

CHAPTER 85
HB 385 - FINAL VERSION

9Mar2023... 0360h

2023 SESSION

23-0642
10/04

HOUSE BILL

385

AN ACT relative to the approval of community electric aggregation plans by the department of energy.

SPONSORS: Rep. Vose, Rock. 5

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill clarifies the procedure for complaints to the department of energy concerning community electric aggregation plans.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the approval of community electric aggregation plans by the department of energy.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 85:1 Definition Added; Aggregation of Electric Customers. Amend RSA 53-E:2, VI-a to read as
2 follows:

3 V-a. ***"Department" means the department of energy.***

4 VI-b. "Energy services" means the provision of electric power supply solely or in combination with
5 any or all of the services specified in RSA 53-E:3.

6 85:2 Community Electric Aggregation Plans; Complaints. Amend RSA 53-E:7, X to read as follows:

7 X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the
8 extent authorities granted to municipalities and counties by this chapter materially affect the interests of
9 electric distribution utilities and their customers, to reasonably balance such interests with those of
10 municipalities and counties for the public good, which may also be done through adjudicative proceedings
11 to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules
12 governing the relationship between municipal and county aggregators and distribution utilities, metering,
13 billing, access to customer data for planning and operation of aggregations, notice of the commencement
14 or termination of aggregation services and products, and the reestablishment of a municipal or county
15 aggregation that has substantially ceased to provide services. Where the commission has adopted rules
16 ***or issued orders*** in conformity with this chapter, complaints [tø] ***pertaining to actions undertaken or omitted***
17 ***by any municipal or county aggregator or electric distribution utility arising under this chapter, applicable***
18 ***rules, or orders of the commission, shall be made to the department. Thereupon, the department shall***
19 ***cause a copy of said complaint to be forwarded to the municipal or county aggregator or electric***
20 ***distribution utility complained of, which may be accompanied by an order, requiring that the matters***
21 ***complained of be satisfied, or that the charges be answered in writing within a time to be specified by the***
22 ***department. If the charges are not satisfied and it shall appear to the department that there are***
23 ***reasonable grounds therefor, it shall investigate the same in such manner and by such means as it shall***
24 ***deem proper. After investigation, the department may bring proceedings on its own motion before the***
25 ***commission, with respect to any complaint or violation arising under this chapter, applicable rules, or***
26 ***orders of the commission. If the party bringing the complaint is unsatisfied with the disposition of the***
27 ***complaint by the department, then they may petition the commission to resolve the matter through an***
28 ***adjudicative proceeding. Notwithstanding any other provision of law to the contrary, municipal and county***
29 ***aggregators shall be subject to the jurisdiction of the department for purposes of this paragraph. For non-***
30 ***residential ratepayers, the department shall docket and make public any received complaint. Complaints***
31 ***to the department*** and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA
32 541-A:29-a.

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1 85:3 Application of Amended Complaint Procedure; Community Electric Aggregation Plans. The
2 procedure for complaints pursuant to RSA 53-F:7, X as amended by this act, shall apply to complaints
3 filed with the department of energy on and after the effective date of this act.

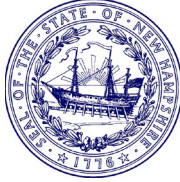
85:4 Effective Date. This act shall take effect upon its passage.

Approved: June 20, 2023
Effective Date: June 20, 2023

STATE OF NEW HAMPSHIRE

COMMISSIONER
Jared S. Chicoine

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Transmitted via Email Only

April 24, 2024

Clifton Below
Community Power Coalition of New Hampshire
P.O. Box 840
Concord, NH 03302
Clifton.Below@communitypowernh.gov

Re: CPT 2023-002, Complaint of Community Power Coalition of New Hampshire against Public Service Company of New Hampshire d/b/a Eversource Energy; New Hampshire Department of Energy Letter to Community Power Coalition of New Hampshire

Dear Mr. Below:

The Department of Energy (DOE) is writing this letter to respectfully request additional information regarding CPT 2023-002 in response to your email sent to the DOE on February 29, 2024.

On July 13, 2023, you on behalf of Community Power Coalition of New Hampshire (CPCNH) filed your Complaint against Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or Company), which was docketed as CPT 2023-002 (DOE Complaint). One of the issues raised in the DOE Complaint was whether Eversource was providing TOU usage data or providing the CPCNH customers with the TOU rate. That same date, you filed a similar Complaint with the Public Utilities Commission (PUC), which was docketed as DE 23-062 (PUC Complaint). There has been no further action in the PUC docket since CPCNH filed its Reply on July 13, 2023.

On June 14, 2023, Eversource, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty, and Unitil Energy Systems filed a petition for a waiver from certain provisions of the Puc 2200 rules, which the PUC docketed as DE 23-063. On July 24, 2023, Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) submitted a response to your DOE Complaint. On October 30, 2023, the DOE sent a letter to Eversource asking the Company to clarify its response as it relates to Section 6.1 of the DOE Complaint. On December 14, 2023, the Company provided a formal response to the DOE. On January 9, 2024, Eversource, CPCNH, and the DOE met to discuss the Complaint. At the end of the meeting, CPCNH agreed that it would provide

an updated outline/table addressing all resolved and outstanding issues raised at this meeting. CPCNH also agreed that it would specify in the outline if any of the issues were also raised in the PUC Complaint, in DE 23-063, or in the EDI Working Group.¹ At the conclusion of the meeting, CPCNH informed the participants that it would distribute its outline shortly.

On February 29, 2024, CPCNH provided a twenty-six page status update. Later that same day, CPCNH sent an email to Eversource and the DOE stating that “Eversource’s EDI operations team had reversed position from their previous advice that 2-part TOU rates could be provided to customers on rate LG, to say that in fact their system would not support 2-part TOU rates for LG customers with interval metering, so not for any rate class for CEPS or CPAS trying to use consolidated billing.” The email also stated that some of the statements in the February 29, 2024 status update were no longer accurate. In summary CPCNH wrote that it would “prepare a letter with the corrections for the record.” To date the Department has not received this letter.

In the interest of administrative efficiency and providing a swift and accurate resolution of this Complaint, the Department will allow CPCNH one more opportunity to supplement the record. CPCNH is required to provide an update addressing only the issue raised in the February 29, 2024 email by Tuesday **May 15, 2024**. If the Department does not receive a response from CPCNH by then it will exclude this issue from the final decision. CPCNH would then be welcome to file a new Complaint with the Department regarding this issue. If CPCNH provides a response to this issue by May 15, 2024 then Eversource will have the opportunity provide a response by **May 29, 2024**. The Department reserves the right to exclude any information submitted by Eversource after the aforementioned deadline. In addition, the Department may choose to not consider any information that does not address whether Eversource is providing certain CPCNH customers with two-part TOU rates.

The DOE has waived the filing of paper copies in this matter and this letter is being sent electronically only.

Sincerely,

/s/ Molly M. Lynch

Molly M. Lynch
Staff Attorney/Hearings Examiner
Department of Energy

cc (electronically only): Clifton Below; Office of Consumer Advocate; Amanda Noonan; Matthew Young, Esq.; Brian Callnan.

¹ On December 5, 2023, the Department announced that it would be convening an EDI Working Group in early 2024 with the first meeting focused on working group governance, future agenda items, and other relevant issues.