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DEPARTMENT OF ENERGY
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October 20, 2023

INV 2023-001 – DOE Energy Procurement Investigation

DOE Set 3 Questions

On May 24, 2023, the New Hampshire Department of Energy (Department) issued an Order of Notice (Order) in DOE Docket INV 2023-001. Pursuant to the Department’s investigative powers established in RSA 12-P:2, IV and RSA 12-P:10, the Department opened this proceeding and directed the participation of all three regulated electric distribution utilities; Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty.

While their participation is not required, the Department welcomes responses from wholesale energy suppliers. Attached hereto, supplier-participants will find the third set of questions regarding various aspects of default energy service procurement. As you will see, these questions are directed only to suppliers.

If possible, responses to Set 3 questions should follow the included instructions and be submitted to the Department by **Thursday, November 2, 2023**. The Department shall post non-confidential responses received on its website, as it deems appropriate.

INVESTIGATIVE QUESTIONS OF N.H. DEPARTMENT OF ENERGY

INSTRUCTIONS

1. Please furnish responses by **Thursday, November 2, 2023**.
2. For each set of responses, please identify the name, title, and contact information for an individual who may be contacted for any follow-up, if necessary. Each request and response should start on a new page as illustrated by the following example:

ORGANIZATION NAME HERE

INV 2023-001

DOE SET 1 QUESTIONS

Date Request Received: 10/20/23

Date of Response: 11/2/23

Request No. DOE IQ 3-xxx

Contact: Contact Information Here

REQUEST:

RESPONSE:

3. If requested data is duplicative of that furnished in a response to another question, simply identify in the response where in another question the Department may find the requested information.
4. If you find a request to be unclear or imprecise, please request clarification, by email, to Matthew Young, Hearings Examiner/Staff Attorney at Matthew.C.Young@energy.nh.gov.
5. By submitting a response, the participant acknowledges that the Department is subject to the Right-to-Know Law, RSA Chapter 91-A. If any part of a response contains information that a participant asserts is exempt from public disclosure, **the participant must specifically identify all relevant text in a letter to the Department and must mark or stamp each page of the materials claimed to be exempt from disclosure as “confidential,”** and provide support for such assertion(s) as part of participant’s response to this RFP. The participant shall explain, in writing, what measures it has taken to keep such information confidential, and the personal privacy or competitive business interests

that would be harmed if such information were to be publicly disclosed. The explanation shall also identify by page number and question number the specific information the participant claims to be exempt from public disclosure pursuant to RSA 91-A:5. It is helpful if the text claimed to be confidential is also highlighted, underlined, or otherwise identified in the actual response itself. Merely marking all responses as “confidential” will neither be accepted nor honored. The Department shall maintain the confidentiality of information contained in responses, insofar as doing so is consistent with RSA Chapter 91-A. Any information a participant identifies as exempt from disclosure shall be kept confidential until the Department has determined, as necessary, whether such information is exempt from public disclosure pursuant to RSA 91-A.

If the Department receives a request to view portions of a response that the participant has properly and clearly marked “confidential,” the Department shall notify the participant and specify the date the Department intends to release the requested information, redacting any information the Department independently concludes is exempt, consistent with applicable laws and regulations. Any effort to prohibit or enjoin the release of the information the Department identifies for release shall be the participant’s responsibility at the participant’s sole expense. If the participant fails to obtain a court order enjoining the disclosure, the Department may release the information on the date the Department specified in its notice to the participant, or in its notice to any other relevant parties, without any liability to the participant.

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DOE Set 3 Questions

Participation:

- 3-1. If your company has not participated in one or more recent solicitations in New Hampshire, or provided bids less than the maximum requirement (i.e., only for a portion of available tranches):
 - a. What were the determining factors for each decision?
 - b. When was each decision made during the procurement cycle (e.g., before initial solicitation, before initial bids, before final bids)?
 - c. Are there risk elements associated with New Hampshire’s default service products that affected your company’s past participation but have since been mitigated? Please identify specific risk elements, as applicable.
- 3-2. Are there newly emerging risk elements associated with New Hampshire’s default service products that might cause your company to not participate in future default service procurements?
- 3-3. Do failed solicitations (i.e., insufficient bids selected to meet the full requirement) affect your company’s participation in future solicitations in a state/utility?
- 3-4. All else equal, do differences in utilities’ procurement practices (e.g., procurement mechanism, solicited products, tranche size, contract duration, timing) affect your company's ability or willingness to participate in a solicitation? As applicable, please specify which practices would affect your decision to participate and under what circumstances.
- 3-5. Does your company have any ‘deal breaker’ conditions (market-related, procedural, or otherwise) that would result in not participating in default service solicitations in a state or with a utility?

Timing:

- 3-6. Is your company’s decision to participate in a default service solicitation affected by timing between the final offer and:
 - a. Notice of award by the utility?
 - b. Contract execution?
 - c. Commission approval of the executed contract?
- 3-7. Is your company’s solicitation bid price affected by timing between the final offer and:

- a. Notice of award by the utility?
 - b. Contract execution?
 - c. Commission approval of the executed contract?
- 3-8. In your company's opinion, what is the ideal / acceptable amount of time between submission of final bids and:
- a. Notice of award by the utility?
 - b. Contract execution?
 - c. Commission approval of the executed contract?

Consistency:

- 3-9. Should all utilities in the same state have identical or very similar procurement practices?
- 3-10. Should all utilities in the same state have the same costs included in their default service products?
- 3-11. Would differences between utilities' procurement practices in a state affect your company's willingness to participate in any or all solicitations?

Other:

- 3-12. Which elements of volumetric risk (e.g., weather, aggregation formation or termination, behind the meter resources) have the greatest impact on your company's participation in procurements and/or the risk premium embedded in your company's bids?
- 3-13. Does your company believe that it has adequate channels of communication with the New Hampshire utilities and / or the Public Utilities Commission to relay exceptions, recommendations, or concerns regarding the default service products being solicited by the utilities? If not, what sort of process would you recommend for providing feedback
- 3-14. States may have rules in place to prevent customers from switching between standard offer and retail supply services to minimize "gaming," meaning taking advantage of temporary differences in prices in a manner that may disadvantage other customers. In your opinion, what anti-gaming rules are appropriate for New Hampshire?
- 3-15. Please identify additional information or data that could be made available by the utilities or the Public Utilities Commission that would either increase your participation or lower risk premium embedded in bids.

- 3-16. Please identify procurement practices or process changes that could be adopted by the utilities or the Public Utilities Commission that would either increase your participation or lower risk premium embedded in bids.

[END]