

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 23-023**

**TOWN OF NEW BOSTON  
7 Meetinghouse Hill Road/Post Office Box 250  
New Boston, NH 03070**

**Request for Approval of New Boston Community Power  
Electric Aggregation Plan**

**Conditional Approval of Community Power Aggregation Plan**

**ORDER NO. 26,812**

**May 2, 2023**

In this order, the Commission conditionally approves the Town of New Boston's (New Boston) Community Power Electric Aggregation Plan (Plan). The condition of approval relates to language that must appear in education and outreach materials.

**I. BACKGROUND**

On March 6, 2023, New Boston submitted a request for approval of a community power aggregation plan to provide electric power supply and services for residents, businesses, and other entities in New Boston pursuant to RSA chapter 53-E. Accompanying its request, New Boston submitted the text of its Plan.

On March 9, 2023, the Commission issued an order of notice establishing a deadline for comments on New Boston's Plan. No public comments were filed.

New Boston's request, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2023/23-023.html>.

**II. COMMISSION ANALYSIS**

The Commission has reviewed New Boston's Plan pursuant to RSA 53-E:7, II, as amended, which states that

The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules.

RSA 53-E:7, II also provides specific direction on the process to be used for the submission of such plans, including the following requirements: 1) on the same day the plan is submitted to the Commission, copies shall be provided to the Office of the Consumer Advocate and any electric distribution utility providing service within the jurisdiction of the municipality; 2) the Commission shall accept public comments for 21 days thereafter; and 3) the Commission's review of the plan and comments shall not require a contested case. N.H. Code Admin R. Puc 2204.01 (a) also requires notification of aggregation plan filings be made with the New Hampshire Department of Energy. New Boston's submission complied with these procedural requirements.


Similar to Lee's Community Power Aggregation Plan, New Boston's Plan contains language stating that "participants will have the right to opt out of the Program at any time without charge" in several locations. As noted in our review of Lee's petition, we have a similar concern that this language might be misleading to consumers. See Order No. 26,810 (May 2, 2023). As was noted in the rulemaking process that led to the adoption of Puc 2204.05(g), changes to a customer's supplier must be provided with adequate notice to the distribution utility before the next meter read date, and not all distribution utilities offer off-cycle meter reading services. See Docket No. DRM 21-142, *Summary of Comments and Reply Comments on Initial Proposal with Responses* (tab 42) at page 20. As such, we condition approval of New Boston's Plan on its Education and Outreach Plan clearly communicating that


participants' exit from the program will be subject to reasonable notice to the distribution utility and may only occur after the next meter read, consistent with Puc 2204.05(g).


Apart from this condition, we have determined that New Boston's Plan does not substantially fail to meet applicable requirements of RSA Chapter 53-E. New Boston's Plan contains an adequate level of detail of RSA 53-E:6's statutory criteria, other applicable statutory requirements, and applicable rules including N.H. Admin R. ch. 2200.

**Based upon the foregoing, it is hereby determined** that the Town of New Boston's Plan is **CONDITIONALLY APPROVED**.

By order of the Public Utilities Commission of New Hampshire this second day of May, 2023.

  
Daniel C. Goldner  
Chairman

  
Pradip K. Chattopadhyay  
Commissioner

  
Carleton B. Simpson  
Commissioner

## Service List - Docket Related

Docket#: 23-023

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