



**COMMUNITY
POWER COALITION
OF NEW HAMPSHIRE**
For communities, by communities.

**Chair of the Board of Directors
CPCNH
P.O. Box 840
Concord, NH 03302**

April 20, 2023

Douglas Foley, President NH Operations
Jared Lawrence, Senior VP and Chief Customer Officer
Penelope Conner, Executive VP Customer Experience and Strategy
Dennis Moore, Director IT Enterprise Business Solutions
Warren Boutin, Director Electric Service Support, DG, and Supplier Services
Jessica Chiavara, Senior Counsel

Re: We Will Not Abide Further Financial Harm to Our Customers and Communities.

Dear Eversource leaders,

As the Chair of the Community Power Coalition of New Hampshire — a Joint Powers Agency of thirty-two member municipalities and one county representing more than 22% of New Hampshire's population — we are writing to implore you to act to implement the solution outlined herein so that our constituents, our residents, and our businesses are not further made the victims of financial losses and harm caused by Eversource's imposition of requirements beyond any applicable rules and tariffs.

We have between now and this coming Monday, on April 24th, to resolve certain billing system configuration issues that Eversource has, this week, asserted provide grounds for further delaying the long-anticipated enrollment of customers in five of the six municipalities served by Eversource in our Community Power service territory.

Collectively, we have worked for years to establish a Community Power market in New Hampshire to lead beneficial change for our state:

- ⚡ We have contributed innumerable hours to multiple legislative sessions, engaged in years of regulatory rulemaking, and have worked with local energy committees to develop Community Power plans and educate the public on these programs.
- ⚡ We have worked tirelessly to educate ourselves in concepts of energy risk management and retail services and have created a new statewide power agency equipped to provide truly innovative, industry-leading services — so that we can build partnerships between utilities and municipalities, in order to navigate this energy transition era while co-creating new value for our customers.
- ⚡ We have procured power, set rates, posted notices to the 42,000 Eversource customers scheduled to be enrolled in Community Power, carried out public engagement marketing campaigns, and hosted public information sessions in all six municipalities — so that customers are fully informed and looking forward to having their electricity rates lowered by 22% after enrollment.
- ⚡ We have also fully complied with NH rules and law — to ensure that we are fully within our rights to enroll customers into Community Power service on-schedule.



Now, on the eve of launching Community Power, our celebration turns to dismay as we learn that Eversource has erected additional roadblocks — due to unnecessary billing system configurations — that now stand in the way of the substantial savings and benefits we have worked so hard to earn for our communities.

Eversource's Obstruction Will Cause Financial Harm to Customers

On April 17th, Eversource staff stated in an email that the company's billing system issues will only permit enrolling the 66 customers in the Town of Enfield on schedule (instead of the 42,000 customers scheduled for Community Power enrollment in Eversource's territory) — while leaving customers in the City of Nashua and towns of Hanover, Harrisville, Peterborough, and Portsmouth locked into historically high utility supply rates until some undetermined future time.

In contrast, Unitil and Liberty Utilities are ready to process customer enrollments across all six Coalition municipalities in their service territories (the City of Lebanon and towns of Enfield, Exeter, Hanover, Plainfield, and Walpole). As such:

- ✦ Eversource, alone, will be directly responsible for financially harming customers, in an amount equal to about half of what the utility is currently charging residential and small business customers for supply every month, because Community Power rates are 22% lower than Eversource's default supply rates, even though our supply rate includes an adder — equivalent to ~30% of Eversource's supply rate — to collect and set aside a portion of customer revenues for future rate relief.
- ✦ Any such damages will be on top of the \$2.2 million in foregone customer benefits stemming from the ~3-week delay in the Coalition's launch — originally planned for April 1st — previously caused by Eversource's outright refusal in January to allow our Joint Powers Agency to register as a supplier with the utility.¹

This is despite the fact that Eversource has no grounds to block the lawful enrollment of Community Power customers:

1. Eversource was duly notified well in advance of the Coalition's launch date, having received the Coalition's 45-day advance Notice of CPA Commencement of Service on March 6th, pursuant to Puc 2204.04(b)(2).
2. The Coalition's scheduled launch is preceded by our full compliance with all requirements pursuant to RSA 53-E and Puc 2200 rules. Most relevant here is that customer enrollments will be submitted via Electronic Data Interchange by Calpine Community Energy, LLC (the Competitive Electric Power Supplier (CEPS) under contract with the Coalition to provide such services) which has:

¹ Eversource's refusal contravened RSA 53-E and Puc 2200 rules, came after months of discussions between us, after we had produced a draft Community Power supplier agreement for Eversource's review, and necessitated extraordinary effort on our part to contract with a Competitive Electric Power Supplier (at short-notice) *as the only viable means through which Eversource would allow us to launch Community Power service this Spring.*



- a. Duly registered and been approved by the NH Department of Energy;
- b. Executed a Supplier Services Agreement with Eversource; and
- c. Completed EDI testing with Eversource confirming their ability to successfully enroll and serve customers in our CPA service territory.

Furthermore — as explained in the section “The Simple Solution to Eversource’s Billing System Configuration” below — Eversource has no defensible practical reason to refuse to process customers enrolled in Community Power either.

Consequently, Eversource’s failure to take prompt action to implement the straight-forward billing system solution proposed in this letter, in order to permit full enrollment of customers across all six municipalities ~~on schedule and for whom we have already procured most of the needed power supply~~, will willfully cause hundreds of thousands of dollars, if not millions, in financial harm to NH electric customers and communities.

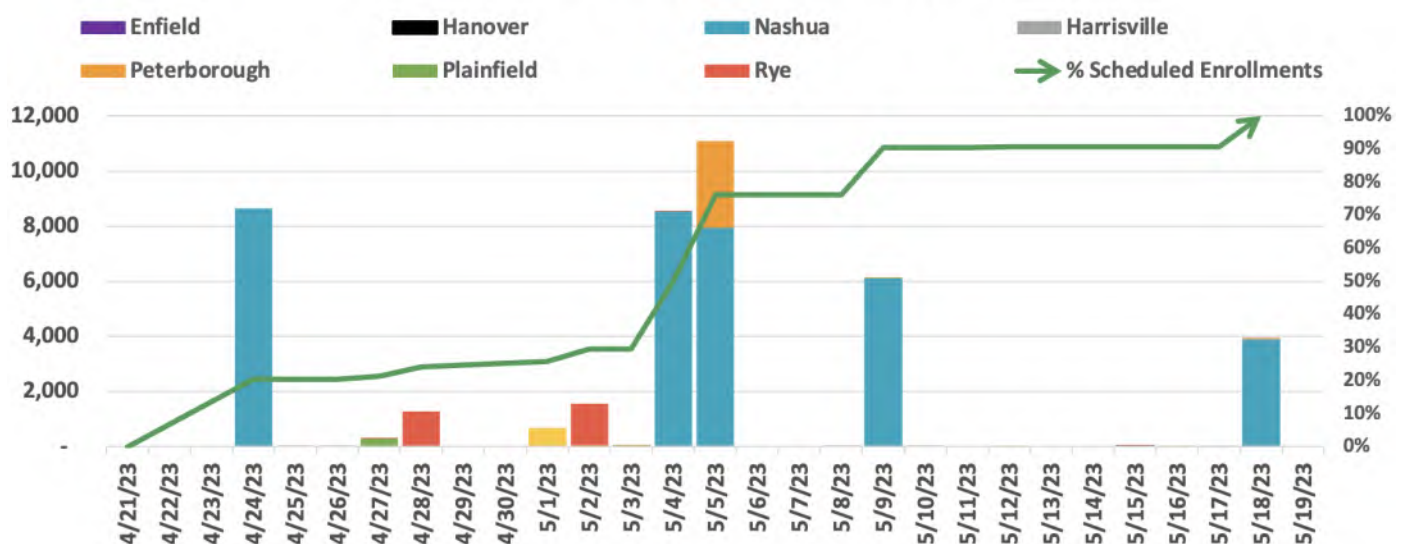
Schedule of Customer Enrollments

Tomorrow, on Friday the 21st of April — per the schedule provided for under our 45-day advance Notice of CPA Commencement of Service — our Coalition intends to commence enrolling customers that have opted-in and elected Community Power service within the cities of Nashua and Lebanon and the towns of Enfield, Exeter, Hanover, Harrisville, Peterborough, Plainfield, Rye, and Walpole.

On Monday the 24th of April, our Coalition will commence enrolling customers that are currently on utility default service throughout our Community Power service territory (excepting the few who have opted-out of automatic enrollment).

The chart below shows the timing of our scheduled customer enrollments in the Eversource portion of our statewide Community Power service territory:

Customer Count: Scheduled CPA Enrollments x Municipality
Eversource Territory: 4/21/23 to 5/24/23





The relatively large groupings correspond to the latest date upon which the Coalition must submit requests to customers into Community Power — which needs to be several days in advance of when Eversource reads meters and sends bills to customers within each billing cycle group.

Consequently, unless Eversource promptly fulfills its obligations to allow customers to join Community Power, tens of thousands of Granite Staters will experience significant financial harm. For example, one-quarter of the customers in Nashua are scheduled for enrollment on 4/24; failure on Eversource's part to process these transactions will delay their enrollment by at least one month at a cost of about half a million dollars in forgone rate savings and rate relief fund accrual for those customers.

The Simple Solution to Eversource's Billing System Configuration

We understand that the reason for Eversource's proposal to block the launch of Community Power service is ostensibly because the utility wants to take additional time to assign codes in its billing system to track customers by each individual municipality, instead of assigning customers to our Community Power service territory as a whole.

Specifically, Eversource proposes to assign each municipality with a unique DUNS+4 code — where the DUNS number is associated with Calpine Community Energy, LLC, and each "+4" number is associated with a municipality — and then wants to require additional Electronic Data Interchange testing for each DUNS+4 account.

Eversource has already set up one DUNS+4 number to-date for Calpine to use when enrolling Community Power customers — but apparently, the utility assigned it to the Town of Enfield. (As a relevant aside: Enfield has 65 customers scheduled for enrollment on May 5th and 8th; in contrast, the City of Nashua has ~35,000 customers — about 8,600 of which are scheduled to be enrolled on April 24th.)

We appreciate that today Eversource has taken steps to transfer that DUNS+4 number from Enfield to Nashua, but it remains unclear if this will occur in time to enroll Nashua customers on Monday.

We respectfully propose the following easily actionable solution, so that together we may avert harm to Granite State customers: assign all of the customers in our Coalition service territory to the one DUNS+4 number Eversource has set up for Calpine to use when enrolling Community Power customers. As additional context:

1. This solution is readily available and would not preclude Eversource from, in the future as time allows, assigning a different DUNS+4 to each municipality to code and track customers in its preferred method. We can re-enroll customers to community specific DUNS+4 as needed as we will track the municipal locations of all our customers.



2. In the interim, this would permit our billing and load settlement with ISO New England based on a single DUNS+4 for all our Eversource Community Power customers.
3. **This would also allow Eversource to use a single supplier identifier (associated with the single DUNS+4 number set-up to enroll Community Power customers) in order to present “Community Power” as the supplier name on all customer bills regardless of which municipality within our service territory the customer happens to be located — ~~which the Coalition is hereby re-iterating and directing Eversource to do, in order to permit the use of the single DUNS+4 number to bill customers in different municipalities without causing undue customer confusion.~~**²

Eversource’s failure to prepare internal business systems for Community Power enrollments — particularly when there is an obvious workaround permitting successful enrollments on schedule — is not a justifiable reason to further delay Community Power launch. Whether Eversource chooses to track customers within our Coalition’s service territory by municipality (and spends time entering codes into its billing system to do so), is a separate matter from your legal obligation to ensure the successful enrollment of customers into Community Power beginning on our scheduled commencement of notice data.

Community Power Coalition of New Hampshire, as a Joint Powers Agency incorporated by municipalities to jointly operate their Community Power programs, is only required by law and administrative rule to register with Eversource and complete Electronic Data Interchange testing one time prior to enrolling customers on behalf of multiple CPCNH Member Community Power programs.³ We have fulfilled this obligation, and Eversource has no grounds on which to refuse customer enrollments in the City of Nashua and towns of Hanover, Harrisville, Peterborough, and Portsmouth.

The roadblock to launch and customer benefits is an invented one which Eversource must remove by making use of the solution we have proposed. Eversource is legally obligated under New Hampshire law and rules to fulfill its responsibility to timely enroll customers into Community Power, and not to cause further damaging delays.

² The Coalition owns the New Hampshire trade name “Community Power” and so may lawfully do business in NH under just that name. We have authorized Calpine to use that name as our supplier identifier for purposes of presentation on customer bills for all Community Power programs in Eversource’s service territory and our notification mailings advised customers to expect to see “Community Power” as their supplier name. Please refer to the NH Secretary of State website here for confirmation that the Coalition owns the trade name “Community Power:

<https://quickstart.sos.nh.gov/online/BusinessInquire/BusinessInformation?businessID=758617>.

³ Coalition Letter to Eversource compliance with NH RSA 53-E and Puc 2200 rules regarding EDI (11/25/22), attached.



Coalition Intent to Launch & Request for Eversource to Take Action

We will not abide further delays and losses to our constituents. Eversource is not free to make up arbitrary and capricious requirements outside of what NH laws and Puc 2200 rules provide.

- ⚡ There is no law, rule, or tariff that requires a Community Power program or a Competitive Electric Power Supplier to have separate DUNS+4 numbers established, or to perform additional associated Electronic Data Interchange testing for each municipality served.
- ⚡ Instead, both NH law and PUC rules expressly allow for Community Power programs to be jointly operated through a single legal entity such as the Coalition, and for the Coalition to contract with a CEPS (or an EDI service provider) for purposes of enrolling and providing supply to customers on behalf of all of our members' Community Power programs, and for the Coalition and CEPS to fulfill all requirements under the law and rules in preparation for commencing service and customer enrollment — which we have done.
- ⚡ What is required under the law and rules, here, is for Eversource to fulfil its obligations to successfully enroll customers, commencing upon the date provided in our 45-day advance Notice of CPA Commencement of Service.

Again, we appreciate that today Eversource has taken steps to transfer that DUNS+4 number from Enfield to Nashua. It is critically important that Eversource support the successful enrollment of the 8,600 customers scheduled for Monday. However, to maintain our long-planned for, and already once-delayed launch schedule, the Coalition will proceed with submitting all 42,000 customer enrollment transaction requests to Eversource in the coming days and weeks, on-schedule. We will use the DUNS+4 account Eversource has created for our service territory, for all customers, until such time as Eversource follows through on its intention to set-up separate accounts for each municipality. Until then, to avoid customer confusion, Eversource must use "Community Power" as the supplier name on our DUNS+4 account and for presentation on all customer bills regardless of which municipality they are in.

We are fully within our rights under New Hampshire law and Public Utilities Commission rules to submit all enrollment transactions on schedule. Please implement the solution we have proposed and take every other action available to you to ensure our customers and communities do not suffer further financial harm.

Respectfully,

Clifton Below
Chair of the Board of Directors, CPCNH
Assistant Mayor of the City of Lebanon, NH
Mobile: (603) 667-7785
Email: clifton.below@cpcnh.org



Attachments:

1. Coalition Letter to Eversource compliance with NH RSA 53-E and Puc 2200 rules regarding EDI (11/25/22)

cc:

Governor Chris Sununu
Consumer Advocate Donald Kreis
Chair Daniel Goldner, Public Utilities Commission
Jared Chicoine, Commissioner, NH Department of Energy
Christopher Elms, Deputy Commissioner, NH Department of Energy
Amanda Noonan, Director, Consumer Services Division, NH Department of Energy
US Senator Jeanne Shaheen
US Senator Maggie Hassan
US Representative Chris Pappas
US Representative Annie Kuster
NH Senate President Jeb Bradley
NH Senator Kevin Avard, Chair Energy & Natural Resources Committee
NH Representative Michael Vose Chair, Science, Technology & Energy Committee
City of Nashua Mayor James Donchess
Coalition General Counsel Michael Postar, Esq., DWGP, P.C.
Coalition Board of Directors:
City of Lebanon: Chair Clifton Below & Alternate Director Greg Ames
City of Portsmouth: Vice Chair Kevin Charette & Alternate Director Peter Rice
Town of Enfield: Treasurer Kimberley Quirk & Alternate Director Jo-Ellen Courtney
Town of Plainfield: Secretary Evan Oxenham & Alternate Director Steve Ladd
Town of Hanover: Founding Chair April Salas & Alternate Director Peter Kulbacki
Cheshire County: Director Terry Clark & Alternate Director Chris Coates
City of Dover: Director Christopher G. Parker & Alternate Director Jackson Kaspari
Town of Durham: Director Mandy Merrill & Alternate Director Nat Balch
Town of Exeter: Director Nick Devonshire & Alternate Director Julie Gilman
Town of Harrisville: Director Andrea Hodson & Alternate Director Andrew Maneval
Town of Hudson: Director Craig Putnam & Alternate Director Kate Messner
Town of New London: Director Jamie Hess & Alternate Director Tim Paradis
Town of Newmarket: Director Toni Weinstein & Alternate Director Steve Fournier
Town of Pembroke: Director Matthew Miller & Alternate Director Jacqueline Wengenroth
City of Nashua: Director Doria Brown & Alternate Director Deb Chisholm
Town of Rye: Director Lisa Sweet & Alternate Director Howard Kalet
Town of Walpole: Director Paul Looney & Alternate Director Dennis Marcom
Town of Warner: Director Clyde Carson & Alternate Director George Packard
Town of Webster: Director Martin Bender & Alternate Director David Hemenway



Town of Peterborough: Director Steve Walker & Alternate Director Danica Melone
Town of Canterbury: Director Kent Ruesswick & Alternate Director Howard Moffett
Town of Sugar Hill: Director Jordan Applewhite & Alternate Director Margo Connors
Town of Hancock: Director Jim Callihan & Alternate Director Robbie Hertneky
Town of Westmoreland: Director Mark Terry & Alternate Director John Snowdon
Town of Shelburne: Director Michael Prange & Alternate Director Ray Danforth
Town of Brentwood: Director Rick Labrecque & Alternate Director Bob Radlinski
Town of Boscawen: Director Charlie Niebling & Alternate Director Ed Cherian
City of Berlin: Director Jeffrey Quackenbush & Alternate Director Henry Noel
Town of Wilmot: Director William Chaisson

NHPR, Mara Hoplamazian

Boston Globe, Amanda Gokee



November 25, 2022

RE: Eversource compliance with NH RSA 53-E and Puc 2200 rules regarding EDI

Dennis Moore, Director IT Enterprise Business Solutions
Warren Boutin, Director Electric Service Support, DG, and Supplier Services
Douglas Foley, President NH Operations

Dear sirs,

As the Chair of Board of Directors of the Community Power Coalition of New Hampshire (CPCNH), I am writing to clarify an area of compliance with New Hampshire Revised Statutes Annotated (“RSA”) 53-E and PUC Administrative Rule Puc 2200 regarding Eversource’s implementation of registration and Electronic Data Interchange (EDI) testing requirements for Community Power Aggregation (CPA).

This letter provides clarification regarding how CPCNH intends to register and complete EDI testing with Eversource one-time, over the coming weeks — instead of repetitively, month after month, in advance of the launch of each CPCNH Member CPA program that initiates supply service going forward, as though each were individually a Competitive Electric Power Supplier (CEPS), one after the other, as Eversource currently anticipates would have to be the case — and provides justification for CPCNH’s course of action pursuant to New Hampshire statute and rules.

My clarifications and justifications herein were prompted in response to a call I attended with Eversource representatives (Kathy Provencher, Daryush Donyavi, and Aaron Downing) on Wednesday (11/18/22) to review the anticipated registration and EDI testing processes that CPCNH will be required to complete prior to launching CPA program service on behalf of our Member communities next spring.

Representatives of Calpine Energy Solutions, LLC (CPCNH’s contracted service provider for customer enrollments, EDI, billing, and call center services) and Samuel Golding of Community Choice Partners, Inc. (CPCNH’s contracted technical consultant) also participated on the 11/18/22 call.

As context for this issue:

- ✦ CPCNH intends to launch and operate multiple CPA programs in Eversource’s territory between April and May 2023, initially to serve customers on an opt-in basis on behalf of Cheshire County and on a default service opt-out basis on behalf of the City of Nashua and Towns of Hanover, Harrisville, Rye, Plainfield, Enfield, Durham, and Newmarket, plus other towns not served by Eversource.



- ⚡ As explained at length below, CPCNH is a Joint Powers Agency duly formed to enable its Member CPA programs to operate jointly, pursuant to RSA 53-A and 53-E, and as enabled under Puc 2205.05.
- ⚡ Consequently, all ten of CPCNH's Member CPA programs that anticipate launching in April to May 2023, and all CPCNH's future Member CPA programs that initiate supply service after that date, will be operated jointly for the purposes of interfacing with Eversource. For example:
 - CPCNH expects to enter into one service agreement with Eversource on behalf of all CPCNH Member CPA programs.
 - Eversource should be depositing CPA customer bill revenues remitted to all CPCNH Member CPA programs into one account, managed by CPCNH's bank (River City Bank).
 - Eversource will be interfacing with CPCNH's designated agent for EDI services (Calpine) for all customers taking service from CPCNH's Member CPA programs.
 - Eversource will be assigning the load assets of each individual Member CPA program to the Load Serving Entity (LSE) that CPCNH designates, after CPCNH contracts with an ISO-NE Market Participant member to include the load to be served by CPCNH's Member CPA programs in its ISO-NE settlement account. (As explained on our call, CPCNH anticipates contracting for the LSE services in the coming weeks.)

An area of confusion arose on the 11/18/22 call, however, in that Eversource's representatives were uncertain how to apply Puc 2200 rules to CPCNH for the purposes of completing Eversource's registration and EDI testing requirements.

Consequently, Eversource's representatives stated that their current expectation was for each of CPCNH's Member CPA programs to register with the utility and complete EDI testing as though each CPA were an individual Competitive Electric Power Supplier (CEPS). Further, given this assumption, it was explained that:

1. Registration and EDI testing would need to be conducted by Eversource serially, not in parallel, such that CPCNH would need to wait until the process had concluded for one Member CPA program prior to starting the process for the next individual Member CPA program, one after the other.
2. "Full" EDI testing would be imposed upon each of CPCNH's individual Member CPA programs, until such time as Eversource deemed that more streamlined testing would be permissible. Additionally, on this subject, Eversource's representatives:
 - a. Could not commit to providing any firm assurances as to how many of CPCNH's individual Member CPA programs would need to first complete "full" EDI testing prior to subsequent Member CPA programs being enabled under more streamlined EDI testing procedures.



- b.** Could not provide any defined range of time that should be set aside to accommodate the need for “full” EDI testing or, in future, for the subsequent more streamlined testing process, that Eversource anticipates imposing upon CPCNH’s Member CPA programs, except that testing would be on “first come, first served” basis relative to any other suppliers seeking EDI testing.

During the call, I explained that this would be unduly burdensome, and unwarranted, given that CPCNH would be enrolling customers on behalf of all Member CPA programs, and would be providing the single points of contact with Eversource for the provision of utility services.

Part of the confusion revolved around how Eversource should properly interact with CPCNH, specifically the extent to which CPCNH could act on behalf of its Member CPAs pursuant to Puc 2200 rules, given that CPCNH itself had not filed an Electric Aggregation Plan for the Joint Powers Agency as a whole — and was not a singular CPA on that basis — whereas all of CPCNH’s Members had each already filed or intend to file Electric Aggregation Plans, and were therefore individual CPA programs on that basis.

I committed with following up on clarifying the appropriate treatment of CPCNH and extent to which Eversource should interact directly with CPCNH, and specifically regarding why CPCNH should be allowed to complete Eversource’s registration and EDI testing requirements (one time) on behalf of our Member CPAs, pursuant to New Hampshire statute and rules.

My clarification is as follows:

- 1.** RSA 53-E, a Chapter of NH law entitled “AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES”¹, granted certain authorities to municipalities and counties, for the purposes of authorizing CPA programs and subsequently launching and operating such programs, drawing a distinction between authorities granted into two sections, as follows:

- a.** RSA 53-E:3, section I, provides that *“Any municipality or county may . . . Aggregate the retail electric customers within its boundaries who do not opt out of or who consent to being included in an aggregation program.”*

Note here that this authority, which is to aggregate customers — i.e., to “be” a CPA, for the purposes of interpreting RSA-53-E — MAY NOT be delegated. This authority always resides with and within the municipal or county entity. This is reflected throughout RSA-53-E, most notably in that only municipalities and counties may develop and approve Electric Aggregation Plans pursuant to RSA 53-E:6 and RSA 53-E:7, I.

¹ <http://www.gencourt.state.nh.us/rsa/html/iii/53-E/53-E-mrg.htm>



II(b) in Chapter Puc 2200, MUNICIPAL AND COUNTY AGGREGATION RULES, specifically in Puc 2202.05, which provides the definition of what a “CPA” refers to as follows: *“Community power aggregation (CPA)” means a municipal or county aggregation program established pursuant to RSA 53-E . . . including a group of such entities operating jointly pursuant to RSA 53-E:3, II(b) and RSA 53-A . . .”*

- a. In other words, the Commission’s definition of what a “CPA” means — for the purposes of interpreting and applying Puc 2200 rules — encompasses both an individual CPA program (i.e., municipalities and counties with approved Electric Aggregation Plans) and also a group of such CPA programs operating jointly through a Joint Powers Agency (i.e., CPCNH in this case).
- b. Whether CPCNH should be treated as a singular “CPA” acting on behalf its combined individual Member CPAs for the purposes of taking any action under Puc 2200 rules traces back to the extent of authorities that municipal corporations are allowed to delegate to and exercise through a Joint Powers Agency under RSA 53-E:3, II (which I’ve cited to under bullet point 1, b above).
 - i. Specifically in question here is whether CPCNH is duly authorized to act on behalf of its Members for the purpose of registering with Eversource and completing EDI testing requirements.
 - ii. Note here that CPCNH’s Bylaws (which I’ve cited to in bullet point 2, a, ii above) provides that the *“powers of the Corporation [CPCNH] shall include the following: Receive, collect, invest, and disburse moneys; Make and enter into contracts; Make and enter into service agreements . . . ; Submit documentation and notices, register, and comply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations . . . Intervene in germane regulatory proceedings on behalf of itself and its Members . . . Engage in germane legislative activity . . . [and] Exercise all other powers necessary, proper, and lawful to carry out the Articles of Agreement”* — the purpose of which broadly includes and thereby authorizes CPCNH to take actions regarding the provision of services required to jointly operate: *“community power aggregations serving member towns, cities, counties, unincorporated places, and village districts. . . .”*
- c. On the basis of the foregoing, CPCNH is a “CPA” as defined under Puc rule 2205.05 — because CPCNH has been duly authorized to represent all of CPCNH’s municipal and county Members collectively, to the extent required to jointly operate their individual Member CPA programs pursuant to the delegation of these authorities permitted under RSA 53-E:6, II(b).
- d. As such, CPCNH must therefore satisfy Eversource’s registration and EDI testing requirements — taking action to represent all its Member CPA



programs “operating jointly” through the Joint Powers Agency— as though it were a single “CPA”.

- i. Note here that CPCNH’s Board of Director’s approved entering into a contract with Calpine Energy Solutions, LLC, for EDI and related customer services at a public meeting held on 11/17/22, which contract has subsequently been executed.
 - ii. Thus, CPCNH designates Calpine as the agent for EDI and related customer services (e.g., enrollment) with Eversource for all Member CPAs operated jointly through CPCNH simultaneously.
4. Further relevant here is that the Commission acknowledged the differential treatment warranted by utilities regarding provision of services to CPAs versus CEPS specifically in Puc 2205.03, which states that *“Electric distribution utilities shall provide services . . . on the same terms and conditions and at the same rates and charges as apply to CEPS, except as otherwise provided by statute or under these rules.”*
 - a. The differential treatment required for CPAs operating jointly through CPCNH, pursuant to RSA 53-E:3, II(b) and RSA 53-A, for the purposes of completing registration and EDI testing requirements with Eversource, is one such instance where imposing the same process required of CEPS onto CPCNH — much less each of CPCNH’s Member CPAs, individually — would not be compliant with NH statute or Puc 2200 rules.

This is admittedly a long-winded way of explaining that CPCNH is simply a new type of power agency authorized under NH law and, as such, is only required by law and administrative rule (which has the force and effect of law, superseding any inconsistent tariff, PUC order, or utility practice) to register with Eversource and complete EDI testing one time prior to enrolling customers on behalf of multiple CPCNH Member CPA programs.

Additionally, please understand that expedient resolution of this issue is a priority because Eversource’s current anticipated imposition of individual registration and serial EDI testing upon each of CPCNH’s Member CPA programs would needlessly undermine, and could actually jeopardize, the procurement process required for CPCNH to initiate service next year. The reason why is that:

- ✦ Prior to initiating procurement for all Member CPAs, CPCNH would need to be assured that there were no barriers to initiating service on schedule for any one Member CPA — and to implement supply service starting on 4/3/23, CPCNH would need to conclude power procurement no later than 2/17/23, (i.e., in time to submit the notice of intent to launch CPA service, 45 days in advance of a 4/3/23 launch date, as required pursuant to Puc 2200 rules).
- ✦ In this context, if CPCNH were to be forced to wait to commence procurement for all Member CPAs as a group until Eversource had concluded certifying the last remaining Member CPA — particularly given the fact that some Member CPAs



intending to launch service on 4/3/23 are anticipating Commission approval of their Electric Aggregation Plans as late as January 2023 (and could only commence the testing and registration process after that point) — Eversource's current requirements would at best seriously constrain CPCNH's procurement window, and would at worst delay CPCNH's practical ability to initiate service on schedule. Too long of a delay, given the noticing requirements and market price dynamics, could actually foreclose CPCNH's ability to launch at any point in 2023.

My intent is to provide you with sufficient explanation and supporting documentation such that we can quickly resolve and move past this concern.

I am at your disposal to provide further clarification on this matter, and on the additional issues that will (almost assuredly) crop up and warrant clarification to comply with RSA 53-E and Puc 2200 rules as Eversource assists CPCNH with launching CPA program service for each of our Members next spring.

I also would like to note that there appear to be some provisions in your standard supplier services agreement that do not conform to the Puc 2200 rules for CPAs and we would like to know who best to engage in discussing that matter with.

Let me conclude by expressing my appreciation for Eversource's attention here, and for your staff's time and diligence in implementing these and other necessary changes.

Sincerely,

Clifton Below

Chair of the Board of Directors, CPCNH
Assistant Mayor of the City of Lebanon, NH
Office: (603) 448-5899
Email: clifton.below@cpcnh.org

cc: Daryush Donyavi, Kathy Provencher, and Aaron Downing

Attachments

1. First letter to CPCNH from the NH Attorney General, dated 1/14/21, originally approving our proposed Joint Powers Agreement.
2. Second letter from the NH Attorney General, dated 9/21/21, subsequently approving the amended language that we adopted prior to the Joint Powers Agreement becoming effective.



**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

January 14, 2021



Shaun Mulholland, City Manager
City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Joint Powers Agreement for Community Power Coalition

Dear Manager Mulholland:

Please be advised that pursuant to RSA 53-A:3, V, this Office hereby approves the enclosed Joint Powers Agreement pertaining to the proposed agreement submitted to this Office on December 29, 2020 for the creation of a Community Power Coalition for developing and implementing electric aggregation plans between the City of Lebanon, Town of Hanover, City of Nashua, and Cheshire County.

Sincerely,

Nicholas A. Chong Yen
Assistant Attorney General
Election Law Unit
(603) 271-3650
Nicholas.A.ChongYen@doj.nh.gov



**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

September 21, 2021

Shaun Mulholland
City Manager, City of Lebanon
51 North Park Street
Lebanon, NH 03766

Re: Joint Powers Agreement for Community Power Coalition

Dear Manager Mulholland:

Please be advised that pursuant to RSA 53-A:3, V, this Office hereby approves the enclosed Joint Powers Agreement modifications pertaining to the Community Power Coalition submitted to this Office August 26, 2021. This Office previously approved the original Joint Powers Agreement on January 14, 2021.

Please feel free to call me with any questions.

Sincerely,

Myles Matteson
Deputy General Counsel
New Hampshire Department of Justice
(603) 271-1119
myles.b.matteson@doj.nh.gov