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Admitted in: RI, MA, NY

April 15, 2021

Via Electronic Mail: Luly.Massaro@puc.ri.gov
and
Via Federal Express

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket 5058 – Colonial Power Group, Inc. Supplemental Comments

Dear Ms. Massaro:

The Colonial Power Group, Inc. is pleased to submit its limited, supplemental comments to facilitate the Commission's review of the Terms and Conditions for Municipal Aggregators submitted by The Narragansett Electric Company d/b/a National Grid. Enclosed please find five (5) copies Colonial Power Group, Inc.'s Supplemental Comments together with Attachment A thereto.

Thank you for your attention to this matter. If you have any questions, please contact me at 401-490-3430.

Very truly yours,

/s/ Stephen J. MacGillivray

Stephen J. MacGillivray

Enclosures

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Copy to: Docket No. 5058 Service List

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STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: THE NARRAGANSETT ELECTRIC COMPANY d/b/a NATIONAL GRID APPLICATION TO ADD TERMS AND CONDITIONS FOR MUNICIPAL AGGREGATORS	: : : :	DOCKET NO. 5058

SUPPLEMENTAL COMMENTS OF COLONIAL POWER GROUP, INC.

The Colonial Power Group, Inc. ("Colonial") is pleased to submit its limited, supplemental comments to facilitate the Commission's review of the Terms and Conditions for Municipal Aggregators submitted by The Narragansett Electric Company d/b/a National Grid ("National Grid"). As noted, Colonial has worked effectively with National Grid's Massachusetts affiliate to bring the benefits of municipal aggregation to more than 80 communities and Colonial appreciates National Grid's efforts to facilitate the initiation and operation of such plans for the benefit of customers.

As noted previously, Colonial generally supports National Grid's use of the Massachusetts rate schedule as a model for its Rhode Island Terms and Conditions under review in this proceeding. Colonial also appreciates the good faith efforts of all parties that resulted in the submission of the Revised Proposed Terms and Conditions on March 24, 2021. Colonial respectfully submits that two additional areas of enhancement are appropriate to advance and protect the interests of municipal aggregation customers and is providing these limited comments to supplement the record.

First, Colonial supports and agrees with the suggested revision implicated in Good Energy's Data Request 1-1 issued April 8, 2021. Colonial has identified and sought to correct supplier transaction errors in plans that it serves (for example, timeliness of rate changes and

customer opt-ins or opt-outs). The absence of direct access to EDI information can lead to the frustration of customer preferences and an enhanced level of customer protection that can be provided by aggregators without any material incremental cost to National Grid (simply by providing the aggregator a copy of EDI information rather than depending upon a supplier to provide the aggregator with accurate and timely information). If an aggregator is to effectively serve the interests of its community, the timely delivery of accurate information on EDI transactions is essential. In addition, some plans in Massachusetts incorporate a volumetric service fee to recover plan administrative costs. Similar initiatives in Rhode Island can only be effective with plan access to this data in order to enable the confirmation of plan kWh usage. Accordingly, Colonial encourages the Commission to adopt its previously suggested revision to Section 3B(11) of the Terms and Conditions.

Second, Colonial has advocated for a revision to the Terms and Conditions to require National Grid to provide mailing lists of all plan community customers on a periodic basis to facilitate plan customer education and consumer protection efforts. This data list would be more limited than would be delivered for "opt-out" notices issued in connection with the initiation of plan service. While it has been properly noted that, to date, the delivery of this type of customer list is not required in Massachusetts, communities with significant populations of low-income customers in Massachusetts have recognized the important customer education opportunity that might be available by a plan. Indeed, the City of Boston has argued strongly and persistently for a change in Massachusetts Department of Public Utilities policy on this issue so that it can assist its residents in making informed decisions and protect themselves from unscrupulous service providers. See, City of Boston, D.P.U. 19-65 Pending Motion for Reconsideration.

Colonial respectfully encourages the Commission to consider the treatment of this issue by other New England states, which are facilitating this beneficial educational opportunity. Colonial respectfully requests that the Commission take administrative notice of pending legislation in New Hampshire that would implement enhancements to the statutory structure for municipal aggregation. Specifically, SB91 (provided as Attachment A hereto) specifically requires New Hampshire utilities to provide full customer lists to municipal aggregation plans. Colonial understands that this bill was approved by the Senate Energy and Natural Resources Committee on March 18, 2021 by a vote of 23-1 and that a public hearing is scheduled before the House Science, Technology and Energy Committee to consider this bill on April 19, 2021. Part V, Section III of the bill provides that if a plan is providing "opt-out service," the plan "shall mail customers" within its jurisdiction an educational summary and, further, obligates the host distribution company to provide to the plan a "current list of the names and mailing addresses of all electric customers taking distribution service" in the plan's jurisdiction (as well as more detailed information to customers taking default service.). The bill also provides guidance on the content of such educational mailing. Colonial encourages the Commission to follow the lead of New Hampshire on this matter so as to enable Rhode Island plans to be able to effectively educate customers so that customers will, in turn, be able to make informed energy choices.

Dated: April 15, 2021

ATTACHMENT A

SB 91 - AS AMENDED BY THE SENATE

03/18/2021 0724s

2021 SESSION

21-0945
10/06

SENATE BILL ***91***

AN ACT adopting omnibus legislation on renewable energy and utilities.

SPONSORS: Sen. Watters, Dist 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Requiring the public utilities commission to adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by utility customers.

II. Hydroelectric generators that share equipment for purposes of interconnection to the electric grid.

III. Group host credits for net energy metering.

IV. The purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage system.

V. The aggregation of electric customers.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
03/18/2021 0724s 21-0945
10/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation on renewable energy and utilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0945, relative to the installation, interconnection, and use of energy storage systems by customers of utilities, sponsored by Sen. Watters, Prime/Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Whitley, Dist 15; Rep. Oxenham, Sull. 1.

Part II: LSR 21-0881, relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid, sponsored by Sen. Bradley, Prime/Dist 3; Sen. Watters, Dist 4; Sen. Avard, Dist 12.

Part III: LSR 21-0988, relative to group host credits for net energy metering, sponsored by Sen. Perkins Kwoka, Prime/Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Rep. McWilliams, Merr. 27; Rep. Gourgue, Straf. 25.

Part IV: LSR 21-0991, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage system, sponsored by Sen. Bradley, Prime/Dist 3; Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Giuda, Dist 2.

Part V: LSR 21-1007, relative to the aggregation of electric customers, sponsored by Sen. Avard, Prime/Dist 12; Sen. D'Allesandro, Dist 20; Rep. Lang, Belk. 4

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the installation, interconnection, and
use of energy storage systems by customers of utilities.

1 Customer Energy Storage. RSA 374-H is repealed and reenacted to read as follows:

CHAPTER 374-H

CUSTOMER ENERGY STORAGE

374-H:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Bring your own device" means a program for encouraging non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide value to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall compensate participating behind-the-meter energy storage for a fair share, as determined by the commission, of the value it provides to the electricity system.

III. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible heat storage or any other technology, system, or device capable of taking electricity and storing it as some form of energy the technology, system, or device can either convert back into electricity or use to displace an electrical load at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.

IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage and may include energy storage constructed, owned, and/or operated by utilities subject to the same use restrictions in RSA 374-G:4, I.

V. "ISO-New England" means the Independent System Operator New England or any successor entity.

VI. "Local network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

VII. "Non-utility" means any entity that is not a utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

VIII. "Regional network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

IX. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy source as defined in RSA 362-F:4.

X. "Utility" and "utilities" mean public utilities as defined in RSA 362:2.

XI. "Wholesale electricity markets" means any energy, capacity, or ancillary service market that ISO-New England operates.

374-H:2 Customer Energy Storage Systems.

I. The commission shall adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees.

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and affordable for customers.

(d) The commission may approve mechanisms for a utility to compensate a non-utility for a fair share, as determined by the commission, of the value of any transmission or distribution costs actually avoided because of a non-utility energy storage project, to the extent practicable, based on determinable cost components.

(e) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-device peak reduction program. The commission may approve mechanisms for utilities to compensate such projects for a fair share, as determined by the commission, of their peak reduction value, as well as any transmission or distribution costs actually avoided because of the non-utility energy storage project, to the extent practicable based on determinable cost components.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification requirements for installers, manufacturers, or equipment.

374-H:3 Commission Investigation of Energy Storage.

I. The commission shall investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs, including but not limited to avoided regional and local network service charges, while also participating in wholesale energy markets. The commission shall investigate how this might be done for both utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-the-meter storage.

II. The commission's investigative proceeding shall specifically consider the following:

(a) How public policy can best help establish accurate and efficient price signals for energy storage projects that value their ability to avoid transmission and distribution costs while simultaneously reducing wholesale electricity market prices.

(b) How to compensate energy storage projects that participate in wholesale electricity markets for avoided transmission and distribution costs in a manner that provides net savings to consumers.

(c) How best to encourage both utility and non-utility investments in energy storage projects.

(d) The costs and benefits of a potential bring your own device program; how such a program might be implemented; any statutory or regulatory changes that might be needed to create, facilitate, and implement such a program; and whether such a program should include all distributed energy resources or be limited to distributed energy storage projects.

(e) Any statutory changes the general court should implement, including but not limited to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to receive appropriate compensation for avoided transmission and distribution costs while also participating in wholesale energy markets.

(f) Any other topic the commission reasonably believes it should consider in order to diligently conduct the proceeding.

III. The commission shall report its findings and recommendations to the standing committees of the house of representatives and senate with jurisdiction over energy and utility matters no later than 2 years after initiating the proceeding. The report

shall identify ways any recommended statutory changes can minimize any potential conflict with the restructuring policy principles of RSA 374-F.

2 Distributed Energy Resources; Definitions; Exclusions. Amend RSA 374-G:2 to read as follows:

374-G:2 Definitions; Exclusions.

I. The following definitions shall apply in this chapter except as otherwise provided:

(a) "Commission" means the public utilities commission.

(b) "Distributed energy resources" means ***energy storage,*** electric generation equipment[~~,~~] including clean and renewable generation, [~~energy storage,~~] energy efficiency, demand response, load reduction or control programs, [~~and~~] ***or*** technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III.

(c) "Electric generation equipment" means devices that produce electric power from sources of primary energy.

(d) "Primary energy" means an energy form found in nature that has not been subject to any human engineered conversion process including wind energy, solar energy, biomass, biofuels, geothermal energy, oil, natural gas, nuclear, hydro, and coal.

II.***(a)*** "Distributed energy resources" in this chapter shall exclude electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is in excess of 5 megawatts.

(b) "Electric generation equipment" in this chapter shall exclude energy storage equipment.

3 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources. Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be used ***to benefit low-income customers, with such benefit as determined by the commission,*** as an offset to distribution system losses or the public utility company's own use***, or any other use as approved by the commission***;

4 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G:4, II to read as follows:

II. Distributed electric generation owned by or receiving investments from an electric utility under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the utility's total distribution peak load in megawatts. ***This limitation shall not apply to front-of-meter energy storage, the energy storage pilot approved by commission order number 26,209, or demand response.***

5 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid.

1 New Paragraph; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XIX the following new paragraph:

XX. A hydroelectric generator with a total peak generating capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2021 and that shares equipment or facilities with other generators or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such a hydroelectric generator shall be eligible to participate in net energy metering as a customer-generator based on its individual

total peak generating capacity.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

1 Net Metering; Group Host; Low -Moderate Income Community Solar Projects. Amend RSA 362-A:9, XIV(c) to read as follows:

(c)***(1)*** Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on the customer electric bill for each member and the host, with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. ***The cent per kwh addition to the credit provided to any particular low-moderate income community solar project shall be in the amount in effect on the date that the commission issues a group host registration number for that project. The amount of the cent per kwh addition shall be grandfathered in accordance with the grandfathering provisions of the net metering tariff for customer-generators applicable to the project as in effect on the date the commission issues the project a group host registration number.***

(2) On or before July 1, 2022, the commission shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased. The commission shall report on the costs and benefits of low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

PART IV

Relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage system

1 Definition; Limited Electrical Energy Producers; Limited Producer. Amend RSA 362-A:1-a, III to read as follows:

III. "Limited producer" or "limited electrical energy producer" means a qualifying small power producer***, a qualifying storage system,*** or a qualifying cogenerator, with a [~~total~~] ***maximum rated generating or discharge*** capacity of [~~not more~~] ***less*** than 5 megawatts, ***that does not participate in net energy metering, that is not registered as a generator, asset, or network resource with ISO New England, and does not otherwise participate in any FERC jurisdictional wholesale electricity markets. Such non-participation in FERC jurisdictional intrastate wholesale markets may be achieved by retirement from such markets.***

2 New Paragraph; Definition; Qualifying Storage System. Amend RSA 362-A:1-a by inserting after paragraph IX the following new paragraph:

IX-a. "Qualifying storage system" means an electric energy storage system as defined in RSA 72:84.

3 Limited Electrical Energy Producers Act; Purchase of Output in Intrastate Commerce. RSA 362-A:2-a is repealed and reenacted to read as follows:

362-A:2-a Purchase of Output of Limited Producers in Intrastate Commerce.

I. A limited producer of electrical energy may sell its produced electrical energy to one or more purchasers other than the franchise electric utility. Such purchasers may be any retail electricity customers located within the same New Hampshire electric distribution utility franchise area as where the limited producer is located or any electricity suppliers serving retail load within such area.

II. Intrastate sales of electricity across the distribution grid shall be facilitated and accounted for by competitive electricity suppliers registered with the commission under RSA 374-F:7 or by municipal or county aggregations under RSA 53-E that are load-serving entities.

III. To participate in such intrastate sales of electricity over the distribution grid a limited producer must be equipped with a revenue grade interval meter that can accurately measure hourly exports to the distribution grid and report such meter data for daily load settlement purposes.

IV. The commission shall establish procedures to enable limited producers to sell electricity at wholesale within intrastate commerce and at retail, either directly or indirectly through electricity suppliers. The commission may establish such requirements and conditions concerning intrastate sales of electricity pursuant to this section that it deems necessary to avoid substantial risk or uncompensated costs to the electric utility in whose franchise area the sales takes place.

V. The limited producer, or the purchasers of their output, as determined by the commission, shall receive credit for actual avoided transmission charges if the intrastate wholesale or retail sale of such electricity reduces the retail load measured at the wholesale meter point between the distribution system under state jurisdiction and transmission facilities under federal jurisdiction such that transmission charges allocated to the distribution utility are reduced from what they otherwise would be absent the electricity exported to the distribution grid by the limited producer during hours of coincident peak on which transmission costs are allocated. Such credit shall be based on measurement of exports to the distribution grid at the retail meter point without additional credit for avoided line and transformation losses between the wholesale and retail meter points to provide some sharing of the benefit of reduced transmission charges with other ratepayers who do not participate in such intrastate electricity sales by limited producers.

VI. Purchasers of power from limited producers shall pay for the delivery of such power through tariffs, charges, and rates that are generally applicable to the customer's rate class, except for default energy service charges if not applicable and transmission charges as they may be adjusted pursuant to paragraph V.

4 New Section; Electric Renewable Portfolio Standard; Exclusion to Amount of Electricity Supplied. Amend RSA 362-F by inserting after section 3 the following new section:

362-F:3-a Exclusions to the Amount of Electricity Supplied. If a provider of electricity has revenue grade meter data on the quantity of exports to the grid from a qualifying storage system as defined in RSA 362-A:1-a to the extent that it is charged from the grid, such amounts may be deducted from the calculation of electricity supplied by the provider to its end-use customers for the applicable year for purposes of compliance with RSA 362-F:3 as determined and provided for by the commission.

5 Utility Property Tax; Exclusion From Definition of Utility Property. Amend RSA 83-F:1, V(d) to read as follows:

(d) The electrical generation, production, ***storage,*** and supply equipment of an "eligible customer-generator" as defined in RSA

362-A:1-a, II-b***, and of a "limited producer" as defined in RSA 362-A:1-a, III if selling under RSA 362-A:2-a, for facilities with a rated electricity production capacity of up to and including one megawatt***;

6 Effective Date. Part IV of this act shall take effect 60 days after its passage.

Part V

Relative to the aggregation of electric customers

1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as follows:

I. "Aggregation" means the grouping of retail electric customers to [~~provide,~~] broker[~~,~~] or contract for [~~electric power supply and~~] energy services for such customers.

2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph V the following new paragraph:

V-a. "Energy services" means the provision of electric power supply solely or in combination with any or all of the services specified in RSA 53-E:3.

3 Municipal and County Authority; Agreements. Amend RSA 53-E:3, II(a) to read as follows:

II.(a) Enter into agreements and provide for ***energy services, specifically***:

(1) The supply of electric power ***and capacity***.

(2) Demand side management.

(3) Conservation.

(4) Meter reading, ***with commission approval for meters owned or controlled by the electric distribution utilities or used for load settlement.***

(5) Customer service ***for aggregation provided services.***

(6) Other related services.

(7) The operation of energy efficiency and clean energy districts adopted by a municipality pursuant to RSA 53-F and as approved by the municipality's governing body.

4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate [~~other~~] ***energy*** services [~~commonly and regularly billed to customers~~] ***as described in RSA 53-E:3***. Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit the municipality from combining billing for [~~any or all utility~~] ***energy services with other municipal*** services.

5 Regulation of Aggregators. Amend RSA 53-E:4, I to read as follows:

I. An aggregator operating under this chapter shall not be considered a ***public*** utility [~~engaging in the wholesale purchase and resale of electric power~~] ***under RSA 362:2*** and shall not be considered a municipal utility under RSA 38. [~~Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However,~~] A municipal or county aggregation may elect to participate in the ISO New England wholesale energy

market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.

6 Regulation of Aggregators. Amend RSA 53-E:4, IV to read as follows:

IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter[~~,~~]***. Such metering shall only be implemented*** subject to the commission finding ***it is*** in the public good***, assuring that meters used for distribution tariff implementation remain under the control and majority ownership of the electric distribution utility,*** and [~~approval of~~] ***otherwise approving*** the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.

7 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or energy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers***, but shall not include any capitalized or operating costs of an aggregation program.***

8 Electric Aggregation Plan. Amend RSA 53-E:6, I to read as follows:

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans. ***A county plan may provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies.***

9 Aggregation Program. RSA 53-E:7 is repealed and reenacted to read as follows:

53-E:7 Aggregation Program.

I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out aggregation program, to be approved by a majority of those present and voting.

II. Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of this chapter and applicable rules of the commission. The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof. A municipality or county may submit a plan that is revised to comply with applicable requirements at any time and start the review process over. Any plan submitted to the commission under this paragraph shall also be submitted on the same date to the office of the consumer advocate under RSA 363:28 and any electric distribution utility providing service within the jurisdiction of the municipality or county. The consumer advocate, utilities, and members of the public may file comments about such plans within the first 21 days of their submission. Commission review and approval of electric aggregation plans shall not require a contested case but shall allow time for submission and consideration of any such comments.

III. If the plan is adopted or once adopted is revised to include an opt-out service, the municipality or county shall mail written

notification to each retail electric customer within the municipality or county service area. To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county 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. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

IV. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the adopted aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be enrolled by the aggregator in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on utility provided default service. Customers taking energy service from a competitive electricity supplier shall not be enrolled in any aggregation program, unless they voluntarily opt in.

VI. New customers to the electric distribution utility after the notification mailing required by paragraph III shall initially be enrolled in utility provided default service unless the customer has relocated within a single utility's service area and is continuing service with a competitive supplier or a municipal or county aggregation program. Upon request of an aggregator, but not more frequently than monthly and notwithstanding RSA 363:38, the utility shall make available to each operating municipal aggregation, or county aggregation where there is no municipal aggregation, the names, account numbers, mailing addresses, and any other information necessary for successful enrollment in the aggregation of customers that are new to or then currently on electric distribution utility provided default service after they have provided the customer list for the initial customer mailing required by paragraph III and that are located within the aggregation service area. The aggregation shall periodically mail a written notification to such new customers that have not previously opted out of the aggregator's service and shall enroll them in the aggregation consistent with the opt-in or opt-out requirements of this paragraph and paragraph III.

VII. Municipal aggregations shall take priority or precedence over any county aggregations and each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation.

VIII. Customers enrolled in a municipal- or county-provided default service shall be free to elect to transfer to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission. No such customer shall be required to pay any exit fee or charge for such transfer. 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. Upon request of the customer the aggregator shall transfer the customer back to utility provided default service.

IX. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraphs I, II, and IV.

X. 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. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and operation of aggregations, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

10 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the following new section:

53-E:9 Billing Arrangements.

I. For purposes of this section the term "supplier" shall mean an aggregator functioning as a load serving entity under this chapter or a competitive electricity supplier serving an aggregation under this chapter. The term shall also include competitive electricity suppliers generally to the extent and for such customer rate classes as the commission finds, after notice and hearing, that it is for the public good. Such a determination shall be on a utility-specific basis, if proposed and assented to by the utility.

II. Each electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier in which the utility shall pay in a timely manner the amounts due such suppliers from customers for electricity supply and related services less a discount percentage rate equal to the utility's actual uncollectible rate, adjusted to recover capitalized and operating costs specific to the implementation and operation of the purchase of receivables program, including working capital. Additionally, such discount rate adjustments shall include a pro rata share of the cost of administering collection efforts such that the utility's participation in the purchase of receivables program shall not require the utility or non-participating consumers to assume any costs arising from its use. Such pro rata costs must include, but not be limited to, any increases in the utility's bad debt write-offs attributable to participants in the purchase of receivables program, as approved by the commission. However, the allocation of costs arising from different rate components and determination of the uncollectible rate shall be equitably allocated between such suppliers, utility provided default service, and other utility charges that are a part of consolidated billing by the utility as approved by the commission. The discount percentage rate shall be subject to periodic adjustment as approved by the commission.

11 Effective Date. Part V of this act shall take effect 60 days after its passage.