



March 14, 2022

Daniel Goldner, Chair  
New Hampshire Public Utilities Commission  
12 S. Fruit Street, Suite 10  
Concord, NH 03301-2429

**Re: DRM 21-142, Community Power Coalition of New Hampshire Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders - Department of Energy Comments on Initial Proposal for Puc 2200 Municipal and County Aggregation Rules**

Dear Chair Goldner:

In response to the January 6, 2022 Notice of Rulemaking issued by the New Hampshire Public Utilities Commission (“Commission”) in the above-referenced proceedings, NRG Energy, Inc.<sup>1</sup> (“NRG”) hereby submits these limited comments to assist the Commission in this important rulemaking proceeding.

**BACKGROUND**

On October 25, 2021, the New Hampshire Department of Energy (“DOE”) filed a Petition for Rulemaking to Amend Puc 2000 Rules to Include Community Power Aggregation Provisions (“Energy Petition”). DOE also filed a draft rulemaking initial proposal, which readopted with amendments and adopted new language within the existing N.H. Code Admin. R. Ch. Puc 2000. The Energy Petition was docketed as DRM 21-135.

On December 1, 2021, the Community Power Coalition of New Hampshire (“Coalition”) filed a Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders (“Coalition Petition”). The Coalition also filed a draft rulemaking initial proposal,

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<sup>1</sup> NRG Energy Inc. is a Fortune 500 company, one of America’s leading integrated energy companies with 15,000 MW of generation in our portfolio and with over six million retail electricity in the U.S. and Canada. NRG delivers customer-focused solutions for managing electricity, while enhancing energy choice and working towards a sustainable energy future. In New Hampshire, NRG provides retail electricity and related services to residential and non-residential customers through its brand affiliates Direct Energy Business, LLC; Direct Energy Business Marketing, LLC; Direct Energy Services, LLC; Reliant Energy Northeast, LLC; and XOOM Energy New Hampshire, LLC, who are registered Competitive Electric Power Suppliers (“CEPS”).

which consisted of an initial rules proposal that would form a new chapter of rules, the “Puc 2200” rules.

The Coalition’s petition was docketed as DRM 21-142.

On December 30, 2021, the Commission scheduled a meeting on January 5, 2022 to receive and discuss the petitions for rulemaking. The Commission posted the agenda for this meeting in two public places as required by law, and also distributed a copy of the agenda to the service lists in dockets DRM 21-135 and DRM 21-142. On January 5, 2022, the Commission convened a meeting as scheduled to receive and discuss the petitions.

A notice of rulemaking, as required by RSA 541-A:6, was filed with the Office of Legislative Services on this date and has been sent to all persons who have made a timely request for advance notice of these rulemaking proceedings. The Notice establishes a public hearing to be held at the Commission on March 7, 2022 at 1:00 p.m. and a deadline for the submission of written comments of March 14, 2022.

## **COMMENTS**

NRG is highly supportive of New Hampshire’s Community Power Aggregation Program and the proposed Puc 2200 rules designed to standardize the procedures by which opt-out community power aggregation plans are implemented by municipal or county community power aggregation committees. The standardized procedures effectively address the establishment or re-establishment of opt-out community aggregation programs by community power aggregation committees; access to customer data maintained by regulated electric distribution utilities for planning and operation of community aggregation; the operation and termination of community aggregation programs, including metering, billing, and notice of commencement or termination of aggregation services and products; and purchase of receivables. Moreover, the proposed rule changes underpin the important programmatic elements necessary to successfully implement well-designed community power aggregation plans that will serve the energy needs of New Hampshire’s municipal electricity consumers. Further, the community power aggregation program will help to facilitate and advance new product innovation as well as enhance consumer protection measures, especially directed to the residential and small commercial customers. For these reasons, NRG supports the proposed Puc 2000 rules and encourages the Commission to

approve the rules to timely implement the Community Power Aggregation Program in New Hampshire.

In addition, NRG notes that the provisions of RSA 53-E:9 state that “*within 90 days of the effective date of these rules, each electric distribution utility shall propose to the commission for review and approval through an adjudicated proceeding a program for the purchase of receivables of CPAs functioning as load serving entities and CEPS serving CPA customers*”.

NRG asserts that a well-designed Purchase of Receivables (“POR”) program is a major contributory factor in support of retail market development that will inure to the benefit of New Hampshire’s electricity consumers, most notably the residential customer class. Moreover, the POR billing mechanism enables competitive electric power suppliers (“CEPS”) to more cost-effectively serve customers, especially the residential and small commercial market segments, by fundamentally reducing the risk of non-payment. Specifically, CEPS will be able to avoid costly credit screening and selective enrollment processes as well as eliminating the need for customers to post security deposits. As a result, the implementation of a POR program will provide electricity consumers with greater access to innovative pricing products and related energy services offered in the competitive retail market.

Accordingly, POR implementation will underpin and advance the state of New Hampshire’s nascent Community Power Aggregation Program directly benefiting the state’s local municipalities, counties, and their citizenry. However, NRG contends that POR implementation should not be exclusively limited to Community Power Aggregation Program but rather implemented in a manner that equally applies to all customer segments whether being directly served by a CEPS or under a community power aggregation plan. To do otherwise, will result in an unlevel playing field that will disadvantage non-POR customers. For example, non-POR customers may be subject to higher CEPS energy pricing to account for the risk premium of potential non-payment. NRG believes this bifurcated system is patently unfair.

Finally, as a practical matter, the billing changes, protocols, and related IT costs by the electric distribution companies required to implement POR should be applied to all customers and not exclusively segmented to only Community Power Aggregation Program customers. Therefore, NRG encourages the Commission to pursue an adjudicated proceeding regarding POR that is a comprehensive program applicable to all customers.

## CONCLUSION

On behalf of NRG, I wish to thank the Commission for the opportunity to provide these comments.

Pursuant to current Commission policy, this filing is being made electronically only.

Respectfully submitted,

*/s/ Marc Hanks*

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