

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 23-038

**TOWN OF HAMPTON
100 Winnacunnet Road
Hampton, NH 03842**

**Request for Approval of Hampton Community Power
Electric Aggregation Plan**

Conditional Approval of Community Power Aggregation Plan

O R D E R N O. 26,828

May 26, 2023

In this order, the Commission conditionally approves the Town of Hampton's (Hampton) Community Power Electric Aggregation Plan (Plan). The condition of approval relates to language that must appear in Hampton's Consumer Notice, Information, and Awareness and Education materials.

I. BACKGROUND

On March 28, 2023, Hampton 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 Hampton pursuant to RSA chapter 53-E. Accompanying its request, Hampton submitted the text of its Plan.

On March 31, 2023, the Commission issued an order of notice establishing a deadline for public comments on Hampton's Plan. No public comments were filed.

Hampton'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/2023/23-038.html>.

II. COMMISSION ANALYSIS

The Commission reviewed Hampton'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. Hampton's submission complied with these procedural requirements.


Hampton's Plan contains language stating that "participating consumers may opt-out of the Program at any time without penalty" in the section on the Rights and Responsibilities of Program Participants. Plan at page 18. In recent orders addressing requests for approval of community aggregation plans, the Commission has raised the concern that similar language, especially as contained within the "rights and responsibilities of program participants" section of the Plan, might be misleading to consumers. *See, e.g.*, Order No. 26,810 (May 1, 2023). As 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

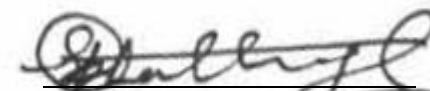
read date, and not all distribution utilities offer off-cycle meter reading services. See Docket No. DRM 21-142, *Summary of Comments and Reply Comments on Initial Proposal with Responses* (tab 42) at page 20. As such, we condition approval of Hampton's Plan on its Consumer Notice, Information, and Awareness and Education materials 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).

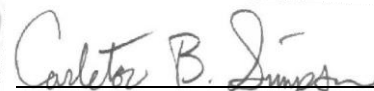
Apart from this condition, we have determined that Hampton's Plan does not substantially fail to meet applicable requirements of RSA Chapter 53-E. Hampton's Plan contains an adequate level of detail of RSA 53-E:6's statutory criteria, other applicable statutory requirements, and applicable rules including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

Based upon the foregoing, it is hereby determined that Hampton's Plan is CONDITIONALLY APPROVED.

By order of the Public Utilities Commission of New Hampshire this twenty-sixth day of May, 2023.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 23-038

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