

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-048

COUNTY OF MERRIMACK

**Request for Approval of County of Merrimack Community Power Plan
Commission Approval of Community Power Aggregation Plan**

ORDER NO. 27,003

May 3, 2024

In this order, the Commission approves Merrimack County's (Merrimack) Community Power Electric Aggregation Plan (Plan), which provides that municipalities within Merrimack County may provide default electric service to retail electric customers within their boundaries on an opt-out basis by a majority vote of their respective governing bodies.

I. BACKGROUND

On March 22, 2024, Merrimack submitted a request for approval of a community power aggregation plan to provide electric power supply and services for residents, businesses, and other entities in Merrimack County pursuant to RSA chapter 53-E. Accompanying its request, Merrimack submitted the text of its Plan with attachments. On March 27, 2024, the Commission issued an order of notice establishing a deadline for comments on Merrimack's Plan. No comments were received.

Merrimack's request, along with all subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, is posted at: <https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-048.html>.

II. COMMISSION ANALYSIS

The Commission reviewed Merrimack's Plan pursuant to RSA 53-E:7, II and N.H. Admin. R. Puc 2204.01(c), both of which provide that the Commission shall

approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules.

RSA 53-E:7, II also provides specific direction on the process to be used for the submission of such plans, including the following requirements: 1) on the same day the plan is submitted to the Commission, copies shall be provided to the Office of the Consumer Advocate and any electric distribution utility providing service within the jurisdiction of the municipality; 2) the Commission shall accept public comments for 21 days thereafter; and 3) the Commission's review of the plan and comments shall not require a contested case. N.H. Admin R. Puc 2204.01 (a) also requires notification of aggregation plan filings be made with the New Hampshire Department of Energy. Merrimack's submission complied with these procedural requirements.

Pursuant to RSA 53-E:6, I, "[a] county plan may provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies." See also Puc 2205.04. Multiple municipalities within Merrimack County already have approved community power aggregation plans, including Canterbury, see Order No. 26,785 (March 17, 2023); Allenstown, see Order No. 26,843 (June 8, 2023); Pembroke, see Order No. 26,825 (May 22, 2023); Webster, see Order No. 26, 867 (August 1, 2023); New London, see Order 26,886 (September 18, 2023); Newport, see Order 26,916 (December 20, 2023); Newbury, see Order 26,921 (December 22, 2023); Boscawen, see Order No. 26,949 (February 20, 2024); Loudon, see Order No. 26,965 (March 13,

2024); Bradford, *see* Order No. 26, 967 (March 14, 2024); Pittsfield, *see* Order 26,991 (April 8, 2024); Hopkinton, *see* Order No. 26,990 (April 8, 2024).

RSA 53-E:7 addresses county opt-out default service programs, requiring that:

1) the governing body of a county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out aggregation program, to be approved by a majority of those present and voting, *see* RSA 53-E:7, I; 2) every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the Commission to determine whether the plan conforms to statutory and regulatory requirements, *see* RSA 53-E:7, II; and 3) after a plan is adopted or revised to include opt-out service, the county shall mail required notifications, hold required public information meetings, and that the rate or price for electric energy and energy services must be known at least 30 days in advance of application and that the customer have the opportunity to opt out for a period of not less than 30 days from the date the required notification is mailed. *See* RSA 53-E:7, III-V.

As the second county plan to be filed, Merrimack's Plan proposes a program that will operate in the first instance on an opt-in basis for any retail electricity customers within the county. Opt-in plans do not require Commission approval. Merrimack's Plan, however, may also facilitate opt-out service for retail electricity customers located within any Merrimack County municipality that subsequently votes to utilize the Merrimack Plan on an opt-out basis. To that end, the Merrimack Plan may serve customers in the future on an opt-out basis, consistent with RSA 53-E:6, I and Puc 2205.04.


Merrimack's Plan was developed under the authority of its county commissioners. The Plan states that default electricity service may be provided on an

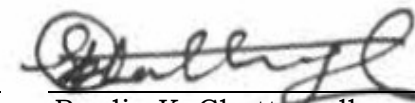
opt-out basis for those municipalities within the county that request to join the program by a majority vote. See Plan at 11. The Commission approves the Plan's contingent opt-out service provisions for any Merrimack County municipality that subsequently votes to participate in the Merrimack Plan and that does not have an existing community power aggregation plan or program.

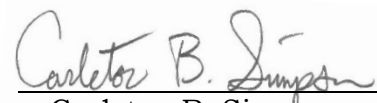
Based on our review of the remainder of the Plan, we have determined that Merrimack's Plan contains an adequate level of detail of the RSA 53-E:6's statutory criteria, other applicable statutory requirements, and applicable rules including N.H. Admin R. ch. 2200. Merrimack is a member of the Community Power Coalition of New Hampshire (CPCNH), a joint powers agency authorized under RSA 53-A. As a member of CPCNH, Merrimack's Plan indicates that it will likely utilize (but is not required to) CPCNH's joint resources with other member-municipalities, including shared third-party services, staff support, power solicitations, local project development, information sharing, and public advocacy.

Based upon the foregoing, it is hereby determined that the County of Merrimack's Request for Plan Approval is **APPROVED**.

By order of the Public Utilities Commission of New Hampshire this third day of May, 2024


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner

Service List - Docket Related

Docket#: 24-048

Printed: 5/3/2024

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