

AGENDA
LEBANON ENERGY ADVISORY COMMITTEE (LEAC)
THURSDAY, SEPTEMBER 17, 2020 - 4:00 PM
REMOTE VIA MICROSOFT TEAMS
LebanonNH.gov/Live

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1. **CALL TO ORDER - CHECK-IN AND PRELIMINARIES**
 2. **ACCEPTANCE OF MINUTES: AUGUST 17, 2020**
 3. **PATH TO A GREEN HOME - DEMONSTRATION & DISCUSS POSSIBLE INVOLVEMENT**
 4. **STATUS OF LFGTE PROJECT & ANEROBIC DIGESTER STUDY**
 5. **UPDATES & ISSUES IN ONGOING PROJECTS:**
 - A. **City Solar**
 - B. **LED Streetlight Conversion Project**
 - C. **City's Experience With RTP & Other Rates**
 - D. **Lebanon Community Power (LCP) & CPNH**
 - E. **PUC Rulemaking For Community Power Aggregations - See Attached**

Documents:

[Rules for CPAs CPC Letter to Wiesner 9-11-20.pdf](#)
[CPA Rules NHPUC Staff Draft 7-21-20 CPC edits 9-11-20.pdf](#)

- F. **PUC Data Platform Docket, DE 19-197 - See File Testimony At Tab 65 At This Link: <https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197.html>**
- G. **Energy & Facilities Manager Updates**
6. **OTHER & OPEN TO PUBLIC:**
7. **REPORTS & NOTICES OF ENERGY RELATED CONFERENCES, WEBINARS & EVENTS**
8. **FUTURE AGENDA ITEMS:**
 - A. **Building Codes Update**
 - B. **City Procurement Policy**
9. **NEXT MEETING DATE: THURSDAY, OCTOBER 15, 2020**
10. **ADJOURNMENT**

Any person with a disability who wishes to attend this public meeting and needs additional

accommodations, please contact the ADA coordinator at City Hall by calling 603-448-1457 at least 72 hours in advance so that the City can make any necessary arrangements.

Department. of Public Works – Phone 603-448-3112 / Fax 603-448-1756

MEMO

TO: Attorney David Wiesner, PUC Staff, and interested stakeholders

FROM: Clifton Below, for the City of Lebanon
Henry Herndon, for Clean Energy New Hampshire
Doria Brown, for the City of Nashua
Julia Griffin, for the Town of Hanover
Samuel Golding, for Community Choice Partners, Inc.

RE: Rules for CPAs, Comment on NHPUC Staff Draft Proposal 7-21-20

DATE: September 11, 2020

Thank you for the opportunity to provide comment on and to suggest revisions to Staff's Draft Proposal dated 7-21-20. On behalf of the City of Lebanon Clean Energy New Hampshire, the City of Nashua, the Town of Hanover, and Community Choice Partners, Inc., collectively as Community Power Coalition (CPC), we have attached a marked-up version of Staff's draft showing suggested edits. We have provided brief explanations of many of the suggested edits within that document, but we will comment on the main issues here.

The single biggest point of contention seems to be whether the launch (and planned termination) of a CPA should be linked to the regulatory timing of utility provided default service. After considering both Staff and Utility¹ proposals made thus far, we are convinced that there should be no such linkage in Administrative Rules. There are several main reasons:

1. The Staff and Utility proposals are unrealistic in that they seek to require a new CPA to commit to launching and lock in a commitment to supply and pricing/rates long in advance of knowing the price they are competing with.
2. Staff and Utility proposals to regulate and restrict the timing of CPA launches and terminations in Rules by linking them to the regulatory² timing of utility default service procurements will likely result in larger risk premiums to utility default service customers than the City's proposed revisions. We explain further below.
3. Aspects within the Utility proposal are self-conflicting and confounding, e.g., proposals requiring launch within the first or last 45 days of default service when combined with requirements for CPAs served by multiple utilities.
4. Such linkage is also contrary to legislative intent regarding the purpose clause and overall purpose of RSA 374-F, to harness the power of market competition, and RSA 53-E, to afford small customers the same benefits available to large customers through competitive markets. They are also inconsistent with the Constitution of New Hampshire.
5. There are better, more logical alternative approaches to the Utility and Staff proposed

¹ Eversource, Unitil and Liberty proposed revisions circulated on 9/4.

² The timing and structure of utility default service procurement are artifacts of a regulatory process involving a monopoly distribution utility that are established by PUC order, which is intrinsically more flexible than administrative rules, and can change faster than administrative rules can be adopted or modified.

regulations.

6. This over-regulation of Community Power Aggregations (CPAs) is beyond the regulatory authority of the Public Utilities Commission.
7. The entire justification for this heavy-handed regulation of what is meant to be a competitive marketplace is based on an unproven and dubious claim that costs will go up for some customers. Where is the evidence? Where is the data?

Regulating timing of CPA launches by linking to utility default service solicitations has the effect trying to force a CPA to lock into a launch date up to nearly a year in the future with unknown pricing, which no municipal official or informed voter should ever agree to.

First, let us examine the practical implications of Staff's proposal to require 60 days' notice to launch a CPA in advance of issuance of an RFP for the next utility default service solicitation. For an example, Liberty only filed its proposed schedule for its first default service solicitation for 2020 on September 20, 2019 with a proposed RFP issuance date of November 1, 2020.³ The Staff proposal would have had a CPA waiting to launch between 2/1/20 and 7/31/20 commit to launching by September 1, 2019, 20 days before the CPA even knew the date they had to commit by. To launch in July 2020 a CPA would have had to lock in rates and give notice up to 11 months in advance of such launch. **To be perfectly clear: the regulations proposed by Staff could require a CPA to lock into pricing for an uncertain launch date roughly 11 months in the future.**

It only gets worse when we look at the next default service solicitation. It was not until April 22, 2020 that Liberty⁴ and Eversource⁵ filed their proposed schedule for an RFP to be issued 8 days later on May 1, 2020 for Liberty and 16 days later for Eversource on May 7 for service starting 8/1/20. So a CPA served by one or both of these would have had to commit to a launch, and presumably lock in pricing, about 7 weeks in advance of even knowing the date that they had to commit and give notice for, and 5 months in advance of the earliest possible launch start period. If they missed that notice deadline of March 1 or 7, 2020, they would have had to wait at least 11 months before the next available launch date, starting February 2021.

Unitil provided its proposed 2020 default service solicitation schedule⁶ on March 26, 2020⁷ The proposed RFP issue dates were March 3, 2020 and August 25, 2020⁸. So, a CPA with customers in Unitil's service territory would apparently need to be able to read minds well in advance of any public notice, in order to know the applicable deadline. The Utility suggested revisions to the draft proposed rules do at least dispense with the advanced notice and only requires notice at

³ https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-059/LETTERS-MEMOS-TARIFFS/19-059_2019-09-20_GSEC_RFP_TIMELINE.PDF

⁴ https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-053/INITIAL%20FILING%20-%20PETITION/20-053_2020-04-22_GSEC_2020_DEFAULT_SERVICE.PDF

⁵ https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-054/INITIAL%20FILING%20-%20PETITION/20-054_2020-04-22_EVERSOURCE_2020_DEFAULT_SERVICE.PDF

⁶ These default service solicitation schedules always seem to be presented as "proposed" yet there seems to be no actual explicit approval by the PUC of these "proposals" until after the fact, upon issuance of approval of the solicitation results by the PUC.

⁷ https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-039/INITIAL%20FILING%20-%20PETITION/20-039_2020-03-26_UES_CVR_LTR_2020_DEFAULT_SERVICE_SCH.PDF

⁸ https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-039/INITIAL%20FILING%20-%20PETITION/20-039_2020-03-26_UES_2020_DEFAULT_SERVICE_SCH.PDF

some point in time before issuance of the RFP, presumably at least the preceding day. Again, at least in this one instance, a CPA in Unutil territory would have had to have guessed in advance when that notice day might be as there was no formal or public notice by Unutil as to the scheduled date for RFP issuance until nearly two weeks after the deadline.

Utility proposed regulations regarding (1) constraining launch to the first or last 45 days of a default service term; and (2) requiring CPAs with more than one utility to tie notice of their launch to the earliest of the utility default service solicitations, conflict with one another and create a mess of confusion.

The Utility suggested revisions seek to constrain a launch (for CPAs over a particular load size) to within either the first or last 45 days of a default service delivery term, and once elected, require all customers to be transferred to be enrolled within the selected 45 day launch window. There are several problems with this. First, both the Utility and Staff proposals require notice linked to the earliest RFP issuance date where the CPA territory is served by more than one utility. So for a CPA (including several potential County CPAs) with customers in both Unutil and Eversource or Liberty territory, in order to launch in August, or January of the next year, they would need to give notice by March 3 (assuming the 2020 schedule) under the Utility proposed revisions and by approximately January 2 with the Staff proposal. And yet there is no 45 day window at the start or end of the two different default service delivery periods⁹ that overlaps by even one day between Unutil and Liberty or Eversource – so what is to be done in that circumstance – different launch dates and notification periods for different customers in the same CPA?

Second, neither of these proposals begins to address the circumstance of the NH Electric Cooperative that is within the definition of “utility” under Puc 2002.24 and apparently does not procure default service supply in a way that comports with the 3 investor owned fully regulated electric distribution utilities or how the rules are drafted, having no distinct publicly noticed RFP and no distinct delivery period start and end dates. So how would that work?

As a practical matter, both the Staff and Utility proposals are unrealistic in that they seek to require a new CPA to commit to launching and lock in a commitment to supply and pricing/rates long in advance of knowing the price they are competing with. To be blunt, no elected official in their right mind is going to be willing to lock into pricing and commit to a narrow launch window where there is a distinct possibility that the opt-out letter to be sent to all their constituents will say that unless you opt-out, starting in about 5 weeks, we are going to raise your electricity supply rate by putting you into this new CPA that we have created. That would be an invitation to failure and backlash. The most recent procurements by Eversource and Liberty allow 4½ to 6 weeks between RFP issuance and pricing, indicative only in Liberty’s case, with final bids due by Liberty 6 weeks after RFP issuance. Regulatory approval is sought within 1 to 2 weeks, as there is increased risk and cost for a supplier to hold a bid price open for longer periods of time. The proposed rules seem to require a CPA to obtain pricing and either have it held open or lock in for some 2 to 4 months before the rate to compete with is known. That is unrealistic, discriminatory, and ignores the fact that competitive market opportunities for forward fixed pricing constantly change. It is a dynamic market.

We don’t believe the PUC has the regulatory authority to require a CPA to actually launch on unfavorable terms or to penalize or sanction subdivisions of the state in any way for not

⁹ August through January for Liberty and Eversource and June through November for Unutil.

launching, once they provide notice of intended launch, if “local conditions and opportunities” are deemed unfavorable by the CPA at the time they might send out their notice letters, as much as the Utilities might like to require them to do so. Taking that as a basic assumption, what might be the risk premium for quantities of load that may or may not migrate within the first or last 45 days of a 6-month delivery commitment? We might add that there would be no assurance that utilities or utility default service bidders would know the rate or initial rate term contemplated by CPAs that have given notice of intent to launch within the first 45 days of the new delivery term, because that might be protected confidential commercial information, or not even finalized, before their bids are due, as there is typically sufficient time between when the PUC approves new default service rates and when they go into effect for a CPA to finalize and make public rates for the notice letter to all electric customers within their jurisdiction.

An Alternative Approach to Make Everyone’s Life Easier.

Instead of creating such uncertainty on the part of all involved by trying to align CPA initial default service procurement with, and far in advance of, regulated utility default service procurement, there are alternatives. One alternative approach is for the CPA to provide a series of notifications to the utility that give advanced notice of the growing likelihood of a CPA launch. This approach would provide much higher certainty that the launch will actually occur when final notice is given, allowing for systematic management of any risks involved. Each of these notices can be shared publicly by the utility with current and prospective default service providers so they have the information to manage risk and adjust their supply portfolio or hedging accordingly. Here are the notices involved and the minimum time periods following the notice before the next step can be taken:

1. Puc 2007.01 Notice of Formation of an Aggregation Committee by a municipality or county with – signals that they are thinking about starting a CPA – 10 days minimum before next step.
2. Puc 2007.02 Request for Aggregated Load Information – this same information could be supplied by the utility to current and prospective default service load suppliers so they know how much load might be at risk of migration, though it is probably still some months, if not a year or more, before a plan might be approved and a new CPA launched. If after the passage of time (3 months or more) a refresh is requested, that may indicate an effort to advance an aggregation plan.
3. Puc 2007.03 Notification of Adoption of Final Plan for an Aggregation Program, due with 15 days of approval by a legislative body and includes a copy of the approved plan which the utility could share with any current or prospective suppliers (such as by reference and link in the next RFP).
4. Puc 2007.035 (placeholder number) Request for Supplemental Load Information – utility to respond within 15 days -- indicates approved CPA is likely getting close to firming up possible supply procurement and pricing.
5. Puc 2007.04 Request for Names, Addresses and Account Numbers of Customers, with up to 15 days for utility to respond – indicates that a CPA may be within a few weeks of providing a notification of commencement of services. A CPA would be unlikely to request such unless they are anticipating a launch based upon good indicative or firm pricing that looks competitive with the utility default service rate, but they would seem unlikely to give a notice

of launch until they have these addresses and can begin to process them for preparing mailing materials.

6. Puc 2007.05 Notification of CPA Commencement of Services. As proposed, this would require a minimum of 45 days advance notice before commencement of service and enrollment of any electric customers. With monthly bill cycles, the completion of enrollment and transfer of load would not occur until about 75 day following notice, giving a fair amount of time for suppliers to adjust their position accordingly. 45 days roughly corresponds to the lead time between when utility provided default service procurements require firm bids and when the delivery period for the winning bid would start. It is longer than the typical time between PUC approval of the winning bid, when it first becomes firm, and the start of the new delivery period. 45 days is also a reasonable approximation of the minimum amount of time between a CPA locking in a firm price that they can use in their printed notification to all electric customers required by RSA 53-E:7, II and any actual enrollments. From the date of lock-in to mailing drop could take a week or more to finalize text, print, address, and assemble the mailing. Then a minimum of 30 days is required to allow opt-out response to the mailing. Assuming a postcard or other mail based opt-out option is included, several more days would be needed to receive all timely opt-outs, and only then could enrollment through the EDI proceed, so allowing a minimum of a week from commencement notice to mail drop, 30 days for opt-out, and then another week to finalize the list of customers to be enrolled, the whole process should take 45 days or more.

The real point of this whole process, decoupled from the regulated utility procurement cycle, is that it should result in series of notifications that make the last and most important one, notification of commencement of services, *much more likely, if not certain*, to actually result in enrollment of customers and transfer of load, rather than what can only be a tentative or conditional commitment to launch under the Staff or Utility proposals, which is more uncertain and risky. Another advantage of this approach, delinked from the regulated procurement cycle, is that multiple CPA launches are *less* likely to cluster together at the start of a delivery period and should be more evenly spread out over time with much greater certainty, mitigating load migration uncertainty and risk exposure to the supplier. This may be particularly true as most towns have their legislative body only meet once a year at town meeting in March, and hence they may tend to clump at the exact same start of the utility summer starting default service delivery period under the Staff or Utility proposal.

Further, this alternative proposal is logical, practical, and understandable in all of the ways that the proposed linkage to the regulatory artifact of utility default service procurement solicitations is not.

The proposed over-regulation of CPAs defeats the legislative intent and purpose of both RSA 374-F and RSA 53-E.

Closely related to these practical and policy concerns is the question of whether linking the start and stop of CPA default electricity service to regulated utility provided default service is consistent with legislative intent. We don't know how the purpose statement of RSA 374-F could have been made more clear, as it clearly calls for the electric industry and its regulation to transition to competitive markets for the supply of electricity and to functionally separate the monopoly wires services from generation supply. It cites the provision of the Constitution of the State of New Hampshire (Part II, Art. 83) that makes free and fair competition a constitutional

right:

"Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it."

It cites the Restructuring Policy Principles in RSA 374-F:3 as provisions to guide the PUC in its future regulation of the electric distribution utilities. Customer choice is a leading principle as number II and repeated at principle VII under "Full and Fair Competition." Principle III states that "[g]eneration services should be *subject to market competition and minimal economic regulation.*"¹⁰ Principle V(c) states that "[d]efault service should be designed to provide a safety net and to assure universal access and system integrity." Principle XIV states:

"Administrative Processes. The commission should adapt its administrative processes to make regulation more efficient and to *enable competitors to adapt to changes in the market in a timely manner. The market framework for competitive electric service should, to the extent possible, reduce reliance on administrative process.* New Hampshire should move deliberately to replace traditional planning mechanisms with market driven choice as the means of supplying resource needs."

The purpose statement of RSA 53-E, originally enacted less than 3 months after the enactment of RSA 374-F in 1996, is also rather clear:

53-E:1 Statement of Purpose. – The general court finds it to be in the public interest to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services. The general court finds that aggregation may provide small customers with similar opportunities to those available to larger customers in obtaining lower electric costs, reliable service, and secure energy supplies. The purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.

It should also be clear that in enacting the amendments to RSA 53-E last year the General Court no longer wants default service to be a regulated monopoly of the utilities and recognized that local democratic governance can provide an alternative to PUC regulation of default service and that CPAs should be given the statutory authority to act in an agile and timely manner to provide expanded choices for retail customers not already on competitive supply.

What is NH's constitutional right to free and fair competition? This statement in federal law is instructive:

The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation.¹¹

¹⁰ Emphasis added here and in subsequent quotations.

¹¹ Small Business Act. (Public Law 85-536, as amended), § 2. (a).

Although CPAs will not be private enterprises, RSA 53-E:3-a expressly authorizes CPAs to operate as “self-supporting enterprise funds” and their purpose is to enable a form of community choice through locally accountable democratic control involving both the elected governing bodies and legislative bodies of subdivisions of the state. In turn, our vision of a CPA is one that better engages private enterprise and competitive markets in offering small electricity customers greater choices in their supply of electricity, including more local renewable sources, and value added services such as enabling price based demand response to more appropriate price signals than have thus far been made available to small customers. Some of this will evolve over time as opt-in options.

Large electricity customers and Community Choice Aggregations (CCAs) in other states (to the best of our knowledge) are not required to align their choices for launch of new generation supply with that of a regulatory artifact of a monopoly provided default service procurement cycle, much less to commit to such a switch in a blind manner where the price to compete with is unknown. As the federal law notes, and is widely recognized in economic theory, “free entry into business,” the ability of new enterprises to enter and exit markets based on current market conditions and without unreasonable barriers to entry is a key measure of the health of competitive markets. The purpose of CPAs is to provide “cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.” Tethering the startup, the free entry, of CPA enterprises to a regulatory construct for electricity supply that NH law has called upon the PUC to move away from for the past 24 years and to do so in a manner that is distinctly dissimilar to opportunities “available to larger customers in obtaining lower electric costs” is pretty clearly contrary to legislative intent. And to be blunt, we do not think it would be difficult to convince JLCAR of this point. Furthermore, to constrain or limit a constitutional right a regulatory body would need to show a compelling state interest, with solid evidence, which thus far is lacking here.

For a more detailed review of the (sorry) state of competitive retail electricity markets in New Hampshire, including the importance of low market-entry barriers in well-functioning markets, please see the 8/17/20 pre-filed direct testimony of Samuel Golding in DE 19-197 on behalf of the Local Government Coalition.¹²

Other Issues In the interest of moving along the dialogue on these draft rules, following are some comments on concerns raised by the Utilities.

NDA The Utilities have suggested that NDAs be required of CPAs. If individual customer data were to be required to be shared with a municipality or county in advance of legislative approval of an aggregation plan and creation of a CPA, we could see how that might be appropriate. However, once the CPA is formed it is under the same legal obligations as the utilities as a service provider under RSA 363:38, pursuant to RSA 53-E:4, VI, which also expressly exempts such information from disclosure under RSA 91-A so no NDAs are needed here. There has also been a suggestion that there should be cyber security standards or reviews for CPAs (i.e. municipal and county governments). That is clearly beyond the regulatory authority of the PUC. Municipalities and counties routinely collect, hold and protect confidential personal information and individual customer data to the extent protected by RSA 91-A.

Puc 2007.07 Provision of Electricity Supply Service We support the language as drafted by

¹² https://www.puc.nh.gov/Regulatory/Docketbk/2019/19-197/TESTIMONY/19-197_2020-08-17_LGC_TESTIMONY_GOLDING.PDF

Staff. Utilities often use more than one supplier at a time to supply default service load. We don't understand what the problem is as long as every customer meter is associated with a single LSE for each meter reading cycle as the draft proposes.

Puc 2007.10 County - Municipal CPA Priority This should not require changes to the utility EDI system. If a municipal CPA already exists and a County CPA is launched where that muni-CPA is located, the County CPA can simply not be given the names, addresses and account numbers of customers within that muni-CPA, so they won't be able to enroll them. If is the other way around, the muni-CPA would get the information on all electric customers within their municipality, regardless of which default service they are on and they would be able to opt-out of the muni-CPA (or opt-in if they are with a CEPs).

Puc 2007.11 New Utility Service Applicants We understand that the utilities don't like what the law now requires and would like to see the law changed to conform with how they do business in Massachusetts. However, the rule should not be delayed in the hope of changing the law, and a change in the law should not be assumed. That would frustrate legislative intent. We have provided an alternative approach that would take much of burden off the utilities to change their systems by allowing CPAs to handle the initial enrollment of new customers in default supply service, including informing them of their choices, consistent with the statutory requirement.

Puc 2007.13, Unexpected Cessation of CPA Service, Utility proposal for reimbursement requirement. Any cost reimbursement would have to be limited to segregated CPA funds on hand, as RSA 53-E:5 prohibits cost subsidy from non-participating retail electric customers: "no entity shall require them to pay, any costs associated with such program, through taxes or otherwise . . ."

Puc 2007.20 Enabling Access to Interval Meter Data We strongly support Staff's purposed language. It is entirely appropriate for the Commission to address cost sharing for jointly metered through rules, rather than requiring a case by case adjudication for each case and utility. The law expressly enables this option (along with authorizing CPA to read meters, which is not being enabled by the proposed rules but should be). This is consistent with Staff Recommendation on Grid Modernization (1/31/19) where they suggested that advanced meter functionality "could initially be deployed strategically (e.g., by geographical target areas, to large customers, *through old meter retirement*, through pilots, *and to early adopters*)." (at 52) They also suggested that "the customer should be responsible for the incremental costs associated with such a meter," which is effectively what the proposed rule does.

Every year the utilities spend tens of thousands of dollars on new meters for new customers and to replace old or defective meters. For Eversource and Liberty these are mostly similar to existing AMR meters that do not collect hourly interval data. Instead of spending that money on legacy metering that is likely to become obsolete before being fully depreciated, the proposed rule provides a formula for the same utility spend, but leverages potential CPA financial contributions to upgrade to modern AMI type interval meters. It does not require any greater expenditure by the utility than what they otherwise have planned. By swapping out the legacy meters with jointly owned AMI meters, the utility can still have the same number of meters of the same type that they would be purchasing for use in their ongoing meter testing and replacement program or for new services. If there is greater demand by CPAs than what the utility would otherwise spend and buy, those requests can be wait listed or alternative

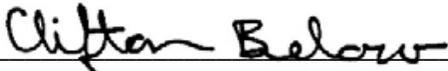
arrangements can be negotiated. It is irrelevant that existing legacy tariffs are not consistent with this approach. The new rule (along with the supporting provisions in RSA 53-E) would trump the tariff and it can be changed to conform with the rule if needed.

Puc 2007.22 Net Metering by CPAs There seems to be a fair bit of confusion and some questions about this section and particularly the provisions of paragraph (b). I'd be happy to further explain this and walk the utilities through the implications of how they need to change their accounting systems in this regard. The proposed rule closely hews to the law that mandates the accounting for any exports to the grid by CEPs or CPA customer-generators as reductions to the electricity supplier's load obligation for energy supply as an LSE (net of lines loss adjustments as approved by the commission).¹³

Proposed Puc 2207.24 Partial Payments Under Consolidated Billing Absent a purchases of receivables program, CPA default service should be put on a level playing field with Utility provided default service, which is to say if a customer makes only a partial payment on an electric bill, then it should be allocated proportionately to both the utility (aged receivables, then current charges) and CPAs (aged receivables, then current charges). Two bills were introduced in the Senate this year to do exactly that. Between the two bills, SB 463 and SB 518, there were 5 Republican Senator sponsors and 5 Democratic Senator sponsors, though the bills were never reported out of committee due to the pandemic shutdown, but this could be addressed by rules.

We look forward to further discussing the proposed rules with Staff and other stakeholders.

Yours truly,


Clifton Below, Assistant Mayor
City of Lebanon

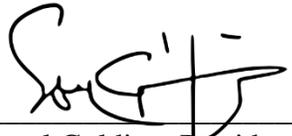

Henry Herndon, Director of Local Energy Solutions
Clean Energy NH

DocuSigned by:

7BF4AAEB027D4D4...
Doria Brown, Energy Manager
City of Nashua

DocuSigned by:

D780AA99A3484CA...
Julia Griffin, Town Manager
Town of Hanover


Samuel Golding, President
Community Choice Partners, Inc.

cc: informal service list, via e-mail

¹³ Chapter 21, NH Laws of 2020:
http://gencourt.state.nh.us/bill_Status/billText.aspx?sy=2020&id=1055&txtFormat=html

Commission Staff's proposed revisions to the Puc 2000 rules regarding competitive electric power suppliers and aggregators related to implementation of community power aggregation under RSA 53-E, as amended by Senate Bill 286 (2019).

DEFINITIONS TO BE ADDED TO OR AMENDED IN PUC 2002:

Puc 2002. "Anonymized" means customer data presented in a way that removes information that can be used identify the individual customer that it pertains to, such that it does not constitute "individual customer data" as defined by RSA 363:37, I.

Puc 2002. "Committee" has the meaning set forth in RSA 53-E:2, IV, namely, "an electric aggregation committee established under RSA 53-E:6."

Puc 2002. "Community power aggregation (CPA)" means a municipal or county aggregation established pursuant to RSA 53-E to group retail electric customers to provide, broker, or contract for electric power supply and energy services for such customers, including a group of such entities operating jointly pursuant to RSA 53-E:3, II(b) and RSA 53-A.

Puc 2002. "Community power aggregator" has the meaning set forth in RSA 53-E:2, II, namely, "a municipality or county that engages in aggregation of electric customers within its boundaries."

Puc 2002. "CPA territory" means the municipality, municipalities, county, or counties served or proposed to be served by a community power aggregation.

Puc 2002. "Default Service" has the meaning set forth in RSA 374-F:2, namely, "electricity supply that is available to retail customers who are otherwise without an electricity supplier and are ineligible for transition service and is provided by electric distribution utilities under RSA 374-F:3, V or as an alternative, by municipal or county aggregators under RSA 53-E."

~~Puc 2002. "Default service supply solicitation" means the competitive solicitation process through which a utility procures wholesale power to supply its customers taking default service, initiated by the issuance of a request for proposals from prospective competitive wholesale suppliers.~~

Commented [CB1]: This definition is not necessary with CoL's proposed edits.

Puc 2002. "Electronic Data interchange (EDI)" means a standard set of data transactions used by electric distribution companies and CEPS or CPAs serving as LSEs to send and receive data.

Puc 2002. "Enrollment" means the commencement of a customer's electricity supply service from a CEPS, a CPA serving as an LSE, or a CEPS serving a CPA under contract, effective on the meter read date described in Puc 2004.10(a) following successful EDI notification by a CEPS or CPA serving as an LSE to the utility.

Puc 2002. "Load Serving Entity (LSE)" means an entity that is registered with ISO-NE as a market participant and secures and sells electric energy and related services to serve the demand of end-use customers at the distribution level.

PART Puc 2007 COMMUNITY POWER AGGREGATIONS

Puc 2007.01 Notification of Formation of a Community Power Aggregation Committee.

(a) A municipality or county that forms a committee pursuant to RSA 53-E:6, I shall provide notice to the commission in writing and by email at the addresses provided in Puc 103.01(m) and pursuant to Puc 202.06,

and also to the utility or utilities serving customers in such municipality or county at the addresses provided to the commission by utilities and posted on the commission website under (b) below.

(b) Each utility shall provide to the commission current contact information that can be posted on the commission website as to the person or persons and mailing or email address to be used for notices to the utility required under these rules and for requests for information under these rules .

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

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

- (1) The name and address of the primary contact for the committee;
- (2) The name, address, telephone number, and email address for the municipal or county official or employee who serves as the liaison or support person for the committee;
- (3) Designation of person or persons identified under (1) or (2) above who are authorized to request information from the utility pursuant to Puc 2007.02; and
- (4) The URL of any website page maintained by or for the committee.

Puc 2007.02 Request for Load Information from Utilities.

(a) A committee may request aggregated load information for all electric customers located within the applicable municipality or county from each utility serving such customers by making an email or written request for such data to each such utility with a copy provided to the commission consistent with the requirements of Puc 202.06.

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

- (1) The most recent 12 months of monthly load data for each customer rate class, aggregated and sorted by whether the customers were taking competitive service or default service for each such month; ~~and~~
- (2) Customer counts in each rate class for each month, sorted by whether the customers were taking competitive service or default service for each such month;
- (3) Current counts of customers that participate in net metering in each rate class, sorted by whether the customers are taking competitive service or default service; and
- (4) Current counts of residential customers on default service that participate in the electric assistance program.

(c) Load data shall include consumption in kWh, and where available, kW and kVA demand, for each reported interval.

(d) No individual customer data shall be provided to a committee in response to a request made pursuant to (a) above. If there are less than 4 distinct customers in any one rate class reporting group as specified in (b)(1) above, such load data shall be combined with the load of the most similar rate class or classes and shall

Commented [CB2]: There should be no need for an NDA or cybersecurity review of a subdivision of the state for aggregated data as it can be expected to be publicly released as part of an aggregation plan. Also an NDA is unlikely to trump the requirements of RSA 91-A unless it can truly be otherwise claimed to be entitled to confidential treatment.

Commented [CB3]: This should not require a month, especially following the 10 day advance notice from 2007.01.

Commented [CB4]: Aggregated load data for more than the most recent 12 months is critical for understanding what the future seasonal load shapes might be after business and electricity consumption return to more normal levels and seasonal patterns. Monthly data, as opposed to just annual data, is likely to be valuable in developing an aggregation plan. For example, for the large customer class utility provided default service rates typically change every month. For the small customer class, the rate may be fixed for 6 months, but often the public default service filings provide the underlying monthly rates and the monthly loads to derive a load weighted average rate for the 6 month fixed rate. Monthly load data would allow a CPA planning committee to estimate load weighted average default service rates for their subset of default service customers that may be different from all of the utility's default service customers, and it could be valuable to understand material differences in monthly/seasonal load shapes.

Commented [CB5]: There probably should be some minimum threshold for aggregation to protect ICD from inadvertent disclosure and to have a standard way of reporting that load when there are very few customers in a particular rate class. The 4 customer minimum for aggregated data seems to be a standard adopted in some other states for a minimum # to provide multi-tenant building owners aggregated energy data without individual customer consent.

be reported as the combined rate classes, provided the overall reporting group contains at least 4 distinct customers.

(e) 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.

Puc 2007.03 Notification of Adoption of a Final Plan for an Aggregation Program.

(a) A municipality or county that approves a final community power aggregation plan, or revises such a plan to include an opt-out default service program pursuant to RSA 53-E:7, shall provide notice to the commission in writing and by email at the addresses provided in Puc 103.01(m) and pursuant to Puc 202.06, and also to the utility or utilities serving customers in such municipality or county.

(b) The notice required pursuant to (a) above shall be sent within 15 days following such approval by the legislative body of the municipality or county and prior to requesting customer names and address pursuant to Puc 2007.04.

(c) The notice shall include the following:

- (1) A copy of the approved plan;
- (2) The name, address, telephone number, and email address for the municipal or county employee or official who serves as official liaison or the responsible person for questions about the approved plan and who is authorized to request information from utilities under these rules; and
- (3) The URL of any website page that is maintained for the CPA.

Puc 2007.035 Request for Supplemental Load Information from Utilities.

(a) After a municipality or county has filed its approved community power aggregation plan with the commission and each utility serving the CPA territory, each such utility shall provide to the municipality or county within 15 days of a request therefor the following supplemental load information:

(1) The aggregate or anonymized data for individual capacity tags for the prior power year, current power year, and, if known, the next power year for all customers currently on default service provided by the utility, sorted by customer rate class.

(2) For each default service customer within the municipality or county the following anonymized data by rate class:

a. Whether the customer owns or purchases power from a distributed generation resource located behind the customer's meter, if known;

b. The size in kW-AC, or if not known, the size in kW-DC, of any such distributed generation referenced in a. above, if known;

c. The year and month such distributed generation was placed into service, if known;

d. Whether the customer net meters and, if so, whether under standard (original) net energy metering terms or alternative net energy metering terms;

Commented [CB6]: A place holding number for this proposed section.

Commented [CB7]: This information is important for CPAs assuming the role of default service provider to properly price supply options and is comparable to the information made available in Massachusetts to CCAs at this stage, except that in MA it is not anonymized or aggregated.

e. Whether a customer is a group net metering host or a member with on-bill crediting;

f. Whether a group net metered customer-generator operates as a low-moderate income solar project pursuant to RSA 362-F:2, X-a; and

g. Whether the customer currently has an arrearage on their account, if they are on a payment plan, and the billing and arrearage history of each such customer for the past 12 months.

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

(c) No individual customer data as defined in RSA 363:37, I shall be provided to a CPA in response to a request made pursuant to (a) above. If there are less than 4 distinct customers in any one rate class reporting group as specified in (1) or (2) above, such customer data shall be combined with the customer data of the most similar rate class or classes and shall be reported as the combined rate classes, provided the overall reporting group contains at least 4 distinct customers.

(d) An approved CPA 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.

Puc 2007.04 Request for Names, Addresses, and Account Numbers of Customers.

(a) After a municipality or county has filed its approved community power aggregation plan with the commission and each utility serving the CPA territory, each such utility shall provide to the municipality or county upon their request therefor the names and mailing addresses for every electric customer taking service within the municipality or county, and the utility account number and related meter number(s) or meter identification(s) for each metered load on default service within the CPA territory.

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

(c) The information required to be provided pursuant to (a) above shall be provided within 3015 days of request therefor.

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

Puc 2007.05 Notification of CPA Commencement of Service.

(a) Each municipality or county initially implementing a community power aggregation plan shall provide written notice to the commission and to each utility serving customers within the CPA territory prior to the commencement of transfer/enrollment of any electric customers toin the CPA.

(b) The notice required pursuant to (a) above for any CPA to be operated on an opt-out basis shall be sent not less than 6045 days prior to the commencement of service and the enrollment of any electric customers in the CPA, the next default service supply solicitation to be conducted by any utility serving customers within the CPA territory subject to the CPA, which shall be the earlier of such dates if the CPA territory is served by more than one utility.

Commented [CB8]: Unlike others states with active community choice aggregation programs NH does not have a POR (Purchases of Receivables) option and the current waterfall payment structure places current CPA receivables behind all amounts due to the utility, unlike utility provided default service, which has equal priority with receivables otherwise due the utility.

Commented [CB9]: This notice could only be given at least 15 days after the notice required by Puc 2007.03(b), hence there would be at least 30 days advance notice to the utility of the need to prepare such a list, which should be plenty of time. Shortening this from 30 days to 15 primarily serves to provide the CPA with a reasonably current list for the requirement under RSA 53-E:7, II that requires mailing "written notification to each retail electric customer" within the jurisdiction. For the rule to conform to the statutory requirement, this lead time should be as short as is reasonably possible.

Commented [CB10]: See the accompanying letter that explains why shortening this requirement and de-linking it from utility default service supply solicitation is both reasonable and important to comply with statutory intents.

~~(e) In connection with the initial implementation of any CPA operated on an opt-out basis, no customers shall be transferred to the CPA prior to the date upon which new default service rates for any utility serving customers within the CPA territory have become effective.~~

Puc 2007.06 Use of Electronic Data Interchange.

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

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

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

(2) If the CPA will provide alternative default service, demonstrate the ability to use EDI for automatic enrollment of default service customers in the CPA territory, excluding those customers that opt-out, over the course of the CPA commencement month.

Puc 2007.07 Provision of Electricity Supply Service.

(a) CPA customers shall be served by one or more CEPS or by the CPA as an LSE with full requirements, load-following electricity supply service, which may include electricity supply provided by distributed generation or other distributed energy resources.

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

Puc 2007.08 Application of Puc 2004 to CEPS Providing Electricity Supply to CPA Customers.

(a) This chapter shall apply to CEPS providing electricity supply service to CPA customers as their LSE, except as otherwise provided (b) below.

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

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

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

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

Puc 2007.09 Utility Services to CPAs. Electric distribution utilities shall provide services to CPAs on the same terms and conditions and at the same rates and charges as apply to CEPS except as otherwise provided by these rules or statute.

Commented [CB11]: There seem to be some information services to be required by these rules (and necessary to implement RSA 53-E) that simply don't apply to CEPS, so this is a way of recognizing this.

Puc 2007.10 County CPAs That Contain Municipalities With Adopted or Planned CPAs. As required under RSA 53-E:7, IV, municipal community power aggregations shall take priority or precedence over any county community power aggregations with respect to customer enrollment.

Puc 2007.11 New Utility Service Applicants.

(a) Electric customers who apply for new service provided by a utility within the CPA territory of a CPA providing opt-out alternative default service pursuant to RSA 53-E:7, II, after the supply of customer names and addresses by the utility for the customer notification mailing required under RSA 53-E:7, II shall be given a choice of enrolling in default service provided by the utility, service provided by a CEPS, or service provided through the CPA.

Commented [CB12]: This just recognizes this would not apply to a CPA that is only operating on an opt-in basis, which is possible, if not likely.

(b) The utility shall provide new customers with such choice information and provide supplier enrollment by the means specified in either (1) or (2) below:

(1) The utility shall inform all such new customers of CPA pricing and utility default service rates at the time those customers apply for service from the utility and shall enroll such new customers in their choice of supplier, or if such new customers do not make a choice of supplier, the utility shall enroll the customer in the default service of any geographically appropriate approved and operating CPA, or, if none exists, the utility provided default service; or-

Commented [CB13]: This is essentially what the law requires today - though I think the 2nd option is also allowable by law, as well as a hybrid with CPAs and utilities both putting their default service rates on the PUC comparison website that new customers could be directed to, and if they don't make a choice (affirmative enrollment), then they simply get enrolled in the CPA default service effective to the time their service is turned on.

~~— (c) New customers who do not make such a choice shall be enrolled in the default service of any geographically appropriate approved aggregation, or, if none exists, the utility provided default service~~

(2) The utility shall, within 48 hours of receipt of a completed application for new service, provide a copy of such application, along with the account number assigned to the new customer and any additional contact information the utility may have for the new customer, to the CPA providing default service at the location of the new service and the CPA shall inform the customer of applicable CPA and utility provided default service rates and the option to select a CEPS, and if the new customer does not make a choice of utility provided default service or CEPS service, the CPA shall enroll them in their alternative default service.

What is the lead time between when a new customer applies for service and when it is scheduled to become live? If an existing electric service is being transferred I assume it is usually determined by the next meter read cycle, with some amount of lead time for scheduling.

Puc 2007.12 Termination of CPA. If a municipality or county intends to terminate a CPA, it shall provide written notice of the termination to the commission and to each utility serving customers in the CPA territory, such notice to be provided not less than 90 days prior to the termination date unless the CPA is operated on an opt-out basis, in which case the notice shall be provided not less than 90 days prior to the commencement of the next default service supply solicitation to be conducted by any utility serving customers within the CPA territory, which shall be the earlier of such dates if the CPA territory is served by more than one utility.

Commented [CB14]: This unduly burdensome and is contrary to the concept of a competitive marketplace for electricity supply.

Puc 2007.13 Unexpected Cessation of CPA Service. In the event of suspension from regional market participation by ISO-NE or another event causing the CPA to be unable to provide service to its customers within the CPA territory, the CPA shall provide immediate notice to the commission describing the market suspension or other event, the effective time of the inability to provide service, and the notice provided to customers of the timing and consequences of the cessation of CPA service.

Puc 2007.14 Restart of an Aggregation Program After Termination. If a CPA is terminated, the municipality or county that sponsored the CPA shall not implement another community power aggregation plan for a period of [12] months following the effective date of such termination.

Puc 2007.15 Sales Reporting. Each CPA that serves as an LSE for its participating customers shall submit a confidential quarterly sales report containing the information specified in Puc 2006.03, as and when such submission is required to be made by a CEPS pursuant to Puc 2003.04(a) and Puc 2006.03.

Puc 2007.16 Renewable Portfolio Standard Reporting. Each CPA that serves as an LSE for its participating customers shall file, by July 1 of each year, the Annual Renewable Portfolio Standard Compliance Filing required by Puc 2503.03, and shall pay to the commission, by July 1 of each year, any alternative compliance payment due pursuant to Puc 2503.

Puc 2007.17 Environmental Disclosure Label.

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

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

Puc 2007.18 Complaints and Dispute Resolution.

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

(b) Complaints to the commission under this chapter shall be made pursuant to Puc 204, and, consistent with RSA 53-E:7, VI, shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

Puc 2007.19 Historic Load and Billing Data. Once a utility customer has become a customer of a CPA, the utility shall provide to the CPA for each such customer:

(a) Not less than 12 months of historical monthly load data for each such customer, including consumption in kWh, and where available, kW and kVA demand;

(b) Individual customer data that allows the identification of each customer and association with the customer's individual load data, including, to the extent applicable and available:

- (1) Name of customer;
- (2) Name of customer contact, if different from customer name;
- (3) Mailing address;
- (4) Service address;
- (5) Account number and related meter number(s) or meter identification(s);

(6) Home or operating company phone number;

(7) Mobile phone number;

Commented [CB15]: This and the next 9 items are all information the utility should have for some or all customers and be able to share with a CPA for the CPA's customers.

_____ (8) Email address;

_____ (9) Operating company;

_____ (10) Billing account number;

_____ (11) Preferred billing method;

_____ (12) Billing cycle;

_____ (13) Meter number or numbers;

_____ (14) Meter reading date or reading cycle;

_____ (15) Form or type of meter reading;

(16) Historic for the previous 2 years, current power year, and forecasted next power year, if available, capacity tag information for the customer; and

(17) Current and historic status of the customer regarding:

a. whether the customer owns or purchases power from a distributed generation resource located behind the customer's meter, if known;

b. the size in kW-AC of any such distributed generation located behind the customer's meter, if known;

c. whether the customer net meters and, if so, whether under standard tariff terms or under alternative tariff terms;

d. whether the customer is a group net metering host or member with on-bill crediting;

e. whether the customer's distributed generation facility has been determined to be a low-moderate income community solar project;

f. whether the customer participates in the Liberty battery storage pilot program;

g. whether the customer is currently enrolled in the electric assistance program;

h. whether the customer is currently on a payment plan for arrearages; ~~and~~

i. the utility rate class of the customer; and

_____ (e18) Customer billing data for the previous 12 months, including monthly arrearage balances.

Puc 2007.20 Enabling Access to Interval Meter Data. Pursuant to RSA 53-E:4, IV, if one or more CPA customers do not have meters that provide load data at intervals of hourly or more frequently or that do not provide near real-time access to such interval load data, to enable the use of such interval data for load settlement purposes including capacity tag allocation, the CPA may, upon request to and approval by the utility and approval by the commission:

Commented [CB16]: This purpose is straight out of the statute, RSA 53-E:4, IV and should be recognized in the implementing rules.

(a) Contribute to the cost of a utility interval meter by paying the incremental cost of such meter that is in excess of the then current cost of a standard replacement meter;

(b) Propose to jointly own with the utility a new interval meter, which may include supporting communications equipment and systems, with the utility required to contribute not less than the cost of a standard replacement meter, up to its annual budget for new and replacement meters, and ownership shares to be proportional to the relative cost contributions of the CPA and the utility; or

(c) Install a secondary revenue grade meter provided by the CPA that is in addition to the meter installed and maintained by the utility.

Puc 2007.21 [Procedure for Approval of CPA Contribution to or Ownership Interest in Interval Meter.](#)

(a) The utility and CPA shall jointly submit to the commission for approval their agreement to implement any of the approaches provided for in Puc 2007.20, which the commission shall review and evaluate through a docketed proceeding.

(b) If a CPA and a utility cannot agree to terms for the implementation of interval metering, [including for near real-time access to meter data or direct meter reading by the CPA](#), the CPA may submit a proposal for such implementation to the commission for adjudication, and the commission shall approve the proposal if it finds that the proposal is in the public good, pursuant to RSA 53-E:4, IV.

Puc 2007.22 [Net Metering by CPAs.](#)

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

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

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

[Puc 2207.23 Consolidated Billing.](#)

[\(a\) For utility provided consolidated billing, a CPA shall have the option to provide lump sum charges or credits for electricity supply and related services through the EDI with billing details, including all billing determinants, provided directly to the customer by the CPA.](#)

[\(b\) A CPA may propose to provide consolidated billing and collection services, pursuant to RSA 53-E:3-a, through an adjudicated proceeding.](#)

[Puc 2207.23 Partial Payments Under Consolidated Billing. In any consolidated billing involving charges by or on behalf of both a utility and a CPA, when a customer makes a payment for less than the full amount billed, such payment shall be applied as follows:](#)

[\(a\) First to any outstanding customer loans or deposit obligations with the utility or the CPA, in proportion to the balance due on such obligations;](#)

Commented [CB17]: This is important to enable additional authorities of CPAs under the statute, including possible opt-in supply rates, such as TVR/TOU and dynamic rates (e.g. DAP & RTP) that the utilities are not capable of computing but should be capable of billing as a lump sum charge or credit. This especially important because EAP credits cannot currently be given to eligible customers except through consolidated billing, so CPAs may have to discriminate against those customers in money saving opt-in opportunities. The original EDI materials on the PUC website indicate that there are optional dormant fields within the EDI architecture that could be activated to enable this. Under "[Usage Billing Invoice](#)" on this pg.: <https://www.puc.nh.gov/Electric/edi.htm> there is a document called "ts810" that includes on pp. 48-49 a data "segment" called "SAC" which apparently stand for "Service, promotion, Allowance, or Charge" where an allowance or promotion could be a credit on a bill. At this location the Segment is described as "Allowance or Charge Information - Current Amount." The purpose is described as "[t]o request or identify a service, promotion, allowance, or charge; to specify the amount or percentage for the service, promotion, allowance, or charge." There are specific fields to allow identification of various charges or credits and allows the specification of a monetary amount in a field called "SAC05". There are a variety of data fields and additional segments that seem to allow for supplier specification of lump sum charges or credits as well as by percentage and by units with a unit price, including for a 3 part TOU rate structure and for "Current Customer Charges" on pp.48-63. If the supplier could use these fields they could create a unique charge (or credit) for each customer, with an identifier that would allow the CPA to use utility consolidated billing for a variety of new services that could be offered EAP customers.

_____ (b) Next to any utility or CPA current payment arrangement obligations, in proportion to the balance due on such obligations;

_____ (c) Next to any utility or CPA budget billing arrangement obligations, in proportion to the balance due on such obligations;

_____ (d) Next to the aged accounts receivable of any utility and aggregator or competitive electricity supplier serving an aggregation, in proportion to the balance due on such aged accounts receivable;

_____ (e) Next to the current charges of any utility and aggregator or competitive electricity supplier serving an aggregation, in proportion to the balance due on such current charges; and

_____ (f) Finally, to any other charges due on the utility bill as may be provided for by the utility tariff.