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P R O C E E D I N G

CHAIRMAN GOLDNER: Okay. I'll call the meeting to order. Welcome, everyone. And introduce the Commissioners: I'm Commissioner Goldner. And I'm joined by Commissioner Simpson and Commissioner Chattopadhyay.

We're here in Docket DRM 21-142, which is a rulemaking regarding the proposed 2200 Section of our rules regarding community power aggregation. We're here for a public comment hearing on a proposed set of rules that we filed with the Joint Legislative Committee on Administrative Rules, consistent with RSA 541-A:11.

As stated in the notice on this matter, the community power rules standardize the procedures by which opt-out community power aggregation plans are implemented by municipal or county community power aggregation committees to balance the interests of electric distribution utilities and of customers with the interests of community power aggregation committees.

Has everyone had the opportunity to sign in on the sign-in sheet?

1 FROM THE FLOOR: Yes, sir.

2 CHAIRMAN GOLDNER: Okay. I'm getting
3 yeses.

4 All right. Thank you very much. I
5 have the sign-in sheet. I'll call names out in
6 the order where I see indications of a desire to
7 speak. I'll try to call the names of the person
8 who were expecting to speak next, and then the
9 next name, so people can be ready.

10 Today, we'll ask everyone to keep their
11 comments to 10 minutes, in the interest of making
12 sure that everyone has an opportunity to speak.

13 Okay. We'll get started. First on the
14 list, I have Kelly Buchanan, of Clean Energy New
15 Hampshire.

16 MS. BUCHANAN: Thank you, Chair Goldner
17 and Commissioners.

18 I will be very brief today. I will
19 simply state that Clean Energy New Hampshire
20 supports the community power rules as proposed.

21 And we would like to thank the
22 Commission for moving so quickly and establishing
23 this rulemaking process.

24 So, thank you. And I'd be glad to take

1 any questions, if you have them.

2 CHAIRMAN GOLDNER: Any questions?

3 CMSR. SIMPSON: No questions, Mr.

4 Chairman.

5 CHAIRMAN GOLDNER: Okay. Thank you
6 very much. I'm sorry for missing my own
7 directions. The next two are it looks like Harry
8 [Henry?] Herndon, from Herndon Enterprises, and
9 Daniel Venora, from Keegan Werlin.

10 MR. HERNDON: Thank you, Chair Goldner.

11 My name is Henry Herndon, Herndon
12 Enterprises. And I will also be brief.

13 I'm here to speak in support of the
14 proposed rules, the draft rules. And just to
15 speak a little bit about process over the past
16 couple of years. I was involved in the
17 collaborative drafting process that has unfolded
18 between the community power stakeholders, a
19 number of the industry players, a number of
20 municipalities, and the utilities over the past
21 couple of years. There's been a lot of
22 back-and-forth, a lot of meetings, and a lot of
23 hours have gone into discussion and drafting
24 among all those stakeholders, and it's been a

1 very collaborative process. And I think, as a
2 result of that, what you'll find is a balanced
3 proposal that does a really good job of achieving
4 our goal of balancing the interests of the
5 various different stakeholders.

6 And just a sort of reference to that,
7 in the language in the proposal, you'll find in
8 many instances a lot of flexibility, in terms of
9 supplying data to the -- "to the extent known and
10 readily available", and things of that nature,
11 that indicates and sort of expressed the
12 collaborative nature of the proposal.

13 So, with that, appreciate your time,
14 and hear to speak in support, and happy to answer
15 any questions.

16 Thank you.

17 CHAIRMAN GOLDNER: Thank you. Any
18 questions, Commissioners?

19 CMSR. CHATTOPADHYAY: No.

20 CHAIRMAN GOLDNER: Okay. Very good.
21 So, after Mr. Venora, will be Mr. Sheehan, from
22 Liberty.

23 MR. VENORA: Thank you, Commissioner
24 Goldner. And good afternoon to all the

1 Commissioners.

2 I'm Dan Venora, from Keegan Werlin.
3 I'm here today on behalf of Eversource, and to
4 provide just some brief initial comments.

5 Overall, Eversource supports municipal
6 aggregation as a way to empower communities to
7 choose how and from where to source their
8 electricity. Eversource is prepared to work
9 diligently to ensure that the purpose of RSA
10 Chapter 53-E, as modified by HB 315, is
11 implemented in the most expedient and efficient
12 way possible.

13 Eversource appreciates the considerable
14 efforts the stakeholders put into developing the
15 initial proposed rules being considered by the
16 Commission for adoption. And the Company looks
17 forward to providing meaningful input in this
18 docket in relation to how best to provide
19 services proposed by the rules as reasonably
20 feasible. In that regard, the Company has
21 several initial observations.

22 First, there are certain provisions
23 within the Initial Proposal that are not
24 reasonably feasible to implement, or that would

1 be unduly expensive to implement based on current
2 capabilities of the Company's customer and
3 billing systems. These provisions would require
4 an inordinate expenditure of resources and go
5 beyond meeting the specific requirements of the
6 law. And, therefore, the Company urges the
7 Commission to reconsider inclusion of any
8 provisions that are inconsistent with the current
9 utility system's capabilities.

10 Second, the other matter we ask you to
11 consider as you think about how best to advance
12 the intent of RSA Chapter 53-E, so that it
13 maximizes the benefits to participants of
14 municipal aggregation, without imposing undue
15 costs upon the customers who do not participate.
16 The Company does not dispute that potential
17 benefits may stem from community choice,
18 including the possibility of lowering electric
19 bills for participating community residents.
20 However, the Commission should be mindful of the
21 fact that any such benefits would inure solely to
22 those participating customers who elect to
23 participate in municipal aggregation, and that
24 non-participating customers will receive no

1 direct or indirect benefits from the program,
2 though, they would fund the costs.

3 Some of the provisions within the
4 proposed rules would require costly and
5 labor-intensive efforts for services that are not
6 essential to a successful aggregation. This
7 would not only distract from efficient utility
8 operations, but would result in customer-funded
9 expenditures borne by all customers that benefit
10 only a relatively small subset of customers. So,
11 overall, there's a balance that needs to be
12 considered in adopting the final rules.

13 For these reasons, the Company, in
14 conjunction with the other New Hampshire
15 utilities, have analyzed the proposed rules with
16 a view to ensure maximum efficiencies of both
17 time and costs in order to achieve the policy
18 objectives of the law, without creating any
19 unnecessary or unreasonable subsidies by those
20 customers who will not be part of a municipal
21 aggregation.

22 The joint utility -- the New Hampshire
23 utility comments on the proposed rules will
24 provide more detail and reflect these objectives,

1 and, if incorporated, would result in a
2 well-functioning and an accessible process for
3 the advancement of municipal aggregation
4 throughout New Hampshire.

5 Thank you.

6 CHAIRMAN GOLDNER: Thank you, Mr.
7 Venora. Okay. Next, I'll acknowledge Mr.
8 Fossum, from Unitil, followed by Mr. Below, from
9 the Community Power Coalition.

10 *[Court reporter interruption.]*

11 CHAIRMAN GOLDNER: Oh, I'm sorry. My
12 apologies. I missed Mr. Sheehan. Sorry, Mr.
13 Sheehan.

14 MR. SHEEHAN: I was happy to be missed.

15 *[Laughter.]*

16 MR. SHEEHAN: I don't have a microphone
17 back there.

18 I'm Mike Sheehan, from Liberty
19 Utilities (Granite State Electric).

20 As Mr. Venora said, we are working
21 together with the other utilities on written
22 comments. We generally support what you just
23 heard from Mr. Venora. And we will be
24 participating in the written comments as we

1 continue to analyze these rules.

2 So, that's all we have for you today.

3 Thank you.

4 CHAIRMAN GOLDNER: Thank you, Mr.

5 Sheehan. My apologies.

6 Okay. Now, Mr. Fossum.

7 MR. FOSSUM: Thank you. And I guess

8 I'm glad not to have been missed?

9 *[Laughter.]*

10 MR. FOSSUM: My comments, likewise, are
11 going to be very brief this afternoon. For the
12 record, Matthew Fossum, here on behalf of Unitil
13 Energy Systems.

14 Unitil, through its affiliate company,
15 has been operating municipal aggregation in
16 Massachusetts for many, many years, and it has
17 done so successfully in that state, and is
18 looking to bring that expertise and knowledge to
19 the development of municipal aggregation in New
20 Hampshire.

21 We, like the other companies, want --
22 support municipal aggregation in New Hampshire,
23 and want to see it succeed as a potential means
24 to provide a lower cost supply to customers.

1 We likewise, however, have similar
2 concerns to the other companies about burdens or
3 costs being unduly created or shared. And we
4 would encourage the Commission to be thoughtful
5 and careful about the kinds of requirements that
6 it puts into the rules, as those requirements may
7 lead, whether intentionally or otherwise, to
8 further delay in the development of -- excuse
9 me -- of municipal aggregation in New Hampshire.

10 And that is all that I have this
11 afternoon.

12 CHAIRMAN GOLDNER: Thank you, Mr.
13 Fossum.

14 CMSR. SIMPSON: One question for Mr.
15 Fossum.

16 Will you be coordinating with the other
17 electric distribution companies on written
18 comments?

19 MR. FOSSUM: Yes. We are participating
20 with the other companies to prepare comments for
21 filing, yes.

22 CMSR. SIMPSON: Thank you. That's
23 going to be helpful.

24 CHAIRMAN GOLDNER: Thank you. And I'll

1 acknowledge Mr. -- oh, sorry. Go ahead, Pradip.

2 CMSR. CHATTOPADHYAY: I'm assuming the
3 other utilities also have some experience, maybe
4 Eversource certainly does in other states with
5 community aggregation. Can you just give us a
6 sense of is there something that can be drawn
7 from your experience there and can be, you know,
8 brought to fruition here?

9 MR. VENORA: Yes, Commissioner. From
10 Eversource's perspective, back in 2000 was the
11 first docket in Massachusetts that addressed a
12 municipal aggregation plan, that was for the Cape
13 Light Compact, that went operational just a
14 couple of years later. So, Eversource, in
15 Massachusetts, has approximately 20 years of
16 experience that it can draw upon, and that will
17 be reflected in the Company's written comments --
18 in the joint utility comments, that perspective.

19 CMSR. CHATTOPADHYAY: Thank you.

20 MR. VENORA: Thank you.

21 CHAIRMAN GOLDNER: Okay. I'll
22 acknowledge Mr. Below next, followed by Michael
23 Licata, from the New Hampshire Electric
24 Cooperative.

1 MR. BELOW: Thank you, Mr. Chairman,
2 members of the Commission.

3 I'm here on behalf of Community Power
4 Coalition of New Hampshire, which is a joint
5 powers agency created pursuant to RSA 53-E and
6 53-A. RSA 53-A allows municipalities and
7 counties to jointly exercise authorities granted
8 to them under statute. And the Community Power
9 Coalition consists currently of 19 members, with
10 the 20th pending at our next meeting. Those
11 include 18 municipalities that comprise about 18
12 percent of the state's population, plus the
13 County of Cheshire.

14 Needless to say, all of our members are
15 interested in launching community power
16 aggregations, and are eager and appreciate the
17 Commission moving forward with these rules in an
18 expeditious manner.

19 I think I'd like to walk through the
20 rules a little bit and just point out some
21 issues. And I think how we've tried to address
22 past expressed concerns of the utilities with
23 regard to practicality of implementation.

24 I think one thing important to note is

1 that New Hampshire's RSA 53-E, the conception of
2 what community power aggregations might be able
3 to do goes beyond what Massachusetts typically
4 has authorized. It enables a number of potential
5 value-added services that community power
6 aggregations could provide, that aren't typically
7 provided in the model used in Massachusetts. So,
8 trying to simply apply what's been done in
9 Massachusetts to New Hampshire would not
10 necessarily result in rules that are consistent
11 with the expanded statutory authority from 53-E.

12 Just a few points. Of course, the
13 proposed rules start off with a broad
14 application. I think it covers the categories
15 that are appropriate, provides a number of key
16 definitions, one of which is in "community power
17 aggregation", that makes it clear that any person
18 or entity acting as an agent for a municipal or
19 county aggregation is covered by the rules as if
20 they were the aggregation.

21 There is a definition of "annonymized",
22 which is merely a definition, and is not, in
23 fact, a standard. Different standards appear
24 elsewhere in the rules.

1 Starting in on Page 3 of the proposed
2 rules, Puc 2203.02, "Request for Usage
3 Information from Utilities". This is probably
4 the first place, under (b)(1), where there's a
5 reference to what is available, versus what is
6 desirable. So, it calls for "the most recent
7 24 months of monthly usage data if available, or
8 12 months otherwise."

9 We've heard from at least one of the
10 utilities that they don't -- that they can't
11 readily access 24 months of usage data, only
12 12 months. So, if that's not available, then
13 only 12 months is sought.

14 Although, I think, in this dynamic
15 economic environment, you know, 24 months of
16 usage data is much more valuable than just
17 12 moments, where it is available.

18 Under (b)(5), there's an important
19 point that says "Until such time as the utility
20 offers a Commission approved purchase of
21 receivables program", that there's a request for
22 general data as to "revenues billed, versus
23 actual receipts, and past due accounts receivable
24 for utility default service for each rate class

1 or small customer group and large customer group
2 for each of the most recent 12 months available."

3 That kind of data is going to be
4 critical in the absence of a POR program, which
5 is probably going to take a considerable period
6 of time to process and get approved. Because,
7 basically, community power aggregation has to
8 plan on what -- when it might receive revenues.
9 And understanding what the current status of past
10 due accounts are, it is going to be important in
11 that regard, particularly since, under the
12 current sort of waterfall payment scheme in each
13 of the utilities' tariffs, the last entity to be
14 paid would be a competitive provider or community
15 power aggregation of current receivables would be
16 the last payment to be made after all other
17 payments are made to the utility for their
18 default service and aged receivables.

19 So, that that -- we'd be happy to not
20 have that information, as long as there is a POR
21 program in place.

22 The next section kind of helps define
23 what "usage" is, which is kWh for the reported
24 intervals is customer usage data. There are some

1 provisions in (e) regarding some standards for
2 individual customer data that makes a distinction
3 between nonresidential and residential. These, I
4 think, are consistent with New York State
5 standards for information related to ENERGY STAR
6 performance for nonresidential customers.

7 I think it's important to note that the
8 New Hampshire Supreme Court has differentiated
9 between nonresidential and residential customers,
10 indicating that there's a higher sort of privacy
11 standard for residential. And, so, that provides
12 that, if there's fewer than ten distinct
13 customers in any one residential rate class, that
14 they be grouped together with larger groupings,
15 such that no one reported group contains less
16 than 10 distinct customers.

17 It's a lower standard for
18 noncommercial [nonresidential?]. It's going to
19 be important for community aggregations to
20 understand what their nonresidential potential
21 load might be, and somewhat by rate class, if
22 that's available. And, already we see that there
23 are a number of small communities that have
24 joined the Coalition for whom there may be

1 actually less than four distinct C&I customers in
2 a particular rate class. So, you know, perhaps
3 even more so in the four to ten range.

4 Even for Lebanon, we found that there
5 are some residential customer classes where there
6 are less than ten distinct customers, you know,
7 very specialized rate classes, and so it's not a
8 problem to aggregate those into a larger class.
9 But it is going to be important to be able to
10 have some level of detail there.

11 The part Puc 2204 covers submission of
12 plans to the Commission for review. There is
13 some language here that does mimic what's in the
14 statute.

15 The next major section is 2204.02,
16 where an aggregation, once it has an approved
17 final plan, would start to request anonymized
18 customer-specific information. And in here,
19 there's numerous instances where it says, for
20 instance, in the first -- in the first item,
21 "Individual capacity tags for the current power
22 year beginning on June 1, and, if known and
23 readily available, the prior power year and the
24 next power year."

1 The power year for ISO New England is
2 the same as the capacity year, which starts June
3 1 on each year. This is important to note,
4 because the sum of those capacity tags for a
5 particular group of customers does affect what
6 price you pay for electricity going ahead.

7 Typically, my understanding is those
8 are computed sometime before the start of the new
9 power year. So, for instance, if we're
10 requesting data in April or May, the current year
11 capacity tag information might be interesting,
12 but more important is what is the capacity tags
13 going to be starting on June 1, which is why I've
14 asked for the next power year.

15 I think at least one utility says that
16 they don't keep anything but the current data.
17 You know, that might not be a problem, when
18 they're dealing with default service, bidding out
19 default service, because they have kind of --
20 they've got an aggregate number that they provide
21 to the bidders on that for default service as a
22 whole. But, when we -- individual aggregations
23 are looking out to put out one or a few towns'
24 worth of data, it's going to be important to know

1 what the capacity tags are specifically for that
2 group. Otherwise, it's going to be difficult to
3 get accurate pricing.

4 There is some provisions here about
5 seeking information about net metering, which,
6 again, some utilities have said, well, they don't
7 really keep track of net metered customers. To
8 me, it seems hard to believe that they don't know
9 or have a readily available way to know who their
10 net metered customers are. But that's critical
11 information in starting an aggregation, because
12 we have to determine what kind of terms we're
13 going to offer those. And, so, we need to know
14 how many customers are in traditional net
15 metering, sort of 1.0 versus those who are on
16 2.0. We need to know if a customer is a member
17 of a group net metering or a host, and whether
18 they're set up for on-bill crediting as a group
19 member. But, again, it says "if such information
20 is known and readily available."

21 And, to the extent the utilities say
22 "well, this would be expensive to provide", then
23 it's arguably not readily available.

24 CMSR. SIMPSON: May I ask you a

1 question, Mr. Below?

2 MR. BELOW: Yes.

3 CMSR. SIMPSON: Are you speaking to
4 specific provisions in the draft rules, where you
5 have a sense of awareness that there's
6 disagreement, in terms of ability to provide that
7 data? Or are you identifying areas that your
8 entity, CPC New Hampshire, finds to be particular
9 relevant?

10 MR. BELOW: Both.

11 CMSR. SIMPSON: Okay.

12 MR. BELOW: Both. In past work
13 sessions, they said "well, they obviously do know
14 somewhere in their system who's net metered and
15 who's group net metered and who's a host and
16 who's a member of a group." They just said
17 that's not -- it's not in their EDI and it's not
18 -- it's something that they would have to
19 manually pull.

20 To what extent that might be considered
21 "readily available" or not, I don't know. In a
22 sense, we're leaving a certain amount of trust
23 here to the utilities to be the judge of whether
24 the information -- they know the information and

1 whether it's readily available.

2 And I think the intent in saying
3 "readily available" is, you know, without
4 significant cost, you know, having to do a major,
5 you know, system change to make that available.
6 So, you know, there is a gray area there. But we
7 think the information is important and valuable,
8 and -- but sort of recognize that the utility is
9 going to have to use its discretion, if it's not
10 readily available, whether they can change things
11 to make it readily available without too much
12 cost or difficulty.

13 CHAIRMAN GOLDNER: Sorry, Mr. Below.

14 MR. BELOW: Yes.

15 CHAIRMAN GOLDNER: Just subtracting out
16 the Commissioner's questions, we're right at
17 about 10 minutes. Do you have a -- we do have,
18 remember, an opportunity for written comments
19 until the 14th.

20 MR. BELOW: Yes.

21 CHAIRMAN GOLDNER: But maybe, if you've
22 got a couple more minutes, that would be great.

23 MR. BELOW: Sure. Sure. I think
24 there's some of the -- I'll just skip ahead to

1 2204-03, "Request for Names, Addresses, Account
2 Numbers". There is a fifth item there. I think
3 all this is readily available through the EDI.
4 But there is a provision "any other information
5 necessary for successful enrollment". Because,
6 apparently, at least one of the utilities uses a
7 separate identification number, other than the
8 utility account number that's needed for
9 successful enrollment in the EDI.

10 I think the main thing I'm going to --
11 two things I'm going to conclude on is, one,
12 "Notification of CPA Commencement of Service",
13 there's sort of a chicken-and-egg problem here.
14 The utilities originally wanted to know, in
15 advance of their six-month procurement, if there
16 were going to be launches of community
17 aggregations during that time. I think what is
18 reflected here is a reasonable compromise that,
19 if they're going to launch within -- which it
20 would be the enrollment of the first customer,
21 and it would roll out over 30 days, depending on
22 meter reading days, that, if a launch is going to
23 start in the first two months of a default
24 service period, that it would be -- that there be

1 90 days advance notice, otherwise 45 days advance
2 notice.

3 The "90 days advance notice" means,
4 effectively, you have to give notice before
5 they've completed their default service
6 procurement. So, that, in a sense, it's
7 essentially a blackout period. Because I doubt
8 that any community is going to want to launch an
9 aggregation program, lock in a price, not knowing
10 the price they're going to be competing with in
11 default service.

12 So, that -- first, I just don't think
13 anybody is going to be launching in the first two
14 months, because it would require them to lock in
15 a rate that they don't know what they're
16 competing against.

17 The final point I'd like to make is
18 just at the very end of the document, there is a
19 provision at the very end that calls for "Within
20 90 days of the effective date of these rules, for
21 each distribution utility to propose for
22 Commission review and approval through an
23 adjudicative proceeding a program for the
24 purchase of receivables...consistent with the

1 provisions of RSA 53-E:9."

2 We think this is a very important
3 provision. We did hear, you know, in the spring,
4 in talking with one of the utilities about this,
5 they didn't think this was necessary, because the
6 statute requires them to file a proposal, but the
7 statute doesn't specify when they are to file it.
8 And it doesn't, the way I read the statute, it
9 doesn't, per se, enable the Commission to open an
10 adjudicative proceeding and order them to file.
11 But it is clearly within the Commission's
12 authority under its rulemaking authority to
13 implement the chapter overall, to set a timeframe
14 in which the utilities are required to go ahead
15 and make their proposal.

16 We know that Unitil and Eversource have
17 a POR program. The statutory language is meant
18 to enable, essentially, the same program that
19 they use in Massachusetts. They have known about
20 this already for almost a year's time, since this
21 language passed the House. So, we think 90 days
22 after the effective date of the rules is not an
23 unreasonable amount of time for them to come
24 forward and file their POR proposal, so we're not

1 left, you know, not knowing if and when they're
2 ever going to, you know, actually file the
3 required POR proposal.

4 Thank you.

5 CHAIRMAN GOLDNER: Thank you,
6 Mr. Below. Any questions from the Commissioners?

7 CMSR. SIMPSON: I would just request
8 that, if you're able to submit written comments
9 and identify the specific sections in the
10 proposed rules, along with any changes or
11 suggested changes from the Initial Draft
12 Proposal, that would be very helpful.

13 Thank you.

14 MR. BELOW: We will do that. Thank
15 you.

16 CHAIRMAN GOLDNER: Okay. Thank you.
17 Next, I'll acknowledge Mr. Licata, to be followed
18 by Mr. Patch, from NHEC.

19 MR. LICATA: Thank you so much. For
20 the record, Michael Licata, representing the New
21 Hampshire Electric Cooperative. Appreciate the
22 opportunity to provide comments in this
23 rulemaking.

24 Just by way of background, New

1 Hampshire Electric Co-op is a member-owned,
2 member-governed, nonprofit rural electric
3 cooperative. We serve around 85,000 members in
4 portions of 118 communities across New Hampshire.

5 We fully support community power
6 aggregations. We believe that they can be a
7 powerful tool for a local government to make
8 public policy decisions on the electric service
9 provided to those citizens.

10 And we really do appreciate the effort
11 and hard work that went into the Draft Rules that
12 are being offered by the Community Power
13 Coalition. The Draft Rules, as has been
14 described, provide clarity in several areas about
15 how NHEC and other distribution utilities would
16 be interacting with community aggregations, as
17 well as community energy providers.

18 But, in addition to the clarity, they
19 raise a number of questions and present some
20 practical, technical challenges that need to be
21 discussed and resolved as the rulemaking goes
22 forward.

23 We use NISC for our billing,
24 information management, accounting, engineering,

1 and operational support. That's the National
2 Information Solutions Cooperative. They're a
3 cooperative that serves cooperatives. They have
4 over 900 electric cooperative members throughout
5 the country. And any sort of custom
6 configuration or change to our existing processes
7 or data requirements will require custom
8 programming, which is cost, as well as time. And
9 we hope that the Commission is mindful of that as
10 we move forward in these, in the rulemaking.

11 We very much look forward to working
12 with the other stakeholders, to try to move
13 forward and make sure that we're able to have
14 successful aggregations in a timely and efficient
15 process.

16 And with that, I'll conclude. And I'd
17 be happy to answer any questions.

18 CMSR. CHATTOPADHYAY: There are other
19 cooperatives in, you know, in the United States.
20 So, do you have sort of a sense how, if something
21 like community aggregation is happening, what the
22 other cooperatives are doing?

23 MR. LICATA: Yes. We have reached out
24 to NISC, our vendor, and we are gathering that

1 information. I would say aggregations are
2 somewhat limited and come in many different
3 flavors, as was discussed earlier, the
4 differences between Massachusetts and what is
5 being considered in the rulemaking.

6 But, certainly, we would look to rely
7 on them and the work that they have done to get
8 their aggregations up and running.

9 CMSR. CHATTOPADHYAY: So, it would be
10 very helpful to us to know what NHEC thinks can
11 be done to enable this in a cost-effective
12 manner.

13 MR. LICATA: We would be happy to
14 provide that through our written comments.

15 CMSR. CHATTOPADHYAY: Thank you.

16 CHAIRMAN GOLDNER: Thank you. We'll
17 move -- I'll acknowledge Mr. Patch, followed by
18 Mr. Wiesner, from the Department, the New
19 Hampshire Department of Energy, sorry.

20 MR. PATCH: I have nothing to add to
21 Mr. Licata's comments. Thank you.

22 CHAIRMAN GOLDNER: Okay. Thank you.
23 And, finally, Mr. Wiesner.

24 MR. WIESNER: Thank you, Mr. Chairman.

1 And good afternoon, Commissioners. I'm David
2 Wiesner, with the Department of Energy.

3 We do not have extensive comments on
4 the proposed rules. Primarily, because they are
5 substantially similar to those that we had
6 developed through an extensive stakeholder
7 process, as Mr. Herndon noted, over the past year
8 or so.

9 We will submit written comments. We
10 have some language edits, and at least one change
11 to a timeline that would affect the Department.
12 So, you will see that. We'll file by Friday.

13 I think we can expect that we'll see
14 some extensive and detailed comments from the
15 joint utilities, based on what I've heard here
16 today. And I wonder if the Commission would
17 consider providing an opportunity for reply
18 comments from stakeholders, who may want to
19 address the specific changes that the utilities
20 are proposing, and perhaps Mr. Below as well, but
21 the utilities, in particular.

22 So, I'll put that ask before you. And
23 I also will emphasize, as you heard from Mr.
24 Below, that there is great interest in moving

1 forward with this rulemaking, getting these rules
2 in place, and making sure that there's a clear
3 path forward for community power aggregation to
4 be implemented in the state.

5 CHAIRMAN GOLDNER: Okay. And just a
6 quick one, and then I'll go to the other
7 Commissioners.

8 For the suggested reply comments, Mr.
9 Wiesner, would you -- how much time would you
10 want for that process?

11 MR. WIESNER: Well, I just emphasized
12 the time urgency. So, I don't think more than a
13 week would be necessary.

14 CHAIRMAN GOLDNER: So, if the
15 Commission allowed reply comments by March 21st,
16 that would be workable?

17 MR. WIESNER: Unless others believe
18 it's too few days, that certainly works from our
19 perspective.

20 CHAIRMAN GOLDNER: Mr. Venora? Or, Mr.
21 Fossum? Sorry.

22 MR. FOSSUM: Thank you. Yes. I would
23 appreciate some more time than that. You know, I
24 would appreciate the opportunity for reply

1 comments, certainly. But, to the extent that the
2 utilities are working together, there's sort of
3 inherent in that some additional delay. So, I
4 would appreciate more than a week. But, again,
5 we have no interest in delaying unnecessarily
6 this process.

7 So, you know, I hesitate to speak on
8 behalf of or for the other companies, but, you
9 know, perhaps two weeks would be better. I don't
10 know. You know, I would defer to the other
11 companies, if they think some other time.

12 But, I guess, at a minimum, I would say
13 one week is not enough.

14 CHAIRMAN GOLDNER: Okay. Mr. Venora.

15 MR. VENORA: That was very consistent
16 with what I was going to say. Yes, I think two
17 weeks sounds reasonable to me. It also allows
18 the Companies time to consolidate, you know, and
19 provide, you know, a thoughtful response to the
20 Commission, and just generally to have that right
21 to do reply comments as well.

22 CHAIRMAN GOLDNER: Okay.

23 MR. VENORA: So, we support what Mr.
24 Fossum said.

1 CHAIRMAN GOLDNER: Thank you. Any
2 other comments on that, Mr. Sheehan?

3 *(Mr. Sheehan indicating in the*
4 *negative.)*

5 CHAIRMAN GOLDNER: Okay. So, we can
6 just -- I can just rule on that from the Bench.
7 We'll allow reply comments to March 28th, that's
8 two weeks after, two weeks after the written
9 comments, on March 14th.

10 CMSR. SIMPSON: One question for
11 Mr. Wiesner.

12 Is the Department of Energy helping to
13 facilitate the collaborative process for comments
14 moving forward?

15 MR. WIESNER: At this point, we are
16 not. Now, the formal rulemaking process has
17 begun before the Commission, I believe that
18 different groups of stakeholders are
19 collaborating among themselves. But we are no
20 longer conducting a centralized stakeholder
21 process.

22 CMSR. SIMPSON: Thank you.

23 CHAIRMAN GOLDNER: All right. So,
24 everyone that has signed up indicating they

1 wished -- that's everyone that's indicated that
2 they wish to speak. Am I missing anyone? Anyone
3 else wishes to speak? Mr. Below.

4 MR. BELOW: Mr. Chairman, it occurs to
5 me, I'm somewhat hesitant to suggest this,
6 because I don't want to drag things out, but it
7 occurs to me that there may be an opportunity for
8 the proponents of this particular set of rules
9 and the utilities to kind of try to collaborate
10 and find some common ground.

11 So, I just would indicate that perhaps
12 within that two-week timeframe, if it's possible,
13 we would be amenable to the DOE or the Commission
14 facilitating a stakeholder discussion, to see if
15 we can't narrow the differences and help
16 facilitate the Commission in developing a final
17 rule proposal, either during this time period or
18 immediately thereafter. I'm not sure. It's just
19 off the top of my head, but that might be
20 productive.

21 CHAIRMAN GOLDNER: Okay. Thank you,
22 Mr. Below.

23 Any comments from Commissioner Simpson
24 or Chattopadhyay?

1 CMSR. SIMPSON: I would ask Mr. Wiesner
2 whether he had a preference or any comment on
3 that, whether he would find that the appropriate
4 group for facilitation would be the Commission or
5 the Department of Energy, given their extensive
6 involvement?

7 MR. WIESNER: I think we can do it.
8 I'm wondering now if we might need even more
9 time, I'm hopeful that we would not.

10 But I suppose we can see how -- see the
11 first set of comments, we can try to meet and
12 discuss. And, if we believe we need more time
13 for reply comments, we can submit a request to
14 the Commission. So, --

15 CMSR. SIMPSON: That sounds reasonable.
16 Thank you.

17 MR. WIESNER: So, more work for us.
18 Thank you.

19 CHAIRMAN GOLDNER: You're welcome.

20 MR. BELOW: Thank you.

21 CHAIRMAN GOLDNER: Very good. Okay.
22 Did I miss anyone who wanted to speak?

23 *[No indication given.]*

24 CHAIRMAN GOLDNER: Okay. Very good.

1 So, before we adjourn, I'll just note that, under
2 the notice, we're accepting written comments
3 until March 14th, and now reply comments until
4 March 28th. And there are instructions on how to
5 submit those in the notice.

6 If there's nothing else, we thank you
7 for your comments. And we are adjourned.

8 ***(Whereupon the hearing was adjourned***
9 ***at 1:42 p.m.)***

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