

## **13. APPENDICIES**

1. Community Power Enabling Statute (RSA 53-E)
2. Public Information Materials
3. Community Power Survey
4. Exeter Community Power Question and Answers Script
5. Public Hearing Notice
6. Overview of the Community Power Coalition of New Hampshire
7. Available Utility Data
8. How Load Serving Entity Services will be Implemented
9. Customer Data Protection Plan

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**APPENDIX 1:**  
**COMMUNITY POWER ENABLING STATUTES AND AMENDMENTS**

**RSA 53-E**

*Aggregation of Electric Customers by Municipalities And Counties*

**HB 315**

**(Amendments to RSA 53-E and related statutes adopted June 24, 2021)**

***AN ACT relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions***

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 53-E

#### AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES

##### Section 53-E:1

**53-E:1 Statement of Purpose.** – 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.

Source. 1996, 192:2, eff. Aug. 2, 1996.

##### Section 53-E:2

###### 53-E:2 Definitions. –

In this chapter:

- I. "Aggregation" means the grouping of retail electric customers to provide, broker, or contract for electric power supply and energy services for such customers.
- II. "Aggregator" means, unless the context indicates otherwise, a municipality or county that engages in aggregation of electric customers within its boundaries.
- III. "Commission" means the public utilities commission.
- IV. "Committee" means the electric aggregation committee established under RSA 53-E:6.
- V. "County" means any county within the state.
- VI. "Municipality" means any city, town, unincorporated place, or village district within the state.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:1, eff. Oct. 1, 2019.

##### Section 53-E:3

###### 53-E:3 Municipal and County Authorities. –

Any municipality or county may:

- I. Aggregate the retail electric customers within its boundaries who do not opt out of or who consent to being included in an aggregation program.

II. (a) Enter into agreements and provide for:

- (1) The supply of electric power.
  - (2) Demand side management.
  - (3) Conservation.
  - (4) Meter reading.
  - (5) Customer service.
  - (6) Other related services.
  - (7) 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.
- (b) 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.

**Source.** 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:2, eff. Oct. 1, 2019.

### **Section 53-E:3-a**

**53-E:3-a Municipal Aggregators Authorized.** – Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate other services commonly and regularly billed to customers. Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit the municipality from combining billing for any or all utility services.

**Source.** 1997, 298:20, eff. June 20, 1997. 2019, 316:2, eff. Oct. 1, 2019.

### **Section 53-E:3-b**

**53-E:3-b Use of "Community Power" as a Name Reserved.** – The use of the term "Community Power" following the name of a municipality or county shall be reserved for the exclusive use by such entity as a name for proposed or approved municipal or county aggregations. Aggregations operated jointly by a group of such entities pursuant to RSA 53-A may adopt an appropriate identifying name in conjunction with the term "Community Power" as a name.

**Source.** 2019, 316:3, eff. Oct. 1, 2019.

### **Section 53-E:4**

**53-E:4 Regulation.** –

I. An aggregator operating under this chapter shall not be considered a utility engaging in the wholesale purchase and resale of electric power and shall not be considered a municipal utility under RSA 38. Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However, a municipal or county aggregation may elect to

participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.

II. The provision of aggregated electric power and energy services under this chapter shall be regulated by this chapter and any other applicable laws governing aggregated electric power and energy services in competitive electric markets.

III. Transmission and distribution services shall remain with the transmission and distribution utilities, 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. An aggregator shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.

IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter, subject to the commission finding in the public good and approval of the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.

V. Municipal or county aggregations that supply power shall be treated as competitive electricity suppliers for the purpose of access to the electric distribution utility's electronic data interface and for ceasing operations.

VI. Municipal or county aggregations 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. An approved aggregation may 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.

**Source.** 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

## **Section 53-E:5**

**53-E:5 Financial Responsibility.** – Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers.

**Source.** 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

## **Section 53-E:6**

### **53-E:6 Electric Aggregation Plan.** –

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans.

II. The plan shall provide 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 shall meet, at a minimum, the basic

environmental and service standards established by the commission and other applicable agencies and laws concerning aggregated service.

III. The plan shall detail:

- (a) The organizational structure of the program.
  - (b) Operation and funding.
  - (c) Rate setting and other costs to participants, including whether energy supply services are offered on an opt-in basis or on an opt-out basis as an alternative default service.
  - (d) The methods for entering and terminating agreements with other entities.
  - (e) The rights and responsibilities of program participants.
  - (f) How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.
  - (g) How the program will ensure participants who are enrolled in the Electric Assistance Program administered by the commission will receive their discount.
  - (h) Termination of the program.
- IV. The committee shall approve a final plan which the committee determines is in the best, long-term interest of the municipality or county and the ratepayers.
- V. The committee shall solicit public input in the planning process and shall hold public hearings.

**Source.** 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

## **Section 53-E:7**

### **53-E:7 Aggregation Program. –**

- I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out default service program, to be approved by a majority of those present and voting.
- II. If the plan is adopted or once adopted is revised to include an opt-out alternative default service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county. To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all their electric customers taking distribution service within the municipality or county. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance of the customer's application and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.
- III. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.
- IV. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the approved aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be automatically enrolled in an aggregation

provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on default service. Customers taking energy service from a competitive electricity supplier shall not be automatically enrolled in any aggregation program, but may voluntarily opt in. New customers to the electric distribution utility after the notification mailing required by paragraph II shall be given a choice of enrolling in utility provided default service or aggregation provided default service, where such exists. New customers shall be informed of pricing for each when they apply for service. Such new customers may also enroll with a competitive electricity supplier. New customers who do not make such a choice shall be enrolled in the default service of any geographically appropriate approved aggregation, or, if none exists, the utility provided default service. Municipal aggregations shall take priority or precedence over any county aggregations. Customers automatically enrolled in a municipal or county provided default service shall be free to elect to return to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission.

V. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraph I.

VI. The commission may adopt rules, under RSA 541-A, to implement this chapter, including but not limited to rules governing the relationship between municipal or county aggregators and distribution utilities, metering, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

**Source.** 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

### **Section 53-E:8**

**53-E:8 Other Aggregators.** – Nothing in this chapter shall preclude private aggregators from operating in service areas served by municipal or county aggregators.

**Source.** 1996, 192:2, eff. Aug. 2, 1996.



# HB315

## CHAPTER 229 HB 315 - FINAL VERSION

9Apr2021... 0748h  
05/13/2021 1294s  
05/13/2021 1400s  
24Jun2021... 1987CofC  
24Jun2021... 2066EBA

### 2021 SESSION

21-0533  
10/08

### HOUSE BILL **315**

AN ACT relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions.

SPONSORS: Rep. Vose, Rock. 9; Rep. Cali-Pitts, Rock. 30; Rep. Harrington, Straf. 3; Rep. Thomas, Rock. 5

COMMITTEE: Science, Technology and Energy

### AMENDED ANALYSIS

This bill revises the procedures applicable to municipal or county aggregators and municipal electric utilities for the aggregation of energy services. This bill also establishes an exemption under net energy metering for net metered facilities that generate electricity to offset electrical requirements of a group consisting of political subdivisions.

Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears ~~in brackets and struck through~~.  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.  
9Apr2021... 0748h  
05/13/2021 1294s  
05/13/2021 1400s  
24Jun2021... 1987CofC  
24Jun2021... 2066EBA 21-0533  
10/08

### STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to the aggregation of electric customers and municipal host customer generators serving political subdivisions.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

229:1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as follows:

I. "Aggregation" means the grouping of retail electric customers to provide, broker, or contract for ~~electric power supply and~~ energy services for such customers.

229:2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph V the following new paragraph:

V-a. "Energy services" means the provision of electric power supply solely or in combination with any or all of the services specified in RSA 53-E:3.

229:3 Municipal and County Authority; Agreements. Amend RSA 53-E:3, II(a) to read as follows:

II.(a) Enter into agreements and provide for *energy services, specifically:*

- (1) The supply of electric power *and capacity*.
- (2) Demand side management.
- (3) Conservation.
- (4) Meter reading, *with commission approval for meters owned or controlled by the electric distribution utilities or used for load settlement.*

(5) Customer service *for aggregation provided services*.

(6) Other related services.

(7) 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.

229:4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate *energy services [commonly and regularly billed to customers] as described in RSA 53-E:3*. Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit a municipality from combining billing for ~~[any or all utility]~~ *energy services with other municipal services*.

229:5 Regulation of Aggregators. Amend RSA 53-E:4, I to read as follows:

I. An aggregator operating under this chapter shall not be considered a *public utility [engaging in the wholesale purchase and resale of electric power] under RSA 362:2* and shall not be considered a municipal utility under RSA 38. ~~[Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However,]~~ A municipal or county aggregation may participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including it

229:6 Regulation of Aggregators. Amend RSA 53-E:4, IV to read as follows:

IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter[;]. *Such metering shall be implemented* subject to the commission finding *it is* in the public good, *assuring that meters used for distribution tariff implementation remain under the control and majority ownership of the electric distribution utility and [approval of] otherwise approving* the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.

229:7 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, are associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers, *but shall not include any capitalized or operating costs of an aggregation program*.

229:8 Electric Aggregation Plan. Amend RSA 53-E:6, I to read as follows:

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans. *A county plan may provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies*.

229:9 Aggregation Program. RSA 53-E:7 is repealed and reenacted to read as follows:

53-E:7 Aggregation Program.

I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out aggregation program, to be approved by a majority of those present and voting.

II. Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of this chapter and applicable rules of the commission. The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof. A municipality or county may submit a plan that is revised to comply with applicable requirements at any time and start the review process over. Any plan submitted to the commission under this paragraph shall also be submitted on the same date to the office of the consumer advocate under RSA 363:28 and any electric distribution utility providing service within the jurisdiction of the municipality or county. The consumer advocate, utilities, and members of the public may file comments about such plans within the first 21 days of their submission. Commission review and approval of electric aggregation plans shall not require a contested case but shall allow time for submission and consideration of comments.

III. If the plan is adopted or once adopted is revised to include an opt-out service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county service area to enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to the municipality or county a current list of the names and mailing addresses of all electric customers taking distribution service within the municipality or county service area, and for such customers on utility provided service, the account numbers and any other information necessary for successful enrollment in the aggregation. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in the aggregation program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance and has the option, for a period of not less than 30 days from the date of the mailing out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

IV. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the adopted aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or charges are known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be enrolled by the aggregator in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on utility provided default service. Customers taking energy service from a competitive electricity supplier shall not be enrolled in the aggregation program, unless they voluntarily opt in.

VI. New customers to the electric distribution utility after the notification mailing required by paragraph III shall initially be enrolled in utility provided default service unless the customer has relocated within a single service area and is continuing service with a competitive supplier or a municipal or county aggregation program. Upon request of an aggregator, but not more frequently than monthly and notwithstanding RSA 363:28, the utility shall make available to each operating municipal aggregation, or county aggregation where there is no municipal aggregation, the names, account numbers, mailing addresses, and any other information necessary for successful enrollment in the aggregation of customers that are new to or then currently on electric distribution utility provided default service after they have provided the customer list for the initial customer mailing required by paragraph III and that are located within the aggregation service area. The aggregator shall periodically mail a written notification to such new customers that have not previously opted out of the aggregator's service and shall enroll them in the aggregation consistent with the opt-in or opt-out requirements of this paragraph and paragraph III.

VII. Municipal aggregations shall take priority or precedence over any county aggregations and each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation.

VIII. Customers enrolled in a municipal- or county-provided default service shall be free to elect to transfer to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in writing of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission. No such customer shall be required to pay any exit charge for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge. Upon receipt by the customer the aggregator shall transfer the customer back to utility provided default service.

IX. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out service program shall be approved as provided in paragraphs I, II, and IV.

X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, which may also be done through adjudicative proceedings to the extent specified or not addressed in the rules. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and other purposes, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

229:10 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the following new section:

53-E:9 Billing Arrangements.

I. For purposes of this section the term "supplier" shall mean an aggregator functioning as a load serving entity under this chapter or a competitive electricity supplier serving an aggregation under this chapter. The term shall also include competitive electricity suppliers generally to the extent and for such customer rate classes as the commission finds, after notice and hearing, that it is for the public good. Such a determination shall be on a case-by-case basis, if proposed and assented to by the utility.

II. Each electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier in which the utility shall pay in a timely manner the amounts due to suppliers from customers for electricity supply and related services less a discount percentage rate equal to the utility's actual uncollectible rate, adjusted to recover capitalized and operating costs specific to the implementation and operation of the purchase of receivables program, including working capital. Additionally, such discount rate adjustments shall include a pro rata share of the cost of administering collection efforts such that the participation in the purchase of receivables program shall not require the utility or non-participating consumers to assume any costs arising from its use. Such pro rata costs must include, but not be limited to, any increase in the utility's bad debt write-offs attributable to participants in the purchase of receivables program, as approved by the commission. However, the allocation of costs arising from different rate components and determining the uncollectible rate shall be equitably allocated between such suppliers, utility provided default service, and other utility charges that are a part of consolidated billing by the utility as approved by the commission. The discount percentage rate shall be subject to periodic adjustment as approved by the commission.

229:11 Eligible Customer Generator; Exception Added for Municipal Hosts. Amend RSA 362-A:1-a, II-b through II-e to read as follows:

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, *except as provided for a municipal host as defined in paragraph II-c*, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generating facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

II-c. "*Municipal host*" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means any city, town, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

II-d. "Eligible fuel" means natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.

~~II-d~~ II-e. "Heat led" means that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.

~~II-e~~ II-f. "Department" means the New Hampshire department of energy.

229:12 Utility Property Tax; Exclusion From Definition of Utility Property. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, *storage*, and supply equipment of an "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, *and of a "limited producer" as defined in RSA 362-A:1-a, III if selling electricity under a power purchase agreement*, *RSA 362-A:2-a, for facilities with a rated electricity production capacity of up to and including one megawatt;*

229:13 Effective Date.

I. Section 1-10 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

Approved: August 26, 2021

Effective Date:

I. Sections 1-10 effective October 25, 2021.

II. Remainder effective August 26, 2021.

**APPENDIX 2:**  
**PUBLIC INFORMATION MATERIALS**

## WHAT SHOULD EXETER RESIDENTS & BUSINESSES DO?

*A Community Power Plan must be approved by the Select Board and brought to a Town vote.*

**GET INFORMED:** The Exeter Community Power Aggregation Committee (ECPAC)\*, authorized by the Exeter Select Board in May 2021, is preparing an Electric Aggregation Plan (EAP) which will be submitted to the Select Board. View a recent panel discussion filmed by Exeter TV. Find the link on our webpage.

**GIVE INPUT:** Public Hearings will be held on November 29 and December 13. Please come with your thoughts and questions.

**VOTE:** If the Select Board approves the Electric Aggregation Plan, a warrant article will be presented for vote at Town Meeting in March 2022, to establish the Community Power Plan.

**PARTICIPATE:** If adopted, most residents and businesses currently served by Unitil will automatically be enrolled in the community power plan, but may opt out at any time.



\*The ECPAC is associated with the Town of Exeter Energy Committee



2021-2022  
SCHEDULE

- 11/29/21 Public Hearing #1 at Nowak Room
- 12/6/21 Deliver proposal to Exeter Select Board
- 12/13/21 Public Hearing #2 at Nowak Room
- If Select Board approves then:*
- 1/18/21 Select Board writes a warrant article
- 2/5/22 Town Deliberative Session
- 3/8/22 Town Vote

### For more information:

Community Power Coalition of NH

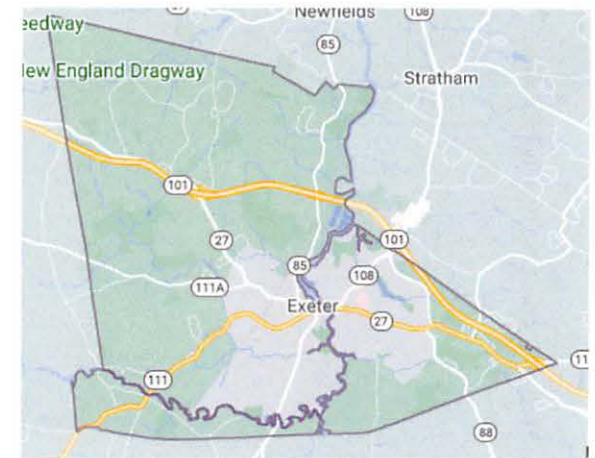
[www.cpcnh.org](http://www.cpcnh.org)

Exeter's Community Power Web Page

[www.exeternh.gov/bcc-cpac](http://www.exeternh.gov/bcc-cpac)

# Exeter Community Power Aggregation

## What you need to know about our electricity





## What is Community Power Aggregation?

In many states across the country, municipalities and counties have launched regional Community Power Aggregation programs as a means of taking control of their combined electricity purchases, both to reduce the cost to consumers and to push for production of more renewable energy.

In New Hampshire, Community Power Aggregation (CPA), authorized by NH RSA 53-E, works by having a large group of customers come together to buy their electricity directly from the producer instead of having the utility, such as Unitil, purchase it. The benefit of initiating a CPA in Exeter is to be able to offer residents and customers a higher mix of renewable energy supplies at comparatively lower costs than currently available.

Currently, Exeter's primary utility provider, Unitil, purchases electric power for most Exeter residents and businesses every six months. This is called the "default supply". If approved by Exeter, Community Power would allow the town to purchase electric power on behalf of residents, businesses, and municipal accounts from alternative energy suppliers. Customers can choose to opt out of Community Power agreement at any time. Unitil would continue to deliver the electricity, maintain the equipment and lines and handle billing.

The current "default supply" includes about 20% in renewable sources. The intention of the Community Power plan is to add other options, some with greater percentages of renewables at competitive prices.

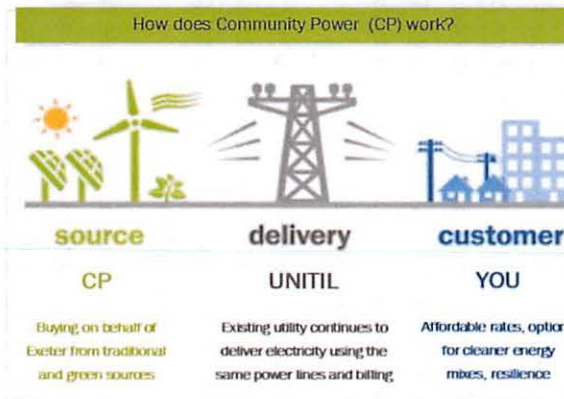
## Benefits

**LOCAL CONTROL:** Making decisions for the town and getting the benefit of economies of scale to lower costs and increase renewables in the electric supply.

**CUSTOMER CHOICE:** Customers can choose what types of energy supply they want to be using and can also choose whether to participate in the program

**CLEAN ENERGY:** Through choice at both the municipal and individual customer levels, Exeter can both benefit from and invest in the development of clean energy resources

**INNOVATION:** Community Power programs can create a number of benefits for residents and businesses including: affordable rates, green power options, demand response and time varying rates, greater access to rooftop solar, home energy storage or other technology innovations.



**Energy Source:** COMMUNITY POWER—Pooled Purchasing Power for Energy Supply

**Energy Delivery:** UTILITY—Delivers electricity, maintains equipment, handles billing

**Energy Customer:** YOU—Benefits from affordable rates, local control, more clean energy

## Frequently Asked Questions

**Q: What is the cost Exeter residents and businesses?**

**A:** There is no additional cost to Exeter taxpayers to participate in a Community Power program. Resident and business electricity costs will depend what the CPA has negotiated and on what mix of energy sources they chose.

**Q: Why is Exeter investigating Community Power now?**

**A:** A Community Power has been allowed in NH since electric deregulation in 1993. It has never been used because of flaws and limitations in the governing law (RSA 53-E). That law was changed in 2019 and since then a coalition of about 15 NH communities, including Exeter, has formed to facilitate Community Power programs. Based on recommendations from the Energy Committee, the Exeter Select Board formed an Electric Aggregation Committee in May 2021 to develop a plan for establishing Exeter Community Power.

**Q: If Exeter's electric aggregation plan is approved by the Select Board and adopted by vote at Town Meeting, will I be required to participate in the Community Power program?**

**A:** No. However, you will be automatically included unless you opt out, which you can easily do at any time. If you already receive power from an alternative provider, you will not be included in Exeter's program unless you choose to opt in.

**Q: How will low-income customers be accommodated?**

**A:** We don't anticipate there will be any change in assistance available to low income households as a result of shifting to a community power energy supply model.

## Press Release

### **Exeter investigates advisability of Community Power for residents and town**

The Exeter Community Power Aggregation Committee (ECPAC) is developing a plan to allow residents and the town to purchase electricity directly from suppliers. Community Power programs allow for options to use renewable energy sources and enable participating towns to procure electricity for residents and businesses at lower cost. The plan will be submitted to the Select Board and, if approved, will be on the ballot for a town vote at the meeting in March 2022.

To be fair, the savings are not likely to be dramatic for residential users – typically about \$50 to \$75 annually. A more significant advantage, though, is that community power plans allow individual consumers to choose the amount of renewable energy in their electricity supply. For instance, a consumer could choose a low-cost plan with a renewable mix like that provided by their utility or choose an alternative plan with a larger proportion of renewables. Community Power plans do not lock consumers into their service; consumers can opt out of a plan at any time to return to the service provided by their utility ensuring no change to their electric supply. If Exeter adopts a Community Power program, Unitil would continue as the energy distributor, maintaining lines and poles, handling billing and customer service just as before.

The town too can benefit from a community power plan. Some of the savings from direct energy purchase can be used to fund projects in the town such as modernized metering, energy storage to provide resilience to power disruptions and price spikes, and the inclusion of local energy sources into the town's electricity supply.

Community Power programs, which enable NH communities to adopt community power, had bipartisan support in the state legislature and from Governor Sununu. Keene, Hanover, Nashua, and Harrisville are some of the NH municipalities in the process of implementing community power programs. Community Power Programs have operated successfully in several states for many years.

The ECPAC will begin holding information sessions for residents and businesses beginning in November. The first information session will be live on Exeter TV Channel 98 as well as Exeter TV's Facebook page on November 17th at 7:00 pm. Those looking to join in on the discussion can register for a Zoom webinar to submit questions using the Q&A feature. The information session will consist of a pre-recorded panel discussion about Community Power followed by live Q&A with the panelists.

[To Register for the Webinar, click here.](#)

Or go to: [https://exeternh.zoom.us/webinar/register/WN\\_dDy0K12bQ2-5XkoaQm4Bsw](https://exeternh.zoom.us/webinar/register/WN_dDy0K12bQ2-5XkoaQm4Bsw)





# “Community Choice Electric Power”

Explore Exeter’s options for Community Power

Panel Discussion on Zoom  
**Wed., Nov. 17th at 7pm**  
Zoom info-session followed by Q&A

Moderated by Town Planner, Dave Sharples. Panel members include:

*Julia Griffin, Hanover Town Manager;*

*Henry Herndon, Clean Power Coalition of NH Director;*

*Alec O’Meara, Unitol Media Relations Manager;*

*Nick Devonshire & Cliff Sinnott of Exeter Community Power Aggregation Committee*

**Watch live on Exeter TV:**

**cable channel 98, “Exeter TV” Facebook page or YouTube**

To participate in the Q&A session, please request the Zoom link at:

<https://bit.ly/ExeterCommunityPower>

How does Community Power (CP) work?



**source**

**delivery**

**customer**

**CP**

**UNITIL**

**YOU**

Buying on behalf of Exeter from traditional and green sources

Existing utility continues to deliver electricity using the same power lines and billing

Affordable rates, options for cleaner energy mixes, resilience

## What is Community Power?

Community Power, authorized by NH RSA 53-E, is a program that allows local governments to procure electric power on behalf of their residents, businesses, and municipal accounts from alternative suppliers. If adopted by a town, citizens and businesses may opt-out at anytime and return to their original plan.

The Exeter Select Board authorized the Exeter Community Power Aggregation Committee (ECPAC), a sub-committee of the town energy committee, to gather information and present an energy aggregation plan (EAP) to the Select Board. If approved, the plan will appear as a warrant article for the town vote in March.





**APPENDIX 3:**  
**COMMUNITY POWER SURVEY**

## **DRAFT**

### **Community Power Survey**

In 2019 NH enacted legislation empowering municipalities to purchase electrical energy directly from suppliers giving municipalities the ability to provide residents and businesses electricity at competitive rates while allowing individual consumers choice concerning the amount of renewable energy in their energy supply. Local electric distribution utilities would continue to own and operate the "poles and wires" delivering electricity to all customers in the municipality and customers enrolled in a community power program may opt out at any time to return to utility of third-party supply. Community power programs enable consumers to select a cleaner mix of energy at a rate similar to or less than that from the utility.

In June of this year the Exeter Select Board approved the formation of the Exeter Community Power Aggregation Committee and charged it with the task of investigating community power and drafting a community power plan for Exeter. The Committee has prepared this survey to collect information in order to prepare a Community Power Plan that meets the interests and needs of the Exeter community.

#### **Your Electricity Supply:**

1. Who is your electricity supplier? You may have signed a contract with a so called "third party" supplier. If so, the name of that supplier will appear in the "Electric Supplier Service" portion of your Until electric bill. If no supplier name appears, Until is your default supplier.

- Unitil
- Don't know
- Third party supplier /other

2. If your answer to question 1 was Unitil, why did you stay with Unitil. Check all that apply.

- I did not know I had a choice
- I see no need to look for a different supplier
- I tried but could not find good rates
- I heard it is too risky to switch
- Other \_\_\_\_\_

3. If your answer to question 1 was "third party supplier/other", Why did you choose a supplier other than Unitil? Check all that apply.

- More renewable content

- Better rate
- Other \_\_\_\_\_

4. What would you want a Community Power Program to bring to Exeter? Check all that apply.

- Choice of electricity options
- Competitive rates
- Increased local renewable energy
- Lower energy bills
- Local jobs
- Increased knowledge about energy and how to reduce costs
- Other \_\_\_\_\_

5. Several NH communities have set goals for municipal energy usage. Should Exeter do the same?

- Yes, 100% renewable by 2030
- Yes. 100% renewable by 2040
- Yes, 100% renewable by 2050
- No, a renewable energy goal is unnecessary.

6. Are you interested in adding more renewable energy to your electricity supply?

- I would like more renewable energy if I can still pay about the same as I pay today.
- I would like more renewable energy and I am willing to pay a little more than I pay today.
- I would like all (100%) renewable energy and am willing to pay more
- No, I would not like more renewable energy

7. Do you generate your own electricity with solar panels or another method?

- Yes, with solar panels
- No
- Other \_\_\_\_\_

## Tell us about yourself

8. I am responding for a

- Home in Exeter
- Business in Exeter
- Other \_\_\_\_\_

9. Do you

- Own?
- Rent?

10. Does your household/business pay the electric utility bill?

- Yes
- No

11. Which best matches your age?

- Under 18
- 18-40
- 41-65
- 65+

12. Which best matches your household income level?

- Under \$50,000
- \$51,000 – 99,000
- \$100,000 +

**APPENDIX 4:**  
**EXETER COMMUNITY POWER QUESTION AND ANSWERS SCRIPT**

# ***Community Power***

## ***Frequently Asked Questions***

### ***1. What is a community power aggregation (CPA) and how might Exeter's consumers, residential and commercial benefit from participation in Exeter's CPA?***

Community power allows a community to have more control over what sources of energy are delivered to its customers through the utility and brings the opportunity to both lower cost and expand the renewable energy component of the energy supply available to Exeter customers.

In brief, Community Power Aggregation works by having a large group of customers come together to buy their energy supply directly from the producer of the energy instead of having our local utility, Unitil, buy it. Unitil would continue to distribute the energy to Exeter residents, businesses and the town. Under the CPA model, Exeter or an organization acting on the Town's behalf would do the purchasing and would have the opportunity to negotiate the energy source mix, the length of the contract and the price of the energy supplied to Unitil for use by Exeter's customers.

A large part of the reason for initiating a CPA in Exeter is to be able to offer residents and customers a higher mix of renewable energy supplies at comparatively lower costs than currently available. In addition to that, other benefits are expected in the future. A small fraction of the rate charged for energy supply will be set aside in an energy reserve fund which will accumulate over time and be available to fund energy initiatives offered to Exeter customers. These could include subsidized smart meters, residential solar incentives, energy storage and efficiency projects and even development of renewable energy projects. In many parts of the country the CPA model includes the development of local or regional renewable energy, energy storage and grid modernization projects funded through proceeds generated by the CPA.

### ***2. Why is the Town pursuing CPA in the first place, and why now?***

The Exeter Energy Committee recommended to the Select Board last spring that that the Town begin formally exploring the creation of CPA to take advantage of the potential benefits described in answer to the first question – namely – reducing the cost of the default energy supply, making more renewable energy options available to Exeter customers and, longer term, developing innovative energy projects without burdening Exeter taxpayers. The reason this is coming up now is that a change was made in 2019 to the state enabling law for CPAs (RSA 53-E) which make their formation more feasible to start and more viable to operate. The major change was to allow a CPA, once established, to enroll all retail customers in its community into the program automatically unless they opted out or were already enrolled with an alternative (non-default) energy supplier. That change means that CPAs begin with a substantial ("aggregated") customer energy demand with which to negotiate for energy supply. As a result of this change, there has been a large uptick in CPA interest by municipalities. To date, about a

dozen communities and counties in New Hampshire, including Exeter, are actively studying and/or creating CPAs. On October 1<sup>st</sup>, a new coalition of New Hampshire municipal governments was created to help facilitate CPA formation and provide energy market expertise and broker services that will be needed for their successful operation. (See question 5)

### **3. How does a CPA work?**

To understand how a CPA works we need to talk a little about energy deregulation. Community Power Aggregation taps into a key feature of energy utility deregulation which occurred way back in the 1990s: the separation of energy *supply* from energy *distribution*. Since energy deregulation went into effect, utilities such as Unitil have been required to divest themselves of energy production facilities (e.g. power plants) and limit their business to energy distribution (e.g. the power distribution grid, powerlines, poles, transformers, substations, etc. and related administrative functions such as metering and billing). Meanwhile energy producers develop power generating capacity, produce electricity and sell it both to utilities and to end users. Deregulation envisioned that a high level of competition would develop in the energy *supply* side of the business, as electricity customers would be free to choose between suppliers. The suppliers would need to compete on price and perhaps other features. That was the theory. In reality, this competitive market has been very slow to develop, especially for retail consumers. It exists with large energy consumers such as industries and municipalities (for example, Exeter purchases its energy for its own municipal use through a competitive bid process and pays less per kWh than the default utility rate) but most end users, including most residential customers simply get their electricity supply from the utility's 'default supplier.' A principle reason why competition never developed at the end user level is *disaggregation*. There are too many residential end users, each using too little energy to create enough demand to successfully negotiate on price.

CPAs are designed to create that large scale aggregation of retail customers that can effectively negotiate on price in the energy market.

### **4. What must Exeter do to form a CPA and where is it in that process?**

The state law which governs the formation of CPAs, RSA 53-E, "AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES" lays out quite specifically, what a community must do to set up community power aggregation program. The basic steps, and our expected timeline on them are these:

1. Select Board establishes an Electric Aggregation Committee: Exeter did this in May, 2021, established as the Exeter Community Power Aggregation Committee (ECPAC)
2. The ECPAC prepares a Draft Community Power Aggregation Plan: In progress. The ECPAC started this in July and the draft is expected to be completed in November.
3. The Select Board will review and consider the Aggregation Plan and determine whether to present this to the Town legislative body for approval at the March Town Meeting: to be determined
4. Town Meeting approves or rejects the Community Power Plan and Program in March 2022

5. If approved, the Town submits the Community Power Program to the PUC and/or State Energy Commission for approval: expected in April-June 2022
6. Implementation of the Program begins in accordance with the Plan: begins following PUC approval
7. The Town contracts with the Community Power Coalition of New Hampshire or other third party to provide services to implement the plan, including acquiring contracts for electric energy delivery.
8. If energy costs are at or below existing default energy rates, program is launched for eligible customers in Exeter

***5. Exeter is a member of the Community Power Coalition of New Hampshire. Can you explain what the Coalition is and what role they may have in Exeter's CPA.***

The Community Power Coalition of New Hampshire is a newly incorporated public entity in New Hampshire formed under RSA 53-A which allows municipalities and counties in NH to work in combination to perform any task or duty they can do individually. CPCNH has been incorporated with 12 initial member municipalities, including Exeter, to assist towns in NH who undertake community power programs. As envisioned, they will provide four key services: first to provide technical assistance to towns who are developing community power programs; second to aggregate electricity demand from member communities who choose to participate to create greater bargaining power when purchasing electric power contracts, third to provide technical services to towns such as purchasing power contracts, and establishing risk management strategies and reserves to respond to volatility in electricity markets, and fourth, to develop innovative alternative energy, grid modernization and other projects in which member communities can choose to participate. Exeter is one of the initial incorporating members of the coalition. Although a member of the Coalition, Exeter is not committed to use its services if and when it implements its community power program. We can choose to contract with another community power service provider if we choose. The coalition will be funded from revenues generated from its power contracts. No local taxpayer funds will be used.

***6. If Exeter's energy aggregation plan (EAP) is approved by the Select Board and adopted by town vote at Town Meeting, will I be required to participate in the community power program? How will customers be notified and can they decide not to participate in Exeter Community Power if they so choose?***

In a word, NO, you will not be required to participate in the Exeter Community Power program. However, you will be automatically included unless you opt out. But the law is very clear on this point: all customers must be given ample notice (notice which must include the electric rates offered under the program mailed to every Utilit customer) and adequate timeframe (at least 30 days) to choose to opt out. You will also have the ability to opt out of the program later if you choose. If you already receive power from an alternative provider, you will not be included in Exeter's program unless to choose to opt in. And remember, the Community Power program will not launch if the default energy rate we offer is not equal to or below that of the utility default rate.



**7. Unitil is the utility that currently supplies Exeter's electricity needs. What services does Unitil provide now and how will its role change if Exeter forms a CPA and adopts an energy aggregation plan?**

Unitil's role will largely remain the same as now. It will still provide the distribution of energy to your home or business and will continue to handle billing for electricity. It will also still provide the default electricity supplier for those who choose to opt out of Exeter's program. The main difference for those who don't opt out is that the electric supplier charges (included as a line item in your bill) will come from Exeter Community Power instead of Unitil's default supplier.

**8. Can you explain a little more about the difference between electric delivery charges and electric supplier charges that I currently see on my Unitil bill? What will change on my bill if I decide to participate in Exeter Community Power?**

The only change (unless you have opted-out) will be that the portion of your bill labeled "ELECTRIC SUPPLIER SERVICE" will change from the default supplier to Exeter Community Power and may indicate the specific power option you have chosen (for example a higher renewable energy source mix). The "ELECTRIC SERVICE" portion of your bill (including "Customer Charge", "Delivery Charge", and "Stranded Cost Charge" will remain unchanged.

**9. What choice will individual consumers have concerning the source of their electric supply? Will individual customers be able to choose options with varying amounts of renewable energy?**

As mentioned earlier, a major reason that Community Power is being developed by Exeter is to provide electric customers greater opportunity to choose a larger portion of renewable energy in the "Energy Supplier" portion of their bill. Our intention is to offer two or three new mixes in addition to the default supply equivalent. The current default supply includes about 20% in renewable sources. We intend to add one 'tier' that includes about 50% renewable sources and another with a much greater portion of renewable sources – perhaps 90% or more.

**10. How will low-income customers be accommodated**

We don't anticipate there will be any change in assistance available to low-income households as a result of shifting to a community power energy supplier model. The statewide Electric Assistance Program (EAP) provides qualifying customers with a discount on their monthly electric bill ranging from 8% to 76% depending on income and other factors. The New Hampshire Legislature authorized funding for this statewide program as part of electric utility deregulation back in the 1990s. Since then, all electric utility ratepayers support the statewide EAP through the System Benefits Charge (SBC) portion of their monthly electric bill. Funds to support the energy assistance program available to Exeter residents will continue to be available through Southern New Hampshire Services throughout the state to identify and enroll eligible customers for the statewide EAP. Other energy assistance programs for weatherization efficiency upgrades under the NHSaves program will be unchanged.

**11. *If Exeter adopts an energy aggregation plan (EAP) that authorizes its CPA to work with vendors to purchase electricity for the town's residents and businesses, what are the risks to those residential and commercial customers?***

The risk to customers is small. While it is certainly true that energy markets can be volatile and contracted costs for energy can swing significantly, Exeter Community Power will not be purchasing power directly, but rather through a third-party broker, either CPCNH or a private entity. A key part of the services provided by that broker is the management of energy pricing risk and hedging against this volatility. In addition, customers will be allowed to change their energy supplier either back to Unitil's default or to another energy supplier on either a monthly or quarterly basis.

**12. *Currently Unitil and the PUC set the rates for its electricity customers. Who will set the rates if Exeter forms a CPA?***

Exeter Community Power will establish the rate for only the 'Energy Supply' portion of customer's electricity bill. The remainder consists of Electric Service charges (made up of customer charge, delivery charge, stranded cost charge, system benefits charge and taxes) are set by the utility and the PUC. For a New Hampshire household with the average electric energy demand of 630 kWh/month, at current Unitil rates, the energy supply portion would consist of about 39% on the monthly bill with the balance being electric delivery and service charges.

**13. *Have other communities in New Hampshire established CPAs and if so, where are they in the process and how successful have they been?***

This is rapidly evolving, but as of mid October 2021, at least four other communities in New Hampshire are well along in the process of establishing community power programs, including Keene, Harrisville, Lebanon, and Hanover. All have drafted their Electric Aggregation Plans, and Keene has approved and launched its program using Standard Power/Good Energy as their energy broker/service provider. A total of fourteen NH municipalities have formally joined the CPCNH to support development of their community power programs: Hanover, Lebanon, Exeter, Nashua, Harrisville, Rye, Dover, Warner, Walpole, Newmarket, Plainfield, Durham, Enfield, and Cheshire County.

**14. *If it goes forward, when do you expect Exeter's CPA to begin.***

Based on the timeline the ECPAC has developed, we expect the Exeter Community Power Aggregation program to be considered by the Select Board this December or January, and for approval by Town Meeting in March 2022. If approved, and with the approval of our Energy Aggregation Plan by the PUC, we anticipate contracting for energy services in Summer of 2022 and beginning to provide energy supply services to Exeter customers in the Fall 2022 / Winter 2023. This schedule is tentative and may be delayed by the approval and roll out process governed by the PUC and the newly formed NH Department of Energy, and/or the availability of energy services provided through CPCNH and other providers.

**APPENDIX 5:  
PUBLIC HEARING NOTICE**

## **NOTICE OF PUBLIC HEARINGS**

### **Exeter Community Power Electric Aggregation Plan**

November 29, 2021 7:00 PM

Nowak Room

Exeter Town Hall, 10 Front Street, Exeter NH

*and*

December 13, 2021 7:00 PM

Nowak Room

Exeter Town Hall, 10 Front Street, Exeter NH

Two public hearings will be held at the above indicated dates, times and locations to present information and receive comments about the proposed Exeter Community Power Electric Aggregation Plan prepared by the Exeter Community Power Aggregation Committee. At these hearings, members of the Committee will present the Draft Energy Aggregation Plan, answer questions and take public comment. Copies of the Draft Plan will be available for review at the Exeter Public Library and in the Planning Office at the Exeter Town Offices and available on the Committee webpage prior to the hearings. Information pertaining to the Energy Community Power program and Energy Aggregation Plan is available on the Town website at the following address: <https://www.exeternh.gov/bcc-cpac>

### **Presentation and Hearing**

#### **Agenda**

1. Welcome/Introductions
2. What is Community Power?
3. Steps to Develop a Community Power Program in Exeter
4. Review of Draft Aggregation Plan for Exeter
5. Next Steps
6. Public Hearing – Questions & Comments

**APPENDIX 6:**

**Overview of Community Power Coalition of New Hampshire**

## APPENDIX 6: Overview of Community Power Coalition of New Hampshire



Exeter is a founding member of the Community Power Coalition of New Hampshire (CPCNH), 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 Exeter's Select Board on May 10, 2021.

The Joint Powers Agreement is available on the Coalition's webpage (<https://www.cpcnh.org/about>). 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.

Joint powers agencies are governed by communities, operated on a not-for-profit basis, 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.

### Coalition Governance Structure

The Coalition was incorporated on October 1, 2021 by the following founding local government Members: the cities of Lebanon, Nashua and Dover; the towns of Hanover, Harrisville, Exeter, Rye, Warner, Walpole, Plainfield, Newmarket, Enfield and Durham; and Cheshire County (<https://www.cpcnh.org/incorporation-article>). The city of Portsmouth and the towns of Hudson, New London, Pembroke and Webster joined after incorporation.

Municipalities that adopt the Joint Powers Agreement in the future may subsequently apply for membership in the Coalition under the terms and procedures provided for under the joint powers agreement.

Each Member has appointed a Director and Alternate to serve on the Coalition's Board of Directors. The Board directly oversees the initial startup and implementation activities of the Coalition.

Exeter and all other members are 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).

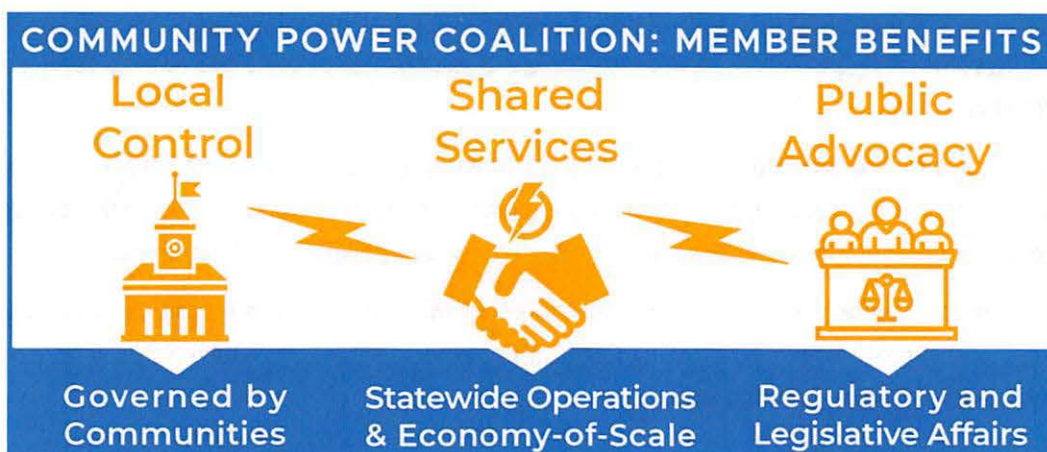


Additionally, to exercise more regular oversight over specific aspects of the joint powers agency, the Coalition will have six standing committees: Executive, Finance, Audit, Regulatory and Legislative Affairs, Risk Management and Governance. The Board may also establish ad-hoc committees — and has already established the “Member Operations & Advisory Committee” as such — 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 are posted online (<https://www.cpcnh.org/calendar>) and 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.”

### Coalition Member Benefits

The Coalition is 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 public advocacy issues.



The 18 city and town members of the Coalition (<https://www.cpcnh.org/members>) represent more than 270,000 residents, or about 20% of the population of New Hampshire. To put the anticipated electricity usage of all Coalition Members Community Power programs in context, at full enrollment of all eligible customers, the Coalition would be larger in size than the default service loads of Unitil, Liberty Utilities and the New Hampshire Electric Coop on an individual basis, and smaller than Eversource (New Hampshire's largest investor-owned distribution utility).

Based on the design and projected size of the Coalition, the Exeter Community Power Aggregation Committee anticipates that implementing community power in Exeter through CPCNH will result in cost savings, lower staff requirements and enhanced access to innovative energy services.

The Exeter Electric Aggregation Plan anticipates relying upon the Coalition’s member services to launch and operate Exeter Community Power, but approval of this plan does not commit the Select Board to doing so. The Select Board retains the authority to contract for any and all required program services and electricity supplies,

and to pursue projects independently of the Coalition. (See explanation of alternative program organization models in Section 4 of the Plan.)

The Coalition was created to provide municipalities across New Hampshire with a number of distinct benefits in terms of transparency, scope and cost of Community Power 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 “Coalition Member Services” and “Regulatory and Policy Advocacy” sections below, and additional details are available online (<https://www.cpcnh.org/services>):

### **A. 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.

### **B. Coalition Public Advocacy**

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

Additionally, extending and maintaining the full range of benefits that Exeter 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 Data 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 two bills recently signed into law:
  - House Bill 315, which clarifies and expands key Community Power authorities; and
  - Senate Bill 91, which expands battery storage options for customers as well as Net Energy Metering for communities and established a committee to study the creation of a new market that would expand the ability of Community Power programs to buy from in-state generators and battery storage projects (under 5 megawatts in size).

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

## **Coalition Cost Sharing Structure & Contracting Process**

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.

Membership in the Coalition, and the implementation of Exeter Community Power, will not require any upfront cost for the Town other than such incidental expenses (i.e., the staff time, counsel review of agreements, and other costs required to comply with the Community Power law).

To provide the services, credit support and electricity supply required to launch and operate Exeter 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 Exeter, along with ongoing operational and power procurement

expenses, will be factored into the customer rates adopted by the Select Board and be recovered from the revenues received from participating customers after the launch of Exeter 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.

Exeter'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 Exeter (unless expressly agreed to by the Select Board under Exeter'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 Exeter Community Power. However, note that:

- The Town will be under no obligation to rely on the services provided through the Coalition until the Select Board executes the Coalition's cost-sharing agreement and chooses which services will be provided through the Coalition.
- At that time, the Select Board may decide to rely on the Coalition for all or a subset of the services required to launch and operate Exeter Community Power. Additionally, if the Select Board decides to rely on the Coalition to provide all-requirements electricity supply to Exeter Community Power's customers, the Select Board will also review and adopt Energy Risk Management and Financial Reserves policies provided by the Coalition. The program's power procurement will be governed by this agreement, such that the Coalition will, for example, procure power with the renewable content specified by the Town and balance cost objectives to meet the program's rate-setting goals.
- Alternatively, the Select Board could decide to withdraw from the Coalition entirely, prior to executing the cost-sharing agreement, and launch Exeter Community Power independently.
- Lastly, after Exeter Community Power launches, the Town 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 Select Board.

Decisions made by the Select Board regarding how to best implement and operate Exeter 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 Energy Risk Management & Financial Reserves Policies**

Exeter Community Power's ability to maintain competitive rates, as market prices and Unitil's default rates change over time, is a primary goal for the program. Competitive rates will significantly reduce the risk that customers opt-out of Exeter 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, Exeter Community Power will adopt Energy Risk Management and Financial Reserves policies. The purpose of these policies is to:

- Ensure that Exeter 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 Exeter Community Power (so that the Coalition remains in compliance with our policies).

Combined with the operational procedures and practices of the Coalition's business model, these policies are designed to ensure that Exeter Community Power and 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 Exeter 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 Exeter 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 joint project development opportunities across participating Community Power programs, and to explore opportunities to jointly satisfy collateral obligations within these arrangements.

Lastly, 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 Exeter Community Power to enter into long-term contracts — in order to construct new renewable and battery storage projects.

## **Coalition Design & Start Up Process To-Date**

The Coalition “Organizing Group” was initially convened 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, Inc.;
- Activities were carried out in four working group tracks: Governance Agreements, Regulatory and Policy Engagement, Design and Implementation, and Community Engagement.

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.

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.

### **A. 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, P.C. (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.

## **B. Community 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, President of Community Choice Partners, Inc., to provide implementation support services prior to launch.

Mr. Herndon was enlisted to facilitate branding and policy communication efforts, draft an outreach strategy, compile resources and facilitate the engagement of prospective members, and onboard new members and their representatives throughout the state to the Coalition.

Mr. Golding was enlisted to advise on Community Power rule development at the Public Utilities Commission and other regulatory and legislative affairs, draft Electric Aggregation Plans and support municipalities through the local approval process, create educational materials and presentations, draft a business plan and budget for the Coalition, advise on Board policies and staffing, prepare vendor surveys and a request for proposals for the services and financing required to launch Community Power programs, and assist in the bid evaluation, award and contracting process.

## **C. Incorporation, Organizational Development & Request for Services Process**

Since incorporating as a Joint Powers Agency and government instrumentality on October 1<sup>st</sup>, 2021, the Coalition's Board of Directors has grown to 37 representatives — elected officials, staff and volunteers serving on local energy committees — appointed by each of the Coalition's 19 member communities to serve as either a Director or Alternate Director.

The Board moved quickly to establish an Executive Committee, Finance Committee, Member Operations & Engagement Committee, Risk Management Committee, and CEO and Staff Search Committee, and to put in place the structures, protocols and work plans required to commence the process of launching the power enterprise. At present, the Regulatory & Legislative Affairs Committee and Governance Committee are under formation as well.

On December 17<sup>th</sup> 2021, the Coalition issued a Request for Information (RFI) for operational services and credit support. On April 25<sup>th</sup> 2022, the Coalition issued a Request for Proposals for Comprehensive Services and Credit Support. The solicitations are available online (<https://www.cpcnh.org/solicitations>) and accompanied by substantial reference documentation (such as the Coalition's draft Business Plan).

Additionally, Duncan, Weinberg, Genzer & Pembroke, P.C. was hired by the Coalition to provide legal services, and to act as General Counsel for the power agency, throughout its startup and early-stage operations, Community Choice Partners was contracted as lead technical consultant, and Herndon Enterprises, LLC was contracted to provide organizational and member services support.

**Since incorporation, the Coalition has received approximately \$135,000 in grants and donations to cover start-up administrative expenses and consulting services and is pursuing additional grant funding and donations to supplement the agency's budget.**

**APPENDIX 7:**  
**AVAILABLE UTILITY DATA**

**Electrical Use Data by Property Class - Town of Exeter (2019 2020)**

**Customer Migration Report – Unutil System Wide**

Electrical Use Data by Property Class - Town of Exeter (2019 2020)

Year	Month	Property Class	Count	Billed kWh	Billed Dem
2019	01	1 - RESIDENTIAL	7,162	5,002,861	19
2019	01	2 - COMM & INDUSTR	1,070	7,193,587	22,622
2019	01	3 - MUNICIPAL	823	694,008	2,473
2019	02	1 - RESIDENTIAL	7,142	4,614,265	15
2019	02	2 - COMM & INDUSTR	1,070	7,356,661	22,698
2019	02	3 - MUNICIPAL	823	730,875	2,521
2019	03	1 - RESIDENTIAL	7,148	4,146,625	23
2019	03	2 - COMM & INDUSTR	1,065	6,980,221	22,678
2019	03	3 - MUNICIPAL	823	637,123	2,514
2019	04	1 - RESIDENTIAL	7,191	3,555,378	8
2019	04	2 - COMM & INDUSTR	1,075	7,044,516	22,380
2019	04	3 - MUNICIPAL	823	655,414	2,604
2019	05	1 - RESIDENTIAL	7,299	3,445,380	54
2019	05	2 - COMM & INDUSTR	1,088	7,319,235	45,957
2019	05	3 - MUNICIPAL	825	740,529	5,359
2019	06	1 - RESIDENTIAL	7,304	3,171,293	22
2019	06	2 - COMM & INDUSTR	1,086	7,141,089	22,453
2019	06	3 - MUNICIPAL	823	707,775	2,791
2019	07	1 - RESIDENTIAL	7,309	4,980,963	22
2019	07	2 - COMM & INDUSTR	1,088	9,364,853	24,712
2019	07	3 - MUNICIPAL	823	753,877	2,575
2019	08	1 - RESIDENTIAL	7,298	5,045,851	23
2019	08	2 - COMM & INDUSTR	1,090	9,139,495	25,202
2019	08	3 - MUNICIPAL	822	786,582	2,683
2019	09	1 - RESIDENTIAL	7,300	3,381,239	21
2019	09	2 - COMM & INDUSTR	1,086	7,337,286	23,788
2019	09	3 - MUNICIPAL	822	711,284	3,084
2019	10	1 - RESIDENTIAL	7,306	3,529,100	6
2019	10	2 - COMM & INDUSTR	1,085	7,994,772	23,488
2019	10	3 - MUNICIPAL	822	788,687	3,011
2019	11	1 - RESIDENTIAL	7,185	3,652,253	9
2019	11	2 - COMM & INDUSTR	1,071	7,120,874	21,643
2019	11	3 - MUNICIPAL	822	745,396	2,847
2019	12	1 - RESIDENTIAL	7,213	4,217,888	9
2019	12	2 - COMM & INDUSTR	1,075	6,965,758	21,190
2019	12	3 - MUNICIPAL	822	731,898	2,661
2020	01	1 - RESIDENTIAL	7,212	4,884,604	12
2020	01	2 - COMM & INDUSTR	1,076	7,683,907	21,310
2020	01	3 - MUNICIPAL	822	766,709	2,558
2020	02	1 - RESIDENTIAL	7,201	4,527,287	12
2020	02	2 - COMM & INDUSTR	1,072	7,643,549	21,251
2020	02	3 - MUNICIPAL	822	759,994	2,455
2020	03	1 - RESIDENTIAL	7,234	4,202,411	16
2020	03	2 - COMM & INDUSTR	1,073	7,390,252	21,211
2020	03	3 - MUNICIPAL	822	632,938	2,540
2020	04	1 - RESIDENTIAL	7,219	3,775,081	6
2020	04	2 - COMM & INDUSTR	1,071	6,042,695	19,853
2020	04	3 - MUNICIPAL	820	441,131	2,255
2020	05	1 - RESIDENTIAL	7,332	3,485,702	3
2020	05	2 - COMM & INDUSTR	1,092	5,866,274	19,859
2020	05	3 - MUNICIPAL	820	398,960	2,296



Electrical Use Data by Property Class - Town of Exeter (2019 2020)

2020	06	1 - RESIDENTIAL	7,335	4,351,289	5
2020	06	2 - COMM & INDUSTR	1,088	7,819,069	22,433
2020	06	3 - MUNICIPAL	819	464,477	2,436
2020	07	1 - RESIDENTIAL	7,341	5,390,645	6
2020	07	2 - COMM & INDUSTR	1,088	8,681,968	24,095
2020	07	3 - MUNICIPAL	820	550,007	2,481
2020	08	1 - RESIDENTIAL	7,334	5,609,491	5
2020	08	2 - COMM & INDUSTR	1,088	8,848,770	24,751
2020	08	3 - MUNICIPAL	820	629,292	2,393
2020	09	1 - RESIDENTIAL	7,399	4,278,618	7
2020	09	2 - COMM & INDUSTR	1,090	8,434,865	23,295
2020	09	3 - MUNICIPAL	820	719,952	2,386
2020	10	1 - RESIDENTIAL	7,398	3,195,500	2
2020	10	2 - COMM & INDUSTR	1,087	6,960,894	22,003
2020	10	3 - MUNICIPAL	820	644,224	2,275
2020	11	1 - RESIDENTIAL	7,296	3,544,745	0
2020	11	2 - COMM & INDUSTR	1,073	6,755,717	21,008
2020	11	3 - MUNICIPAL	820	636,085	2,126
2020	12	1 - RESIDENTIAL	7,305	4,482,545	0
2020	12	2 - COMM & INDUSTR	1,083	6,947,222	20,591
2020	12	3 - MUNICIPAL	820	704,332	2,029

**Unitil Energy Systems, Inc. (UNITIL SYSTEM WIDE)  
Customer Migration Report**

**CUSTOMER COUNT by CLASS  
Customers Served by Competitive Generation**

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	5,640	2,686	126	270	8,722
Sep-20	5,592	2,687	126	273	8,678
Oct-20	5,530	2,692	126	277	8,625
Nov-20	5,611	2,723	125	280	8,739
Dec-20	5,584	2,769	125	296	8,774
Jan-21	5,581	2,773	125	298	8,777
Feb-21	5,576	2,781	125	297	8,779
Mar-21	5,550	2,779	125	297	8,751
Apr-21	5,537	2,784	125	296	8,742
May-21	5,520	2,781	126	296	8,723
Jun-21	5,511	2,811	130	339	8,791
Jul-21	5,481	2,798	129	334	8,742
Aug-21	5,442	2,796	129	333	8,700

**CUSTOMER COUNT by CLASS  
Total Customers**

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	67,919	10,874	164	1,548	80,505
Sep-20	67,770	10,862	164	1,546	80,342
Oct-20	67,025	10,740	164	1,546	79,475
Nov-20	66,955	10,722	163	1,543	79,383
Dec-20	66,977	10,783	163	1,542	79,465
Jan-21	66,995	10,791	163	1,540	79,489
Feb-21	67,019	10,792	163	1,539	79,513
Mar-21	67,085	10,786	163	1,538	79,572
Apr-21	67,242	10,813	163	1,536	79,754
May-21	68,223	10,946	164	1,537	80,870
Jun-21	68,271	11,252	168	1,646	81,337
Jul-21	68,312	11,258	168	1,645	81,383
Aug-21	68,334	11,265	168	1,639	81,406

**CUSTOMER COUNT by CLASS  
Percentage of Customers Served by Competitive Generation**

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	8.3%	24.7%	76.8%	17.4%	10.8%
Sep-20	8.3%	24.7%	76.8%	17.7%	10.8%
Oct-20	8.3%	25.1%	76.8%	17.9%	10.9%
Nov-20	8.4%	25.4%	76.7%	18.1%	11.0%
Dec-20	8.3%	25.7%	76.7%	19.2%	11.0%
Jan-21	8.3%	25.7%	76.7%	19.4%	11.0%
Feb-21	8.3%	25.8%	76.7%	19.3%	11.0%
Mar-21	8.3%	25.8%	76.7%	19.3%	11.0%
Apr-21	8.2%	25.7%	76.7%	19.3%	11.0%
May-21	8.1%	25.4%	76.8%	19.3%	10.8%
Jun-21	8.1%	25.0%	77.4%	20.6%	10.8%
Jul-21	8.0%	24.9%	76.8%	20.3%	10.7%

Customer Migration Report

(UNITIL SYSTEM WIDE)

RETAIL SALES (kWh) by CUSTOMER CLASS  
Competitive Generation Sales

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	5,025,157	12,585,000	24,802,949	285,841	42,698,947
Sep-20	3,830,566	11,844,205	24,763,811	277,727	40,716,309
Oct-20	2,804,991	9,315,571	20,682,774	257,999	33,061,335
Nov-20	3,120,292	9,377,219	20,508,686	260,739	33,266,936
Dec-20	4,062,226	10,580,209	21,594,681	261,598	36,498,714
Jan-21	4,278,597	10,629,570	21,446,857	265,177	36,620,201
Feb-21	4,170,059	10,982,775	21,550,828	264,772	36,968,434
Mar-21	4,147,182	11,693,985	23,288,857	266,555	39,396,579
Apr-21	3,037,129	10,017,074	20,951,523	261,384	34,267,110
May-21	2,933,500	10,423,956	21,710,128	261,483	35,329,067
Jun-21	3,609,781	12,160,749	24,078,622	254,935	40,104,087
Jul-21	4,142,614	12,963,006	24,870,237	257,551	42,233,408
Aug-21	4,111,631	13,072,973	25,457,909	261,350	42,903,863

RETAIL SALES (kWh) by CUSTOMER CLASS  
Total Sales

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	57,715,834	28,262,781	29,935,971	644,251	116,558,837
Sep-20	44,979,721	26,172,290	29,722,799	635,198	101,510,008
Oct-20	32,009,393	20,170,721	24,642,676	609,062	77,431,852
Nov-20	34,896,989	20,497,099	24,432,498	605,624	80,432,210
Dec-20	45,042,699	23,449,935	25,817,785	597,605	94,908,024
Jan-21	48,326,828	23,804,287	25,351,429	582,966	98,065,510
Feb-21	47,028,445	24,511,887	25,812,410	580,023	97,932,765
Mar-21	47,108,539	26,061,521	27,626,162	503,479	101,299,701
Apr-21	34,853,776	21,236,355	24,806,383	579,895	81,476,409
May-21	33,843,374	21,828,192	25,750,269	581,813	82,003,648
Jun-21	43,474,063	26,241,575	28,940,957	568,583	99,225,178
Jul-21	50,786,739	28,410,304	30,282,704	571,860	110,051,607
Aug-21	50,902,470	29,195,229	30,963,896	578,180	111,639,775

RETAIL SALES (kWh) by CUSTOMER CLASS  
Competitive Generation Sales as a Percentage of Total Sales

Month	DOMESTIC	REGULAR GENERAL	LARGE GENERAL	OUTDOOR LIGHTING	TOTAL
Aug-20	8.7%	44.5%	82.9%	44.4%	36.6%
Sep-20	8.5%	45.3%	83.3%	43.7%	40.1%
Oct-20	8.8%	46.2%	83.9%	42.4%	42.7%
Nov-20	8.9%	45.7%	83.9%	43.1%	41.4%
Dec-20	9.0%	45.1%	83.6%	43.8%	38.5%
Jan-21	8.9%	44.7%	84.6%	45.5%	37.3%
Feb-21	8.9%	44.8%	83.5%	45.6%	37.7%
Mar-21	8.8%	44.9%	84.3%	52.9%	38.9%
Apr-21	8.7%	47.2%	84.5%	45.1%	42.1%
May-21	8.7%	47.8%	84.3%	44.9%	43.1%
Jun-21	8.3%	46.3%	83.2%	44.8%	40.4%
Jul-21	8.2%	45.6%	82.1%	45.0%	38.4%
Aug-21	8.2%	45.6%	82.1%	45.0%	38.4%

**APPENDIX 8:**  
**HOW LOAD SERVING ENTITY SERVICES WILL BE IMPLEMENTED**

## **APPENDIX 8: HOW LOAD SERVING ENTITY SERVICES WILL BE IMPLEMENTED**

Exeter 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 Town 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 Exeter 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 Utilities Approved Supplier](#)
- New Hampshire Electric Cooperative: [Supplier Information](#)

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

The Town 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 Exeter Community Power.

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

On behalf of the Town 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>1</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 Town, 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 the [Redwood](#)

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<sup>1</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>.

**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>2</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*
  - 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**

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<sup>2</sup> CPCNH’s Request for Information for Comprehensive Services and Credit Support is available online at: <https://www.cpcnh.org/solicitations>

- 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 Exeter's appointed Directors expect to provide to the Select Board for approval between October – December 2022.

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

### **Responsibilities of the Town of Exeter**

The Town 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 Exeter 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 Exeter 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>3</sup>

This implementation option would essentially replicate the same approach and structure employed by the New Hampshire Electric Cooperative, which actively manages an 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 Town's consideration.

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

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

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<sup>3</sup> Refer to CPCNH's draft Business Plan for further details, available under RFP Reference Materials online at: <https://www.cpcnh.org/solicitations>

**APPENDIX 9:**  
**CUSTOMER DATA PROTECTION PLAN**

## APPENDIX 9: CUSTOMER DATA PROTECTION PLAN

Exeter 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 Exeter 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 Town of Exeter 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 Town will participate fully in the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Exeter 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>4</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 of entities to provide

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<sup>4</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/202f2e\\_601bfada901c4a89a1c2812a0638090a.pdf](https://www.cpcnh.org/files/ugd/202f2e_601bfada901c4a89a1c2812a0638090a.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.

*comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate of Community Power Aggregation (CPA) programs”<sup>5</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>6</sup> and to (2) the RFP Addendum #2 (issued May 24, 2022), at pp. 11 in response to Questions 15.<sup>7</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 recognized law firm with substantial expertise in the Community Power and broader public power industry.

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<sup>5</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>6</sup> [https://www.cpcnh.org/files/ugd/202f2e\\_e781638c123d4cf3977358f845081313.pdf](https://www.cpcnh.org/files/ugd/202f2e_e781638c123d4cf3977358f845081313.pdf)

<sup>7</sup> Pages 11-12 at [https://www.cpcnh.org/files/ugd/202f2e\\_8ceed8824453482c902a8a0fa1ab826c.pdf](https://www.cpcnh.org/files/ugd/202f2e_8ceed8824453482c902a8a0fa1ab826c.pdf).

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>8</sup>
- Between October and December 2022, Exeter's appointed Directors are expected to provide CPCNH's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies to the Select Board for approval between October – December 2022.
- At this point, the Town will contract for and authorize CPCNH to provide specific services on behalf of Exeter 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.

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

In CPCNH's capacity as a service provider to the Town, the agency and third parties contracted through CPCNH to provide services to Exeter Community Power will need to access and use ICD for operational needs and for

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<sup>8</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).

the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs on behalf of Exeter Community Power.

Third parties under contract to CPCNH that may require access to ICD on behalf of Exeter 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 Exeter Community Power.

Specific types of ICD that Exeter 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 Town for purposes of sending required notification of Exeter Community Power Commencement of Service and enrollment of customer in Exeter Community Power, 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 Exeter Community Power, 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>9</sup>, and in its 3/28/22 Reply Comments.<sup>10</sup>
- Other confidential customer information that may be received or collected directly by Exeter Community Power 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
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).

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<sup>9</sup> See p. 2 ¶4 and p. 4 ¶6 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>10</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).

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 Exeter 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 Town of Exeter**

The Town 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 Exeter Community Power.

The Town 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 Town’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 Town before executing any such contracts.

The Town 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 Town does not contract with CPCNH to provide energy services to Exeter Community Power, then the Town will develop and adopt policies and contracts that ensure compliance with the Town'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 Town, 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, Exeter 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.