

**STATE OF NEW HAMPSHIRE  
BEFORE THE  
PUBLIC UTILITIES COMMISSION**

**Docket No. DE 23-002**

**UNITIL ENERGY SYSTEMS, INC.**

**Proposed Purchase of Receivables Program**

**CPCNH SUPPLMENTAL STATEMENT IN RESPONSE TO UNITIL'S**

**SUPPLEMENTAL TESTIMONY OF 10/4/24**

**I. Introduction**

The Community Power Coalition of New Hampshire (“CPCNH” or “Coalition”) appreciates Unitil’s consideration of the comments of DOE, NRG, and the Coalition on the proposed text of the updated tariff Terms and Conditions for suppliers (“T&Cs”) and Supplier or Trading Partner Agreement (“TPA”) and their provision of supplemental testimony and attachments showing incorporation of most of the suggested edits. The Coalition is aggregable to most of Unitil’s proposed edits and those places where they have not proposed edits, with three exceptions discussed below.

**II. Unitil still does include reference to NH EDI Standards in their new definition of EBT Standards but should.**

Unitil’s most recent proposed revision to its tariff T&Cs<sup>1</sup> continues to replace the definition of New Hampshire Electronic Data Interchange (“EDI”) Working Group Report with reference to the Massachusetts Electronic Business Transactions Standards (“EBT Standards”) but with the supplemental proposed language that would limit the application of any NH EDI Standards to the future and only after the Commission adopts those standards through

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<sup>1</sup> See Supplemental Testimony of Implementation Panel, Attachment IP-Supplemental-1, p. 1.

rulemaking. This is contrary to the approved Settlement Agreement that expressly recognizes “existing New Hampshire EDI standards” and the express provision that parties do not waive the right to seek compliance with those existing NH EDI standards as set forth in §2.11 of the Settlement Agreement:<sup>2</sup>

The Settling Parties agree that Unutil 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 the Electronic Data Interchange (“EDI”) standards developed for New Hampshire; provided, however, that the parties do not waive the right to seek compliance with the New Hampshire EDI standards where the Massachusetts [EBT] Working Group standards do not support material provisions of existing New Hampshire-approved EDI standards.

The highlighted text above is used to recommend modification of the Massachusetts (MA) EBT Standards definition as shown below in red text with highlighted text used from the Settlement Agreement. The words “determined or” have been added since the Coalition’s original suggested edits in our 9/18/24 comments. The phrase “determined or approved” is intended to make clear that the Commission would need to determine or approve the application of NH EDI standards that may be materially different from MA EBT Standards.

K. “EBT Standards” shall mean the standards for Electronic Data Interchange transactions between Competitive Suppliers and electric utility companies as set forth in the reports and implementation guides, as amended from time to time, of the Massachusetts Electronic Business Transaction Working Group for implementation of the Purchase of Receivables Program and are inclusive of New Hampshire EDI standards approved by the Commission in Order No. 22,919 (May 4, 1998) and Order No. 23,013 (September 8, 1998) or subsequent order or regulation to the extent that the Massachusetts EBT Working Group standards do not support material provisions of the NH EDI standards as determined or approved by the Commission.

Unutil’s supplemental proposed reference to requiring that any New Hampshire specific EDI standards, existing or new, must be adopted “pursuant to rulemaking” is an inappropriate attempt to require such considering that Massachusetts EBT standards do not appear to be

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<sup>2</sup> See Exhibit 5 at 6.

adopted, approved, or subject to modification by any regulatory authority, much less through administrative rulemaking.

**III. Requiring a supplier to put all accounts on Consolidated Billing as requested by DOE and proposed by Unitil is contrary to the Settlement Agreement, the Puc 2000 and 2200 rules, and the purpose and intent of RSA 374-F and RSA 53-E.**

The suggestion that competitive suppliers should be required to enroll all accounts in Consolidated Billing, if any are enrolled, is contrary to the Settlement Agreement, Puc 2205.16., and the purpose and intent of RSA 374-F and RSA 53-E. Unitil in its Supplemental testimony proposes to delete the phrase “for any account” in §VII.A.i of the TPA<sup>3</sup> because it “appears to indicate that competitive suppliers can choose which accounts to enroll in consolidated billing,” which CPCNH believe should be the case. The Settlement Agreement at 2, §2.3 provides that: “The Settling Parties agree that Participating Suppliers must sell the accounts receivable for all of their customers on Consolidated Billing Service to Unitil.” This provision does not state that all customers must be on Consolidated Billing Service, rather that Suppliers must sell the accounts receivable for all customers on Consolidated Billing, indicating that some may not be. Puc 2205.16 provides the following:

(a) Prior to enrolling any customer, a CPA shall determine which of the following two utility services to use for billing and notify the electric distribution utility of that determination:

(1) Separate billing service, whereby the CPA shall separately bill customers for the cost of the electric power supply and energy services provided to such customers, and may combine such billing with billing for other municipal services pursuant to RSA 53-E:3-a; or

(2) Consolidated billing service, whereby the utility shall issue a single monthly bill which will include the CPA’s charges for electric power supply and energy services for such customers as well as the utility’s charges for electric service.

(b) Changes in the determination of billing service for any customer shall be implemented for the next bill reading cycle, provided that the CPA has notified the utility of any

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<sup>3</sup> See Supplemental Testimony of Implementation Panel, Attachment IP-Supplemental-1, p. 1

applicable rates and services in accordance with (d) below.

In context the reference to “any customer” indicates that any customer could be enrolled in either separate (dual) billing by the CPA or in utility provided consolidated billing service and that under (b) if a CPA is going to change the way any customer is billed, that would occur at the next billing cycle provided the utility has been notified of any applicable rates and services. This provision would make no sense if the rule required all or none of the customers to be enrolled in consolidated billing.

The purpose statement in RSA 53:E:1 states the “purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.” .RSA 374-F:1, I states that the “most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets” and goes on to say in ¶ II that competitive markets should “open markets for new and improved technologies [and] provide electricity buyers and sellers with appropriate price signals”. The Restructuring Policy Principles go on to provide for customer choice by all retail electricity customers (at RSA 374-F:3, II) and open access to distribution facilities (at RSA 374-F:3, IV) stating that “[n]on-discriminatory open access to the electric system for wholesale and retail transactions should be promoted. The commission and the department should monitor companies providing transmission or distribution services and take necessary measures to ensure that no supplier has an unfair advantage in offering and pricing such services.”

The fact of the matter is that distribution utilities have an advantage in offering rates and services that CPAs cannot readily provide and would be unable to provide if all customers were required to enroll in consolidated billing. For example, although Unitil offers a 3-part Time-of-Use (TOU) rate, including the generation supply component, they are unable to offer such a rate

to CEPS or CPAs through consolidated billing. Likewise, they can provide a credit for net metered exports to the grid for the supply component, but cannot do so for CEPS or CPAs through consolidated billing. For a CPA or CEPS to serve such customers, and for those customers to have meaningful choice, they would have to be dual billing. Thus requiring all customers to be on consolidated billing if any customer is, creates an unfair advantage for utility default service supply in rate offerings, needlessly limits customer choice, and denies CPAs the opportunity to offer cost-effective and innovate rates and solutions and is thus contrary to law.

**IV. Removal of the Supplier toll-free customer service number from customer bills.**

The Coalition continues to oppose Unitil’s proposed revision to eliminate the Supplier’s toll-free number for customer inquiries from the customer consolidated bill for the reasons stated in our Comments of 9/18/24. This had been a long-time provision of their TPA, notwithstanding the fact that they have not been complying with this contractual requirement. Striking this TPA provision has nothing to do with a Purchase of Receivables program and the cost to comply with this provision of the TPA should not be charged as part of implementing POR.

**V. CONCLUSION**

We appreciated the Commission’s consideration of these outstanding concerns.

Respectfully submitted,

COMMUNITY POWER COALITION OF NEW HAMPSHIRE

By: Clifton Below

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Dated October 15, 2024

**Certificate of Service**

I hereby certify that a copy of these Comments has this day been sent via electronic mail to all persons on the service list.

Clifton Below

Clifton C. Below

Dated: October 15, 2024