

CHAIRWOMAN  
Dianne Martin

COMMISSIONER  
Kathryn M. Bailey  
Michael S. Giaimo

EXECUTIVE DIRECTOR  
Debra A. Howland

STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION

21 S. Fruit St., Suite 10  
Concord, N.H. 03301-2429

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
[www.puc.nh.gov](http://www.puc.nh.gov)

August 12, 2020

Debra A. Howland  
Executive Director  
New Hampshire Public Utilities Commission  
21 South Fruit St. Suite 10  
Concord, NH 03301

Via Electronic Mail

Re: Docket No. DE 19-197 Electric and Natural Gas Utilities  
Development of a Statewide, Multi-Use Online Energy Data Platform  
Staff Testimony

Dear Ms. Howland:

Enclosed for filing in the above captioned proceeding is an electronic copy of the Joint Testimony of Steven Eckberg and Jason Morse, Utility Analysts with the Commission's Electric and Sustainable Energy Division, respectively.

Staff certifies that copies of this letter and enclosures have been served electronically to the parties on the service list upon filing with the Commission. Consistent with the Commission's emergency directive related to the ongoing pandemic, we are filing this letter and testimony in electronic form only and no hard copies are being submitted.

Sincerely,

A handwritten signature in cursive script that reads "Brian D. Buckley".

Brian D. Buckley  
Staff Attorney

cc: Discovery Service List  
Attachments

Executive.Director@puc.nh.gov  
allison@44northlaw.com  
amfarid@dartmouth.edu  
Bart.Fromuth@felpower.com  
brian.buckley@puc.nh.gov  
charliespencevt@gmail.com  
Christa.Shute@oca.nh.gov  
christine.hastings@eversource.com  
clifton.below@lebanonNH.gov  
devin@utilityapi.com  
donald.kreis@oca.nh.gov  
dpatch@orr-reno.com  
eisfeller@unitil.com  
epler@unitil.com  
erica.menard@eversource.com  
ethan.goldman@gmail.com  
golding@communitychoicepartners.com  
heather.tebbetts@libertyutilities.com  
henry@cleanenergynh.org  
james.brennan@oca.nh.gov  
Jason.Morse@puc.nh.gov  
jessica.chiavara@eversource.com  
julia.griffin@hanovernh.org  
karen.cramton@puc.nh.gov  
karen.sinville@libertyutilities.com  
kat.mcghee@leg.state.nh.us  
kate@packetizedenergy.com  
katherine.peters@eversource.com  
katherine.provencher@eversource.com  
kelly@cleanenergynh.org  
kurt.demmer@puc.nh.gov  
madeleine@cleanenergynh.org  
marc.lemenager@eversource.com  
matthew.fossum@eversource.com  
maureen.karpf@libertyutilities.com  
mdean@mdeanlaw.net  
Melissa.Samenfeld@libertyutilities.com  
michael.sheehan@libertyutilities.com  
michael@missiondata.io  
nikhil@greentelgroup.com  
ocalitigation@oca.nh.gov  
paul@packetizedenergy.com  
pmartin2894@yahoo.com  
Shaun.Mulholland@LebanonNH.gov  
simpsonc@unitil.com  
Stephen.Eckberg@puc.nh.gov  
steve.frink@puc.nh.gov  
tad.montgomery@LebanonNH.gov  
tga@tga3.com  
thomas.belair@eversource.com  
tom.frantz@puc.nh.gov

STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION

DOCKET DE 19-197

IN THE MATTER OF:      Electric and Natural Gas Utilities  
                                 Development of a Statewide, Multi-Use  
                                 Online Energy Data Platform

DIRECT JOINT TESTIMONY

OF

Stephen R. Eckberg  
Utility Analyst, Electric Division

And

Jason Morse  
Utility Analyst, Sustainable Energy Division

August 12, 2020

1 **Q. Please state your full names.**

2 A. Stephen R. Eckberg.

3 A. Jason Morse.

4 **Q. By whom are you employed and what is your business address?**

5 A. [Eckberg] I am employed as a utility analyst with the Electric Division of the New  
6 Hampshire Public Utilities Commission. My business address is 21 South Fruit Street, Suite  
7 10, Concord, NH, 03301.

8 A. [Morse] I am employed as a utility analyst with the Sustainable Energy Division of the New  
9 Hampshire Public Utilities Commission. My business address is 21 South Fruit Street, Suite  
10 10, Concord, NH, 03301.

11 **Q. Please summarize your relevant education and professional work experiences.**

12 A. [Eckberg] I was employed as a Utility Analyst with the New Hampshire Office of Consumer  
13 Advocate (OCA) from 2007 to 2014. In 2014 I joined the Commission's Sustainable Energy  
14 Division. In 2019 I joined the Commission's Electric Division. I have a Master of Science  
15 degree in Statistics from the University of Southern Maine and have worked in a variety of  
16 energy related analytic and program administrative roles for over 20 years. More complete  
17 details of my education and professional work experience are included as Attachment SRE-  
18 JM-1 to this joint testimony.

19 A. [Morse] I received a Bachelor of Science degree in Business Administration from the  
20 University of New Hampshire in 2010. I received a Master of Liberal Arts degree in  
21 Sustainability from Harvard University's Extension School in 2018. I joined the  
22 Commission's Sustainable Energy Division as a Utility Analyst in January, 2019. Prior to  
23 joining the Commission, I worked for seven years as an Analyst for the consulting firm GDS

1 Associates where I handled a wide variety of clients, projects, roles, and responsibilities  
2 within the energy efficiency, renewable energy, and utilities sectors. More complete details  
3 of my education and professional work experience are included as Attachment SRE-JM-2 to  
4 this testimony.

5 **Q. What is the purpose of your joint testimony?**

6 A. The purpose of our testimony is to outline one potential path toward determining whether the  
7 costs of any proposed statewide, multi-use online energy data platform are reasonable and in  
8 the public interest.

9 **Q. Please summarize the nature of the proceedings in this docket to date.**

10 A. SB 284-FN (2019) amended RSA chapter 378 by adding a new subdivision entitled “Multi-  
11 Use Energy Data Platform,” effective September 17, 2019. A copy of SB 284-FN is included  
12 as Attachment SRE-JM-3 to our testimony. The new subdivision, consisting of RSA 378:50-  
13 :54, provides for the establishment of a statewide online energy data platform that would  
14 facilitate access to and sharing of energy data by utilities, customers, and third parties.  
15 Pursuant to that subdivision, the Commission issued an Order of Notice on December 13,  
16 2019. Many parties requested intervention in the proceeding and after a pre-hearing  
17 conference the Commission granted the intervention of all parties seeking intervention, with  
18 some being granted intervention on a consolidated basis.

19 To inform the issues that might be addressed by the parties in their testimony, the  
20 Commission solicited comment from the parties on various topics relating to the statewide,  
21 multi-use online energy data platform including: 1) Functionalities; 2) Existing Opportunities  
22 for Energy Data Access; 3) Database Structure and Management; 4) Community Level Data;  
23 5) Cost and Benefits; 6) Phasing/Deferral; 7) Privacy Thresholds; and 8) Obligations of

1 Database Users. The parties filed extensive comments responsive to the scoping comment  
2 solicitation, and after an initial technical session many of the parties filed use case proposals.  
3 A number of Technical Sessions were held to discuss the scoping comments, use case  
4 proposals, and other technical issues. A listing of Technical Sessions is provided in the table  
5 below.

Session	Date	Discussion Topics
Prehearing T.S.	2/3/2020	Presentations by parties, Docket process
T.S. #1	3/18/2020	Responses to PUC Staff's scoping questions, Docket scope, process, and timeline, Consolidation of parties
T.S. #2	3/20/2020	Use cases of the platform and data elements required to support those use cases
T.S. #3	4/17/2020	Parties' proposed use cases submitted via written comments
T.S. #4	4/22/2020	Opportunity for parties to ask clarifying questions regarding the Joint Utilities' written comments on other parties' proposed use cases
T.S. #5	4/24/2020	Use cases and Data element requirements
T.S. #6	5/8/2020	EDI, APIs, Use case prioritization, Determining costs
T.S. #7	5/28/2020	"Virtual platform" concept, Customer data privacy, Standards for aggregated and anonymized customer data, Cyber-security standards, Data accuracy, retention, and availability standards, relevance of system data to this docket.
T.S. #8	6/25/2020	Governance of the platform, Update on external bilateral discussions.
T.S. #9	7/6/2020	Update on external bilateral discussions.
T.S. #10	7/16/2020	Procedural Schedule

6

7 **Q. Are you providing testimony regarding all of the issues identified in the scoping**  
8 **comments, use cases, and during the technical sessions?**

9 A. No. The scope of our testimony will not focus on all of the technical issues identified by the  
10 scoping solicitation, party comments, use cases, or technical sessions. Instead, our testimony

1 will outline a process through which the Commission might determine whether the cost of  
2 any proposed statewide, multi-use online energy data platform is reasonable and in the public  
3 interest.<sup>1</sup> If the Commission finds the costs of the platform are not reasonable and in the  
4 public interest, RSA 378:51, III provides that the Commission shall defer implementation of  
5 the platform.

6 **Q. How does the Commission generally determine whether costs of an investment are**  
7 **reasonable and in the public interest?**

8 A. The Commission generally considers several factors when evaluating whether the decision to  
9 make an investment with ratepayer dollars is reasonable, prudent, and in the public interest.  
10 These factors include, but are not limited to, the costs and benefits associated with an  
11 investment, the decision-making process and information used to justify an investment, the  
12 size of an investment, the level of risk associated with an investment, the likelihood that the  
13 projected benefits will actually occur, whether an investment represents the lowest  
14 reasonable cost means of achieving the desired benefit or satisfying a system need, and  
15 whether deployment of an investment was prudently managed.

16 In some cases, the Commission can determine whether the costs of a planned investment  
17 are reasonable and in the public interest through a balancing of that investment's projected  
18 costs against its quantifiable monetary benefits. In other cases, a substantial portion of the  
19 benefits of an investment may be hard to quantify and the Commission must rely on its  
20 judgment regarding the value of those qualitative benefits and balance that against the costs  
21 of the investment, among other considerations. The key to any such balancing is that only  
22 after costs are identified and quantified can the Commission accurately weigh those costs

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<sup>1</sup> Staff reserves the right to address the technical issues identified by the scoping solicitation, party comments, use cases, or technical sessions within its rebuttal testimony.

1 against the potential quantitative benefits, qualitative benefits, and the likelihood that such  
2 benefits will occur.

3 **Q. How might the Commission determine whether the cost of the platform is reasonable**  
4 **and in the public interest?**

5 A. We suggest a two phase approach to determining whether the cost of the platform is  
6 reasonable and in the public interest. The first phase would focus on the threshold issues  
7 identified within RSA 378:51-53,<sup>2</sup> the scoping comment solicitation in this docket,<sup>3</sup> and the  
8 resulting comments from parties. This first phase, in which we are currently engaged, would  
9 occur during the currently approved procedural schedule of this docket. We anticipate that  
10 party testimony will address the many technical issues discussed thus far and would inform a  
11 Commission decision in the first phase of this docket on a data platform scope and  
12 corresponding technical requirements.

13 The second phase would focus on the *cost* of any proposed data platform and whether  
14 that cost is reasonable and in the public interest.<sup>4</sup> After an initial order from the Commission  
15 on platform scope and other threshold issues resulting from the first phase of the docket, a  
16 request for information (RFI) and/or request for proposals (RFP) process could be used to  
17 develop an estimate of the development, deployment, and ongoing costs associated with the  
18 data platform. If an RFP approach is employed, the RFP could be issued subject to  
19 regulatory approval, so that the Commission retains the final decision regarding whether the  
20 costs provided by the winning respondent are reasonable and in the public interest, whether a

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<sup>2</sup> RSA 378:51-53. Available at: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXXIV-378.htm>

<sup>3</sup> Staff Proposed Procedural Schedule, Attachment Scoping Comment Solicitation. Tab 18. Available at:  
[https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/LETTERS-MEMOS-TARIFFS/19-197\\_2020-02-10\\_STAFF\\_PROP\\_PROC\\_SCH.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/LETTERS-MEMOS-TARIFFS/19-197_2020-02-10_STAFF_PROP_PROC_SCH.PDF).

<sup>4</sup> Some intervenors may provide general estimates of costs and/or benefits in their initial testimony and rebuttal, though it is unlikely that these general estimates will provide an adequate basis for the Commission to determine whether the project costs are reasonable or should be deferred.



1 modified approach should be pursued, and whether development of the platform should be  
2 deferred until some later date.

3 **Q. Would a Commission decision that costs appear reasonable and in the public interest**  
4 **guarantee recovery of costs associated with the platform from ratepayers?**

5 A. No. A Commission determination that the costs of the platform are reasonable, in the public  
6 interest, and should not be deferred would merely represent an expression by the  
7 Commission that, based on the facts provided within the docket process, a decision to  
8 proceed with development of the statewide energy data platform appears on its face to be  
9 reasonable and in the public interest. It would not preclude retrospective review of the costs  
10 associated with a statewide data platform's development and management during future  
11 requests for rate recovery.

12 **Q. Are you aware of any analogous processes at the Commission?**

13 A. Although it is not exactly analogous, there are similarities between the RFP process we  
14 describe above and the process by which the utilities procure program evaluation contractors  
15 for New Hampshire's Statewide Energy Efficiency Programs.

16 **Q. How do the utilities procure program evaluation contractors for New Hampshire's**  
17 **Statewide Energy Efficiency Program?**

18 A. We understand that in the context of the statewide energy efficiency program evaluation, a  
19 single utility issues an RFP on behalf of all utilities within the state. As part of the process,  
20 there is an opportunity for potential RFP respondents to inquire in writing regarding aspects  
21 of an RFP to ensure that their not-to-exceed bids are accurate and conform as closely as  
22 possible to the scope of work specified in the RFP. The RFP might specify and/or bidders  
23 might include in their work proposal additional tasks and corresponding incremental costs.

1 Responses to the RFP are evaluated by a group of stakeholders known as the Evaluation,  
2 Measurement, and Verification (EM&V) Working group. The EM&V Working Group  
3 includes representatives from each of the utilities, the Commission, and the New Hampshire  
4 Energy Efficiency and Sustainable Energy (EESE) Board.<sup>5</sup> The EM&V Working Group  
5 provides a collaborative framework for overcoming information asymmetries, vetting party  
6 positions, and developing consensus where consensus is possible. This collaborative  
7 framework is used to determine the winning bidder of RFPs. In the event that an issue under  
8 discussion cannot be resolved by consensus of the EM&V Working Group, the framework  
9 provides that non-consensus issues may be elevated to the Commission for a decision.

10 **Q. How might the scope of work within an RFI or RFP for the energy data platform be**  
11 **structured?**

12 A. SB 284 and RSA 378:51-53 list certain functionalities that would be provided by the data  
13 platform including: (1) the ability for a customer to download and share their data with a  
14 third party in a manner that will be certified by the Green Button Alliance under its Green  
15 Button “Connect My Data” protocol; and (2) the ability to provide aggregated and  
16 anonymized community-level energy data.<sup>6</sup> These functionalities represent the minimum  
17 viable, or core, scope of the platform.

18 RSA 378:50, II defines “individual customer data” which the platform must support as  
19 including "the customer’s name, address, opt-in status pursuant to RSA 374:62, energy usage

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<sup>5</sup> Docket No. De 17-136. 2018-2020 New Hampshire Statewide Energy Efficiency Plan. Page 158-161.  
(Describing the EM&V Working Group Framework and Processes). Available at:  
[https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136\\_2018-01-12\\_NH\\_UTILITIES\\_REV\\_EERS\\_PLAN.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2018-01-12_NH_UTILITIES_REV_EERS_PLAN.PDF). See also, EM&V Working Group Agendas. Available at:  
[https://www.puc.nh.gov/EESE%20Board/EERS\\_Working\\_Groups.html#em&v](https://www.puc.nh.gov/EESE%20Board/EERS_Working_Groups.html#em&v)

<sup>6</sup> Although not explicitly mentioned in RSA 378:51-53, the findings section within SB 284 states that “aggregation and anonymization of community-level data and requiring a consent-driven process for access to or sharing of customer-level energy usage data” would open the door to innovative business applications, allow customers to make better use of utility services, and facilitate municipal and county aggregation programs.

1 as recorded by meters supplied by electric and natural gas utilities,” but also states that the  
2 platform may include “other data segments established and authorized by the Commission.”

3 It is possible that, based on the parties’ testimony and subsequent cost estimates derived from  
4 an RFP, the Commission may find that the cost of incorporating certain data elements or data  
5 sets other than those explicitly included in the definition of “individual customer data,” and  
6 other than those required to fulfill the core functionality of the energy data platform, may be  
7 reasonable and in the public interest to also include in the scope of the platform.

8 However, it is important to make the distinction between those data elements and data sets  
9 which are *required* to be incorporated into platform scope in order to achieve the core  
10 functionalities, and those data elements and data sets which the Commission *may* find to be  
11 reasonable to include within the platform scope. An RFI or RFP scope of work could be  
12 structured to incorporate this distinction so that the Commission could accurately and  
13 appropriately judge the reasonableness of incremental costs that may be associated with  
14 various additional functionalities and related data requirements. The core scope of work  
15 could be for the core functionalities and associated data requirements which are required by  
16 RSA 378:50-54 , but the RFI or RFP could ask respondents to also price add-on options  
17 related to additional functionalities and associated data requirements identified by the parties.

18 **Q. Please summarize your testimony.**

19 A. Our testimony outlines one potential path toward determining whether the costs of any  
20 proposed statewide, multi-use online energy data platform are reasonable and in the public  
21 interest. This path is based on a two phase approach where: (1) In the first phase, the  
22 Commission makes a determination regarding the scope of work to be included within an  
23 RFP and other technical issues related to the statewide energy data platform; and (2) the

1 Commission makes a determination, based on the costs derived from the RFP, regarding  
2 whether the costs of the platform are reasonable and in the public interest, or should be  
3 deferred. We also make recommendations regarding the minimum viable platform and one  
4 potential approach to structuring an RFP Scope of Work that accommodate the possibility the  
5 Commission might find it reasonable to include data sets beyond those necessary to fulfill  
6 needs of the minimum viable platform.

7 **Q. Does that complete your testimony?**

8 A. Yes.

Qualifications of Stephen R. Eckberg

My name is Stephen R. Eckberg. I am employed as a Utility Analyst with the Electric Division of the New Hampshire Public Utilities Commission. My business address is 21 S. Fruit Street, Suite 10, Concord, New Hampshire 03301.

I earned a B.S. in Meteorology from the State University of New York at Oswego and an M.S. in Statistics from the University of Southern Maine.

After receiving my M.S. degree, I was employed as an analyst in the Boston office of Hagler Bailly, Inc, a consulting firm working with regulated utilities to perform evaluations of energy efficiency and demand-side management programs. From 2000 through 2003, I was employed at the NH Governor's Office of Energy and Community Services (now the Office of Strategic Initiatives) as the Director of the Weatherization Assistance Program. Following that, I was employed at Belknap Merrimack Community Action Agency as the Statewide Program Administrator of the NH Electric Assistance Program (EAP). In that capacity, I presented testimony before the NH Public Utilities Commission in dockets related to the design, implementation and management of the EAP. I have also testified before Committees of the New Hampshire General Court on issues related to energy efficiency and low income electric assistance. From 2007 – 2014 I was employed as a Utility Analyst with the New Hampshire Office of the Consumer Advocate (OCA). During my tenure with the OCA, I attended rate making and regulatory training at New Mexico State University's Center for Public Utilities.

In my position with the OCA, I entered pre-filed testimony jointly with Kenneth E. Traum, former Assistant Consumer Advocate, in the following dockets:

- DG 08-048 Unitil Corporation and Northem Utilities, Inc. Joint Petition for Approval of Stock Acquisition
- DW 08-070 Lakes Region Water Company Financing & Step Increase

- DW 08-098 Aquarion Water Company of New Hampshire
- DE 09-035 Public Service of New Hampshire Distribution Service Rate Case

I have also entered (non-joint) pre-filed testimony in the following dockets:

- DT 07-027 Kearsarge Telephone Company, Wilton Telephone Company, Hollis Telephone Company & Merrimack County Telephone Company Petition for Alternative Form of Regulation. Phase II & Phase III.
- DW 08-073 Pennichuck Water Works, Inc. Petition for Rate Increase
- DW 08-070 Lakes Region Water Company Third Step Increase.
- DW 08-065 Hampstead Area Water Company Petition for Rate Increase.
- DE 09-170 2010 CORE Energy Efficiency Programs.
- DW 10-090 Pittsfield Aqueduct Company Petition for Rate Increase.
- DW 10-091 Pennichuck Water Works Petition for Rate Increase.
- DW 10-141 Lakes Region Water Petition for Rate Increase.
- DE 10-188 2011-2012 CORE and Natural Gas Energy Efficiency Programs.
- DE 11-250 PSNH Installation of a Wet Flue-Gas Desulphurization Scrubber
- DE 12-262 2013-2014 CORE and Natural Gas Energy Efficiency Programs.
- DE 12-292 PSNH 2013 Energy Service Rate.
- DE 12-262 2014 CORE Energy Efficiency Programs Update Filing
- DE 13-108 PSNH 2012 Energy Service Reconciliation
- DG 14-091 Liberty Utilities Special Contract and Lease Agreement with Innovative Natural Gas, LLC dba iNATGAS

In August 2014, I joined the PUC's Sustainable Energy Division. While employed there, I filed testimony in:

- DE 18-140 Liberty Utilities Petition for Approval of a Renewable Natural Gas Supply and Transportation Contract

In October 2019, I joined the PUC's Electric Division. Since joining I have filed testimony in:

- DE 17-136 2018-2020 New Hampshire Statewide Energy Efficiency Plan - 2020 Third Year Programs

Qualifications of Jason J. Morse

My name is Jason J. Morse. I am employed as a Utility Analyst with the Sustainable Energy Division of the New Hampshire Public Utilities Commission. My business address is 21 S. Fruit Street, Suite 10, Concord, New Hampshire 03301.

I earned a B.S. in Business Administration from the University of New Hampshire's Whittemore School of Business and Economics in 2010. I also earned a M.L.A. in Sustainability from Harvard University's Extension School in 2018.

After receiving my B.S. degree, I was employed as an Analyst in the Manchester, NH office of GDS Associates, a consulting firm specializing in energy efficiency, renewable energy, and utility matters. I performed various roles during my seven years at GDS Associates, including analysis, consulting, and studies for entities such as Public Utilities Commissions and NYSERDA. In addition, I consulted with clients such as business owners, facilities managers, finance directors, builders, architects, and homeowners and performed energy audits, benchmarking ratings, and inspections. I also helped administer and deliver energy efficiency programs for a variety of utilities. I received a variety of certifications during this time, including Certified Energy Manager and Home Energy (HERS) Rater.

In January 2019 I was employed as a Utilities Analyst at the New Hampshire Public Utilities Commission in the Sustainable Energy Division. In this role I have specialized in matters regarding renewable and sustainable energy including the New Hampshire Renewable Portfolio Standard and Renewable Energy Fund. I serve as the manager of multiple incentive programs. I have also provided analysis for a variety of other matters at the Commission, such as rulemaking proceedings. During 2019 I attended rate making and regulatory training at New Mexico State University's Center for Public Utilities.

This pre-filed joint testimony in DE 19-197 is the first time that I have submitted testimony.



**CHAPTER 286**  
**SB 284-FN - FINAL VERSION**03/14/2019 1030s  
8May2019... 1719h

2019 SESSION

19-1025  
06/05SENATE BILL ***284-FN***

AN ACT establishing a statewide, multi-use online energy data platform.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Dietsch, Dist 9; Rep. Balch, Hills. 38; Rep. McGhee, Hills. 40

COMMITTEE: Energy and Natural Resources

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**AMENDED ANALYSIS**

This bill establishes a statewide online energy data platform regulated by the public utilities commission and operated by the state's electric and natural gas utilities.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 286**  
**SB 284-FN - FINAL VERSION**03/14/2019 1030s  
8May2019... 1719h19-1025  
06/05

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT establishing a statewide, multi-use online energy data platform.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 286:1 Findings. The general court finds that:

2 I. In order to accomplish the purposes of electric utility restructuring under RSA 374-F, to  
3 implement fully the state energy policy under RSA 378:37, and to make the state's energy systems  
4 more distributed, responsive, dynamic, and consumer-focused, it is necessary to provide consumers  
5 and stakeholders with safe, secure access to information about their energy usage. Access to  
6 granular energy data is a foundational element for moving New Hampshire's electric and natural  
7 gas systems to a more efficient paradigm in which empowering consumers is a critical element. By  
8 enabling the aggregation and anonymization of community-level energy data and requiring a  
9 consent-driven process for access to or sharing of customer-level energy usage data, the state can  
10 open the door to innovative business applications that will save customers money, allow them to  
11 make better and more creative use of the electricity grid as well as other utility services, and  
12 facilitate municipal and county aggregation programs authorized by RSA 53-E. Such a program of  
13 robust data is also likely to be useful in local planning, conducting market research, fostering  
14 increased awareness of energy consumption patterns, and the adoption of more efficient and  
15 sustainable energy use.

16 II. Implementation of a multi-use, online data platform is, in light of electric industry  
17 restructuring pursuant to RSA 374-F, well calculated to advance the objectives of recent and ongoing  
18 proceedings at the public utilities commission, including IR 15-296 (Grid Modernization), DE 16-576  
19 (Alternative Net Metering Tariffs), DE 15-137 (Energy Efficiency Resource Standard), and DE 17-  
20 136 (implementation of Energy Efficiency Resource Standard for 2018-2020).

21 286:2 New Subdivision; Multi-Use Energy Data Platform. Amend RSA 378 by inserting after  
22 section 49 the following new subdivision:

23 Multi-Use Energy Data Platform

24 378:50 Definitions. In this subdivision:

25 I. "Data sharing" means providing data and accessing data provided by others.

26 II. "Individual customer data" means the customer's name, address, opt-in status pursuant  
27 to RSA 374:62, energy usage as recorded by meters supplied by electric and natural gas utilities, and  
28 other data segments established and authorized by the commission.

29 III. "Third party" means:

**CHAPTER 286**  
**SB 284-FN - FINAL VERSION****- Page 2 -**

- 1 (a) Any service provider within the meaning of RSA 363:37, II other than a utility; and  
2 (b) The office of the consumer advocate established pursuant to RSA 363:28.

3 378:51 Online Energy Data Platform Established.

4 I. The commission shall require electric and natural gas utilities to establish and jointly  
5 operate a statewide, multi-use, online energy data platform. The data platform shall:

6 (a) Consist of a common base of energy data for use in wide range of applications and  
7 business uses.

8 (b) Adhere to specific and well-documented standards.

9 (c) Provide a user-friendly interface.

10 (d) Adhere to a common statewide logical data model that defines the relationships  
11 among the various categories of data included in the platform.

12 (e) Allow for sharing of individual customer data consistent with the opt-in requirements  
13 for third-party access specified in RSA 363:38.

14 (f) Protect from unauthorized disclosure the personally identifying information of utility  
15 customers in a manner that advances applicable constitutional and statutory privacy rights,  
16 including the protections of RSA 363:38.

17 (g) Provide for the voluntary participation of municipal utilities and deregulated rural  
18 electric cooperatives in data sharing and the operation of the online energy data platform, subject to  
19 terms, conditions, and cost sharing which are reasonable and in the public interest.

20 II. The commission shall open an adjudicative proceeding within 90 days of the effective  
21 date of this subdivision, to which all electric and natural gas utilities shall be mandatory parties, to  
22 determine:

23 (a) Governance, development, implementation, change management, and versioning of  
24 the statewide, multi-use, online energy data platform.

25 (b) Standards for data accuracy, retention, availability, privacy, and security, including  
26 the integrity and uniformity of the logical data model.

27 (c) Financial security standards or other mechanisms to assure compliance with privacy  
28 standards by third parties.

29 III. The commission shall defer the implementation of the statewide, multi-use, online  
30 energy data platform pursuant to paragraph I if it determines that the cost of such platform to be  
31 recovered from customers is unreasonable and not in the public interest.

32 IV. The commission may adopt rules pursuant to RSA 541-A as necessary to implement this  
33 section.

34 378:52 Platform Requirements. The utilities shall:

35 I. Design and operate the energy data platform to provide opportunities for utilities, their  
36 customers, and third parties to access the online energy data platform and to participate in data  
37 sharing.

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1           II. Require, as a condition of accessing the online energy data platform, that a third party  
2 complete a qualification and registration process to ensure that any customer data downloaded from  
3 the platform remains in a safe, secure environment according to data privacy standards established  
4 by the commission.

5           III. Administer the online energy data platform in a manner consistent with RSA 363:38.  
6           378:53 Certification. The platform established under RSA 378:51 shall be certified by the Green  
7 Button Alliance and support the Energy Service Provider Interface of the North American Energy  
8 Standards Board and the Green Button "Connect My Data" initiative of the Green Button Alliance.

9           378:54 Cost Recovery. The utilities may:

10           I. Impose reasonable charges to third parties for access to data via the multi-use, online  
11 energy data platform; and

12           II. Otherwise recover costs from customers in a timely manner as approved by the  
13 commission.

14           286:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 19, 2019

Effective Date: September 17, 2019