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DEPARTMENT OF ENERGY  
21 S. Fruit St., Suite 10  
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September 18, 2024

Daniel C. Goldner, Chairman  
New Hampshire Public Utilities Commission  
21 South Fruit Street  
Concord, NH 03301

Re: DE 23-002, Unitil Energy Systems, Inc. Proposed Purchase of Receivables Program;  
Department of Energy Position Statement

Dear Chairman Goldner:

On July 19, 2024, the Commission issued an order approving a Settlement Agreement filed on September 6, 2023, in the above-captioned matter between Unitil Energy Systems, Inc. (“Unitil” or “Company” or “UES”), the New Hampshire Department of Energy (“DOE” or “Department”), the Community Power Coalition of New Hampshire (“CPCNH”), and Direct Energy Services, LLC, Direct Energy Business, LLC, Direct Energy Business Marketing, LLC, Reliant Energy Northeast LLC, and XOOM Energy New Hampshire, LLC (together, the “NRG Retail Companies”) (collectively, the “Parties”). The settlement agreement provided for a “Phase II” to the proceeding, in which Unitil would submit proposed revisions to its “Competitive Electric Supplier Trading Partner Agreement” (“TPA”) and “Terms of Conditions for Competitive Suppliers” (“T&C”) tariff necessary to implement the Company’s Purchase of Receivables (“POR”) program. On August 7, 2024, the Commission issued a Supplemental Order of Notice in this docket commencing Phase II of the proceeding. The order requested that, “the [DOE] and other parties file their positions regarding the UES’s proposed revised TPA and proposed revised T&C tariff, including the reasons for these positions, on or before September 18, 2024.”

Unitil filed its proposed TPA and T&C revisions and accompanying testimony in this matter on August 23, 2024. Following an initial review of the Company’s filing, the Department’s initial position is that the proposed revisions appear consistent with the Settlement Agreement, with the following exceptions and recommendations:

- 1) EBT and EDI Standards.

Paragraph 2.11 of the Parties’ settlement agreement states that:

*“The Settling Parties agree that Unitil will continue to utilize the rules, processes, standards and procedures of the Massachusetts Electronic Business Transactions*

*Working Group for the implementation of the POR Program, unless and until the Company is directed by the Commission to adopt and implement Electronic Data Interchange (“EDI”) standards developed for New Hampshire; provided, however, that the parties do not waive the right to seek compliance with New Hampshire EDI standards where the Massachusetts Electronic Business Transactions standards do not support material provisions of existing New Hampshire-approved EDI standards.”*

The Company’s proposed TPA and T&C revisions appear to largely eliminate references to the New Hampshire EDI standards and replace them with Massachusetts EBT Standards. However, the settlement agreement language included above allows flexibility to incorporate New Hampshire EDI standards when needed. The Department recommends that the Company incorporate the relevant portions of the above settlement language into its proposed revisions.

Similarly, the Department recommends adding a definition for “EDI Standards” to the “Definitions” section beginning on First Revised Page 32 of the Company’s proposed T&C tariff revisions.

## 2) Consolidated Billing.

It is the Department’s understanding of the settlement agreement that all competitive suppliers<sup>1</sup> opting for consolidated billing with the Company must enroll all of their Unitil customer accounts in consolidated billing. The proposed TPA and T&C revisions do not necessarily appear consistent with this understanding,<sup>2</sup> and so the Department recommends that the revisions include any necessary clarification.

## 3) Customer Service Information.

In the redlined version of First Revised Page 87 of the Company’s proposed revised TPA, under the section titled “Rendering of Bills (Consolidated Billing Option Only),” the Company appears to have removed a provision that bills will include a supplier’s toll-free telephone number for customer inquiries. In the prior section, titled “Conditions of Billing,” the Company notes that, “[c]ustomers that contact Company concerning the billed amount for Competitive Supplier Generation Service or any other Competitive Supplier issue will be referred to Competitive Supplier’s customer service number identified in Exhibit B.”

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<sup>1</sup> “Competitive Supplier” or “Supplier” is defined on First Revised Page 32 in the Company’s proposed T&C revisions as, “any entity registered with the DOE to sell electricity to retail customers in New Hampshire including Community Power Aggregations functioning as load serving entities either directly or through a third-party.”

<sup>2</sup> See, e.g., First Revised Page 85 in the Company’s proposed TPA revisions: “The Competitive Supplier **choosing** the Consolidated Billing Service for **any account** agrees to sell any and all receivables associated with such billed accounts to the Company...” (emphasis added). This language appears to indicate that competitive suppliers can choose which accounts to enroll in consolidated billing, as opposed to requiring that competitive suppliers enroll all accounts in consolidated billing.

Although not currently required by the rules of the Commission or the Department, the Department recommends that the Company include a supplier's contact information, including its toll-free number for customer inquiries, on any bills issued under consolidated billing service.

4) Registration with the Department of Energy.

Original Page 81B in the Company's proposed TPA revisions requires suppliers to "register with and obtain all necessary licensing from the Department of Energy." It is unclear what is meant by the term "all necessary licensing" to the extent that it refers to requirements beyond registration requirements. The Department therefore recommends that the Company either eliminate this wording or clarify its intent.

Conclusion

With the exceptions described above, Unitil's proposed revisions to its TPA and T&C tariff appear consistent with the settlement agreement approved by the Commission in this docket on July 19, 2024. The Department notes that the Company and suppliers are still required to follow all applicable laws, including the rules of the Commission and the Department, regardless of any conflicts that may arise in its TPA or T&C.

The Department anticipates it will present its final position at hearing pending further review prior to hearing and any additional information that may come to light through the Department's cross-examination and the Commission's questioning of the Parties' witnesses.

Consistent with the Commission's current practices, this letter is being filed only in electronic form.

Sincerely,

*/s/ Alexandra K. Ladwig*

Alexandra K. Ladwig  
Staff Attorney/Hearings Examiner  
Department of Energy

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