

STATE OF NEW HAMPSHIRE
before the
PUBLIC UTILITIES COMMISSION

DOCKET NO. DE 23-063

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

JOINT UTILITY INITIAL BRIEF

Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (the “Utilities”) provide this initial brief to the New Hampshire Public Utilities Commission (the “Commission”) on (1) whether the Utilities 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 New Hampshire law requires implementation of billing features referred to by the Community Power Coalition of New Hampshire and Conservation Law Foundation in their motion filed on March 28, 2024 and requested by other parties, including dual billing for net-metered and time of use customers on competitive supply, 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 require utility EDI systems to support, and what work has been accomplished as of this date by the EDI Working Group to implement these standards. In support of this brief, the Utilities state the following:

Temporary and/or permanent waiver of Puc 2205.16(d)(1), Puc 2204.02(a)(2), and Puc 2205.13(a)(7) for the Utilities

As for the first item, the Commission already granted the Utilities a temporary waiver of Puc 2205.16(d)(1) for the duration of this proceeding, and to Eversource from Puc 2204.02(a)(2) and 2205.13(a)(7) until customer-generator export data can be provided in the reports required by those rules. These temporary waivers are appropriate, because “[c]ompliance with the rule[s] would be onerous or inapplicable given the circumstances of the [Utilities]” which is the standard for a public interest finding required by Puc 201.05 for the Commission to grant a waiver; the Utilities are not able to comply with the provisions, and so temporary waiver is necessary. To determine whether permanent waiver is appropriate, the Commission needs only to determine whether the cost of the Utilities’ proposal to implement bill-ready billing is in the public interest, which will require consideration of whether the estimated \$9 million cost constitutes an unjust or unreasonable cost shift. The Utilities stand ready to implement the bill-ready proposal should the Commission find the costs of bill-ready billing to be in the public interest and direct the Utilities to do the work necessary to offer it. However, if the Commission finds that the costs constitute an unjust cost shift to customers and are not in the public interest, then a permanent waiver would be warranted as compliance with Puc 2205.16(d)(1) would not be possible,

Dual billing for net-metered and time of use customers on competitive supply

Regarding the second issue outlined by the Commission, the Utilities can only provide information regarding the legality question. The Utilities are not privy to all relevant details of what CPCNH has envisioned with their dual billing plan, but to the extent that utility enterprise systems and utility staff would be required to implement CPCNH’s plans to offer such services on an ongoing basis, the Utilities must have a comprehensive description of all desired features. In

fact, should the CPCNH “proposal” for dual billing net meter and time-of-use (“TOU”) customers be added to the scope of this docket¹, the Utilities would insist that the Coalition submit a complete written proposal with supporting narrative testimony and any other supporting documentation to provide a sufficiently detailed and granular concept that will afford the Utilities the opportunity for full due process on the proposal, specifically so that the Utilities may ascertain what is being requested of them and the resources required to bring that thing about, including level of effort, costs, and time.

CPCNH would like to issue net metering (“NM”) credits and bill TOU rates directly to their customers via dual billing. As far as the Utilities’ petition in this docket regarding compliance with Puc 2205.16(d)(1) is concerned, the Utilities reiterate that dual billing a certain subgroup of customers is not an alternative to bill-ready billing for the reasons discussed in the Utilities’ April 5 and April 30 objections to the CPCNH motion, and so is not required by, nor a substitute for, the requirement to offer bill-ready billing under that rule. The Utilities currently allow competitive suppliers to dual bill, so that is already an option. However, there is no requirement to enable CPAs to dual bill a specific type of customer. CPCNH has not proposed to provide a service to all CPAs – this is a request that only serves one entity, CPCNH. There is no rule or law that mandates the Utilities fulfill any particular business service objective of a single entity. The Commission could, should it find the costs to do so to be in the public interest, approve a proposal made by CPCNH that would enable them to dual bill net metered and TOU

¹ The Utilities maintain that CPCNH’s concept for serving net meter and TOU customers by dual billing them is outside the narrow scope of this proceeding, which is to evaluate the Utilities’ bill-ready billing proposal to determine if the costs are in the public interest, and if not, to grant a waiver from Puc 2205.16(d)(1). Authorizing dual billing cannot satisfy the Utilities’ obligation under Puc 2205.16(d)(1), as discussed further in this brief.

customers. But such an approval would not satisfy any existing legal or regulatory obligation of the Utilities, nor is such an approval required by any existing law.

Utility billing systems and the New Hampshire Electronic Data Interchange (EDI) Standards

As a point of clarity, the EDI Standards do not require any particular kind of utility billing system. The EDI Standards were designed to work with the then-existing functionality of each of the Utilities' billing systems. There is no rule or law pertaining to the billing functionality that a utility must offer its customers, and no statewide requirement standardizing how the Utilities must bill their customers. Each of the Utilities has a different billing system or systems, investments in which have all been deemed prudent by the Commission. None of the Utilities are in violation of the Puc 1200 rules on billing and customer service, and no party has asserted that this is the case. Existing EDI Standards place no mandate on the Utilities to have certain billing functionality. As for the New Hampshire EDI standards, it is the Utilities' understanding that the EDI Working Group on implementation is finalizing a complete set of EDI Standards for New Hampshire that reflect current practices.²² The Utilities expect that the soon-to-be-finalized New Hampshire EDI Standards will embody the functionality that is currently being supplied by the Utilities today. Where the EDI Standards evolve from here will likely be determined by the outcome of this proceeding, at least in part. If changes to the EDI Standards are to be contemplated, the appropriate sequence for considerations of those changes would be, first, to determine what billing or data sharing functionality is to be enabled. Second, analyze the current capabilities of the Utilities and determine what, if any, changes and work must be done to offer that functionality. And only then direct the EDI Working Group to implement the EDI changes that are necessary so that the desired

²² Up to this time the Utilities have all been availing themselves of the Massachusetts EDI Working Group, as that group has remained active over the years, and provides the necessary guidance to maintain EDI operations.

functionality may be offered. In short, the EDI Standards do not guide utility billing-system functionality. Rather, it is current utility billing-system functionality combined with the cost, time and effort required to make any necessary changes or additions to that functionality that provide guidance to the EDI Standards. Put another way, the EDI Standards are an execution manual of sorts for utility billing and data sharing functionality.

Conclusion


The Utilities appreciate this opportunity to provide this brief to the Commission, and hope it provides valuable insight. The Utilities plan to provide a draft Supplemental Order of Notice at the time the Utilities submit their reply brief.

Respectfully submitted,

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE
d/b/a EVERSOURCE ENERGY


____6/14/2024____

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Director, Legal Services

CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

____ 6/14/2024 ____
Date

____  ____
Jessica A. Chiavara