

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DE 24-104

TOWN OF DUNBARTON

**Request for Approval of Dunbarton Community Power Plan
Commission Approval of Community Power Aggregation Plan**

ORDER NO. 27,067

October 24, 2024

In this order, the Commission approves the Town of Dunbarton's (Dunbarton or Town) Community Power Electric Aggregation Plan (Plan).

I. BACKGROUND

On September 20, 2024, Dunbarton 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 Dunbarton pursuant to RSA chapter 53-E. In addition to the request for approval, the Town submitted the proposed Plan with attachments.

On September 25, 2024, the Commission issued a supplemental order of notice establishing a deadline for comments on the Plan. The Office of the Consumer Advocate (OCA) filed a comment on September 25, 2024, expressing concern that the Plan does not default to the least expensive option and that the opt-out period is not sufficient. Dunbarton provided a response to the OCA comments on October 11, 2024.

All docket filings, other than information for which confidential treatment is requested of or granted by the Commission, are posted to the Commission's website at <https://www.puc.nh.gov/Regulatory/Docketbk/https://www.puc.nh.gov/Regulatory/Docketbk/2024/24-104.html>.

II. COMMISSION ANALYSIS

The Commission has reviewed the Plan pursuant to RSA 53-E:7, II, as amended, which states 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, 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. The Town's submission complied with these procedural requirements.

The OCA expressed concerns that the Dunbarton Default plan, which customers would be placed on unless they opt into another tier, is not the tier most similar to the default service in terms of either cost or renewable content. As described in the Plan, the Dunbarton Basic tier is comparable in renewable content to the default energy service and the Dunbarton Default tier includes an additional five to ten percent renewable content. See OCA September 25, 2024 comment at 1. The OCA asserts that community power aggregation plan should automatically place customers on the plan that is comparable to the default service and allow customers to opt into higher renewable content. The OCA also asserts that the proposed plan does not

provide for sufficient time to opt out due to the current state of the US Postal Service. Dunbarton notes in its October 11, 2024 response that the Plan was developed with local input, including surveys and public comments and argues that they have complied with the required elements and timing for opt out provisions. See Town's October 11, 2024 response.

While the Commission understands the OCA's concerns regarding the Plan's default tier not being equivalent to the default service, the Town is not statutorily required make such equivalencies. The Commission has limited discretion in denying proposed community power plans and is obligated to approve a plan that does not substantially fail to meet a statutory or rule requirement.

In this instance the Commission agrees with the OCA that placing electric customers within the municipality on its Dunbarton Basic plan unless the customer opted into another tier would be in the best interest of the electric customers. However, RSA 53-E has not provided the Commission with the authority to deny a plan on this basis. As the Town correctly pointed out, RSA 53-E allows the Town to present a Plan to its constituents that does not place customers in the least expensive electric service group. If the Town complies with the requirements of 53-E:7 and the Plan is approved by the town's legislative body, the Commission cannot reject a plan on the grounds outlined by the OCA.


As written, the Plan does indicate that the default option is not the least expensive option and states that the Plan intends to provide for additional renewable energy than the default service. Currently, no statute prevents a community aggregator from adopting a plan providing renewable content beyond the state minimum requirements as default. RSA 53-E:6, II requires a community aggregator to meet *at a minimum* the basic standards established, meaning the plan is allowed to go

beyond the standard. The Town is obligated to include costs to participants and must indicate if services are opt-in or opt-out. Furthermore, RSA 53-E:7 requires an opt-out period of *at least* 30 days and does not require consideration of postal matters. The Plan's 37 day period is statutorily sufficient. Finally, although we have found that the Plan provides all relevant and required information, we do note that a clear explanation in the educational material of which tier is equivalent to the default service would be beneficial to consumers.


Based on our review of the Plan, we have determined that the Plan does not substantially fail to meet applicable requirements of RSA chapter 53-E or applicable rules. The Plan contains an adequate level of detail of RSA 53-E:6's statutory criteria, other applicable statutory requirements, and applicable rules including Puc ch. 2200.

Based upon the foregoing, it is hereby determined that the Town of Dunbarton's Request for Approval of its Plan is GRANTED.

By order of the Public Utilities Commission of New Hampshire this twenty-fourth day of October, 2024.



Daniel C. Goldner
Chairman



Pradip K. Chattopadhyay
Commissioner

Service List - Docket Related

Docket#: 24-104

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