

Community Power Coalition of New Hampshire (CPCNH) Responses

NHPUC Docket: DE 22-060

Consideration of Changes to the Current Net Metering Tariff Structure,
Including Compensation of Customer-Generators

Public Service Company of New Hampshire d/b/a/ Eversource Energy (EE)

Set 1 Data Requests to CPCNH

Date Request Received: 2/6/24

Date of Response: 2/20/24

Request No. EE to CPCNH 1.12

Witness & Respondent: Clifton Below

REQUEST:

1.12. Referring to pages 10-14 of rebuttal testimony, CPCNH broadly and somewhat vaguely alleges a “serious problem” that net metering is in violation of federal law without citing what federal law, tariff provision, FERC regulation, or ISO-NE operating instruction is being violated or infringed upon. Without providing any citation to statutory provision, regulation, or precedent, the testimony asserts that the Federal Power Act is being violated wholesale.

What regulations or statutory provisions are being violated (please provide specific citations), and what harm stems directly from that violation(s)?

RESPONSE:

CPCNH objects to this data request as it asks for legal research and conclusions of law, which are not reasonable or appropriate for data requests.

Notwithstanding our objection and based on my experience and expertise in electric utility policy and regulation, as I am a not lawyer, please see the responses to DR EE to CPCNH 1.6, 1.7, 1.8, 1.9, 1.10, and 1.11 that collectively respond to this question, and include, in particular, Article 1, Section 8, Clause 3 of the U.S. Constitution, and the Federal Power Act, 16 U. S. C. §824(b)(1).

The potential harms that extend from this violation are several fold:

- *Retail customers* do not receive the benefit of load reduction for purposes of transmission and capacity cost charges because generators that participate in the wholesale markets do not lower the calculation of Monthly Regional Network Load or the Capacity Load Obligation.
- *Suppliers* do not receive the benefit of load reduction for purposes of energy and capacity cost charges because net metering compensation does not accurately reflect the benefits of not participating in the wholesale markets by lowering the load settlement calculation of Monthly Regional Network Load and the Capacity Load Obligation.
- Retail customers pay higher rates for compensation in excess of ISO-NE wholesale market revenues for these generators without the corresponding benefit of “load reduction” for energy, ancillary services, capacity, and transmission charges.