

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

Public Service Company of New Hampshire d/b/a Eversource Energy, Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty and Unitil Energy Systems, Inc.

Joint Utilities' Petition for Waiver of Certain Provisions of the Puc 2200 Rules

Docket No. DE 23-063

JOINT INTERVENORS BRIEF TO ADDRESS QUESTIONS PROPOUNED
IN MAY 15, 2024 PRE-HEARING CONFERENCE ORDER

June 14, 2024

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INTRODUCTION

Pursuant to the May 15, 2024 “Procedural Order re: Briefing Schedule” issued by the New Hampshire Public Utilities Commission (“the Commission”), the Community Power Coalition of New Hampshire (“CPCNH” or “the Coalition”) and the Conservation Law Foundation (“CLF”) (together, the “Joint Intervenors”) submit this brief responding to the following issues posed by the Commission in the above-referenced order: (1) whether Eversource Energy, Liberty Utilities, and Unitil Energy Systems, Inc. (“the IOUs”) are entitled to a temporary and/or permanent waiver of Puc 2205.16(d)(1), Puc 2204.02(a)(2), and Puc 2205.13(a)(7) based on efforts required to implement and comply with these rules; (2) whether implementation of billing features referred to by the Joint Intervenors in their motion filed on March 28, 2024 (“March 28 Joint Motion”) and requested by other parties, including dual billing for net-metered (“NM”) and time of use (“TOU”) customers on competitive supply (“NM/TOU customers”), is required under New Hampshire law, together with a comprehensive description of the features sought; and (3) what types of billing systems do the New Hampshire Electronic Data Interchange (EDI) Standards (“NH EDI Standards”) require utility EDI systems to support, and what work has been accomplished as of this date by the NH EDI-EBT Working Group to implement these standards.

This brief contends: (1) that the IOUs should be granted partial, temporary waivers of Puc 2205.16(d)(1), Puc 2204.02(a)(2), and Puc 2205.13(a)(7), subject to certain conditions herein, and are not entitled to permanent waivers thereof; (2) the NH EDI Standards were intended to enable competitive service for all retail customers, by requiring utilities (a) to provide customer billing determinants to suppliers, including energy and demand by TOU period and allowing for negative usage (e.g., NM customer net excess generation), (b) to accept a range of supplier pricing/rate structures, including credits and TOU rates, for use in calculating supply charges and sending consolidated bills to customers; and (3) that New Hampshire law requires the provision

of these and other services necessary to enable Community Power Aggregators (“CPAs”) and Competitive Electric Power Suppliers (CEPS) (together, “suppliers”) to fully serve NM/TOU customers, as referred to in the March 28 motion, and to more broadly mitigate utility monopoly power in favor of promulgating a competitive retail electricity market.

As requested by the Commission the Joint Intervenors have also included a comprehensive description of the changes sought to utility EDI, billing, and load estimation / settlement systems, an update on the accomplishments of the NH EDI-EBT Working Group to date, and a proposed Supplemental Order of Notice (in Appendix G) for the Commission’s consideration.

In support of our positions, the Joint Intervenors state as follows:

RESPONSES

I. Requirements under New Hampshire Law

The Joint Intervenors assert that New Hampshire law supports and requires the reforms to utility EDI, billing, and load estimation and settlement processes proposed herein.

Reforms to load estimation and settlement are explicitly required under NH law. NH RSA 362-A:9, II, which authorizes CPAs and CEPS to determine “*the terms, conditions, and prices*” for selling electricity to and purchasing excess generation from NM customers, states that the generation output of such customers “***shall** be accounted for as a reduction to the customer-generators' electricity supplier’s wholesale load obligation for energy supply as a load serving entity, net of any applicable line loss adjustments, as approved by the commission.*” *Id.* (emphasis added). Puc 2205.15(b) references RSA 362-A:9, II and reiterates this requirement. As such, the Commission must approve conforming changes to load estimation and settlement processes to implement the requirements of both RSA 362-A:9, II and Puc 2205.15(b), along with corresponding changes to utility EDI and billing systems, to enable suppliers to serve and compensate NM customers, including those on TOU rates, for excess generation — which

requires, at a minimum, implementation of the changes in Appendix C, to enable competitive supply service for TOU/NM customers on a dual billing basis.

Additionally, under RSA 364-F:3, XII(c), “*Utilities have had and continue to have an obligation to take all reasonable measures to mitigate stranded costs*” and RSA 374-F:3, XII(d) requires that “[a]ny recovery of stranded costs should be ... consistent with the promotion of fully competitive markets and consistent with these principles.” The EDI, billing, and load estimation barriers currently preventing suppliers from serving NM customers and providing compensation for excess generation have limited competitive supply options for most NM/TOU customers, forcing them in most cases to remain on utility default service. This, in turn, has contributed to an increase in Eversource’s stranded cost recovery charges, to cover the cost of crediting default NM customers for their excess generation without accounting for corresponding benefits. Thus, Commission approval of the reforms to EDI, billing, and load estimation and settlement services required for suppliers to serve NM/TOU customers are also required to achieve compliance with RSA 364-F:3, XII(c) and RSA 374-F:3, XII(d).

More broadly, it has been the policy of the State of New Hampshire since the enactment of RSA 374-F, the Electric Utility Restructuring Act, and RSA 362-A:9, the net metering law, that suppliers should be able to offer innovative rates (e.g., TOU rates) and products to customers, including by setting their own terms, conditions, and rates for NM generation supplied to the grid, and that the promotion of net metering and distributed generation generally “*should be pursued in a competitive environment pursuant to the restructuring policy principles set forth in RSA 374-F:3.*” Implicit in that policy choice, and in RSA 53-E, the Community Power Aggregation Act,¹ is the expectation that utilities — as state franchised monopolies that

¹ For example, as relevant here: RSA 53-E:6, III(f) requires municipalities implementing CPAs to first develop plans

exclusively control retail metering data, consolidated billing services, and load estimation and settlement processes — would provide the necessary data and services required to enable suppliers to serve NM/TOU customers without the General Court specifying each technical detail thereof as statutory requirements. The fact that utilities have not done so, and have instead, largely limited suppliers to offering flat, volumetric energy rates for more than a quarter-century, underscores the need for the Commission to reconsider whether and to what extent utilities should continue to remain responsible for administering these essential retail market functions.

Relevant here is that the Commission is responsible for implementing the competitive retail electricity market and has been delegated substantial authority to do so. Order No. 22,875 provides the Commission's own view of their powers and responsibilities in these regards:²

"The passage of RSA 374-F ... has imposed upon us the new responsibility of developing and implementing policies that will encourage a competitive retail market for electricity services... the Commission has been delegated incidental authority to take actions necessary to implement the policies of RSA 374-F. See, RSA 374-F:4, VIII ("The Commission is authorized to order such charges and other service provisions and to take such other actions that are necessary to implement restructuring..."). Even before the enactment of RSA 374-F, the Commission had the authority and duty to prescribe terms and conditions on franchise rights whenever it would serve the public good. RSA 374:26. That authority has a special application to these circumstances because our delegated mandate is to promote competition not to perpetuate monopolies. As the New Hampshire Supreme Court stated:

..[L]egislative grants of authority to the PUC should be interpreted in a manner consistent with the State's constitutional directive favoring free enterprise. Limitations on the right of the people to "free and fair" competition"...must be construed narrowly, with all doubts resolved against the establishment or perpetuation of monopolies.

RSA 374:26 thus should not be interpreted as creating monopolies capable of outliving their usefulness. Appeal of PSNH, 141 N.H. 13, 19 (1996) (emphasis added) (internal citation omitted). In this case, we have identified specific circumstances where electric utilities may exploit their privileged status to inhibit the development of a competitive retail electricity market. We will implement special protections to mitigate these anti-competitive practices. Should we determine these special protections are insufficient, we will impose additional

detailing "How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for." See also RSA 53-E:4, VI and RSA 53-E:3, II(a).

² DR 96-150, [Order No. 22,875](#) (issued 3/20/98), which addressed various motions for rehearing or clarification relative to the policies and legal positions articulated in the Statewide Electric Utility Restructuring Plan adopted in Order No. 22,514 (issued 2/28/97).

pro-competitive measures.”

Order No. 22,875 also re-affirmed the Commission’s “*authority to place conditions on future electric distribution utility franchise rights to accommodate the retail access policies of RSA 374-F*” and explained that “[f]undamental to our regulation of a distribution utility is a *determination of the type and quality of services provided.*” Responding to utility objections that it had exceeded its authority in the Statewide Electric Restructuring Plan, the Commission also re-affirmed its statutory authority to unbundle “*ancillary services, including metering and billing, recognizing such unbundling to be a critical step in the development of a competitive market for energy services*”. (Refer to Appendix A for a compilation of relevant citations.)

As this brief makes clear, current systems employed by the utilities are hampering competition in New Hampshire. With limited exceptions, utilities are withholding TOU usage and NM excess generation billing determinants from suppliers. The rate ready consolidated billing systems administered by Eversource, Unitil, Liberty, and the NHEC — which are relied upon to bill virtually all residential and small commercial competitive supply customers — limit suppliers to offering customers a flat, volumetric energy rate. Interval meter data is withheld from CPAs and may be of questionable quality when accessed by CEPS through Eversource’s tariff EPO subscription service. Load estimation methodologies and settlement processes are incapable of accurately estimating or allocating net metered generation or TOU hourly usage to suppliers, fail to reliably incorporate or allocate individual customer interval usage data to suppliers, and are consequently growing increasingly inaccurate — all of which is causing undue cost shifts and market inefficiencies.

In contrast, utilities have full access to customer account, usage, NM generation system, and verified billing determinant data. Utility billing services for default supply customers support time-varying rates, demand charges, and crediting for net metered generation. Utilities are

indifferent to the growing inaccuracies and cost shifts in their load estimation and settlement processes, because they have decided to recover the costs paid to NM customers for their excess generation from all distribution customers, by increasing stranded costs or other charges, instead of allocating excess generation accurately in settlements, which would decrease wholesale costs for default supply.

Decisive action by the Commission, ordering structural changes to EDI, billing, and load estimation/settlement systems, is necessary to ensure that innovations in customer rates, products, services, including net metering rates, and distributed generation can begin to be promoted in a competitive market environment in a manner that counteracts the perpetuation of the Joint IOUs' monopolies, as required by the laws and Constitution of New Hampshire.

II. Waivers to Puc 2204.02(a)(2), Puc 2205.13(a)(7) and Puc 2205.16(d)(1)

a. Provision of customer usage data: Puc 2204.02(a)(2) & Puc 2205.13(a)(7)

Puc 2204.02(a)(2) requires utilities to provide CPAs, after approval of Electric Aggregation Plans, with anonymized customer-specific usage data. Puc 2205.13(a)(7) requires utilities to provide CPAs with recent historic usage data for individual customers after they are enrolled by a CPA. The Commission's September 29, 2023 pre-hearing order (1) clarified that "usage data" meant positive and negative usage data for NM customers whenever "usage data" appeared in the Puc 2200 rules and (2) granted Eversource's request for temporary waivers regarding provision of negative usage data under Puc 2204.02(a)(2) and 2205.13(a)(7) until such time as the utility was capable of providing NM customer net excess generation (negative usage) data, which Eversource had anticipated would be by the end of September 2023.

To the extent that any IOU is not providing usage data in Puc 2204.02(a)(2) reports by the interval reported via customer meters (e.g., monthly registers, 2-part or 3-part TOU period, and hourly or sub-hourly intervals), they should seek temporary waivers of Puc 2204.02(a)(2)

contingent upon their near-term implementation of compliant reporting functionality.

The Joint Intervenors have explained how the quarterly reporting function Eversource implemented to provide CPAs with CPA NM customer negative usage data pursuant to Puc 2205.13(a)(7) is insufficient to enable CPAs to (1) offer NM programs to customers and (2) exercise their right and responsibility to verify their load settlement data with ISO-NE in a timely manner.³ The Joint Intervenors also explained that Liberty requires, but has not requested, the same waiver, and had apparently been planning to implement the same quarterly reports as Eversource has done.⁴ However, the utility still has not provided any such reports and has been unresponsive to recent requests from CPCNH to do so.⁵

Similarly, no utility is providing CPAs with usage “*for each hourly interval for accounts reported in hourly intervals for load settlement,*” as Puc 2205.13(a)(7) requires. Currently, IOU tariffs provide suppliers the option of a paid subscription service to access interval data. This service, however, may not be compliant with Puc 2205.13(a)(7) for three reasons. First, fees should not be imposed upon CPAs to access interval data that the IOUs are required to provide pursuant to Puc 2205.13(a)(7). Second, each IOU’s tariff requires suppliers to obtain individual customer authorization prior to release of interval data. Third, it is the Joint Intervenors’ understanding that the interval data made available by Eversource and potentially other utilities may be raw data and not the validated meter data used for final load settlement purposes.⁶

³ March 28 Joint Motion, ¶ 16.

⁴ *Ibid.*

⁵ CPCNH’s data services provider, Calpine Energy Solutions, has requested Liberty’s provision of NM customer excess generation data pursuant to Puc 2205.13(a)(7) via emails sent on 9/21/23, 9/26/23, 10/2/23, 3/19/24, 4/9/24, 4/17/24, and 6/10/24. Liberty responded on 10/3/23, stating that the utility was “not able to provide this information at this time” but has not responded to the subsequent emails nor provided any customer data in response to the requests.

⁶ For additional context concerning the inability of Eversource to provide interval data pursuant to Puc 2204.02(a)(2) and Puc 2205.13(a)(7), refer to DOE Complaint Proceeding CPT 2023-002, “[Community Power Coalition of New Hampshire Revised Status Update](#)”, 5/15/24, pp. 22-23.

Relevant here is that Puc 2205.13(a)(7) requires that interval customer data used for load settlements be provided to CPAs, without requiring individual customer consent or fees.⁷

Provision of billing-quality customer usage data, at the granularity of interval recorded by customer meters and collected by utilities, is a basic market-enabling responsibility of the IOUs. The Commission should not grant permanent waivers excusing the IOUs from providing NM customer excess generation data, usage data by TOU period, or hourly interval data for interval metered customers. Instead, the Commission should order implementation of the updates to each utilities' EDI and billing systems that are necessary to provide NM/TOU customer billing determinants in a standardized fashion on a monthly/billing cycle basis, and in compliance with the NH EDI Standards, as outlined in Appendix C. Additionally, regarding IOU provision of hourly interval data specifically pursuant to Puc 2205.13(a)(7), as an immediate interim measure towards compliance, the IOUs should be obligated to provide CPAs access to interval data used for load settlement purposes for CPA accounts on an ongoing basis, free of charge, and without requiring authorization from each individual customer. Further, Eversource should clarify whether the interval data made available through their tariffed subscription service is the same data used for load settlement purposes, and if not, the Commission should order Eversource to commence provision of the interval data used for load settlement to CPAs, at the same latency that the utility employs for its load estimation and settlement process. The Joint Intervenors would support granting temporary waivers contingent upon implementation of these proposed requirements.

Lastly, the New Hampshire Electric Co-op ("NHEC") has sought and been granted various

⁷ Puc 2205.13(a)(7) requires utilities to provide CPAs with customer usage data "*for each hourly interval for accounts reported in hourly intervals for load settlement*". The Commission has clarified that "*...the purpose of Puc 2205.13(a)(7)'s usage data is for load settlement...*". See DE 23-063, [Prehearing Order](#) (issued 09/29/23), p. 5.

waivers to Puc 2200 rules, but not to Puc 2205.13(a)(7).⁸ NHEC has deployed an Advanced Metering Infrastructure (AMI) network with cellular collection of interval meter data for virtually all customers that is used to construct dynamic class average profiles applied in the load settlement process. However, interval data for customers served by CPAs is not being provided to CPAs at present. The Joint Intervenors recommend that the Commission order the NHEC to participate in this proceeding, pursuant to RSA 374-F:4, XII, and would support granting NHEC a temporary waiver to Puc 2205.13(a)(7) for the duration of the proceeding.

b. Provision of Bill Ready Consolidated Billing Services: Puc 2205.16(d)(1)

Puc 2205.16(d)(1) requires utilities to implement bill ready consolidated billing service, which would allow CPAs/CEPS to perform customer bill calculations and transmit the amounts owed for supply back to the utility to present on consolidated bills. The intent of this new mechanism is to allow CPAs/CEPS to bill customers for more advanced rates/products without first needing to request, pay for, and wait upon the utilities to make the necessary incremental changes to their billing systems pursuant to the process provided for in the NH EDI Standards⁹ and Puc 2205.16(b)(2).

The Commission may waive the provisions of any rule, pursuant to Puc 201.05(b)(2), if the waiver is in the public interest, which is met when the Commission finds that the “purpose of the rule would be satisfied by an alternative method proposed.” The Commission’s September 29, 2023 prehearing order granted the IOUs a temporary waiver of Puc 2205.16(d)(1) for the pendency of this docket, observed that CPCNH’s alternative proposal would have the benefit of “addressing other barriers to bill ready billing first, such as access to data” and directed that “these alternatives should be explored and vetted in the instant proceeding before the Joint

⁸ See [Docket No. DE 22-080](#), [Order No. 26,830](#) (issued 5/30/23), and [Settlement Agreement](#) (filed 5/8/23).

⁹ See EDI Standards, [Supplier Guide](#), Section III, D, 4.

Utilities set out on a time consuming and costly path to compliance with Puc 2205.16(d)(1)."¹⁰

The Joint Intervenors continue to assert that the purpose of Puc 2205.16(d)(1) is to enable suppliers to provide innovative rates and products to customers, and that this purpose would be satisfied by (1) implementing the updates to utility EDI and billing systems in Appendix C that are necessary to enable dual billing for NM/TOU customers in compliance with the NH EDI Standards; and (2) prioritizing the reforms to load estimation and settlement processes to more accurately allocate NM/TOU customer hourly load to suppliers as described in Appendix F. Both of these reforms are necessary first step in expanding rate ready or implementing bill ready consolidated billing.¹¹ On that basis, the Joint Intervenors support continuing of the IOUs' temporary waiver to Puc 2205.16(d)(1) pending the outcome of this proceeding.

III. Requirements of the NH EDI Standards and the Extent to which the IOUs have Implemented Them

The NH EDI Standards require utilities to provide suppliers, on a monthly billing cycle basis for each individual customer, various customer usage and account data, including 2-part and 3-part TOU usage data, negative usage data (NM customer net excess generation), and distribution tariff rates for each customer. The NH EDI standards also require utilities to accept TOU rates and credits from suppliers for use in rate ready consolidated billing.

Each subsection below (1) begins by quoting from the EDI Working Group Report's Glossary of Terms, which describe the aforementioned data and billing requirements, (2) subsequently provides an explanation of the terms and requirements with citations to the relevant NH EDI Standard technical documentation (e.g., data formats and/or testing transactions), and (3) concludes with whether and to what extent each utility has implemented these requirements.

¹⁰ DE 23-063, [Prehearing Order](#) (issued September 29, 2023), pp. 3-4.

¹¹ *For further explanation, see [CPCNH's Reply to Joint Utilities Objection to Community Power Coalition of New Hampshire and Conservation Law Foundation Motion](#), 4/26/24, pp. 1-2.*

a. Relevant Customer Account Data Requirements

The NH EDI Standards require utilities to convey each customer's "***Distribution Company Rate Code***, defined as "The rate code assigned by the Distribution Company to identify the category of service supplied to the Customer."¹² This data is conveyed to suppliers via an EDI 814 file.¹³ Eversource, Liberty, and the NHEC have implemented this requirement. Unitil only conveys wholesale rate class (e.g., D, G1, etc.) instead of utility rate codes (which correspond to distribution tariff rates, and thus identify TOU rates, e.g., TOU-EV-D).

b. Relevant Customer Usage Data Requirements

Utilities are supposed to provide suppliers with each customer's metered energy usage and demand data if the utility has the information, including by TOU periods: "***Peak or Total Kilowatt Hour Usage***", "***Off-Peak Kilowatt Hour Usage***", "***Shoulder Kilowatt Hour Usage***", "***Peak or Highest kW Demand***", "***Off-Peak Demand***", "***Shoulder kW Demand***", "***Peak kVa Demand***", "***Off-Peak kVa Demand***", and "***Shoulder kVa Demand***".¹⁴ (Refer to Appendix B for full descriptions of each of these usage data elements from the NH EDI Working Group Report.) These are supposed to be conveyed via an EDI 810 transaction for the customer's current billing month¹⁵ and via an EDI 867 transaction for the customer's prior 12 months of historic usage.¹⁶

The same EDI 810 / 867 transaction documentation cited above recognizes that "usage data"

¹²Terms excerpted from: Docket No. DR 96-150, [Consensus Plan for the Transmission of Electronic Data in New Hampshire's Retail Electric Market \("EDI Working Group Report"\)](#), Appendix A: Glossary of Terms, pp. 46-52 (EDI Working Group Report, Glossary).

¹³ See EDI Working Group Report, "[814 Account Administration](#)", "Distribution Company Rate Code", p. 22.

¹⁴Terms excerpted from: EDI Working Group Report, Glossary (fn 3).

¹⁵ See EDI Working Group Report, "[810 Product Transfer and Resale Report](#)", at p. 2 for a list of "must use" TOU measurements, and the EDI 810 transaction formats for each TOU type at: pp. 12-13 for "*Peak/Total kilowatt hour usage*"; pp. 14-15 for "*Peak kW Demand*"; pp. 16-17 for "*Peak kva Demand*"; pp. 18-19 for "*Off Peak kilowatt hour usage*"; pp. 20-21 for "*Off Peak kW Demand*"; pp. 22-24 for "*Off Peak kva Demand*"; pp. 24-25 for "*Shoulder kilowatt hour usage*"; pp. 26-27 for "*Shoulder kW Demand*"; and pp. 28-29 for "*Shoulder kva Demand*".

¹⁶ See EDI Working Group Report, "[867 Product Transfer and Resale Report](#)", p. 9 where the fields for "*Unit or Basis for Measurement Code*" specifies whether usage data provided is "*Kilowatt Demand*", "*Kilovolt Amperes Reactive Demand*", or "*Kilowatt Hour*", and the "*Measurement Significance Code*" specifies "*Off Peak*", "*On Peak*", "*Shoulder*", etc.

could be positive or negative (e.g., net excess generation for NM customers) in each applicable energy and demand usage interval and supports conveying negative usage via an EDI 810 transaction for the customer's current billing month¹⁷ and via an EDI 867 transaction for the customer's prior 12 months of historic usage.¹⁸

While no utility is providing all of the required kVA and kW demand fields,¹⁹ the NHEC is providing net excess generation for NM customers, and energy usage by 2-part TOU period, via both EDI 810 (covering the current billing month) and EDI 867 (covering the historic prior 12 months).²⁰ Eversource provides energy usage by 2-part TOU period via EDI 810 but not via EDI 867; Unitil provides net excess generation for NM customers via EDI 867 but not via EDI 810; and Liberty does not provide net excess generation for NM customers or usage by TOU period via EDI 810 or EDI 867 files. Eversource and Liberty, on the EDI 810 and 867 files, and Unitil, on the EDI 810 file, currently convert net excess generation (negative usage) to zero prior to transmitting the files to suppliers. This is contrary to the NH EDI Standards, under which negative usage is supposed to be included on EDI 810 and 867 files (see footnotes 17 and 18).

c. Relevant Rate Ready Consolidated Billing Service Requirements

Suppliers have the option of independently billing the customer or relying upon the utility to provide a consolidated bill under the NH EDI Standards. As described below, the utility is

¹⁷ See EDI Working Group Report, "[810 Product Transfer and Resale Report](#)", where the "Comment" field for each usage transaction specification notes that for "*any measurement requiring a sign (+ or -), or any measurement where a positive (+) value cannot be assumed, use MEA05 as the negative (-) value and MEA06 as the positive (+) value*" at: pp. 12-29 for each of the nine EDI 810 transaction formats listed in footnote 15 above.

¹⁸ See EDI Working Group Report, "[867 Product Transfer and Resale Report](#)", at p. 9 where the "Comment" field notes that for "*any measurement requiring a sign (+ or -), or any measurement where a positive (+) value cannot be assumed, use MEA05 as the negative (-) value and MEA06 as the positive (+) value.*"

¹⁹ Based on billing data received by CPCNH: (1) in EDI 810 files (for the current billing month), Eversource transmits "Peak kW" and "Total kW" and Liberty transmits "Peak kVA" and "Total kW" demand data, and (2) in the EDI 867 files (for the 12 prior billing months), Eversource, Liberty and Unitil transmit "Actual kW" values and Liberty additionally conveys "Actual kVA" demand data.

²⁰ While the NH EDI Standards accommodate transmittal of negative usage data, NHEC's EDI implementation provides excess generation data for "above the cap" net metered systems as a positive number.

supposed to calculate supply charges based on (1) a table of rate structures provided by the supplier to the utility ahead of time (which is referred to as a “rate sheet” by NH utilities) and (2) being told by the supplier which price/rate structure is applicable to each individual customer:

- **“Consolidated Billing Option:** *A billing option whereby the distribution and generation charges are combined on one statement rendered by the Distribution Company.*”
- **“Supplier Pricing Structure Maintained by the Distribution Company:** *A code for the price point that the Customer will be charged for electric service within a particular rate class. Each Competitive Supplier rate class can support a large number of price points.*”
- **“Supplier Rate Code:** *The rate code assigned by the Competitive Supplier to identify the category of service supplied to the Customer. Calculation methods must be consistent with a Distribution Company’s existing tariffs.*”²¹

This is how rate ready consolidated billing was designed to be enabled under the NH EDI Standards. An example of how rate sheets should be structured is provided in the EDI Standards testing documentation, which shows a table allowing for 3-part TOU period energy and demand rates to be input by suppliers for utilities to apply in consolidated billing:²²

RATE KEY	Rate	Price Structure	KWH Price	KW Price	Off Peak KWH Price	Off Peak KW Price	Peak KVA Price	Off Peak KVA Price	Shoulder KWH Price	Shoulder KW Price	Shoulder KVA Price
G002000001	G00	2000001	\$0.020000	\$1.000000							
R011000001	R01	1000001	\$0.028000								
R011000002	R01	1000002	\$0.030000								
R021000002	R02	1000002	\$0.022000								
TOU4000001	TOU	4000001	\$0.350000	\$2.500000	\$0.018000	\$0.750000					
U993000001	U99	3000001	\$0.015000								

The EDI 814 file structure supports transmittal of supplier rate codes,²³ including by meter for accounts with multiple metered service types.²⁴ This reflects the expectation that “[s]uppliers may wish to offer different prices for the different service types” offered to a single customer, e.g., a supplier could offer a lower rate for the “Controlled Hot Water” metered portion of a

²¹Terms excerpted from: EDI Working Group Report, Glossary (fn 12).

²² See EDI Working Group Report, “[EBT Test Conditions](#)”, p. 7.

²³ See EDI Working Group Report, “[814 Account Administration](#),” “Supplier Rate Code” transaction at p. 21.

²⁴ *Ibid.*, “Type of Service Indicator” transaction at p. 15. Note that Eversource appears to convey these legacy codes, while Unitil conveys a generic code “Apply to All Services” for every meter, and Liberty and NHEC do not convey.

customer's load (a separately metered, legacy service in PSNH's territory).²⁵

At present, however, all the utilities have implemented supplier rate sheets²⁶ and/or EDI 814 transactions in noncompliant ways that disregard the above-described logic, and instead limit rather than expand supplier options by providing only volumetric kWh rates for utility rate ready consolidated billing.

- Unitil does not allow suppliers to submit rate sheets, and instead directly requires suppliers to provide a volumetric kWh rate in the EDI 814 "Supplier Rate Code" field for each customer transaction. This is noncompliant.
- Liberty and NHEC maintain rate sheets that only allow suppliers to input non-TOU volumetric kWh rates, and then look up the appropriate rate to charge based on the EDI 814 "Supplier Rate Code" file sent by suppliers for each customer. Note that these implementations are illogical: given that volumetric energy rates can be conveyed directly via EDI 814 files (as Unitil has implemented), a rate sheet is only useful if it allows suppliers to submit more complex rates / pricing structures (i.e., TOU rates and demand charges, credits, etc.). Implementing a rate sheet that only allows for volumetric energy rates simply creates an extra process step with no practical benefit.
- Eversource does not accept rate sheets from suppliers for customers housed on their C2 billing system, and instead directly applies the number provided by suppliers in the EDI 814 "Supplier Rate Code" for individual customers as a volumetric kWh rate (as Unitil does). In contrast, for customers housed on Eversource's Large Power Billing (LPB) System, the utility's rate sheets have separate columns for on-peak and off-peak prices

²⁵ See EDI Working Group Report, Glossary (fn 12), "*Service Identifier*" and "*Type of Service Indicator*", pp. 51-52. (Also included for reference in Appendix B).

²⁶ Screenshots of current utility rate sheets are included in Appendix D.

for each supplier rate code line item, but the utility requires suppliers to submit the same price in each period, and then looks up the appropriate rate to charge based on the EDI 814 “Supplier Rate Code” file sent by suppliers for each customer.

After billing customers, utilities are supposed to report back to suppliers the following amounts charged to customers by TOU period for energy and demand usage: “***Current Customer Charge***”, “***Current Amount***”, “***Current Peak Amount***”, “***Current Off-Peak Amount***”, “***Current Shoulder Amount***”, and “***Current Demand Charge***” accompanied by the “***Demand Value Used by Distribution Company for Billing***.”²⁷ (Refer to Appendix B for full definitions of each of these billing data fields from the NH EDI Working Group Report.)

The EDI 810 file structure — which, as explained in subsection b above, is used to convey the current billing month’s usage for each customer, including negative usage, was also designed to (1) transmit consolidated billed amounts owed by customers for demand charges and by TOU period to suppliers²⁸ and (2) apply credits, not just charges, to compute customer bills.²⁹ Related, the EDI Standards testing documentation includes a consolidated billing example where negative usage generates a supply credit for the customer (a negative charge).³⁰ To clarify, this means that

²⁷Terms excerpted from: EDI Working Group Report, Glossary (fn 12).

²⁸ See EDI Working Group Report, “[810 Product Transfer and Resale Report](#)”, for each of the following usage SAC (summary of allowances, or charges) transaction specifications, which convey billed amounts by TOU period, at: pp. 49-49 for “SAC Allowance, or Charge Information - Current Amount” transaction, where the “Notes” field indicates that the file format can be used to convey “SAC for Current Peak Amount”, “SAC for Off-Peak Amount”, “SAC for Shoulder Amount”, “SAC for Current Demand Charges”, “SAC for Customer Charges”; at pp. 52-53 for the “SAC... Current Off-Peak Amount” transaction”; pp. 54-55 for the “SAC... Current Shoulder Amount” transaction; pp. 56-57 for the “SAC... Current Demand Charges” transaction.

²⁹ See footnote 28: for each of the above-referenced EDI 810 transactions, (1) the “Purpose” section allows billing a customer for a “service, promotion, allowance” (e.g., a credit) in addition to a “charge,” and allows for each to be specified as an “amount or percentage for the service, promotion, allowance, or charge.”, which is (2) also reflected in the “SAC04” field definition (“...code identifying the service, promotion, allowance, or charge”).

³⁰ See EDI Working Group Report, “[Transaction Set Test Plan - ebtstv11](#)”, at p. 16, for an example of a test transaction in which a “-500” kwh is reported in the “Peak/Total KWH” field, which in turn generates a negative customer charge (a credit) and negative amount due supplier. This sample transaction line item is located on the next to last line of the main table, columns 11-34 of which are excerpted here with relevant figures highlighted in yellow:

N	-500										15	19980723	-14	-14	0	0	0	0	-0.7	0	0	-14.7
---	------	--	--	--	--	--	--	--	--	--	----	----------	-----	-----	---	---	---	---	------	---	---	-------

The column headings for the row are on p. 9, and are as follows for the highlighted figures: -500 is “Peak/Total kWh”, -14 is “Current Amount”, -0.7 is “Current Sales Tax Amount”, and -14.7 is “Total Amount due Supplier”.

the current EDI 810 definition supports provision of credits to customers on consolidated billing, such as for crediting NM customers for excess generation.

As described above, all of the utilities have implemented the EDI 814 and supplier rate sheets for use in rate ready consolidated billing in ways that preclude suppliers from submitting anything except a flat, volumetric kWh supply rate for the utility to use when billing competitive supply customers. Consequently, the more advanced rate ready consolidated billing functionality in the NH EDI Standards, supporting provision of supplier TOU energy and demand charges, and application of credits, has never been enabled.

IV. Accomplishments of the NH EDI-EBT Working Group To-Date

The NH EDI-EBT Working Group has done and can do nothing further, at present, to implement the NH EDI Standards, because the IOUs have asserted that they are already in full compliance thereof and have refused to consider modifying their EDI and billing systems to provide suppliers with NM/TOU billing determinants and enable dual billing for NM/TOU customers unless the Commission orders it. Consequently, the working group has been limited to (1) providing an initial review of the proposed changes prepared by CPCNH and Calpine to provide NM/TOU billing determinants to suppliers and enable dual billing for NM/TOU customers and (2) compiling guides documenting the current capabilities of each utility's EDI system.

After discussing the CPCNH/Calpine proposal and agreeing to direct it to the EDI Standards Subgroup for further review, participants in the EDI-EBT Business Rules Subgroup agreed that future meetings would be suspended, pending Commission ordered changes to utility EDI, billing systems, and load estimation/settlement systems. The EDI Standards Subgroup has continued to meet and has conducted an initial review of the CPCNH and Calpine dual billing proposal. The Subgroup agreed the CPCNH/Calpine dual billing proposal should be finalized

and implemented, contingent upon Commission direction in this proceeding along with any additional changes so ordered. The Subgroup is also working to finalize EDI guides documenting how each utilities' EDI system currently functions in NH.

Eversource, Unitil, and Liberty implemented the EDI requirements of Massachusetts and have updated and maintained their EDI systems through the Massachusetts EBT Working Group. Consequently, the first step in the process of documenting each IOU's EDI capabilities was to update the Massachusetts EBT Group Guide, as the then-current Massachusetts guide was several years out of date. This has been drafted, approved by the Massachusetts EBT Working Group, and been posted to the NH EDI-EBT Working Group webpage maintained by the DOE.³¹ The EDI Standards Subgroup is now working to update the Massachusetts guide with notations documenting differences in the extent of NM/TOU customer data made available via EDI by each IOU in their NH service territories, to capture certain capabilities that conform with NH EDI Standard requirements.³² The NHEC has mostly implemented the NH EDI Standards, and the EDI Standards Subgroup is currently finalizing an EDI guide documenting for this as well. The EDI Standards Subgroup is scheduled to next meet on July 9, 2024.

V. Description of EDI, Billing, and Load Estimation & Settlement Features Sought

a. EDI and Billing Service Reforms

The Joint Intervenors seek implementation, on an expedited basis, of the changes to EDI and billing systems required to enable dual billing for NM/TOU customers. The necessary changes by utility are provided in Appendix C. These include provision of billing determinants for

³¹ See Massachusetts EBT Group Guide, Massachusetts Electronic Business Transactions Standard For Electronic Data Interchange, Ver 2.1, 2/6/24. Online: <https://www.energy.nh.gov/sites/g/files/ehbemt551/files/inline-documents/sonh/updated-ma-edi-implementation-guides.pdf>

³² In NH, for example, (1) Unitil provides historic net export (negative usage) usage data for NM customers for the prior 12 months, but not for the current billing month, whereas Eversource and Liberty do not provide any net export usage data, and (2) Eversource provides 2-part TOU usage data for the current billing month, but not for the prior historic 12 months, whereas Unitil and Liberty do not provide any usage data by TOU period via EDI.

NM/TOU customers from utilities to suppliers, and related updates (e.g., ensuring utilities update suppliers when a customer begins to net meter, elects a TOU rate, etc.), which would also be necessary components of enabling consolidated billing for NM/TOU customers.

The subsequent, additional changes required to enable rate ready consolidated billing for NM/TOU customers are provided in Appendix D. Related, Appendix E provides a proposed template rate sheet for suppliers to use when submitting pricing/rate structures to utilities for application in rate ready consolidated billing, which the Joint Intervenors recommend standardizing on a statewide basis to ensure utilities do not unduly constrain the types of pricing/rate structures suppliers should be able to submit for use in consolidated billing.

These proposals represent changes that implement key functionality required by the original NH EDI Standards or are logical extensions and updates that benefit consumers. However, the utilities are not in uniform compliance with these key requirements, and as such, the updates to enable rate ready consolidated billing for NM/TOU customers in Appendix D and E would be expected to incur non-trivial billing system programming and ongoing maintenance expenses.

As such, the Joint Intervenors recommend potential expansions to consolidated billing services — comprised of the rate ready proposal (Appendices D and E), the IOU's \$8.9 million bill ready billing proposal, dual billing, or the potential other alternatives thereto previously described by CPCNH of enabling supplier consolidated billing or having a third-party administer bill ready consolidated billing on a statewide basis³³ — be evaluated in a subsequent phase of this proceeding to determine which option would best support a robust competitive retail electric market in New Hampshire

³³ For a discussion of the four consolidated billing options, refer to [CPCNH's Reply to Joint Utilities Objection to Community Power Coalition of New Hampshire and Conservation Law Foundation Motion](#), 4/26/24, at pp. 2-4.

b. Related Minor Updates to CPA Reporting Pursuant to Puc 2200 Rules

The Commission should require the IOUs to continue to identify individual TOU and NM customers in Puc 2204.03(a) and Puc 2205.05(b) reports. The Joint Intervenors have previously explained that this is necessary for CPAs to successfully enroll NM/TOU customers in aggregate, as this data is needed in advance of the opt-out notification and enrollment process.³⁴

c. Load Estimation and Settlement Reforms

The Joint Intervenors have previously described the current inaccuracies with utility load estimation and settlement processes, which are causing substantial and growing inaccuracies and cost shifting between suppliers and are blocking suppliers from receiving the financial benefit of excess generation and load shifting from NM/TOU customers that would otherwise lower supplier ISO-NE wholesale charges.³⁵ As such, revisions to load estimation and settlement are necessary to provide a financial basis for suppliers to offer time-varying rates and compensation to NM customers for excess generation. The Joint Intervenors' initial recommendations for updating load estimation methodologies, for Commission and party consideration and refinement over the course of this proceeding, are provided in Appendix F.

In addition, the Joint Intervenors recommend that the Commission evaluate whether a third-party should be responsible for providing load estimation and settlement services, instead of continuing to rely on individual utilities to do so. As context, Unitil, Liberty, and the NHEC all currently contract with the same independent third-party to perform their load estimation and settlement responsibilities. It is the Joint Intervenors' understanding that Eversource, however, contracted with ABB, Inc. to customize load estimation and settlement software for the utility to

³⁴ See 3/28/24 Joint Motion, ¶ 17.

³⁵ See 3/28/24 Joint Motion, ¶ 19. See also, [CPCNH's Reply to Joint Utilities Objection to Community Power Coalition of New Hampshire and Conservation Law Foundation Motion](#), 4/26/24, pp. 4-8.

operate and maintain in-house. Based upon conversations with utility representatives, (1) this was a non-trivial expense that Eversource incurred in recent years, (2) the software was not designed to incorporate excess generation data into the load estimation process for allocation to NM customers' suppliers and (3) the software cannot easily be modified. Recent data request responses from Eversource indicates that allocation of excess generation data to NM customers' suppliers would entail non-trivial expenses for the utility.³⁶

As such, the Joint Intervenors recommend evaluating, in this proceeding, whether it is in the public interest for an independent third-party provider to be responsible for estimating hourly loads and capacity load obligations for suppliers across all four utility service territories, for submission to ISO-NE for wholesale market settlements, along with Individual Peak Load Contribution (ICAP) tags, as an alternative to continuing to rely upon utilities to perform these functions.

CONCLUSION

We appreciate the opportunity to provide the Commission with this Brief and Supplemental Order of Notice included in Appendix G. Now is the time to move forward with New Hampshire's policy choice to more fully enable customer choice and the value and savings that can be added through innovation in a more competitive retail electricity market.

Respectfully submitted this 14th day of June 2024

Community Power Coalition of New Hampshire



by Chair Clifton Below

Conservation Law Foundation

/s/ Nick Krakoff

by Senior Attorney Nick Krakoff, Esq.
Conservation Law Foundation

³⁶ See DE 22-060 Eversource and Liberty response to CENH Data Request No. CENH 3-002 available as [Attachment A to the Joint Rebuttal Testimony of Eversource, Liberty and Unitil at Bates pp. 35-38](#).