



**COMMUNITY
POWER COALITION**
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June 19, 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,

As per your 5/17/24 email to CPCNH and Eversource, attached for filing, please find a reply to Eversource's 6/11/24 response to the CPCNH 5/15/24 revised summary status update in CPT 2023-002. Consistent with the Department's policy, this reply is only being submitted electronically; paper copies will not follow.

CPCNH continues to seek timely, cost-effective, market-based solutions that benefit New Hampshire ratepayers. CPCNH believes that the investor-owned utilities operating in New Hampshire have a responsibility to enable the competitive market to foster the development of innovative rates and value-added products and services for the benefit of NH consumers by CEPS and CPAs. The lack of customer choice and control over energy decisions, despite legislative action to enforce open access and enable competition continues to foreclose competition and innovation in the NH retail electricity market harming NH ratepayers. CPCNH membership represents more than 35% of the population of New Hampshire. After more than one year of operation, CPCNH is still not able to offer an equivalent net metering product to its member CPAs effectively requiring residents or businesses that net meters to only do so with their utility. This is counter to NH Law, PUC orders and in general, the primary requirement of competitive markets to have minimal barriers to entry to offer similar product offerings with many suppliers.

Yours truly,

A handwritten signature in black ink that reads "Clifton Below".

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

cc: DE 23-062 service list

**SECTION 1 – Net metering: negative usage data and load settlement
(Eversource 6/11/24 response, pp. 2-3; CPCNH 5/15/24 update, pp. 10-12, 13-17)**

Puc 2203.02(b)(1) and 2203.02(d): Eversource seems to acknowledge that they are not yet in compliance with these rules and states that they are “working to confirm that this data is extractable from both billing systems and able to be retrofitted into the Puc 2203.02 report” (Reply at 2).

Puc 2204.02(a)(2): The outstanding issue is provision of hourly interval data. Refer to Section 3.

Puc 2205.05(b): CPAs are unable to enroll NM customers *without causing them financial harm* until Eversource provides the services necessary for the CPA to credit NM customers for their excess generation, whether via dual or consolidated billing. Further, Puc 2205.16 requires CPAs to elect separate (dual) or consolidated billing for each customer *prior to enrollment*, and whether a customer is net metered is a determining factor in that election as Eversource is unable to provide CPA NM 2.0 customers any supply credits for their exports to the grid through consolidated billing.

Puc 2205.13(a)(7): The rule requires provision of customer usage data on an individual customer basis, automatically transmitted from the utility to the CPA “*through EDI access or otherwise*,” without requiring the CPA to request the data. Eversource provides positive usage data via EDI, automatically updated for each customer at the close of their billing cycle. Instead of transmitting negative usage data for the same customers at the same frequency, Eversource instead chose to create customized reports that the utility only makes available once per quarter upon CPA request. As explained in CPCNH’s 5/15 update, the reports are too infrequent for CPAs to use to verify load settlements, nor do they allow CPAs to offer NM customers a similar experience to what they are already used to, and thus do not achieve the purpose of the rule.

Compliance with the NH EDI standards and PUC Order 22,919: Eversource attempts to justify their noncompliance by asserting that “negative customer usage data did not exist 25 years ago, as the launch of EDI predated the implementation of on-bill net metering credits, and prior to on-bill crediting with NEM 2.0, Eversource billing systems did not deal with negative usage data.” Relevant here is that 25 years ago, net metering legislation had passed the General Court and the NH EDI Standards were duly designed to convey negative customer usage data. Eversource’s decision to configure its billing systems to count net

excess generation for NM 1.0 customers as positive kWh credits should not have precluded their provision of this data either as negative usage or as a positive figure with a note designating it as negative usage (which is what NHEC does) to suppliers via EDI. Nor should Eversource be withholding NM 2.0 customer excess generation data, which the utility's billing systems apparently do record as a negative figure. In both cases, configuration of their billing systems to convert the positive credit or negative usage data to a compliant EDI file format for transmittal to suppliers was possible. CPCNH is ambivalent whether the number for negative usage is reported in a positive or a negative, just that it be reported accurately and consistently, updated on a billing cycle basis, on customer EDI files every month.

The relevant facts are that (1) Eversource configured its billing systems to convert any instance of negative usage to zero prior to transmittal of customer usage data to suppliers via EDI and (2) this practice is noncompliant with the NH EDI Standards, which make no provision for "zeroing out" any part of a customer's usage data, and were designed to convey both positive and negative usage data.

Eversource's claim that Unitil and NHEC are only able to provide negative usage via EDI because they've implemented advanced metering infrastructure ("AMI") and billing systems is not technically credible. Eversource configured their non-AMI billing systems to actively convert negative usage to zero values prior to transmittal via EDI. The utility could have instead configured their non-AMI billing systems to simply pass-through all customer usage data, positive or negative, for transmittal via EDI. AMI is not a factor.

**SECTION 2 – Time-of-Use (TOU) data and billing
(Eversource response, p. 5-6; CPCNH 5/15/24 update, pp. 19-22)**

NH EDI Standards & Puc 2205.13(a)(4) and (7): The outstanding issue is that Puc 2205.13(4) explicitly requires "utility rate class or code for each account" (e.g., "R-OTOD") but Eversource is only providing supply rate class (e.g., "Residential") on their custom reports to CPAs. Eversource provides utility rate class/code via EDI already, which means this data is available for export from its billing system. It is not clear why the utility claims it is unable to put the same data on custom reports provided to CPAs, which is necessary to comply with Puc 2205.13(4).

NH EDI Standards and Puc 2205.16(c)(2): CPCNH rejects Eversource’s claim that the NH EDI Standards are “not an enforceable mandate with which [they] can be out of compliance.” Eversource suggests that because it does not have time-varying supply rates on file with the PUC, that CPAs are responsible for paying to upgrade their billing system to comply with the NH EDI Standards. Puc 2205.16(c)(2) only obligates CPAs to pay for such upgrades when seeking to charge customers based on TOU periods “that are different from those defined in the utility’s applicable tariffs”, which we are not.

**SECTION 3 – Provision of Interval Data
(Eversource 6/11/24 response, p.1 and 6; CPCNH 5/15/24 update, pp. 23-24)**

Eversource is not complying with the provision of hourly interval usage data. The PUC clarified that “usage data” provided to CPAs under all Puc 2200 rules includes “net usage during a reported interval, whether positive or negative” ([DE 23-063 Prehearing Order](#) at pp. 4-5). Puc 2205.13(a)(7) requires that “the utility **shall** provide to the CPA” interval usage data for individual customers, after they become CPA customers. Eversource is not providing this data to CPAs. Instead, Eversource has represented that CPAs may access positive interval usage data only via the utility’s EPO subscription service for CEPS, but this requires individual customer consent prior to release of data and a per-customer fee.. Puc 2203.02(d) and Puc 2204.02(a)(2) require Eversource to provide community-level and anonymized individual customer usage data reports. Eversource is not providing interval usage data on these reports.

Related, CPCNH disagrees with the utility’s assertion that their EPO subscription service satisfies these rules. EPO provides individual customer interval data, not aggregated community level data or anonymized individual customer data. As such, Eversource’s use of the EPO service here would not only be noncompliant with Puc 2203.02(d) and Puc 2204.02(a)(2), it would violate individual customer data confidentiality laws because Puc 2203.02(d) reports are provided to electric aggregation committees directly prior to the formation of the CPA by approval of the PUC. ***Updated recommendation: CPCNH recommends DOE direct Eversource to (1) provide CPAs access to customer interval meter data via the EPO service on an ongoing monthly basis, free of charge, and without requiring authorization from each individual customer, to provide positive interval usage data as an interim measure towards***

compliance with Puc 2205.13(a)(7), and (2) seek partial waivers to Puc 2203.02(d), Puc 2204.02(a)(2), and Puc 2205.13(a)(7) from the PUC.

Regarding Eversource’s assertion that “load settlement uses raw meter data.” To clarify, the hourly interval usage data used for ISO-NE initial settlements *is required to be validated* for ISO-NE resettlements. The time gap between initial (estimated) settlements and (final) resettlements helps to ensure that validated meter data is used to resettle the market. ***New recommendation: CPCNH recommends DOE investigate whether Eversource is appropriately validating interval meter data for load settlements in compliance with the utility’s Supplier T&Cs and responsibilities under ISO-NE market rules.***¹

SECTION 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 (Eversource response, p. 6; CPCNH 5/15/24 update, pp. 25-26)

To clarify, the agreed-upon scope of changes to Eversource’s ESSMA to be considered in the second phase of the POR docket is limited to those “required to be amended in order to implement the POR program, ***including how the Tariff and ESSMA apply to CPAs***” as acknowledged in the DE 23-004 Settlement. Eversource’s reply omitted this bolded text which is important to the complaint.. CPCNH is the supplier of record in our contracts with individual members. We contract with Calpine Community Energy, LLC to provide LSE services, and separately with Calpine Energy Solutions, LLC for EDI and other services. Our member CPAs have no contractual relationship with either company. Eversource is arguing for discriminatory treatment against CPCNH relative to CEPS, as Eversource’s ESSMA allows CEPS to be the Supplier while contracting with a third party for LSE services.² This discriminatory treatment is contrary to RSA 374-F:3, IV. The Puc 2200 rules referring to a “CPA serving as an LSE” could have been written

¹ Refer to: (1) [Eversource Supplier T&Cs](#), Section 7(d): *Reporting of Supplier Loads for the ISO-NE Settlement Processes*; (2) [ISONE Operating Procedure No. 18, Metering and Telemetering Criteria \(OP-18\)](#), Section V: *Metering and Recording for Settlements*, subsection B, 5; and (3) [ISONE Market Rule 1, Accounting Manual \(M-28\)](#), Sections 5: *Initial Settlement Process* & Section 6: *Resettlement Process: Data Reconciliation and Requested Billing Adjustment for Meter Data Errors*.

² ESSMA at p. 2, IV.C: “Supplier shall either: (i) be an ISO-NE Market Participant with an ISO-NE settlement account; or (ii) have an agreement in place with an ISO-NE Market Participant member whereby that member agrees to include the load to be served by the Supplier in its ISONE settlement account.”

as a “CPA that is an LSE” to preclude the possibility of a CPA contracting for LSE services, like CEPS can, but they were not.

SECTION 7 – Eversource’s refusal to prorate CPA rates on a calendar month basis like they do for their own default energy service (Eversource 6/11/24 response, pp. 6-7; CPCNH 5/15/24 update, pp. 26-27)

Eversource’s response does not address that (1) NH EDI Standards require utilities to provide the same billing services to customers on consolidated billing or on utility default supply, (2) Puc 2205.16(c)(2) only makes CPAs responsible for the cost of utility billing system changes to enable new services “that are different from those defined in the utility’s applicable tariffs”, and (3) the utility’s current discriminatory billing service is contrary to RSA 374-F:3, III, IV, and VII. Regarding Eversource’s assertion that “prorating customers is only possible if the rate to be prorated applies to groups of accounts, and [CPA] customers are individually assigned their rates”, the utility could implement rate sheets, in compliance with NH EDI Standards, and include a “valid from” date column for the rate, as Liberty has done to enable proration for consolidated billing customers. Regarding Eversource’s manual process workload, to clarify, CPCNH requests that Eversource offer to prorate competitive supply rates on the same basis that the utility does for its default service customers (i.e., every 6 months for most residential and small business customers, and monthly for certain larger customers), which would mitigate the utility’s concern over creating “an additional and intensive manual process that would be disruptive to ordinary utility operations.” *Updated recommendation: CPCNH recommends DOE direct Eversource to enable proration for consolidated billing services, as Liberty offers, at minimum to provide the same proration periods used by the utility for default service customers.*