



**Lebanon Community Power  
Electric Aggregation Plan**



**As Approved by the Lebanon City Council**

**on**

**September 15, 2021**

***& amended on***

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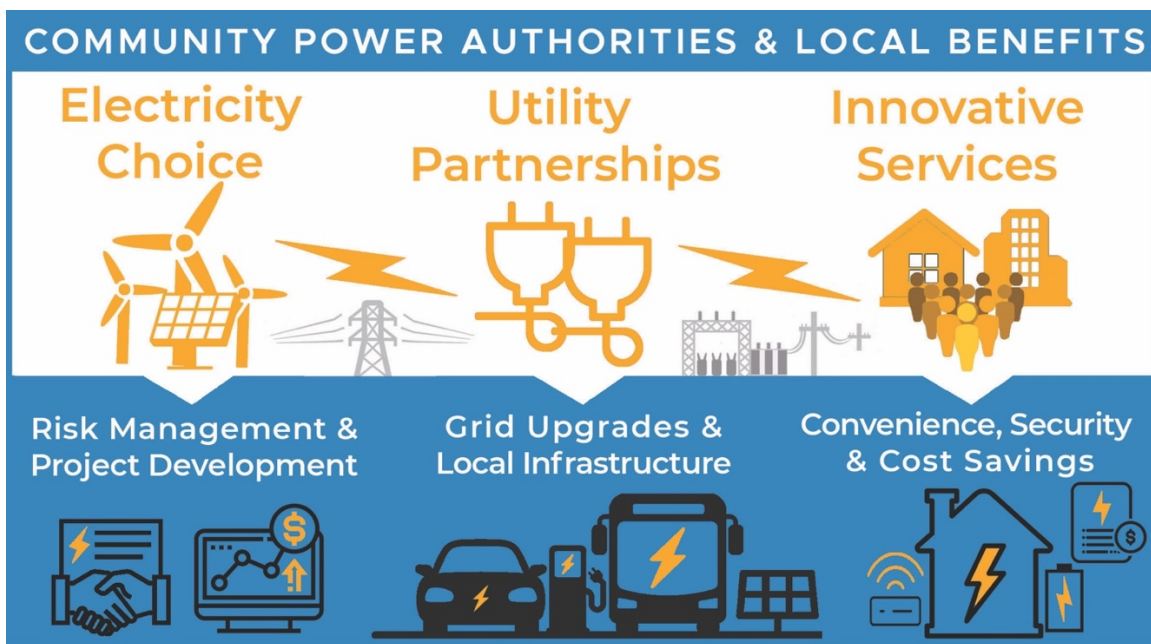
## INTRODUCTION TO COMMUNITY POWER

New Hampshire's updated Community Power law ([RSA 53-E](#), as amended by SB 286, effective October 1, 2019) is a bipartisan policy designed to further democratize, evolve, and enhance the economic efficiency of our electric power industry.

The Legislature's intent in enacting RSA 53-E was to *"encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities."* (Refer to [Attachment 1](#) for a summary of the legislative context and local control authorities of Community Power.) To achieve this goal, RSA 53-E authorizes local governments (cities, towns, and counties) to launch Community Power programs that:

- Provide electricity supply service to residents and businesses, who are notified and enrolled on an "opt-in" customer choice or "opt-out" default service basis and may thereafter leave or rejoin the program (by switching suppliers in advance of their next billing cycle date);
- Procure a reliable supply of "all-requirements" electricity, inclusive of Renewable Portfolio Standard requirements, with the option to participate directly in the ISO New England wholesale market (as a load-serving entity on behalf of participating customers);
- Offer a range of innovative services, products, new Net Energy Metering supply rates, and local programs to participating customers;
- Establish a joint powers agency with other Community Power programs to share services, contract for energy project developments, and facilitate related energy initiatives; and
- Work collaboratively with distribution utilities, regulators, policymakers, and innovative energy businesses to help modernize our electrical grid and market infrastructure.

These authorities and local benefits are depicted in the graphic below:



Distribution utilities will continue to deliver power to all customers, regardless of whether they are supplied electricity by new Community Power programs or Competitive Electric Power Suppliers (or have chosen to switch back to utility-provided default service).

## OVERVIEW OF LEBANON COMMUNITY POWER

Lebanon Community Power is a program authorized under RSA 53:E to provide electricity supply service for the City's residents, businesses, and other types of customers. Providing electricity supply involves being responsible for procuring electric generation (supply) to match customer loads (consumption) in real time, except when the grid goes down. The program will only launch if it is able to initially offer residential default rates that are lower than or competitive with those offered by Liberty Utilities. Thereafter, the program will:

- Serve as the default electricity supplier for all customers on a default "opt-out" basis;
- Offer innovative services and generation rates to customers on an "opt-in" or "opt-up" basis (such as 100% renewable premium products, time-varying rates and Net Energy Metering generation credits for customers with solar photovoltaics);
- Operate on a competitive basis, in that customers may choose to switch between Lebanon Community Power, service provided by Competitive Electric Power Suppliers, and utility-provided default service; and
- Be self-funded through revenues generated by participating customers; the City will not use taxes to cover program expenses.

Liberty Utilities will continue to own and operate the distribution grid and be responsible for delivering power to all customers within the City. Customers will continue be charged for utility delivery services at rates set by the Public Utilities Commission.

The City Council, in coordination with advisory support from the Lebanon Energy Advisory Committee (LEAC), will authorize the City Manager to contract for the necessary services and power supplies to implement and operate the program, set customer rates prior to program launch and continue to provide oversight over the program thereafter.

### Customer Notification and Enrollment Process

Prior to launch of Lebanon Community Power, all eligible customers will be mailed notifications and provided the opportunity to "opt-out" or "opt-in" to the program, depending on whether they currently are on default service provided by Liberty Utilities or take service from a Competitive Electric Power Supplier:

- Customers already served by Competitive Electric Power Suppliers will be notified and may request to "opt-in" to the program; and
- Customers currently on default energy service provided by Liberty Utilities will be notified, provided the opportunity to decline participation ("opt-out"), and thereafter transferred to Lebanon Community Power if they do not opt-out.

Notifications to customers on utility-provided default service will include the initial fixed rate for the program's default service compared with the Liberty's rate, be mailed to customers at least 30 days in advance of program launch and provide instructions for customers to decline participation (for example, by return postcard, calling a phone number or using a web portal).

After the launch of Lebanon Community Power, any new customers starting service within the City will be given a similar opt-out notice and will be transferred onto default service provided by the program, unless they choose to take energy service from Liberty Utilities or a Competitive Electric Power Supplier.

All customers on Lebanon Community Power default service will remain free to switch back to the Liberty Utilities or to take energy service from a Competitive Electric Power Supplier.

### Customer Accounts and Electricity Usage Estimates

The tables below show the total number and annual electricity usage of customers within Lebanon’s territory who would initially receive either “opt-out” or “opt-in” notifications:

Customer Type	<b>Utility Default Supply Customers</b> (Eligible for Opt-Out Notifications & Automatic Enrollment)		<b>Competitive Supply Customers</b> (Eligible for Opt-In Notifications & Voluntary Enrollment)	
	Customer Accounts	Annual Usage (MWh)	Customer Accounts	Annual Usage (MWh)
<b>Aggregated data provided by Liberty Utilities for the 12 months ending 7/31/19</b>				
Residential	6,221	35,806	419	2,767
Outdoor Lighting	[not provided for this time period]			
Small Commercial	1,090	15,265	339	6,627
Med. Commercial	156	16,805	106	23,588
Large C & Industrial	14	12,215	45	147,369
<b>Total Y.E. 7/19</b>	<b>7,481</b>	<b>80,091</b>	<b>909</b>	<b>180,350</b>
<b>Aggregated data provided by Liberty Utilities for the 12 months ending 7/31/20</b>				
	Customer Accounts	Annual Usage (MWh)	Customer Accounts	Annual Usage (MWh)
Residential	6,825	37,090	346	2,224
Outdoor Lighting	117	312	51	165
Small Commercial	1,106	15,161	302	5,294
Med. Commercial	163	16,877	116	22,239
Large C & Industrial	13	10,977	44	144,274
<b>Total Y.E. 7/20</b>	<b>8,224</b>	<b>80,417</b>	<b>859</b>	<b>174,196</b>
<b>Aggregated data provided by Liberty Utilities for the 12 months ending 7/31/21</b>				
	Customer Accounts	Annual Usage (MWh)	Customer Accounts	Annual Usage (MWh)
Residential	6,790	39,030	345	2,235
Outdoor Lighting	117	312	51	165
Small Commercial	1,102	14,752	301	5,294
Med. Commercial	168	16,114	113	21,719
Large C & Industrial	13	9,762	44	143,914
<b>Total Y.E. 7/21</b>	<b>8,190</b>	<b>79,970</b>	<b>854</b>	<b>173,327</b>

Customer Accounts are for last month in each annual period. Outdoor Lighting based on 7/21. Data for 24 months ending 7/31/21 was not delivered to the City until after the plan was approved on 9/15/21 and was subsequently appended as was indicated to occur in the approved plan.

## Membership in the Community Power Coalition of New Hampshire

Lebanon is a founding member of the [Community Power Coalition of New Hampshire](#) (“the Coalition”), a joint powers agency authorized under RSA 53-A (“*Agreements Between Governments: Joint Exercise of Powers*”) that will operate on a not-for-profit basis.

The Coalition was created so that towns, cities, and counties across New Hampshire could:

1. Access the resources and support required to streamline the process of establishing an Electric Aggregation Committee, drafting an Electric Aggregation Plan and approving a new Community Power program.
2. Jointly solicit and contract for third-party services and staff support to launch and operate Community Power programs, without requiring any upfront costs or imposing any financial liabilities on participating communities.
3. Participate in joint power solicitations and local project development opportunities.
4. Share knowledge and collaborate regionally on clean energy and resilient infrastructure development at the community-level throughout the state.
5. Speak with one voice at the Legislature and Public Utilities Commission on public advocacy issues related to energy and Community Power.

Lebanon has worked with other municipalities since December 2019 to design the Coalition:

- Shortly after SB 286 was signed into law, LEAC and those involved with developing Lebanon Community Power concluded that exercising and deriving benefit from the full range of local control authorities authorized under RSA 53-E would be challenging for any single Community Power program to accomplish on its own.
- Consequently, beginning in December 2019, officials and staff from Lebanon began researching Community Power and power agency design best practices in collaboration with several other municipalities and expert energy advisors from across the state.
- The ad hoc group evaluated various power agency models and hired legal experts to draft the Coalition’s Joint Powers Agreement (“JPA”, the governance agreement that municipalities jointly execute to create the agency); it has been approved by Lebanon, Hanover, Nashua, Cheshire County, Harrisville, Exeter, Rye, Dover, Warner, Walpole, Plainfield and Newmarket. The original draft of the JPA and has been approved by the NH Attorney General as conforming with state law and a revised version was submitted to the Attorney General for review on 8/27/21.
- The Coalition’s joint powers agency governance model and competitive business model have been designed in accordance with energy industry best practices to ensure that participating Community Power programs benefit from transparent governance and high-quality services — so that all communities are able to take full advantage of their local control authorities under RSA 53-E and achieve the full scope of their local energy policy goals.
- The Coalition will be governed “*for communities, by communities*” under a voluntary and flexible membership structure, will provide competitive electricity service on a statewide basis, and will strengthen the ability of communities to coordinate effectively on related public advocacy issues.



Key aspects of the Coalition’s design, governance, services and start-up process are summarized in:

- The appendix ([Attachment 2](#)) provides an overview of the communities, volunteers and experts involved in the process of designing the power agency.
- The chapter “[Overview of the Community Power Coalition of New Hampshire](#)” provides context regarding the purpose of joint action power agencies, highlights the importance of joint public advocacy (and summarizes the Coalition’s successful engagements at the Legislature and Public Utilities Commission on Community Power and public advocacy issues to-date), and summarizes key features of the Coalition’s business model and services.
- The chapter “[Lebanon Community Power Goals, Objectives and Requirements](#)” explains how the Coalition’s joint action governance and business model should help enable Lebanon to achieve the full scope of our policy goals, delineates what our goals are over the short-to-long term, and summarizes the program’s near-term operational requirements as a power enterprise.
- The remainder of this chapter summarizes the City’s anticipated role in the Coalition’s governance and implementation process through the launch of Lebanon Community Power.

### Purpose of this Electric Aggregation Plan

On October 5, 2016 the Lebanon City Council voted unanimously to designate LEAC, the Lebanon Energy Advisory Committee, as the City’s Electric Aggregation Committee pursuant to RSA 53-E and tasked LEAC to prepare this Electric Aggregation Plan, which sets forth Lebanon’s policy goals for our Community Power program, summarizes program governance and implementation processes, and commits Lebanon Community Power to comply with applicable statutes and regulations in terms of:

- Providing universal access, reliability, and equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories; and
- Meeting, at a minimum, the basic environmental and service standards established by the Public Utilities Commission and other applicable agencies and laws and rules concerning the provision of service under Community Power.



This plan does not otherwise commit Lebanon to any defined course of action, including participation in the Coalition for the purposes of launching the program, and does not impose any financial commitment on the City.

The City Council retains the power to contract for all required program services and electricity supplies, to set rates, and to pursue related projects independently of the Coalition.

### Approval Process for Lebanon Community Power

This Electric Aggregation Plan was developed by LEAC with due input from the public, as required under RSA 53-E. Public hearings were held on July 15, 2021 and August 18, 2021. Refer to [Attachment 7](#) for additional information.

LEAC has determined that this Electric Aggregation Plan satisfies applicable statutory requirements and is in the best, long-term interest of the City and its residents, businesses, and other ratepayers.

Adoption of this Plan by the City Council, by majority approval of those present and voting, establishes Lebanon Community Power as an approved aggregation with statutory authorities defined under RSA 53-E:3 (to be exercised with due oversight and local governance, as described herein), and authorizes the City Council to arrange and contract for the necessary professional services and power supplies to launch Lebanon Community Power.

### Implementation Process for the Coalition & Lebanon Community Power

The City became a founding member of the Coalition on February 3<sup>rd</sup>, 2020 when the City Council unanimously approved entering into the Coalition's Joint Powers Agreement.

The Coalition's Joint Powers Agreement includes the Articles of Agreement and Bylaws of the nonprofit. It establishes the general purpose, authorities, structure, Board of Directors, committees, cost-sharing principles, liability protections, and other aspects of the organization.

This plan assumes, but does not require, that the City will participate fully in the Coalition for the purposes of implementing and operating Lebanon Community Power.

#### *City Participation in Joint Powers Agency Governance*

After the founding members jointly executed the Joint Powers Agreement to incorporate the Coalition, the Board of Directors was constituted with representatives appointed by each member's governing body.

The City Council or the Mayor as their designee appoints primary and alternate representatives of Lebanon Community Power to serve on the Coalition's Board of Directors and as Member representatives to Annual meetings and certain votes. The City's representatives will directly oversee the Coalition's initial startup and implementation activities, including the:

- Adoption of Board policies and the election of officers;
- Hiring of expert staff to provide qualified management and oversight;
- Solicitation and contracting of third-party service vendors to launch and operate Community Power programs; and
- Appointment of Board members and other community representatives to committees.

Lebanon and all other members will be directly represented on the Coalition's Board until more than twenty-one (21) members join, at which point directors will be elected by vote of the

Members' representatives at annual meetings (with a Board size of between 11 and 21 representatives, at the Members' direction).

Additionally, to exercise more regular oversight over specific aspects of the joint powers agency, the Coalition will have six standing committees as it develops: Executive, Finance, Audit, Regulatory and Legislative Affairs, Risk Management, and Governance. The Board may also establish ad-hoc committees, and each direct project that members choose to pursue in the future will be overseen by a committee specific to that project.

All meetings of the Coalition will comply with New Hampshire's Right-to-Know Law (RSA 91-A), the purpose of which is to *"ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people"*, based on the recognition that *"openness in the conduct of public business is essential to a democratic society."*

#### *Development of Member Cost Sharing Agreement and Services for Lebanon Community Power*

Under the terms of New Hampshire's Community Power law ([RSA 53-E](#)):

- Community Power programs must be self-funded, with ongoing costs paid for using the revenues generated by participating customers.
- Municipalities are only allowed to incur incidental costs associated with implementing Community Power programs, such as the costs necessary to comply with the Community Power law, up to the time that the program starts to produce revenue from participating customers. Incidental costs should not include any costs that are more properly accounted for as capitalized or operating costs of the Lebanon Community Power program.

Membership in the Coalition, and the implementation of Lebanon Community Power, will not require any upfront cost for the City other than such incidental expenses (e.g., the staff time, counsel review of agreements, and other expenses required to comply with the Community Power law before the program starts to generate revenue).

To provide the services, credit support and electricity supply required to launch and operate Lebanon Community Power:

- The Coalition will administer competitive solicitations on behalf of all participating Community Power programs to contract with qualified vendors and credit-worthy suppliers.
- Vendors are expected to fund and self-manage the upfront cost of launching Community Power programs, under at-risk and performance-based contract structures with payments contingent upon successful launch.
- Program implementation costs for Lebanon, along with ongoing operational and power procurement expenses, will be factored into the customer rates adopted by the City Council and be recovered from the revenues received from participating customers after the launch of Lebanon Community Power.

Similar solicitations and at-risk, performance-based contract structures have been used to successfully launch and operate new joint powers agencies in other Community Power markets.

Lebanon's representatives on the Coalition's Board of Directors are participating in the solicitation of services, agency startup activities and the development of a cost-sharing agreement with other founding members.

The Coalition's Joint Powers Agreement provides certain requirements regarding how costs will be tracked and shared across participating Community Power programs, which will guide the development of the Coalition cost-sharing agreement:

- Costs will be tracked in three distinct categories: direct project costs, member services, and general and administrative costs (which are overhead costs that are not associated with any specific project or member service);
- Member cost-sharing agreements will be the same in all material respects: general and administrative costs will be allocated based on each Community Power program's share of total electricity usage each year, while each member will choose and separately pay for the costs of specific services and projects (under terms that reflect a fair allocation across all the members that chose the same services and projects); and
- The debts, liabilities and obligations of the Coalition, and of other participating Community Power programs, will be non-recourse to Lebanon (unless expressly agreed to by the City Council under Lebanon's Cost Sharing Agreement or a Project Contract).

The Coalition intends to contract for all the services required to launch and operate member Community Power programs, which is expected to enable access to advanced services and expertise at least cost for Lebanon Community Power. However, note that:

- The City will be under no obligation to rely on the services provided through the Coalition until the City Council executes the Coalition's cost-sharing agreement and chooses which services will be provided through the Coalition.
- At that time, the City Council may decide to rely on the Coalition for all or a subset of the services required to launch and operate Lebanon Community Power.
- Alternatively, the City Council could decide to withdraw from the Coalition entirely, prior to executing the cost-sharing agreement, and launch Lebanon Community Power independently.
- Lastly, after Lebanon Community Power launches, the City could still decide to procure certain services independently or to withdraw from the Coalition at a future date, subject to the terms, conditions and any continuing obligations specified in the cost-sharing agreement approved by the City Council.

Decisions made by the City Council regarding how to best implement and operate Lebanon Community Power, including the execution of the Coalition cost-sharing agreement and selection of services provided through the Coalition, will be made at duly noticed public meetings.

### **Coalition Engagement on Rule Making at the Public Utility Commission**

Lebanon Community Power will launch after administrative rules governing Community Power are adopted by the Public Utilities Commission. Rules are expected to require submission of Lebanon's Electric Aggregation Plan to the Commission in order to:

- Provide formal notice that the City is planning to launch a Community Power program; and
- Authorize the City to request access to additional customer data from Liberty Utilities that will be needed for the implementation and administration of Lebanon Community Power.

Over the course of 2020, Lebanon and other communities and advisors of the Coalition have actively participated in the informal rule drafting process by providing initial and subsequent sets of draft rules for review and refinement, arranging, and facilitating bilateral meetings with utilities

and other stakeholders, and leading stakeholder workshop discussions and editing sessions at the request of Public Utilities Commission staff.

Lebanon and the Coalition then worked with legislators and utilities to clarify Community Power authorities in House Bill 315. The City also worked with Eversource and Commission staff during this period to revise draft rules in anticipation of final passage of the bill (which modifies certain rule requirements), and which occurred on 8/26/21.

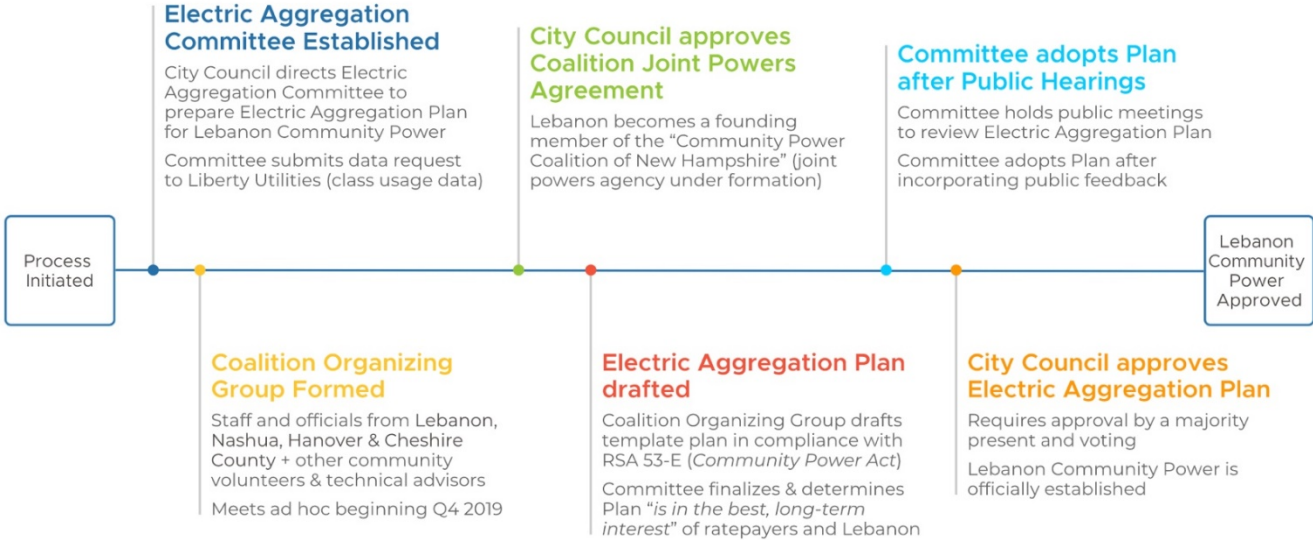
On December 1, 2021, the Coalition then submitted a petition for rulemaking to implement RSA 53-E for Community Power Aggregations, which was filed on behalf of the Coalition’s Members and other stakeholders that had been invited to join the petition. The Commission approved the petition in Docket [DE 21-142](#)<sup>1</sup> and issued an Initial Proposal on February 3, 2022, putting forward the Coalition’s recommended rules for public review and comment. Lebanon Community Power and the Coalition actively participated in the review and public comment process proceeding the Commission’s issuance of a Final Proposal for CPA Administrative Rules.

### Coalition & Lebanon Community Power Implementation Milestone Charts

The milestone charts below show the anticipated approval, formation and launch processes for Lebanon Community Power and the Coalition power agency, as described in the sections above.

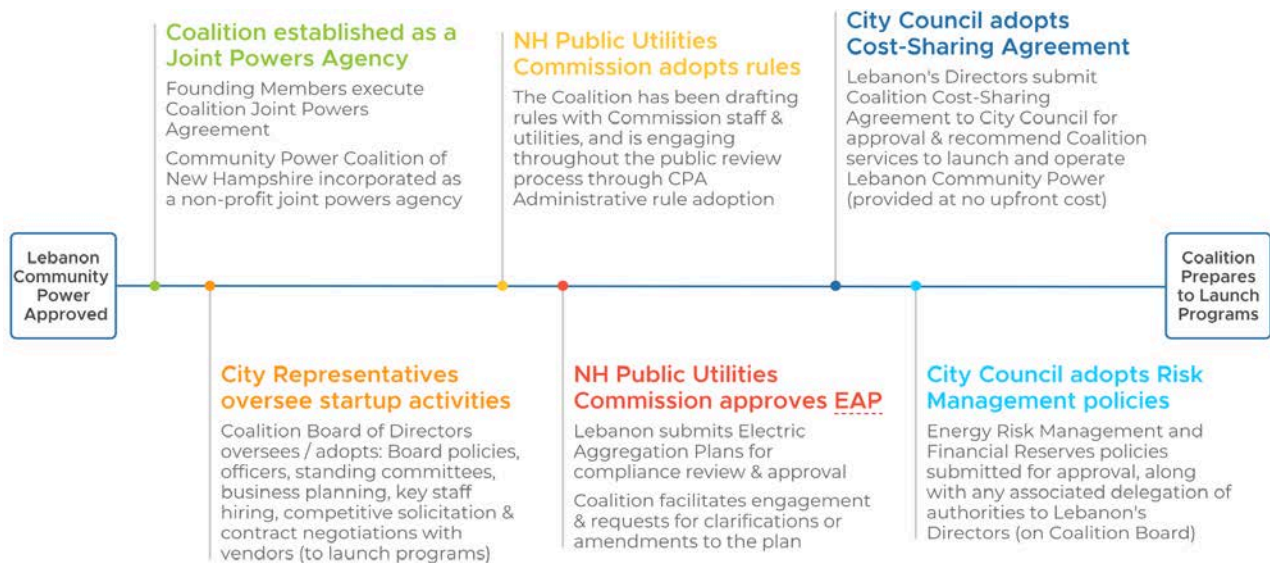
The first chart below summarizes the different categories of activities required to approve Lebanon Community Power and join the Coalition as a founding member to create the joint powers agency:

#### Approval Process for Coalition Agency & Lebanon Community Power



Lebanon’s directors on the Coalition Board are now overseeing startup activities, including engagement at the Public Utilities Commission to finalize the administrative rules governing the Community Power market, and will bring forward the Coalition’s cost-sharing agreement along with Energy Risk Management and Financial Reserve policies for approval by the City Council:

<sup>1</sup> See [https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142\\_2022-03-14\\_CPCNH\\_COMMENTS.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-14_CPCNH_COMMENTS.PDF).

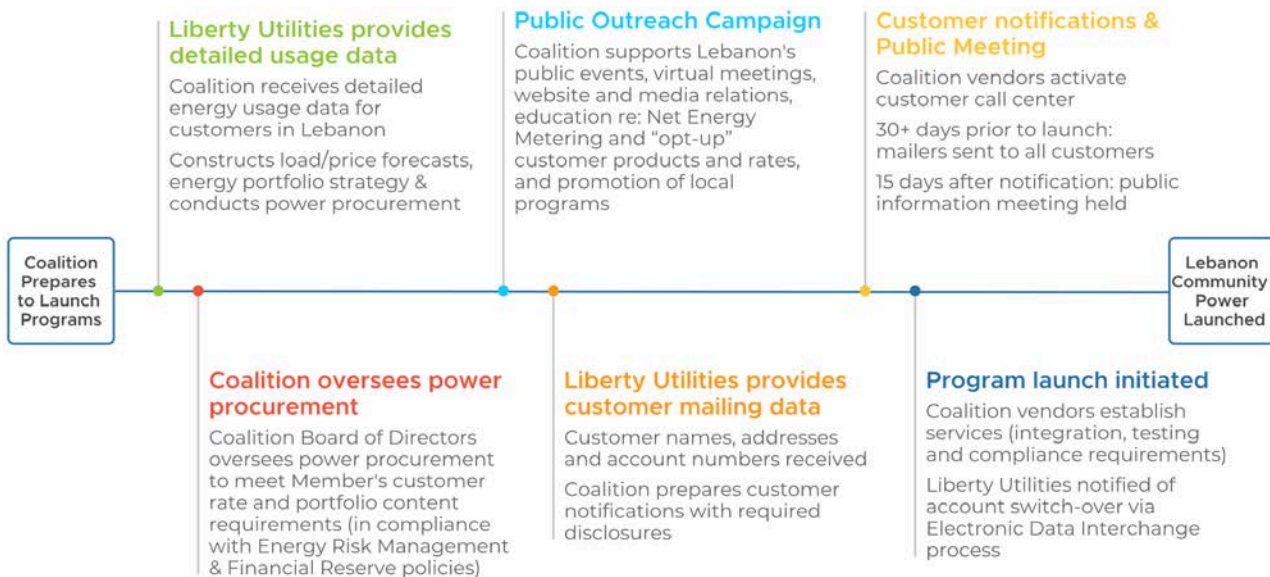


### Coalition Startup, Rule Making and Risk Management Policy Approval Process

After the Public Utility Commission adopts rules and opens the market, the Coalition will be allowed to launch Lebanon Community Power (and the programs of other participating municipalities).

The milestones below summarize the process by which the Coalition will structure and conduct data collection, forecasting, power procurement solicitations and rate setting exercises — in compliance with the Energy Risk Management and Financial Reserve policies adopted by the City, and with oversight provided by Lebanon’s representatives on the Coalition’s Board of Directors — and the local outreach, customer notification mailings and public meeting process that culminates in the launch of Lebanon Community Power:

### Lebanon Community Power Launch Process





## OVERVIEW OF THE COMMUNITY POWER COALITION OF NEW HAMPSHIRE



Lebanon is a founding member of the Community Power Coalition of New Hampshire, a nonprofit joint powers agency authorized under RSA 53-A.

Refer to [Attachment 2](#) for details regarding the City's role in its formation of the Coalition.

Joint powers agencies are governed by communities, operated on a not-for-profit basis as instrumentalities of local governments, and allow Community Power programs to voluntarily join forces to take advantage of economies of scale and shared services to boost operational efficiencies.

The public power industry has created over seventy joint powers agencies in the last fifty years, and several hundred local governments operate Community Power programs through joint powers agencies or comparable collaborative governance structures in Massachusetts, New York, Ohio, Illinois and California.

The experience of these markets demonstrates that the economics of joint purchasing can enable access to advanced services and expertise for participating Community Power programs, which helps keep power rates competitive and supports long-term financial stability.

Due to the participation of several other municipalities and growing interest of communities throughout the state, the Coalition can be expected to launch with a number of customers and a quantity of electricity procured to serve those customers roughly comparable to Liberty Utilities entire default energy service. (Liberty is the smallest of the state's 3 investor owned electric utilities serving ~9% of the state's load with only about half of that on default service.)

Lebanon anticipates relying upon the Coalition's member services to launch and operate Lebanon Community Power, but approval of this plan does not commit the City to doing so. The City Council retains the authority to contract for any and all required program services and electricity supplies, and to pursue projects independently of the Coalition.

Based on the design and projected size of the Coalition, LEAC anticipates that participation will result in cost savings, lower staff requirements, and enhanced quality of services for Lebanon Community Power and other member programs.

Operating Lebanon Community Power through the Coalition is expected to provide a number of distinct benefits in terms of transparency, scope and cost of services, regulatory and policy engagement, local program options, quality of energy risk management advice, the accrual of financial reserves sufficient to ensure long-term financial stability, and opportunities to develop new energy projects. These benefits are summarized in the "Regulatory and Policy Advocacy" and "Coalition Member Services" sections below.

### **Regulatory and Policy Advocacy**

Changes in law and regulations that adversely impact Community Power programs will be a non-trivial source of risk for Lebanon Community Power.

Additionally, extending and maintaining the full range of benefits that Lebanon Community Power could create for customers will require informed participation and advocacy on energy issues at the Legislature and Public Utilities Commission.

Coordination with other municipalities and Community Power initiatives on matters of common interest through the Coalition have already produced meaningful results in these areas. For example, over the last year, the communities involved in the formation of the Coalition have:

- Participated in the Community Power informal rule drafting process, including by providing the initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and leading significant portions of the subsequent stakeholder workshops at the request of Public Utilities Commission staff.
- Intervened in regulatory proceedings to represent the interests of customers and Community Power programs, such as by advocating for expanded data access in the Commission's Statewide Data Platform docket (DE 19-197), under which a settlement agreement with the utilities was negotiated and recently submitted to the Public Utilities Commission. (If adopted, the settlement would create a statewide platform to enable data access for customers and Community Power programs, which would be overseen by a Governance Council that includes Coalition representatives.)
- Testified in legislative hearings — and organized hundreds of people, elected officials and civic organizations to register in support of the Coalition's position on key legislation — in order to successfully negotiate critical amendments to House Bill 315 and some degree of compromise on Senate Bill 91:
  - House Bill 315, which would clarify and expand key Community Power authorities; and
  - Senate Bill 91, Part IV, which would have expanded the ability of Community Power programs to buy from in-state generators and battery storage projects (under 5 megawatts in size), but has is now being turned into a study committee of the issue.

Lebanon Community Power will continue and expand on these activities through the Coalition.

## Coalition Member Services

The Coalition's business model has been designed to provide Community Power programs with:

- **Innovative local programs and customer services:** new rates, technologies and services for customers that lower electricity supply costs and risk for the program in aggregate, along with the electricity bills of participating customers from a "full bill" perspective (i.e., inclusive of transmission and distribution charges).
- **Energy Risk Management & Financial Reserve Policies, Procedures and Practices:** expert guidance on energy risk management, procurement of a diversified portfolio of energy contracts, rate setting, and financial reserves — sufficient to ensure the stability and operational continuity of Community Power programs over the long-term (as technologies, market dynamics, risk factors, consumer preferences and energy policies continue to evolve).
- **Development of Renewable and Battery Storage Projects:** joint contracting opportunities for the construction of new renewable and battery storage projects financed under long-term contracts — to diversify program energy portfolios, provide a physical hedge against wholesale market price fluctuations, enhance the resiliency of our electrical grid, and stimulate local construction and economic development.

The Coalition intends to contract with qualified vendors and credit-worthy suppliers to provide the services, credit support and electricity required to launch and operate Community Power programs. These third parties are expected to fund the upfront cost of implementing Community Power

programs, the expense of which would be amortized and recovered for a specified term, along with ongoing operating costs, in customer rates.

The extent of services offered by the Coalition is expected to thereafter expand over time, in response to new market opportunities and ongoing regulatory rule reforms, and to meet the local objectives of participating Community Power programs. The Coalition also plans to hire a small number of qualified staff to ensure effective oversight of operations, as well as enhanced transparency and expert management as the Coalition's business operations evolve.

The proceeding sections explain how the above categories of member services are interrelated in ways that combine to ensure Lebanon Community Power remains operationally stable, competitive and able to achieve the full range of our local policy goals over the long-term.

### *Innovative Local Programs & Customer Services*

Cost-effective local programs provide new retail products and services that enable customers to:

- Intelligently moderate their use of electricity from the grid during times of high wholesale power prices and when the physical grid is constrained (at-risk of not being able to deliver enough power to meet all customers' usage requirements during the hours of "peak demand");
- Increase their use of electricity from the grid when wholesale prices are relatively low and the physical grid is not constrained.

Examples of innovative retail products and services that enable customers to do so include time-based rate options, individual and group net metering, targeted efficiency, distributed generation and energy storage programs, electric vehicle charging rates, and other offerings that empower customers directly and enable the services of third-party energy companies that are helping customers adopt and use new technologies.

Programs that enable the intelligent use of electricity will help Lebanon Community Power to:

- Lower electricity supply costs and risk for the program in aggregate, along with the electricity bills of participating customers from a "full bill" perspective (inclusive of transmission and distribution charges);
- Strengthen customer relationships and local brand recognition; and
- Protect against customer attrition (the risk that customers opt-out of the program by choosing an alternative supplier) and potentially grow the program's customer base over time.

Local programs, in order to be cost-effective, need to be designed in ways that relate to and actively help manage the various sources of cost and risk involved in operating a competitive power agency.

As explained in the section below, the Coalition will adopt a structured approach to monitoring, analyzing and actively managing energy cost and risk — both to enable the design of cost-effective local programs, and provide additional benefits such as long-term financial stability.

### *Energy Risk Management & Financial Reserve Policies, Procedures and Practices*

Lebanon Community Power's ability to maintain competitive rates, as market prices and Liberty Utilities default rates change over time, is a primary goal for the program. Competitive rates will significantly reduce the risk that customers opt-out of Lebanon Community Power and allow the program to achieve our medium- to long-term goals.

To that end, working with the other members of the Coalition, Lebanon Community Power will adopt Energy Risk Management and Financial Reserve policies. The purpose of these policies is to:



- Ensure that Lebanon Community Power allocates customer revenues in ways that balance our community’s goals and objectives over the short-to-long term; and
- Define how the Coalition will conduct energy risk management, procurement and market operations on behalf of Lebanon Community Power (so that the agency remains in compliance with our adopted policies).

These policies, combined with the operational procedures and practices of the Coalition’s business model — referred to as the “3Ps” of energy risk management — are designed to ensure that Lebanon Community Power, along with all participating members of the Coalition, will be able to:

- Foresee, forecast and adequately plan for adverse contingencies (such as power supply shocks, economic downturns and changes in policy and regulations);
- Structure and manage a diversified portfolio (or “book”) of physical and financial energy contracts in order to (1) hedge price risk in an optimal fashion by assessing the cost of entering into forward contracts against the risk of wholesale market price exposure, (2) transact quickly to take advantage of changing market conditions and (3) incorporate energy contracts from a variety of preferred sources (e.g., renewables and battery storage assets, local generators, customer-generators and demand response programs, etc.);
- Maintain competitive rates, and additionally set aside funds to accrue financial reserves, while also implementing local programs (designed in ways that lower portfolio costs and risk factors);
- Draw on financial reserves or credit support sufficient to maintain (1) rate stability for participating customers and (2) adequate cash flow for the Coalition’s operations over the course of any adverse events and periods.

As Lebanon Community Power accrues financial reserves, the Coalition will be able to facilitate additional ways to lower costs, create new value, and further enhance the financial stability of the program. As one example, the accrual of sufficient reserves will allow Lebanon Community Power to begin self-providing the collateral required for wholesale power market transactions and power purchase agreements. This will lower the capital costs and risk premiums otherwise embedded into the price of power contracts negotiated by the Coalition. Similarly, the Coalition also intends to facilitate pooled power procurement across participating Community Power programs, and to explore opportunities to jointly satisfy collateral obligations within these arrangements.

Lastly, as explained further in the section below, the combination of the Coalition’s approach to energy portfolio risk management and the accrual of sufficient financial reserves by participating members is what will enable Lebanon Community Power to enter into long-term contracts — in order to construct new renewable and battery storage projects.

#### *Development of Renewable and Battery Storage Projects*

As Lebanon Community Power and other participating Community Power programs demonstrate the ability to accrue reserves sufficient to ensure our collective financial stability — and maintain or grow our customer base by offering competitive rates and innovative services over time — the Coalition will be able to facilitate new project developments for Lebanon Community Power and other Community Power programs that elect to jointly participate in long-term contracting solicitations. As context:

- Project developers and financiers require long-term power purchase agreements (typically 10 years or longer in duration) to justify the upfront cost of constructing new renewables and

battery storage facilities;

- Consequently, project financiers will not execute long-term contracts with a Community Power program if they do not believe that the program is likely to remain a stable, credit-worthy counterparty (i.e., unlikely to default on payment obligations over the contract term).

Achieving the ability to execute long-term contracts and build new renewables and battery storage projects is a priority for Lebanon Community Power and the other Community Power programs joining together to create the Coalition. This objective is an important policy goal for our program and will additionally diversify the energy supply portfolio managed by the Coalition.

Portfolio diversification helps to stabilize operating margins by intelligently hedging Lebanon Community Power's exposure to wholesale market dynamics and price fluctuations. The objective is to enter into contracts that help to manage risk and maximize revenues for the program from total portfolio management perspective, in order to further strengthen our program's financial performance and stability over the long-term. As context:

- When bidding on joint project development solicitations, developers will submit different combinations of technologies, project locations, prices, term lengths and contractual clauses with operational and financial implications.
- Selecting which contracts to enter into — and effectively negotiating contract terms and prices — requires analyzing the different contracts being offered, individually and in combinations, and simulating the impact that the new contracts would have on Lebanon Community Power's cashflow, total portfolio costs and risk profile over the length of the contract.
- This exercise, which is a key component of the Coalition's broader "portfolio strategy" analysis, is referred to as "contract valuation" or "deal valuation". These simulations allow the Coalition to quantify the value of the contract (from a portfolio risk management perspective), compare the value against the price being offered by developers, negotiate for better terms and prices as necessary, and enter into contracts on behalf of Lebanon Community Power that are likely to cost less than the value created at the program portfolio level.

As described in the preceding section "*Energy Risk Management & Financial Reserve Policies, Procedures and Practices*", the Coalition's business model has been designed to actively manage a diversified portfolio of energy contracts at launch — which entails:

- Understanding and analyzing energy cost and risk factors on a continuous basis;
- Conducting contract valuation simulations;
- Negotiating contract terms and prices with a variety of counterparties to construct a portfolio of energy contracts that, in aggregate, is designed to optimally hedge price risk; and
- Thereafter, actively and continuously managing the "book" of contracts in response to market dynamics, price movements and opportunities.

In these ways, the Coalition's business model provides the foundational capabilities required to support joint project development solicitations for Lebanon Community Power and other participating programs — inclusive of long-term contract valuation simulations, counterparty negotiation, and active management of the contract and overall portfolio thereafter.

## Lebanon Community Power Goals, Objectives, and Requirements

Lebanon Community Power affords the City the capacity and flexibility to realize and build on our policies pertaining to, sustainability, energy, economic vitality, and infrastructure.

Our policy goals will need to be pursued through a combination of direct program activities and informed public advocacy at the Legislature and Public Utilities Commission. This will require enhanced coordination with other communities as well as advanced operational services, dedicated expertise, innovation, and sustained initiative carried out over a period of multiple years.

Simultaneously, maintaining competitive rates compared to Liberty Utilities' default service rates — as market prices, energy technologies and policies change over time — will require nimble decision-making and the ability to evolve business operations in response to changing market conditions to actively manage risk, minimize costs and maximize the creation of customer value.

The structure of the Coalition — the combination of the joint powers agency's community governance model, competitive business model and coordinated approach to engaging in public advocacy — has been designed to enable and streamline these activities for Lebanon Community Power at an advantageous, cost-effective economy-of-scale.

Participation in the Coalition is therefore expected to strengthen the capacity and financial performance of Lebanon Community Power, such that the program can operate continuously as a self-supporting, competitive enterprise for the foreseeable future, and will therefore be able to work towards achieving the full scope of our policy goals and objectives over the long-term.

### Lebanon's Policy Goals

The City of Lebanon is committed to advancing an environmentally and economically sustainable future. This commitment is expressed through a sustainability vision and principles, as well as through the Master Plan and the ongoing Outcomes and Work Plan of the City administration.

The overall long-term goal of the Energy Chapter of Lebanon's Master Plan is that "Lebanon is a leader in energy efficiency, renewable energy reliance, and innovation across municipal, commercial, institutional, and residential sectors."

The City Council has adopted a resolution in support of the Paris Climate Accords that concludes by stating that the City "[s]tands ready to work with other communities and towns across the state, to provide the leadership and resources at the local level that will reduce greenhouse gas emissions, protect our most vulnerable residents from the impacts of climate change, and reap the benefits of the transition to a clean energy economy."

Refer to [Attachment 8](#) for additional select excerpts of these policies and links to more detail.

### Lebanon Community Power Objectives

Lebanon Community Power is aligned with our goals of creating a more localized, resilient, and clean energy system. To achieve our policy goals, Lebanon Community Power will be guided by the following objectives, which represent an actionable, comprehensive, and stable pathway to achieving our goals over the short- to long-term:

**1. Save Customers Money:** Lebanon Community Power will only launch if it can initially offer a rate lower than the default energy service rate offered by Liberty Utilities, and its long-term stability depends on maintaining rate options competitive with Liberty's default service rate. Lebanon

Community Power will bring to all default customers rate advantages now utilized only by customers able to access competitive supply. This will directly benefit residents and small businesses and institutions in Lebanon.

**2. Provide Green Power:** Lebanon Community Power will offer customers easy opt-in options to purchase more renewably sourced electricity that will serve a pent-up demand for greener power and will further the City's goal of reducing overall greenhouse gas emissions.

**3. Plan for Rate Stability:** By adopting an Energy Risk Management Policy to guide procurement and depositing a portion of revenues into a rate reserve fund, Lebanon Community Power will protect its default service customers against rate fluctuation and ensure its own long-term stability as a program.

**4. Consumer Protections & Public Advocacy:** As an instrumentality of the City of Lebanon, Lebanon Community Power will act in the interest of its customers and the City, by ensuring that the contracts it enters into on behalf of customers are fair, and by representing the interests of its customers before the legislature and the Public Utilities Commission on matters pertaining to Community Power, ratepayer protection, local energy generation and resiliency of the grid.

**5. Assist Customers to Lower Total Energy Costs:** Lebanon Community Power will develop programs to lower the carbon emissions and the overall cost of customer energy use, through electrification of appliances and vehicles and through thermal efficiency programs to lower heating and cooling energy costs. The adoption by customers of technologies that will reduce the electricity demand of Lebanon Community Power during peak hours will lower transmission and capacity costs for all Lebanon Community Power customers (and other ratepayers). Eventually Lebanon Community Power intends to offer opt-in time varying rates to incentivize shifting power consumption away from times when electricity wholesale market prices are high and demand on the system is peaking. This may include a limited opt-in real-time pricing pilot if feasible.

**6. Promote Renewable Energy:** Besides offering participants the option to purchase higher proportions of renewably sourced electricity, Lebanon Community Power will prioritize the inclusion of renewable energy sources in its portfolio, including providing markets to encourage the development of new local and regional renewable energy capabilities.

**7. Develop Energy Resilience:** By encouraging local energy production and -local storage strategies, by supporting the installation by customers of technologies that controls when power is taken from the grid and when it is supplied to the grid, and by developing microgrids to supply critical facilities, Lebanon Community Power will enhance local energy resilience.

**8. Regional Collaborations:** Lebanon Community Power will work with other Community Power programs, utilities, municipalities, and government agencies to jointly develop cost effective renewable generation and storage projects and energy infrastructure, such as electric vehicle transit fleets and charging corridors; and

**9. Grid Modernization:** Lebanon Community Power will join with other Community Power programs to advocate for policies, regulations, and infrastructure investments — such as the widespread deployment of interval meters and other Smart Grid infrastructure technologies — necessary to achieve an affordable, localized and resilient energy system that: enables innovative customer services and the intelligent use of new clean technologies, the reliable operation of the utility's distribution grid along with customer and community owned microgrids, and the cost-effective integration of local and regional renewable generation and energy storage resources.

Through strategies and initiatives like these, enabled by the scope and scale of service provided through the Coalition, Lebanon Community Power intends to:

- Reduce fossil fuel consumption overall while enhancing the reliability of our electricity grid;
- Create savings and new value for customers; and
- Support the vitality and growth of local businesses.

These objectives that are essential to our continued success as a vital, sustainable community.

**Near-Term Operational Requirements**

While many of the broader benefits Lebanon Community Power intends to create for customers and the City will be developed over time, the program’s immediate objective is to offer competitive default supply rates compared to Liberty Utilities while accruing a reserve fund sufficient to ensure long-term financial stability, and additionally offering voluntary products that retail customers may opt-up to receive as well as Net Energy Metering supply rates that allow customer generators to participate in the program.

Lebanon Community Power will need to balance customer rate levels, renewable power content and the accrual of program reserves to meet these objectives.

*Performance Relative to Utility Default Service and Net Energy Metering Generation Rates*

Compensation to customer generators under Net Energy Metering generation rates, the timing of the program’s rate setting decisions and, to a certain degree, the procurement of electricity will need to take into account Liberty Utilities’ tariffs, processes and timing in regard to these activities.

Refer to [Attachment 3](#), [Attachment 4](#), [Attachment 5](#) and the section “[Net Metering and Group Net Metering Policies](#)” for additional documentation and discussion of these factors.

*Customer Rates and Products*

The table below provides an illustrative example of a default service product and optional rates that could be offered to customers:

	<b>DEFAULT SERVICE</b> (automatic enrollment)	<b>OPTIONAL PRODUCTS</b>		
		<b>Basic Service</b>	<b>Green Start</b>	<b>Prime</b>
<b>Attributes</b>	5-10% above Renewable Portfolio Standard (RPS)	Meets RPS	~50% Renewable	100% Renewable
<b>Price</b>	Meet or beat default utility rate at launch	Below default utility rates	Higher or competitive w/ default utility rate	Exceeds default utility rate

The products that Lebanon Community Power initially offers to customers, and the rates charged for each product, will be refined and finalized in advance of program launch.

*Renewable Portfolio Standard Requirements*

New Hampshire’s Renewable Portfolio Standard (RPS) requires all electricity suppliers to obtain RECs for four distinct “classes” of renewables, each distinguishing between different technologies and dependent upon the year that the generators came online.

For 2021, Liberty Utilities and other electricity suppliers are required to include 21.6% renewable energy in their energy supply. This minimum compliance requirement will increase incrementally to 25.2% by 2025 and remain fixed thereafter, absent an increase in the RPS.

Lebanon Community Power will seek to procure voluntary renewables in excess of the RPS minimum requirements from “Class I” resources (as defined in [Attachment 3](#)). Additionally, the program could prioritize including as much renewable energy sourced from generating resources located in New Hampshire and New England as possible.

The chart below shows the different classes and quantities of renewable power required under the RPS between 2020 and 2025, along with, for the sake of illustration, Lebanon Community Power’s additional voluntary purchases (assuming that the default product from the table in the proceeding section, which exceeds RPS requirements by 5% to 10% each year):



***Energy Risk Management and Financial Reserve Policies Compliance***

Lebanon Community Power’s power procurement, budgeting and rate-setting will be carried out in accordance with the Energy Risk Management Policy and Financial Reserve Policies that will be adopted by the City Council.

This decision-making framework is intended to guide the program to allocate revenues in a manner that appropriately balances our competing priorities — to ensure that Lebanon Community Power will remain stable, and able to work towards achieving all of our policy goals, over the long-term.

## ELECTRIC AGGREGATION PLAN STATUTORY REQUIREMENTS

The following requirements for this Electric Aggregation Plan, in compliance with RSA 53-E:6, are addressed below:

- A. Organizational structure of the program;
- B. Methods of entering into and terminating agreements;
- C. Operation and funding;
- D. Rate setting, costs, and customer enrollment process;
- E. Rights and responsibilities of program participants;
- F. Net metering and group net metering policies;
- G. Ensuring discounts for Electric Assistance Program participants; and,
- H. Termination of program.

### **Organizational Structure of the Program**

Upon approval of this plan, Lebanon Community Power will be authorized to provide electricity and other related services to participating residents, businesses, and other customers in the City.

The City Council will oversee the program and has overall governance authority. Decisions regarding Lebanon Community Power, such as updating program goals, adoption of Energy Risk Management and Financial Reserve policies and approval of customer rates, will be made at duly noticed public meetings and with advisory support from LEAC.

Once the joint powers agency is incorporated, the Mayor, in consultation with the City Manager will appoint a primary and alternate representative to the Community Power Coalition of New Hampshire's Board of Directors and may delegate certain decision-making authorities to them to carry out their responsibilities at the City Council's direction.

In general, Lebanon's representatives will be expected to help oversee the start-up and operation of the agency, provide input regarding the Coalition's public advocacy on matters of policy and regulation, provide direction to the Coalition's staff and vendors as the agency's operations and customer services evolve over time, and report back regularly regarding the performance of Lebanon Community Power and on any matter that warrants attention or requires action by the City Council.

Additionally, the City Council may direct LEAC to continue to hold meetings for the purpose of providing community input and advisory support regarding the program.

### **Methods of Entering into and Terminating Agreements**

This Electric Aggregation Plan authorizes the City Council to negotiate, enter into, modify, enforce, and terminate agreements as necessary for the implementation and operation of Lebanon Community Power.

### **Operation and Funding**

Lebanon Community Power will contract with qualified vendors and credit-worthy suppliers to provide the services, credit support and electricity required to launch and operate the program.

This plan assumes, but does not require, Lebanon to participate fully in the Coalition and thereby contract for operational services jointly with other participating Community Power programs.

The Coalition's third-party contractors will be expected to fund the upfront cost of implementing Lebanon Community Power, the expense of which will be amortized and recovered in the program's rates and charges to participating customers. The program may also seek opportunities to apply for grant funding, either independently or through the Coalition.

Services provided by third-party entities required to launch and operate the program may include portfolio risk management advisory services, wholesale Load Serving Entity (LSE) services, financial services, electronic data interchange (EDI) services with the utility, and customer notification, data management, billing, and relationship management (e.g., call center, website, etc.) services. Additional information on how Lebanon Community Power will implement Load Serving Entity (LSE) services is found in [Attachment 9](#), *How Load Serving Entity Services will be Implemented*.

Additional support services such as management and planning, budgeting and rate setting, local project development support, regulatory compliance, and legislative and regulatory engagement services (on matters that could impact the program and participating customers) will be addressed through a combination of staff support and third-party services.

Lebanon Community Power will provide "all-requirements" electricity supply for its customers, inclusive of all of the electrical energy, capacity, reserves, ancillary services, transmission services (to the extent not provided through Liberty), transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply to participants and meet the requirements of New Hampshire's Renewable Portfolio Standard. (Refer to [Attachment 3](#) for details regarding the requirements of Renewable Portfolio Standard statute, RSA 362-F.)

Electricity supply contracts will be executed or guaranteed by investment-grade entities, and suppliers will be required to use proper standards of management and operations, maintain sufficient insurance, and meet appropriate performance requirements.

Additionally, RSA 53-E provides Community Power programs with authorities pertaining to meter ownership, meter reading, billing, and other related services. These authorities provide Lebanon Community Power with the practical ability to help customers adopt and use innovative technologies (for example, building management systems, smart thermostats, backup battery storage systems, controllable electric vehicle chargers, etc.) in ways that save money, enhance grid resiliency, and decarbonize our power supply.

However, the implementation of these authorities is expected to take some time, as it requires action by the Public Utilities Commission to adopt enabling rules and coordination with Liberty Utilities to adapt existing meter and billing system processes.

## **Rate Setting, Costs, Enrollment Process, and Options**

Customers who choose not to participate in Lebanon Community Power shall not be responsible for any costs associated with the program, apart from incidental costs incurred by the City prior to the point at which the program starts producing revenue from participating customers (for example, contract review by legal counsel, but not any operational or capitalized costs of the program).



### *Rate Setting and Costs*

Lebanon Community Power will only launch if it is able to offer residential default rates that are initially lower than or competitive with those offered by Liberty Utilities; thereafter, the program will strive to maintain competitive rates for all default service customers on an overall annual basis, as well as customers who opt-in or opt-up to receive optional retail products, while working to achieve the program's goals (as set forth in this Electric Aggregation Plan and modified from time to time at the direction of the City Council).

The City Council will adopt Energy Risk Management and Financial Reserve policies to govern the program's power procurement and rate-setting decisions. Rates will be set at a level such that revenues from participating customers are projected to meet or exceed the ongoing operating and capital costs of the program.

To ensure the financial stability of Lebanon Community Power, a portion of revenues will be deposited in a financial reserve account. In general, the fund will be restricted for uses such as:

- **In the near-term**, maintain competitive customer rates in the context of price fluctuations in the electricity market and other factors;
- **In the medium term**, as collateral for power purchase agreements (including for the development of new renewable and battery storage projects), and for additional credit enhancements and purposes that lower the program's cost of service; and
- **Over the long term**, may also be used to directly fund other program financial requirements, or to augment the financing for development of new projects and programs in the later years of the program, subject to the City Council's approval.

As required by law, the program will ensure the equitable treatment of all classes of customers, subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories.

In other words, customers will be treated the same based on their circumstances. For example, any customers that opt-in after being offered the opportunity to participate during the initial enrollment period may be offered rates that reflect how market prices have changed in the intervening period.

Changes to the program's default service rates shall be set and publicly noticed at least 30 days in advance of any rate change.

### *Enrollment Process and Options*

Lebanon Community Power intends to launch on an opt-out basis, providing an alternative default service to the utility provided default service rate. After approval of this Electric Aggregation Plan and before the launch of Lebanon Community Power, all customers in the City will be sent notifications regarding the program and offered the opportunity to participate:

- **Customers currently on default service provided by Liberty Utilities** will be sent "opt-out" notifications — describing the program, its implications for the City, the rights and responsibilities of customers, and program rates and charges — with instructions on how to decline participation, and thereafter be transferred to Lebanon Community Power if they do not opt-out of the program prior to launch.
- **Customers already served by Competitive Electric Power Suppliers** will receive "opt-in" notifications describing the program and may request to opt-in to the program.

Customers will be notified through a mailing, which will be posted not less than 30 days prior to the enrollment of any customers. All information will be repeated and posted at the City's Community Power website. A public information meeting will be held within 15 days of the notification to answer program questions or provide clarification.

Optional products, such as increased renewable power content in excess of the Renewable Portfolio Standard (RPS) requirements and other energy services, including time varying rates, may be offered on an opt-in basis.

After launch and in accordance with any applicable rules and procedures established by the Public Utilities Commission, new customers will be provided with the default service rates of Liberty Utilities and Lebanon Community Power and will be transferred onto Lebanon Community Power's default service unless they choose to be served by Liberty Utilities or a Competitive Electric Power Supplier.

Customers that request to opt-in to the program may do so at the discretion and subject to the terms of Lebanon Community Power.

Residents, businesses, and other electricity customers may opt-out of participating in Lebanon Community Power default service at any time, by submitting adequate notice in advance of the next regular meter reading by Liberty Utilities (in the same manner as if they were on utility provided default service or as approved by the Public Utilities Commission).

Customers that have opted-in to an optional product offered by Lebanon Community Power may switch back to the Liberty Utilities or to take service from a Competitive Electric Power Supplier subject to any terms and conditions of the optional product.

## **Rights and Responsibilities of Program Participants**

All participants will have available to them the customer protection provisions of the law and regulations of New Hampshire, including the right to question billing and service quality practices.

Customers will be able to ask questions of and register complaints with the City, Liberty Utilities and the Public Utilities Commission.

Lebanon Community Power shall maintain the confidentiality of individual customer data in compliance with its obligations as a service provider under [RSA 363:38](#) (privacy policies for individual customer data; duties and responsibilities of service providers) and other applicable statutes and Public Utilities Commission rules. Individual customer data includes information that singly or in combination can identify that specific customer including the individual customers' name, service address, billing address, telephone number, account number, payment information, and electricity consumption data. Such individual customer data will not be subject to public disclosure under RSA 91-A (access to governmental records and meetings). Suppliers and vendors for Lebanon Community Power will be contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b). [Attachment 10, Customer Data Protection Plan](#), details the reasonable security procedures and practices that the City and Lebanon Community Power will employ to protect individual customer data from unauthorized access, use, destruction, modification, or disclosure.

Aggregate or anonymized data that does not compromise confidentiality of individual customers may be released at the discretion of Lebanon Community Power and as required by law or regulation.

Participants will continue to be responsible for paying their bills. Failure to do so may result in a customer being transferred from Lebanon Community Power back to Liberty Utilities (the regulated distribution utility and provider of last resort) for default energy service, payment collections and utility shut offs under procedures subject to oversight by the Public Utilities Commission.

## Net Metering and Group Net Metering Policies

Under the net metering process, customers who install renewable generation or qualifying combined heat and power systems up to 1,000 kilowatts in size are eligible to receive credit or compensation for any electricity generated onsite in excess of their onsite usage.

Any surplus generation produced by these systems flows back into the distribution grid and offsets the electricity that would otherwise have to be purchased from the regional wholesale market to serve other customers.

Currently, customer-generators are charged their full retail rate for electricity supplied by Liberty Utilities and receive credits for electricity they export to the grid based on Liberty Utilities' Net Energy Metering (NEM) tariffs.

Lebanon Community Power intends to provide new rates and terms that compensate participating customer-generators for the electricity supply component of their net metered surplus generation.

Customer-generators will continue to receive any non-supply related components (e.g., transmission and distribution credits) directly from Liberty Utilities, as specified under the terms of their applicable net energy metering tariff.

For group net metering where the host customer-generator is on default service, to the extent LCP supply rates are lower than Liberty default service or if the host is located outside of Lebanon, it may be most advantageous for the host to remain a Liberty default service customer, while the other group members are free to switch to Lebanon Community Power for their supply and continue to receive on-bill credits for their participation in the group.

Lebanon Community Power's exact terms, conditions, and rates for compensating and crediting different types of NEM customer generators in the City will be set at duly noticed public meetings and fully disclosed to all prospective NEM customers through the program's enrollment notification process and thereafter.

Certain aspects of administering net energy metering require coordination between Liberty Utilities and Lebanon Community Power. The enabling services and strategies that Lebanon Community Power may pursue, to benefit and encourage customers to adopt distributed generation, include but are not limited to:

- Dual-billing customer-generators separately for supply services;
- Offering time-varying rates and alternative credit mechanisms to compensate customers for surplus generation;
- Streamlining the establishment of new Group Net Metering and Low-Moderate Income Solar Project groups;
- Facilitating interval meter and Renewable Energy Certificate (REC) meter installations for customer-generators; and
- Engaging at the Legislature and Public Utilities Commission to advocate for upgrades and reforms to metering and billing infrastructure and business processes to enable Net Energy

Metering and other innovative services to benefit customer-generators.

For additional details regarding these enabling services and strategies, refer to:

- [Attachment 5](#) provides an overview of Liberty Utilities' net energy metering tariffs in use today, including the "standard" and "alternative" tariffs for individual customer-generators as well as Group Net Metering and Low-Moderate Income Solar Project options, and tables showing the number of customer-generators on net metered service in each utility territory;
- [Attachment 6](#) provides an in-depth discussion regarding operational and strategic opportunities to enhance net metering and group net metering through Lebanon Community Power.

## Ensuring Discounts for Electric Assistance Program Participants

Income eligible households can qualify for discounts on their electric bills under the Electric Assistance Program. Lebanon Community Power will support income eligible customers who enroll in the Electric Assistance Program to receive their discount.

Electric Assistance Program discounts are funded by all ratepayers as part of the System Benefits Charge, which is charged to all customers and collected by the distribution utilities.

At present, the Public Utilities Commission and utilities only support provision of the discount to individual customers when the customer's electricity supply charges are billed through the distribution utility.

Lebanon Community Power consequently plans to rely on Liberty Utilities to bill all customer accounts enrolled in the Electric Assistance Program. This represents no change in the provision or funding of this program.

This arrangement may be revisited if, at some point in future, the Public Utilities Commission enables Community Power programs to provide Electric Assistance Program customers with their discount directly.

## Termination of the Program

There is no planned termination date for Lebanon Community Power.

Lebanon Community Power may be terminated by majority approval of the City Council. If so terminated, Lebanon Community Power would cease operations after satisfying any obligations contractually entered into prior to termination, and after meeting any advance notification period or other applicable requirements in statute or regulation, at which point participating customers would either be transferred to default service provided by Liberty Utilities or to a Competitive Electric Power Supplier of their choosing.

Lebanon Community Power will provide as much advance notice as possible regarding the potential or planned termination of the program to participating customers, the Coalition, the Public Utilities Commission and Liberty Utilities.

Upon termination, the balance of any funds accrued in the program's financial reserve fund and other accounts, if any, would be available for distribution or application as directed by the City Council and in accordance with any applicable law and regulation.



# **Electric Aggregation Plan Attachments**

## Attachment 1: Legislative Background and Local Control Authorities

In 1996, New Hampshire led the nation in being the first state to pass an Electric Utility Restructuring Act ([RSA 374-F](#)), the purpose of which is excerpted in full below:

- I. *The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets. The overall public policy goal of restructuring is to develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service with minimum adverse impacts on the environment. Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services.*
- II. *A transition to competitive markets for electricity is consistent with the directives of part II, article 83 of the New Hampshire constitution which reads in part: “Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it.” Competitive markets should provide electricity suppliers with incentives to operate efficiently and cleanly, open markets for new and improved technologies, provide electricity buyers and sellers with appropriate price signals, and improve public confidence in the electric utility industry.*
- III. *The following interdependent policy principles are intended to guide the New Hampshire public utilities commission in implementing a statewide electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in approving each utility’s compliance filing, in streamlining administrative processes to make regulation more efficient, and in regulating a restructured electric utility industry. In addition, these interdependent principles are intended to guide the New Hampshire general court and the department of environmental services and other state agencies in promoting and regulating a restructured electric utility industry.*

Prior to this point, state regulators set retail customer rates to allow electric utilities to recover a return on their investments (profits) and prudently incurred costs for “vertically integrated” monopoly service — spanning wholesale electricity generation, transmission, local distribution and retail customer services (metering, billing, collections, call center operations and so on).

Restructuring sought to increase competition and technological innovation in the markets for electricity supply and retail customer services, by requiring electric utilities to divest of their generation portfolios, creating a Federally regulated regional electricity market or “Independent System Operator” (ISO New England is the market operator for New England), and allowing Competitive Electric Power Suppliers (CEPs) to offer electricity supply rates and other services to retail customers.

Customers that did not choose a competitive supplier were left on “default service” provided by the electric utilities — afterwards referred to as “electric distribution companies” — which continue to be regulated by the Public Utilities Commission. The distribution utilities periodically

hold auctions for competitive suppliers to bid against one another for the right to supply electricity to default service customers in large groups to competitive suppliers. (Refer to [Attachment 4](#) for additional details on this process.)

## Status of the Competitive Market

Nearly a quarter century has passed, and New Hampshire’s competitive market has seen little growth since 2013. Four out of five customers remain on default service provided by the distribution utilities, and the customers that are on competitive supply only account for about half of total electricity usage.

Regulated distribution utilities continue to provide services that are not natural monopolies, and could therefore be available by competitive means, such as: default electricity supply, metering, meter data management, billing, and other retail customer services (such as demand response and energy storage for smaller customers).

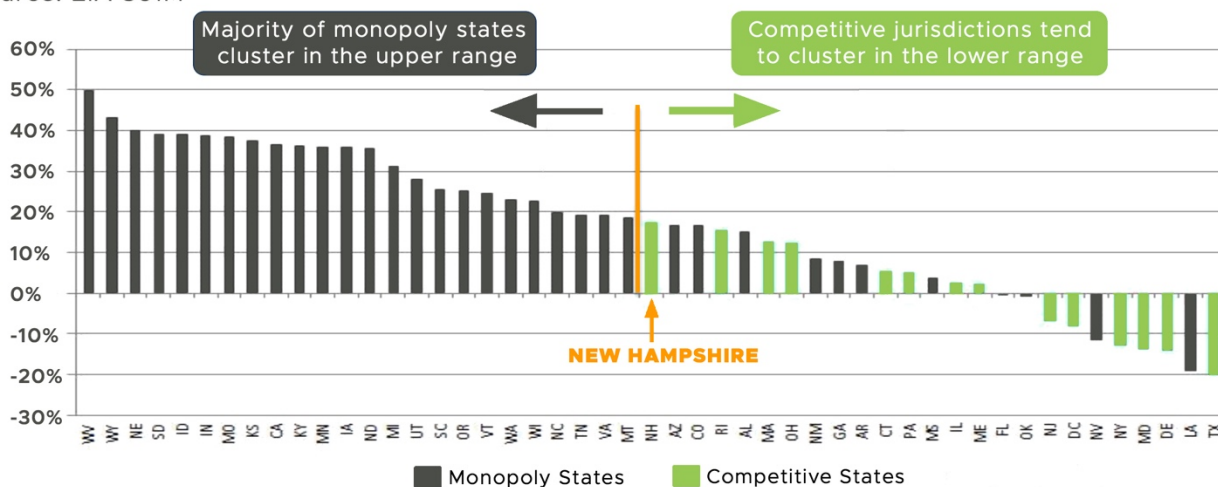
The continued reliance on utilities to provide these customer-facing services has necessitated state regulation over many aspects of the retail customer market. Utility regulation relies on administrative regulatory proceedings, which are necessarily more slow-moving and unable to respond to changing customer technologies and wholesale market dynamics (such as the increased price volatility caused by higher levels of renewable generation) compared to the nimbler, market-based framework envisioned under the Electric Utility Restructuring Act.

Residential customers, in particular, are not offered many rate options or clean technology innovations today: out of the 29 competitive suppliers currently offering service in New Hampshire, only nine offer service to residential customers (and only four serve customers in every distribution utility territory).

As a consequence, New Hampshire has fallen behind every other state with a restructured electricity market in terms of price competition:

### All Sector Price % Price Change by State, 2008-2019

Source: EIA 861M



Credit: Retail Energy Supply Association, 2020.

## The Community Power Act

In order to support the growth of competitive market services in alignment with The Electric Utility Restructuring Act, Senate Bill 286 and [RSA 53-E:6](#) have authorized towns, cities and counties to launch Community Power programs that replace distribution utilities as default suppliers of electricity to retail customers. The purpose of RSA 53-E is excerpted below:

*“The general court finds it to be in the public interest to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services. The general court finds that aggregation may provide small customers with similar opportunities to those available to larger customers in obtaining lower electric costs, reliable service, and secure energy supplies. The purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.”*

To achieve this purpose, RSA 53-E:3 allows Community Power programs to enter into agreements and provide for:

*“the supply of electric power; demand side management; conservation; meter reading; customer service; other related services; and the operation of energy efficiency and clean energy districts adopted by a municipality pursuant to RSA 53-F and as approved by the municipality’s governing body.”*

RSA 53-E:3-a further provides Community Power programs with authorities and regulatory pathways to offer more advanced meters for customers, and to provide for alternative customer billing options. Both metering and billing services are important means by which Community Power programs will be able to better engage customers and offer more innovative services that lower the energy expenditures and carbon emissions for individual customers and communities.

To enable all municipalities to work together to achieve this purpose, RSA 53-E:3 provides that *“such agreements may be entered into and such services may be provided by a single municipality or county, or by a group of such entities operating jointly pursuant to [RSA 53-A](#).”*

Community Power programs *“shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.”* To ensure that utilities are fairly compensated for their continuing role in owning and operating the distribution grid, RSA 53-E:4(III) stipulates that:

*“Transmission and distribution services shall remain with the transmission and distribution utilities and who shall be paid for such services according to rate schedules approved by the applicable regulatory authority, which may include optional time varying rates for transmission and distribution services that may be offered by distribution utilities on a pilot or regular basis.”*

Enabling locally controlled Community Power programs, in order to exercise local control over these authorities and bring in third-party competitors to provide more innovative services on a community-wide scale, represents a viable and stable pathway to animate competitive retail markets across New Hampshire — and thus realize a lower-cost, more innovative and sustainable future for both our community and all Granite Staters.



Lebanon is committed to using its local control authorities granted under RSA 53-E to accelerate innovation, customer and community choice in electricity supply, the creation of new economic value, and a sustainable and resilient future for our City and customers.

## Attachment 2: The Community Power Coalition of New Hampshire

Lebanon is a founding member of the Community Power Coalition of New Hampshire (“CPCNH” or “the Coalition”), a nonprofit joint powers agency authorized under RSA 53-A and governed by participating communities under the terms of the Joint Powers Agreement unanimously approved by Lebanon’s City Council on February 3<sup>rd</sup>, 2021. The City Council’s motion is provided below:

*Councilor Bronner MOVED, that the Lebanon City Council hereby authorizes the City Manager to enter into an intermunicipal agreement known as the “Joint Powers Agreement” under the provisions of New Hampshire RSA 53-A to create the Community Power Coalition of New Hampshire (CPCNH) for the purpose of supporting member municipalities and counties in developing and implementing electric aggregation plans, pursuant to RSA 53-E, as well as related statutory authorities.*

*BE IT FURTHER MOVED, that the Mayor, in consultation with the City Manager, is authorized to appoint a City representative and an alternate to the CPCNH Membership and Board of Directors.*

The motion was seconded by Councilor Heistad and approved 8-0 by: Mayor McNamara, Assistant Mayor Below, and Councilors Bronner, Heistad, Liot Hill, Sykes, Winny, and Zook.

The Joint Powers Agreement is available on the Coalition’s webpage (<http://www.cpcnh.org>). The agreement includes the nonprofit’s Bylaws and Articles of Agreement, and details the common purpose, authorities, structure, Board of Directors, committees, cost sharing principals, liability protections, and other aspects of the organization.

The Cities of Nashua and Dover and the towns of Hanover, Harrisville, Exeter, have also approved entering into the Joint Powers Agreement, Cheshire County is expected to do so over the near-term, and additional communities are starting to evaluate joining the Coalition as founding members as well.

After the founding members jointly execute the agreement, the Coalition will be incorporated, and the Board constituted with Directors appointed by each member’s governing body. The Board will directly oversee the initial startup and implementation activities of the Coalition.

Municipalities that adopt the Joint Powers Agreement prior to the joint execution of the agreement by participating municipalities become founding members of the Coalition.

Municipalities that adopt the Joint Powers Agreement after the incorporation of the agency may subsequently apply for membership under the terms and procedures required by the agreement.

### Lebanon’s Participation in the Design Process

Lebanon has actively participated in the exploratory “Organizing Group” process that designed the Coalition joint powers agency. This process began in December 2019, with communities interested in Community Power meeting regularly to research national best practices and explore the viability of establishing a collaborative nonprofit to share services across municipalities and counties:

- The Coalition’s initial Organizing Group consisted of the cities of Lebanon and Nashua, the towns of Hanover and Harrisville, and Cheshire County;

- Technical and community advisors included representatives from both Thayer School of Engineering and Tuck School of Business at Dartmouth, the Monadnock Sustainability Hub, Clean Energy New Hampshire, Growing Edge Partners and Community Choice Partners;
- Activities were carried out in four working group tracks: Governance Agreements, Regulatory and Policy Engagement, Design and Implementation, and Community Engagement.

Over the last year, members of the Coalition’s Organizing Group have:

- Participated in the Community Power informal rule drafting process, including by providing the initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and leading significant portions of the subsequent stakeholder workshops at the request of Public Utilities Commission staff;
- Intervened in regulatory proceedings and legislative hearings to represent the interests of communities and customers, such as by advocating for expanded data access in the Commission’s Statewide Data Platform docket, DE 19-197, and successfully negotiating the clarification and expansion of key Community Power authorities in House Bill 315;
- Assessed power agency design best practices — in terms of public governance and competitive operating models — by interviewing elected officials, senior staff and vendors operating Community Power programs in other states, along with representatives from public power associations (such as the American Public Power Association and the Vermont Public Power Supply Authority) and other industry experts; and
- Hosted a virtual summit on Community Power that was attended by over eighty representatives from thirty-one municipalities, collectively representing one-quarter of the state’s default electricity market.

Most recently, the City of Lebanon, using grant funding and in collaboration with the Organizing Group executed legal, community engagement and professional service contracts to help formally establish and implement the Community Power Coalition of New Hampshire.

## Joint Powers Agreement Drafting Process

The Organizing Group began by surveying other Community Power states and the broader public power industry, assessed the legal and governance structure of a selection of successful nonprofit power agencies that provide services to multiple municipal members, and interviewed staff and elected officials involved.

After discussing joint governance issues and reviewing the governance documents of comparable entities, the Organizing Group created a draft Joint Powers Agreement for the Coalition in July 2020.

In September 2020, the City of Lebanon and Town of Hanover, in collaboration with the Organizing Group, reviewed six responses to a Request for Qualifications and retained the legal services of Duncan, Weinberg, Genzer & Pembroke (DWGP). The firm was hired to provide advice on key aspects of joint power agency governance and to finalize the Coalition’s Joint Powers Agreement, in compliance with RSA 53-A., with additional support provided by New Hampshire counsel on a subcontracted basis. DWGP are national leaders with over 50 years in public power legal guidance, and the project was led by DWGP President Michael Postar Esq.

The Joint Powers Agreement was finalized in December 2020.

## Outreach and Implementation Process

In February 2021, the City of Lebanon, using previously secured grant funding and in collaboration with the Coalition's Organizing Group, contracted with Henry Herndon (formerly the Director of Local Energy Solutions at Clean Energy New Hampshire) and Samuel Golding of Community Choice Partners, Inc., to provide implementation support services prior to launch.

Mr. Herndon is facilitating branding and policy communication efforts, drafting an outreach strategy, compiling resources and facilitating the engagement of prospective members, and onboarding new members and their representatives throughout the state to the Coalition.

Mr. Golding is advising on Community Power rule development at the Public Utilities Commission and other regulatory and legislative affairs, drafting Electric Aggregation Plans and supporting municipalities through the local approval process, creating educational materials and presentations, drafting a business plan and budget for the Coalition, advising on Board policies and staffing, preparing vendor surveys and a request for proposals for the services and financing required to launch Community Power programs, and assisting in the bid evaluation, award and contracting process.

## Attachment 3: New Hampshire's Renewable Portfolio Standard

New Hampshire's Electric Renewable Portfolio Standard ("RPS") statute, RSA 362-F, established the renewable energy policy for the State.

The RPS statute requires each electricity provider, including Liberty Utilities and Lebanon Community Power, to meet a certain percentage of customer load by purchasing, generating, or otherwise acquiring Renewable Energy Certificates ("RECs"):

- One REC represents the renewable attributes of one megawatt-hour of electricity, or the equivalent amount of useful thermal energy.
- RECs are generated by certified renewable energy facilities for power that is physically delivered into the New England wholesale electricity market operated by ISO-New England (which means the power can come from within New England, New York, or eastern Canada).
- The New England Power Pool Generation Information System (NEPOOL GIS) issues and tracks RECs for the region.
- RECs are generally used for compliance in the same year as the renewable power was generated, though suppliers may "bank" RECs for up to two years to meet up to 30% of compliance requirements.

There are four distinct "classes" of renewable certificates under the RPS, each distinguishing between different technologies and dependent upon the year that the generators came online:

1. Class I is divided between thermal and non-thermal renewables:
  - Class I non-thermal electricity, from generators that came online after January 1, 2006: wind, solar, small hydroelectric, methane (biologically derived such as from anaerobic digestion of organic materials), biomass, hydrogen (from methane or biomass), ocean thermal, current, tidal or wave energy, and also biodiesel (if produced in state).
  - Class I thermal energy, from generators that came online after January 1, 2013 (and are producing thermal energy, rather than electricity): geothermal, solar thermal, biomass and methane.
2. Class II: solar generation that came online after January 1, 2006.
3. Class III: biomass & methane that came online before January 1, 2006.
4. Class IV: small hydroelectric that came online before January 1, 2006.

Electricity suppliers must obtain RECs for each of the four classes of renewables as a set percentage of their retail electric load, which increase on an annual basis (until plateauing after 2025, unless the RPS is raised in future):

Compliance Year	Total RPS Requirement	Class I Non-Thermal	Class I Thermal	Class II Solar	Class III Biomass & Methane	Class IV Small Hydro
<b>2020</b>	<b>20.70%</b>	8.90%	1.60%	0.70%	8.00%	1.50%
<b>2021</b>	<b>21.60%</b>	9.60%	1.80%	0.70%	8.00%	1.50%
<b>2022</b>	<b>22.50%</b>	10.30%	2.00%	0.70%	8.00%	1.50%
<b>2023</b>	<b>23.40%</b>	11.00%	2.20%	0.70%	8.00%	1.50%
<b>2024</b>	<b>24.30%</b>	11.90%	2.20%	0.70%	8.00%	1.50%
<b>2025 onwards</b>	<b>25.20%</b>	12.80%	2.20%	0.70%	8.00%	1.50%

Note the following flexibilities in meeting Class I requirements:

- Class I non-thermal requirements may be met with Class I thermal biomass and methane resources;
- Class I requirements may also be met with Class III (biomass & methane, thermal and non-thermal) or Class IV (small hydroelectric, non-thermal) resources that have been restored through significant investment or have otherwise begun generating in excess of historic baselines; and
- Solar that came online after January 1, 2006 may be used to satisfy Class II or Class I requirements.

Additionally, net metered customers (primarily customers with solar photovoltaics) that meet certain registration and administrative requirements can track and sell their RECs (which are accounted for in NEPOOL’s Generation Information System). Not all customers do, however, and the REC production from such customer generators are estimated by the Public Utilities Commission each year and applied to lower the Class I and Class II procurement requirements of the utilities and other suppliers.

If the electricity providers are not able to meet the RPS requirements by purchasing or acquiring renewable energy certificates, they must pay alternative compliance payments (ACPs). The funds are used for a variety of renewable programs in New Hampshire.

The result is that these alternative compliance payment prices essentially act as a price ceiling for the REC market in New Hampshire. The ACPs for RECs by class in recent years are:

<b>Inflation Adjusted Alternative Compliance Payment Rate (\$ per Megawatt Hour)</b>					
	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Class I (Non-Thermal)</b>	\$ 56.02	\$ 56.54	\$ 57.15	\$ 57.61	\$ 57.99
<b>Class I Thermal</b>	\$ 25.46	\$ 25.69	\$ 25.97	\$ 26.18	\$ 26.35
<b>Class II</b>	\$ 56.02	\$ 56.54	\$ 57.15	\$ 57.61	\$ 57.99
<b>Class III</b>	\$ 55.00	\$ 55.00	\$ 55.00	\$ 34.54	\$ 34.99
<b>Class IV</b>	\$ 27.49	\$ 28.00	\$ 28.60	\$ 29.06	\$ 29.44

For example, Eversource, Unitil and the New Hampshire Electric Cooperative have recently made alternative compliance payments instead of purchasing certain categories of RECs:

2019 Company	Alternative Compliance Payments (ACPs)					
	Class I	Class I Thermal	Class II	Class III	Class IV	Total
Liberty Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Hampshire Electric Cooperative	\$ -	\$ 187,192	\$ -	\$ -	\$ -	\$ 187,192
Eversource Energy	\$ -	\$ 519,893	\$ -	\$ -	\$ -	\$ 519,893
Unitil Energy Systems, Inc.	\$ -	\$ -	\$ 1,029	\$ -	\$ -	\$ 1,029
<b>Distribution Utilities Subtotal</b>	\$ -	\$ 707,085	\$ 1,029	\$ -	\$ -	\$ 708,114

For additional information on the Renewable Portfolio Standard, refer to:

- [New Hampshire's RPS statute \(RSA 362-F\)](#)
- [Public Utilities Commission RPS Website](#)
- [New Hampshire Renewable Energy Fund Annual Report \(1 October 2020\)](#)
- [UNH Sustainability Institute Study: New Hampshire RPS Retrospective 2007 to 2015](#)

## Attachment 4: Utility Default Procurement Cycles and Rate Setting

Lebanon Community Power has a goal of maintaining competitive default rates compared to Liberty Utilities, while also offering voluntary products that retail customers may opt-in to receive.

The timing of the program's rate setting decisions, and, to a certain degree, the procurement of electricity will need to consider when Liberty Utilities conducts these same activities (particularly for the program's default electricity product).

As context, Eversource, Liberty Utilities and Unitil all issue requests for proposals (RFPs) twice annually for competitive suppliers to assume load-serving entity obligations and supply default customers with electricity for 6-month "strip" periods, with suppliers bidding to serve individual "tranches" or segments of customers by class.

The procurement schedules, tranches and rate practices for each distribution utility are:

- **Eversource** (Public Service Company of New Hampshire): issues RFPs in May and November with bids due in early to mid- June and December for suppliers to begin serving customers in August and February, offering four ~100 MW tranches to serve small customers and a single tranche to serve large customers (five tranches in total). Retail rates are fixed over the 6-month period for small customers and vary by month for large customers.
- **Liberty Utilities**: follows the same supplier RFP schedule and retail pricing as Eversource but (1) solicits supply for small customers in a single 6-month block tranche and for large customers in two, consecutive three-month block tranches (3 tranches total), and (2) allows bidders to include and price RPS compliance obligations separately (as an additional product).
- **Unitil**: issues RFPs in March and August for delivery beginning in June and December, offering tranches of residential, small commercial, outdoor lighting and large customers classes (four tranches). The large customer RFP is structured in a distinct fashion, in that it passes through market costs for energy and so suppliers compete to price capacity, congestions, ancillary services, etc. for the large customer tranche over the 6-month term; retail rates reflect these load-serving entity costs along with the pass-through of real time locational marginal market prices (which are load-weighted by the entire class' hourly load shape i.e., not the individual large customer's usage profile). Retail rates for the residential, small commercial, and outdoor lighting classes are fixed over the 6-month term, though customers have the option to choose variable monthly pricing if the election is made prior to the start of the next 6-month term.

Supplier bids are priced in dollars per megawatt-hour (\$/MWh) on a monthly basis and generally exclude Renewable Portfolio Standard (RPS) compliance obligations (called "Renewable Energy Certificates" or "RECs"), though Liberty Utilities allows RECs to be bid as a separate product. Distribution utilities typically procure most or all of their supply of RECs through competitive solicitations held separately from the auctions for default electricity service.

New Hampshire's RPS requires all electricity suppliers to procure or otherwise obtain RECs for four distinct "classes" of renewables, each distinguishing between different technologies and dependent upon the year that the generators came online.



For 2021, Liberty Utilities is required to include 21.6% renewable energy in their energy supply. This minimum compliance requirement will increase incrementally to 25.2% by 2025 and remain fixed thereafter, absent an increase in the RPS requirement by the NH legislature.

Refer to [Attachment 3](#) for further details on the RPS.

## Attachment 5: Overview of Utility Net Energy Metering Tariffs

### Discussion of Utility Net Metering, Group Net Metering and Low-Moderate Income Solar Project Tariffs

Under the net metering process, customers who install renewable generation or qualifying combined heat and power systems up to 1,000 kilowatts in size are eligible to receive credit or compensation for any electricity generated onsite in excess of their onsite usage.

Any surplus generation produced by these systems flows back into the distribution grid and offsets the electricity that would otherwise have to be purchased from the regional wholesale market to serve other customers.

The credits and compensation customer-generators receive for electricity exported to the grid are defined under Net Energy Metering (NEM) tariffs offered by Eversource, Liberty Utilities, Unitil and the New Hampshire Electric Cooperative.

The Public Utilities Commission (PUC) regulates the investor-owned distribution utilities' Net Energy Metering (NEM) tariffs in accordance with [PUC Rule 900](#) and [RSA 362-A:9](#) (refer to [RSA 362-A:9, XIV](#) specifically for Group Net Metering statutes). The NH Electric Cooperative member elected Board of Directors sets their net-metering tariff rather than the PUC. Note that for the three investor-owned distribution utilities:

- NEM tariffs offered by the utilities underwent a significant change several years ago;
- Customer-generators that installed systems before September 2017 may still take service under the "NEM 1.0" tariff ("standard" or "traditional" NEM); whereas
- Systems installed after August 2017 must take service under the "NEM 2.0" tariff ("alternative NEM")
- NEM 1.0 customers are allowed to switch to taking service under the NEM 2.0 tariff, but cannot subsequently opt-back into NEM 1.0 (with limited exceptions, e.g., participation in certain pilot programs).

Under both tariffs, customer-generators are charged the full retail rate for electricity supplied by Liberty Utilities and receive credits for electricity they export to the grid for some (but not all) components of their full retail rate. Refer to the next subsection for tables comparing NEM 1.0 to 2.0 tariffs.

To appropriately measure and credit customer-generators taking service under a NEM tariff, Liberty Utilities installs a bi-directional net meter that records each kilowatt-hour (kWh) supplied to the customer from the grid and also each kWh that flows back into the grid. This data is recorded and collected on a monthly billing-cycle basis.

For NEM 1.0 tariff systems (installed before September 2017), any kWh exported to the grid are netted against kWh consumed. If there is a net surplus of kWh at the end of the monthly billing period (i.e., more power was exported to the grid by the customer-generator than was consumed) those surplus or negative kWh are carried forward and can be used to offset future kWh consumption (so the customer only pays for their "net" energy consumption).

For NEM 2.0 tariff systems (installed after August 2017), all customer-generators receive a monetary credit for each kWh that is exported valued at 100% of their default electricity supply

rate component for the month. Smaller systems (up to 100 kilowatts in size) additionally receive credits for 100% of the transmission component and 25% of the distribution component of their retail rate. (Larger systems, up to 1,000 kilowatts in size, only receive full credit for the electricity supply rate component.)

Note that most customer-generators in Lebanon Community Power are expected to be taking service under NEM 2.0 tariffs going forward.

Any credits that accumulate over time are tracked and used to offset the customer-generator's future electricity bills. Customers may also request to cash-out their surplus credit once a year, after their March billing cycle, if the balance exceeds \$100 (or any balance in the event of moving or service disconnection). NEM 1.0 surplus balances are tracked as kWh credits and are converted to dollars at wholesale avoided costs, while NEM 2.0 surplus balances are tracked as monetary credits directly (in dollars). Note that these cash-outs are treated as taxable income by the Internal Revenue Service (IRS). Payments of \$600 or more remitted to the customer are accompanied by a 1099 form for the IRS. Utilities may also issue IRS Form 1099s for smaller amounts.

Alternatively, Group Net Metering is a process that allows any customer-generator to share the proceeds of their surplus generation credits to directly offset the electricity bills of other customers, which is financially more advantageous and can increase the effective value of the system. All the members in the group need to be within the same distribution utility service territory but may be served by different suppliers, including by Lebanon Community Power. The credits are calculated based on the host site's NEM tariff and retail rate, and payments are credited to offset the electricity bills of each member directly by Liberty Utilities (if the customers are billed for supply by Liberty Utilities). These allocations are governed by a Group Net Metering Agreement between the host customer-generator and group members, which is part of the registration process overseen by the Public Utilities Commission.

Note that larger systems (up to 1,000 kilowatts in size) actually have to register as group hosts in order to qualify for net metering in the event that the customer-generator exports more than 80 percent of the power produced onsite to the distribution grid. Additionally, if the electricity exported from larger systems exceeds the total electricity usage of the group on an annual basis, the credit for the residual amount (e.g., electricity exported in excess of the group's total usage) is re-calculated based on Liberty Utilities' avoided cost of electricity supply. This rate is lower than the NEM credit based on the customer-generator's retail rate, and results in a downward payment adjustment issued by Liberty Utilities to the host customer. Residential systems under 15 kilowatts, however, are not subject to this adjustment.

Most recently, a Low-Moderate Income (LMI) Community Solar Project option has been implemented under Group Net Metering. The program currently provides an incentive of 3 cents per kWh (dropping down to 2.5 cents after July 2021) in addition to the host site's NEM credits, and solar systems may be either rooftop or ground-mounted systems. To qualify, groups must include at least five residential customers, a majority of which are at or below 300 percent of the federal poverty guidelines, and non-residential customers cannot account for more than 15 percent of the total projected load in the group.

Lastly, all group hosts (except for residential systems under 15 kilowatts) must file an annual report with the Public Utilities Commission and Liberty Utilities that includes the annual load of

the host and members, annual total and net surplus generation of the host site system, and additional information for Low-Moderate Income Community Solar Projects.

In addition to NEM credits, all customer-generators have the option of selling the Renewable Energy Certificates (RECs) produced by their systems. This can provide an additional revenue stream to customer-generators, but requires a separate REC meter, registration, and ongoing reporting requirement.

Alternatively, the Public Utilities Commission estimates the RECs that could be produced by all customer-generators who do not separately meter and sell their RECs and lowers the Renewable Portfolio Standard procurement requirements for all load-serving entities by an equivalent amount.

### Comparison of Utility “Standard” and “Alternative” Net Energy Metering Tariffs

The tables below compare the two tariff structures, which offer different credits to customers depending on the size of their installed system:

**Net Energy Metering (NEM) Credit on Net Monthly Exports to Grid**

	<b>NEM 1.0</b> <i>“Standard NEM”</i> <i>Offered prior to 9/1/2017</i>	<b>NEM 2.0</b> <i>“Alternative NEM”</i> <i>Effective 9/1/2017</i>
<b>Large Systems</b> <i>100 Kilowatts to 1 Megawatt</i>	Full credit (at the customer’s retail rate) for electricity supply <u>only</u>	
<b>Small Systems</b> <i>≤ 100 Kilowatts</i>	Full credit for electricity supply, distribution, transmission, System Benefits, Stranded Cost & Storm Recovery charges	Full credit for electricity supply and transmission; 25% credit for distribution & no credit for other charges

As shown in the table above, levels of compensation for small customer-generators (with systems up to 100 kilowatts) were lowered, such that these customers no longer receive full compensation on their distribution rate component or several other small charges (e.g., the System Benefits, Stranded Cost and Storm Recovery charges).

Additionally, the NEM 2.0 tariff modified the type of credit, and the ways credits for surplus generation are tracked and refunded, for both small and large customer generators:

- Under NEM 1.0, any surplus generation would be tracked as a kilowatt-hour (kWh) credit, which was carried forward to offset the customer’s consumption (and bill) in future months. For any kWh credits remaining on an annual basis (at the end of March each year), such customers have the option of either continuing to bank their credits to offset future usage, or to convert the kWh credit into a monetary credit, at a rate set by the Public Utilities Commission (typically ~3 to 5 cents per kilowatt-hour) and to apply the amount to their account or receive a check for the amount owed.
- Under NEM 2.0, kWh credits are automatically converted into a monetary credit every month,

valued at the customer’s retail rate for that specific month. Customers have the option of either carrying the credit forward to offset to their electricity bill in future months or may receive the refund directly as a check.

The crediting mechanism under NEM 1.0 was relatively more advantageous for customers in one respect. Solar systems generate more power in the spring and summer months relative to other seasons; consequently, the credits that customer-generators would accrue during the summer months would offset their consumption in the winter months on a one-to-one, kWh per kWh basis. This is advantageous because winter supply rates are above summer rates on average.

In another respect, NEM 2.0 offers an advantage to customers that accrue surplus credits over the course of the year, because the surplus is calculated based on components of the customer’s retail rate — which is higher than the ~3-5 cents per kilowatt-hour value that is applied to convert NEM 1.0 kWh credits into a monetary credit whenever customers elect to cash-out their surplus.

These changes are summarized in the table below, and apply to all customer-generators regardless of system size:

<p align="center"><b>NEM 1.0</b></p> <p align="center"><i>“Standard NEM”</i></p> <p align="center"><i>Offered prior to 9/1/2017</i></p>	<p align="center"><b>NEM 2.0</b></p> <p align="center"><i>“Alternative NEM”</i></p> <p align="center"><i>Effective 9/1/2017</i></p>
<p>kWh credit carried forward.</p> <p>May be refunded at a rate calculated by the Public Utilities Commission (typically ~3 to 5¢ per kWh).</p>	<p>kWh converted to monetary credit automatically each month.</p> <p>Monetary credit carried forward as a bill credit or refundable.</p>

Additional details may be found in the Eversource, Liberty Utilities and Unitil tariffs and the Public Utilities Commission website:

- [Eversource Tariffs](#)
- [Unitil Tariffs](#)
- [Liberty Utilities Tariffs](#)
- [PUC overview of Net Metering](#)
- [PUC graphic explanation of NEM 1.0 vs. NEM 2.0.](#)

### Net Energy Metering Systems by Utility Territory

According to the most recent [Energy Information Agency \(EIA\) Form 861m data](#), there are about 11,000 customer-generators taking service under Net Energy Metering tariffs in New Hampshire, with a cumulative installed capacity of approximately 140 megawatts (in terms of nameplate capacity in alternating current, or “AC”). Estimated numbers of customer-generators and installed capacity by technology are summarized below:

- Solar photovoltaics: ~120 megawatts (MW) and 10,760 customer-generators; note that:
  - Group Net Metering accounts for an additional ~1.5 MW serving 56 customers; and

- Sixteen residential customers, in addition to solar photovoltaics, also have battery storage systems with a cumulative capacity of 175 kilowatts (an average size of ~11 kilowatts per customer).
- Onsite wind: 412 kilowatts (kW) and 72 customer-generators.
- “Other” technologies (presumably, small hydro or qualifying combined heat and power systems, or “CHP”): ~17.5 megawatts (MW) and 55 customer-generators.

The table below provides the number of customer-generators in each distribution utility territory:

**Number of Net Metered Customer-Generators by Technology**

	Customer-Generators by Technology				Subsets of Solar PV Customers	
	Total	Wind	Other (CHP or Hydro)	Solar PV	Group Net Metering	Battery Storage
<b>Eversource</b>	7,949	37	52	7,860	21	0
<b>Unitil</b>	1,066	3	1	1,062	0	0
<b>Liberty Utilities</b>	724	1	0	723	22	16
<b>NHEC</b>	1,204	31	2	1,171	13	0
<b>Total</b>	10,943	72	55	10,816	56	16

The number of customer-generators by customer class with onsite solar photovoltaic systems, total installed capacity, and average solar system size in each utility territory are provided for reference in the tables below.

Note that these tables do not include Group Net Metered systems and participating customers within groups and reflect only installed solar photovoltaic system capacity (i.e., exclusive of onsite battery storage capacity).

**Net Metered Solar Photovoltaic Systems: Number of Customer-Generators**

	Residential	Commercial	Industrial	Total Customer-Generators
<b>Eversource</b>	7,195	630	35	7,860
<b>Unitil</b>	973	61	6	1040
<b>Liberty Utilities</b>	633	77	0	710
<b>NH Electric Coop</b>	1,065	81	4	1,150
<b>Total</b>	<b>9,866</b>	<b>849</b>	<b>45</b>	<b>10,760</b>

**Net Metered Solar Photovoltaic Systems: Total Installed Capacity (MW-AC)**

	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Total Installed Capacity (MW-AC)</b>
<b>Eversource</b>	54.15	29.66	5.09	88.91
<b>Unitil</b>	7.40	2.30	0.73	10.43
<b>Liberty Utilities</b>	4.78	5.12	0.00	9.90
<b>NH Electric Coop</b>	7.61	2.46	0.60	10.66
<b>Total</b>	73.94	39.54	6.42	119.90

**Net Metered Solar Photovoltaic Systems: Average System Size (kW-AC)**

	<b>Residential</b>	<b>Commercial</b>	<b>Industrial</b>	<b>Average System Size (kW-AC)</b>
<b>Eversource</b>	7.5	47.1	145.5	66.7
<b>Unitil</b>	7.6	37.8	121.2	55.5
<b>Liberty Utilities</b>	7.6	66.5	N/A	24.7
<b>NH Electric Coop</b>	7.1	30.3	149.0	62.2
<b>Average</b>	<b>7.5</b>	<b>45.4</b>	<b>138.6</b>	<b>52.3</b>

## Attachment 6: Lebanon Community Power Net Metering, Group Net Metering and Low-Moderate Income Solar Project Opportunities

Please refer to Attachment 5: [Overview of Utility Net Metering Tariffs](#) as context for this section.

[RSA 362-A:9, II](#) grants Community Power programs broad statutory authority to offer customer-generators new supply rates and terms for the generation supply component of Net Energy Metering (NEM). The relevant statutory authority is quoted in full below:

*“Competitive electricity suppliers registered under RSA 374-F:7 and municipal or county aggregators under RSA 53-E determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution grid from eligible customer-generators. The commission may require appropriate disclosure of such terms, conditions, and prices or credits. Such output shall be accounted for as a reduction to the customer-generators’ electricity supplier’s wholesale load obligation for energy supply as a load service entity, net of any applicable line loss adjustments, as approved by the commission. Nothing in this paragraph shall be construed as limiting or otherwise interfering with the provisions or authority for municipal or county aggregators under RSA 53-E, including, but not limited to, the terms and conditions for net metering.”*

Lebanon Community Power intends to offer a NEM generation rate and terms to customers with onsite renewable generation eligible for net metering from Liberty Utilities. Note that any non-supply related components of the Net Energy Metering tariff (e.g., credits for transmission and distribution) will continue to be provided to customer-generators directly by Liberty Utilities.

How Lebanon Community Power calculates, accounts for and provides NEM credits to participating customer-generators for the different types of eligible system sizes, customer types and group configurations will have a number of important financial and practical implications for the program and customers in the City.

Lebanon Community Power also anticipates encountering practical challenges of an operational nature in administering net metering and group net metering programs. This is partly because net energy metering continues to evolve in response to new policy and regulatory requirements, and the day-to-day processes that govern the coordination between the program, participating customers and Liberty Utilities are subject to refinement and change over time.

Lebanon Community Power will be one of the first default aggregation programs to launch in Liberty Utilities’ service territory, and the process of transferring significant numbers of NEM customers may cause unanticipated issues due to the metering, billing, and data management requirements of this subset of customers. Lebanon Community Power will maintain close coordination with Liberty Utilities to expeditiously resolve any such issues that may occur.

For example, Lebanon Community Power may decide to separately issue supply bills to customers that have installed systems after September 2017.

The advantage in dual-billing this subset of customers stems from what is essentially an accounting irregularity in how Liberty Utilities’ billing system and PUC policies currently treat customer-generators taking service under the NEM 1.0 tariff, which applies to systems installed



before September 2017, versus the NEM 2.0 tariff, which applies to all systems installed after that date. As context:

- The cumulative surplus generation exports of net metered customer-generators will decrease the amount of electricity that Lebanon Community Power will have to purchase from the regional power market to supply other customers in the program. The surplus generation from both NEM 1.0 and NEM 2.0 customer-generators will be tracked and netted out from the program's wholesale load obligations by Liberty Utilities for this purpose.
- However, for the purpose of netting out of the program's Renewable Portfolio Standard (RPS) compliance requirements, the surplus generation from NEM 1.0 customers is tracked and accounted for differently than it is for NEM 2.0 customers:
  - Surplus generation from NEM 1.0 customers is tracked as a kWh credit that is carried forward to offset the customer's future electricity supply requirements; these kWh credits will be counted as an offset that decreases the total electricity supplied by the program to retail customers in aggregate — which lowers the program's RPS compliance obligation.
  - Surplus generation from NEM 2.0 customers is tracked as a monetary credit that is carried forward to offset the customer's future electricity bills; even though the monetary credit is calculated each month based on every customer's kWh surplus generation, the monetary credit is treated as a re-sale or delivery of power generated by NEM 2.0 customer and provided to other participating customers through the program — it is not treated, in other words, as an offset that decreases the total electricity supplied by program to retail customers in aggregate — and therefore does not lower RPS compliance obligations in the same way.

The practical consequence of this accounting treatment is that Lebanon Community Power would have to purchase Renewable Energy Certificates for the amount of surplus generation supplied by NEM 2.0 customer-generators (but not NEM 1.0 customer-generators) in the same way as if the program had imported that amount of electricity from the regional wholesale market.

- Taking on the responsibility of billing this subset of NEM 2.0 customers directly may allow Lebanon Community Power to track and account for the impact of their surplus generation in ways that lower the program's RPS compliance obligations and costs. Specifically, the program could credit customers currently on the utility's NEM 2.0 tariff in the same way that NEM 1.0 customers are credited (i.e., using kWh credits to track surplus generation on the supply portion of the bill). Note that RSA 362-A:9,II explicitly grants Community Power programs the flexibility to offer net metered customers either:
  - A *"credit, as an offset to supply"* for their surplus generation, which is equivalent to the NEM 1.0 tariff accounting practices; or
  - To *"purchase the generation output exported"* which is equivalent to how the NEM 2.0 tariff tracks surplus generation.

Exercising the first option listed above, by offering NEM 2.0 customers a kWh credit tracked as an offset to supply, would allow Lebanon Community Power to harmonize the accounting treatment of NEM 1.0 and 2.0 surplus generation for the purpose of program RPS compliance reporting. This would help lower program rates and is an option that the program may

therefore find cost-effective to implement.

Additionally, certain customer-generators currently receiving IRS Form 1099 taxable income from monetary credits under Liberty Utilities' NEM 2.0 tariff may benefit financially from receiving kWh credits for the supply portion of their monthly surplus generation instead.

While dual billing is typically avoided — as it is less convenient for most customers to receive a separate bill from their utility and supplier — customers with onsite generation systems tend to be highly informed on energy issues and respond positively to more active engagement with both their utility and supplier.

Consequently, dual billing may enhance customer satisfaction, awareness and ongoing participation in the program for customer-generators. Furthermore, dual billing could be done electronically, which is more convenient for the customer and will be less costly for the program than sending paper bills.

Furthermore, Lebanon Community Power may be able to create additional value for customer-generators through a combination of dual billing, assistance with metering upgrades and time-varying rate structures. For example:

- Many customer-generators with solar systems may benefit from local programs that help them reduce their full energy bill costs;
- Providing the customer with a separate supply-only bill would allow Lebanon Community Power to also offer a time-varying rate (which may not otherwise be available through Liberty Utilities' billing system);
- Upgrading to an interval meter (if the customer does not have one) and installing onsite battery storage, combined with a time-varying rate, may enable the customer-generator to further lower their overall bill by shifting their pattern of electricity usage at times of high-power prices and constrained generation and transmission capacity. This could also help to manage and lower the program's electricity supply costs in aggregate as well, and thus benefits all participating customers.

Similarly, Lebanon Community Power may be able to streamline the process and cost of installing REC production meters for customer-generators that don't already have one. By registering customer-generators and purchasing their RECs for their onsite power generation Lebanon Community Power could use them to satisfy part of the program's overall RPS compliance requirements. This would allow the program to source RECs locally and would provide an additional source of revenue for customer-generators in the City.

Lebanon Community Power also intends to evaluate ways to enhance the value of the NEM credits that customers receive overall, from both the program and Liberty Utilities. For example, customer-generators may benefit by becoming hosts in Group Net Metering, including by establishing a Low-Moderate Income Solar Project group. The program may be able to streamline the process required to do so, which entails:

- Matching customers interested in becoming members with prospective group hosts;
- Executing a Group Net Metering Agreement together;
- Registering the group with the Public Utilities Commission and Liberty Utilities; and
- Thereafter filing annual compliance reports.

Lastly, NEM tariffs are subject to revision and Lebanon Community Power, through the Coalition, intends to work with Liberty Utilities, participate in Public Utilities Commission proceedings and engage at the Legislature on issues that impact how the tariffs evolve going forward.

Customers are increasingly adopting new energy technologies and expect to be offered rates and services that provide them with new choices and fair compensation based on their investment; the program's ability to assist customers in these ways is heavily dependent on how state policies and utility regulations evolve over time.

Lebanon Community Power will seek to represent the interests of our community and customers in these matters.

## Attachment 7: Lebanon's Public Planning Process

The initial vote by the Lebanon City Council to authorize LEAC to be the City's Electric Aggregation Committee in October 2016 was done in conjunction with the City's intervention in NH PUC Docket No. [DE 16-576](#) concerning the development of new alternative net metering tariffs, also authorized by the City Council. In that proceeding, the City's expert witness, City Councilor and former PUC Commissioner Clifton Below, testified, among other issues, in favor of a proposed real time pricing pilot where a number of customer-generators and other participating customers would be equipped with interval meters and could both purchase and get credit for electricity supplied to the grid at real time hourly prices and receive credit for actual avoided generation capacity and transmission charges.<sup>2</sup> The City proposed the use of RSA 53-C municipal aggregation as a vehicle to sponsor such a pilot to be undertaken in collaboration with Liberty Utilities with PUC approval. At that time RSA 53-E only allowed municipal aggregation on an opt-in basis.

In June of 2017 the PUC approved new alternative net metering tariffs based on a hybrid of two competing settlement proposals, along the lines suggested by the City in live testimony at the public hearing on the settlements. In its [Order No. 26,029](#), the Commission called for all 3 utilities to undertake time-of-use (TOU) rate pilots involving net metering and specifically approved the opt-in real time pricing pilot proposed by the City to be Liberty's TOU pilot<sup>3</sup>, stating that:

“we find that the RTP pilot program proposed to be implemented by the City of Lebanon with Liberty, through a municipal aggregation . . . represents an innovative and forward-looking project that may generate useful data regarding customer behavior and utility rate impacts. We direct Liberty to work with the City to develop the proposed RTP pilot program for filing with the Commission. We will not require that the City of Lebanon RTP pilot program be developed through the stakeholder working group process described below, . . .”

For the next couple of years LEAC and its aggregation subcommittee, which has met 32 times since 2017 at publicly noticed meetings, worked to develop an aggregation plan based on only providing the opt-in real time pricing pilot. On parallel tracks were the development of solar on City sites to be net metered and work to convert street lighting to smart networked dimmable LED lights, which required getting Liberty's tariff changed through an adjudicated PUC proceeding where the City again intervened and succeeded in getting the tariff changed to allow City ownership and control of its streetlights.<sup>4</sup> However, progress working with Liberty on the practicalities of a real time pricing pilot was stymied by the lack an affordable interval metering solution that was feasible and acceptable to both the City and Liberty.

A progress report on efforts to develop Lebanon Community Power was issued by LEAC on April 5, 2018.<sup>5</sup>

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<sup>2</sup> See Exh. 25 [City of Lebanon Direct Testimony of Clifton Below](#); Exh. 26 [City of Lebanon Attachments to Direct Testimony of Below](#); Exh. 59, [City of Lebanon Rebuttal Testimony of Below](#); and Exh. 61, [City of Lebanon Attachments to Rebuttal Testimony of Below](#).

<sup>3</sup> See [“Lebanon's Solar Future Shines with PUC Decision on Net Metering, Endorses City's Proposed Pilot, 6/29/17.](#)

<sup>4</sup> See NH PUC Docket No DE 19-064, [City of Lebanon testimony of Clifton Below](#) and [Attachments](#).

<sup>5</sup> See Lebanon Community Power Update #1 found at: <https://lebanonnh.gov/CivicAlerts.aspx?AID=549&ARC=1367>.

On May 4, 2018, with some collaboration with Liberty Utilities, the City issued a Request for Information<sup>6</sup> for the provision of services to support 3 related projects:

- 1) Smart LED Street Lighting Conversion,
- 2) Interval Metering for the City's Electric Pilot (in collaboration with Liberty Utilities, the local electric utility), and
- 3) Services to Support Lebanon Community Power, a Proposed Municipal Aggregation Involving the Use of Real-Time Hourly Pricing.

A key purpose of the RFI was to allow the City to engage in discussion with potential vendors, through an open and transparent process, to develop information to support budget pricing and the feasibility of ways of moving the 3 related projects forward. Useful responses were received across the various topics.

LEAC Chair and City Councilor Clifton Below was also invited to make a presentation at the 2018 Transactive Energy Systems conference at MIT in June 2018, which was also shared with LEAC and the City Council at public meetings in June and July of 2018.<sup>7</sup>

For a while in the summer and early fall of 2018 it looked like there might be a cost-effective path forward working with Liberty to provide interval meters that could be read on a daily or even near real-time basis using a smart street lighting network communication system. However, the vendor eventually indicated that they did not actually know when or if their smart street light communication system would ever be integrated with their smart (interval) meter system, so that approach proved to be a dead end.

Back to the drawing board the City realized that in addition to the metering problem, there were other problems with trying to implement an opt-in only aggregation with RSA 53-E as it stood in 2018, including a catch-22 requirement that a municipality do a mailing to all customers taking electric service from the utility within the town or city, while the utility was prohibited by a more recent law, RSA 362:37-38, from providing such information to the City. Another problem was that the customer acquisition and start-up costs to provide an opt-in only aggregation, whether based on real time pricing or even a conventional forward fixed flat rate, looked too high to be feasible to implement. So in late 2018 the City worked with other interested parties, including the Conservation Law Foundation, Clean Energy New Hampshire, and the Town of Hanover, to draft legislation sponsored by the new majority leader in the State Senate and the former (and now current) majority leader in the Senate, Senators Feltes (D) and Bradley (R) to sponsor legislation, SB 286 (2019) to update RSA 53-E, including to allow an opt-out approach to providing alternative default energy service at a known fixed rate.

In anticipation of possible enactment of SB 286 and a shift to a broader approach to community power aggregation, the City applied for a tax credit grant from the NH Community Development Finance Authority for new capacity development. In June 2019, as SB 286 was being enacted into law, Lebanon was awarded the \$60,000 net grant.<sup>8</sup> Over the next 9 months LEAC members,

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<sup>6</sup> See: <https://lebanonnh.gov/bids.aspx?bidID=57>, <https://lebanonnh.gov/DocumentCenter/View/8359/RFI-for-the-Provision-of-Services-to-Support-Electrical-Projects?bidId=57>

<sup>7</sup> See: <https://lebanonnh.gov/DocumentCenter/View/6981/TESE-18-Presentation-Clifton-BELOW---LCP?bidId=>

<sup>8</sup> See: <https://lebanonnh.gov/CivicAlerts.aspx?AID=1026>.

with some support by City staff, raised the \$75,000 in donations from local business (partially offset by tax credits) to secure the grant.

After SB 286 was signed into law, in September 2019, LEAC and the City sponsored a public presentation by Samuel Golding of Community Choice Partners that told the story of how California municipalities have successfully joined forces using joint powers agreements to start-up regional community choice aggregations (CCAs), another term for community power or municipal aggregations. This resulted in a consensus by LEAC, the City Manager and Council to pursue development of Lebanon Community Power in the context of supporting the development of joint powers agreement with other municipalities and counties, resulting in formation of the community power organizing group that first meet in late 2019 and worked in earnest through 2020. By the summer of 2020 it was apparent that the services of specialized legal counsel were needed to assist the organizing group in writing organizational documents. The City publicly issued a request for qualifications (RFQ) for Legal Services for the Development of Community Power.<sup>9</sup> The background document for this RFQ included a “Lebanon Community Power Update” last revised on 7/22/20.<sup>10</sup> The results of this process are further described in Attachment 2.

In early 2021 the City also secured approval of the NHCDFA to amend the anticipated scope of work under its grant to engage consultants Community Choice Partners and Henry Herndon to advance both Lebanon Community Power and the Community Power Coalition of New Hampshire.

Template drafts of this Electric Aggregation Plan (EAP) are one of the results of this engagement.

After finalizing a draft EAP in May, LEAC and its aggregation subcommittee planned public presentations and hearings on the EAP for July and August. A webpage that includes the draft EAP and frequently asked questions went live on July 1 and can be accessed at this address: <https://LebanonNH.gov/LCP>. Public hearings were publicized and held on July 15, 2021 at 7 pm in City Council chambers and on August 18, 2021 at 6 pm in Council chambers. The second hearing on August 18 was held jointly with the Lebanon City Council with all Council members in attendance. Both hearings were noticed in the *Valley News*, thorough the City’s online meeting calendar, through the City’s social media<sup>11</sup>, and in leaflets handed out during two Farmer’s Markets. Both hearings were also virtually accessible through the City’s Webex platform. The agenda for the 8/18/21 hearing included a copy of the slide deck used at the hearing.<sup>12</sup> Recordings of both hearings are available on the City’s website, although the slides do not display in the recording from 7/15. A variety of questions were addressed, and most public comments were supportive of moving ahead with the plan. No opposition was expressed.

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<sup>9</sup> See: <https://lebanonnh.gov/DocumentCenter/View/12155/Community-Power-Legal-Services-7-24-20?bidId=>.

<sup>10</sup> See: <https://lebanonnh.gov/DocumentCenter/View/12156/Legal-Services-for-Community-Power-RFQ-Background-Documents?bidId=>

<sup>11</sup> <https://www.lebanonnh.gov/CivicAlerts.aspx?AID=1727>.

<sup>12</sup> <https://civicclerk.blob.core.windows.net/stream/LEBANONNH/3f9f5fa2-7ebb-4bd9-ad79-e4453abd40f2.pdf?sv=2015-12-11&sr=b&sig=VgJJAjPF1eJ39xfG2VpNVXtQR1CY6LPYh68MH%2B%2BRY8%3D&st=2021-08-19T19%3A11%3A56Z&se=2022-08-19T19%3A16%3A56Z&sp=r&rsc=application%2Fpdf>.

At its 8/19/21 meeting LEAC voted unanimously to recommend the EAP, with various minor updating edits, to the City Council for adoption.

## Attachment 8: City Policy Excerpts

The City has an overall vision of becoming “a model for a balanced and desirable sustainable community preserving its New England rural character, smartly managing its growth and urbanization as the hub of the Upper Valley Micropolitan area, and meeting the needs of the present without compromising the ability of future generations to meet their needs.”<sup>13</sup>

This vision is rooted a number of policy documents adopted by the City, including:

- [Sustainability Principles](#), first adopted by the City Council in 2009 and revised in 2015.
- The [City Master Plan](#), adopted in 2012 by both the Planning Board and City Council as official City policy, including, in particular, the [Energy Chapter](#).
- The City’s 2020-2023 [Outcomes and Work Plan](#), including in particular pp. 29-32.
- [City Council Guiding Principles](#).
- [Lebanon’s Resolution in Support of the Paris Climate Agreement](#) (8/8/17).

A number of relevant excerpts are provided below:

From the City of Lebanon Sustainability Principles:

### **Principle #3 – Environmental Responsibility and Energy Efficiency**

Does the action . . .

- C. Improve energy efficiency and reduce the City's carbon footprint?
- D. Engage the Lebanon community to conserve energy and adopt more sustainable technologies for heating, cooling, lighting, transportation, and so forth?

### **Principle #5 – Economic Vitality**

Does the action . . .

- A. Promote community prosperity and proactively position our community for a changing world?
- B. Support and enhance innovative, diversified, green, and creative enterprises?
- D. Encourage partnership between the public and private sectors to achieve shared goals?

### **Principle #6– Fiscal Responsibility**

Does the action . . .

- A. Strengthen the City’s tax base and maintain or enhance property values?
- B. Offer cost-effectiveness, and preferably pay for itself?
- C. Promote other forms of revenue to help reduce the fiscal burden on taxpayers?
- D. Balance current demands with investments necessary for long-term viability, with particular attention to core services?
- E. Ensure transparency in government fiscal policies by linking spending to outcomes?

### **Principle #7 – Regional Partnerships**

Does the action. . .

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<sup>13</sup> See: <https://lebanonnh.gov/204/Sustainable-Community>.



- A. Work with neighboring towns to achieve common goals and address common problems more effectively?
- B. Encourage a regional view of community interdependence while respecting local autonomy?
- C. Manage growth locally and collaborate regionally?
- D. Promote positive innovation and excellence by achieving and exceeding best

## From City of Lebanon Master Plan, Chapter 13 Energy

The overall long-term goal is that “Lebanon is a leader in energy efficiency, renewable energy reliance, and innovation across municipal, commercial, institutional, and residential sectors.”

### **Vision and Purpose (13-B)**

The long-term vision for Lebanon’s energy future is to increase energy savings for residents, businesses, and municipal functions, to ensure a robust and stable energy economy, and to reduce the impacts of greenhouse gas emissions that result from a fossil fuel-dependent economy. The purpose of the Energy Plan is to develop near-term outcomes, strategies, and actions that lay a strong foundation for Lebanon’s energy future, for the fiscal and environmental benefit and security of the City and its taxpayers.

Visions for energy savings:

- The City of Lebanon shall be a regional leader in energy efficiency, innovation, and fiscal responsibility.
- The City shall explore renewable energy options for purchase and development such as hydro, wind, solar, geothermal, biomass within the City’s control to reduce reliance on non-local and foreign sources of energy, and promote similar projects in the commercial sector.
- The City shall comply with the New Hampshire Climate Action Plan, which aims to reduce greenhouse gas emissions 80% below 1990 levels by 2050.

Issues and Priorities: Renewable Energy (13-D-2I)

- By investing in local renewable energy production, the City of Lebanon will reduce its reliance on foreign fuel sources, improve air quality for residents, stabilize the price and supply of energy for its many robust businesses, and reflect strong regional leadership. Additionally, investment in local power generating projects fulfills citizens' desires to maintain small town character and quality of life by gradually returning to the small scale, sustainable power sources that propelled economic development and commercial prosperity in Lebanon since its founding.

Future Challenges & Opportunities (13-F)

Regional Coordination & Leadership (13-F-1)

- The City of Lebanon has a strong commitment to leading-by-example in areas such as energy efficiency to demonstrate cost-effective solutions to citizens, businesses, and other municipalities. As the regional center for the Upper Valley, Lebanon has a tremendous opportunity to benefit from energy savings by residents and businesses.

- As a regional leader, the City of Lebanon should promote private-public partnerships and inspire the commercial sector to invest further in efficiency and renewable technology by paving the way. . . .

Renewable Energy Opportunities (13-F-3)

- The City shall actively pursue opportunities to develop and purchase renewable energy sources such as hydropower, wind, solar, biomass and geothermal.

Aggregate Power Purchasing (13- F-11i)

- A group of communities and and/or larger utility users (e.g. large employers, school districts, large commercial power consumers) can coordinate to aggregate their electric supply accounts and negotiate lower power generation rates than are offered through the existing regional power supply companies.

**OUTCOME 2** The City relies upon as much local renewable energy as possible.

**OUTCOME 3** There is a culture of energy efficiency and conservation within the City's municipal, commercial, institutional, and residential communities.

- Strategy D. The City shall explore opportunities to collaborate with local and regional partners, including the Lebanon School District and neighboring communities, to develop regional energy initiatives including aggregated power purchasing, expanded commuter engagement, and other opportunities to reduce energy use and costs.

**OUTCOME 4** The City's residential, commercial, and institutional sectors privately invest in energy efficiency and renewable energy projects.

- Strategy A. The City shall take active steps to encourage residents, businesses, and institutions to invest in efficiency and renewable technology.
- Strategy B. The City shall pursue public-private partnerships to save money and generate energy.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEBANON, NEW HAMPSHIRE IN SUPPORT OF THE PARIS CLIMATE AGREEMENT<sup>14</sup>**

**WHEREAS**, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

**WHEREAS**, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns and economic value chains; and

**WHEREAS**, the State of New Hampshire through its Climate Action Plan developed under the auspices of the Department of Environmental Services has called for a statewide reduction of GHG emissions by 80% below 1990 levels by 2050; and

**WHEREAS**, the City of Lebanon, New Hampshire, has adopted an Energy Chapter to its Master Plan as official City policy that calls for the City to be an innovative leader in energy efficiency

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<sup>14</sup> Unanimously approved on 8/8/17 See: <https://lebanonnh.gov/CivicAlerts.aspx?AID=294&ARC=490>

and reliance on renewable energy, and compliance with the goal of the New Hampshire Climate Action Plan to reduce GHG emissions by 80% below 1990 levels by 2050.

**WHEREAS**, responding to climate change provides communities an opportunity to access first mover advantage in the range of products, services and know-how that transitioning to a climate-compatible future brings; and

**WHEREAS**, the Paris Agreement resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LEBANON:**

Indicates its continuing commitment to reducing GHG emissions through its implementation of its Master Plan; and

Joins other US cities and municipalities in the Climate Mayors network and otherwise in adopting and supporting the goals of the Paris Agreement; and

Commits to exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal of GHG emissions reduction while maximizing economic and social co-benefits of such action; and

Stands ready to work with other communities and towns across the state, to provide the leadership and resources at the local level that will reduce greenhouse gas emissions, protect our most vulnerable residents from the impacts of climate change, and reap the benefits of the transition to a clean energy economy.

A summary of the City's Energy and Environmental Sustainability initiatives as of November 2017 are summarized in this document:

<https://lebanonnh.gov/DocumentCenter/View/5570/Summary-of-City-of-Lebanon-Initiatives-on-Energy-Sustainability?bidId=>



## Attachment 9: How Load Serving Entity Services will be Implemented

Lebanon Community Power will implement Load Serving Entity (LSE) services, for the purpose of procuring or selling electricity on behalf of customers participating in the aggregation.

This plan assumes, but does not require, that the City will participate fully in and rely on the services provided through the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Lebanon Community Power.

### The Role & Responsibility of Load Serving Entities

A Load Serving Entity (LSE) is an entity that has registered with ISO New England (ISO-NE, the nonprofit regional wholesale electricity market operator) as a market participant and assumes responsibility for securing and selling electric energy and related services to serve the demand of retail customers at the distribution level (i.e., homes and businesses).

As context, every retail customer in New Hampshire (and across New England) is assigned to a specific Load Serving Entity at all times:

- Customers on utility default service are periodically re-assigned to whichever Competitive Supplier has won the utility's most recent auction or the utility as LSE. Refer to [Attachment 4](#) for an overview of utility default procurement solicitations.
- Similarly, customers are assigned to a different Load Serving Entity whenever they are transferred to CPA service on an opt-out default basis, choose to opt-in to take service from the CPA, or switch to a Competitive Supplier of their choosing.

Consequently, all Competitive Suppliers and Community Power Aggregators (CPAs) in New Hampshire are required to either:

1. Register as a Load Serving Entity with ISO-NE; or
2. Contract with a third-party that has agreed to be the Load Serving Entity responsible for the Competitive Supplier's or CPA's customers.

To ensure that customers receive firm power supply, there are a variety of services that need to be performed and electrical products that must be procured or otherwise provided. The required products and services are referred to as "all requirements energy" (or alternatively, "full requirements service").

The role of Load Serving Entities is to provide, arrange for, or otherwise pay for the cost of providing all requirements energy to customers. The majority of these requirements are defined by the ISO-NE wholesale market operator, which is subject to Federal oversight, but certain requirements are defined by the state in which the LSE registers to serve customers (Renewable Portfolio Standard requirements, for example).

In New Hampshire, full-requirements energy is defined as the provision or cost of (1) electrical energy, capacity, and reserves (including transmission and distribution losses); (2) ancillary services, congestion management, and transmission services (to the extent not already provided by the customer's utility); (3) the costs associated with complying with New Hampshire's Renewable Portfolio Standard (i.e., the cost of purchasing Renewable Energy Credits or, if an insufficient number of credits is procured, the cost of Alternative Compliance Payments, as

detailed in [Attachment 3](#)); and (4) other services or products necessary to provide firm power supply to customers (i.e., because the definition and requirements of the above products and services are subject to change over time).

Each of the above products and services is procured, provided, and accounted for in different ways, through market mechanisms and regulated processes that have been designed to accommodate the unique characteristics of the product or service in question.

Given the complex and capital-intensive nature of providing all requirements electricity to customers, Load Serving Entities are subject to significant state and Federal oversight, in terms of registration, reporting, and financial security requirements.

The web pages below provide current information regarding Load Serving Entity registration, financial security, and renewal requirements to operate in ISO-NE and New Hampshire:

- ISO-NE: [New Participant Registration Instructions](#)
- NH PUC: [Forms for Competitive Electric Power Suppliers and Electric Load Aggregators](#)
- Eversource: [Electric Information for Suppliers & Aggregators](#)
- Unitil: [Energy Supplier Resources](#)
- Liberty Utilities: [Become a Liberty Approved Supplier](#)
- New Hampshire Electric Cooperative: [Supplier Information](#)

### **Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)**

The City currently anticipates that it will contract with CPCNH, as an all-requirements joint powers agency, for the provision of LSE services, all requirements energy supply and all other energy services required to implement and operate Lebanon Community Power.

### **CPCNH Competitive Solicitation for Comprehensive Services and Credit Support**

On behalf of the City and CPCNH's eighteen other Member communities, each of which are in various stages of authorizing Community Power Aggregations, CPCNH issued a Request for Proposals (RFP) for Comprehensive Services and Credit Support on April 25, 2022 and is currently conducting a solicitation process *"to select a qualified entity or group of entities to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate of Community Power Aggregation (CPA) programs."*<sup>15</sup> As context:

- For an overview of CPCNH's authorities as a Joint Powers Agency, the RFP, proposal evaluation and contracting process, and the process by which CPCNH's Board of Directors and participating Member communities, including the City, plan to draft and adopt enabling agreements, contracts and policies (such as the Energy Risk Management and Financial Reserves policies) refer to "Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)" in Attachment 10: Customer Data Protection Plan below.
- CPCNH's RFP is primarily based upon the solicitation and contracting strategy pioneered by

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<sup>15</sup> CPCNH's Request for Proposals for Comprehensive Services and Credit Support, and additional supporting reference documentation, including the draft Business Plan for CPCNH, are posted online here: <https://www.cpcnh.org/solicitations>.

the [Redwood Coast Energy Authority](#) (RCEA), a CPA Joint Powers Authority in California that is similar in size to CPCNH and which successfully contracted for comprehensive services and credit support (inclusive of LSE services) on an at-risk, deferred compensation basis.

- RCEA subsequently launched CPA program service and began providing LSE services and all-requirements supply to CPA customers in 2017 and has operated continuously while accruing financial reserves and enabling numerous local programs and new project developments.
- The three Professional Services Agreements that RCEA negotiated and executed subsequent to their RFP process provided (1) LSE and portfolio risk management services and credit support, (2) retail data management, billing, and customer care services, and (3) various support services (e.g., administration, marketing, etc.). All three contracts are available for review [online here](#).
- Subsequent CPA Joint Powers Agencies have employed similar solicitation and contracting strategies in order to successfully contract for and implement LSE and portfolio management services for participating CPA customers.
- CPCNH previously issued a Request for Information for Comprehensive Services and Credit Support in December 2021 and received numerous submissions from well-established third-party vendors that provide LSE services, portfolio management services and credit support in response. (CPCNH’s Board of Directors has designated the responses as confidential due to fact that the competitive solicitation is ongoing.)<sup>16</sup>

The scope of operational services requested under CPCNH’s RFP is to broadly “*provide all required services and credit support necessary to operate the agency and supply all-requirements electricity to CPA customers*”. The specific scope of operational functions requested in CPCNH’s RFP is provided below:

1. *Retail Data Management and Billing Services*
  - a. *Utility Electronic Data Interchange (EDI)*
  - b. *Customer Data Validation and Error Resolution Management*
  - c. *Billing Calculations*
  - d. *Utility Payment Receipt*
  - e. *Revenue Oversight and Tracking*
2. *Retail Customer Solutions*
  - a. *Customer and Program Analytics and Insights*
  - b. *Rate Design Development, Pricing and Product Structuring*
  - c. *Grid Edge Enablement and Portfolio Integrations*
  - d. *Key Account Relationship Management*
  - e. *Inbound and Outbound Call Center Operations*
  - f. *Digital Engagement and Orchestration*
3. *Portfolio Risk Management Services*
  - a. *Energy Portfolio Planning and Development*
  - b. *Contract Valuation and Procurement*
  - c. *Deal Capture, Contract Management and Counterparty Monitoring*

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<sup>16</sup> CPCNH’s Request for Information for Comprehensive Services and Credit Support is available online at: <https://www.cpcnh.org/solicitations>

- d. *Trading, Position Management and Reporting*
  - e. *Forecasting, Scheduling and Settlements*
  - f. *ISO shadow settlements and dispute resolution*
  - g. *ISO monitoring, stakeholder processes, collateral posting and onboarding support*
4. *Banking and Financial Services*
    - a. *Credit Support*
    - b. *Secure Revenue Account Administration*
    - c. *Accounting Support and Controls*
    - d. *Financial Statement Setup and Review*
    - e. *Revenue Forecasting and Budgeting*
    - f. *Invoice Validation*
  5. *Enterprise Data Management: to support the development of an in-house central repository of customer and other data for use by CPCNH staff and authorized third parties for the purpose of enabling research and development of new energy services.*
  6. *Additional Services: respondents should provide additional descriptions of services not provided for above.*

#### **CPCNH Proposal Evaluation Process and Contracting Timeline**

As detailed in Attachment 10, CPCNH’s Risk Management Committee is responsible for evaluating, ranking, and scoring proposals and recommending an award to the Board of Directors.

To ensure that the committee fully evaluates proposals to provide LSE and portfolio management services, CPCNH has contracted with independent experts with domain expertise in:

- Managing and overseeing power supply portfolios and LSE services for an operational CPA Joint Power Agency;
- Evaluating proposals, interviewing proposers, and recommending an award for LSE and portfolio management services on behalf of a CPA Joint Power Agency that subsequently launched CPA program service, has operated continuously since 2018, and recently gained an industry-first “A” credit rating from S&P Global Ratings on the basis of its fiscal discipline and approach to energy portfolio risk management; and/or
- Working for an established publicly owned nonprofit enterprise that maintains three operational control centers to support 24/7/365 operations across multiple ISO/RTO markets in order to provide LSE and portfolio management services to substantial numbers of public and private sector clients that serve retail end-use customers.

CPCNH expects to conclude the RFP process, enter into contract negotiations in July-August, and execute contracts to provide comprehensive services and credit support (inclusive of LSE services) in August to September 2022.

Thereafter, CPCNH’s Board of Directors expects to finalize and approve the agency’s Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies, which Lebanon’s appointed Directors expect to provide to the City Council for approval between October – December 2022.



At this point, the City may contract for and authorize CPCNH to provide comprehensive services and credit support (inclusive of LSE services) to implement and operate Lebanon Community Power.

### Responsibilities of the City of Lebanon

The City expects that CPCNH's solicitation and contracting strategy will be successful, and that CPCNH and the third-party contractors contracted by CPCNH will implement LSE services and all other services required to launch and operate Lebanon Community Power.

Depending on the result of CPCNH's solicitation and contract negotiation process, LSE services may be implemented as follows:

- CPCNH may contract directly for LSE services with a third-party that is registered or will register with ISO-NE as a market participant and Load Serving Entity, satisfies all applicable financial security and other registration requirements with ISO-NE, the Commission, and NH's distribution utilities, and has contractually agreed to assume responsibility for providing all requirements energy on behalf of Lebanon Community Power's customers.

Typically, such a third-party would additionally provide portfolio management services and credit support and assist CPCNH in structuring and maintaining a portfolio of physical and financial contracts to provide all requirements energy to participating customers. At a certain future point, CPCNH may be positioned to register with NEPOOL and ISO-NE as a market participant and Load Serving Entity directly.<sup>17</sup>

This implementation option would essentially replicate the same approach and structure employed by the New Hampshire Electric Cooperative, which actively manages a all requirements energy portfolio, accrues financial reserves, and provides LSE services for default service customers.

Additionally, note that the Town of Hanover (whose Member director and alternate director are both participating on CPCNH's Risk Management Committee and proposal evaluation) is already a market participant and Load Serving Entity for the Town's load obligations.

- CPCNH may alternatively contract with one or more Competitive Electric Power Suppliers to provide LSE services and all requirements electricity to customers at a pre-specified rate for a set length of time. Under this arrangement, the Competitive Supplier would either be the designated Load Serving Entity or would contract with a third-party that has agreed to be the Load Serving Entity responsible for the CPA's customers.

This implementation option would essentially replicate the same approach and structure employed by NH's regulated distribution utilities (Eversource, Unitil and Liberty Utilities), under which customers are periodically re-assigned to whichever Competitive Suppliers have won the utilities' default service solicitations. Refer to [Attachment 4](#) for an overview of utility default procurement solicitations.

- CPCNH may also propose a combination of the above approaches for the City's consideration.

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<sup>17</sup> Refer to CPCNH's draft Business Plan for further details, available under RFP Reference Materials online at: <https://www.cpcnh.org/solicitations>



In the event that the City does not contract with CPCNH to provide LSE and other services to Lebanon Community Power, then the City may contract to implement LSE services independently, either with a third-party LSE acting as the City's agent or with a Competitive Electric Power Supplier (CEPS) that contracts to provide LSE services for customers taking service from Lebanon Community Power.

The City will ensure that contracts entered into provide for the implementation of LSE services and full requirement energy supply for customers participating in Lebanon Community Power.

## Attachment 10: Customer Data Protection Plan

Lebanon Community Power will protect and maintain the confidentiality of Individual Customer Data in compliance with its obligations as a Service Provider under RSA Chapter 363 ( [RSA 363:38](#) and [RSA 363:37](#) (“*privacy policies for individual customer data; duties and responsibilities of service providers and definitions*”) and other applicable statutes and Public Utilities Commission rules.

Individual Customer Data (ICD) includes information that is collected over the course of providing energy services to customers participating in Lebanon Community Power and that, singly or in combination, can be used to identify specific customers, including: individual customer names, service addresses, billing addresses, telephone numbers, account numbers, electricity consumption data, and payment, financial, banking, and credit information.

As described herein, the City of Lebanon is responsible for ensuring that reasonable security procedures and practices are implemented and maintained to protect the confidentiality of Individual Customer Data from unauthorized access, destruction, modification, disclosure, or use.

This plan assumes, but does not require, that the City will participate fully in the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Lebanon Community Power.

### Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)

CPCNH is a Joint Powers Agency authorized under RSA 53-A (“*Agreements Between Governments: Joint Exercise of Powers*”) and RSA 53-E:3 (“*Municipality and County Authorities*”). CPCNH’s [Joint Powers Agreement](#) expressly authorizes the agency to:<sup>18</sup>

- “[C]omply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs”;
- “Make and enter into contracts” and “[m]ake and enter into service agreements relating to the provision of services necessary to plan, implement, operate, and administer CPCNH’s affairs”; and
- “[D]o all acts permitted... as well as any act necessary, consistent with New Hampshire law to fulfill the purposes” set forth under the agreement, which include assisting “member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing ... Community Power Aggregations”.

CPCNH has begun the process of soliciting and hiring third-parties to provide comprehensive services and credit support to launch Member CPA programs, and is drafting various related enabling agreements, policies, and internal protocols necessary to do so.

#### ***CPCNH Request for Proposals for Comprehensive Services and Credit Support***

CPCNH issued a Request for Proposals for Comprehensive Services and Credit Support on April 25, 2022, and is currently conducting a solicitation process “to select a qualified entity or group

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<sup>18</sup> From Section 2.3, Powers, of the By-Laws of CPCNH, found at pages 21-22 of the JPA, available here: <https://www.cpcnh.org/files/ugd/202f2e601bfada901c4a89a1c2812a0638090a.pdf>, and more specifically §2.3.11, §2.3.6, §2.3.9, and §2.3 introductory paragraph. Similar language is also in the Articles of Agreement.

*of entities to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate of Community Power Aggregation (CPA) programs”<sup>19</sup> on behalf of CPCNH’s nineteen Member communities, each of which are in various stages of authorizing Community Power Aggregations.*

For additional information regarding the use of customer data, and expected operational needs of CPCNH, refer to (1) the RFP at pp. 20-23<sup>20</sup> and to (2) the RFP Addendum #2 (issued May 24, 2022), at pp. 11 in response to Questions 15.<sup>21</sup> The latter is excerpted below, and provides a concise summary of CPCNH’s requirements to ensure the confidentiality of ICD:

**Regarding Customer Privacy Compliance:**

*RSA 53-E:4, VI, requires CPAs to maintain the confidentiality of individual customer information in compliance with their obligations as service providers under RSA 363:37 (Definitions) and RSA 363:38 (“Privacy Policies for Individual Customer Data; Duties and Responsibilities of Service Providers”). RSA 53-E:7, X also requires the Public Utilities Commission to adopt Administrative Rules for CPAs governing “access to customer data” and other matters.*

*The selected Proposer will be expected to demonstrate physical and cybersecurity readiness sufficient to ensure customer data is held in strict confidence — e.g., through audits in accordance with the American Institute of Certified Public Accountants Statements on Standards for Attestation Engagements No. 16 (SSAE 16) Service Organizational Controls (SOC) Reports, periodic network vulnerability assessments, etc. — and will be contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b) and applicable Public Utilities Commission rules.*

*As previously noted, Administrative Rules for CPAs are under development. Refer to the PUC’s Initial Proposal for CPA Administrative Rules (Chapter Puc 2200), specifically the definitions in Puc 2202.07 (“Confidential customer information”) and Puc 2202.02 (“Anonymized”), and Puc 2205.02 (“Application of Puc 2000 to CEPS When Providing Electricity Supply to CPA Customers”).*

*The selected Proposer, as applicable, should expect to comply with relevant portions of the PUC’s current Administrative Rules for Competitive Electric Power Suppliers and Aggregators (Chapter Puc 2000). Refer to Chapter Puc 2000, Puc 2002.09 (definition of “Confidential Customer Information”) and Puc 2004.19 (“Protection of Confidential Customer Information”), which is proposed to apply to CEPS providing electricity supply service to CPA customers pursuant to Puc 2205.02 under the PUC’s Initial Proposal for CPA Administrative Rules.*

The Request for Proposals and evaluation process is being overseen by CPCNH’s Risk Management Committee, composed of CPCNH Member municipality representatives, with additional support from (1) independent experts with experience operating Community Power Aggregation Joint Powers Agencies, and (2) CPCNH’s General Counsel, DWGP, P.C., a nationally

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<sup>19</sup> CPCNH’s Request for Proposals for Comprehensive Services and Credit Support, and additional supporting reference documentation, including the draft Business Plan for CPCNH, are posted online here:

<https://www.cpcnh.org/solicitations>.

<sup>20</sup> [https://www.cpcnh.org/files/ugd/202f2e\\_e781638c123d4cf3977358f845081313.pdf](https://www.cpcnh.org/files/ugd/202f2e_e781638c123d4cf3977358f845081313.pdf)

<sup>21</sup> Pages 11-12 at [https://www.cpcnh.org/files/ugd/202f2e\\_8ceed8824453482c902a8a0fa1ab826c.pdf](https://www.cpcnh.org/files/ugd/202f2e_8ceed8824453482c902a8a0fa1ab826c.pdf).

recognized law firm with substantial expertise in the Community Power and broader public power industry.

CPCNH's Risk Management Committee will evaluate, rank, and select vendors with a proven track record of successful qualification for EDI transactions, protection of confidential customer information, including what is characterized as ICD under RSA 363, and other relevant factors.

- Refer to CPCNH's RFP at p.2 for a summary of the substantial domain expertise participating on the Risk Management Committee and proposal evaluation process.
- For example, the committee includes a Member Director who previously worked for Eversource for 26 years, where he was responsible for deploying and/or operating Eversource's Customer Information System and day to day interface with competitive electric suppliers and was most recently the Director of Eversource's Customer Center Operations.

CPCNH expects to conclude the solicitation process and execute contracts in August to September 2022.

### ***CPCNH Enterprise Risk Management & Customer Data Policies***

After CPCNH has executed service contracts, CPCNH's Board of Directors will finalize and approve the agency's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies. CPCNH's Energy Risk Management and Financial Reserves policies will be subsets of CPCNH's Enterprise Risk Management Policy, which will additionally cover relevant elements of cybersecurity and data confidentiality requirements and other topics.

- CPCNH's Joint Powers Agreement requires CPCNH's Risk Management Committee to draft and recommend the Enterprise Risk Management Policy for consideration and adoption of CPCNH's Board of Directors on or before October 1, 2022.<sup>22</sup>
- Between October and December 2022, Lebanon's appointed Directors are expected to provide CPCNH's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies to the City Council for approval between October – December 2022.
- At this point, the City will contract for and authorize CPCNH to provide specific services on behalf of Lebanon Community Power.

CPCNH's Board of Directors has been recently presented with a plan to develop additional specific policies and CPCNH's Treasurer has prepared a budget to allocate sufficient funding to support the drafting and review process over the summer and fall. Two relevant such policies are listed below:

- Record Retention & Disposal Policy: to provide a process that ensures compliance with the proper retention, protection, and timely destruction of all records created or obtained by, or otherwise in the possession and control of, CPCNH, consistent with all legal requirements.
- Data Security and Privacy Policy: to define the specific goals, requirements, and controls necessary to safeguard the confidentiality, integrity, and availability of confidential information.

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<sup>22</sup> CPCNH's Risk Management Committee is also responsible for (1) reviewing major risk exposures and monitoring the steps taken to control risk exposures and (2) commissioning an independent agent to conduct and deliver an evaluation of the operational performance of the agency relative to the Enterprise Risk Management Policy every two years (starting three years after the commencement of CPA service, and as otherwise requested by the Board).

### *CPCNH Requirements to Access and Use of Individual Customer Data*

In CPCNH's capacity as a service provider to the City, the agency and third parties contracted through CPCNH to provide services to Lebanon Community Power will need to access and use ICD for operational needs and for the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs on behalf of Lebanon Community Power.

Third parties under contract to CPCNH that may require access to ICD on behalf of Lebanon Community Power may include CEPS (Competitive Electric Power Suppliers) functioning as Load Serving Entities (LSEs) for the supply of all requirements energy, or other third-party vendors providing Load Serving Entity (LSE) services on behalf of CPCNH, as well as portfolio management, Electronic Data Interchange (EDI), Customer Information System (CIS), billing, accounting, and related services, and other contractors and academic institutions under contract to support the research and development of potential new energy services to offer to customers participating in Lebanon Community Power.

Specific types of ICD that Lebanon Community Power, CPCNH, and third parties under contract are expected to receive and possess include:

- Name, address, account number, and other information about electric customers within the City for purposes of sending required notification of LCP Commencement of Service and enrollment of customer in LCP, consistent with initially proposed Puc 2204.04, .05, and .06, as they, or equivalent rule provisions, may be adopted by the PUC and the requirements of [RSA 53-E:7](#), III, V, and VI.
- Individual customer information used for operation of LCP, such as that in initially proposed Puc 2205.13, most of which may be accessed through the EDU EDI. The need and use for such information, and a proposed modification of this particular rule, are addressed in CPCNH's 3/14/22 Comments on the PUC's initial rule proposal for CPAs, in docket # [DE 21-142](#)<sup>23</sup>, and in its 3/28/22 Reply Comments.<sup>24</sup>
- Other confidential customer information that may be received or collected directly by LCP or CPCNH, or through sources other than the EDU due to customer participation in particular related programs or services, billing operations, other customer services, or that may be volunteered by customers, will likewise only be used for statutorily authorized purposes as ICD.

Ongoing collection and use of individual customer data of the types described in proposed Puc 2205.13 will be used for both:

1. **General operational needs** for retail power supply and related energy services operational needs, such as load and supply forecasting, portfolio management, billing and audit processes, and for research and development of potential new energy services to offer to customer participants; and

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<sup>23</sup> See p. 2 ¶14 and p. 4 ¶16 at: [https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142\\_2022-03-14\\_CPCNH\\_COMMENTS.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-14_CPCNH_COMMENTS.PDF).

<sup>24</sup> See p.4-11, and Comments on proposed Puc 2203.02(b)(1) on p. 13, Puc 2204.02(a)(1)-(4) on pp. 16-17, and Puc 2205.13 p. 23 [https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142\\_2022-03-28\\_CPCNH\\_OCA\\_CENH-COMMENTS.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-28_CPCNH_OCA_CENH-COMMENTS.PDF).

2. **Programmatic and customer-specific services and offerings**, such as responding to customer account queries, opt-in rates or demand side management for customers with flexible demand, distributed generation or storage, and interval meters; and other energy services that may be offered including programs for LMI participants that are qualified in the Electric Assistance Program (EAP).

In compliance with [RSA 363:38](#) and [RSA 363.37](#), CPCNH and third parties contracted through CPCNH that require access to ICD to provide services to Lebanon Community Power will be contractually required to:

- Implement and maintain reasonable security procedures and practices appropriate to the nature of the ICD.
- Protect ICD from unauthorized access, use, destruction, modification, or disclosure.
- Use ICD solely for primary purposes, such as: complying with the provisions of RSA 53-E:7, II; providing or billing for electrical service; meeting system, grid, or operational needs; researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs; and for research and development of potential new energy services to offer to customer participants.
- Collect, store, use, and disclose only as much ICD as is necessary to accomplish the aforementioned primary purposes.
- Not use ICD for a secondary commercial purpose unrelated to the aforementioned primary purposes of the contract without the express consent of the customer.
- Return or permanently delete all ICD after contract termination and deliver a certificate, signed by an authorized representative, stating that all ICD has been returned or permanently deleted and that all materials based on ICD has been destroyed, as appropriate (i.e., except for copies necessary for tax, billing, or other financial purposes).

Additionally, if CPCNH contracts with one or more Competitive Suppliers to provide Load Serving Entity services to participating customers, or brokers to support operations in a capacity that would require access to ICD, then the Competitive Suppliers and/or brokers would additionally be required to comply with the requirements of Puc 2004.19 (*Protection of Confidential Customer Information*), which are excerpted below in the section “Statutory and Rule Requirements” for reference.

### Responsibilities of the City of Lebanon

The City currently anticipates that it will contract for all requirements electricity supply and related energy services through CPCNH, as a joint powers agency, and that the primary acquisition and use of ICD will be through CPCNH and the vendors placed under contract to provide comprehensive services for the operation of Lebanon Community Power.

The City Manager shall review and confirm that CPCNH has adequate policies, procedures and measures in place to protect confidential information and that contractual requirements consistent with the City’s obligations to protect ICD as required under [RSA 363.37](#), [RSA 363:38](#) and [RSA 53-E:4](#), VI, and consistent with PUC rules, including Puc 2004.19 and its non-disclosure

restrictions, are incorporated into any contracts with CPCNH, or any other third parties that are authorized to access ICD on behalf of the City before executing any such contracts.

The City expects contracts and policies to provide for:

- Third-party security assessment requirements regarding: Information Security Management; Personnel Security; Systems Development and Maintenance; Application Security; System Security; Network Security; Data Security and Integrity; Access Control; and Vulnerability Management.
- Third-party security requirements including: (1) User Account and Access Controls to ensure that only authorized individuals have access to ICD for legitimate primary purposes under RSA 368:38, which may include the need for non-disclosure agreements; (2) Handling of Sensitive Data Protocols to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure; (3) Breach Reporting, including obligations to report a security breach as defined in [RSA 359-C:19](#), V and required by [RSA 359-C:20](#) and any other applicable laws, rules, or utility requirements for data breach reporting; (4) Plan for deletion and destruction ICD when it is no longer necessary to accomplish primary purposes pursuant to RSA 368:38; and (5) Prohibitions on use of ICD for a secondary commercial purpose not related to the primary purpose of vendor's contract without the express consent of the customer.
- Third-party documentation and reporting requirements regarding, as applicable: Audit Reports (e.g. SSAE 16/SOC Report); Documentation describing Control practices used to review sub-vendors; Maintenance of an Information Security Program; Training Program for Employees on Cyber Awareness; Background checks performed for all employees with access to ICD; Immediate Data Breach reporting to appropriate parties; and any material changes in Data Security practices since prior review and approval.

Lastly, in the event that the City does not contract with CPCNH to provide energy services to Lebanon Community Power, then the City will develop and adopt policies and contracts that ensure compliance with the City's obligations as a Service Provider to protect and maintain the confidentiality of ICD under [RSA 363:38](#), [RSA 363.37](#) and other applicable statutes and Public Utilities Commission rules prior to directly collecting, storing, using, or disclosing any ICD or contracting with other Competitive Suppliers, brokers and/or other third-party vendors that require access to ICD.

### Additional References: Statutory and Regulatory Requirements

The sections below are provided for additional reference, and summarize the different requirements that apply to (1) Community Power Aggregators and Service Providers, (2) brokers and Competitive Electric Power Suppliers (CEPS) that provide Load Serving Entity services under contract to Community Power Aggregators, and (3) access to ICT through the Multi-Use Energy Data Platform authorized under RSA 378:50-54 (if and when it becomes operational).

#### *Statutory Requirements for Community Power Aggregators & Service Providers*

Statutory requirements regarding the use of Individual Customer Data for Community Power Aggregators are summarized below:



- [RSA 363:37](#), I defines Individual Customer Data (ICD) as *“information that is collected as part of providing electric, natural gas, water, or related services to a customer that can identify, singly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer.”*
- [RSA 363:38](#), IV requires Service Providers to *“use reasonable security procedures and practices to protect individual customer data [ICD] from unauthorized access, use, destruction, modification, or disclosure.”*
- [RSA 53-E:4](#), VI provides that Community Power Aggregations (CPAs) *“shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information and shall not be subject to public disclosure under RSA 91-A”*.
  - The definition of Service Provider under [RSA 363:37](#), II includes *“an aggregator, as defined by RSA 53-E:2, II...and any other service provider that receives individual customer data [ICD]...”*
  - [RSA 53-E:2](#), II defines an *“aggregator”* in this context as *“any municipality or county that engages in aggregation of electric customers within its boundaries”*.
  - RSA 53-E:2, VI further defines *“municipality”* in this context as *“any city, town, unincorporated place, or village district within the state.”*
- [RSA 363:38](#), II requires Service Providers to: *“(a) Collect, store, use, and disclose only as much individual customer data [ICD] as is necessary to accomplish primary purposes, and (b) Use individual customer data solely for primary purposes.”*
- [RSA 363:37](#), III defines *“[p]rimary purpose”* as *“the main reason for the collection, storage, use, or disclosure of individual customer data [ICD] which is limited to: (a) Providing or billing for electrical or gas service. (b) Meeting system, grid, or operational needs. (c) Researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs.”*
- [RSA 53-E:4](#), VI further authorizes approved Community Power Aggregations to *“use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants.”*
- [RSA 363:38](#), V(b) further makes clear that a Service Provider may disclose ICD *“to a third party for system, grid, or operational needs, or the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs”* — provided that the Service Provider *“has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.”*
- [RSA 363:38](#), V(c) provides that *“[n]othing in this section shall preclude a service provider from disclosing electric, natural gas, or water consumption data required under state or federal law, or which is identified as information subject to warrant or subpoena or by*



*an order of the commission.”*

- [RSA 363:38](#), V(a) makes clear that ICD may be aggregated and used for “*analysis, reporting, or program management after information that identifies an individual customer has been removed.*”

#### *Additional Requirements Specific to Brokers & Competitive Suppliers*

Pursuant to Puc 2205.02 under the PUC's Initial Proposal for CPA Administrative Rules, brokers and Competitive Suppliers that are hired by municipalities to manage and operate Community Power Aggregations and provide Load Serving Entity services to participating customers must comply with the requirements of Puc 2004.19 (*Protection of Confidential Customer Information*), which is excerpted below for reference along with Puc 2002.09 (*Confidential Customer Information*).

Note that the use of the term “aggregator” throughout Puc 2004.19 below refers to brokers and does not refer to or otherwise apply to Community Power Aggregators.

As context, these requirements are part of the Commission’s [Chapter Puc 2000 rules](#) (*Competitive Electric Power Supplier and Aggregator Rules*), which apply to Competitive Suppliers and brokers— referred to as “CEPS” and “aggregators” below, respectively — and are expressly not applicable to “*municipalities or counties providing electricity or aggregating within the boundaries of participating municipalities under RSA 53-E*” (Community Power Aggregators) per Puc 2001.02 (*application of rules*).

***Puc 2002.09 “Confidential customer information” means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information.***

...

#### ***Puc 2004.19 Protection of Confidential Customer Information.***

*(a) No CEPS or aggregator shall, except as permitted under (c) below or as otherwise required by law, release confidential customer information without express written authorization from the customer.*

*(b) A CEPS or aggregator shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the service provided to the customer, without the express written consent of the customer.*

*(c) A CEPS or aggregator may disclose to a third party subject to non-disclosure restrictions confidential customer information as necessary for any one or more of the following purposes:*

- (1) Billing for electric service;*
- (2) Meeting electric system, electric grid, or other operational needs;*

- (3) *Implementing any one or more of the following programs:*
- a. *Demand response;*
  - b. *Customer assistance;*
  - c. *Energy management; and*
  - d. *Energy efficiency.*

*(d) For purposes of this section, the term “non-disclosure restrictions” means that the CEPS or aggregator has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.*

*(e) A customer granting authorization to release confidential customer information for purposes described in the terms and conditions of service shall satisfy the requirement in (a) above.*

*(f) A CEPS or aggregator granted agency authority shall be deemed authorized to obtain customer usage information when it has received customer authorization as described in Puc 2004.08 or Puc 2004.09.*

*(g) In the event of a dispute about the release of confidential customer information, including whether the information is or should be confidential, a CEPS, aggregator, or customer may file a complaint with the commission for resolution.*

#### ***Additional Requirements for the Multi-Use Energy Data Platform***

If and when the Multi-Use Energy Data Platform (Platform) authorized under RSA 378:50-54 becomes operational, Lebanon Community Power and any third-parties under contract that require access to ICD sourced from the Platform — such as CPCNH and third-parties contracted through CPCNH — will be required to comply with any Platform User Requirements, Privacy Standards, Annual Attestations, and obligations to report a security breach pursuant to terms of Settlement Agreement conditionally approved by the PUC in [DE 19-197](#) and detailed in Exhibit C of the Agreement found in [Exhibit 1B](#) and as may be actually implemented.