Electric Aggregation Plan

Attachments

Attachment 1: Legislative Background and Local Control Authorities

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

I. *The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets. The overall public policy goal of restructuring is to develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service with minimum adverse impacts on the environment. Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services.*

II. *A transition to competitive markets for electricity is consistent with the directives of part II, article 83 of the New Hampshire constitution which reads in part: "Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it." Competitive markets should provide electricity suppliers with incentives to operate efficiently and cleanly, open markets for new and improved technologies, provide electricity buyers and sellers with appropriate price signals, and improve public confidence in the electric utility industry.*

III. *The following interdependent policy principles are intended to guide the New Hampshire public utilities commission in implementing a statewide electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in approving each utility's compliance filing, in streamlining administrative processes to make regulation more efficient, and in regulating a restructured electric utility industry. In addition, these interdependent principles are intended to guide the New Hampshire general court and the department of environmental services and other state agencies in promoting and regulating a restructured electric utility industry.*

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

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

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

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

Status of the Competitive Market

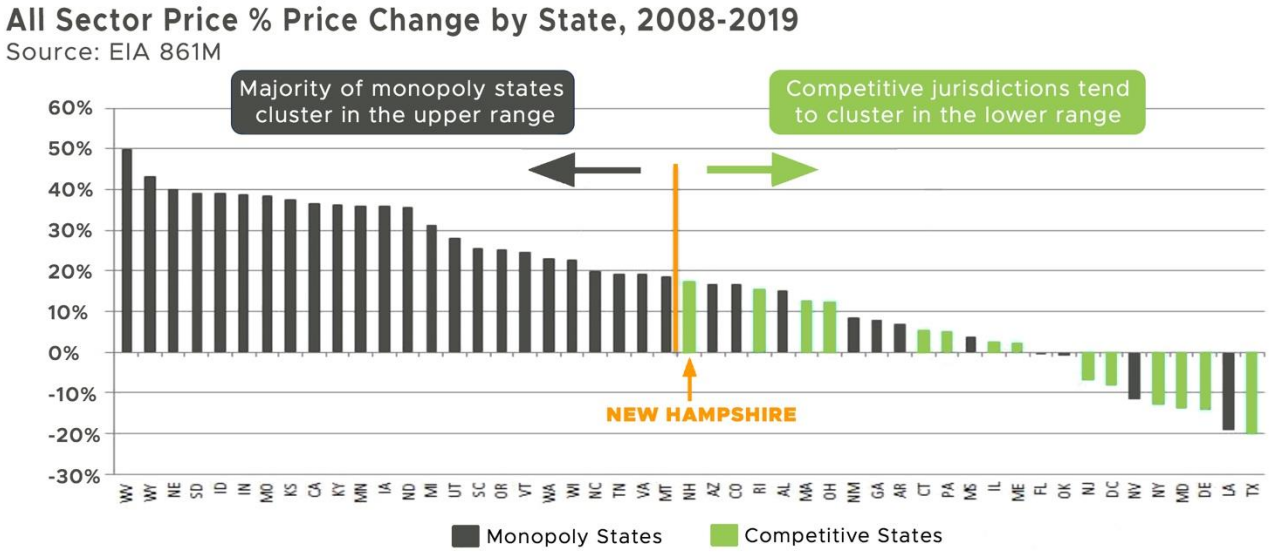
Nearly a quarter century has passed, and New Hampshire's competitive market has seen little growth since 2013. Four out of five customers remain on default service provided by the distribution utilities, and the customers that are on competitive supply only account for about half of total electricity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

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

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

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

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



Credit: *Retail Energy Supply Association, 2020.*

The Community Power Act

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

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

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

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

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

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

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

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

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

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

Attachment 2: The Community Power Coalition of New Hampshire

Dover is a founding member of the Community Power Coalition of New Hampshire ("CPCNH" or "the Coalition"), a nonprofit joint powers agency authorized under RSA 53-A and governed by participating communities under the terms of the Joint Powers Agreement, unanimously approved by the Dover City Council on July 14, 2022.

The Coalition was incorporated as a governmental instrumentality and non-profit on October 1st, 2021, to provide for the launch and operation of Community Power Aggregation (CPA) programs on behalf of our Members throughout the state. CPCNH intends to launch power supply services in April to May 2023.

CPCNH will be funded through customer revenues, with no taxpayer subsidies. By law, each member's CPA program is funded through program revenues; CPCNH's budget is completely separate from the general funds of participating local governments. CPCNH's participating local governments Members will share the administrative and general costs of CPCNH on a pro-rata basis, and to elect to share costs, on an individual basis, for operational services, pooled power purchases, and energy project development contracts. CPCNH also engages at the Legislature and Public Utilities Commission on behalf of its members on matters related to energy and Community Power.

CPCNH will benefit Member communities by providing for the supply of cleaner and more locally produced electricity, innovative retail distributed energy and demand flexibility programs, policy engagement and public advocacy, competitive rates for residents, businesses, and municipal facility customers, and economic investment through the development of local programs, projects, and energy infrastructure.

Most, if not all, members anticipate relying on CPCNH as an energy services provider, for the provision of all-requirements electricity and retail customer services on behalf of their CPA programs, which will operate across all four distribution company service territories in the state: Eversource, Unitil, Liberty Utilities and the New Hampshire Electric Co-Op.

Governance Structure

CPCNH is governed in accordance with our Joint Powers Agreement, and overseen by a Board of Directors composed of the representatives appointed by participating local governments. CPCNH's Board and committee meetings are subject to New Hampshire's Right to Know Law and open to the public.

Going forward, the Board will be elected by vote of at the Annual Meeting of the Members, which is held every April, and will be composed of between eleven and twenty-one Directors elected from amongst the member representatives.

At present, the Board of Directors is currently composed of representatives (elected officials, municipal staff and volunteers serving on local energy committees) appointed by each of our local government Members to serve as either a Director or Alternate Director (each member has only one vote):

CPCNH Board of Directors

Member	Officer	Director	Alternate
City of Lebanon	Chair	Clifton Below	Greg Ames
City of Portsmouth	Vice Chair	Kevin Charette	Peter Rice
Town of Enfield	Treasurer	Kimberly Quirk	Jo-Ellen Courtney
Town of Plainfield	Secretary	Evan Oxenham	Steve Ladd
Cheshire County		Terry Clark	Chris Coates
City of Nashua		Doria Brown	Deborah Chisholm
City of Dover		Jackson Kaspari	William Baber
Town of Brentwood		Rick Labrecque	Tom Palma
Town of Canterbury		Kent Russwick	Howard Moffett
Town of Durham		Mandy Merrill	Nat Balch
Town of Exeter		Nick Devonshire	Julie Gilman
Town of Hancock		Jim Callihan	Robbie Hertneky
Town of Hanover		April Salas	Peter Kulbacki
Town of Harrisville		Andrea Hodson	Andrew Maneval
Town of Hudson		Craig Putnam	Kate Messner
Town of New London		Jamie Hess	Tim Paradis
Town of Newmarket		Toni Weinstein	Steve Fournier
Town of Pembroke		Matthew Miller	Jackie Wengenroth
Town of Peterborough		Steve Walker	Danica Melone
Town of Rye		Lisa Sweet	Howard Kalet
Town of Shelburne		Michael Prange	Ray Danforth
Town of Sugar Hill		Jordan Applewhite	Margo Conors
Town of Walpole		Paul Looney	Dennis Marcom
Town of Warner		Clyde Carson	George Packard
Town of Webster		Martin Bender	David Hemenway
Town of Westmoreland		Mark Terry	John Snowdon
Town of Wilmot		William Chasson	

CPCNH also conducts its business through the committees, each of which is composed of Member representatives drawn from across the state:

1. **Executive Committee**: bi-weekly and as-needed meetings of CPCNH's Chair, immediate past-chair, Vice Chair, Treasurer, and Secretary. Authorized to act on behalf of the Board, on most matters, in instances where decisions may not wait until the next meeting of the Board.
2. **Finance Committee**: bi-weekly and as-needed meetings of 3 members. Responsible for advising the Treasurer and the Board as to the investments, budget, and general fiscal policy of CPCNH.
3. **Member Operations & Engagement Committee**: monthly and as-needed meetings of 8 members representing Dover, Durham, Hanover, Pembroke, Rye and Walpole, with additional advisors based in Peterborough and Hanover. Responsible for (1) assisting Members' Electric Aggregation Committees through the Electric Aggregation Plan drafting and local approval process, and (2) recruiting new CPCNH Members by engaging with

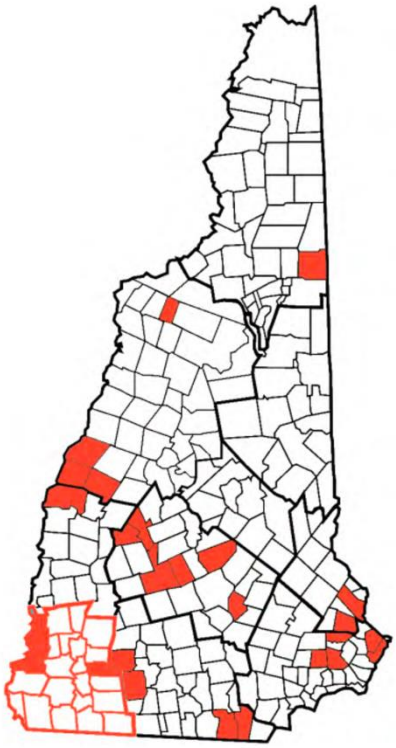
interested communities

4. **Risk Management Committee**: monthly and as-needed meetings of 8 members. Responsible for overseeing CPCNH's competitive solicitation for services and credit support, for overseeing energy portfolio risk management procurement decisions, and for understanding and advising upon enterprise risk factors and mitigating strategies more broadly.
5. **Regulatory and Legislative Affairs Committee**: as-needed meetings of 4 members, Responsible for monitoring and advising CPCNH and its Members regarding regulatory and legislative engagement, and for appointing representatives of the Corporation to serve on statutory commissions, study commissions, and other boards and commissions created by the state legislature.
6. **CEO and Staff Search Committee**: as-needed meetings of 4 members. Responsible for developing a solicitation and hiring process for Board review and approval in preparation for hiring a CEO and key staff.
7. Additionally, prior to the launch of CPA programs, the Board will create an **Audit Committee** and **Governance Committee**, as required standing committees per our Joint Powers Agreement.

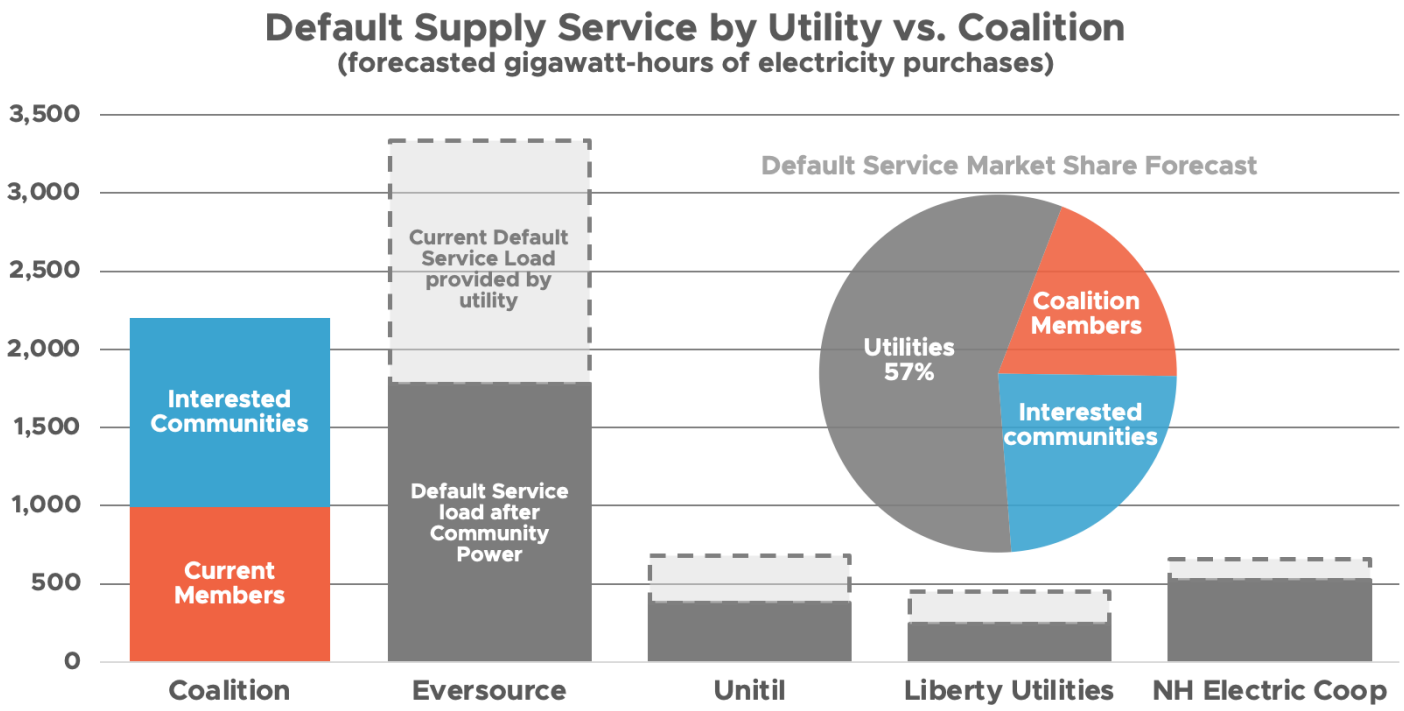
Member Service Territory

CPCNH's twenty-seven current municipal members, which represent approximately 21% of New Hampshire's population, intend to launch CPA programs in the next one to two years.

- The first wave of CPA programs is slated to launch between April and May of 2023, with service expansion to all current member territories thereafter (likely Q2 2024).
- At this point, CPCNH may serve ~110,000 customer accounts, provide ~900,000 MWh of electricity, and produce revenues of up to ~$365 million per year (assuming full Member participation and retail pricing based on default utility rates in the current year).
- Over 30 additional local governments have expressed interest in joining CPCNH, which would increase representation to ~50% of New Hampshire's population.
- CPCNH subsequently expects relatively robust member recruitment, and the launch of dozens of new CPA programs in next two to three years.



Consequently, as shown in the graph on the next page, CPCNH is positioned to become the largest default supplier of electricity in New Hampshire:



Organizational Capacity

The Coalition's Board, committees, and executive team bring a great breadth and depth of experience to the organization with professional backgrounds that support CPCNH's mission.

CPCNH is also supported by outside General Counsel (Michael Postar of DWGP, P.C. with NH advice from Eli Emerson of Primer Piper, P.C.) and two professional consultants (Henry Herndon, of Herndon Enterprises, for member services, and Samuel Golding of Community Choice Partners, for technical advice and support).

Most recently, CPCNH has concluded a competitive solicitation for services and credit support and has executed contracts for $750,000 in startup funding, $9.5 million in credit support, and ~$8 million to ~$9 million in professional services to operate the power agency and expand CPCNH's membership over the next three years:

1. Ascend Analytics: energy portfolio risk management and procurement services, credit support (three lines of credit providing $6 million for LSE and wholesale requirements, $2.5 million for Ascend's invoices, and $1 million for non-Ascend third-party invoices), and overall implementation management and oversight (CPCNH's critical path analysis is online here; refer to pp. 37-54).
2. Calpine Energy Solutions, for $750,000 in startup funding and retail customer services: for Load Serving Entity (LSE) services, utility electronic data interchange (EDI), retail data management, and call center operations.
3. River City Bank, for secure revenue "lockbox" account administration and various commercial banking services.
4. Clean Energy New Hampshire for member and community relations, media strategy and engagement, and related administrative services.

CPCNH's committee award reports and winning response materials are online here.

CPCNH is in the process of contracting for accounting services, to implement an accounting system and controls for CPCNH.

Staffing Strategy

CPCNH contracted with True Search for Executive Search Services to support hiring a CEO and aims to hire a CEO in the first quarter of 2023. The Board will support the CEO in filling key functional roles with highly qualified staff in managerial positions to provide oversight and initiative that guide's the evolution of the agency.

CPCNH anticipates that the CEO will recommend prioritizing staff capacity in the follow areas of expertise:

- Financial Management: Treasury support, budgeting, cash flow analysis, rate setting, financial controls and compliance, and reserve management.
- Retail Services: retail customer products and services, key account management and retention, and local programs.
- Energy Portfolio Management: contract valuation, procurement, power purchase agreements, portfolio strategy, and energy risk management analytics and reporting.
- Information Technology: enterprise data management and analytics.
- Regulatory and Legislative Affairs: engagement with the Legislature, NH Department of Energy, Office of the Public Advocate, Public Utility Commission, distribution utilities, and other stakeholders on energy policy and market issues impacting CPAs.

Regulatory and Legislative Engagement

CPCNH carries out public information campaigns and routinely engages at the Legislature and Public Utilities Commission, often alongside the NH Office of Consumer Advocate, to advance consumer interests and protect and expand the authorities of our Members. Board Chair Clifton Below, Assistant Mayor of the City of Lebanon, often leads the agency's regulatory and legislative engagement activities. Recent initiatives include:

- Authoring the Community Power Aggregation Act, Senate Bill 286 (2019).
- Leading the informal rule drafting process for CPA administrative rules at the Public Utilities Commission by providing initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and helping to lead stakeholder workshops at the request of Commission staff.
- Negotiating amendments to House Bill 315 (2021), which would have substantially changed and weakened CPA authorities as-introduced, to instead clarify and expand key CPA authorities — including by authorizing a Purchase of Receivables program. (Refer to CPCNH.)
- Drafting the CPA administrative rules and leading a public stakeholder process to negotiate final rule language which was adopted by the Commission (docket DRM 21-135).
- Intervening to advocate for the creation of a Statewide Data Platform to enable Green Button access to electricity and natural gas retail customer data, and to negotiate a settlement — recently adopted by the Commission — under which the platform would be governed by a

Governance Council of representatives that includes Chair Below on behalf of CPAs and municipalities across the state (docket DE 19-197).

- Advancing legislation, through multiple legislative sessions, that would properly credit CPAs sourcing power from Distributed Energy Resources under 5 MW and for reducing costs from energy charges, transmission charges, and capacity charges (SB 321, 2022).
- Engaging on CPCNH's behalf in Docket IR 22-053 regarding the evaluation of default utility procurement requirements and the potential impact due to CPAs, among other matters.

Purpose, Mission, Values & Power Enterprise Objectives

CPCNH is guided by the requirements and processes provided for under our Joint Powers Agreement, the decisions of our Members and Board of Directors, and the considerations that operating a competitive power enterprise entails.

Purpose of CPCNH

The overarching objective of CPCNH is provided for in the Joint Powers Agreement:

The purpose of CPCNH is to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities by enabling municipalities and counties to support and jointly exercise authorities granted to them pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D, all in accordance with NH RSA 53-A; to assist member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs known as Community Power Aggregations ("CPAs"); to provide supportive services and technical assistance to community power aggregations serving member towns, cities, counties, unincorporated places, and village districts; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of CPAs in advancing such policies and actions for the common good.

Mission and Values

CPCNH's Board of Directors has subsequently adopted the mission and values below:

Our mission is to foster resilient New Hampshire communities by empowering them to realize their energy goals. CPCNH will create value for our Community Power member municipalities by jointly contracting for services, developing projects and programs together, educating and engaging the public, and advocating for communities and customers at the Legislature and Public Utilities Commission.

1. *In carrying out its activities, CPCNH is guided by the following values:*
2. *Embody an inspiring vision for New Hampshire's energy future.*
3. *Support communities to reduce energy costs and pursue economic vitality by harnessing the power of competitive markets and innovation.*
4. *Support communities to implement successful energy and climate policies and to promote the transition to a carbon neutral energy system.*
5. *Balance the interests of member communities who are diverse in demographics, geography and their energy goals.*
6. *Use our shared expertise, leadership and skills to educate, empower and build the capacities*

of our members.

7. *Help communities demystify the power sector to make informed decisions.*
8. *Facilitate collaboration and teamwork by championing diversity, equity and inclusion of people and communities of all kinds.*

Power Enterprise Objectives

CPCNH's immediate objectives in implementing CPA supply service in April to May 2023 were summarized in the Coalition's prior solicitation for services and credit support:

While many of the broader benefits that CPCNH intends to create will be developed over time, the agency's immediate objectives are to:

1. *Procure a reliable supply of all-requirements electricity, inclusive of Renewable Portfolio Standard requirements, and satisfy all load-serving entity obligations on behalf of participating customers.*
2. *Launch with default supply rates that "meet or beat" utility default service rates and maintain competitive default supply rates thereafter.*
3. *Accrue reserve funds sufficient to ensure Members' long-term financial stability.*
4. *Offer voluntary products that retail customers may opt-up to receive as well as Net Energy Metering supply rates that allow customer-generators to participate in the program.*
5. *Ensure individual customers have excellent customer service experience every time they interact with CPCNH regarding their electric service and all account transactions.*
6. *Guarantee that individual customer data is secure and protected against third party attacks, data breaches and inappropriate use.*

Coalition Energy Portfolio Risk Management, Rates, and Reserves Policies

The Coalition's Members expect the agency to balance customer rate levels, renewable power content, and the accrual of program reserves on behalf of Member programs to meet their local policy objectives. The Board of Directors is incorporating these considerations and trade-offs regarding the prudent allocation of revenues into Energy Portfolio Risk Management, Rates, and Reserves policies, summarized as follows:

- **Energy Portfolio Risk Management Policy**: defines the risks associated with the procurement of the power supply, identifies those responsible for administering the various elements of the risk management policy (from procurement through daily operations and oversight), and sets policy parameters for managing, monitoring, and reporting on the risks associated with procuring and hedging the power supply portfolio. The policy will define the requirements and limits within which Members delegate their procurement authority to CPCNH.
- **Rates Policy**: ensures rates are set in a timely fashion to recover capital and operating costs of Member programs and that public notice and customer communication activities remain in compliance with statutory and Member Electricity Aggregation Plan requirements.
- **Financial Reserves Policy:** sets appropriate target levels (e.g., minimum and maximum contributions) to ensure CPCNH satisfies working capital requirements, procures energy at competitive rates, adheres to contractual covenants, covers unanticipated expenditures, supports rate stability, and progresses towards obtaining an investment grade credit rating. Member contributions to reserves will be tracked, and provided back to Members, pursuant

to any contractual obligations, if and when they choose to cease participating in the Coalition.

Member Cost Sharing Agreement

The Coalition's Joint Powers Agreement provides certain requirements regarding how costs will be tracked and shared across participating Community Power programs, which must be formalized in a Cost Sharing Agreement executed with each Member before the Coalition may provide services for their Community Power program, as follows:

- 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).
- The debts, liabilities and obligations of the Coalition, and of other participating Community Power programs, will be non-recourse to Member communities (unless expressly agreed to by the Member under their Cost Sharing Agreement or a Project Contract).

Attachment 3: New Hampshire's Renewable Portfolio Standard

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

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

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

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

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

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

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

Note the following flexibilities in meeting Class I requirements:

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

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

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

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

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

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

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

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

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

Attachment 4: Utility Default Procurement Cycles and Rate Setting

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

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

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

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

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

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

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

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

Refer to Attachment 3 for further details on the RPS.

Attachment 5: Overview of Utility Net Energy Metering Tariffs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comparison of Utility "Standard" and "Alternative" Net Energy Metering Tariffs

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

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

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

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

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

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

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

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

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

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

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

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

- Eversource Tariffs
- Unitil Tariffs
- Liberty Utilities Tariffs
- PUC overview of Net Metering
- PUC graphic explanation of NEM 1.0 vs. NEM 2.0.

Net Energy Metering Systems by Utility Territory

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

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

- Sixteen residential customers, in addition to solar photovoltaics, also have energy storage systems with a cumulative capacity of 175 kilowatts (an average size of ~11 kilowatts per customer).

- Onsite wind: 412 kilowatts (kW) and 72 customer-generators.
- "Other" technologies (presumably, small hydro or qualifying combined heat and power systems, or "CHP"): ~17.5 megawatts (MW) and 55 customer-generators.

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

Number of Net Metered Customer-Generators by Technology

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

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

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

Net Metered Solar Photovoltaic Systems: Number of Customer-Generators

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

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

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

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

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

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

Please refer to Attachment 5: Overview of Utility Net Metering Tariffs as context for this section.

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

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

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

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

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

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

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

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

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

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

  The practical consequence of this accounting treatment is that Dover Community Power would have to purchase Renewable Energy Certificates for the amount of surplus generation supplied by NEM 2.0 customer-generators (but not NEM 1.0 customer-generators) in the same way as if the program had imported that amount of electricity from the regional wholesale market.
- Taking on the responsibility of billing this subset of NEM 2.0 customers directly may allow Dover Community Power to track and account for the impact of their surplus generation in ways that lower the program's RPS compliance obligations and costs. Specifically, the program could credit customers currently on the utility's NEM 2.0 tariff in the same way that NEM 1.0 customers are credited (i.e., using kWh credits to track surplus generation on the supply portion of the bill). Note that RSA 362-A:9,II explicitly grants Community Power programs the flexibility to offer net metered customers either:
    - A "*credit, as an offset to supply*" for their surplus generation, which is equivalent to the NEM 1.0 tariff accounting practices; or
    - To "*purchase the generation output exported*" which is equivalent to how the NEM 2.0 tariff tracks surplus generation.

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

therefore find cost-effective to implement.

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

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

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

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

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

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

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

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

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

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

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

Attachment 7: Dover's Public Planning Process

The Dover Electric Aggregation Committee (EAC) was appointed by City Council during its regular meeting on February 23rd, 2022 to provide the Council with advisory support during the development of Dover Community Power. The Committee encompasses the entire body of Dover's Energy Commission who has a variety of valuable expertise pertaining to energy. That expertise comes from members with backgrounds in subjects including regulatory processes, utility operations, electric vehicles, energy data and offshore wind. The Committee is regularly updated on the matters of the Coalition by the staff liaison to the Planning and Community Development Department, Dover's Resilience Manager, Dr. Jackson Kaspari. Dr. Kaspari serves as the Alternative Director representing Dover as part of the Coalition's Risk Management Committee. Assistant City Manager Christopher Parker services as the primary Director to and Vice Chair of the Coalition's Board, serves on the Coalition's Member Operations and Engagement Committee, and on the the Coalition's CEO and Staff Search Committee.

The EAC provided input on the EAP as part of a series of three meetings held on March 2nd, September 21st, and October 19th during the 2022 calendar year. Following the September 21st meeting the Committee authorized Dr. Kaspari to produce a proposed draft for review by the Committee at its October 26th meeting. The Committee then held two public hearings on November 16th, 2022 and December 14th, 2022 which corresponded with a public information campaign including the distribution of flyers, broadcasting on local cable, press releases, electronic newsletter updates and a dedicated page within the Resilient Dover portion of the City's website. Following public input, the Committee adopted the EAP in the best, long-term interest of ratepayers in accordance with RSA 53-E. Subsequent to this adoption, the proposed plan was presented to the City Council and unanimously adopted during its meeting on January 25th, 2023.

Attachment 8: City Policy Excerpts

Relevant City Council Goals:

Goal #5: Our City's Residents are Engaged

The following objectives improve communications through multiple channels with feedback loops for improvement from all.

- Communicate in a manner which will meet people where they are, in content, communication style and format.
- Reboot the City of Dover website to be more collaborative, accessible and informative.
- Increase public engagement through innovative and diverse citizen feedback options.
- Incorporate diverse options for creating dialog with residents, businesses and property owners.
- Report on how feedback was considered and used to revise programs, policies or operations to demonstrate "we're listening."
- Provide clarity on the use and purpose of various City facilities, programs and policies.

Goal #6: Our City is Resilient

The following objectives ensure the City's social, built and natural infrastructure is designed to evolve and support community needs.

- Adopt the Citywide resilience plan by 12/2022 as informed by Dover focused SRPC Equity and Racial Equity and Inclusion reports.
- Set incremental targets to reach City owned property operating on 100% renewable energy by 2035, or sooner, utilizing input of Boards, Committees and Commissions by 06/2023.
- Develop, by 03/2023, a Resilience framework for volunteers, Elected Officials, and staff to strategically guide City Direction.
- Adopt policies which promote Public & Private sector energy efficient structure by 12/2023.
- Develop policies and programs that build social capital in the context of resilience for all, by 12/2023.

Link to Full Council Goals: https://bit.ly/3Vjn79L

Implementation Strategies from the Climate Adaptation Master Plan Chapter:

The following implementation strategies from the City's Climate Adaptation Master Plan Chapter align with the City's goals for Dover Community Power.

- Promote programs that provide opportunities for low-income and other vulnerable populations/groups to have access to affordable and renewable energy sources, as well as support the improvement of the City's alternative transportation and pedestrian options.
- Provide education and outreach materials on distributed power generation opportunities at the municipal level to encourage the City to increase independence and resilience against growing energy challenges.
- Explore the feasibility of installing solar panels on multiple City-owned building, the adaptive reuse of existing brownfields/Superfund sites for solar arrays.
- Coordinate with utility companies to evaluate distributed energy sources and to conduct a vulnerability analysis on electrical utilities that have been identified in the C-RiSe report to develop recommendations for potential upgrades.

Link to access the Master Plan Chapter: https://bit.ly/3erjYUC

Excerpt of recommendations from the Greenhouse Gas and Nitrogen Inventory Report for Municipal and School Operations:

The following is a review of recommendations that would help Dover lower its Local Government Organization carbon footprint.

- Reduce purchased electricity through the installation of more solar arrays.
- Upgrade older facilities to improve insulation and install remotely monitored HVAC systems.

Link to access the Report: https://bit.ly/3CVIiHN

Excerpts from the 2022 Dover Energy Commission Report:

The 2022 report provided an update on Dover Community Power and established the Energy Commission's support for the effort. Additional information from the document relevant to the goals of Dover Community Power is presented below:

The City should explore expanding energy efficiency efforts to include:

- Community-wide initiatives that focus on GHG reduction, retrofitting older buildings, curtailing energy consumption and/or increasing the share of electricity generated from renewable sources with an eye towards equity-driven community engagement.
- Provide leadership to enlist the community in a city-wide effort to help Dover reach its energy efficiency goals. This should include community outreach and education as well as providing specific programs.
- Partner with other cities/counties to advocate for state and national climate policies and take collective action

The Energy Commission encourages the City to explore solar options that could be executed in time to minimize the likely forthcoming power cost increases under PPAs. We are suggesting two sites that appear to be good candidates and suggest that the School District also consider options on their campuses.

Solar site suggestion No. 1 - Wastewater Treatment Facility: Why it is an attractive option.

- It has the largest consumption of electric power at a given site consuming nearly 2,000,000 kWh of power annually.
- There is an attached City owned parcel of land of sufficient size to host a solar array large enough to offset the power consumed onsite.
- Since the plant has a relatively flat daily consumption curve, much of the solar power generated can be consumed "behind the meter" which yields the best ROI.

  Potential concerns at this location:

- The land identified in the image below is a landfill, perhaps from a tannery. There may be regulatory hurdles that will drive up costs or make the land totally unsuitable.
- This parcel is not immediately adjacent to the plant which will add some additional installation expenses.

Solar site suggestion No. 2 - Dover Ice Arena: Why it is an attractive option.

- The Ice Arena had the City's second largest power consumption at a single location consuming more than 1,000,000 kWh annually.
- The arena has pitched metal roofs with an unobstructed southeasterly orientation.
    - Rooftop installations are usually less expensive than pole-mounted arrays.
    - Since panels can be clipped directly to metal roofs, costs and weights are lower.
    - Pitched roofs have a better yield and snow shedding characteristics.
    - Orientation and freedom from obstructions are excellent for production efficiency.
    - Roof mounted arrays would probably yield about half of the total consumed power. This means much of the power will be consumed "behind the meter."

  Potential concerns at this location:

- It is currently unknown if the roofs, as built, will support the weight of a solar installation. Given that the design load for snow should be around 60 lb/sq/ft and panel installation weights come in around 3 lb/sq/ft, it is reasonable to assume this additional load will fall within requirements.

Link to access the Report: https://bit.ly/3MvLAo1

Attachment 9: How Load Serving Entity Services will be Implemented

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

This plan assumes, but does not require, that the City will participate fully in and rely on the services provided through the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Dover 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 City currently anticipates that it will contract with CPCNH, as an all-requirements joint powers agency, for the provision of LSE services, all requirements energy supply and all other energy services required to implement and operate Dover Community Power.

CPCNH Provision of Load Serving Entity Services

In 2022, on behalf of the City and CPCNH's other Member communities, each of which are in various stages of authorizing Community Power Aggregations, CPCNH conducted a competitive solicitation process to solicit and contract for Comprehensive Services and Credit Support.[2]

As a result of the competitive solicitation process CPCNH selected and has contracted with Calpine Energy Solutions for Retail Data Management, Billing Services, and a number of other retail customer solutions. CPCNH selected and has contracted with Ascend Analytics for Portfolio Risk Management Services, credit support, and certain other services, including running a competitive RFP process to identify the best organization to provide LSE Services. An affiliate of Calpine Energy Solutions was selected as the most advantageous entity to provide LSE Services and CPCNH is in the process of finalizing arrangements and the contractfor LSE Services, along with the other firms described in Attachment 2: Community Power Coalition of New Hampshire, Organizational Capacity to provide additional services required to launch and operate CPAs.

[2] 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.

Responsibilities of the City of Dover

As a result of CPCNH's successful solicitation and contracting strategy, the City may now contract for and authorize CPCNH to provide comprehensive services and credit support (inclusive of LSE services) to implement and operate Dover Community Power.

- 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 Dover 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.[3]

  This implementation option essentially replicates the 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 both members of CPCNH's Risk Management Committee and participated in the proposal evaluations) is already a market participant and Load Serving Entity for the Town's load obligations.

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

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

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

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

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

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

Attachment 10: Customer Data Protection Plan

Dover 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 Dover Community Power and that, singly or in combination, can be used to identify specific customers, including: individual customer names, service addresses, billing addresses, telephone numbers, account numbers, electricity consumption data, and payment, financial, banking, and credit information.

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

This plan assumes, but does not require, that the City will participate fully in the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Dover 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: [4]

- "*[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 solicited for and contracted with third-parties to provide comprehensive services and credit support to launch Member CPA programs. CPCNH has adopted Energy Portfolio Risk Management, Retail Rates, Financial Reserves, and Data Security and Privacy policies to govern CPA operations.

[4] 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, and more specifically §2.3.11, §2.3.6, §2.3.9, and §2.3 introductory paragraph. Similar language in also in the Articles of Agreement.

CPCNH's adopted Data Security and Privacy Policy is linked to below.[5] The policy defines the specific goals, requirements, and controls necessary to safeguard the confidentiality, integrity, and availability of confidential information

CPCNH's Board has also adopted a Cost Sharing Agreement and Member Services Contract, which Members will execute prior to taking CPA service from CPCNH.

CPCNH Request for Proposals for Comprehensive Services and Credit Support

In April, 2022, CPCNH issued a Request for Proposals for Comprehensive Services and Credit Support and subsequently contracted with qualified third-parties to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate CPAs.

In November, 2022, CPCNH selected Calpine Energy Solutions, LLC to provide Retail Customer Services, inclusive of services required to ensure the confidentiality of ICD and executed a Master Professional Services Agreement with Calpine Energy Solutions, LLC. Services are inclusive of Member CPA start-up and customer enrollment support services, utility and Electronic Data Exchange services, customer information system, customer call center and engagement support services, billing administration, and other services.

For additional information regarding the use of customer data, and expected operational needs of CPCNH, refer to (1) the RFP at pp. 20-23[6] and to (2) the RFP Addendum #2 (issued May 24, 2022), at pp. 11 in response to Questions 15.[7] 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.*

Calpine Energy Solutions, LLC has 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 is contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b) and applicable Public Utilities Commission rules.

Refer to the PUC's Adopted 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").

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[5] CPCNH adopted Data Security and Privacy Policy: https://drive.google.com/file/d/1oU9KvV20zAU85AYKQohifyGudG9bNX_V/view?usp=sharing

[6] https://www.cpcnh.org/_files/ugd/202f2e_e781638c123d4cf3977358f845081313.pdf

[7] Pages 11-12 at https://www.cpcnh.org/_files/ugd/202f2e_8ceed8824453482c902a8a0fa1ab826c.pdf.

As CPCNH's retail customer services provider, Calpine Energy Solutions, LLC will 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 CPA Administrative Rules.

The Request for Proposals and evaluation process was 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.

CPCNH's Risk Management Committee evaluated, ranked, and selected Calpine Energy Solutions, LLC as a vendor with a proven track record of successful qualification for EDI transactions and 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 Requirements to Access and Use of Individual Customer Data

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

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

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

- Name, address, account number, and other information about electric customers within the City for purposes of sending required notification of Dover Community Power Commencement of Service and enrollment of customer in Dover Community Power, consistent with Puc 2204.04, .05, and .06, as adopted by the PUC and the requirements of RSA 53-E:7, III, V, and VI.
- Individual customer information used for operation of Dover Community Power, such as that in Puc 2205.13, most of which may be accessed through the EDU EDI.
- Other confidential customer information that may be received or collected directly by Dover 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 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).

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 Dover Community Power will be contractually required to:

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

permanently deleted and that all materials based on ICD has been destroyed, as appropriate (i.e., except for copies necessary for tax, billing, or other financial purposes).

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

Responsibilities of the City of Dover

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

The City Manager shall review and confirm that CPCNH has adequate policies, procedures and measures in place to protect confidential information and that contractual requirements consistent with the City's obligations to protect ICD as required under RSA 363.37, RSA 363:38 and RSA 53-E:4, VI, and consistent with PUC rules, including Puc 2004.19 and its non-disclosure restrictions, are incorporated into any contracts with CPCNH, or any other third parties that are authorized to access ICD on behalf of the City before executing any such contracts.

The City expects contracts and policies to provide for:

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

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

Additional References: Statutory and Regulatory Requirements

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

Statutory Requirements for Community Power Aggregators & Service Providers

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

- RSA 363:37, I defines Individual Customer Data (ICD) *as "information that is collected as part of providing electric, natural gas, water, or related services to a customer that can identify, singly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer*."
- RSA 363:38, IV requires Service Providers to "*use reasonable security procedures and practices to protect individual customer data [ICD] from unauthorized access, use, destruction, modification, or disclosure*."
- RSA 53-E:4, VI provides that Community Power Aggregations (CPAs) "*shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information* and *shall not be subject to public disclosure under RSA 91-A*".
    - The definition of Service Provider under RSA 363:37, II includes "*an aggregator, as defined by RSA 53-E:2, II…and any other service provider that receives individual customer data [ICD]...*"
    - RSA 53-E:2, II defines an "*aggregator*" in this context as "*any municipality or county that engages in aggregation of electric customers within its boundaries*".
    - RSA 53-E:2, VI further defines "*municipality*" in this context as "*any City, town, unincorporated place, or village district within the state*."
- RSA 363:38, II requires Service Providers to: *"(a) Collect, store, use, and disclose only as much individual customer data [ICD] as is necessary to accomplish primary purposes, and (b) Use individual customer data solely for primary purposes*."
- RSA 363:37, III defines "*[p]rimary purpose*" as "*the main reason for the collection, storage, use, or disclosure of individual customer data [ICD] which is limited to: (a) Providing or billing for electrical or gas service. (b) Meeting system, grid, or operational needs. (c) Researching, developing, and implementing new rate structures and tariffs, demand response,*

customer assistance, energy management, or energy efficiency programs."

- RSA 53-E:4, VI further authorizes approved Community Power Aggregations to "*use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants*."
- RSA 363:38, V(b) further makes clear that a Service Provider may disclose ICD "*to a third party for system, grid, or operational needs, or the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs*" — provided that the Service Provider "*has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer*."
- RSA 363:38, V(c) provides that *"[n]othing in this section shall preclude a service provider from disclosing electric, natural gas, or water consumption data required under state or federal law, or which is identified as information subject to warrant or subpoena or by an order of the commission*."
- RSA 363:38, V(a) makes clear that ICD may be aggregated and used for "*analysis, reporting, or program management after information that identifies an individual customer has been removed*."

Additional Requirements Specific to Brokers & Competitive Suppliers

Pursuant to Puc 2205.02 under the PUC's 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, Dover 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.

Attachment 11: Abbreviations

Acronym	Meaning
AC	Alternating Current (electric current that reverses direction many times a second at regular intervals; the N. American standard for power supply is 60 Hertz)
ACP	Alternative Compliance Payment (under the NH Renewable Portfolio Standard)
CEPS	Competitive Electric Power Suppliers
CHP	Combined Heat and Power
CPA	Community Power Aggregation
CPCNH	Community Power Coalition of New Hampshire
EAC	Electric Aggregation Committee
EAP	Electric Aggregation Plan
ISO-NE	Independent System Operator New England (the wholesale electricity market operator)
KW	Kilowatt (a measure of electrical capacity, equivalent to 1,000 watts of power)
kWh	Kilowatt-hour (a measure of electrical energy, equivalent to using or producing 1,000 watts for 1 hour, and typically used to refer to customer generation or onsite usage)
LSE	Load Serving Entity (entity registered with ISO-NE as a market participant, responsible for providing electric energy and related services to meet the demand of retail customers
MW	Megawatt (a measure of electrical capacity, equivalent to 1,000,000 watts of power)
MWh	Megawatt-hour (a measure of electrical energy, equivalent to using or producing 1,000,000 watts for 1 hour, and typically used in reference to power plants or large aggregations of customers)
NEM	Net Energy Metering (tariffs that provide compensation for customer-generators)
NEPOOL GIS	New England Power Pool Generation Information System (which issues and tracks RECs)
NHEC	New Hampshire Electric Co-Op (a member-owned electric distribution cooperative)
NHPUC	New Hampshire Public Utilities Commission (which regulates NH's investor-owned electric distribution utilities: Eversource, Unitil and Liberty Utilities)
PV	Solar Photovoltaics
REC	Renewable Energy Credit (under the NH Renewable Portfolio Standard)
RPS	New Hampshire's Renewable Portfolio Standard (authorized under RSA 362-F)
RSA	Revised Statutes Annotated (refers to the codified state law of New Hampshire)