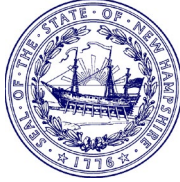


STATE OF NEW HAMPSHIRE

COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.



TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-3670

Website:
www.energy.nh.gov

DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

June 14, 2024

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

Re: 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. – DOE Initial Comments

Dear Chairman Goldner:

On May 15, 2024, the New Hampshire Public Utilities Commission (Commission) issued its *Prehearing Order Re: Briefing Schedule* in the above captioned docket wherein in the Commission requested that the parties submit briefs on the following issues highlighted below. As such, the New Hampshire Department of Energy (Department) provides the following comments and reserves the right to submit a reply as outlined in the May 15 Prehearing Order.

- 1) Whether Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource), Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty), and Unitil Energy Systems, Inc. (Unitil) (together “Joint 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?**

a. Puc 2204.02(a)(2), and Puc 2205.13(a)(7)

The Commission should preserve the waivers of Puc 2204(a)(2) and Puc 2205.13(a)(7) previously granted to Eversource in this docket.¹ As the Commission has noted, Puc 2201.03 and Puc 201.05 authorize the Commission to waive the provisions of any of its rules upon finding that waiver serves the public interest and will not disrupt the orderly and efficient resolution of matters before the commission. Puc 201.05(a)(1)-(2).

¹ To date, Eversource is the only utility to request a waiver of these provisions.

The public interest criterion is informed by whether compliance with the rule would be onerous or inapplicable given the circumstances and whether the rule would be satisfied by an alternative method. Puc 201.05(b)(1)-(2). No statute or rule specifically addresses short-term or interim waiver requests, however the Commission has granted temporary waiver related to Puc 2200 rules on a case-by case basis during the pendency of waiver request proceedings. *See e.g.,* Docket Nos. DE 22-072 and DE 22-080. In its *Prehearing Order* dated September 29, 2023, the Commission granted Eversource a waiver of Puc 2204.02(a)(2)² and 2205.13(a)(7)³ from the date of the petition’s filing until such time as capabilities are implemented. The Department believes this was an appropriate decision by the Commission.

b. Puc 2205.16(d)(1)

In their petition, the Joint Utilities requested the Commission grant temporary or permanent waivers of Puc 2205.16(d)(1). Puc 2205.16(d)(1) states, “When a CPA elects to utilize consolidated billing service for any customer, the CPA shall also elect to: [...] Calculate the charges or credits for electricity supply and services for the customer in accordance with the CPA’s customer classes or rate structures, *based upon customer usage data provided by the customer’s utility*, and provide such charges or credits to the utility for presentment on the customer’s bill;” (emphasis added). The Joint Utilities’ petition requested, “either temporary waivers from [Puc 2205.16(d)(1)] while the necessary implementation work is conducted or permanent waivers should the Commission determine that implementation costs, which would be borne by all customers, are not in the public interest.”⁴

To the extent they cannot provide the data required under Puc 2205.16(d)(1), the Joint Utilities should be granted temporary waivers until the Commission determines the appropriate path for compliance, and the reasonableness of any associated costs. If ultimately, the utilities are not required to provide data required by Puc 2205.16(d)(1), whether because the Commission determines that the cost is unreasonable or otherwise, then each utility should be granted a permanent waiver, as necessary.

² Puc 2204.02(a)(2) states, “After the commission has approved a final aggregation plan pursuant to Puc 2204.01 and the legislative body of a municipality or county has voted to approve the community power aggregation plan each utility serving the CPA service area shall provide to the municipality or county, within 30 calendar days of a written request therefor, the following anonymized customer-specific usage and related information for all customers currently receiving default service provided by the utility within the CPA service area, sorted or identified by customer rate class: [...] (2) The most recent 24 months of usage data in kWh for each reported interval if available, or 12 months otherwise;”

³ Puc 2205.13(a)(7) states, “Once an individual utility customer has become a customer of a CPA, the utility shall provide to the CPA the following information, which may be provided through EDI access or otherwise, for each such customer, to the extent applicable: [...] (7) The most recent 24 months, if available, or 12 months otherwise, of usage data in kWh for each monthly interval for accounts reported in monthly intervals for load settlement, and for each hourly interval for accounts reported in hourly intervals for load settlement;”

⁴ The September 29 Prehearing Order granted the Joint Utilities’ request for waiver of Puc 2205.16(d)(1) for the duration of this proceeding.

2) Whether 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, is required under New Hampshire law, together with a comprehensive description of the features sought?

It is the Departments position that there is no specific billing modality that is required under New Hampshire law. Rather, if a Community Power Aggregator (CPA) elects to use consolidated billing pursuant to Puc 2205.16, the Commission should determine the reasonableness of any costs associated with the varying paths of compliance with this rule. In their March 28, 2024, filing, in relevant part, the Community Power Coalition and Conservation Law Foundation provided the following summary of the billing features for which they seek implementation:

For CPAs and CEPS, the preferred option is to offer competitive rates through a consolidated bill.⁵ In order of efficiency and lowest hurdle to competition, a rate-ready consolidated bill that can present and calculate CPA and CEPS non-standard supply rates is preferred; followed by a bill-ready consolidated bill option, where the CPA and CEPS use their computer systems to calculate the charge and credit and supply them to the electric distribution utility to present on the bill; and lastly, the use of dual billing, where the CPA or CEPS calculates the charges and credits and separately bills the customer for those charges. Each level of reduced efficiency removes a task that the EDU needs to perform, whereas dual billing removes the calculation and billing obligations for these supply rates from the EDUs entirely.

See Docket No. 23-063, Joint Parties Motion for a Supplemental Order of Notice, Testimony, and Pre-Hearing Conference, and to Grant Additional Temporary Waivers to Eversource, Unitil, and Liberty Utilities at 2 (March 24, 2024).

The Department's understanding is that each type of billing described above would require a different amount of investment from the utility. As stated in its April 3 2024 Recommendation Letter, the Department recommends that the Commission issue a supplemental order of notice in this docket to examine a final proposal from CPCNH with its requirements for dual-billing. Once that proposal is submitted, the Department anticipates the utilities would be able to then provide timing and cost estimates to enable dual-billing for net metered and time of use customers. Given the numerous meetings and discussions since the utilities first submitted the bill-ready billing proposal, the

⁵ For context, Puc 2205.16(d)(1) requires the utilities to provide what is informally known as "bill-ready billing." Bill-ready billing allows an energy aggregator or supplier to calculate the amount due for the energy supply portion of a customer bill, while still using utility facilitated consolidated billing service for the presentment and collection of that amount. Bill-ready billing is different from "rate-ready billing" consolidated billing service where the supplier or aggregator provides the utility with a volumetric rate or rates for energy supply and the utility calculates the bill amount.

Department expects the utilities may want to review and further refine the bill-ready billing proposal as well. At that point in time, the Commission, with Department input, may appropriately compare the utilities' previously submitted bill-ready billing proposal, or a refined version thereof, and the newly formulated dual-billing proposal to determine the most suitable path forward.

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 parallel with this proceeding, and based on feedback from relevant stakeholders, on December 5, 2023 the Department announced that the EDI-EBT Working Group would convene in early 2024. Subsequently, there have been several meetings of the Working Group in a 'Business Policy' Subgroup and a 'Technical Standards' Subgroup. Effectively, the goal of the Business Policy Subgroup was to determine what type of billing modality should be utilized, and the Technical Subgroup would work through the technical implementation. After agreement among the stakeholders, the goal of both groups over the past several months has been to enable the provision of data necessary to accommodate dual-billing for net metered and time of use customers on competitive supply, including those customers in municipalities with community power aggregations.

After it was determined that the utilities could not provide the data necessary for dual-billing without investing in IT upgrades, the Department suspended the meetings of the Business Policy Subgroup pending a determination on whether the utility would be entitled to cost recovery for these IT upgrades. The Technical Standards Subgroup has convened on two occasions since the Department's April 4 filing to discuss and document the EDI transactions supported by each utility as well as the specific capabilities and requirements of the utilities and suppliers relative to the provision of data necessary for dual-billing.

Sincerely,



Matthew C. Young
Hearings Examiner/Staff Attorney

cc: Docket Service List



View Service Lists

[Home](#) (../Regulatory/regulatory.htm)

A A A

Service List - Docket Related

Docket# : 23-063

Printed: 6/14/2024

Email Addresses

ClerksOffice@puc.nh.gov
denise@colonialpowergroup.com
Michelle.Azulay@libertyutilities.com
W.Baber@dover.nh.gov
Scott.T.Balise@energy.nh.gov
Clifton.Below@CommunityPowerNH.gov
brian.callnan@communitypowernh.gov
Mark@colonialpowergroup.com
lisa.carloni@eversource.com
yi-an.chen@eversource.com
jessica.chiavara@eversource.com
dawn.coskren@eversource.com
Deana.Dennis@CommunityPowerNH.gov
Energy-Litigation@energy.nh.gov
Daryush.Donyavi@eversource.com
Aaron.Downing@eversource.com
Stephen.R.Eckberg@energy.nh.gov
gepler@clf.org
thomas.c.frantz@energy.nh.gov
helen.gagnon@eversource.com
sandra.gagnon@eversource.com
golding@communitychoicepartners.com
tirwin@clf.org
nkrakoff@clf.org
donald.m.kreis@oca.nh.gov
jared.lawrence@eversource.com
Alyssa.Maston@libertyutilities.com
karen.j.moran@energy.nh.gov
nhregulatory@eversource.com
elizabeth.r.nixon@energy.nh.gov
amanda.o.noonan@energy.nh.gov
ocalitigation@oca.nh.gov
sormsbee@colonialpowergroup.com
marisa.paruta@eversource.com
katherine.provencher@eversource.com

michael.sheehan@libertyutilities.com
taylorp@unitil.com
Charles.J.Underhill@oca.nh.gov
jvanrossum@clf.org
Matthew.C.Young@energy.nh.gov
Adam.Yusuf@Libertyutilities.com

Without Email Addresses

All

ClerksOffice@puc.nh.gov

Denise Allard
Colonial Power Group, Inc.

denise@colonialpowergroup.com

Michelle Azulay
Liberty Utilities

Michelle.Azulay@libertyutilities.com

William Baber
City of Dover

W.Baber@dover.nh.gov

Scott T Balise
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
Scott.T.Balise@energy.nh.gov

Clifton Below
Community Power Coalition of New Hampshire

Clifton.Below@CommunityPowerNH.gov

Brian Callnan
Community Power Coalition of New Hampshire

brian.callnan@communitypowernh.gov

Mark Cappadone

Mark@colonialpowergroup.com

Lisa Carloni
Eversource Energy

lisa.carloni@eversource.com

Yi-an Chen
Eversource Energy

yi-an.chen@eversource.com

Jessica Chiavara
Eversource Energy

jessica.chiavara@eversource.com

Dawn Coskren
Eversource Energy

dawn.coskren@eversource.com

Deana Dennis
Community Power Coalition of New Hampshire

Deana.Dennis@CommunityPowerNH.gov

Department of Energy
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
Energy-Litigation@energy.nh.gov

Daryush Donyavi
Eversource Energy

Daryush.Donyavi@eversource.com

Aaron Downing
Eversource Energy

Aaron.Downing@eversource.com

Stephen Eckberg
Department of Energy

Stephen.R.Eckberg@energy.nh.gov

Gary Epler
Conservation Law Foundation

gepler@clf.org

Thomas C Frantz
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
thomas.c.frantz@energy.nh.gov

Sandra Gagnon

780 N. Commercial St.
Manchester NH 03102
sandra.gagnon@eversource.com

Helen Gagnon
Eversource Energy

helen.gagnon@eversource.com

Samuel V Golding
Community Choice Partners
12 South Spring St.
Concord NH 03301
golding@communitychoicepartners.com

Thomas F Irwin
Conservation Law Foundation
27 North Main St
Concord NH 03301-4930
tirwin@clf.org

Nicholas Krakoff
Conservation Law Foundation

nkrakoff@clf.org

Donald M Kreis
Office of Consumer Advocate
21 South Fruit St Ste 18
Concord NH 03301
donald.m.kreis@oca.nh.gov

Jared Lawrence
Eversource Energy

jared.lawrence@eversource.com

Alyssa Maston
Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty

Alyssa.Maston@libertyutilities.com

Karen J Moran
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
karen.j.moran@energy.nh.gov

NHRegulatory
Eversource Energy

nhregulatory@eversource.com

Liz R Nixon
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
elizabeth.r.nixon@energy.nh.gov

Amanda O Noonan
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
amanda.o.noonan@energy.nh.gov

OCA Litigation
OCA Litigation
21 South Fruit St Ste 18
Concord NH 03301
ocalitigation@oca.nh.gov

Stuart Ormsbee
Colonial Power Group, Inc.
5 Mount Royal Ave.
Westborough MA 01581-2863
sormsbee@colonialpowergroup.com

Marisa Paruta
Eversource Energy

marisa.paruta@eversource.com

Katherine Provencher
Eversource Energy
780 N. Commercial St
Manchester NH 03105-0330
katherine.provencher@eversource.com

Michael Sheehan
Liberty Utilities
15 Buttrick Rd
Londonderry NH 03053
michael.sheehan@libertyutilities.com

Patrick H Taylor
Unitil Energy Systems, Inc.
6 Liberty Lane West
Hampton NH 03842
taylorp@unitil.com

Charles J Underhill
Office of Consumer Advocate

Charles.J.Underhill@oca.nh.gov

Johanne S Van Rossum
Conservation Law Foundation

jvanrossum@clf.org

Matthew C Young
Department of Energy
21 South Fruit St Ste 10
Concord NH 03301
Matthew.C.Young@energy.nh.gov

Adam Yusuf
Liberty Utilities

Adam.Yusuf@Libertyutilities.com