

STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION

Community Power Coalition Of New Hampshire

Docket No. DRM 21-142

**Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders**

**PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY**  
**MOTION FOR WAIVER OF PUC 2203.02(b)(5)**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and 201.05, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource”) hereby requests a partial waiver from the New Hampshire Public Utilities Commission (“Commission”) of New Hampshire Code of Administrative Rules Puc 2203.02(b)(5) to the extent the Company cannot comply with it. Eversource seeks a waiver in this docket, where the Rules were promulgated, rather than in a docket specific to one particular municipal aggregation plan because the Company’s constraints are not specific to a particular plan, but rather are technological constraints that will be at issue with any municipal aggregation within the Eversource service territory. Therefore, the Company respectfully requests that the Commission grant Eversource a waiver of general applicability from compliance with certain aspects of Puc 2203.02(b)(5) for any municipal aggregations within Eversource’s service territory. In support of this motion Eversource states the following:

1. Eversource has two enterprise billing systems that store customer data. C2, which contains all residential customer accounts as well as small commercial accounts with less than 100 kilowatts (“kW”) in maximum demand, and the New Hampshire Large Power Billing system (“LPB”), which contains commercial & industrial (“C&I”) customers with over 100 kW in

maximum demand and municipal street lighting customers. There are also certain small commercial customers that were at one time larger customers and still have LPB-compatible equipment on the premises; rather than replace the equipment these customers remain in the LPB system. The Company switches these customers to C2 when the LPB equipment reaches the end of its useful life or otherwise needs replacing. LPB is 38 years old, and the C2 system, while newer, was installed 15 years ago. Generally, data sharing as it is contemplated in the Puc 2200 rules was not a consideration at the time of implementation of either of these systems.

2. C2 and LPB do not collect certain data required by Puc 2203.02(b)(5) and cannot be modified to enable such collection, so this data cannot be provided which forces Eversource into a position of noncompliance. The relevant portion of Puc 2203.02(b)(5) with which the Company can only partially comply states the utility shall provide to the municipal aggregation:

revenues billed, actual receipts, and past due accounts receivable *for utility default service* for each rate class or by small customer group and large customer group for each of the most recent 12 months available, if readily available, and if not, then the utility shall provide such information on a system-wide basis for a recent 12-month period. (emphasis added).

C2 can be modified to provide revenues billed and actual receipts for the most recent 12 months for the default service portion of the bill as directed in the rule, but can only provide current past due accounts receivable—it does not store historical past due accounts receivable. LPB can be modified to provide revenues billed for the default service portion of the bill for the most recent 12 months, but cannot be modified to provide actual receipts or past due accounts receivable because the LPB system does not and cannot separate out utility default service from any other part of the bill.

3. The Company further notes that even to comply with Puc 2203.02(b)(5) to the limited extent described above, extensive modifications must be made to both C2 and LPB. Eversource currently estimates a total cost of modifications to its billing systems to be

approximately \$1.9 million<sup>1</sup> to comply with all requirements of the Puc 2200 rules the Company is capable of complying with, and much of work is already underway so that Eversource can fulfill information requests by aggregations without delay and consistent with the rules. Of this cost, the work required just to comply with the above-described portion of Puc 2203.02(b)(5) is estimated at \$250,000 and the data will be available no sooner than December 10, 2022. Further, should the Commission approve a purchase of receivables (“POR”) program for New Hampshire—proposals for which are required by the Puc 2200 rules—this functionality will no longer serve a purpose. But barring a Commission order directing otherwise, the Company will commence the work to C2 and LPB to comply with Puc 2203.02(b)(5) to the extent the Company is able on Monday October 17, 2022.

4. Puc 201.05(a) provides that the Commission “shall waive the provisions of any of its rules . . . upon request by an interested party . . . if the commission finds that: [t]he waiver serves the public interest; and [t]he waiver will not disrupt the orderly and efficient resolution of matters before the commission.” The rule further provides that in determining the public interest, the Commission shall waive a rule if “compliance with the rule would be onerous or inapplicable given the circumstances of the affected person.” Here, the circumstances meet the standard for a determination that a waiver serves the public interest, since compliance is not merely onerous but impossible for the Company.

5. Waiver is also warranted because it will not “disrupt the orderly and efficient resolution of matters before the commission.” Eversource’s inability to provide the data described above does not impede the submission and approval of any municipal aggregation plan, nor does it interfere with Eversource’s ability to comply with all other provisions of the rules. Eversource

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<sup>1</sup> Eversource will be filing a separate motion to this docket seeking approval for a regulatory asset for these costs.

understands that municipalities want the information listed in Puc 2203.02(b)(5) that the Company cannot provide, however, municipalities will still be able to successfully develop and launch aggregations without this information. A waiver would only serve to prevent Eversource from involuntary noncompliance with this particular provision.

**WHEREFORE**, EVERSOURCE requests a partial waiver pursuant to Puc 201.05 of Puc 2203.02(b)(5) for the reasons stated in this motion. Specifically, Eversource requests that the Commission:

- A. Waive certain requirements of Puc 2203.02(b)(5), described above, as they apply to any municipal aggregation plan within Eversource's service territory; and
- B. Grant any such further relief as may be just and reasonable.

Respectfully submitted,

Public Service Company of New Hampshire d/b/a Eversource Energy

Date: October 11, 2022

By: 

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**CERTIFICATE OF SERVICE**

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.



Date: October 11, 2022

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Jessica A. Chiavara