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March 14, 2022

Mr. Daniel C. Goldner, Chair
New Hampshire Public Utilities Commission
21 South Fruit Street
Concord, NH 03301

RE: DRM 21-142: Community Power Coalition of New Hampshire Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders

Dear Chair Goldner,

Please find enclosed the Comments of Colonial Power Group, Inc. ("CPG") regarding the matter referenced above. CPG provides energy advisory and procurement services to communities developing and maintaining municipal aggregation programs. Since its formation in 2002, CPG has served as a municipal aggregator to more than 80 programs in Massachusetts.

If you have any questions about this matter, please do not hesitate to contact me.

Sincerely,

Stuart Ormsbee

DRM 21-142

Community Power Coalition of New Hampshire Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders

Comments of Colonial Power Group, Inc.

Colonial Power Group, Inc. ("CPG") provides comments below on the draft Chapter Puc 2200 rules as contained in the initial proposal dated January 10, 2022 in the instant docket. As a preliminary matter, CPG greatly appreciates the considerable time, effort, and constructive dialogue amongst the electric distribution companies, the Office of Consumer Advocate, and the various community power aggregation proponents that lead to the initial draft rules now under consideration. CPG believes that a large portion of the draft provisions are generally acceptable to all parties and consequently CPG has not commented below on provisions that it anticipates are non-controversial. CPG instead offers limited comments at this time: (1) offering some minor improvements, and (2) highlighting certain provisions that may require additional discussion amongst the parties and ultimately final resolution by the Commission. For example, at the public hearing on March 7, 2022, the electric distribution companies noted, generally, that certain information items included in the draft rules may be overly burdensome and/or costly for the companies to provide.

All page references are to the page numbers in the upper right corner of the document marked "Initial Proposal 1-10-2022" and included in the February 3, 2022 Commission filing in this docket.

1. **Page 5 - Puc 2204.02(a)(2)**. CPG recommends rewording the entire provision as follows to match the wording in Puc 2203.02(b)(1), which more clearly requires utilities to provide a minimum of 12 months of historical kWh usage: "The most recent 24 months of usage data in kWh for each reported interval if available, or 12 months otherwise;"

2. **Page 6** – **Puc 2204.03(a)**. CPG recommends adding the following provision: "(6) whether the account is receiving default service from the utility or supply service from a CEPS". CPG notes that the list of customers to be provided under this section are "every electric customer taking service within the municipality or county CPA service area." Anticipating that the municipality or county may use this information for multiple purposes, including disseminating general educational material and also, perhaps, sending opt-out notices to customers currently on default service but who have not previously opted-out, it will be valuable and even important for the municipality or county to accurately distinguish between customers eligible for the program and those who are not.

3. **Page 6 – Puc 2204.04(b)**. CPG recommends replacing the entirety of this section with the following: "(b) The notice required pursuant to (a) above for any CPA to be operated on an opt-out basis shall be 45 days." Given the relatively small size of any individual CPA

program, it is unnecessary to impose the timing constraints as proposed in the initial draft, which only inhibits program flexibility.

4. **Page 10 – Puc 2205.13.** This section will probably benefit from further discussion with the utilities. The current draft lacks sufficient clarity as to which specific information items each utility is prepared to provide when the rules go into effect. Specifically, the language only requires utilities to provide information items that are "readily available", implicitly leaving the interpretation of "readily available" to the discretion of the utility. Certain information items may not be readily available today, if the utilities' interpretation means information items not currently part of an existing report or data extract process. By contrast, CPG at a minimum would also include on the list items that could be provided with minimal system adjustments and modest expense after a few weeks' time. It may be best to break the list into two or more sections. For example, (1) items that will be provided once the rules go into effect, (2) items that will be provided at a defined time in the future, and (3) items that can be provided for a fee. Items that ultimately make the second category are likely to be items that the Commission directs the utilities to undertake. Such items may be identifiers valuable for furthering public policy objectives through CPA programs. As one example, identifying accounts currently enrolled in the electric assistance program is vital for programs to provide unique offerings to such customers, as well as for programs to carry out the requirements of RSA 53-E:6, III(g) (Each electric aggregation plan shall detail "How the program will ensure participants who are enrolled in the Electric Assistance Program administered by the commission will receive their discount").

5. **Page 13 - Puc 2205.16**. RSA 53-E:9 requires each utility to file a purchase of receivables ("POR") program but without a timeline for doing so. POR is extremely important, if not essential, for CPA programs to launch. Based on CPG's experience as a consultant for municipal aggregation programs in Massachusetts and Rhode Island, very few if any CEPS will offer fixed prices to CPA programs without a POR program in place. The combination of bad debt expense and challenges with customer collections activities is enough to dissuade participation.