

Note: highlighted text is additional or materially different language than in 10/25/21 DOE proposal.

1 **Adopt Chapter Puc 2200 to read as follows:**

2
3 CHAPTER Puc 2200 MUNICIPAL AND COUNTY AGGREGATION RULES

4
5 PART Puc 2201 PURPOSE AND APPLICATION OF THE RULES

6
7 **Puc 2201.01 Purpose.**

8
9 The purpose of Puc 2200 is to implement the provisions of RSA 53-E to provide for implementation and
10 operation of community power aggregation programs and their interactions with electric distribution utilities.

11 **Puc 2201.02 Application of Rules.** This chapter shall apply to:

12
13 (a) Community power aggregations as defined in Puc 2202.05;

14
15 (b) Committees as defined in Puc 2202.04;

16
17 (c) Competitive electric power suppliers (CEPS) to the extent they are serving community power
18 aggregations as a load serving entity; and

19
20 (d) Electric distribution utilities in their relationship and interaction with community power aggregations
21 and committees.

22
23
24 Puc 2201.03 **Waiver of Rules.** The commission shall consider and determine any request for a waiver
25 from the provisions of these rules pursuant to Puc 201.05.

26
27 PART Puc 2202 DEFINITIONS

28
29 Puc 2202.01 "Aggregation plan" or "community power aggregation plan" means a proposed or approved
30 electric aggregation plan developed pursuant to RSA 53-E:6.

31
32 Puc 2202.02 "Anonymized" means customer data presented in a way that removes information that can
33 be used to identify the individual customer that it pertains to, such that it does not constitute "individual customer
34 data" as defined by RSA 363:37, I.

35
36 Puc 2202.03 "Commission" means the New Hampshire public utilities commission.

37
38 Puc 2202.04 "Committee" has the meaning set forth in RSA 53-E:2, IV, namely, an "electric aggregation
39 committee established under RSA 53-E:6" and includes any person or entity acting as an agent for such a
40 committee.

41
42 Puc 2202.05 "Community power aggregation (CPA)" or "aggregation" means a municipal or county
43 aggregation program established pursuant to RSA 53-E to group retail electric customers to provide, broker, or
44 contract for energy services for such customers as defined by RSA 53-E:2, V-a and RSA 53-E:3, II(a), including
45 a group of such entities operating jointly pursuant to RSA 53-E:3, II(b) and RSA 53-A and any person or entity
46 acting as an agent for a municipal or county aggregation program.

47
48 Puc 2202.06 "Competitive electric power supplier (CEPS)" has the meaning set forth in Puc 2002.08,
49 except that it does not include community power aggregations as the Puc 2000 rules do not generally apply to
50 community power aggregations pursuant to Puc 2001.02(b).

Commented [A1]: This makes clear that a consultant, broker, other type of aggregator, or any other vendor operating as bona fide agent for an electric aggregation committee is covered by these rules.

Commented [A2]: This makes clear that a consultant, broker, other type of aggregator, or any other vendor operating as bona fide agent for a municipal or county aggregation is covered by these rules.

Commented [A3]: Stated differently in the DOE version, but has the same result.

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1 Puc 2202.07 “Confidential customer information” means information that is collected as part of
2 providing electric services to a customer that can identify, singly or in combination, that specific customer, and
3 includes the customer name, address, and account number and the quantity, characteristics, or time of
4 consumption by the customer, and also includes specific customer payment, financial, banking, and credit
5 information.

6
7 Puc 2202.08 “CPA service area” means the municipality, municipalities, county, or counties served or
8 proposed to be served by a community power aggregation.

9
10 Puc 2202.09 “Customer” means any person or entity in this state, including any governmental unit, which
11 purchases electricity at retail, and is the customer of record on the utility account.

12
13 Puc 2202.10 “Default Service” has the meaning set forth in RSA 374-F:2, namely, “electricity supply
14 that is available to retail customers who are otherwise without an electricity supplier and are ineligible for
15 transition service and is provided by electric distribution utilities under RSA 374-F:3, V or as an alternative, by
16 municipal or county aggregators under RSA 53-E.”

Commented [A4]: DOE uses “alternative” here, but “alterative” is the word used in the actual law, so is used here since the definition is a direct quotation from the statute.

17
18 Puc 2202.11 “Electronic data interchange (EDI)” means a standard set of data transactions used by
19 electric distribution companies and CEPS or CPAs serving as LSEs to send and receive data.

20
21 Puc 2202.12 “Enrollment” means the commencement of a customer’s electricity supply service from a
22 CPA serving as an LSE, or a CEPS serving a CPA under contract, effective on the meter read date described in
23 Puc 2004.10(a) following successful EDI notification by a CEPS or a CPA serving as an LSE to the utility.

24
25 Puc 2202.13 “ISO-NE” means ISO New England, Inc., the entity serving as the regional transmission
26 operator and which oversees the operation of New England’s bulk electric power generation and transmission
27 system and administers the regional wholesale markets for electric energy and other electricity products, or its
28 successors.

29
30 Puc 2202.14 “Load Serving Entity (LSE)” means an entity that is registered with ISO-NE as a market
31 participant and secures and sells electric energy and related services, which may include transmission service
32 if not provided by the distribution utility, to serve the demand of end-use customers at the distribution level.

33
34 Puc 2202.15 “Utility” means any electric generation, transmission, and/or distribution company meeting
35 the definition of a public utility under RSA 362:2 and RSA 362:4-a and includes rural electric cooperatives.

36
37 **PART Puc 2203 ELECTRIC AGGREGATION COMMITTEES AND REQUESTS FOR LOAD DATA**

38
39 **Puc 2203.01 Notification of Formation of a Community Power Aggregation Committee.**

40
41 (a) A municipality or county that forms a committee pursuant to RSA 53-E:6, I shall provide notice to
42 the commission in writing and by email at the addresses provided in Puc 103.01(m) and pursuant to Puc 202.06,
43 and also to office of the consumer advocate, the department of energy, and the utility or utilities serving
44 customers in such municipality or county at the addresses provided to the commission by utilities and posted
45 on the commission’s website under (b) below.

46
47 (b) Each utility shall provide to the commission current contact information that can be posted on the
48 commission’s website as to the person or persons and mailing or email address to be used for notices to the
49 utility required under these rules and for requests for information under these rules. That information as
50 submitted by the utility shall be posted on the commission’s website.

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1 (c) The notice required under (a) above shall be sent not less than 10 days before any request by the
2 committee for aggregated load information from the utility or utilities serving customers in the municipality or
3 county becomes effective.

4 (d) The notice required under (a) above shall include the following:

- 5 (1) The name and email or postal address of the primary contact for the committee;
6
7 (2) The name, address, telephone number, and email address for the municipal or county official
8 or employee who serves as the liaison or support person for the committee;
9
10 (3) Designation of person or persons identified under (1) or (2) above who are authorized to request
11 information from the utility pursuant to Puc 2203.02; and
12
13 (4) The URL of any website page maintained by or for the committee.
14
15

16 Puc 2203.02 Request for Usage Information from Utilities.

17 (a) A committee may request aggregated usage information for all electric customers located within the
18 applicable municipality or county from each utility serving such customers by making an electronic mail or
19 written request for such data to each such utility with a copy provided to the commission consistent with the
20 requirements of Puc 202.06 and to the office of the consumer advocate and the department of energy.
21
22

23 (b) Within 30 days following the date of a request made pursuant to (a) above, each utility shall provide
24 the following load information for the customers it serves in the municipality or county:

- 25 (1) The most recent 24 months of monthly usage data if available, or 12 months otherwise, for
26 each customer rate class, aggregated and sorted by whether the customers were taking competitive
27 electric power service or utility default service for each such month;
28
29 (2) Counts of customers in each rate class for each month, sorted by whether the customers were
30 taking competitive electric power service or utility default service for each such month;
31
32 (3) Current counts of customers that participate in net energy metering in each rate class, sorted
33 by whether the customers are taking competitive electric power service or utility default service, to
34 the extent such data is readily available;

35 (4) Current counts of residential customers that participate in the electric assistance program, sorted
36 by whether the customers were taking competitive electric power service or utility default service
37 for each such month; and

38 (5) Until such time as the utility offers a Commission approved purchase of receivables program
39 pursuant to RSA 53-E:9, revenues billed, actual receipts, and past due accounts receivable for utility
40 default service for each rate class or by small customer group and large customer group for each of
41 the most recent 12 months available.

42 (c) All customer usage data provided by the utility shall include consumption and exports to the grid in
43 kWh for each reported interval.

44 (d) No individual customer data, as defined in RSA 363:37, I, shall be provided to a committee in
45 response to a request made pursuant to (a) above.
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Commented [A5]: This information is important in the planning stage for a CPA as it may inform whether separate billing service is a feasible option for some or all CPA customers, as customer participating in the electric assistance program (EAP) can only receive their EAP discount if they are billed through consolidated utility billing and not separate billing. This information may also inform whether and to what extent a CPA may want to provide additional or targeted support or services for EAP customers.

Commented [A6]: This information may be critical for the ability of CPAs to launch in the absence of an approved POR (purchase of receivables) offering. This is because under the current tariffed "waterfall" payment system, a CPA or its CEPS provider will only get paid past due receivables after the utility has been made whole for past due receivables including for their default energy service, and CPAs and CEPS only get paid current receivables only after all other receivables have been paid. In order to properly design retail energy supply rates, a CPA has to have information about the lag in receivables payment and the extent of accounts receivables

Commented [A7]: Because RSA 362-A:9, II requires exports to the grid by customer-generators to be accounted for as an offset to the wholesale load obligation of the customer-generator's electricity supplier, it is important that committees have this information in the planning stage. It may also be important in informing what terms a CPA may offer for net metered customers.

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(e) With respect to the monthly load data required to be provided pursuant to (b)(1) above:

(1) If there are fewer than 4 distinct customers or any one customer comprises 50% or more of the total usage in any one non-residential customer rate class reporting group, such usage data shall be combined with that of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 4 distinct customers and no one customer comprises 50 percent or more of the total usage for the reporting group; and

Commented [A8]: This is an important factor in maintaining customer privacy and is consistent with what is required later in this section, and is also modeled after a New York state Public Service Commission ruling on privacy standards for non-residential accounts.

(2) If there are fewer than 10 distinct customers in any one residential customer rate class reporting group, such load data shall be combined with the usage of the most similar rate class or classes and shall be reported as the combined rate classes, provided that the overall reporting group contains at least 10 distinct customers.

Commented [A9]: The DOE proposed language uses "load" here and in a few other subsequent locations where the word "usage" seems more consistent with the intent to define "usage" more narrowly as just kWh than "load" which may also include measurements of demand, such as peak kW demand.

(f) A committee may request to have the data provided by the utility updated to the most recent month available, but not more frequently than once every 3 months after the initial request.

PART Puc 2204 AGGREGATION PLANS AND LAUNCH OF COMMUNITY POWER PROGRAMS

Puc 2204.01 Submission of Electric Aggregation Plans to the Commission for Review and Approval.

(a) Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of RSA 53-E and applicable rules of the commission. Each such plan shall be submitted by the municipality or county to the commission in writing and by email at the addresses provided in [Puc 103.01\(m\)](#), and pursuant to [Puc 202.06](#), and shall also provide a copy of such plan to office of the consumer advocate under RSA 363:28, the department of energy, and the electric distribution utility or utilities serving customers in the municipality or county service area on the same date as submission to the commission.

(b) The consumer advocate, the department of energy, utilities, and members of the public may file comments about such plans within the first 21 days of their submission.

(c) The commission shall consider any comments filed pursuant to paragraph (b) in its review and approve any plan submitted to it unless it finds that it does not meet the requirements of RSA 53-E 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.

(d) Failure of the commission to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof.

(e) A municipality or county may submit a plan that is revised to comply with applicable requirements as noted in a commission disapproval of a plan at any time and start the commission review process over.

(f) The submission of any aggregation plan to the commission hereunder shall include the following:

(1) A statement as to whether the plan has been approved by the legislative body of the municipality or county or if it is a proposed final plan submitted for review and approval in advance of a legislative body vote on whether to approve the plan;

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1 (2) The name, business address, telephone number, and email address for the municipal or county
2 employee or official who serves as official liaison or the responsible person for questions about the
3 approved or revised plan and who is authorized to request information from utilities under these
4 rules; and

5
6 (3) The URL of any website page that is maintained for the CPA.

7
8 (g) If a plan submitted to the commission for review and approval under this section has not yet been
9 approved by the legislative body or bodies of the CPA at the time of submission, once such plan has been
10 approval or rejected the CPA shall notify the commission and distribution utilities serving the CPA service area
11 in writing and by email of such final plan approval or rejection.

12
13 (h) Commission review and approval of electric aggregation plans shall not require a contested case but
14 shall allow time for submission and consideration of any such comments pursuant to paragraph (b) above.

15
16 Puc 2204.02 Request for Anonymized Customer-Specific Information from Utilities.

17
18 (a) After the commission has approved a final aggregation plan pursuant to Puc 2204.01 and the
19 legislative body of a municipality or county has voted to approve the community power aggregation plan each
20 utility serving the CPA service area shall provide to the municipality or county, within 30 days of a written
21 request therefor the following anonymized customer-specific usage and related information for all customers
22 currently receiving default service provided by the utility within the CPA service area, sorted or identified by
23 customer rate class:

24
25 (1) Individual capacity tags for the current power year beginning on June 1, and, if known and
26 readily available, the prior power year and the next power year;

27
28 (2) The most recent 12 to 24 months, if available, of usage data in kWh for each reported interval;

29
30 (3) The meter reading cycle for each customer meter;

31
32 (4) Whether the customer net meters and, if so, under which net energy metering terms, whether
33 set forth in tariff or otherwise;

34
35 (5) Whether the customer is a group net metering host or a member of a net metering group with
36 on-bill crediting, if such information is known and readily available;

37
38 (6) Whether a group net metered customer-generator operates as a low-moderate income
39 community solar project pursuant to RSA 362-F:2, X-a and the Commission's Puc 900 rules;

40
41 (7) The size in kW-AC, or if not known, the size in kW-DC, of any such net-metered generation
42 referenced in (5) above, if such information is known and readily available; and

43
44 (8) The year and month such distributed generation referenced in (7) above was placed into service,
45 if such information is known and readily available.

46
47 (b) The information required to be provided pursuant to (a) above shall be provided in digital electronic
48 format, such as a database or spreadsheet file, but not in the form of scanned images.

49
50 (c) No individual customer data, as defined in RSA 363:37, I, shall be provided to a CPA in response to
51 a request made pursuant to (a) above.

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1
2 (d) With respect to the data required to be provided pursuant to (a)(1) and (2) above:
3

4 (1) If there are fewer than 4 distinct customers in any one non-residential customer rate class
5 reporting group or if any one customer comprises 50% or more of the total usage for that reporting
6 group, such customer data shall be combined with the customer data of the most similar rate class
7 or classes and shall be reported as the combined rate classes, provided that the overall reporting
8 group contains at least 4 distinct customers and no one customer comprises 50 percent or more of
9 the total usage for that reporting group; and
10

11 (2) If there are fewer than 10 distinct customers in any one residential customer rate class reporting
12 group, such customer data shall be combined with the customer data of the most similar rate class
13 or classes and shall be reported as the combined rate classes, provided that the overall reporting
14 group contains at least 10 distinct customers.
15

16 (e) An approved CPA may request to have the data provided by the utility updated to the most recent
17 month available, but not more frequently than once every 3 months after the initial request.
18

19 Puc 2204.03 Request for Names, Addresses, and Account Numbers of Customers.
20

21 (a) After a municipality or county has filed its approved community power aggregation plan with the
22 commission, the office of consumer advocate, the department of energy, and each utility serving the CPA
23 service area, each such utility shall provide to the municipality or county, or their agent, upon its written request
24 the following information for every electric customer taking service within the municipality or county CPA
25 service area:
26

27 (1) the names and mailing addresses of each customer;

28 (2) their utility account number or numbers;

29 (3) any related meter number(s) or meter identification(s) for each account;

30 (4) the rate class for each such account; and
31

32 (5) any other information necessary for successful enrollment of such customer accounts in the
33 aggregation program through the utility's EDI.
34

35 (b) The information required to be provided pursuant to (a) above shall be provided in digital electronic
36 format, such as a database or spreadsheet file, but not in the form of scanned images.
37

38 (c) The information required to be provided pursuant to (a) above shall be provided within 15 days of
39 the municipality's or county's request therefor.
40

41 (d) The municipality or county may request to have such information provided by the utility updated to
42 the most recent month available, but not more frequently than once every 3 months after the initial request.
43

44 Puc 2204.04 Notification of CPA Commencement of Service.
45

46 (a) Each municipality or county initially implementing a community power aggregation plan shall
47 provide written notice to the commission, the office of consumer advocate, the department of energy, and to
48
49
50

Commented [A10]: These highlighted sections (1-5) are formatted as separate subparagraphs as called for in the "Drafting and Procedure manual for Administrative Rules" and include reference to "the rate class for each such account" and "any other information necessary" for customer enrollment as in 2205.05 (b) which are not in the DOE proposal but are essential for proper notification and enrollment.

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1 each utility serving customers within the CPA service area prior to the enrollment of any electric customers in
2 the CPA.

3
4 (b) The notice required pursuant to (a) above for any CPA to be operated on an opt-out basis shall be
5 provided prior to the commencement of service and the enrollment of any electric customers in the CPA by not
6 less than:

7
8 (1) 90 days if the commencement of service is to occur during the first two months of a utility
9 default service supply period with for which rates are or will be fixed or known for 6 months or
10 more; or

11
12 (2) 45 days if the commencement of service is to occur after the first two months of a utility default
13 service supply period with fixed or known rates of 6 months or more or if there is no distinct known
14 or fixed rate default service supply period of 6 months or more.

15
16 (c) When a CPA service area is served by more than one utility, the applicable minimum notice time
17 under (b) above shall be that for the utility with the largest default service usage within the CPA service area as
18 most recently provided by the utilities for development of the CPA plan pursuant to Puc 2204.02. Such usage
19 data and determination shall be included in the CPA's approved aggregation plan if approved after the first
20 effective date of this rule, or in the notice required pursuant to (a) above if the plan was approved prior to the
21 first effective date of this rule.

22
23 Puc 2204.05 Notification of CPA Service Rates and Customer Enrollment.

24
25 (a) Within 10 days of receipt of a CPA's written notification of commencement of service pursuant to
26 Puc 2204.04(a), the department of energy shall provide to the CPA information on establishing credentials to
27 access the shopping comparison website hosted by the department of energy so the CPA can input rate
28 information to be posted on that website.

29
30 (b) Prior to the mailing to customers required under RSA 53-E:7, III, if the CPA will be operated on an
31 opt-out basis, the CPA shall input information regarding its rates and services for residential and small
32 commercial customers, including any variable pricing policies, charges, and key terms, to be posted on the
33 department of energy's shopping comparison website.

34
35 (c) Each operating CPA shall update the required information input pursuant to (b) above whenever it
36 changes but no less frequently than once per month.

37
38 (d) A municipality or county that approves a final community power aggregation plan shall provide a
39 mailing to all retail electric customers taking distribution service in the CPA service area and shall hold a public
40 information meeting within 15 days of the mailing to answer questions regarding the approved plan.

41
42 (e) No retail electric customer shall be enrolled in any such plan to be operated on an opt-out basis in
43 which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in
44 advance and has the option, for a period of not less than 30 days from the date of the mailing, to opt-out of being
45 enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing,
46 through e-mail, or through a secure customer portal or other electronic on-line enrollment to be included in the
47 plan.

48
49 (f) No retail electric customer shall be enrolled in any such plan to be operated on an opt-in basis unless
50 the customer expressly requests to be included in the plan in writing, through e-mail, or through a secure
51 customer portal or other electronic on-line enrollment process.

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1
2 (g) Customers enrolled in a community power aggregation plan operated on an opt-out basis may elect to
3 transfer to utility provided default service or to a competitive electric power supplier with adequate notice in
4 advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility
5 provided default service or as otherwise approved by the commission. No such customer shall be required to
6 pay any exit fee or charge for such transfer. Customers requesting transfer of supply service upon dates other
7 than on the next available regular meter reading date may be charged an off-cycle meter reading and billing
8 charge. Upon request of the customer the CPA shall transfer the customer back to utility provided default
9 service.

10
11 Puc 2204.06 Use of Electronic Data Interchange.

12
13 (a) Prior to the mailing to customers required under RSA 53-E:7, II, each CPA planning to use a CEPS
14 to serve CPA customer loads shall confirm with the CEPS and each utility serving the CPA service area the
15 CEPS's ability to use EDI for enrollment of default service customers in the CPA service area, excluding those
16 that opt-out of the CPA, during the CPA commencement month.

17
18 (b) Each CPA that will serve customer loads as an LSE, or its contracted service provider for customer
19 enrollment, shall:

20
21 (1) Apply to and successfully complete the testing required to use each utility's EDI in the same
22 manner and on the same terms as a CEPS; and

23
24 (2) If the CPA will provide service on an opt-out basis, demonstrate the ability to use EDI for
25 enrollment of default service customers in the CPA service area, excluding those customers that
26 opt-out, during the CPA commencement month.

27
28 **PART Puc 2205 OPERATION OF A CPA**

29
30 Puc 2205.01 Provision of Electricity Supply Service.

31
32 (a) CPA customers shall be served by one or more CEPS, or by the CPA as an LSE, or by a combination
33 of the two, that provide all-requirements service to meet each CPA customer's full load requirements, which
34 may include electricity supply provided by distributed generation or other distributed energy resources that are
35 not participants in wholesale electricity markets administered by ISO-NE. For the balance of customer load
36 requirements, the CPA shall be responsible for:

37
38 (1) the cost of supplying capacity, energy, ancillary services, and any other load-related charges
39 from the ISO-NE market;

40
41 (2) the cost to deliver the associated capacity, energy, and ancillary services to a point or points on
42 ISO-NE pooled transmission facilities and from there to a point where it is delivered to the local
43 distribution system to the extent not billed to and paid for by the electric distribution utility as part
44 of their retail transmission rate; and

45
46 (3) any and all losses incurred on the local network transmission system and distribution system
47 supplying load.

48
49 (b) Each customer account served by or through the CPA shall be assigned to the load asset for one CEPS
50 or the CPA serving as an LSE for each utility meter reading cycle.

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1 Puc 2205.02 Application of Puc 2000 to CEPS **When** Providing Electricity Supply to CPA Customers.

2
3 (a) **Puc 2000 rules** shall apply to CEPS providing electricity supply service to CPA customers as their
4 LSE, except as otherwise provided in (b) below.

5
6 (b) Puc 2004 shall not apply to a CEPS if and only to the extent that a CEPS is providing electricity
7 supply service to CPA customers, except as follows:

8
9 (1) Puc 2004.03(k), Puc 2004.05, Puc 2004.10(a), Puc 2004.12, Puc 2004.13, Puc 2004.15, Puc
10 2004.16, Puc 2004.17, Puc 2004.18, Puc 2004.19, and Puc 2004.20 shall apply to any such CEPS;
11 and

12
13 (2) The CEPS shall be subject to any other provisions of Puc 2004 that are specified to apply to
14 CEPS serving CPA customers in:

- 15
16 a. The approved final community power aggregation plan; or
17
18 b. The contract with the CEPS for electricity supply service to CPA customers.
19

20 Puc 2205.03 Utility Services to CPAs. Electric distribution utilities shall provide services, including, if
21 requested, passthrough or complete billing services to CPAs on the same terms and conditions and at the same
22 rates and charges as apply to CEPS, except as otherwise provided by statute or under these rules.
23

24 Puc 2205.04 County CPAs That Contain Municipalities with Adopted or Planned CPAs. As required
25 under RSA 53-E:7, VII, municipal community power aggregations shall take priority or precedence over any
26 county community power aggregations with respect to customer enrollment and each such aggregation shall be
27 responsible for assuring that customers are enrolled with the correct aggregation. A county plan may also
28 provide an aggregation program for all or a subset of municipalities within the county that request to participate
29 by a majority vote of their respective governing bodies.
30

31 Puc 2205.05 New Utility Service Customers.

32
33 (a) Electric customers who apply for new service provided by a utility within the CPA service area of a
34 CPA providing opt-out alternative default service pursuant to RSA 53-E:7, III, after the supply of customer
35 names and addresses by the utility for the customer notification mailing required under RSA 53-E:7, III, shall
36 initially be enrolled in default service provided by the utility unless the customer has relocated within a single
37 utility's service area and is continuing with service provided by a CEPS, or has relocated within a CPA service
38 area and is continuing with service provided by or through the CPA.
39

40 (b) Upon request of a CPA, but not more frequently than monthly following provision of the customer
41 list for the initial mailing pursuant to Puc 2204.05, the utility shall make available to each operating municipal
42 CPA, or county CPA where there is no municipal CPA, the names, account numbers, mailing addresses, and
43 any other information necessary for successful enrollment in the aggregation of customers that are then
44 currently on utility default service and are located within the CPA service area.
45

46 (c) The CPA shall periodically mail a written notification to such new customers that have not previously
47 opted out of the CPA's service and shall enroll them in the CPA consistent with the requirements of Puc
48 2204.05.
49

50 Puc 2205.06 Termination of CPA. If a municipality or county intends to terminate a CPA, it shall provide
51 written notice of the termination to the commission, the office of the consumer advocate, the department of

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1 energy, and each utility serving customers in the CPA service area not less than 90 days prior to the termination
2 date. The CPA shall undertake all necessary EDI transactions to drop its customers and return those customers
3 to utility default service, consistent with the required minimum 90 days prior notice.
4

5 Puc 2205.07 Unexpected Cessation of CPA Service. In the event of suspension from regional wholesale
6 market participation by ISO-NE or another event causing the CPA to be unable to provide service to its
7 customers within the CPA service area, the CPA shall provide immediate written notice to the commission
8 describing the market suspension or other event, the effective time of the inability to provide service, and the
9 notice provided to customers of the timing and consequences of the cessation of CPA service. A copy of such
10 notice shall be provided at the same time to the office of the consumer advocate, the department of energy, and
11 each utility serving customers in the CPA service area.
12

13 Puc 2205.08 Restart of an Aggregation Program After Termination. If a CPA is terminated, the
14 municipality or county that sponsored the CPA shall not implement another community power aggregation plan
15 for a period of 12 months following the effective date of such termination.
16

17 Puc 2205.09 Sales Reporting. Each CPA that serves as an LSE for its participating customers shall
18 submit a confidential quarterly sales report containing the information specified in Puc 2006.03, as and when
19 such submission is required to be made by a CEPS pursuant to Puc 2003.04(a) and Puc 2006.03. Each CEPS
20 providing electricity supply service to CPA customers shall report its sales to such customers through separate
21 entries on its reports submitted pursuant to Puc 2003.04(a) and Puc 2006.03.
22

23 Puc 2205.10 Renewable Portfolio Standard Reporting. By July 1 of each year, each CPA that serves as
24 an LSE for its participating customers shall file the Annual Renewable Portfolio Standard Compliance Filing
25 required by Puc 2503.03 and shall pay to the department of energy any alternative compliance payment due
26 pursuant to Puc 2503.
27

28 Puc 2205.11 Environmental Disclosure Label.

29
30 (a) Each CPA that serves as an LSE for its participating customers shall, not less frequently than once
31 each year, provide to each of its customers an environmental disclosure label identifying the sources of its
32 electric energy service and the environmental characteristics of such sources, using the customer's preferred
33 form of communication, as and when such actions are required of a CEPS pursuant to Puc 2004.05.
34

35 (b) Each CPA that serves as an LSE for its participating customers shall comply with all other
36 requirements of Puc 2004.05, as and when such actions are required of a CEPS pursuant to Puc 2004.05.
37

38 Puc 2205.12 Complaints and Dispute Resolution.

39 (a) The commission shall hear and decide complaints or disputes between committees, CPAs, and
40 utilities, as well as complaints regarding a CPA's or utility's compliance with the requirements of RSA 53-E
41 and these rules.
42

43 (b) Complaints submitted to the commission under these rules shall be made pursuant to Puc 204, and,
44 consistent with RSA 53-E:7, VI, shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.
45
46

47 Puc 2205.13 Individual Customer Billing Information. Once an individual utility customer has become
48 a customer of a CPA, the utility shall provide to the CPA the following information, which may be provided
49 through EDI access, for each such customer, to the extent applicable, known, and readily available:
50

51 (a) Name of customer:

Note: highlighted text is additional or materially different language than in 10/25/21 DOE proposal.

- 1
- 2 (b) Name of customer contact, if different from customer name;
- 3
- 4 (c) Mailing address;
- 5
- 6 (d) Service address;
- 7
- 8 (e) Account number and related meter number(s) or meter identification(s);
- 9
- 10 (f) Home or company phone number;
- 11
- 12 (g) Mobile phone number;
- 13
- 14 (h) Email address;
- 15
- 16 (i) Billing account number;
- 17
- 18 (j) Preferred billing and communication method;
- 19
- 20 (k) Billing cycle;
- 21
- 22 (l) Meter reading date or reading cycle;
- 23
- 24 (m) Form or type of meter reading or meter model and communication module identifier;
- 25
- 26 (n) Capacity tag information for the customer for the preceding 2 years, current power year, and
- 27 forecasted next power year;
- 28
- 29 (o) The most recent 24 months of electricity usage data;
- 30
- 31 (p) Current and historic status of the customer regarding:
 - 32
 - 33 (1) Whether the customer owns or purchases power from a distributed generation resource located
 - 34 behind the customer's meter;
 - 35
 - 36 (2) The size in kW-AC of any such distributed generation located behind the customer's meter;
 - 37
 - 38 (3) Whether the customer net meters and, if so, under which net metering terms, whether set forth
 - 39 in tariff or otherwise;
 - 40
 - 41 (4) Whether the customer is a group net metering host or member with on-bill crediting;
 - 42
 - 43 (5) Whether the customer's distributed generation facility has been determined to be a low-
 - 44 moderate income community solar project;
 - 45
 - 46 (6) Whether the customer participates in the Liberty Utilities battery storage pilot program or any
 - 47 other battery storage program;
 - 48
 - 49 (7) Whether the customer is currently enrolled in the electric assistance program;
 - 50
 - 51 (8) Whether the customer is currently on a payment plan or a budget billing plan; and

Commented [A11]: This customer specific recent historic usage data may be important for operations needs of a CPA and should be readily available through the utility EDI.

Commented [A12]: As stated previously this information may be very important for operational needs, such as not inadvertently switching such a customer to direct separate billing and causing them to lose their discount; or for offering targeted benefits or support for such customers.

Note: highlighted text is additional or materially different language than in 10/25/21 DOE proposal.

1
2 (9) The utility rate class of the customer; and

3
4 (q) Other information typically made available to CEPS through the utility EDI.

5
6 Puc 2205.14 Enabling Meter Reading Authority and Access to Interval Meter Data.

7
8 (a) For the purpose of enabling meter reading authority pursuant to RSA 53-E:3, II(a)(4) and to enable
9 CPA collection and use of interval meter data for load settlement purposes, including capacity tag allocation,
10 the provision of energy services, and near real-time customer access to such data pursuant to RSA 53-E:4, IV
11 for its customers, a CPA may, upon request to and approval by the utility and approval by the commission:

12
13 (1) Propose and implement with the utility an arrangement to enable the CPA to directly read
14 existing utility meters, including meters capable of reporting load data at intervals of hourly or
15 more frequently;

16
17 (2) Propose and implement with the utility an arrangement to enable the CPA to have near real
18 time access to meter data as it is collected and electronically stored by the utility;

19
20 (3) Contribute to the cost of utility-provided meter upgrades to enable the collection of such
21 interval meter data, by paying the incremental cost of such meter upgrades that are in excess of the
22 then current cost of a standard replacement meter up to the utility's unobligated annual budget for
23 new and replacement meters;

24
25 (4) Propose to jointly own with the utility a new interval meter, which may include supporting
26 communications equipment and systems, with the utility required to contribute not less than the
27 cost of a standard replacement meter, up to the utility's unobligated annual budget for new and
28 replacement meters, with ownership shares to be proportional to the relative cost contributions of
29 the CPA and the utility, provided that the utility's ownership share in all cases shall be greater than
30 50 percent and all such meters shall remain under the control of the utility; or

31
32 (5) Install a secondary revenue grade meter provided by the CPA that is in addition to the meter
33 installed and maintained by the utility, including arrangements for the CPA to share or transfer data
34 from such meters to the utility for load settlement purposes.

35
36 (b) The utility and the CPA shall jointly file with the commission any agreement to implement any of
37 the alternatives provided for in (a) above for review by the commission through an adjudicative proceeding.

38
39 (c) The commission shall approve any such agreement if it finds that the agreement is for the public good
40 and that the terms and conditions of the agreement are just and reasonable.

41
42 (d) If a CPA and a utility cannot agree to terms and conditions for enabling CPA meter reading authority
43 or access to interval meter data, the CPA may submit a proposal for such implementation to the commission
44 for adjudication, and the commission shall approve the proposal if it finds that the proposal is for the public
45 good, pursuant to RSA 53-E:4, IV.

46
47 Puc 2205.15 Net Metering by CPAs.

48
49 (a) CPAs shall determine the terms, conditions, and prices under which they agree to provide generation
50 supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution system
51 from CPA customers with customer-sited distributed generation.

Note: highlighted text is additional or materially different language than in 10/25/21 DOE proposal.

1
2 (b) Pursuant to RSA 362-A:9, II, such generation output shall be accounted for as a reduction to the CPA
3 customers' electricity supplier's wholesale load obligation for energy supply as an LSE, net of any applicable
4 line loss adjustments, as approved by the commission.

5
6 (c) CPA customers with customer-sited distributed generation who are net metered shall net meter
7 pursuant to the applicable utility tariff with respect to transmission and distribution service charges and credits.
8

9 Puc 2205.16 Billing Services and Purchase of Receivables for CPAs.

10
11 (a) Prior to enrolling any customer, a CPA shall determine which of the following two utility services to
12 use for billing and notify the electric distribution utility of that determination:
13

14 (1) Separate billing service, whereby the CPA **will** separately bill customers for the cost of the
15 electric power supply and energy services provided to such customers, and may combine such
16 billing with billing for other municipal services pursuant to RSA 53-E:3-a; or
17

18 (2) Consolidated billing service, whereby the utility will issue a single monthly bill which will
19 include the CPA's charges for electric power supply and energy services for such customers as well
20 as the utility's charges for electric service.
21

22 (b) Changes in the determination of billing service for any customer shall be implemented for the next
23 bill reading cycle, provided that the CPA has notified the utility of any applicable rates and services in
24 accordance with (d) below.
25

26 (c) Terms and conditions provided by the utility for CPA billing services shall:
27

28 (1) Require that customers contacting the utility regarding the billed amount for CPA services or
29 any other CPA issue are provided with the CPA's customer service number; and
30

31 (2) Allow a CPA to define on-peak, mid-peak, and off-peak periods or other pricing options and
32 rate structures that are different from those defined in the utility's applicable tariffs on file with the
33 commission, and to request enhanced metering services for customers to participate in programs
34 and services beyond the provision of basic electricity supply service, provided that all incremental
35 costs incurred to provide any special metering, data management, or billing system modifications
36 shall be assigned to and paid by the CPA, in which case such costs shall be:
37

38 a. estimated by the utility to the CPA prior to the start of implementing such changes; and
39

40 b. if approved for implementation by the CPA, shall be charged to and paid by the CPA.
41

42 (d) When a CPA elects to utilize consolidated billing service for any customer, the CPA shall also elect
43 to :
44

45 (1) Calculate the charges or credits for electricity supply and services for the customer in
46 accordance with the CPA's customer classes or rate structures, based upon customer usage data
47 provided by the customer's utility, and provide such charges or credits to the utility for presentment
48 on the customer's bill; or
49

50 (2) Provide the customer's utility with either:
51

Commented [A13]: The future tense "to be" in the DOE version is deleted here as it is captured in "will" earlier in the sentence and makes the wording parallel to that in the 2nd service option.

Note: highlighted text is additional or materially different language than in 10/25/21 DOE proposal.

- a. the custom rate applicable to the customer; or
- b. the non-custom, complete schedule of electricity rates and service pricing options applicable to the customer’s class and rate structure.

(e) Within 90 days of the effective date of these rules, each electric distribution utility shall propose to the commission for review and approval through an adjudicated proceeding a program for the purchase of receivables of CPAs functioning as load serving entities and CEPS serving CPA customers consistent with the provisions of RSA 53-E:9.

APPENDIX

| Rule | Specific State Statute the Rule Implements |
|----------|--|
| Puc 2201 | RSA 53-E:7, X |
| Puc 2202 | RSA 53-E:7, X |
| Puc 2203 | RSA 53-E:7, X |
| Puc 2204 | RSA 53-E:7, X |
| Puc 2205 | RSA 53-E:7, X |

Commented [A14]: See petition for rules for more detail, but such a provision and deadline may be critical to successful launch of CPA programs and implementation of RSA 53-E, as there is no timeframe in which utilities are required to propose POR programs, nor is there specific authority for the Commission to open up a proceeding to require such filing. Some CEPS have indicated to some brokers that they will not bid to serve opt-out CPA loads without POR programs in place. RSA 53-E:7, X expressly requires the Commission to adopt rules to implement RSA 53-E, which includes the requirement for utilities to propose POR programs. This gives the utilities 3 months from the adoption of rules to file such required proposals, which is likely to prove to be more than 6 months after the initial rule proposal is filed, and well over a year since the utilities agreed to such a requirement as part of the House negotiations around HB 315 last winter.