205.16(e), regarding POR, is new in the instant initial proposal. With respect to the various arguments that this rule would vary from the services that are currently provided to CEPS, that new provisions from this rule set (including POR) should apply to CEPS, and to CPCNH et al.'s discussion of Order No. 22,919, it is worth noting that Order No. 22919 is a two-page order in a 1996 electric utility restructuring docket that temporarily adopts EDI standards from a working group report, pending the outcome of a rulemaking. It is not apparent that such a rulemaking took place. The Commission should therefore construe CPCNH et al.'s comments related to distribution utility compliance with Order No. 22,919 as cause to investigate the status of EDI, whether the 1998 standards are appropriate in 2022, and the necessity of a new EDI specific rulemaking at this juncture; such an investigation could also include presentations and updates from the distribution utilities and CPA's on the early stages of implementation of CPA's following this rulemaking. With respect to POR, the requirement is rooted in a statutory provision, RSA 53-E:9, II, and is reasonable to maintain in this rule set, however NHEC could be carved out for additional time to file a POR proposal, as it does not have prior experience with POR, did not participate in prior Commission dockets related to POR, and may benefit from the time to review the other utility POR proposals and study the issue before filing. Lastly, CPCNH et al.'s proposed changes to 2205.16(c)(2) appear to be reasonable to include. Other substantive changes do not appear to be reasonable to include.

Item # 24) Modify 2205.16(c)(2) as follows:

(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 **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:**

a. **The requested rate structures, customer class definitions and availability requirements are within the capabilities of the utility's billing system, customer information system and/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. **estimated by the utility to the CPA prior to the start of implementing such changes; and**

d. **if approved for implementation by the CPA, shall be charged to and paid by the CPA.**

Conclusion

The Joint Utilities conclude their reply comments by stating that the Commission may wish to consider establishing a timeline for revising the rules following their implementation to determine whether adjustments are necessary to manage the costs and complexities generated by the program. In addition to the potential issues for further investigation identified above, the Commission should closely track CPA implementation through such an investigatory docket and revise this rule set as needed in the coming years to manage costs and generally maintain an appropriate balance between CPAs, utilities, and utility customers.