

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 22-001

**TOWN OF RYE
Office of Selectmen
10 Central Road
Rye, NH 03870**

Request for Approval of Rye Community Power Aggregation Plan

Conditional Approval of Community Power Aggregation Plan

O R D E R N O. 26,749

December 19, 2022

In this order, the Commission conditionally approves the Town of Rye's (Rye) Community Power Electric Aggregation Plan (Plan).

I. BACKGROUND

On January 7, 2022, Rye submitted a request for approval of a community power aggregation plan to provide electric power supply and services for residents, businesses, and other entities in Rye pursuant to RSA chapter 53-E. Accompanying its request, Rye submitted the text of its Rye Community Power Electric Aggregation Plan (Plan) with attachments.

On February 11, 2022, the Commission issued a memorandum of decision, in which it denied Rye's request without prejudice. *See Town of Rye*, Order No. 26,580 (February 11, 2022).

On October 18, 2022, Rye filed an amended request for approval of a CPA plan to provide electric power supply and services for residents, businesses, and other entities in Rye pursuant to RSA chapter 53-E. Accompanying its request, Rye submitted the text of its amended Rye Community Power Electric Aggregation Plan (Amended Plan) with attachments.

On October 19, 2022, the Commission issued an order of notice in this matter, directing that public comments be accepted pursuant to RSA 53-E:7, II, until November 8, 2022. The Commission did not receive any public comments or other filings.

Rye's request, along with all other filings and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to:

<https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-001.html>

II. COMMISSION ANALYSIS

The Commission has reviewed Rye's Amended Plan pursuant to RSA 53-E:7, II, as amended, which states that

The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules.

RSA 53-E:7, II also provides specific direction on the process to be used for the submission of such plans, including the following requirements: 1) on the same day the plan is submitted to the Commission, copies shall be provided to the Office of the Consumer Advocate and any electric distribution utility providing service within the jurisdiction of the municipality; 2) the Commission shall accept public comments for 21 days thereafter; and 3) the Commission's review of the plan and comments shall not require a contested case. N.H. Code Admin R. Puc 2204.01 (a) also requires notification of aggregation plan filings be made with the New Hampshire Department of Energy.

Rye's Amended Plan submission complied with these procedural requirements.

In Order 26,563, the Commission identified three substantive areas where Rye's Plan substantially failed to meet the requirements of RSA ch. 53-E and applicable rules: 1) Security for Individual Customer Data; 2) Incorporation of Future Rules; and 3) Operation, Funding, and the Methods of Entering and Terminating Agreements, with specific emphasis on how Load Serving Entity services will be implemented.

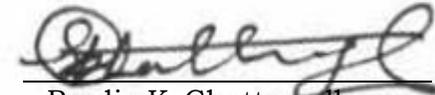
In response to these deficiencies, we note that Rye's Amended Plan contains new attachments entitled "How Load Serving Entity Services will be Implemented" and "Customer Data Protection Plan." We find these new attachments are adequate to meet statutory criteria related to security for customer data and the operation, funding, and methods of entering and terminating agreements. With respect to rules, N.H. Code Admin R. ch. 2200 became effective on October 12, 2022; the Commission observes that the Amended Plan is largely compliant with these rules, while noting the Amended Plan does not provide information required by Puc 2204.01. Puc 2204.01(f) requires that aggregation plans shall provide contact information for a government official serving as a liaison or responsible person, any applicable website URL, and certain statements regarding whether that applicable governing body has approved the aggregation plan. Rye's Amended Plan does not clearly identify a government official serving as a liaison or responsible person; and, although not required if it does not exist, Rye's Plan does not identify a website address. We conclude that this deficiency is not substantial enough to warrant denial of the Amended Plan, rather we condition approval of the on the provision of this information prior to the commencement of services.

Based upon the foregoing, it is hereby determined that the Town of Rye's Request for Plan Approval is GRANTED on the condition that Rye comply with all requirements of Puc 2204.01(f) prior to the commencement of services.

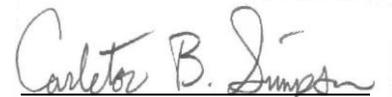
By order of the Public Utilities Commission of New Hampshire this nineteenth day of December, 2022.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 22-001

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