

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-022

TOWN OF JAFFREY

Request for Approval of Jaffrey Community Electric Power Aggregation Plan

Order Denying Motion for Expedited Orders

O R D E R N O. 26,953

February 29, 2024

On May 2, 2023, the Commission approved the Community Power Electric Aggregation Plan (Plan) submitted by the Town of Jaffrey (Jaffrey). *See* Order No. 26,811 (May 2, 2023). On February 13, 2024, the Office of the Consumer Advocate (OCA) filed a complaint against Jaffrey with both the Commission and the Department of Energy (DOE). The complaint alleges that Jaffrey intends to implement the Plan on March 1, 2024, and that Jaffrey is out of compliance with the Plan because its “basic rate” is higher than Eversource’s default service rate. The OCA further alleges that, as a result, ratepayers receiving the Plan’s basic rate will experience an unlawful increase in their electricity rates on March 1, 2024.

On February 14, 2024, the Commission issued a procedural order stating that, pursuant to RSA 53-E:7, X, complaints regarding community power electric aggregation plans must first be made to the DOE. Consistent with the process laid out in that statute, the Commission is only authorized to open an adjudicative proceeding to resolve a complaint if requested by either the DOE or the complainant *after* the DOE has reached a disposition of the complaint. *See* RSA 53-E:7, X. Accordingly, the procedural order stated that the Commission would take no further action until one of the parties requested the Commission to convene an adjudicative proceeding

“pursuant to the statute,” i.e., after the DOE’s disposition of the complaint, as required by RSA 53-E:7, X.

On February 23, 2024, the OCA filed an expedited motion requesting that the Commission immediately commence an adjudicative proceeding and, in the interim, enter an emergency order suspending the Plan from going into effect. The OCA represented that the DOE had accepted its complaint on February 13, 2024 and set a deadline of February 23, 2024 for Jaffrey to respond to the complaint. According to the OCA, Jaffrey filed a response by the deadline.

Based on the OCA’s motion, it does not appear that the DOE has reached a conclusion on the OCA’s complaint. Nevertheless, the OCA argues that the Commission should take immediate action because: (1) Jaffrey will be in violation of a Commission-approved plan; and (2) the financial damages that ratepayers will suffer in the form of unlawful higher rates will be irreparable as the electric service “cannot be unprovided and unbilled” *See* OCA Motion for Expedited Orders at 8.

The Commission disagrees. In relevant part, RSA 53-E:7 states:

Where the commission has adopted rules or issued orders in conformity with this chapter, complaints pertaining to actions undertaken or omitted by any municipal or county aggregator or electric distribution utility arising under this chapter, applicable rules, or orders of the commission, shall be made to the department

After investigation, the department may bring proceedings on its own motion before the commission, with respect to any complaint or violation arising under this chapter, applicable rules, or orders of the commission.

If the party bringing the complaint is unsatisfied with the disposition of the complaint by the department, then they may petition the commission to resolve the matter through an adjudicative proceeding.

RSA 53-E:7, X (sentences separated for clarity); *see also* N.H. Admin. R., Puc 2205.12(b) (referring to RSA 53-E:7, X).

RSA 53-E:7 lays out a clear process for complaints regarding community electric power aggregation plans. The OCA has cited no authority for the Commission to deviate from that process and convene an adjudicative proceeding prior to the DOE's disposition of a complaint. Accordingly, the Commission DENIES the OCA's motion for an expedited ruling. The Commission requests, however, that the DOE provide a status update on the complaint no later than April 12, 2024.

Based upon the foregoing, it is hereby

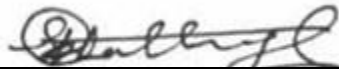
ORDERED, that the OCA's Motion for Expedited Orders is DENIED; and it is

FURTHER ORDERED, that the DOE is requested to provide a status update on the complaint no later than April 12, 2024.


By order of the Public Utilities Commission of New Hampshire this twenty-ninth day of February, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner



Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket# : 23-022

Printed: 2/29/2024

Email Addresses

ClerksOffice@puc.nh.gov
Energy-Litigation@energy.nh.gov
jfrederick@townofjaffrey.com
ocalitigation@oca.nh.gov