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Via Electronic Mail Only

New Hampshire Department of Energy
Molly M. Lynch, Esq.
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

RE: **CPT 2023-002**, Complaint of Community Power Coalition of New Hampshire against Public Service Company of New Hampshire d/b/a Eversource Energy
Eversource answer to complaint

Attorney Lynch:

On June 13, 2023 the Community Power Coalition of New Hampshire (“CPCNH” or the “Coalition”) filed a complaint (the “Complaint”) with the New Hampshire Department of Energy (“DOE” or “Department”) against Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or the “Company”). On June 23, 2023 the Department issued a letter to the Company requesting that Eversource either satisfy the matters complained of, or provide an answer to the charges in writing within thirty calendar days from June 23, noting whether the Company disputes the complaint. Eversource has made every good faith attempt to assuage numerous issues raised by the Coalition since the implementation of the Puc 2200 rules which exceeded the Company’s obligations under those rules, but as the Complaint demonstrates, those efforts have been to no avail in satisfying the Coalition. Therefore, Eversource provides the following written answer to the allegations in the Complaint, and notes that the Company disputes the complaint in its entirety as meritless.

As mentioned above, Eversource has acted in nothing but good faith since the implementation of the Puc 2200 rules in October of 2022 and has been making diligent efforts to implement the provisions of those rules since their adoption, including substantially modifying the Company’s enterprise billing systems, creating new processes for accommodating the reporting requirements and fielding myriad inquiries from municipal aggregation stakeholders, the vast majority of which were constructive, productive and in the spirit of cooperation on the part of the Company and the stakeholders. As a part of these efforts, Eversource met repeatedly and at length with CPCNH representatives and vendors, and exchanged a voluminous amount of email addressing a range of issues and questions, all in an effort to get the CPCNH member aggregations (the “Member CPAs”) launched successfully and on the Coalition’s desired schedule.¹ At no time did Eversource ever act in a way that served to delay or impede the launch of the Member CPAs

¹ Please see Eversource Response to CPCNH Complaint to the Public Utilities Commission, at pages 1-3 (including corresponding footnotes and attachments to that response), attached to this answer and located in Docket No. DE 23-062 at Tab 5.

or interfere with CPCNH operations. Entirely to the contrary, it was the non-cooperation of CPCNH and its load serving entity (“LSE”) and vendor of various services, Calpine, which was the sole cause of any delay and harm, either past or ongoing, including the claimed \$4,380,000 in forgone cost savings, which is wholly unsupported in the Complaint.²

Eversource’s efforts to enable the launch of the CPCNH Member CPAs as well as detailed responses to several of the allegations made in the Complaint are well-documented in the Company’s response to the Coalition’s complaint against Eversource with the Public Utilities Commission (“Commission”) in Docket No. DE 23-062 (“PUC Response” and “PUC Complaint”, respectively). The PUC Response is attached to this answer and incorporated by reference in its entirety. Some answers to allegations contained in this Complaint have been provided in the PUC Response and are cross referenced accordingly. Eversource will answer the allegations in the order presented in the Complaint. Only paragraphs that contain allegations are referenced in the answer below.

SECTION 1

1.3: The Complaint asserts that export data from net-metered customers should be included in the Puc 2204.02(a)(2) report because that data is required for the Puc 2203.02(d) reporting requirement.

Response: Puc 2204.02(a)(2) does not require data reflecting customer exports to the grid. The Coalition cites to Puc 2203.02(d) for the authority that requires the provision of such data, but Puc 2203.02(d) does not control Puc 2204.02(a)(2), nor does either provision cross reference to the other. For a complete analysis of this issue, please refer to PUC Response to paragraphs 1.10 and 1.11 at page 5, and Section 3 at page 9.

1.4 through 1.6: Regarding further allegations that various statutes require the provision of historic or ongoing negative usage data.

Response: Eversource refers to the following:

Puc 2203.02(d): Eversource is complying with this provision.

Puc 2205.05(b): This report has not yet been requested, but Eversource is able to comply.

Puc 2205.13(a)(7): Please see PUC Response for paragraph 1.15 at pages 6-7.

Puc 2205.15 and RSA 362-A:9, II: Please see PUC Response for paragraph 1.12 at pages 5-6.

Declaration of Purpose of RSA 362-A:1: Does not create any obligations for utilities.

Expectations of EDI standards established pursuant to PUC Order No. 22,919: Eversource cannot be in violation of an “expectation” as expectations in and of themselves do not create an obligation or serve as a requirement, particularly if the explicit text of a given statute, rule or order to not create such an obligation. For additional 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.

1.7: The Complaint alleges that Eversource is not providing TOU usage data for TOU rate customers, nor identifying such customers by a “TOU rate class”, asserting that this is contrary to Puc 2205.13(a)(4) and EDI standards.

Response: Please see PUC Response for paragraph 1.15 at pages 6-7.

² *Id.*

1.8: The Complaint alleges Eversource does not have the capability to allow CPAs to use their [Eversource's] TOU rate structure to offer a TOU supply rate to TOU rate customers, "as was called for" by Puc Order No. 22,191 and "is implied by" Puc 2205.16(c)(2).

Response: 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.

1.9: The Complaint alleges that Eversource has "attempted to impose additional EDI testing requirements beyond those authorized by the EDI standards established by Order No. 22,919, threatening unnecessary delay in the launch of Coalition CPA services." (Complaint at 4).

Response: This allegation is altogether unsupported. Eversource's EDI testing requirements are consistent with the EDI Working Group Report.³ The Complaint makes no specific allegation as to what about Eversource's EDI testing requirements are not permitted by Order No. 22,919, which implements the EDI Working Group Report requirements, nor does it cite to any part of Order No. 22,919 or the EDI Working Group Report to support its claim that Eversource's EDI testing requirements are not permitted, or explain how the Report prohibits Eversource's EDI testing requirements.

In the absence of a specific allegation or what specific authority or mandate Eversource is in violation of, the Company can only make the general assertion that all of Eversource's EDI testing requirements comply with and are supported by Order No. 22,919 and the EDI Working Group Report. Moreover, Puc 2204.06(b)(1) requires that all CPAs "[a]pply 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*" (emphasis added). Therefore, CPCNH had and continues to have an obligation under the Puc 2200 rules to comply with Eversource's EDI testing, just as any competitive supplier ("CEPS") doing business in New Hampshire. Any alleged "foregone customer and community savings" would have resulted solely from the actions or inactions of CPCNH and its contracted vendors.⁴

SECTION 2

2.1: The Complaint alleges that Eversource is in violation of the "legislative intent" of various statutes, and the "regulatory intent" of several Commission orders.

Response: The Company notes that it cannot be in violation of the intent of a statute or order, only with mandates and requirements; regardless, the Complaint fails to provide explanation to support the alleged violations.

Additionally, there is nothing preventing CPCNH from successfully enrolling net metered customers. CPCNH can enroll net metered customers, and such customers will continue to receive their transmission and distribution credits as permitted by the net metering tariff for net exports to the grid. Net metered customers would only be unable to collect credits for energy supply, and

³ See Consensus Plan for the Transmission of Electronic Data in New Hampshire's Retail Electric Market, pages 24-26: www.puc.nh.gov/Electric/EDI/edirev53.pdf

⁴ See PUC Response at 1-3.

that is due only to the fact that CPCNH has not proposed a net metering program to the Commission for its approval as required by RSA 362-A:9, II and request that the Commission convene the EDI Working Group so that any required EDI changes necessary to implement such a program, consistent with the EDI Working Group Report approved by Order No. 22,919.

2.2 through 2.9: The Complaint makes various allegations regarding Eversource's obligations to supply net metering data.

Response: Eversource is not “monopoliz[ing] . . . the provision of net metering through the control of net metering data”, nor does it have any interest or incentive to do so. The Company makes no revenue off of energy supply or the net metering program. A critical element overlooked by the Complaint is 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). Without such a program proposed to and approved by the Commission, there is no way that Eversource can know what changes must be made to EDI or the Company's enterprise systems to implement such a program. Additionally, changes to EDI require the convening of the EDI Working Group pursuant to a Commission order and consistent with the change control process of the EDI Working Group Report approved by Order No. 22,919.⁵

Eversource cannot unilaterally implement a business process to implement RSA 362-A:9, II, as the Complaint asserts the Company has failed to do (Complaint at 6), for the reasons discussed in this paragraph and in the PUC Response to paragraph 1.12 at pages 5-6. To implement a business process in disregard of the existing authority of RSA 362-A:9, II that requires Commission approval of a CPA net metering plan, the change control process provided in the EDI Working Group Report approved by Order No. 22,919, and without convening the EDI Working Group pursuant to a Commission order to implement the change control process would be definitive of an imprudent course of business. The Complaint's allegation that failure to execute this imprudent line of business combined with the fact that the Company is executing its net metering tariff consistently with Commission constitutes a violation of RSA 374-F:3, XII(c) to “take all reasonable measures to mitigate stranded costs” omits the essential steps that CPAs must take to implement their own net metering programs. Only in the face of a Commission-approved CPA net metering program and EDI Working Group-approved change control processes could the Company even be in the position to commit the violation alleged; given existing circumstances such a violation is not possible.

It is worth noting that had the Company attempted to implement EDI or enterprise system changes for a net metering program that did not yet exist, the Company would have effectively increased costs to customers (for the changes to those systems) without any commensurate benefits to anyone, and without being able to know if the changes would appropriately serve third-party net metering. This approach surely cannot be consistent with RSA 374-F:3, XII(c) or Order No. 22,919. The Complaint misplaces the onus on the Company when it is the Coalition's obligation to propose a net metering program for the Commission to approve, and request that the Commission convene the EDI Working Group as discussed in the EDI Working Group Report at page 42. If anything, waiting for these steps to be completed before undertaking any EDI or enterprise system changes is the least-cost course of action for customers.

⁵ EDI Working Group Report at 42-45.

Eversource is in no way an impediment to CPCNH serving net metering customers, nor has it caused any economic harm to CPCNH or any of its CPA member communities or their customers, and the allegations in the Complaint that it has are wholly without support. The only entity that can begin the process of implementing a CPA net metering program is the proponent of that program, subject to Commission approval consistent with RSA 362-A:9, II; followed by the convening of the EDI Working Group to implement any necessary EDI changes, consistent with the EDI Working Group Report. The Company notes that it is willing and able to participate in the process to enable CPA net metering programs, and Eversource believes that had the Coalition focused on proposing and implementing a CPA net metering program through those necessary and mandated processes, it would have been a more productive and constructive use of the resources expended by all parties to address the unfounded allegations in the Complaint. Should CPCNH petition the Commission to convene the EDI Working Group, the Company would not object, but rather support such a petition.

SECTION 3

The Complaint further alleges the Company is impeding the Coalition's ability to offer net metering to CPAs.

Response: Please refer to Section 2 of this answer.

SECTION 4

The Complaint goes into a lengthy examination of what the Complaint asserts comprises EDI functionality "requirements" that Eversource should have implemented to convey negative numbers instead of zeros.

Response: While Eversource disagrees with the Complaint's analysis of what specific EDI line items require,⁶ there is no need to refute those individually in this answer, as the Company's response is simple. Page 19 of the EDI Working Group Report, approved by Commission Order No. 22,919 states that "*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.*" (Emphasis added.) Eversource's billing systems are not capable of providing negative numbers through EDI, so there was no obligation to provide those numbers, and suppliers were directed to operate within those limits.

The Complaint even notes, "NH EDI necessarily needed to be modified in some way to deal with negative usage values." (Complaint at 18). No supplier, since the implementation of EDI, has ever requested such a modification to EDI or requested that the EDI Working Group be convened to implement its change control process to examine accommodating negative export values. But if one had, the EDI Working Group process requires that "the initiating party must: Document in advance the scope of the modification/enhancement and the affected EDI transaction

⁶ For example the + and - signs discussed and highlighted on page 18 of the Complaint, and listed on page 12 of the EDI810 invoice only apply to "dimensional tolerance", which is not an electric industry term, to the Company's knowledge, and so do not apply, nor should the values "MEA05" or "MEA06". This is just one of the analyses in the Complaint with which the Company disagrees, but there is no need to refute each of these analyses, as there was no overarching requirement of Eversource to implement changes to EDI that no one was seeking.

sets, and Provide cost justification if appropriate, and Document proposed amendments, provide a test plan, test cases, EDI documentation and EDI transaction sets.” (Complaint at 17, quoting the EDI Working Group Report). With no one requesting this change, there could be no cost justification for implementing such a change. And nowhere in the EDI Working Group Report or EDI Standards is there an affirmative obligation of the utility to initiate and implement changes that no one needed or asked for.

4.4: Finally the Complaint alleges on page 18 that “[n]owhere in the EDI standards approved by the Commission is there any reference or authorization to convert negative values to zeros and place them in a field for positive only values, yet that is apparently what Eversource choose to do rather than modify or propose a change to the EDI to use the two fields in the basic architecture designated for positive and negative measurement values in 810 reports.”

Response: This claim misses the mark. Just because there was no explicit authorization in the EDI Working Group Report or the corresponding EDI standards, does not mean that this approach was prohibited. Eversource was working within the “availability requirements that are within the capabilities of [its] billing system” as directed by the EDI Working Group Report, and so the conversion of negative values to zeros was not only not prohibited, but consistent with the direction of the Report and the Order that mandated its requirements. And as a relevant aside, “usage” at the time EDI was implemented meant energy taken from the grid and used by the customer. Arguably that is still what it means – usage does not necessarily encompass energy produced by the customer and exported to the grid, as that energy is not “used” by the customer at all. The EDI810 report is meant to provide usage data and is likely not appropriate for providing negative export data, which is why the EDI867MU is the record that would be used to convey such data, as discussed in the Joint Utility testimony in Docket No. DE 23-063 at page 14, and that too would require substantial modifications to do so.

SECTION 5

5.1-5.5: The Complaint makes various assertions about what obligations the EDI standards create.

Response: The various EDI line items referred to in the Complaint were options, but not requirements, for implementation. In the 25 years since the implementation EDI, no one has complained or even asked for this functionality or requested that the EDI Working Group be convened to address this issue. In the absence of such a request and the enactment of the EDI Working Group’s change control process, there was no justifiable reason, nor any regulatory path for Eversource to make these changes, as they would have served no one.

5.7-5.8: The Complaint importantly cites to Page 19 of the EDI Working Group Report, discussed in Section 4 of this answer above: “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.”

Response: Insofar as CPCNH wants to utilize the Company’s existing rate structures, Eversource has no existing tariffed rate structure with time of use energy supply. Please see PUC Response to paragraph 1.16 at pages 7-8. The Complaint’s assertion that “the evidence” concludes that the Company’s billing systems should be able to offer time of use supply rates is in error, and the EDI standards do not support this claim. Of Eversource’s two billing systems, only Large Power Billing is capable of providing time-varying supply rates, and even then it can only be provided

for Eversource's largest C&I customers on Rate LG (about 110 customers). Eversource's billing systems cannot currently provide time-varying energy supply rate structures for any other customers except those LG customers. To offer time-varying energy supply rate structures would take major modifications to the billing systems. The total cost for the necessary changes to both billing systems to offer time-varying supply is not known, but for the C2 system, Eversource testified in Docket No. DE 20-170 that it would cost approximately \$600,000 to make this change. Also, Puc 2205.16(c)(2)(c).

5.9: The Complaint reiterates that Eversource is required to provide net metering negative export data and TOU data.

Response: The Company is voluntarily working on the necessary modifications to provide net metering export data and TOU data via certain Puc 2200 rule reports, though the Puc 2200 rules do not require this. Please see PUC Response to paragraphs 1.10 and 1.11 at page 5.

SECTION 6

The Complaint states that Eversource's EDI requirements exceed those required by Order 22,919 and the Eversource tariff.

Response: The EDI standards in the EDI Working Group Report set a minimum notice requirement (not less than two days). There is nothing that prohibits requiring enrollments or drops be submitted more than two days in advance of the customer's meter read date.

CONCLUSION

It is unfortunate that this is the approach that CPCNH has taken to try to address its interests, as it is counterproductive to the Coalition's objective and creates unnecessary divisiveness, when CPCNH could be working collaboratively with Eversource. Eversource has no interest in impeding the successful operations of CPAs, and has made all reasonable efforts to work with aggregations and their representatives to navigate this novel model in New Hampshire. But this is a novel model for New Hampshire, and as the Company noted in the Puc 2200 rulemaking docket DRM 21-142 and for the years during the stakeholder process that preceded it, there were services in the proposed rules that the utility did not have the functionality to do, and to provide that functionality would be a complex, time consuming and costly undertaking, if feasible at all. However, as soon as the Puc 2200 rules were adopted, Eversource has been making diligent efforts to make any changes in its capability necessary to implement the rules.

Certain processes for CPA net metering and provision of TOU rates have been carved out by RSA 362-A:9, II, the Puc 2200 rules, and the EDI Working Group Report. RSA 362-A:9, II and the Puc 2200 rules require that a CPA have a net metering plan approved by the Commission; the EDI Working Group Report requires the convening of the EDI Working Group if any changes to EDI are to be contemplated. The Company would recommend that the Coalition avail itself of those processes as a more constructive avenue, and Eversource remains ready to actively participate in those processes in the hopes of finding a workable path forward.

The Company appreciates the Department's consideration of this answer. This answer is only being submitted electronically, consistent with the Department's direction; paper copies will not follow.

Thank you,

A handwritten signature in black ink, appearing to read 'J.A. Chiavara', written in a cursive style.

Jessica A. Chiavara
Senior Counsel, Eversource Energy

Attachment

cc: Clifton Below, Chair CPCNH
Don Kreis, Office of the Consumer Advocate