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February 29, 2024

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NH Department of Energy
21 S. Fruit St., Ste. 10
Concord, NH 03301

RE: CPT 2023-002 Complaint of CPCNH against Public Service Company of New Hampshire d/b/a Eversource Energy

CPCNH status update

Dear Attorney Lynch,

In lieu of the table analysis of individual complaint elements that we reviewed last month with DOE and Eversource, I concluded that it would cleaner and more readily understood to review the status of items in our original complaint in this letter form, under the broader topic areas, with a break down on the status of specific issues under those headings.

I have also included a report on the status of all items raised in our parallel complaint at the PUC in [DE 23-062](#). The last entry in that docketbook is the [7/17/23 reply](#) by CPCNH to Eversource's 7/10/23 response to our complaint in which we indicated that we were not satisfied with Eversource's response.¹

¹ The CPCNH complaint against Eversource in PUC Docket No, 23-062 was filed on June 16, 2023, at which time RSA 53-E:7, X allowed that complaints regarding the rules could be filed with the Commission, while Puc 2205.12, effective 10/5/22 specifically provided that complaints regarding a CPA's or utility's compliance with the Puc 2200 rules and RSA 53-E could be submitted to and resolved by the Commission pursuant to Puc 204. DOE already had assumed responsibility for complaints filed pursuant to RSA 365:1 regarding "anything or act claimed to have been done or to have been omitted by and public utility in violation of any provision of law ... or of any order of the commission." Hence two parallel but somewhat dissimilar complaints were filed by CPCNH. Effective June 20, 2023, Chapter 85:2 of NH Laws of 2023 amended RSA 53-E:7, X to provide that complaints "pertaining to actions undertaken or omitted by any municipal or county aggregator or electric distribution utility arising under this chapter, applicable rules, or orders of the commission, shall be made to the department." Chapter 85:3, NH Laws of 2023, which is only session law, so does not appear in the RSAs, provides that "[T]he procedure for complaints pursuant to RSA 53-F:7, X as amended by this act, shall apply to complaints filed with the department of energy on and after the effective date of this act."

As the PUC has not initiated any further investigation or adjudicatory steps to resolve that complaint, and due to the extensive overlap of the complaints and the DOE's ability to further investigate and work to help resolve the complaints, if DOE and Eversource do not object, CPCNH proposes that we make a filing with the PUC in DE 23-062 to express:

1. That the PUC complaint, Eversource's response, and CPCNH's reply be transferred in their entirety to the DOE and be made a part of this proceeding; and
2. That DE 23-062 be closed without prejudice, allowing that, depending on the disposition of CPT 2023-002 at the DOE, some of the matters may be returned to the PUC for resolution in an adjudicated docket as provided for in RSA 53-E:7, X and RSA 365:1.

The remainder of this letter is divided into two sections below. The first provides an update regarding the relevance and status of the NH EBT/EDI Working Group and Docket No. DE 23-063 as it relates to the matters in CPCNH's complaints, and the second provides an update regarding each item raised in the complaints.

NH EDI-EBT Working Group & Docket No. DE 23-063

CPCNH appreciates the Department's request for an update regarding whether aspects of our complaints against Eversource might be resolved through the NH EBT/EDI Working Group and/or under Docket No. DE 23-063.

As context, a significant portion of our complaints originate from Eversource's noncompliance with the New Hampshire Electronic Data Interchange (NH EDI) Standards — which is the underlying cause of the utility's noncompliance with numerous Puc 2200 rules — and from Eversource's inability to provide the services required thereunder.

As such, and as explained more fully in context below, whether and on what timeline, Eversource will implement the data interchange functionality and billing services required to comply with NH EDI Standards (and thus Puc 2200 rules) is a key focus for CPCNH in both the NH EBT/EDI Working Group and Docket No. DE 23-063.

As the Department is now aware — given that this is an open topic of discussion in the NH EBT/EDI Working Group — Eversource, Unitil, and Liberty Utilities (the "Joint Utilities") have implemented the EDI requirements of Massachusetts, not the NH EDI standards. This has resulted in EDI standards with less functionality than what is required under the NH EDI Standards. Apparently only the New Hampshire Electric Coop (NHEC) has implemented the NH EDI Standards.

The differences are profound, most notably in foreclosing competitive choice for time-of-use (TOU) and net-metering (NM) customers:

- ✦ NHEC's EDI system was appropriately configured to provide time-of-use (TOU) and net-metering (NM) export data, for each individual customer, every month, to CPAs and CEPS. In contrast, only Unitil's EDI system provides net-metering export data and only Eversource's EDI system provides time-of-use data. The lack of TOU/NM usage data forecloses CPAs and CEPs from offering service to TOU/NM customers on a dual-billing or consolidated billing basis.
- ✦ The Joint Utilities² have not implemented the NH EDI Standard requirement that utility billing systems should support the same range of product options for utility default supply customers and consolidated billing customers served by CPAs / CEPS. Instead, the Joint Utilities limit CPAs and CEPS to only charging customers on consolidated billing a volumetric kWh rate, without any accommodation for time-varying rates or net metering export rates. The one *partial* exception is Eversource, which accepts 2-part TOU supply rates submitted by CPAs for Class LG customers (which are few in number) but not for residential TOU customers. The lack of these services forecloses CPAs and CEPs from offering service to the vast majority of TOU/NM customers on a consolidated billing basis leaving customers with only the choice of the Joint Utilities for TOU/NM or other rate innovations.

This is contrary to Eversource's Tariff and Supplier Agreement, which both represent that the utility has implemented the NH EDI Standards.³ None of the Joint Utilities disclosed that they had instead implemented Massachusetts' EDI requirements during the Puc 2200 rulemaking process (nor to CPCNH's knowledge, was this ever disclosed during the multi-year, informal rule development process that preceded the formal rulemaking).

- ✦ While CPCNH raised concerns during the Puc 2200 rulemaking regarding the extent of the Joint Utilities' compliance with NH EDI Standards, these were limited to observing that utility tariffs and supplier agreements fell short of fully enabling suppliers to add new products and rate structures beyond those in use for utility default service customers.⁴ CPCNH didn't question (nor did any other stakeholder) whether the Joint Utilities would allow CPAs to offer the

² The NH EDI Standards provided certain exemptions for NHEC here, reflecting a lack of billing system functionality.

³ Eversource Supplier Agreement p. 1 under §1, "Basic Understanding" that defines "EDI Standards" as those "*made by the Electronic Data Interchange Working Group report (referred to herein as the "EDI Standards"), made effective by NHPUC Order No. 22,919 and other applicable regulations of the NHPUC,*" and Eversource Tariff at p. 31, §1.f under Terms and Conditions for Energy Service Providers that references "*EDI standards as approved by the Commission.*"

⁴ See DRM 21-142, CPCNH Reply Comments, pp. 25-29 (regarding Puc 2205.16). Online: https://www.puc.nh.gov/regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-28_CPCNH_OCA_CENH-COMMENTS.PDF

same products and rate structures that utility billing systems were already capable of offering to utility default customers as is required under the NH EDI Standard and assumed under the Puc 2200 rules.

- ✦ Indeed, in November 2022, one month after adopting the Puc 2200 rules, the Commission noted that it “*believed that for the past twenty-four years EDI systems have operated under the original, interim standards*”⁵ implemented by Order No. 22,919.⁶

The Puc 2200 rules were consequently adopted based on the Commission’s underlying assumption that the Joint Utilities were generally operating in compliance with NH EDI Standards requirements, and that CPAs would be able to serve TOU/NM customers and a dual-billing and/or consolidated billing basis, potentially with certain minor upgrades being necessary over the normal course of business.

- ✦ That is why Puc 2205.16(d)(2) was written to allow CPAs to provide utilities with a “*schedule of electricity rates and service pricing options applicable to the customer’s class and rate structure*” for use in consolidated billing, and Puc 2205.16(b)(2) provides CPAs with the additional option of defining “*on-peak, mid-peak, and off-peak periods or other pricing options and rate structures that are different from those defined in the utility’s applicable tariffs on file with the commission, and to request enhanced metering services for customers...*” so long as the CPA pays for the associated utility system change costs.
- ✦ Those rules reflect the NH EDI Standard requirements that utility consolidated billing services allow competitive suppliers to use the same “*rate structures, customer class definitions and availability requirements that are within the capabilities of the Distribution Company’s billing system*”⁷ while allowing the additional option “*If a Supplier makes a written request to add a pricing/rate structure not currently supported by a Distribution Company, the Distribution Company will consider making reasonable changes to its billing system. The requesting Supplier will be responsible for any costs incurred to make the*

⁵ IR 22-076, Order of Notice (11/15/22), p. 3, fn. 2. Online: https://www.puc.nh.gov/regulatory/Docketbk/2022/22-076/INITIAL%20FILING%20-%20PETITION/22-076_2022-11-15_NHPUC_OON.PDF

⁶ In which the Commission approved the consensus report filed by the NH EDI Working Group on April 2, 1998, and ordered the utilities to “*implement the report’s requirements*”.

⁷ EDI Standards, Supplier Guide, Section III, D, 1. Available online: <https://www.puc.nh.gov/electric/EDI/part002-nhguide%20v3.pdf>

designated changes A different price structure may also require the installation of a different meter.”⁸

The only billing mechanism required under Puc 2200 rules that was understood at the time to represent a new service — requiring significant effort and time for the utilities to implement — was the “bill ready” consolidated billing pursuant to Puc 2205.16(d)(1). This service would permit CPAs and CEPS to perform customer bill calculations and transmit the amounts owed back to the utility to present on consolidated bills, so that CPAs and CEPS would be able to freely innovate by offering advanced rates/products without first needing to pay for and wait upon the utilities to make the necessary incremental changes to their billing systems each time.

The Joint Utilities’ proposal to implement the bill-ready consolidated billing mechanism is now being considered in Docket No. DE 23-063. At the Prehearing Conference, CPCNH explained how enabling dual-billing for TOU/NM customers should be prioritized in advance of the Joint Utilities’ proposal, given that doing so would be a less expensive and faster means of enabling innovative rates and products to be offered to customers served by CPAs or CEPS. CPCNH explained that doing so required the Joint Utilities to (1) identify the customers in advance of enrollment so that CPAs could switch them to dual-billing service, (2) provide complete usage data (billing determinants) for every month so CPAs could issue separate supply bills to each customer, and (3) modify wholesale load profile settlements to allocate the hourly usage of TOU/NM customers to their supplier (including by decreasing hourly load obligations to account for customer-generator exports).

The Commission subsequently cited to CPCNH’s alternative proposal in their Prehearing Order, observing that *"potential alternatives that could meet the intent of the rule appear to exist"*, and ruled that *"these alternatives should be explored and vetted in the instant proceeding before the Joint Utilities set out on a time consuming and costly path to compliance with Puc 2205.16(d)(1)."*⁹

Over the course of the subsequent five months that have elapsed, CPCNH has engaged in a series of meetings variously with the Joint Utilities, DOE, and OCA to explore implementation of dual-billing for TOU/NM customers as an interim alternative to bill ready consolidated billing. The Commission agreed to suspend the procedural schedule in December, based on Eversource’s representation that *"The parties have made great strides in reaching a common position on all open*

⁸ *Ibid.*, Section III, D, 4.

⁹ DE 23-063, Prehearing Order (9/29/23), pp. 3-4. Online: https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063/ORDERS/23-063_2023-09-29_NHPUC_PREHEARING-ORDER.PDF

issues, and are currently working on a joint party motion to reach a resolution in this matter.”¹⁰

On 2/15/24 Eversource circulated a proposed draft motion to parties that proposed to suspend the docket and grant the Joint Utilities an “indefinite waiver” to implementing bill ready consolidated billing — pending any party’s future petition to implement the proposal — without mentioning implementation of dual-billing for TOU/NM customers as the alternative mechanism being implemented in the interim.

The motion instead acknowledged in vague terms that “alternatives to the Joint Utilities’ proposal were suggested that would enable CPAs to offer net metering credit programs to their customers” before representing that “the Parties agree that proposals made at the prehearing conference are better addressed through a separate petition and adjudicative proceeding”.¹¹

Two days prior, at the second meeting of the NH EBT/EDI Working Group on 2/13/24, Eversource raised objections to prioritizing the implementation of dual-billing for TOU/NM customers, characterized the proposal as being solely reflective of CPCNH’s “business objectives”, and claimed that discussion of reforms to wholesale load settlements was “out of scope” for the Working Group.

CPCNH and Eversource subsequently exchanged redlined draft motions, culminating with CPCNH circulating a version that explained the parties were asking the Commission to grant the Joint Utilities an indefinite waiver to enabling bill ready consolidated billing based upon the consensus that implementation of dual-billing for TOU/NM customers would be prioritized as an acceptable alternative in the interim, inclusive of the Joint Utilities being required to identify TOU/NM customers in advance of CPA enrollment, and committing CPCNH to submitting a petition to open a separate docket implement all necessary corresponding updates to wholesale load settlements.

After failing to reach agreement on the draft motion by the 2/22/24 deadline set by the Commission, the Joint Utilities requested and received an additional month’s delay in the procedural schedule based on the representation that “the parties have continued to make progress towards a common position”.¹²

¹⁰ See Docket DE 23-063 at tab 27 and 28. Online: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>

¹¹ Refer to Eversource’s 2/15/24 email, sent to DOE staff, subject line: “DE 23-063 Joint motion to suspend the docket and extend the waiver indefinitely -review and sign off needed DUE 2/22”.

¹² See Docket DE 23-063 at tab 30 and 31. Online: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>.

Two days ago, on 2/27/24, the Business Rules subgroup of the NH EBT/EDI Working Group met for the first time to discuss and agree upon priorities for changes to the utilities EDI systems and associated business processes.

- ✦ The productive meeting concluded with the Joint Utilities agreeing to commence planning for the implementation of dual billing for NEM and TOU customers as a priority change. This is a welcome development in allowing options for CEPS and CPAs to deliver TOU/NM rates to their customers. (The next Business Rules subgroup meeting is scheduled for March 25th to receive a status update from the utilities; the Joint Utilities did not commit to providing any specific deliverable by this date.)
- ✦ CPCNH also clarified that the related issue of implementing the necessary reforms to wholesale load settlements to enable competitive supply service for TOU/NM customers was in scope of DE 23-063 and explained that CPCNH might alternatively petition the Commission to open a separate proceeding pursuant to the motion under negotiation to suspend DE 23-063 and committed to updating the group at the next meeting whether the Joint Utilities had agreed to the motion or not.
- ✦ The subsequent priority of enabling rate-ready consolidated billing for TOU/NM customers was also discussed.¹³

In conclusion, CPCNH remains optimistic that Eversource will agree to prioritize the implementation of dual-billing for TOU/NM customers in exchange for an indefinite waiver of the rule to enable bill-ready consolidated billing. Indeed, there is no basis for submitting a motion requesting a waiver absent such an agreement, given that Puc 201.05(b)(2) allows the Commission to waive a rule if *“the purpose of the rule would be satisfied by an alternative method proposed.”*

Thus, if prioritization of implementation of dual-billing in the motion due to the Commission next month is not agreed to, then the procedural schedule resumes for DE 23-063. In that case, CPCNH's proposal to prioritize implementation of dual-billing will be *“explored and vetted”* pursuant to the Commission's Prehearing Order as the immediate next-step (inclusive of the necessary reforms to wholesale load settlements).

As such, CPCNH observes that the plans that the Joint Utilities have agreed to bring forward for the NH EBT/EDI Working Group's consideration regarding priority implementation of dual-billing for NM/TOU customers is well-timed to support the Commission's determination in either event.

¹³ NH EDI-EBT Working Group, Business Rules / Policy Subgroup, 2/27/24 agenda. Online: <https://www.energy.nh.gov/sites/g/files/ehbemt551/files/inline-documents/sonh/022724-edi-ebt-business-rules-subgroup-agenda.pdf>

Status of All Items in PUC and DOE Complaints

The status of all items raised in our PUC and DOE complaints is provided below, organized under the following categories of topics:

1. Net metering: negative usage data and load settlement;
2. Time-of-Use (TOU) data & billing;
3. Provision of Interval Data (only in PUC complaint);
4. EDI Enrollment Requirements;
5. EDI Testing Requirements;
6. Whether CPCNH is an appropriate counterparty to the utility under Eversource's supplier agreement and the extent to which the supplier agreement needs to be modified to conform with Puc 2200 rules and RSA 53-E (only in PUC complaint);
7. Compliance with Puc 2205.16(d)(1) enabling bill-ready consolidated billing (only in PUC complaint); and
8. Eversource's refusal to prorate CPA rates on calendar month basis like they do for their own default energy service (only in PUC complaint).

Each of the topics is addressed in turn:

1. Net metering: negative usage data and load settlement [raised in original DOE complaint under ¶ 1.3, 1.4, 1.5, 1.6, §2, §3, and most of §4, raised in PUC complaint under ¶ 1.10-1.13 and all of §3]

The issue is that CPCNH is not able to successfully serve most net metered customer-generators who are being denied meaningful customer choice, contrary to the intent and letter of multiple NH laws. Eversource disputed the complaint in its entirety as meritless. However, since the PUC ruled in DE 23-063 on 9/29/23 that “usage data’ for net-metering customers . . . includes net usage during a reported interval, whether positive or negative” and the chapter generally requires “the provision of positive and negative values for each reported interval,” Eversource acknowledges that it is not currently complying with certain rules and intends to seek additional partial waivers of certain specific rules for which it has not yet been granted a waiver.

Specifically, this implicates the following rules, laws, and orders:

- ✦ **Puc 2203.02(b)(1) and 2203.02(d)** concerns aggregated community-level data. Eversource initially indicated that they are complying, but in an email dated 1/30/24, Attorney Chiavara acknowledged that Eversource is unable to comply with this requirement regarding certain “grandfathered net metered accounts” in their Large Power Billing (LPB) system and for Group Net Metering Host export data and will be seeking a partial waiver of this rule, until they are

able to comply, which process is “in the queue for development.” **CPCNH recommendation to DOE: monitor timetable to achieve compliance.**

⚡ **Puc 2204.02(a)(2)** concerns anonymized customer-specific data. Eversource received a waiver in DE 23-063 in the prehearing order dated 9/29/23 until such time as they are able to comply. Eversource has since indicated that they are now in compliance with this requirement in providing negative usage data for net metered customers as part of this report. However, it is not clear that they are in compliance regarding the provision of hourly interval data as discussed below. **As it pertains to interval data, this issue remains open; however, is resolved otherwise.**

⚡ **Puc 2205.05(b)** concerns information necessary to successfully enroll new utility service customers after an initial launch of CPA service. While Eversource is now providing flags for customers on net metering or TOU rates prior to the start of new customer enrollment, they have stated that they are doing this voluntarily and that we should not rely on such flags as being necessarily accurate. There have been instances where Eversource did not flag NEM customers which resulted in those customers being inadvertently enrolled into CPA service, and as a result, were financially harmed due to the loss of their export credit. In some cases, Eversource, upon request, rebilled those customers as if they had stayed on utility default service. However, Eversource abruptly stopped rebilling such customers and have stated that it would not rebill any such inadvertently enrolled customers going forward despite their failure to identify such customers prior to launch of CPA service. (CPCNH has also reimbursed customers for their lost credits, particularly in cases where we were in part responsible for their inadvertent enrollment and in others to improve the customer experience quickly when the overall dollar impact was manageable. In one current case there is a large net metering customer that was not flagged as such upon initial enrollment who is still without recovery of their export credits.)

This same requirement is more broadly stated in RSA 53-A:7, III, regarding initial enrollments, which provides that utilities shall provide to the launching CPA “a current list of the names and mailing addresses of all electric customers taking distribution service within the municipality or county service area, and for such customers on utility provided default service, the account numbers and **any other information necessary for successful enrollment in the aggregation.**” Likewise, RSA 53-E:7, VI provides that for new customers on default service after initial launch, that the utility provide certain data upon request, including “any other information necessary for successful enrollment.” As explained in our initial complaints, **CPCNH is not able to successfully enroll and serve most net metered customers and provide them with expected credit for their exports until load settlement is changed pursuant to RSA**

362-A:9, II, as we cannot provide financial credit for exports to the grid by NEM 2.0 customer-generators if the CPA does not, in turn, receive credit for those exports against what otherwise must be procured from ISO-NE markets.

Even once load settlement is resolved, we will continue to require that NEM customers be identified in advance of enrollment, particularly since Eversource does not support CEPS or CPA consolidated billing for customer-generators and we would need to dual bill them to give any energy credit for exports to the grid. EDI systems and Puc 2206.16(a) require that prior to enrolling customers, CPAs identify whether they will use either consolidated billing or dual/separate billing. We consider this issue to be unresolved so long as Eversource continues to insist that their flagging of this data should not be relied upon along with their refusal to rebill those financially harmed customers who were inadvertently enrolled as a result of Eversource's failure to identify them to us prior to CPA service launch. **This issue of Eversource flagging net metered customers for us prior to CPA service launch remains unresolved; however, it is potentially pending resolution in DE 23-063 as part of an alternative to achieving the purposes of Puc 2205.16(d) in conjunction with an indefinite waiver of such rule. CPCNH recommendation to DOE: monitor the timetable to achieve compliance and resolution.**

⚡ **Puc 2205.13(a)(7)** concerns the provision of usage data on utility customers after they become CPA customers. In DE 23-063, Eversource sought temporary waiver of this rule if this rule were to be interpreted to actually require the inclusion of negative usage data, until such time as they are able to comply. At the time, they indicated that changes were being implemented such that they could provide negative usage data starting by the end of September 2023. After ruling that 2205.13(a)(7) does in fact require the provision of negative usage data for each reported interval, the PUC granted the waiver in its 9/29/23 Prehearing Order. Since then, Eversource has indicated that they will provide monthly data, including positive and negative net usage, for each customer on a quarterly basis, in arrears, but not more frequently unless CPAs are willing to pay for the time it takes to provide such data on a monthly basis, as the means to provide this data involves a manual process. Monthly positive consumption data is available monthly through EDI 810 and 867 files.

As negative usage is a billing determinant for serving net metered customers, the provision of this data only in arrears quarterly is of limited practical value and decouples that data from the normal monthly billing cycle. It would likely result in an unsatisfactory experience for net metered customers, even if dual billed, as they would only receive their export supply credits with a delay of up to 4 months, which would also put some of that data in CPA hands only after the secondary load settlement with ISO New England, making impractical the

ability of suppliers to exercise their right and responsibility to verify their load settlement data with ISO-NE in a timely manner.¹⁴ Further complicating matters would be situations in which a net metered customer switched from CPA service to utility default service or CEPS service during the period of time in which a CPA would be waiting to receive quarterly the billing determinants for that customer. Compliance with this rule regarding interval data is discussed below under the Interval Data section. **CPCNH does not consider this matter resolved. Partial resolution of this matter is potentially pending in DE 23-063 so CPCNH recommends that DOE monitor the timetable to achieve compliance and resolution.**

✈ **Compliance with NH EDI standards & PUC Order 22,919.** As discussed in detail in Section 4 of the complaint, CPCNH believes that Eversource is not in compliance with the original provisions of NH’s EDI standards approved in PUC Order No. 22,919. Relevant here is the express provision in 867 historical usage data of separate registers for either positive or negative usage data. Eversource disputes that these were actual requirements of the NH EDI standards and instead, were somehow optional potential functionality, and that none of the NH utilities ever implemented the use of MEA05 and MEA06 fields for reporting historic negative and positive usage data. However, both Unitil and the NH Electric Cooperative (NHEC) are in fact reporting both positive and negative usage for net metered customers (with some exception for NEM 1.0 customer-generators) in their 867 historical usage reports with an ongoing delay of about a month and that NHEC is also reporting both positive and negative current usage data in their 810 reports. Eversource dismisses the specific choice of the EDI standards to require use of negative and positive usage fields in 867 transaction reports because the comment in the standard documents that states that “for any measurement requiring a sign (+ or -), or any measurement where a positive (+) value cannot be assumed, use MEA05 as the negative (-) value and MEA06 as the positive (+) value” begins with the phrase “when citing dimensional tolerances” and argues that measurement of kWh is not a dimensional tolerance.¹⁵ This ignores the historical context, which is that adapting EDI standards, originally developed for other industries and applications, for use in the electric utility industry was a novel application at the time when NH’s EDI Working Group was either the first or nearly the first to look at adapting such generic standards for use in competitive electricity

¹⁴ See Eversource Tariff “Terms and Conditions for Energy Service Providers” at §7(e) “Data Review” at pages 39-40 that states: “Each Supplier is solely responsible for checking and ensuring the accuracy of all such data.” And See Eversource Supplier Agreement at §VII(F) “Determination of Supplier Loads” at p.12 that states: “Supplier is responsible for checking and ensuring the accuracy of all such data.”

¹⁵ Eversource Answer to CPCNH Complaint in CPT 2023-002, dated 7/24/23 at p. 5, FN 6.

supply as NH was the first state to require such a change. For example, the entire 867 transaction set was labeled as being for “Product Transfer and Resale Report”¹⁶ in the generic EDI structure but was being adapted for “Use in Reporting Historical Electric Power usage for a given time period.” Again, as detailed in the first section of this letter, only NHEC has implemented the NH EDI Standard requirements, while Eversource (and Liberty and Unitil) have now acknowledged that they implemented the EDI requirements of Massachusetts—contrary to their tariff and supplier agreement that represent Eversource follows the ¹⁷~~obj.~~. In the DOE sponsored EDI/EBT Working Group, an updated MA EDI Standards document was provided. For convenient reference, I have attached the relevant page on how kWh measurements are to be reported in 867 data fields from the NH EDI Standards and the MA EDI Standard for same as Attachment A. **The fact that Eversource chose instead to implement the EDI requirements of Massachusetts is indisputable. As such, Eversource is out of compliance with Order No. 22,919 and the approved NH EDI Standards. CPCNH recommends that DOE further investigate and possibly escalate this matter for resolution by the PUC.** This matter may also be addressed by the reconvened NH EDI/EBT Working Group.

⚡ **Puc 2205.15 and RSA 362-A:9, II.** Both of these provisions pertain to load settlement and require that exports to the distribution grid by CPA and CEPS customer-generators “shall be accounted for as a reduction to the customer-generators’ electricity supplier’s wholesale load obligation” and do require the PUC to at least approve any applicable line loss adjustment prior to implementation.¹⁸ As such a proposal is not currently before the commission,

¹⁶ The generic description of the 867 transaction set in the NH EDI Working Group report and recommendations states that the “*transaction set can be used to: (1) report information about product that has been transferred from one location to another; (2) report sales of product from one or more locations to an end customer; or (3) report sales of a product from one or more locations to an end customer, and demand beyond actual sales (lost orders). Report may be issued by either buyer or seller.*” Obviously, it was being adapted for use in the electric utility industry from other applications, perhaps for the first time ever.

¹⁷ Eversource Supplier Agreement p. 1 under §1, “Basic Understanding” that defines “EDI Standards” as those “*made by the Electronic Data Interchange Working Group report (referred to herein as the “EDI Standards”), made effective by NHPUC Order No. 22,919 and other applicable regulations of the NHPUC,*” and Eversource Tariff at p. 31, §1.f under Terms and Conditions for Energy Service Providers that references “*EDI standards as approved by the Commission.*”

¹⁸ Eversource in their answer to the complaint (at p. 4 and again at 7) also contended “*that CPAs must have any net metering program first approved by the Commission consistent with RSA 362-A:9, II and Puc 2205.15(b).*” However, the Coalition does not see any such requirement in that statute or rule. In fact RSA 362-A:9, II states just the opposite: “*municipal or county aggregators under RSA 53-E may determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or*

CPCNH agrees that Eversource is technically not in violation of these requirements. However, Eversource has indicated in its rebuttal testimony in DE 22-060, the net metering docket, that it intends to resist coming into compliance with these provisions of law and PUC rules. Further, after repeated verbal requests and a number of meetings to discuss this matter, Eversource has thus far declined to offer any opinion or view on what an appropriate line loss adjustment might be for such a PUC determination. Nonetheless, CPCNH intends to seek resolution of this issue in DE 23-063.¹⁹ If agreement is not reached on indefinitely suspending that docket by March 22, 2024, or if agreement is reached, then CPCNH will file a petition with the PUC to initiate such a determination and to compel the Joint Utilities to come into compliance with the law and rule following such determination — as detailed in the first part of this letter — which is essential to offering net metered customer-generators actual choice of their supplier and off-taker of their surplus generation. **CPCNH recommends that DOE monitor this issue for Eversource’s intent to come into compliance with both the letter of the law and its clear intent that net metering be available through CEPS and CPAs, and request the DOE and PUC enforce compliance if Eversource does not willingly comply.**

✈ **RSA 374-F:3, XII(c)** concerns the obligation of utilities “to take all reasonable measures to mitigate stranded costs.” Eversource contends that it is not reasonable for them to prepare to enable CEPS and CPAs to serve net metered customers in the ways discussed above, even though that could substantially mitigate stranded costs by relieving them of the need to compensate net

purchase the generation output exported to the distribution grid from eligible customer-generators.” This paragraph concludes with this statement: “Nothing in this paragraph shall be construed as limiting or otherwise interfering with the provisions or authority for municipal or county aggregators under RSA 53-E, including, but not limited to, the terms and conditions for net metering.” RSA 53-E:3, II(a)(1) authorizes CPA to provide for “the supply of electric power”. RSA 53-E:4 provides that CPAs shall not be “considered a public utility under RSA 362:2” and thus are not subject to rate regulation by the PUC and furthers provides at RSA 53-E:6, III(f) that electric aggregation plans, subject to approval by the PUC, shall address how “net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.” All CPCNH operating CPAs have already addressed this in plans approved by the PUC, so no further PUC approval is necessary except with regard to load settlement by the utilities.

¹⁹ At the prehearing conference in DE 23-063 proposed an alternative method to comply with the intent of Puc 2205.15(d), which is to enable CPAs and CEPS to offer innovative rates, including for net metering and TOU, that consolidated utility billing does not support, to include instead full enablement of dual billing for NEM and TOU customers with corresponding changes to load settlement pursuant to RSA 362-A:9, II. The Commission’s 9/29/23 prehearing order at pp. 3-4 noted this alternative proposal as a basis for waiving Puc 2205.15(d)(1) and stated that these “alternatives should be explored and vetted in the instant proceeding”.

metered customer-generators for the energy value of their exports to grid because CPAs would be able and willing to serve and compensate those customers for the energy value of their output. CPCNH disagrees and believes that it would be a reasonable step for Eversource to support implementation of data reporting and changes to load settlement that would enable CEPS and CPAs to meaningfully serve net metered customers. **CPCNH recommends that DOE monitor timetable to achieve compliance.**

2. Time-of-Use (TOU) data & billing [raised in original DOE complaint under ¶ 1.7, 1.8 and §5 and also related to negative usage data for TOU under ¶1.3 and 1.4; and in PUC complaint under ¶ 1.14-1.17 and §5.]

CPCNH complained that Eversource did not allow CPAs to provide TOU rates for consolidated billing as required by “PUC Order No. 22,919”. (DOE ¶ 1.8) In response, Eversource wrote “Please see PUC Response for paragraph 1.16 at pages 7-8; for a discussion of Order No. 22,919 approving the EDI Working Group Report, please see response to paragraph 1.9 and Section 4 of this answer below.” None of these address Eversource’s failure to provide consolidated billing services that support TOU rates for CPAs and CEPS. As such, Eversource has not responded to the complaint. CPCNH has subsequently learned that Eversource does provide accepts 2-part TOU supply rates submitted by CPAs for Class LG customers on consolidated billing but not for any other customer class. **As such, CPCNH recommends that DOE ensure that Eversource fully complies with NH EDI Standard requirements by enabling TOU supply rates for all customers regardless of class on consolidated billing. As mentioned in the first section of this letter, the NH EDI-EBT Working Group has discussed this issue.²⁰**

CPCNH complained that Eversource does not identify customers on TOU rates, such as R-OTOD, R-OTOD-2, G-OTOD contrary to Puc 2205.13(a)(4) and does not provide usage data based on TOU (reported intervals), contrary to NH EDI standards and as is implicit in Puc 2205.16(c)(2). (DOE ¶ 1.7) In response, Eversource wrote: “Please see PUC Response for paragraph 1.15 at pages 6-7.” Those paragraphs assert that Eversource only needs to identify which general rate class a customer belongs to (e.g., “Residential”) rather than the rate the customer is on (e.g., R-OTOD”) and pursuant to Puc 2205.13(a)(4) and also that usage by TOU intervals is not required to be provided to CPAs pursuant to Puc 2205.13(a)(7). As context, Puc 2205.13(a) is a list of data that utilities are obligated to provide to CPAs after enrollment. CPCNH has subsequently learned that Eversource actually does provide the actual rate, including TOU rates, that customers are on and also

²⁰ We understand there is a distinction between the capabilities of Eversource’s LPB and C2 billing systems and that the large customers with interval metering on TOU rates are only in the LPB system where a rate schedule is to be submitted by CEPS as compared with the C2 system where only a single fixed rate can be communicated through an EDI 814 file. Eversource’s Rate Sheet for their LPB system is attached as Attachment B.

provides usage data for individual customers by TOU interval via EDI after customers are enrolled onto CPA service. **As such, Eversource evidentially chose to create custom reports that provide CPAs with less data than was already available and available to be automated via EDI. CPCNH recommends that DOE direct Eversource to standardize provision of data such that Puc 2205.13(a) reports contain the same granularity of data that is provided via EDI in this case. CPCNH also recommends that DOE direct Eversource to resolve instances where some but not all EDI files associated with the same customer contain the same granularity of data (specifically, by ensuring that the most granular data is employed to populate EDI files).**²¹

✈ **NH EDI standards & Puc 2205.16(c)(2).** The NH EDI standards approved by the PUC in Order No. 22,919 clearly stated this provision:

Competitive Suppliers who select the Consolidated Billing Option are limited to the rate structures, customer class definitions and availability requirements that are within the capabilities of the Distribution Company's billing system. [See Bates p. 65 of original complaint.]

To be clear, we can be almost certain that at the time of this consensus recommendation, none of the NH distribution utilities' billing systems were capable of billing for CEPS in any manner. This was a new paradigm for the electric utility industry and NH was on the cutting edge of implementing competitive supply. So, this statement must refer to what was within the capability of the billing system for each utility's own (then) captive customer base, with the idea that once customers had supplier choice, those suppliers would be able to use utility consolidated billing within the capabilities being used for what would become the utility's transition and then default service customers.

As detailed in the original complaint and documented in attachments, Eversource's tariff and billing system at the time of the consensus EDI Working Group report did support charging for energy based on TOU rate periods. Puc 2205.16(c)(2) reinforces this notion that users of utility consolidated billing would be limited to TOU time periods as defined by the utility by requiring a CPA that wants to define TOU periods that are different than those defined in the utility tariff to be responsible for the incremental costs to implement such metering, data management and billing system modifications. The implication is clear that

²¹ CPCNH has learned that Eversource is providing usage by TOU period as part of monthly 810 files and in the EDI 814 files and we receive a rate code that identifies customers as being on a TOU rate (e.g. RTG and GTD for residential and general service TOU); however, the historic EDI 867 usage files only show total monthly usage and do not consistently identify customers on TOU rates. For example, we are aware of two cases where the customer was identified as on RTD in the 814 report but only on rate R in the 867 report.

using the TOU periods as defined in the utility tariff should not result in additional charges and should be supported in utility consolidated billing.

⚡ **Puc 2203.02(d)** concerns aggregated community-level data and specifies that: “All customer usage data provided by the utility shall include consumption power delivered to customers and exports to the grid from customer generators in kWh for each reported interval.” **Puc 2204.02(a)(2)** concerns anonymized customer specific information from utilities and also requires the provision “of usage data in kWh for each reported interval if available.” As previously noted, the PUC made clear in its 9/29/23 pre-hearing order that they “also construe 2203.02(d) harmoniously with the remainder of the chapter to require the provision of positive and negative values for each reported interval.” The question that remains is what are “reported intervals?” In the case of customers on TOU rates, the Coalition construes this to mean the usage during each TOU time period in which the meter reports the data for use as a billing determinant, regardless of whether Eversource happens to use that billing determinant for the supply portion of the bill or not. To the extent that “Off peak kilowatt hour usage” and “Shoulder kilowatt hour usage” were optional fields in the original 810 standard, alongside the mandatory use of the “Peak or Total kilowatt hour usage” field, CPCNH contends that these fields were optional in the sense that most meters did not collect such information unless the customer was on a TOU rate with a TOU capable meter. Other provisions of the EDI standard seem to anticipate that these fields should be enabled for billing, such as the provision of fields or codes 27 (current peak amount), 28 (“current off peak amount”), and 29 (“current shoulder amount”) for use with the “CONSOLIDATED BILLING OPTION” as seen on page 47 of our original complaint.

Eversource contends²² that the EDI/EBT Working Group would need to be reconvened to consider these TOU and net metering enabling changes to the EDI. The Coalition continues to assert that these features (TOU information in both 810 and 867 reports and both positive and negative usage data in 867 reports) were actually contemplated and approved as part of the basic functionality of EDI 26 years ago, whether or not they have actually been used. Eversource was granted a waiver to this rule in the 9/29/23 PUC pre-hearing order “until such time as capabilities are implemented” to provide negative usage data. However, that waiver did not address the provision of TOU interval data, though Eversource has indicated they are working to enable this and it does seem to be partially coming through as discussed above. Also, Eversource has not sought a waiver to providing TOU interval data (positive and/or negative) under Puc 2204.02(a)(2), so to the extent Eversource is not now

²² Eversource 7/24/23 answer to the DOE complaint p. 7.

providing such interval data by TOU period, CPCNH believes they are out of compliance and should seek a waiver or come into compliance. **CPCNH recommendation to DOE: further investigate and monitor the timetable to achieve complete compliance and escalate to the PUC if necessary.** This issue may also be addressed as part of the NH EDI/EBT Working Group.

- ✈ Overall, **CPCNH does not agree with Eversource that they are fully compliant with these rules and standards regarding TOU data and consolidated billing capabilities and believes this issue may need to be escalated to the PUC for resolution pending review of what Eversource has been able to accomplish in providing TOU data and beginning to address the ability of Consolidated Billing to support TOU rates.**

3. Provision of Interval Data (in PUC complaint only, at ¶ 1.18 and §4)

In general, CPCNH complained to the PUC about Eversource's refusal to provide interval usage data. TOU interval data is discussed above. **Puc 2203.02(d) and Puc 2204.02(a)(2)** both provide that usage be provided at each reported interval. These rules pertain, respectively, to aggregated community level customer data and anonymized individual customer data, with aggregation rules that may often preclude reporting of hourly (or TOU) kWh usage, such as when there are fewer than 4 such customers in a given community. However, in large communities, such as Nashua, such hourly interval data would be useful if it can be reported as such, in planning rates for large customers with interval metering on utility default energy service. Due to the lack of such data, Nashua Community Power and others in Eversource territory have launched without enrolling large customers on an opt-out basis due to the uncertainty over the cost to serve them, where they may not have found more economically advantageous competitive service plans with CEPS because of their load shape.

Puc 2205.13(a)(7) in contrast, concerns the provision of usage data for individual customers after they become CPA customers. In their response to the PUC complaint, Eversource (at 6) asserted that they are only required to provide interval data pursuant to their tariff on a paid EPO subscription basis, while also noting that their EPO service is not capable of reporting export data at the reported hourly intervals so they cannot comply with that aspect of the rule. The PUC granted Eversource a waiver in DE 23-063 in the pre-hearing order dated 9/29/23 "until such time as capabilities are implemented." CPCNH disagrees that the tariff trumps the rule with regard to providing interval data, as the rule is more recent and specific, and even if CPCNH paid for such a subscription, negative usage data would not be provided on an interval basis. If the Commission had wanted the rule to only require the provision of interval data through the tariff, they could have easily said so.

Eversource's tariff imposes this requirement to access customer interval data:

"The Supplier is responsible for obtaining the Customer's authorization to release his/her meter data and shall maintain the confidentiality of

Customer information. The Supplier may not sell or provide this information, in whole or in part, to another party.”

Obviously, this requirement, and logically the whole tariff provision on interval data, is superseded by the Puc 2200 rules, as in each of the places where interval data is required to be provided to a CPA customer authorization is not required and the data is to be provided to an entity that is NOT the “Supplier,” according to Eversource’s definition of “Supplier.” As discussed below, Eversource will only consider a “Supplier” to be a NH CEPS and will not accept CPCNH as a joint powers agency of CPAs as a “Supplier” unless and until we are ourselves an ISO NE market participant. Puc 2205.13(a)(7) states that “the utility shall provide to the CPA the following information . . .”, not to the CPA’s Supplier. Hence the tariff and supplier agreement provisions specifically applicable to Suppliers are not applicable to the provision of interval data to CPAs. Even if the CPA were to ask the CEPS serving them to acquire the data through the tariff provision, they then would violate the tariff if they shared the data with the CPA, which is “another party.” The reverse would be true as well. Even if Eversource recognized CPCNH as a supplier, we would not be able to share the data with our third-party contracted vendors for load forecasting, customer service, billing, or many other purposes that are otherwise authorized by statute and Puc 2200 rule.

Furthermore, we have no reason to believe that the interval data provided pursuant to Eversource’s tariff “only provided in 30-minute intervals”²³ is the same as providing kWh “for each hourly interval for accounts reported in hourly intervals for load settlement” as Puc 2205.12(a)(7) specifically requires. The Commission has taken note that because “the purpose of the ‘usage data’ is for load settlement,” this rule requires “the provision positive and negative values for each reported interval.”²⁴

Finally, I note that the specific provision of customer hourly interval data used for load settlement on an ongoing basis is necessary to enable suppliers to exercise

²³ Eversource Tariff, Terms and Conditions for Suppliers, § 2(b), p. 33.

²⁴ PUC Prehearing Order in DE 23-063 at 5, shown here in context:

“Reviewing Puc 2205.13(a)(7) in context, we note that the purpose of the “usage data” is for load settlement purposes. In the context of net-metering, generation output for an aggregator or supplier “shall be accounted for as a reduction to the customer-generators’ electricity supplier’s wholesale load obligation for energy supply as a load service entity, net of any applicable line loss adjustments, as approved by the [C]ommission.” RSA 362-A:9, I-a(II). Furthermore, “[m]etering shall be done in accordance with normal metering practices. A single net meter that shows the customer’s net energy usage by measuring both the inflow and outflow of electricity internally shall be the extent of metering that is required at facilities with a total peak generating capacity of not more than 100 kilowatts.” RSA 362-A:9, I-a(III) (emphasis added). Because the purpose of Puc 2205.13(a)(7)’s usage data is for load settlement we conclude such “usage data” for net-metering customers (as identified by Puc 2205.13(a)(9)), interpreted with reference to a comparable statute, includes net usage during a reported interval, whether positive or negative. We also construe 2203.02(d) harmoniously with the remainder of the chapter to require the provision of positive and negative values for each reported interval”.

their right and responsibility to verify their load settlement data with ISO-NE in a timely manner as provided for in Eversource's tariff and supplier agreement.²⁵

4. EDI Testing Requirements [¶11.9]

Eversource has not continued to insist on full scale EDI testing for each CPA/load asset identification (load asset ID), but rather, after our EDI service provider has completed the more complete and rigorous initial testing, agreed to only require an abbreviated version of testing aimed at confirming correct load asset ID transmission for each CPA prior to commencement of service. **For the purpose of this status update, this aspect of the complaint can be considered resolved.**

However, CPCNH disputes Eversource's assertion to the DOE that "*Any alleged foregone customer and community savings*" would have resulted solely from the actions or inactions of CPCNH and its contracted vendors." The delay to the launch of CPA service — resulting in substantial foregone savings — was caused by the utility's refusal to amend their Supplier Agreement to conform with Puc 2200 rules so that CPCNH would be able to execute it directly. Refer to Section 6 below for additional details. Here, Eversource has attempted to frame this issue as somehow relating to the utility's proposal to subject each individual CPA to protracted testing requirements prior to allowing the enrollment of customers, which would have indeed caused additional delays and foregone cost savings, but which was avoided by CPCNH bringing public attention and pressure such that the utility relented and agreed to more reasonable testing requirements as described above.

5. EDI Enrollment Requirements [§6]

CPCNH's complaint asserted that Eversource was imposing advance submission of enrollment (and drops) of customers that went beyond their own tariff requirements and the original EDI standards. Eversource disagreed but clarified in their 12/14/23 follow up answer that their EDI training materials statement that EDI enrollments and drops needed to be received by 3:00 pm 3 business days in advance of the meter read data was intended as a "recommendation" and encouragement for suppliers to submit enrollments in advance of the actual 2 business day requirement referenced in their tariff and the original standards. **While we appreciate Eversource's clarification and would like to consider this part of the complaint resolved, we remain concerned that their self-designated early "cut off time" is their only firm commitment with regard to processing transactions in advance of scheduled meter read date and request that DOE obtain Eversource's commitment to enroll (or drop) customers through to noon 2 business days prior to the meter read date as was specifically provided for in the NH EDI working group report.**

²⁵ See FN 2 on p. 5 above.

6. Whether CPCNH is an appropriate counterparty to the utility under Eversource's supplier agreement and the extent to which the supplier agreement needs to be modified to conform with Puc 2200 rules and RSA 53-E (only in PUC complaint at ¶ 1.3-1.9 and §2).

Eversource disputed CPCNH's complaint on this issue in pp. 4-5 of its response to the PUC. In our reply we stated:

"Regarding Eversource's unwillingness to consider the Coalition to be an appropriate counterparty for a supplier agreement and unwillingness to modify any of the text of their CEPS supplier agreement to conform with Puc 2200 rules and RSA 53-E and resulting delay in launching of CPCNH supplier services, while we are not seeking reparations for the \$4,380,000 estimated cost of forgone savings from such delay, we disagree that: 1) the Coalition is not an appropriate counterparty for a supplier agreement, 2) that the supplier agreement does not need to be modified to conform with Puc 2200 rules and RSA 53-E, and 3) that a separate supplier agreement is required for each municipality or county served by the Coalition. By its own terms, Eversource's supplier agreement allows CEPS to separately contract for EDI and Market Participant services; the same should apply to CPCNH as the contractual supplier for member CPA programs. RSA 53-E:3, II(b) allows municipalities to operate CPAs as a "group of such entities operating jointly pursuant to RSA 53-A" as is the Coalition and to provide for the "supply of electric power and capacity" (RSA 53-E:3, II(a)(1)). Puc 2202.05 likewise defines CPAs to include such a joint operation as CPCNH as well as their agents.

We note that Eversource's supplier agreement has provisions that are in direct conflict with the Puc 2200 rules and RSA 53-E and necessarily needs updating to conform with these more recent and specific requirements, as does their tariff. The Purchase of Receivables proceedings may potentially become a venue to address these matters over the near-term. We are not aware that the current supplier agreement text has ever been approved by the Commission. We also note that as the CPCNH CPA programs are being operated jointly, Eversource's requirement that a separate supplier agreement be executed for each municipality served by the Coalition finds no parallel in New Hampshire for CEPS and is not a part of any relevant PUC rules, orders, or tariffs. Neither Liberty nor the New Hampshire Electric Cooperative has required separate supplier agreements and EDI testing for each municipality served. The LSE market participant for CPCNH is Calpine Community Energy, LLC that is under contract with the Coalition and does not have any direct contractual relationship with any CPCNH member communities. Further, CPCNH self-manages its supply portfolio and regularly issues solicitations for firm power. Likewise, the Coalition separately contracts for EDI services and is the power supplier under its contracts with individual municipalities and Cheshire County."

While this matter remains unresolved for time being, we do expect that how the supplier agreement applies to CPAs will be addressed in the second phase of DE 23-004 as the settlement agreement in that docket pertaining to Purchase of Receivables provided the following:

“This Settlement Agreement also provides for a second phase of the proceeding to address amendments necessary for POR implementation to the Company’s Tariff NHPUC No. 10 – Electricity (“Tariff”) terms and conditions and to its form of Electric Supplier Services Master Agreement (“ESSMA”), as described in paragraph II.H below.

H. The specific terms and conditions of the Company’s Tariff and ESSMA required to be amended in order to implement the POR program, including how the Tariff and ESSMA apply to CPAs, shall be the subject of a subsequent phase of this proceeding, to begin within thirty (30) days following Commission approval of this Settlement Agreement . . .”

Eversource’s failure to act and provide a Supplier Agreement that complies with Puc 2200 rules has the direct effect of foreclosing CPAs from serving as the supplier to retail customers as authorized pursuant to RSA 53-E:4, I and reflected in numerous Puc 2200 rules allowing aggregation services to be provided either by “a CEPS or a CPAs serving as an LSE.” This is indisputable. Eversource itself has directly informed CPCNH that the only way to initiate aggregation services is by having a CEPS execute the utility’s Supplier Agreement on behalf of CPAs. We recommend that DOE further investigate and monitor this issue in part by participating in phase 2 of POR proceedings to ensure that Eversource does not continue to unduly foreclose the supplier authority granted to CPAs.

7. Eversource’s refusal to prorate CPA rates on a calendar month basis like they do for their own default energy service (only in PUC complaint at ¶ 1.21)

CPCNH alleged that Eversource was discriminating against CPA default service compared to its own default service in not prorating customer loads across calendar months, so rates could be applied on a calendar monthly basis, as they do for their own default service customers and that this was contrary to intent of Puc 2205.16 and RSA 374-F:3, III, IV, and VII. Eversource responded that they don’t think the cited rule requires any such proration but noted that “CPCNH has never asked Eversource if it could provide this functionality. If CPCNH had asked the Company, Eversource would have informed the Coalition that it is capable of accommodating this functionality for customers in Eversource’s C2 system, ...” (at 8.) This response to the Commission turned out to be misleading as when CPCNH did ask, Eversource said no, they would not do such proration for CPCNH.²⁶ This results in mismatch when trying to compare CPCNH rates to Eversource’s because of the lag in implementation of changes in our rates compared to theirs and between our revenue and the procured power for assumed rates, as the most readily traded or procured hedging occurs in calendar monthly blocks.

²⁶ See Attachment B, email from Eversource Counsel Jessica Chiavara to CPCNH CEO dated 12/22/23.

Again, the NH EDI Standards calls for utilities to provide the same billing services to customers regardless of whether they are on utility default supply or on consolidated billing. Unfortunately, only Liberty prorates CPA rates on a calendar month basis at present. We appreciate that DOE put this matter on the agenda for discussion at this week’s EDI/EBT Work Group Business Rules Subgroup meeting on 2/27, but believe this issue of discriminatory treatment against CPA default service merits further investigation and consideration in light of the overall statutory scheme and may ultimately need to be addressed in a rule amendment or PUC order arising from an adjudicated proceeding consistent with their authority to address such gaps in the rules pursuant to RSA 53-E:7, X.²⁷

8. Compliance with Puc 2205.16(d)(1) enabling bill-ready consolidated billing (only in PUC complaint at ¶ 1.19)

The joint utilities, including Eversource, filed for at least a temporary waiver of Puc 2205.16(d)(1). The PUC granted a waiver of this rule for the duration of the proceeding in their 9/29/23 Prehearing Order (at 4). The parties, including CPCNH and DOE, are currently negotiating on the text of a joint motion to extend the waiver indefinitely, but allow the matter to be revisited in future (as was detailed in the first section of this letter)

In conclusion, while we believe that there are a number of unresolved issues arising from our complaint, including a few that may ultimately require escalation to the PUC for adjudication, we look forward to working with NH DOE and Eversource to constructively find solutions to these issues through the EDI/EBT Working Group and other ongoing proceedings and collaborations to allow CEPS and CPA customers options they are entitled to as NH energy consumers whom are being harmed as a result of utility noncompliance.

Yours truly,



Chair, CPCNH, (603) 448-5899, Clifton.Below@CommunityPowerNH.gov

cc: Jessica Chiavara, Senior Counsel, Eversource Energy
Don Kreis, Consumer Advocate

²⁷ Note the highlighted and bold text: “The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, **which may also be done through adjudicative proceedings to the extent specified or not addressed in rules.**”

New Hampshire Retail Open Access

Segment: **MEA** Measurements
Position: 160
Loop: QTY Optional
Level: Detail:
Usage: Optional (Must Use)
Max Use: 40
Purpose: To specify physical measurements or counts, including dimensions, tolerances, variances, and weights (See Figures Appendix for example of use of C001)

Syntax Notes:

- 1 At least one of MEA03 MEA05 MEA06 or MEA08 is required.
- 2 If MEA05 is present, then MEA04 is required.
- 3 If MEA06 is present, then MEA04 is required.
- 4 If MEA07 is present, then at least one of MEA03 MEA05 or MEA06 is required.
- 5 Only one of MEA08 or MEA03 may be present.

Semantic Notes:

- 1 MEA04 defines the unit of measure for MEA03, MEA05, and MEA06.

Comments:

- 1 When citing dimensional tolerances, any measurement requiring a sign (+ or -), or any measurement where a positive (+) value cannot be assumed, use MEA05 as the negative (-) value and MEA06 as the positive (+) value.

Data Element Summary

	<u>Ref. Des.</u>	<u>Data Element</u>	<u>Name</u>	<u>Attributes</u>
Used	MEA04	C001	Composite Unit of Measure To identify a composite unit of measure (See Figures Appendix for examples of use)	X
M/U	C00101	355	Unit or Basis for Measurement Code Code specifying the units in which a value is being expressed, or manner in which a measurement has been taken	M ID 2/2
			K1 Kilowatt Demand Represents potential power load measured at predetermined intervals	
			K2 Kilovolt Amperes Reactive Demand Reactive power that must be supplied for specific types of customer's equipment; billable when kilowatt demand usage meets or exceeds a defined parameter	
			KH Kilowatt Hour	
Used	MEA05	740	Range Minimum The value specifying the minimum of the measurement range	X R 1/20
Used	MEA06	741	Range Maximum The value specifying the maximum of the measurement range	X R 1/20
Used	MEA07	935	Measurement Significance Code Code used to benchmark, qualify or further define a measurement value	O ID 2/2
			41 Off Peak	
			42 On Peak	
			51 Total	
			66 Sales	
			Shoulder	

Segment:	MEA Measurements - KWH
Position:	160
Loop:	QTY Optional (Must Use)
Level:	Detail
Usage:	Optional
Max Use:	1
Purpose:	To specify physical measurements or counts, including dimensions, tolerances, variances, and weights (See Figures Appendix for example of use of C001)
Syntax Notes:	<ol style="list-style-type: none"> 1 At least one of MEA03 MEA05 MEA06 or MEA08 is required. 2 If MEA05 is present, then MEA04 is required. 3 If MEA06 is present, then MEA04 is required. 4 If MEA07 is present, then at least one of MEA03 MEA05 or MEA06 is required. 5 Only one of MEA08 or MEA03 may be present.
Semantic Notes:	1 MEA04 defines the unit of measure for MEA03, MEA05, and MEA06.
Comments:	1 When citing dimensional tolerances, any measurement requiring a sign (+ or -), or any measurement where a positive (+) value cannot be assumed, use MEA05 as the negative (-) value and MEA06 as the positive (+) value.
Notes:	When meter readings are recorded, this segment must be is sent with the first iteration of the QTY loop, to establish the initial measurement values and readings. For subsequent iterations of the QTY loop, this segment need not be sent because the readings can be inferred by accumulating the QTY02 value. May not apply to summarized or historical data.

Data Element Summary

Ref.	Data	Attributes
<u>Des.</u>	<u>Element</u> <u>Name</u>	<u>X</u> <u>R</u> <u>1/20</u>
>>	MEA03 739 Measurement Value The value of the measurement Represents the meter constant when MEA02 equals "MU". When no multiplier is present, use a value of 1.	X R 1/20
	MEA04 C001 Composite Unit of Measure To identify a composite unit of measure (See Figures Appendix for examples of use)	X
M	C00101 355 Unit or Basis for Measurement Code Code specifying the units in which a value is being expressed, or manner in which a measurement has been taken KH Kilowatt Hour	M ID 2/2
>>	MEA07 935 Measurement Significance Code Code used to benchmark, qualify or further define a measurement value 22 Actual 46 Estimated	O ID 2/2

Attachment C

Clifton Below

From: Chiavara, Jessica A <jessica.chiavara@eversource.com>
Sent: Friday, December 22, 2023 9:00 AM
To: Brian Callnan
Cc: clifton.below@cpcnh.org; Bennett, Colleen E; Swift, Joseph R; Deana Dennis; Samuel Golding
Subject: RE: Yesterday's slide deck request

Flag Status: Flagged

Good morning Brian,

Thanks, if you could get us those slides when they're ready we'd appreciate it.

I spoke to billing and IT about prorating CPCNH's rates. Prorating a customer's billing cycle is a manual process, so while the Company technically has the capability, it is a considerable IT effort and only utilized when it is obligated by order of the Commission. When Eversource is ordered to change rates, it is ordered to do so on a service-rendered basis beginning on a designated day, which means Eversource *cannot* wait until the customer's next meter read – the company necessarily has to prorate all customers to have rates take effect on the Commission-ordered date. This is why when we go in for rate changes, we ask for approval days or weeks in advance. Once the company gets the order approving the rate, the IT department has to manually intervene in the billing process to tally all customer bills up to the day before the rate change, and then set the system to bill at the new rate for the remainder of the customers' billing cycles. To do this, IT has to run testing, which is a substantial process in and of itself. Altogether this is an all hands on deck, multi-day process that the company only engages in because it is ordered to do so by the regulators.

For additional context, the rule that references this functionality is Puc 2204.05(g) – and it only refers to when a customer leaves an aggregation to return to utility default service or switch to another 3rd party supplier. The purpose of the rule is to provide notice that if the company does have the capability, there may be a charge for this service. The rule does not provide for prorating all CPA customers when the CPA wants to change rates, and Eversource does not have the capacity to make those accommodations.

Puc 2204.05(g): "Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge if such a service is available from the utility. Upon request of the customer, the CPA shall transfer the customer back to utility provided default service."

Thank you, and happy holidays,

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Subject: Re: Yesterday's slide deck request