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May 15, 2024

Molly M. Lynch, Esq.
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

Dear Attorney Lynch,

Pursuant to the DOE's 4/24/24 letter to CPCNH, enclosed for filing please find a revised status update on behalf of CPCNH in CPT 2023-002.

In addition to providing clarification regarding whether Eversource's Large Power Billing system supports provision of TOU supply rates for customers on consolidated billing (which it does not), we have also updated the status update to reflect key developments that occurred after our original filing was submitted (on 2/29/24), revised CPCNH's responses in the NEM and TOU sections, and inserted additional citations and minor edits for the sake of clarity throughout the document.

Notably, the revisions to the NEM section of the status update (Section 1) were necessitated by the realization that our original summary inadvertently responded to an assertion made by Eversource regarding TOU issues. The revisions to the TOU section (Section 2) were made primarily for the sake of clarity, because upon review, it became apparent that two standalone subsections in our original summary had addressed related aspects of the same issue and could be more clearly expressed when combined and expanded as a single subsection.

Summarizing the status of related issues across both PUC and DOE complaints has proven to be somewhat complex, and hopefully these revisions provide a measure of clarity for the Department. I have included clean and redline versions, showing changes tracked against our initial 2/29/24 status update, to assist your review.

Regarding the Commission's decision in DE 23-062 (at last week's status conference) to close that docket with the intention of transferring CPCNH's complaint to the Department for investigation: as expressed in my email to you and the other parties on 5/9/24, CPCNH would like to understand how the Department plans to address the issues in the PUC docket, particularly given the overlap with certain issues in this



proceeding. In that email, we also requested to know whether the Department intends to treat the proceeding as a contested case or as an investigation.

Particularly relevant here is the fact that, to date, Eversource has provided detailed responses to both our original DOE and PUC complaints, whereas CPCNH has only provided non-exhaustive written responses in return (e.g., general summaries, with more detailed responses on select topics), in part because we had anticipated that DE 23-062 would be fully adjudicated by the Commission. As such, CPCNH requests the opportunity to provide complete written responses regarding any issue that the Department views as unresolved or is inclined to rule in favor of the utility. Alternatively, we request that the Department petition the Commission to resolve any such outstanding issues via a new adjudicated proceeding as provided for in RSA 53-E:7, X and RSA 365:1.

Finally, as noted in my 5/9/24 email, CPCNH recommends that the Department convene a status conference so that these matters can be decided upon with input from all parties (including how to best procedurally incorporate the record developed in our PUC complaint).

Yours truly,

Clifton Below

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



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

CPCNH status update [revised*]

Dear Attorney Lynch,

In lieu of the table analysis of individual complaint elements that we reviewed in January 2024 with DOE and Eversource, I concluded that it would be 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 docket book 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 As you are aware, the PUC decided at last

*This status update, originally submitted on February 29, 2024, was revised to reflect new information provided by Eversource, recent developments in DE 23-063, DE 23-062, and the NH EBT-EDI Working Group, and additional corrections and clarifications of CPCNH responses.

¹ See Docket DE 23-063 at tab 7: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>

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



week's status conference to close Docket No. DE 23-062 with the intention of transferring it to the Department for investigation. CPCNH subsequently sent an email on May 9, 2024 recommending that the Department convene a status conference to provide party input regarding how to best procedurally incorporate the record developed in our PUC complaint and then resolve all outstanding issues raised in our complaints. Looking further ahead, and depending on the DOE's disposition of CPT 2023-002, some of the matters may be subsequently 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 the 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

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."



and CEPS. In contrast, only Unitol'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 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 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*

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



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(c)(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 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

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>

⁸ *Ibid.*, Section III, D, 4.



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 Pre-hearing 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 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*

⁹ See 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

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



*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 in DE 23-063, 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

Shortly thereafter, 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 was a welcome development in allowing options for CEPS and CPAs to deliver TOU/NM rates to their customers, though the Joint Utilities did not commit to providing a timeline for any specific deliverable.
- ✦ 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.

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>.



- ⚡ The subsequent priority of enabling rate-ready consolidated billing for TOU/NM customers was also discussed.¹³

On 3/22/24, the Joint Utilities submitted a motion in DE 23-063 requesting that the Commission issue a supplemental order of notice “clarifying that the proper scope of the docket is the consideration of the Utilities’ bill-ready billing proposal” and requesting as a fallback that “If the Commission declines the above request, in the alternative, issue a supplemental order of notice that lists the consideration of dual billing as a possible alternative to the Utilities’ bill-ready billing proposal as an issue in this docket, and provide a sufficient period for potential affected parties to intervene.”

On 3/25/24, the Business Rules subgroup of the NH EBT/EDI Working Group met and reviewed a technical summary developed by CPCNH and Calpine Energy Solutions regarding the utility-specific EDI changes needed to enable dual billing for NM and TOU customers, and to discuss various related matters.

- ⚡ The summary of EDI changes to enable dual billing for NM and TOU customers was updated with input from each utility, and it was agreed that the updated draft would be passed to the EDI Subgroup for technical review and finalization of the proposed changes.¹⁴
- ⚡ Eversource clarified their opinion that the utility was not obligated to provide complete billing determinants for TOU and NM customers and would therefore only make the EDI changes necessary to enable dual billing for such customers in response to an order from the Commission on implementation and cost recovery.
- ⚡ CPCNH responded that the utility was obligated to enable dual billing for TOU and NM customers and committed to asking for the Commission to clarify this issue promptly in DE 23-063. CPCNH reiterated that consideration of dual billing for TOU and NM customers, including the related updates to load settlement processes, were in scope of DE 23-063 pursuant to the Commission’s 9/29/23 Prehearing Order, informed the group that CPCNH and other parties were drafting a motion in DE 23-063 as an alternative to the Joint Utilities’ motion, and committed to circulating the alternative motion to the EBT-EDI Working Group after it had been submitted.
- ⚡ The DOE observed that CPCNH and Eversource had significant differences of opinion regarding whether enabling dual billing for NM and TOU customers was required under the NH EDI Standards, and it was agreed by parties that the Business Rules subgroup would suspend future meetings pending clarification from the

¹³ See 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>

¹⁴ The DOE circulated the updated draft to the EDI subgroup on March 26, 2024. The EDI subgroup was scheduled to meet on April 30, 2024, for the purposes of reviewing the proposed updates (in addition to continuing the work of documenting each utility’s EDI implementation).



Commission, while the EDI subgroup would continue to meet for the purposes of documenting each utilities' EDI implementation and for finalizing the proposed technical changes required for each utility to support dual billing for NM and TOU customers.

On 3/28/24, CPCNH and the Conservation Law Foundation (CLF) submitted a joint motion in DE 23-063 urging the Commission to reject the Joint Utilities' motion and to instead: issue a supplemental order of notice confirming the Prehearing Order by clarifying that enabling dual billing for TOU and NM customers, inclusive of load settlement reforms, was in scope; granting the utilities temporary waivers to the NH EDI Standards, certain Puc 2200 rules, and related sections of their own tariffs and supplier agreements until such time that the changes to EDI to support dual billing for NM and TOU customers was implemented; directing the EBT/EDI Working Group to expedite finalization of the changes necessary to do so for submission and review by the Commission in the proceeding; and scheduling a prehearing conference and inviting additional interventions, party input and testimony, including on additional alternatives to enabling bill-ready consolidated billing; and related recommendations.¹⁵ Subsequently:

- ✦ DOE and OCA each separately submitted recommendations in response to the two motions shortly thereafter, both of which supported inclusion of enabling dual billing for NM and TOU customers being in scope of the proceeding;
- ✦ The IOUs submitted an objection to CPCNH and CLF's joint motion, to which CPCNH and CLF subsequently submitted a response;
- ✦ The Commission issued a procedural order scheduling a prehearing conference on 5/2/24 regarding the scope of the proceeding; and¹⁶
- ✦ At the conclusion of the prehearing conference, the Commission invited parties to submit briefs to address the scope of the proceeding.

In conclusion, CPCNH remains optimistic that the Commission's determination regarding whether the Joint Utilities need to enable dual billing for NM/TOU customers will be forthcoming in DE 23-063. CPCNH observes that the ongoing work of the EDI subgroup of the EBT/EDI Working Group — which is preparing technical documentation regarding each utility's EDI capabilities and finalizing the utility-specific EDI changes required to enable dual billing services for NM/TOU customers — is well-timed to support the Commission's determination in DE 23-063.

¹⁵ See Docket DE 23-063 at tab 35: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>

¹⁶ *Ibid.*, at tabs 36 through 38.



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 below:

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,”¹⁷ 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 (though to date, the utility has not submitted any such petition to do so).¹⁸

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,

¹⁷ See DE 23-063, Prehearing Order, p. 5. https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063/ORDERS/23-063_2023-09-29_NHPUC_PREHEARING-ORDER.PDF

¹⁸ For example, refer to Attachment D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002.



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 (see Section 3: Provision of Interval Data). **As it pertains to interval data, this issue remains open; however, it 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 until Eversource begins providing CPAs with the negative usage data required to enable dual billing for net metered customers — in compliance with Puc 2205.13(a)(7), PUC Order 22,919 and the NH EDI Standards, as explained in the sections immediately below — nor will CPCNH be able to provide net metered customers with expected credit for their exports until load settlement is changed pursuant to RSA 362-A:9, II,¹⁹ 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. 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

¹⁹ Unless individual CPAs elect to provide such credits despite not receiving credit for such exports in settlement; refer to footnote 23.



normal monthly billing cycle.²⁰ It would likely result is 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.²¹ 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. (Note that compliance with this rule regarding interval data is discussed below; see Section 3: Provision of Interval Data.) **CPCNH does not consider this matter resolved. As an interim measure towards achieving compliance, CPCNH recommends that the Department direct Eversource to provide 2205.13(a)(7) reports on a monthly basis (instead of on a quarterly basis) to CPAs, and to do so free of charge. CPCNH considers it to be self-evident that CPAs should not have to pay for Eversource’s incremental administrative costs of providing the data required pursuant to 2205.13(a)(7) on a frequent enough basis to be operationally useful. Provision of negative usage data to CPAs each month would enable CPAs to (1) resolve billing disputes and reimbursement requests with NEM customers who are inadvertently enrolled onto CPA service, and (2) offer net metering rates to customers via dual billing over the near-term.²² Note however that the most administratively efficient way to provide negative usage data to CPAs / suppliers would be for Eversource to do so via EDI (as detailed in the section below and noted by the “Joint Utilities in DE 23-063);²³ resolution of this matter is potentially pending in DE 23-063, so CPCNH recommends that DOE monitor the timetable to achieve compliance and resolution.**

²⁰ Note that monthly positive consumption data, in contrast, is available on an individual customer basis, and updated at the close of each customer’s monthly billing cycle, through EDI 810 and 867 files.

²¹ 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.*”

²² As context, certain CPAs may choose to offer net metering programs to customers on an expedited basis, prior to the implementation of wholesale load settlements reforms to directly allocate negative usage to suppliers serving NEM customers, even though this would result in the CPA paying NEM customers for their exported power without receiving the corresponding benefit of lowering the CPA’s wholesale costs. (Certain CPCNH member CPAs have expressed the desire to be able to do so.)

²³ Refer to DE 23-063, Data Request response to DOE 1-011, 9/29/23: “*The Joint Utilities are not proposing that net metering data be provided to municipal aggregation stakeholders in any manner other than through EDI, because EDI is the only modality equipped to sustain the provision of such quantity of data at the frequency desired by stakeholders.*”



⚡ **Compliance with NH EDI standards & PUC Order 22,919.** As discussed in detail in Section 4 of the DOE 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 the EDI 867 historical usage data report format provided for in NH EDI Standard documentation of separate registers for reporting either positive or negative usage data. However, instead of reporting negative usage values via EDI, Eversource configured its billing systems to convert negative usage values to zeros and then to place these zeros in the field that is supposed to report positive values — a practice which is not supported by the NH EDI Standards.

Eversource’s primary reasoning for not providing negative data cites to the NH EDI Standards requirement 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”* and then argues that the utility is not required to provide negative usage data by asserting that *“...Eversource’s billing systems are not capable of providing negative numbers through EDI...”*. (Eversource DOE response to 4 and 4.4, at pp. 5-6).

As a threshold matter, CPCNH observes that the NH EDI Standards requirement relied upon by Eversource here explicitly pertains to “Consolidated Billing” and the plain intent was to ensure that suppliers electing to bill customers through the utility would be afforded use of utility billing systems on a non-discriminatory basis at no additional cost. Eversource’s obligation to provide suppliers with negative usage data via EDI, in contrast, is a standalone requirement (i.e., regardless of whether a supplier elects to separately bill a customer or elects to provide a customer with a consolidated bill issued by the utility, Eversource’s obligation to transmit the customer’s negative usage data to the supplier via EDI remains the same because the supplier needs the customer’s usage data regardless of billing method). Eversource has therefore erred in citing a consolidated billing requirement in an attempt to justify their withholding of negative usage data from suppliers. Regardless, the reason why *“Eversource’s billing systems are not capable of providing negative numbers through EDI”* is because the utility configured its billing system to convert any instance of negative usage to zero prior to transmitting customer usage data via EDI to suppliers. Eversource’s billing systems record and use negative usage data on a routine basis to produce bills for NM customers who are on utility default service, and the NH EDI Standards explicitly provided for the transmittal of such negative usage data via EDI to suppliers. As such, the fact that Eversource chose to configure their billing systems to not export negative usage data for Competitive Suppliers or Community Power Aggregations does not excuse the utility from its continuing obligation to do so as provided for under the NH EDI Standards.



Eversource goes on to represent that substantial changes would be required to be able to convey negative usage data via EDI. Specifically, the utility represents that the EDI 810 file format is “*likely not appropriate for providing negative export data*” and that doing so would therefore require switching to using the 867 file format to convey monthly usage data, as proposed in the Joint Utility proposal in DE 23-063 — which would be a lengthy and expensive undertaking. Here, Eversource’s assertion is contradicted by the fact that NHEC is currently reporting both positive and negative²⁴ usage data in their EDI 810 monthly usage reports. Consequently, there is no need for a complete, market-wide change to the EDI file format relied upon to convey monthly usage data, because Eversource should simply follow NHEC’s lead and use the EDI 810 monthly usage file format currently in use to transmit negative usage data. Eversource should also be transmitting the prior 12 months of negative usage data using the EDI 867 file format. This is an explicit requirement under the NH EDI standards (DOE ¶ 4.4) and, as context, both Unitil and NHEC report positive and negative usage for net metered customers (with some exception for NEM 1.0 customer-generators) in their EDI 867 historical usage files (with an ongoing delay of about a month to update the current month’s usage).²⁵

As a relevant aside, Eversource also asserts that no supplier “*has ever requested such a modification to EDI or requested that the EDI Working Group be convened to implement its change control process...*”. CPCNH does not consider this a valid reason for Eversource to have not implemented the NH EDI Standards requirements. i Regardless, while it may be true that no supplier has ever asked for the New Hampshire EDI Working Group to be reconvened, this would be unsurprising given that Eversource (as well as Unitil and Liberty) have all implemented Massachusetts’s EDI requirements and have been discussing and updating their EDI systems through the Massachusetts EBT Working Group. Thus, any suppliers seeking to receive negative usage data from customers in Eversource’s New Hampshire territory (or in Connecticut, or Massachusetts for that matter) would have been reasonably expected to raise the issue in the Massachusetts EBT Working Group. While the publicly available minutes online from the MA working of a summary nature, this

²⁴ Note that NHEC transmits positive values for the energy exported by customer generators (referred to as “negative usage” here throughout) and identifies it as such as part of an export rate.

²⁵ As context, the EDI 810 file format is currently used to transmit usage data for the current billing month at the close of each customer’s billing cycle (referred to as “EDI810MU”, where “MU” is short for monthly usage), whereas the EDI 867 file format is used to transmit historic usage data covering the prior 12 months for each customer (referred to as “EDI867HU”, where “HU” is short for historic usage). The EDI 867 file could also be used to transmit the current month’s usage data (“EDI867MU”), which is what the utilities proposed to implement in DE 23-063. However, for the purposes of transmitting negative usage data to suppliers via EDI, it would be much more expedient and far less costly for Eversource to simply begin transmitting negative usage data via the EDI810MU file (which is what NHEC does currently) and the EDI867HU file (which is what both NHEC and Unitil do).



issue was apparently raised at an in-person meeting that took place on October 18, 2017, and is described as follows:²⁶

- *What does it mean when there is no usage and explanation is CoGen. Customer generated more than they use.*

- *Segue into EDI showing details of gen vs. consumption.*

Manual billed, spreadsheets via email

- *Utilities to roadmap how they convey CoGen data to the supplier*
- *Implement 867MU — down the road.*

How does this work in other markets.

Meter Data Mgmt connected to Billing system

These minutes demonstrate that the question of how to provide negative usage data (net export generation data) to suppliers via EDI was discussed back in 2017, and it was asserted that doing so would require utilities to “*Implement 867MU — down the road.*” This is the same argument dispensed within the preceding paragraphs above. The notion that a market-wide change to the EDI file structures (shifting from using EDI 810 to EDI 867 formats to convey monthly usage data) would be required prior to being able to provide negative usage data to suppliers is untrue and unnecessary because the EDI 810 monthly usage file format and the EDI 867 historic usage file format currently in use today (across all of Eversource’s utility territories) are both capable of transmitting negative usage data to suppliers. Rather, Eversource appears to have a technical issue that Unitil and NHEC do not have in connecting the negative usage data in their billing system to the existing EDI system.

Lastly, Eversource also dismisses the specific choice of the EDI standards to require use of negative and positive usage fields in 810 transaction reports by citing to the comment in the NH EDI standard documentation 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 then arguing that measurement of kWh is not a dimensional tolerance. (Eversource DOE response, p. 5, footnote 6). 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 supply as NH was the first state to require such a change. For example, the entire 867 transaction set was labeled as being for

²⁶ MA EBT Minutes, 10/18/17. Online: https://forms.nationalgrid.com/shared_content/ebt/MOM/MA_EBT_Minutes_20171018.pdf



*“Product Transfer and Resale Report”*²⁷ 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 appears to have implemented the NH EDI Standards requirements, while Eversource (and Liberty and Unutil) have now acknowledged that they implemented the EDI requirements of Massachusetts — contrary to their tariff and supplier agreement that represent Eversource follows the NH EDI Standards.²⁸ 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 Attachments A-1 and A-2. **The fact that Eversource chose instead to implement and maintain its EDI system consistent with the EDI requirements of Massachusetts is indisputable, as is the fact that Eversource is “zeroing out” negative usage data instead of providing the data to suppliers via EDI 867 historical usage files as provided for explicitly in the NH EDI Standards documentation. As such, Eversource is out of compliance with Order No. 22,919 and the approved NH EDI Standards. The utility should be providing negative usage data in EDI 867 historical usage files, at a minimum, and should arguably be including negative usage data in EDI 810 monthly usage files as well, as the NHEC has done. CPCNH recommends that DOE deem Eversource out of compliance with the NH EDI standards, and 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 and in DE 23-063.

✈ **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

²⁷ 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.

²⁸ 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.”*



approve any applicable line loss adjustment prior to implementation.²⁹ **As such a proposal is not currently before the commission, 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 has filed a motion seeking resolution of this issue in DE 23-063.³⁰ Alternatively, if the PUC prefers, CPCNH may also 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, 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

²⁹ Eversource in their answer to CPCNH Complaint in CPT 2023-002 (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 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.

³⁰ See Docket DE 23-063 at tab 35: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html> As context, at the prehearing conference in DE 23-063 CPCNH 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”.



for them to prepare to enable CEPS and CPAs to serve net metered customers in the ways discussed above, in response to CPCNH's contention that doing so could substantially mitigate stranded costs by relieving them of the need to compensate net 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 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.]

- ✦ **NH EDI standards & Puc 2205.13(a)(4) and (7).** 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 specific rate the customer is on (e.g., "R-OTOD") 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 distribution tariff rates, including TOU rates, that customers are on via EDI, and also provides usage data for individual customers by TOU interval via EDI as well after customers are enrolled onto CPA service. **As such, Eversource evidentially chose to create custom reports that provide CPAs with less data than what was already available via EDI, which the utility should have incorporated into their custom reports. CPCNH recommends that DOE direct Eversource to standardize provision of data such that what the utility provides CPAs pursuant to Puc 2205.13(a) contains the same granularity of data that is provided via EDI in this case. CPCNH also recommends that DOE direct Eversource to resolve instances where 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).**³¹

³¹ CPCNH has learned that Eversource is providing usage by TOU period as part of 810 monthly usage 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 EDI 867 historic usage



⚡ **NH EDI standards & Puc 2205.16(c)(2).** CPCNH generally complained that Eversource did not allow CPAs to provide TOU rates for consolidated billing “as was called for and expected by PUC Order No. 22,919 and as is implicit in Puc 2205.16(c)(2)”. (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 references address Eversource’s failure to provide consolidated billing services that support TOU rates for CPAs and CEPS; as such, Eversource has not actually responded to the complaint.

CPCNH’s complaint further expanded upon this same issue by detailing the various EDI file formats, testing parameters, and training guidance in the EDI Working Group Report that was intended to ensure that utilities and suppliers could exchange TOU usage data, TOU rates, and TOU customer charges (DOE ¶ 5.1 to 5.7) and explained how, at the time that Order No 22,919 required implementation of the EDI Working Group Report, the expectation was that utilities would enable suppliers to offer TOU supply rates based upon the same TOU periods in use for distribution rates (DOE ¶ 5.8). In response, Eversource primarily asserted that the EDI functionality provided for in the EDI Working Group Report to ensure exchange of TOU customer data “were options, but not requirements, for implementation” and that the utility’s inability to support TOU consolidated billing for suppliers was due to the fact that “Eversource has no existing tariffed rate structure with time-of-use energy supply”.

Relevant here is that 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 DOE 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.

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.



As detailed in the DOE 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. (DOE ¶ 5.8 and Exhibit C). It is further relevant to note that, in Docket DE 99-099, Eversource originally proposed eliminating optional TOU supply rates for residential and general service customers on utility default service explicitly because it was anticipated that suppliers would begin doing so:

*"The Company states that, because it will no longer be in the generation business, it intends to begin eliminating "generation-related" pricing structures (e.g. time-differentiated, controlled or interruptible rates). It claims it is not meaningful for a delivery company to offer such generation related rates... The Company also anticipates that competitive suppliers will offer time-differentiated pricing in the future."*³²

Therefore, it is incomprehensible for Eversource to now assert that it has no obligation under the NH EDI standards to enable TOU supply rates for customers on consolidated billing, because (1) it was understood that suppliers were supposed to begin providing TOU supply rates to complement utility TOU distribution rates, and (2) omitting support for TOU supply rates for customers on consolidated billing would foreclose TOU supply rates for the vast majority of customers.

Similarly, Eversource's own rate sheet for customers billed through their Large Power Billing (LPB) system still has columns for suppliers to input 2-part TOU rates; however, on February 29, 2024, Eversource staff clarified via email that suppliers had to input the same rate for both on-peak and off-peak periods, because the utility did not support TOU rates for supply — thus, the utility has demonstrably not implemented the consolidated billing functionality that their own rate sheet was designed to support.³³ This is yet another demonstration that Eversource itself previously anticipated supporting TOU supply pricing for customers on consolidated billing.

Puc 2205.16(c)(2) reinforces this notion that users of utility consolidated billing would be limited to TOU time periods as defined in utility tariffs 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 using

³² See Docket DE 99-099, Order No. 23,443 (April 19, 2000), p. 247.

<https://www.puc.nh.gov/Regulatory/Docketbk/1999/99-099/ORDERS/99-099%202000-04-19%20ORDER%20NO%2023-443.PDF>

³³ 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.



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

As summarized above and in CPCNH’s original complaint, the record is clear that utilities were expected to enable suppliers to offer TOU supply rates to customers on consolidated billing. CPCNH recommends that DOE deem Eversource out of compliance with NH EDI Standards and direct Eversource to enable TOU supply rates for customers on consolidated billing — and at no additional cost to CPAs or CEPS, so long as the TOU periods conform to those used for utility TOU distribution rates. As mentioned in the first section of this letter, the NH EDI-EBT Working Group has also discussed this issue.

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.*” CPCNH complained that Eversource omits negative usage data from Puc 2204.02 reports. (DOE ¶ 1.3) Eversource responded by asserting that the Puc 2203.02(d) requirement to provide negative usage data (exports to the grid) does not extend to Puc 2204.02, and that consequently, that “*Puc 2204.02(a)(2) does not require data reflecting customer exports to the grid*”. (Eversource DOE response to 1.3, at p. 2). Subsequently however, as previously noted, the PUC made clear in its 9/29/23 Prehearing Order in DE 23-063 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.*” Relevant here is that Eversource was granted a waiver to this requirement in the 9/29/23 PUC Prehearing 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 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's 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 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. (Eversource PUC Response to 1.14, on p. 6.) 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.³⁴

If the Commission had wanted the rule to only require the provision of interval data through the tariff, they could have easily said so. Relevant here is that 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. I.e., interval data must be provided to CPAs (1) without requiring the CPA to first obtain individual customer authorization, and regardless of whether or not the CPA meets Eversource's definition of a "Supplier". As discussed below

³⁴ Refer to Attachment D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002. Relevant here is that the PUC granted Eversource a waiver to providing export data (negative usage data) in DE 23-063 in the Prehearing Order dated 9/29/23 "until such time as capabilities are implemented." However, Eversource's subsequent 12/30/24 email clarified that the utility is unable to provide negative usage data for interval metered customers and intends to petition the Commission for a partial rule waiver. Note that Eversource has yet to submit such a petition.



in Section 6, 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*”³⁵ 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.*”³⁶ Relevant here is the fact that the interval data provided pursuant to Eversource’s tariff is not billing quality data, i.e., it is not the verified and validated customer usage data that the utility itself uses for billing and load settlement purposes. As such, Eversource is clearly obligated under Puc 2205.12(a)(7) to provide billing quality interval data to CPAs.

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 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.³⁷

³⁵ Eversource Tariff, Terms and Conditions for Suppliers, § 2(b), p. 33.

³⁶ See 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**”.

³⁷ See FN 21 on p. 12 above.



We recommend that DOE direct Eversource to provide CPAs access to customer interval meter data via the utility's EPO service on an ongoing monthly basis, free of charge, and without requiring authorization from each individual customer, as an immediate interim measure towards compliance, and to subsequently escalate this matter to the PUC for further investigation and resolution (given that the EPO interval data is not billing quality and does not include negative usage data).

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.**



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 the 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.³⁸ 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.

Again, the NH EDI Standards call 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

³⁸ See Attachment C, email from Eversource Counsel Jessica Chiavara to CPCNH CEO dated 12/22/23.



discussion at the February 27, 2024 EDI/EBT Work Group Business Rules Subgroup meeting, and believe this issue of discriminatory treatment against CPA default service merits further investigation and consideration in light of the overall statutory scheme, which 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.³⁹

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).

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,

Clifton Below

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

Attachments:

- A-1: Massachusetts EDI Standards: kWh measurements for 867 data fields
- A-2: New Hampshire EDI Standards: kWh measurements for 867 data fields
- B: Excerpt of Eversource Supplier Rate Sheet for LBP Customers
- C: 12/22/23 Email from Jessica Chiavara to CPCNH CEO Brian Callnan
- D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002

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

³⁹ 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

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

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,

Jessica A. Chiavara

Senior Counsel, Eversource Energy
780 N Commercial Street, Manchester, NH 03101
Phone: 603-634-2972
jessica.chiavara@eversource.com

From: Brian Callnan <brian.callnan@communitypowernh.gov>
Sent: Wednesday, December 20, 2023 2:06 PM
To: Chiavara, Jessica A <jessica.chiavara@eversource.com>
Cc: Clifton.Below@CPCNH.org; Bennett, Colleen E <colleen.bennett@eversource.com>; Swift, Joseph R <joseph.swift@eversource.com>; Deana Dennis <deana.dennis@communitypowernh.gov>; Samuel Golding <golding@communitychoicepartners.com>
Subject: Re: Yesterday's slide deck request

Attachment D

From: Chiavara, Jessica A <jessica.chiavara@eversource.com>
Sent: Tuesday, January 30, 2024 12:14 PM
To: Lynch, Molly <Molly.M.Lynch@energy.nh.gov>; Clifton Below <Clifton.Below@CommunityPowerNH.gov>; Kreis, Donald <Donald.M.Kreis@oca.nh.gov>; CA: Website Mail Account <OCA@oca.nh.gov>; Brian Callnan <brian.callnan@communitypowernh.gov>
Cc: Noonan, Amanda <amanda.o.noonan@energy.nh.gov>; paul.b.dexter@energy.nh.gov; Young, Matthew <Matthew.C.Young@energy.nh.gov>
Subject: RE: CPT 2023-002

Good afternoon,

I believe I owed this group an update on a few specific items. I have gathered the necessary information, here are Eversource's responses:

1. Now that the Commission has determined that "usage data" means customer usage as well as data reflecting customer energy exported to the grid, can Eversource comply with the requirements of Puc 2204.02(a)(2)?
Answer: yes, Eversource is already providing customer export data as a part of this report
2. Can Eversource provide hourly data including exports for Puc 2205.13(a)(7)?
Answer: interval data is only available through the EPO subscription service, consistent with the Eversource tariff, and EPO does not record customer energy exports to the grid, so **this data is not available and Eversource will have to petition the Commission for a partial rule waiver.** **Note:** monthly data, both usage data and export data, are already being provided under this provision.
3. CPCNH would like to have the NEM and TOU flags added to the Puc 2205.05 report for new utility customers, can that be done?
Answer: Eversource added the flag to this report in August of 2023, and has been providing it since that time, most recently for a group of aggregations at CPCNH's request, provided on 1/16.

As an additional matter, I would like to note that Eversource is also unable to provide export data for grandfathered net metered accounts in our Large Power Billing system and Group Net Host export data, to the extent that data is required to be provided by Puc 2203.02(b)(1). Eversource will, at some point in the future, be able to provide this data should an automated process be developed and implemented, but that process has not yet been developed, as IT and Billing Staff resources are at capacity with current projects. This process is in the queue for development. **In the meantime, the company will also be petitioning for a partial waiver from this rule.**

Hopefully this further simplifies any potential remaining open issues regarding this complaint.

Thank you,
Jessica A. Chiavara
Senior Counsel, Eversource Energy
780 N Commercial Street, Manchester, NH 03101
Phone: 603-634-2972
Jessica.chiavara@eversource.com



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~~February 29~~ May 15, 2024

Molly M. Lynch, Esq.
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 [revised*]

Dear Attorney Lynch,

In lieu of the table analysis of individual complaint elements that we reviewed ~~last month~~ in January 2024 with DOE and Eversource, I concluded that it would be 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~~ DE 23-062. The last entry in that docket book 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 As you are aware, the PUC ~~has not initiated any further decided~~

¹*This status update, originally submitted on February 29, 2024, was revised to reflect new information provided by Eversource, recent developments in DE 23-063, DE 23-062, and the NH EBT-EDI Working Group, and additional corrections and clarifications of CPCNH responses.

¹ See Docket DE 23-063 at tab 7: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>

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.



~~at last week's status conference to close Docket No. DE 23-062 with the intention of transferring it to the Department for investigation or adjudicatory steps to resolve. CPCNH subsequently sent an email on May 9, 2024 recommending that the Department convene a status conference to provide party input regarding how to best procedurally incorporate the record developed in our PUC complaint, and due to the extensive overlap of the and then resolve all outstanding issues raised in our complaints. Looking further ahead, 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~~

~~That DE 23-062 be closed without prejudice, allowing that, depending on the DOE's disposition of CPT 2023-002 at the DOE, some of the matters may be subsequently 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 the 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.

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 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

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.”



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 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(~~bc~~)(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*

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

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>



making reasonable changes to its billing system. The requesting Supplier will be responsible for any costs incurred to make the 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 Pre-hearing 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*

⁸ *Ibid.*, Section III, D, 4.

⁹ See 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



strides in reaching a common position on all open 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*”,¹² 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 in DE 23-063, 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

~~Two days ago~~ Shortly thereafter, 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.

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>.



- ✦ 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 was 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, though the Joint Utilities did not commit to providing a timeline for 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

On 3/22/24, the Joint Utilities submitted a motion in DE 23-063 requesting that the Commission issue a supplemental order of notice “clarifying that the proper scope of the docket is the consideration of the Utilities’ bill-ready billing proposal” and requesting as a fallback that “If the Commission declines the above request, in the alternative, issue a supplemental order of notice that lists the consideration of dual billing as a possible alternative to the Utilities’ bill-ready billing proposal as an issue in this docket, and provide a sufficient period for potential affected parties to intervene.”

On 3/25/24, the Business Rules subgroup of the NH EBT/EDI Working Group met and reviewed a technical summary developed by CPCNH and Calpine Energy Solutions regarding the utility-specific EDI changes needed to enable dual billing for NM and TOU customers, and to discuss various related matters.

- ✦ The summary of EDI changes to enable dual billing for NM and TOU customers was updated with input from each utility, and it was agreed that the updated draft would be passed to the EDI Subgroup for technical review and finalization of the proposed changes.¹⁴
- ✦ Eversource clarified their opinion that the utility was not obligated to provide complete billing determinants for TOU and NM customers and would therefore only

¹³ See 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>

¹⁴ The DOE circulated the updated draft to the EDI subgroup on March 26, 2024. The EDI subgroup was scheduled to meet on April 30, 2024, for the purposes of reviewing the proposed updates (in addition to continuing the work of documenting each utility’s EDI implementation).



make the EDI changes necessary to enable dual billing for such customers in response to an order from the Commission on implementation and cost recovery.

⚡ CPCNH responded that the utility was obligated to enable dual billing for TOU and NM customers and committed to asking for the Commission to clarify this issue promptly in DE 23-063. CPCNH reiterated that consideration of dual billing for TOU and NM customers, including the related updates to load settlement processes, were in scope of DE 23-063 pursuant to the Commission's 9/29/23 Prehearing Order, informed the group that CPCNH and other parties were drafting a motion in DE 23-063 as an alternative to the Joint Utilities' motion, and committed to circulating the alternative motion to the EBT-EDI Working Group after it had been submitted.

⚡ The DOE observed that CPCNH and Eversource had significant differences of opinion regarding whether enabling dual billing for NM and TOU customers was required under the NH EDI Standards, and it was agreed by parties that the Business Rules subgroup would suspend future meetings pending clarification from the Commission, while the EDI subgroup would continue to meet for the purposes of documenting each utilities' EDI implementation and for finalizing the proposed technical changes required for each utility to support dual billing for NM and TOU customers.

On 3/28/24, CPCNH and the Conservation Law Foundation (CLF) submitted a joint motion in DE 23-063 urging the Commission to reject the Joint Utilities' motion and to instead: issue a supplemental order of notice confirming the Prehearing Order by clarifying that enabling dual billing for TOU and NM customers, inclusive of load settlement reforms, was in scope; granting the utilities temporary waivers to the NH EDI Standards, certain Puc 2200 rules, and related sections of their own tariffs and supplier agreements until such time that the changes to EDI to support dual billing for NM and TOU customers was implemented; directing the EBT/EDI Working Group to expedite finalization of the changes necessary to do so for submission and review by the Commission in the proceeding; and scheduling a prehearing conference and inviting additional interventions, party input and testimony, including on additional alternatives to enabling bill-ready consolidated billing; and related recommendations.¹⁵ Subsequently:

⚡ DOE and OCA each separately submitted recommendations in response to the two motions shortly thereafter, both of which supported inclusion of enabling dual billing for NM and TOU customers being in scope of the proceeding;

⚡ The IOUs submitted an objection to CPCNH and CLF's joint motion, to which CPCNH and CLF subsequently submitted a response;

¹⁵ See Docket DE 23-063 at tab 35: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html>



~~✓ The Commission issued a procedural order scheduling a prehearing conference on 5/2/24 regarding the scope of the proceeding; and ¹⁶~~

~~✓ At the conclusion of the prehearing conference, the Commission invited parties to submit briefs to address the scope of the proceeding.~~

~~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 the Commission’s determination regarding whether the Joint Utilities need to enable dual billing for NM/TOU customers 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, forthcoming in DE 23-063, CPCNH observes that the plans that ongoing work of the Joint Utilities have agreed to bring forward for EDI subgroup of the NH EBT/EDI Working Group’s consideration Group — which is preparing technical documentation regarding priority implementation of each utility’s EDI capabilities and finalizing the utility-specific EDI changes required to enable dual-billing services for NM/TOU customers — is well-timed to support the Commission’s determination in ~~either event: DE 23-063.~~~~

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;

¹⁶ *Ibid.*, at tabs 36 through 38.



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 below:

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,*"¹⁷ 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: (though to date, the utility has not submitted any such petition to do so).¹⁸

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~~ 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

¹⁷ See DE 23-063, Prehearing Order, p. 5. https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063/ORDERS/23-063_2023-09-29_NHPUC_PREHEARING-ORDER.PDF

¹⁸ For example, refer to Attachment D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002.



they are in compliance regarding the provision of hourly interval data as discussed below: [\(see Section 3: Provision of Interval Data\)](#). **As it pertains to interval data, this issue remains open; however, it 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 until Eversource begins providing CPAs with the negative usage data required to enable dual billing for net metered customers — in compliance with Puc 2205.13(a)(7), PUC Order 22,919 and the NH EDI Standards, as explained in the sections immediately below — nor will CPCNH be able to provide net metered customers with expected credit for their exports until load settlement is changed pursuant to RSA 362-A:9, II,**¹⁹ as we cannot provide financial credit for exports to the grid by NEM 2.0 customer-generators if the CPA does not, in turn,

¹⁹ [Unless individual CPAs elect to provide such credits despite not receiving credit for such exports in settlement; refer to footnote 23.](#)



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.²⁰ It would likely result is 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

²⁰ Note that monthly positive consumption data, in contrast, is available on an individual customer basis, and updated at the close of each customer's monthly billing cycle, through EDI 810 and 867 files.



exercise their right and responsibility to verify their load settlement data with ISO-NE in a timely manner.²¹ 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~~(Note that compliance with this rule regarding interval data is discussed below ~~under the~~; see Section 3: Provision of Interval Data ~~section~~.) **CPCNH does not consider this matter resolved. PartialAs an interim measure towards achieving compliance, CPCNH recommends that the Department direct Eversource to provide 2205.13(a)(7) reports on a monthly basis (instead of on a quarterly basis) to CPAs, and to do so free of charge. CPCNH considers it to be self-evident that CPAs should not have to pay for Eversource's incremental administrative costs of providing the data required pursuant to 2205.13(a)(7) on a frequent enough basis to be operationally useful. Provision of negative usage data to CPAs each month would enable CPAs to (1) resolve billing disputes and reimbursement requests with NEM customers who are inadvertently enrolled onto CPA service, and (2) offer net metering rates to customers via dual billing over the near-term.**²² Note however that the most administratively efficient way to provide negative usage data to CPAs / suppliers would be for Eversource to do so via EDI (as detailed in the section below and noted by the "Joint Utilities in DE 23-063");²³ 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 DOE 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 the EDI 867 historical usage data report format provided for in NH EDI Standard documentation of separate registers for reporting either positive or negative usage data. However, instead of reporting negative usage values via EDI, Eversource ~~disputes that configured its billing systems~~

²¹ 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."

²² As context, certain CPAs may choose to offer net metering programs to customers on an expedited basis, prior to the implementation of wholesale load settlements reforms to directly allocate negative usage to suppliers serving NEM customers, even though this would result in the CPA paying NEM customers for their exported power without receiving the corresponding benefit of lowering the CPA's wholesale costs. (Certain CPCNH member CPAs have expressed the desire to be able to do so.)

²³ Refer to DE 23-063, Data Request response to DOE 1-011, 9/29/23: "The Joint Utilities are not proposing that net metering data be provided to municipal aggregation stakeholders in any manner other than through EDI, because EDI is the only modality equipped to sustain the provision of such quantity of data at the frequency desired by stakeholders."



to convert negative usage values to zeros and then to place ~~these were actual~~ zeros in the field that is supposed to report positive values — a practice which is not supported by the NH EDI Standards.

Eversource's primary reasoning for not providing negative data cites to the NH EDI Standards requirement that "*Competitive Suppliers who select the Consolidated Billing Option are limited to the rate structures, customer class definitions and availability requirements of that are within the capabilities of the Distribution Company's billing system*" and then argues that the utility is not required to provide negative usage data by asserting that "*...Eversource's billing systems are not capable of providing negative numbers through EDI...*". (Eversource DOE response to 4 and 4.4, at pp. 5-6).

As a threshold matter, CPCNH observes that the NH EDI Standards requirement relied upon by Eversource here explicitly pertains to "Consolidated Billing" and the plain intent was to ensure that suppliers electing to bill customers through the utility would be afforded use of utility billing systems on a non-discriminatory basis at no additional cost. Eversource's obligation to provide suppliers with negative usage data via EDI, in contrast, is a standalone requirement (i.e., regardless of whether a supplier elects to separately bill a customer or elects to provide a customer with a consolidated bill issued by the utility, Eversource's obligation to transmit the customer's negative usage data to the supplier via EDI remains the same because the supplier needs the customer's usage data regardless of billing method). Eversource has therefore erred in citing a consolidated billing requirement in an attempt to justify their withholding of negative usage data from suppliers. Regardless, the reason why "*Eversource's billing systems are not capable of providing negative numbers through EDI*" is because the utility configured its billing system to convert any instance of negative usage to zero prior to transmitting customer usage data via EDI to suppliers. Eversource's billing systems record and use negative usage data on a routine basis to produce bills for NM customers who are on utility default service, and the NH EDI Standards explicitly provided for the transmittal of such negative usage data via EDI to suppliers. As such, the fact that Eversource chose to configure their billing systems to not export negative usage data for Competitive Suppliers or Community Power Aggregations does not excuse the utility from its continuing obligation to do so as provided for under the NH EDI Standards.

Eversource goes on to represent that substantial changes would be required to be able to convey negative usage data via EDI. Specifically, the utility represents that the EDI 810 file format is "*likely not appropriate for providing negative export data*" and that doing so would therefore require switching to using the 867 file format to convey monthly usage data, as proposed in the Joint Utility proposal in DE 23-063 — which would be a lengthy and expensive undertaking. Here, Eversource's assertion is



contradicted by the fact that NHEC is currently reporting both positive and negative²⁴ usage data in their EDI 810 monthly usage reports. Consequently, there is no need for a complete, market-wide change to the EDI file format relied upon to convey monthly usage data, because Eversource should simply follow NHEC's lead and use the EDI 810 monthly usage file format currently in use to transmit negative usage data. Eversource should also be transmitting the prior 12 months of negative usage data using the EDI 867 file format. This is an explicit requirement under 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, (DOE ¶ 4.4) and, as context, both Unitil and the NH Electric Cooperative (NHEC) are in fact reporting both report positive and negative usage for net metered customers (with some exception for NEM 1.0 customer-generators) in their EDI 867 historical usage reports files (with an ongoing delay of about a month and that NHEC is also reporting to update the current month's usage).²⁵

As a relevant aside, Eversource also asserts that no supplier "has ever requested such a modification to EDI or requested that the EDI Working Group be convened to implement its change control process...". CPCNH does not consider this a valid reason for Eversource to have not implemented the NH EDI Standards requirements. i Regardless, while it may be true that no supplier has ever asked for the New Hampshire EDI Working Group to be reconvened, this would be unsurprising given that Eversource (as well as Unitil and Liberty) have all implemented Massachusetts's EDI requirements and have been discussing and updating their EDI systems through the Massachusetts EBT Working Group. Thus, any suppliers seeking to receive negative usage data from customers in Eversource's New Hampshire territory (or in Connecticut, or Massachusetts for that matter) would have been reasonably expected to raise the issue in the Massachusetts EBT Working Group. While the publicly available minutes online from the MA working of a summary nature, this issue was apparently raised at an in-person meeting that took place on October 18, 2017, and is described as follows:²⁶

²⁴ Note that NHEC transmits positive values for the energy exported by customer generators (referred to as "negative usage" here throughout) and identifies it as such as part of an export rate.

²⁵ As context, the EDI 810 file format is currently used to transmit usage data for the current billing month at the close of each customer's billing cycle (referred to as "EDI810MU", where "MU" is short for monthly usage), whereas the EDI 867 file format is used to transmit historic usage data covering the prior 12 months for each customer (referred to as "EDI867HU", where "HU" is short for historic usage). The EDI 867 file could also be used to transmit the current month's usage data ("EDI867MU"), which is what the utilities proposed to implement in DE 23-063. However, for the purposes of transmitting negative usage data to suppliers via EDI, it would be much more expedient and far less costly for Eversource to simply begin transmitting negative usage data via the EDI810MU file (which is what NHEC does currently) and the EDI867HU file (which is what both NHEC and Unitil do).

²⁶ MA EBT Minutes, 10/18/17. Online:

https://forms.nationalgrid.com/shared_content/ebt/MOM/MA_EBT_Minutes_20171018.pdf



- What does it mean when there is no usage and explanation is CoGen. Customer generated more than they use.

- Segue into EDI showing details of gen vs. consumption.

Manual billed, spreadsheets via email

- Utilities to roadmap how they convey CoGen data to the supplier

- Implement 867MU — down the road.

How does this work in other markets.

Meter Data Mgmt connected to Billing system

These minutes demonstrate that the question of how to provide negative usage data (net export generation data) to suppliers via EDI was discussed back in 2017, and it was asserted that doing so would require utilities to “Implement 867MU — down the road.” This is the same argument dispensed within the preceding paragraphs above. The notion that a market-wide change to the EDI file structures (shifting from using EDI 810 to EDI 867 formats to convey monthly usage data) would be required prior to being able to provide negative usage data to suppliers is untrue and unnecessary because the EDI 810 monthly usage file format and the EDI 867 historic usage file format currently in use today (across all of Eversource’s utility territories) are both positive and negative current usage data in their 810 reports. Eversource capable of transmitting negative usage data to suppliers. Rather, Eversource appears to have a technical issue that Unitil and NHEC do not have in connecting the negative usage data in their billing system to the existing EDI system.

Lastly, Eversource also dismisses the specific choice of the EDI standards to require use of negative and positive usage fields in 867810 transaction reports because by citing to the comment in the NH EDI standard documents documentation 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 arguesthen arguing that measurement of kWh is not a dimensional tolerance.²⁷ (Eversource DOE response, p. 5, footnote 6). 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 supply as NH was the first state to require such a change. For example, the entire 867

²⁷ Eversource Answer to CPCNH Complaint in CPT 2023-002, dated 7/24/23 at p. 5, FN 6.



transaction set was labeled as being for “*Product Transfer and Resale Report*”²⁸ 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~~appears to have implemented the NH EDI ~~Standard~~Standards 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 ~~29~~29~~rule~~rule—NH EDI Standards.³⁰ 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~~Attachments A-1 and A-2. **The fact that Eversource chose instead to implement and maintain its EDI system consistent with the EDI requirements of Massachusetts is indisputable; as is the fact that Eversource is “zeroing out” negative usage data instead of providing the data to suppliers via EDI 867 historical usage files as provided for explicitly in the NH EDI Standards documentation. As such, Eversource is out of compliance with Order No. 22,919 and the approved NH EDI Standards. The utility should be providing negative usage data in EDI 867 historical usage files, at a minimum, and should arguably be including negative usage data in EDI 810 monthly usage files as well, as the NHEC has done. CPCNH recommends that DOE deem Eversource out of compliance with the NH EDI standards, and 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: and in DE 23-063.**

²⁸ 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.

²⁹ ~~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.”~~

³⁰ 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.”



⚡ **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.³¹ **As such a proposal is not currently before the commission, 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~~ has filed a motion seeking resolution of this issue in DE 23-063.³² ~~If agreement is not reached on indefinitely suspending that docket by March 22, 2024, or~~ Alternatively, if agreement is reached, then the PUC prefers, CPCNH ~~will~~ may also 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-

³¹ Eversource in their answer to ~~the complaint~~ CPCNH Complaint in CPT 2023-002 (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 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.

³² ~~At~~ See Docket DE 23-063 at tab 35: <https://www.puc.nh.gov/regulatory/Docketbk/2023/23-063.html> As context, at the prehearing conference in DE 23-063 CPCNH 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”.



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 in response to CPCNH's contention that doing so could substantially mitigate stranded costs by relieving them of the need to compensate net 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”. **NH EDI standards & Puc 2205.13(a)(4) and (7).** (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.**³³~~

³³ 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.



⚡ 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 specific 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, distribution tariff rates,~~ including TOU rates, that customers are on via EDI, and also provides usage data for individual customers by TOU interval via EDI as well after customers are enrolled onto CPA service. **As such, Eversource evidentially chose to create custom reports that provide CPAs with less data than what was already available ~~and available to be automated via EDI,~~ which the utility should have incorporated into their custom reports. CPCNH recommends that DOE direct Eversource to standardize provision of data such that what the utility provides CPAs pursuant to 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).³⁴**

⚡ **NH EDI standards & Puc 2205.16(c)(2).** CPCNH generally complained that Eversource did not allow CPAs to provide TOU rates for consolidated billing “as was called for and expected by PUC Order No. 22,919 and as is implicit in Puc 2205.16(c)(2)”. (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.” The None of these references address Eversource’s failure to provide consolidated billing services that support TOU rates for CPAs and CEPS; as such, Eversource has not actually responded to the complaint.

CPCNH’s complaint further expanded upon this same issue by detailing the various EDI file formats, testing parameters, and training guidance in the EDI Working Group Report that was intended to ensure that utilities and suppliers could exchange TOU

³⁴ CPCNH has learned that Eversource is providing usage by TOU period as part of 810 monthly ~~810~~usage files and in the EDI 814 files and we receive a rate code that identifies customers as being on a TOU rate (e.g. RTC and GTD for residential and general service TOU); however, the EDI 867 historic ~~ED+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.



usage data, TOU rates, and TOU customer charges (DOE ¶ 5.1 to 5.7) and explained how, at the time that Order No 22,919 required implementation of the EDI Working Group Report, the expectation was that utilities would enable suppliers to offer TOU supply rates based upon the same TOU periods in use for distribution rates (DOE ¶ 5.8). In response, Eversource primarily asserted that the EDI functionality provided for in the EDI Working Group Report to ensure exchange of TOU customer data “were options, but not requirements, for implementation” and that the utility’s inability to support TOU consolidated billing for suppliers was due to the fact that “Eversource has no existing tariffed rate structure with time-of-use energy supply”.

Relevant here is that the NH EDI standardsStandards 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 originalDOE 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 originalDOE 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. (DOE ¶ 5.8 and Exhibit C). It is further relevant to note that, in Docket DE 99-099, Eversource originally proposed eliminating optional TOU supply rates for residential and general service customers on utility default service explicitly because it was anticipated that suppliers would begin doing so:

“The Company states that, because it will no longer be in the generation business, it intends to begin eliminating “generation-related” pricing structures (e.g. time-differentiated, controlled or interruptible rates). It claims it is not meaningful for a delivery company to offer such generation related rates... The Company also



anticipates that competitive suppliers will offer time-differentiated pricing in the future.”³⁵

Therefore, it is incomprehensible for Eversource to now assert that it has no obligation under the NH EDI standards to enable TOU supply rates for customers on consolidated billing, because (1) it was understood that suppliers were supposed to begin providing TOU supply rates to complement utility TOU distribution rates, and (2) omitting support for TOU supply rates for customers on consolidated billing would foreclose TOU supply rates for the vast majority of customers.

Similarly, Eversource’s own rate sheet for customers billed through their Large Power Billing (LPB) system still has columns for suppliers to input 2-part TOU rates; however, on February 29, 2024, Eversource staff clarified via email that suppliers had to input the same rate for both on-peak and off-peak periods, because the utility did not support TOU rates for supply — thus, the utility has demonstrably not implemented the consolidated billing functionality that their own rate sheet was designed to support.³⁶ This is yet another demonstration that Eversource itself previously anticipated supporting TOU supply pricing for customers on consolidated billing.

Puc 2205.16(c)(2) reinforces this notion that users of utility consolidated billing would be limited to TOU time periods as defined by their utility tariffs 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 using the TOU periods as defined in the utility tariff should not result in additional charges and should be supported in utility consolidated billing.

As summarized above and in CPCNH’s original complaint, the record is clear that utilities were expected to enable suppliers to offer TOU supply rates to customers on consolidated billing. CPCNH recommends that DOE deem Eversource out of compliance with NH EDI Standards and direct Eversource to enable TOU supply rates for customers on consolidated billing — and at no additional cost to CPAs or CEPS, so long as the TOU periods conform to those used for utility TOU distribution rates. As mentioned in the first section of this letter, the NH EDI-EBT Working Group has also discussed this issue.

³⁵ See Docket DE 99-099, Order No. 23,443 (April 19, 2000), p. 247.
<https://www.puc.nh.gov/Regulatory/Docketbk/1999/99-099/ORDERS/99-099%202000-04-19%20ORDER%20NO%2023-443.PDF>

³⁶ 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.



~~★ **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 CPCNH complained that Eversource omits negative usage data from Puc 2204.02 reports. (DOE ¶ 1.3) Eversource responded by asserting that the Puc 2203.02(d) requirement to provide negative usage data (exports to the grid) does not extend to Puc 2204.02, and that consequently, that “Puc 2204.02(a)(2) does not require data reflecting customer exports to the grid”. (Eversource DOE response to 1.3, at p. 2). Subsequently however, as previously noted, the PUC made clear in its 9/29/23 Prehearing Order in DE 23-063 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 contends³⁷ 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. Relevant here is that Eversource was granted a waiver to this requirement in the 9/29/23 PUC Prehearing 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~~

³⁷ ~~Eversource 7/24/23 answer to the DOE complaint p. 7.~~



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 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~~Eversource's 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." (Eversource PUC Response to 1.14, on p. 6.)~~ 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.³⁸

If the Commission had wanted the rule to only require the provision of interval data through the tariff, they could have easily said so. Relevant here is that 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, i.e., interval data is required to~~ must be provided to ~~a CPAs (I) without requiring the CPA to first obtain individual~~ customer authorization ~~is, and regardless of whether or not required and the data is to be provided to an entity that is NOT the "Supplier," according to CPA meets~~ Eversource's definition of a "Supplier." As discussed below in Section 6, 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"*³⁹ 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."*⁴⁰ Relevant here is the fact that

³⁸ Refer to Attachment D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002. Relevant here is that the PUC granted Eversource a waiver to providing export data (negative usage data) in DE 23-063 in the Prehearing Order dated 9/29/23 "until such time as capabilities are implemented." However, Eversource's subsequent 12/30/24 email clarified that the utility is unable to provide negative usage data for interval metered customers and intends to petition the Commission for a partial rule waiver. Note that Eversource has yet to submit such a petition.

³⁹ Eversource Tariff, Terms and Conditions for Suppliers, § 2(b), p. 33.

⁴⁰ See 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



the interval data provided pursuant to Eversource's tariff is not billing quality data, i.e., it is not the verified and validated customer usage data that the utility itself uses for billing and load settlement purposes. As such, Eversource is clearly obligated under Puc 2205.12(a)(7) to provide billing quality interval data to CPAs.

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 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.⁴¹

We recommend that DOE direct Eversource to provide CPAs access to customer interval meter data via the utility's EPO service on an ongoing monthly basis, free of charge, and without requiring authorization from each individual customer, as an immediate interim measure towards compliance, and to subsequently escalate this matter to the PUC for further investigation and resolution (given that the EPO interval data is not billing quality and does not include negative usage data).

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

*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**".*

⁴¹ See FN 221 on p. 512 above.



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.**

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 the 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.⁴² 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.

Again, the NH EDI Standards ~~calls~~ **call 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~~ **the February 27, 2024** EDI/EBT Work Group Business Rules Subgroup meeting ~~on 2/27, but, and~~ believe this issue of discriminatory treatment against CPA default service merits further investigation and consideration in light of the overall statutory scheme ~~and, which~~ 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.⁴³**

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

⁴² See Attachment [BC](#), email from Eversource Counsel Jessica Chiavara to CPCNH CEO dated 12/22/23.

⁴³ 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.***"



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,

Clifton Below

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Attachments:

[A-1: Massachusetts EDI Standards: kWh measurements for 867 data fields](#)

[A-2: New Hampshire EDI Standards: kWh measurements for 867 data fields](#)

[B: Excerpt of Eversource Supplier Rate Sheet for LBP Customers](#)

[C: 12/22/23 Email from Jessica Chiavara to CPCNH CEO Brian Callnan](#)

[D: 12/30/24 Email from Jessica Chiavara re: CPT 2023-002](#)

cc: Jessica Chiavara, Senior Counsel, Eversource Energy
Don Kreis, Consumer Advocate, [Office of the Consumer Advocate](#)