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DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
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October 8, 2024

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

Re: DE 23-003, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Proposed Purchase of Receivables Program; Department of Energy Position Statement

Dear Chairman Goldner:

On August 16, 2024, the Commission issued an order approving a Settlement Agreement filed on September 13, 2023, in the above-captioned matter between Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (“Liberty” or “Company”), the New Hampshire Department of Energy (“DOE” or “Department”), the Community Power Coalition of New Hampshire (“CPCNH”), and Direct Energy Services, LLC, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Reliant Energy Northeast LLC, and XOOM Energy New Hampshire, LLC (together, the “NRG Retail Companies”) (collectively, the “Parties”). The settlement agreement provided for a “Phase II” to the proceeding, in which Liberty would submit proposed revisions to its “Energy Service Supplier Agreement” (“ESSA”) and the specific terms and conditions of the Company’s Electricity Delivery Service Tariff (“Tariff”) necessary to implement the Company’s Purchase of Receivables (“POR”) program. On September 4, 2024, the Commission issued a Supplemental Order of Notice in this docket commencing Phase II of the proceeding. The order requested that, “the [DOE] and other parties file their positions regarding Liberty’s proposed revised ESSA and proposed revised Tariff, including the reasons for these positions, on or before October 8, 2024.”

Liberty filed its proposed ESSA, revisions to its tariff and accompanying testimony in this matter on September 24, 2024. Following an initial review of the Company’s filing, the Department’s initial position is that the proposed revisions appear consistent with the Settlement Agreement, with the following exceptions and recommendations:

1. Fees.

Section VIII, E. of the ESSA provides for an administrative fee of \$5 dollars for each submitted enrolled customer transaction, stating the fee shall be waived in connection with an enrollment of a customer directly from transition service. As transition service has been replaced

by default energy service, the application of this provision in the ESSA is Liberty's authorization to charge such a fee. The Department recommends this provision be struck from the ESSA.

2. Payment and Billing Options.

In Exhibit A, Company Specific Provisions, of the ESSA, Liberty continues to follow the payment hierarchy structure established by the Commission in IR 13-244. With the implementation of POR, supplier receivables become the receivables of the Company, removing the need to apply payment consistent with the Commission established payment hierarchy structure. The Department recommends Section 1. Budget and Payment Options and Section 2., Summary Billing be deleted from Exhibit A to the ESSA.

Similarly, First Revised Page 83 Superseding Original Page 83, part 6, titled Payment Services, outlines the payment hierarchy structure approved by the Commission in IR 13-144. It is unclear as written that the allocation only applies to payment received prior to the implementation of POR. The Department recommends the Company clarify this tariff language.

3. Definitions.

Liberty should review the definitions section of the ESSA and its tariff to ensure the language is current and representative of the environment today. While not an exhaustive list as examples, references to NEPOOL should be replaced with ISO-NE, and interim procedures and transition service ended several years ago.

4. Registration with the Department of Energy.

First Revised Page 77 Superseding Original Page 77 in the Company's proposed tariff defines a competitive electric power supplier (CEPS) as "any person or entity registered with the PUC pursuant to Puc 2000 ..." Similarly, CEPS Agreement is defined as "the contract between the Company and any entity registered with the Commission as load-serving entity in the provision of Energy Service to retail Customers in New Hampshire." The registration of CEPS is done under the authority of the Department of Energy, not the Public Utilities Commission. The Department therefore recommends that the Company revise these definitions accordingly.

5. Consistent Requirements Among Regulated Distribution Utilities.

For ease in implementation of POR and other applicable requirements for competitive electric power suppliers and community power aggregations, the Department recommends that the tariffs and service agreements across the state for all of the regulated distribution utilities be consistent, when possible.

Conclusion

With the exceptions described above, Liberty's proposed revisions to its ESSA and Electricity Delivery Service Tariff appear consistent with the settlement agreement approved by the Commission in this docket on August 16, 2024. The Department notes that the Company and

suppliers are still required to follow all applicable laws, including the rules of the Commission and the Department, regardless of any conflicts that may arise in its ESSA or tariff. Also, to ease implementation of POR, the Department recommends that the three regulated distribution utilities and interested parties work together to ensure consistency across the state when possible.

The Department anticipates it will present its final position at hearing pending further review prior to hearing and any additional information that may come to light through the Department's cross-examination and the Commission's questioning of the Parties' witnesses.

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Sincerely,

/s/ Alexandra K. Ladwig

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