



Michael J. Sheehan, Esq.
Director, Legal Services
Phone: 603-724-2135
Michael.Sheehan@libertyutilities.com

January 26, 2024

Via Electronic Mail Only

Daniel Goldner, Chairman
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301-2429

**Re: Docket No. DE 19-197; Electric and Natural Gas Utilities
Development of a Statewide, Multi-use Online Energy Data Platform
Governance Council GRIP Grant Application Update**

Dear Chairman Goldner:

I write to convey the following on behalf of the New Hampshire Governance Council (“the Council”).

The Council, which was established to oversee the development of the state-wide, multi-use energy data platform (“Data Platform”) pursuant to Order No. 26,589, would like to provide the Public Utilities Commission (“Commission”) with important progress updates concerning federal funding opportunities and request the Commission’s initial input on modifying the structure of the Grid Resilience Innovation Partnership (“GRIP”) program funding application for the Data Platform, and ultimately the Data Platform itself, to include regional partners from neighboring states in New England.

While other Council members have approved this regional approach, the New Hampshire Department of Energy (NHDOE) has only approved updating the Commission regarding a recent change in the Council’s approach to obtaining federal funding. The NHDOE abstained when asked to vote on regional expansion and has concerns about that approach.

Federal Funding

Previously, the Commission approved \$190K for a consultant to assist the Council in applying for U.S. Department of Energy (“USDOE”) funding under the GRIP program. The Council recognizes the importance of taking advantage of every opportunity to seek federal funding on behalf of customers.

With very little notice to either the New Hampshire Utilities or the Council, USDOE augmented the GRIP program’s expected minimum award size to \$10 million. This was a significant change from last year’s GRIP grant, which had no minimum award amount. This change meant that, to maximize the Council’s chances of winning an award, the Council needed to propose a total project size in excess of \$20 million (federal funds in the GRIP program cover 50% of project costs). Even with significant investments in a “community benefits plan” as required for the grant, a New Hampshire-based project standing alone was highly unlikely to reach this threshold amount. Moreover, our consultant, West Monroe, informed the Council of USDOE’s strong preference for larger, regional consortia involving multiple utilities and multiple stakeholders across jurisdictions. While the Council had discussed involving out-of-state utilities and other stakeholders in the future, it did not expect to conduct outreach until after the New Hampshire Data Platform was approved by the Commission and at a minimum under construction. But as a result of the aforementioned factors, the Council made the decision in December 2023 to gauge interest from utilities and other stakeholders across New England for the sake of the concept paper for the Data Platform grant and received significant interest from neighboring states – both from utilities and the corresponding regulatory authorities. The concept paper, which is a preliminary project summary of the Data Platform and surrounding efforts, was submitted to USDOE on January 12, 2024 with the newly-developed regional approach as a central tenet. This regional concept paper was a significant effort by the Governance Council and enjoyed substantial contributions from the regional stakeholders. The concept paper is attached hereto.

The full GRIP application is due May 22, 2024, at which point the definitive list of participating utilities and stakeholders must be finalized. Now that the concept paper has been submitted, the Council seeks the Commission’s approval to pursue a regional approach to the Data Platform to increase the likelihood of a successful GRIP application and subsequent award.

Risks and Mitigation

There are both opportunities and challenges associated with including regional partners. By including utilities from neighboring states in the development and operation of the Data Platform,

customers would be able to authorize their respective utilities to share their billing, account and energy usage data with competitive energy management services in a consistent manner across the region. This provides numerous potential benefits, such as reduced costs to New Hampshire ratepayers by sharing certain Data Platform costs with other jurisdictions, and increased choices for consumers of data-driven energy management offerings, since competitive market offerings in Massachusetts or Connecticut could be instantly made available to New Hampshire customers without requiring re-engineering.

Conversely, there are challenges as well. Governance complexity, cost allocation, and project delays are all top of mind for the Council. Our approach to mitigating these risks is described below.

<i>Risk</i>	<i>Mitigation approach</i>
Legal Obligations	The New Hampshire utilities will work alongside the Council to ensure that the utilities meet all statutory obligations under the Data Platform Statutes RSA 378:51-54.
Governance complexity	Per Order No. 26,589, the Council will continue to exist and oversee NH-specific matters as outlined in the settlement agreement.
Cost allocation difficulties	The Council will modify the Data Platform RFP so that jurisdiction-specific costs will be determined, thus making it easier to allocate across jurisdictions in the future if needed.
Schedule delays	Our consultant, West Monroe, will play an expanded coordination role for the USDOE grant; Data Platform RFP issuance will be slightly delayed in order to gather cost information, which is agreeable to the Council; and the RFP will seek to implement New Hampshire first (subject to Commission approval) before other states.
Proposal cost increases	The Governance Council will seek a fair distribution of the increased consulting costs due to regionalization with the intent of no increased costs to the NH utilities beyond what has already been authorized by the commission.

To be clear, it is not necessary for the Commission to make a decision on the details of all of the risk areas listed above. However, the Council respectfully requests that the Commission give a preliminary approval for a regional approach to the Data Platform to increase the likelihood of success of the GRIP application. If the Commission approves, then in due course the Council will provide the Commission with regular updates and briefings on the above topics. In addition, the Commission should know that the Council is keenly aware of any risk from regionalization that could diminish the Commission’s oversight or decision-making authority on matters in New Hampshire. By submitting the concept paper and subsequent proposal the Council has not committed to a regional approach and will have an opportunity to reach a final decision with the Commission’s input, following the notification of

award by the USDOE. Additionally, in the event the GRIP grant is not approved, or if the Governance Council determines for any other reason that a regional data platform is not in the best interests of New Hampshire's utility customers, the Governance Council will revert to planning a strictly statewide data platform.

Deadlines and Next Steps

Moving forward, the grant schedule is as follows:

- May 22, 2024: Full application submittal, including a finalized list of participating utilities and stakeholders
- Q4 2024: USDOE award notices are sent, giving winners the invitation to negotiate contracts with USDOE
- Q1 2025: Contract signing with USDOE

Given the May 22, 2024 deadline, the Council respectfully requests approval on proceeding with the full USDOE GRIP proposal based on the regional approach as soon as possible, preferably no later than Feb 16th, 2024. If the Commission would prefer a status conference, the Council would be pleased to present material to the Commission for discussion and recommends a date no later than February 9th, 2024. Additionally, we can share the full proposal before submitting it to USDOE. In the meantime, given the short timeframe and the unmovable USDOE deadline, the Council will continue to develop the regional approach for GRIP grant opportunity unless otherwise instructed by the Commission.

Finally, in signing on to the regional concept paper, both the New Hampshire and the regional utilities have made clear that should the project successfully receive federal funding the utilities would need to first receive all necessary regulatory approvals and a reasonable mechanism for cost recovery to support the required investment before proceeding with the project in each of the supporting states. The Council continues to work diligently on the forthcoming Data Platform request for proposals ("RFP") as directed by Order No. 26,589, and the Council will provide the results, as well as the consultant's benefits analysis, to the Commission in the coming months. In addition, should other states be involved, a method for cost sharing the construction and operation of the Data Platform would need to be considered and agreed to among the regional stakeholders. In any event, the Council wishes to reassure the Commission that it will establish Data Platform costs for a New Hampshire-only Data Platform

Daniel Goldner, Chair
January 26, 2024

under the forthcoming RFP, consistent with the Data Platform statutes and Order No. 26,589, should the Commission decide against regional involvement for any reason.

Conclusion

The Council is excited to be a part of this opportunity to seek federal funding which could support the advancement of a regional Data Platform. At the same time, the Council wants to ensure transparency to the Commission around important factors that will impact the likelihood of winning federal funds and its implications for the New Hampshire Data Platform. The Council is happy to participate in a status conference with the Commission should it be desired. Thank you.

Sincerely,

A handwritten signature in grey ink, appearing to read "M. Sheehan".

Michael J. Sheehan

Cc: Service List