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DEPARTMENT OF ENERGY
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October 17, 2024

Honorable W. Packy Campbell
GNM Solar 17, LLC and Bright Spot Solar, LLC
PO Box 77
Farmington, NH 03835

Re: CPT 2024-004, Complaint of GNM Solar 17, LLC and Bright Spot Solar, LLC
against Public Service Company of New Hampshire d/b/a Eversource Energy; Letter
Regarding DOE Decision Following Investigation of Complaint

Dear Hon. W. Packy Campbell:

This letter serves as notification that the Department of Energy (DOE or Department) has completed its investigation of the Complaint in the above-captioned matter, pursuant to RSA 365:1-4, and that the Department *declines* to bring proceedings before the Public Utilities Commission (Commission or PUC). However, the Department takes seriously the concerns raised by GNM Solar 17, LLC and Bright Spot Solar, LLC (Complainant), which will be addressed in this decision.

Now that the Department has completed its review of your Complaint, you may petition the Commission to resolve the matter through an adjudicative proceeding, if you so choose, pursuant to RSA 365:4.

Please see below for further information regarding the DOE's investigation and disposition of the Complaint.

Background

The Complaint in this matter makes several allegations regarding Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource or Company) 's interconnection process, specifically in relation to Complainant's 1 Megawatt (MW) proposed solar project located at 60 Shaw Drive in Rochester, New Hampshire. The Complaint and accompanying Attachments present a timeline of the start of the interconnection process for said project, beginning in January 2021, to where things stand currently. The Complaint lists multiple dates that Interconnection Agreements were signed by the Complainant and submitted to Eversource, includes a System Impact Study (SIS) and resulting project adjustments, lists payments made to Eversource throughout

the interconnection process, and alleges that certain portions of Eversource's interconnection process are not authorized by law.

Complainant submitted a formal Complaint to the Department on February 13, 2024. Following submission of the Complaint, Complainant and Eversource exchanged emails and updated the Department over email in March and early April 2024 that they had met regarding the Complaint and were making progress toward a resolution. Neither the Complainant or the Company subsequently notified the Department that they were able to reach a resolution, and the Company filed a response to the Complaint (Response) on April 30, 2024, disputing the allegations in the Complaint.

Analysis

The Complaint makes three charges against Eversource:

- (1) Eversource has an unreasonable and cavalier process of processing interconnection of alternative energy customer-generators of sites up to 1 MW or less of AC power, which process does not conform to the express intent of either NH law or rules that seek to promote the development of Diversified Energy Resources in the State of NH¹;
- (2) Eversource's requirement that Complainant pay for the N-1 review is illegal²; and
- (3) Eversource is treating customer generation and distributed power from behind customer meters as in front of the meter power generation facilities, which is not authorized by law. N-1 standard is a standard for projects larger than customer generation. Even if standard deemed reasonable it cannot be applied as it has not been approved in the legislative process of the state of NH.³

In the Complaint, the Complainant seeks the following relief:

- (1) Eversource to issue updated IA agreement for T 3140 with updated payment plan based on work process with final payment due when work is complete⁴;
- (2) Work to be released to line department from distributed energy and work to be scheduled as earliest timeline⁵;
- (3) That said interconnection be via a customer meter not a primary meter⁶;

¹ Complaint p. 1

² Complaint p. 4

³ Complaint p. 5

⁴ Complaint p. 6

⁵ Id.

⁶ Id.

- (4) That any future interconnection applications Solar project be treated the same as any other upgrade or new construction project. That applicants are allowed to create work order numbers and receive quotes for work through normal construction department process. Utilities cannot refuse to process work order requests if there is a solar component until interconnection is completed⁷;
- (5) Commission to hold a hearing⁸;
- (6) That commission collaborates with stakeholders for immediate amendments to SB 391 to address in law fair standards in the interconnection process⁹.

The Department will address each charge and request for relief in turn.

In its Response, Eversource disputes that the Complaint contains any claims of any violation of a provision of law, of the terms and conditions of Eversource's franchises or charter, or of any order of the Commission, as required by RSA 365:1 and 365:5.¹⁰ Eversource's Response can be largely summarized as follows:

- (1) Eversource is adhering to the interconnection standards in its tariff¹¹;
- (2) Even if it were not adhering to its interconnection standards, the only appropriate recourse would be to ensure that Eversource get in alignment with its interconnection standards, and by extension the Company tariff, to resolve any alleged violation set forth rather than departing from those standards to give favorable treatment to one Application, as such treatment would be discriminatory in violation of Puc 903.01(b)¹²;
- (3) It is not appropriate to negotiate modifications to the Company's interconnection standards and processes on an individual customer basis¹³;
- (4) The Department has declined to opine on the N-1 standard on multiple occasions, and declaring the standard illegal would be a legislative function and thus exceed the jurisdiction of the Department¹⁴;
- (5) The N-1 standard supports the Company's objective of providing safe and reliable service and assures owners, investors, and other long-term financial beneficiaries that DG will not be disconnected, potentially for extended

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Response p. 1

¹¹ Response pp. 1-2

¹² Response p. 2

¹³ Id.

¹⁴ Id.

periods, if any of the studied points on the grid were to fail, requiring that the grid be operated in an alternative configuration¹⁵;

- (6) The N-1 standard has only become a sticking point for developers with the recent expansion of DG, including increasingly large project size and the need for system upgrades to build additional capacity and accommodate these projects. System upgrades associated with DG would be needed even without the N-1 standard¹⁶;
- (7) Eversource is developing a new “fast-track” review process for projects up to 999kW. The majority, if not all of the Complainant’s Applications would be eligible for this process. Anything over 1MW, however, would trigger ISO-NE notification and possibly lead to review by ISO-NE, which Eversource does not have control over¹⁷; and
- (8) None of the factual allegations in the Complaint are tied to an allegation of a violation of rule, law or order as required by RSA 365:1 and 365:5. Eversource staff have had multiple discussions with the Complainant and fully engaged the Complainant on all issues in the Complaint, but Eversource has maintained throughout that while it is open to continuous process improvement, the Company also must remain faithful to its obligations under its tariff and the Puc 900 rules, as well as any other applicable rules, laws and Company best practices.¹⁸

Eversource references throughout its Response another DOE Complaint Docket, CPT 2024-005, which involves different complainants. The Department notes that there are multiple projects at issue in CPT 2024-005 that range in size from 999 kW to 20,000 kW, whereas the project at issue in the immediate complaint is a single project of 1000 kW (or 1 MW).

As far as the Complainant’s requested relief, Eversource claims in its Response that the Complainant’s requests for relief are not appropriate for the Company to agree to or the DOE to grant via the complaint resolution process.

The DOE addresses each charge in the Complaint and Eversource’s Response below.

First Charge: Eversource has an unreasonable and cavalier process of processing interconnection of alternative energy customer-generators of sites up to 1 MW or less of AC power, which process does not conform to the express intent of

¹⁵ Response p. 3

¹⁶ Response p. 4

¹⁷ Response pp. 4-5

¹⁸ Response p. 5

either NH law or rules that seek to promote the development of Diversified Energy Resources in the State of NH

In support of this charge, Complainant provides a timeline of attempts to coordinate with Eversource on interconnection of the project at issue and alleges a history of delays on Eversource's part. The attachments to the Complaint include a series of email communications between Eversource and Complainant. The Company indicates in its Response that it is adhering to its interconnection standards governed by the Company's tariff, and that departure from those standards to give favorable treatment to one application would be unlawfully discriminatory.

Although the Complainant states that Eversource's interconnection process does not conform to the express intent of either NH law or rules, the Complainant does not cite to specific New Hampshire statute(s) or administrative rules. The Complainant also argues that Eversource is not conforming to the express *intent* [emphasis added] of NH law or rules, but does not actually accuse Eversource of violating law or rules. Further, the Complainant does not cite to a standard under which Eversource's process can be found unreasonable or cavalier. The Department does not have statutory or rule guidelines or standards against which to measure the reasonableness of a utility's interconnection processes.

For these reasons, the Department does not find that Eversource has violated New Hampshire laws or rules as charged in the above-referenced portion of the Complaint.

Second Charge: Eversource's requirement that Complainant pay for the N-1 review is illegal

In support of this charge, the Complainant argues that the N-1 standard is not an approved procedure in the State of New Hampshire and there is no legal basis in NH law for requiring an N-1 review, especially for projects less than 1 MW. The Complaint states that N-1 studies are for larger projects.¹⁹

The Complainant attached to the Complaint a copy of a letter from Senator Kevin Avard and Senator David Watters of the New Hampshire Senate addressed to Commissioner Chicoine of the Department.²⁰ The letter references Eversource's inclusion of the N-1 standard as part of its Least Cost Integrated Resource Plan (LCIRP) filed in Docket No. DE 20-161, and states that this change did not go through review or approval by the PUC. The letter explains that the appropriate venue to consider review of interconnection standards is through the Department's interconnection investigation directed by SB 262.

In response, Eversource notes that the Department has "declined to opine on the N-1 standard on multiple occasions" and states that the Company has been applying the

¹⁹ Complaint p. 4

²⁰ Complaint pp. 75-76

N-1 standard in New Hampshire since 2004.²¹ The Company further quotes a portion of the Department’s final report issued following its interconnection investigation pursuant to SB 262, in which the Department included application of N-1 planning criteria in its list of “Non-Consensus and Key Issues to Address.”²² The Company argues that there is no statute, rule, or Commission order prohibiting use of the N-1 standard.²³ The Company also presents arguments as to the merits of using the N-1 standard.

Per Puc 901.02(d), “[i]nterconnection of large net-metering customer-generators shall be governed by each utility’s interconnection practices as set forth in its tariff filed with the commission.” Large customer-generators are defined in Puc 902.20 as, “a customer-generator whose facility has a total maximum generating capacity greater than 100 kilowatts alternating current up to and including one megawatt.” The Complainant’s proposed facility has a capacity of 1 megawatt (MW)²⁴ and is thus classified as a large customer-generator. As such, interconnection of the Complainant’s facility is governed by Eversource’s tariff.

In its Response, Eversource cites the portion of its tariff governing interconnection standards for generating facilities, which provides that for facilities greater than 100 KVA, “the Company must be contacted for site specific interconnection requirements prior to interconnecting the generating facilities with the Company’s facilities.”²⁵ Thus, Complainant’s facility is subject to site specific interconnection requirements by Eversource. To the extent such requirements rely on the N-1 standard, Eversource is within its rights under the Puc rules and the Company’s tariff filed with the Commission to apply the N-1 standard in its interconnection process.

Third Charge: Eversource is treating customer generation and distributed power from behind customer meters as in front of the meter power generation facilities, which is not authorized by law. N-1 standard is a standard for projects larger than customer generation. Even if standard deemed reasonable it cannot be applied as it has not been approved in the legislative process of the state of NH.

This charge relates to the second in that it offers an alternative argument for why the N-1 standard shouldn’t be applied to Complainant’s project. Here, the Complainant does not request that the Department find that the N-1 standard is “illegal,” per se. Rather, Complainant alleges that Eversource’s treatment of Complainant’s project in the interconnection process is not authorized by law, due to the nature of the facility.

²¹ Response pp. 2-3

²² The Department’s report can be found on its website under “IP 2022-001” under “Rules and Regulatory” → “Proceedings” → “Investigative Proceedings.” The report is dated December 5, 2023, and the “Non-Consensus and Key Issues to Address” list can be found on pp. 6-7

²³ Response p. 3

²⁴ Complaint p. 1

²⁵ Public Service Company of New Hampshire d/b/a Eversource Energy Delivery Service Tariff NHPUC No. 10 at Original Page 30

RSA 362-A:1-a, II-b defines “customer generator” as, “an electric utility customer who owns, operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, except as provided for a municipal host as defined in paragraph II-c, that is located behind a retail meter on the customer’s premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer’s own electricity requirements.” That definition is repeated in Puc 902.05, which is part of the rule set that dictates interconnection requirements for net metering. As explained previously regarding the second charge, the Puc 900 rules dictate that the interconnection process for projects greater than 100 kW is governed by the Company’s tariff. Thus, the 900 rules and Eversource’s tariff still apply to behind-the-meter customer generation. After reviewing the Complaint and Eversource’s Response, it does not appear to the Department that Eversource’s interconnection practices are inconsistent with the customer generator interconnection requirements and treatment outlined in RSA 362-A and the Puc 900 rules.

Requested Relief

Complainant requests six different forms of relief in the Complaint.²⁶ The first three are specific to work on Complainant’s project. For the reasons described above, as long as Eversource is not in violation of law – including statutes, rules, and its tariff – the Department declines to pursue Complainant’s requested relief.

The fourth request for relief relates to future interconnection applications. The Department believes this can be addressed through the interconnection proceeding directed by SB 391, as described further below.

The fifth request for relief asks that the Commission hold a hearing. As explained in this letter, although the Department declines to pursue a hearing before the Commission regarding this matter, the Complainant may petition the Commission for an adjudicative proceeding.²⁷

Finally, the Complainant requests that the Commission collaborate with stakeholders for immediate amendments to SB 391 to address in law fair standards in the interconnection process. SB 391, which was approved by the governor and became effective on July 26, 2024, requires the Department to, “open a proceeding to examine and assess draft rules to be adopted for the purposes of setting uniform procedures for distributed energy resources that are proposed for interconnection to the electrical infrastructure of New Hampshire’s investor-owned utilities and are not subject to Federal Energy Regulatory Commission jurisdiction.”²⁸ As of September 24, 2024, the Department has begun a proceeding as directed by SB 391. An Order of Notice for that

²⁶ Complaint p. 6

²⁷ See RSA 365:4

²⁸ New Hampshire Senate Bill 391 (July 26, 2024)

proceeding can be found on the Department’s website.²⁹ The Department hopes that this proceeding will allow the Complainant an opportunity to provide input on interconnection standards and the utility’s processes for such.

Conclusion

Please note that this decision does not constitute a finding by the Department on whether or not Eversource’s interconnection process is “reasonable,” nor should it be construed as stating that the Department does or does not support the Company’s current interconnection processes. Indeed, the Department has been involved in investigations as directed by the New Hampshire Legislature to examine utilities’ interconnection processes.³⁰ The Department’s decision on this Complaint only constitutes a determination on whether Eversource has violated any provision of law, or of the terms and conditions of its franchises or charter, or of any order of the commission, pursuant to RSA 365:1, with regard to the allegations in this Complaint.

The DOE’s investigation of your Complaint pursuant to RSA 365:1-4 is now complete. The DOE will take no further action on the Complaint. If you are not satisfied with the Department’s disposition of your complaint, then you may petition the Public Utilities Commission to resolve the matter through an adjudicative proceeding pursuant to RSA 365:4.

Sincerely,

/s/ Alexandra K. Ladwig

Alexandra K. Ladwig
Staff Attorney/Hearings Examiner
Department of Energy

Cc: Eversource, Office of Consumer Advocate

²⁹ [Rulemaking Proceedings | NH Department of Energy](#)

³⁰ See Department proceedings IP 2022-01 and RUL 2024-005, both of which can be found on the Department of Energy’s website under “Rules and Regulatory” → “Proceedings.” [Proceedings | NH Department of Energy](#)