

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-028

**TOWN OF ALLENSTOWN
16 School Street
Allenstown, NH 03275**

**Request for Approval of Allenstown Community Power
Electric Aggregation Plan**

Conditional Approval of Community Power Aggregation Plan

ORDER NO. 26,822

May 12, 2023

In this order, the Commission conditionally approves the Town of Allenstown's (Allenstown) Community Power Electric Aggregation Plan (Plan). The condition of approval relates to language that must appear in education and outreach materials.

I. BACKGROUND

On March 13, 2023, Allenstown 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 Allenstown pursuant to RSA chapter 53-E. Accompanying its request, Allenstown submitted the text of its Plan. On March 30, Allenstown requested that the statutory public comment period be extended to address a filing oversight.

The Commission issued initial and supplemental orders of notice in this matter, extending the statutory comment deadline to ensure adequate opportunities for interested persons to file comments of Allenstown's Plan. The New Hampshire Electric Cooperative filed comments.

Allenstown's request, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the

Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-028.html>.

II. COMMISSION ANALYSIS

The Commission reviewed Allenstown's 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. Allenstown's submission complied with these procedural requirements.

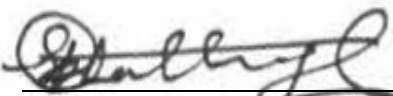
Similar to Lee's Community Power Aggregation Plan, Allenstown's Plan contains language stating that "participants will have the right to opt out of the Program at any time without charge" in several locations, including in the section on the Rights and Responsibilities of Program Participants. As noted by the New Hampshire Electric Cooperative in its comments and the Commission in our review of Lee's petition, there is a concern that this language might be misleading to consumers. See Order No. 26,810 (May 1, 2023). As was noted in the rulemaking process that led to the adoption of Puc 2204.05(g), changes to a customer's supplier must be provided with adequate

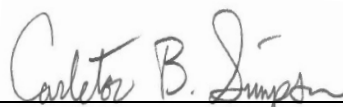
notice to the distribution utility before the next meter read date, and not all distribution utilities offer off-cycle meter reading services. See Docket No. DRM 21-142, *Summary of Comments and Reply Comments on Initial Proposal with Responses* (tab 42) at page 20. As such, we condition approval of Allenstown's Plan on its Education and Outreach Plan clearly communicating that participants' exit from the program will be subject to reasonable notice to the distribution utility and may only occur after the next meter read, consistent with Puc 2204.05(g).

Apart from this condition, we have determined that Allenstown's Plan does not substantially fail to meet applicable requirements of RSA Chapter 53-E. Allenstown's Plan contains an adequate level of detail of RSA 53-E:6's statutory criteria, other applicable statutory requirements, and applicable rules including N.H. Admin R. ch. 2200.

Based upon the foregoing, it is hereby determined that Allenstown's Plan is CONDITIONALLY APPROVED.

By order of the Public Utilities Commission of New Hampshire this twelfth day of May, 2023.


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-028

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