

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
Request No. EE to CPCNH 1.13

Date of Response: 2/20/24
Witness & Respondent: Clifton Below

REQUEST:

1.13. Referring to Page 13 of rebuttal testimony. What litigation risk or administrative inefficiency exists with the current method of applying ISO-NE revenue to mitigate the costs of issuing net meter credits?

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 speaking based on my expertise in electric utility regulatory policy and not as an attorney-at-law, the litigation risk is that FERC and /or a federal court could take up a case challenging the PUC approved tariff, utility compensation paid, and/or state law that allows a generator participating in federal interstate wholesale markets such as by selling power and capacity into that market from also receiving additional compensation for that generation as part of net metering – compensation that can be realized as cash income. That would potentially involve the State of New Hampshire having to defend the state or the PUC from such a challenge, or utilities that facilitate such compensation for customer-generators that are ISO-NE market participants and group net metering group members of such, particularly now including municipal hosts that are 1-5 MW in size, from having their income and expectations adversely impacted as a result of such potential litigation.

Administratively, it would be more efficient to simply require that new net metered generation refrain from participating in the federal interstate wholesale markets and direct those that already do to retire as soon as practicable from such markets, than to 1) require a deduction from their net metering credit for the unrealized avoided transmission charges as a result of their ISO-NE market participation; or 2) develop separate compensation mechanisms; and 3) administer separate accounting schemes for overall net metering costs and benefits (including avoided transmission charges) depending on whether a customer-generator's power is also being sold into the ISO-NE market or not.