



March 28, 2022

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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, Constellation NewEnergy, Inc. (“Constellation”) hereby submits these limited comments for the Commission’s consideration in this rulemaking proceeding.

INTRODUCTION:

Constellation is a leading Competitive Energy Power Supplier (“CEPS”) providing power, natural gas, renewable energy, and energy management products and services for homes and businesses across the continental United States. We are one of the largest retail suppliers in New Hampshire, providing integrated energy solutions — from electricity procurement and renewable energy supply to energy efficiency and distributed energy solutions — that help customers strategically buy, manage and use their energy. Today, across Constellation’s businesses, approximately 2 million residential, public sector and business customers, rely on our commitment to innovation, dependability, transparency and service. In addition, Constellation currently serves approximately 230 communities totaling over 950,000 total accounts through various government aggregation programs throughout the United States.



COMMENTS:

Constellation applauds the Commission's Community Power Aggregation Program ("Aggregation Program") and proposed Commission rules. The standardized procedures by which each community will operate will allow cities and towns to access group buying power and negotiate competitive terms and conditions with the CEPS on behalf of their residents and business's. The proposed rules effectively address necessary access to customer data, procedures by which customers can access or opt-out of their respective programs and the ongoing operation of an aggregation program.

In addition, the provisions of Puc 2205.16(e) clearly outlines the need for a Purchase of Receivables ("POR") program, to be proposed for review and approval "[w]ithin 90 days of the effective date of these rules." Constellation stresses the importance of a POR program as well as utility consolidated billing in the state of New Hampshire. POR reduces the risk of non-payment, thereby avoiding costly and time -consuming credit checks and deposit requirements. In other words, POR will simplify the billing process for customers that are participating in the Aggregation Program and allow for greater participation regardless of a customer's ability to pay. This will encourage supplier participation with reduced risk and maximize the value of the overall Aggregation Program for communities and their residents.

Constellation makes note of Puc 2204.05 ("Notification of CPA Service Rates and Customer Enrollment"). Constellation agrees with this Section as written, but would highlight those instances where customers may opt-out of an Aggregation Program, or otherwise be ineligible at inception of the Aggregation Program due to being served by another CEPS, or moving into the city or town after the initial opt-out ends, and then later choose to join or re-join the community Aggregation Program after the start date. While not currently addressed in the proposed regulations, Constellation does want to highlight that these categories of customers may be allowed to be added to the community Aggregation Program at a later date, but that market changes may require a different price for those customers depending on their potential usage and/or rate class. As such Constellation would recommend that communities utilize scheduled quarterly pricing



refreshes during the term of any such community Aggregation Program which could be at the aggregation rate; otherwise, the market rate applies depending on their potential usage and/or rate class.

Lastly, there was discussion at the stakeholder meeting on March 24th that revolved around net-metering and a CEPS settlement at ISO-NE. Constellation believes that the community Aggregation Program under Puc 2200 provides for a great platform to promote renewable energy and/or reduce carbon emissions. As such Constellation respectfully recommends that the Commission look at Puc 2205.15 ("Net Metering by CPAs") and net-metering in general. Currently customers can participate in solar or other behind the meter generation programs to reduce usage on their energy bill. As mentioned in the stakeholder session, while customers can receive the benefit of reduced usage, the customer does not receive the benefit of excess generation. Additionally, utilities do not factor in the excess generation to reduce a CEPS load obligation when reporting to the ISO-NE. This prevents the CEPS from being able to develop – and prevents customers from benefiting from - creative market-based products, designed to compensate customers for their excess generation. If the utilities were to factor in the excess generation when they reconstituted a CEPS load obligation, the market would have the ability to develop products to compensate net metering customers. This is a benefit that Constellation hopes the Commission considers in the future.

CONCLUSION:

Constellation reiterates its appreciation for the thoughtfulness and thoroughness of the Commission's recommended community Power Aggregation rules and additionally wishes to thank the Commission for the opportunity to provide these comments. Thank you.

Respectfully Submitted,

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