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**Hudson Community Power  
Electric Aggregation Plan  
— DRAFT —**



**Last updated: 17-Aug-22**

**With 9-Jan-23 & 12-Jan-23 Edits**

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## **INTRODUCTION TO COMMUNITY POWER**

New Hampshire’s updated Community Power law (RSA 53-E, as amended by SB 286 - Chapter 316, NH Laws of 2019, effective October 1, 2019, and HB 315, Chapter 229, NH Laws of 2021, effective October 24, 2021) is a bipartisan policy designed to further democratize, evolve, and enhance the economic efficiency of our electric power industry. The Legislature’s intent in enacting RSA 53-E was to “encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.” To achieve this goal, RSA 53-E authorizes local governments (cities, towns, and counties) to launch Community Power programs that:

- Provide electricity supply service to residents and businesses, who are notified and enrolled on an “opt-in” customer choice or “opt-out” default service basis — and may thereafter leave or rejoin the program by switching suppliers (in advance of their next billing cycle date);
- Procure a reliable supply of “all-requirements” electricity, inclusive of Renewable Portfolio Standard requirements, with the option to participate directly in the ISO New England wholesale market as a load-serving entity on behalf of participating customers;
- Offer a range of innovative services, products, new Net Energy Metering supply rates, and local programs to participating customers;
- Establish a joint powers agency with other Community Power programs to share services, contract for energy project developments, and facilitate related energy initiatives; and
- Work collaboratively with distribution utilities, regulators, policymakers and innovative energy businesses to help modernize our electrical grid and market infrastructure.

These authorities and local benefits are depicted in the graphic below:



Distribution utilities will continue to deliver power to all customers, regardless of whether they are supplied electricity by new Community Power programs or Competitive Electric Power Suppliers (or have chosen to switch back to utility-provided default service).

## **OVERVIEW OF HUDSON COMMUNITY POWER**

Hudson Community Power is a program authorized under RSA 53-E to provide electricity supply service for the town's residents, businesses, and other types of customers. The program will only launch if it is able to initially offer residential default rates that are lower than or competitive with those offered by Eversource. Thereafter, the program will:

- Serve as the default electricity supplier for all customers on a default "opt-out" basis;
- Offer innovative services and generation rates to customers on an "opt-in" or "opt-up" basis (such as 100% renewable premium products, time-varying rates and Net Energy Metering generation credits for customers with solar photovoltaics);
- Operate on a competitive basis, in that customers may choose to switch between Hudson Community Power, service provided by Competitive Electric Power Suppliers, and utility-provided default service; and
- Be self-funded through revenues generated by participating customers (the town will not use taxes to cover program expenses).

Eversource will continue to own and operate the distribution grid and be responsible for delivering power to all customers within the town. Customers will be charged for utility delivery services at rates set by the Public Utilities Commission.

The Board of Selectmen, in coordination with advisory support from the Hudson Electric Aggregation Committee (HEAC) will be authorized to arrange and contract for the necessary services and power supplies to implement and operate the program, and continue to provide oversight over the program thereafter.

### **Customer Notification and Enrollment Process**

Prior to launch of Hudson Community Power, all eligible customers will be mailed notifications and provided the opportunity to "opt-out" or "opt-in" to the program, depending on whether they currently take service from a Competitive Electric Power Supplier or are on default service provided by Eversource:

- Customers already served by Competitive Electric Power Suppliers will be notified and may request to "opt-in" to the program; and
- Customers currently on default service provided by Eversource will be notified, provided the opportunity to decline participation, and thereafter transferred to Hudson Community Power if they do not "opt-out".

Notifications to customers on utility-provided default service will include the initial fixed rate for the program's default service compared with the Eversource rate, be mailed to customers at least 30 days in advance of program launch and provide instructions for customers to decline participation (for example, by return postcard, calling a phone number or using a web portal).

After the launch of Hudson Community Power, any new customers that move to the town will be transferred onto default service provided by the program, unless they choose to take service from Eversource or a Competitive Electric Power Supplier.

All customers on Hudson Community Power default service will remain free to switch back to Eversource or to take service from a Competitive Electric Power Supplier.

## Customer Accounts and Electricity Usage Estimates

The tables below show the total number and annual electricity usage of customers within Hudson’s territory who would initially receive either “opt-out” or “opt-in” notifications:

	<u>Utility Default Supply Customers</u> (Eligible for Opt-Out Notifications & Automatic Enrollment)		<u>Competitive Supply Customers</u> (Eligible for Opt-In Notifications & Voluntary Enrollment)	
	Customer Accounts	Annual Usage (MWh)	Customer Accounts	Annual Usage (MWh)
LPBS (GV)	150	13,8180	4039	73,71774,709
Residential (R)	9,1278,964	70,43870,620	1,5481,680	84,09313,798
???(G)	14,947	28,459	6,116	20,856
Commercial	1,677	15,721	430	34,005
Industrial	81	2,954	21	4,419
ST Lighting (OL)	3151	9289	10	20
<b>Total</b>	<b>10,90324,062</b>	<b>102,93199,368</b>	<b>2,0407,835</b>	<b>196,237109,363</b>

**Commented [CP1]:** This is the GV data in the spreadsheet; there is only GV data for SUPPLIER customers

**Commented [CP2]:** This is the R data in the spreadsheet - for DEFAULT as well as SUPPLIER customers

**Commented [CP3]:** Eversource previously broke down the Commercial and Industrial data. Now they seem to be lumping them together into the 'General Service' (G) rate class. If this is correct, then I'm assuming this line should replace the two C&I rows that followed in the original version of this table (which have been deleted).

Note that while the MWh values are roughly the same as the last time, the customer counts are wildly different. I'm not sure why that is...

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Aggregated data shown was provided by Eversource for the 12 months ending ~~December 2021~~ November 2022.

## Membership in the Community Power Coalition of New Hampshire

Hudson is a member of the [Community Power Coalition of New Hampshire](#) (“the Coalition”), a joint powers agency authorized under RSA 53-A (“*Agreements Between Governments: Joint Exercise of Powers*”) that will operate on a not-for-profit basis.

The Coalition was created so that towns, cities, and counties across New Hampshire could:

1. Access the resources and support required to streamline the process of establishing an Electric Aggregation Committee, drafting an Electric Aggregation Plan and approving a new Community Power program.
2. Jointly solicit and contract for third-party services and staff support to launch and operate Community Power programs, without requiring any upfront costs or imposing any financial liabilities on participating communities.
3. Participate in joint power solicitations and local project development opportunities.



4. Share knowledge and collaborate regionally on clean energy and resilient infrastructure development at the community-level throughout the state.
5. Speak with one voice at the Legislature and Public Utilities Commission on public advocacy issues related to energy and Community Power.

The Coalition’s joint powers agency governance model and competitive business model have been designed in accordance with energy industry best practices to ensure that participating Community Power programs benefit from transparent governance and high-quality services —so that all communities are able to take full advantage of their local control authorities under RSA 53-E and achieve the full scope of their local energy policy goals.

The Coalition will be governed “for communities, by communities” under a voluntary and flexible membership structure, will provide competitive electricity service on a statewide basis, and will strengthen the ability of communities to coordinate effectively on public advocacy issues.



Key aspects of the Coalition’s design, governance, services and start-up process are summarized in:

- The appendix ([Attachment 2](#)) which provides an overview of the communities, volunteers and experts involved in the process of designing the power agency.
- The chapter “[Overview of the Community Power Coalition of New Hampshire](#)”, which provides context regarding the purpose of joint action power agencies, highlights the importance of joint public advocacy (and summarizes the Coalition’s successful engagements at the Legislature and Public Utilities Commission on Community Power and public advocacy issues to-date), and summarizes key features of the Coalition’s business model and services.
- The chapter “[Hudson Community Power, Objectives and Requirements](#)”, which explains how the Coalition’s joint action governance and business model should enable Hudson to achieve the full scope of our policy goals, delineates what our goals are over the short-to-long term, and summarizes the program’s near-term operational requirements as a power enterprise.
- The remainder of this chapter, which summarizes the town’s anticipated role in the Coalition’s governance and implementation process through the launch of Hudson Community Power.

**Purpose of this Electric Aggregation Plan**

The Electric Aggregation Committee was tasked by the Board of Selectmen to prepare this Electric Aggregation Plan, which sets forth Hudson’s policy goals for our Community Power program, summarizes program governance and implementation processes, and commits Hudson Community Power to comply with applicable statutes and regulations in terms of:

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- Providing universal access, reliability, and equitable treatment of all classes of customers subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories; and
- Meeting, at a minimum, the basic environmental and service standards established by the Public Utilities Commission and other applicable agencies and laws and rules concerning the provision of service under Community Power.

This plan does not otherwise commit Hudson to any defined course of action, including participation in the Coalition for the purposes of launching the program, and does not impose any financial commitment on the town.

The Board of Selectmen retains the power to contract for all required program services and electricity supplies, to set rates, and to pursue related projects independently of the Coalition.

**Approval Process for Hudson Community Power**

This Electric Aggregation Plan was developed by the Electric Aggregation Committee with due input from the public, as required under RSA 53-E. Public hearings were held on [November 15, 2022](#) and [January 17, 2023](#). Refer to [Attachment 7](#) for additional information.

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The Electric Aggregation Committee has determined that this Electric Aggregation Plan satisfies applicable statutory requirements and is in the best, long-term interest of the town and its residents, businesses, and other ratepayers.

The Board of Selectmen may now submit this Plan for consideration by voters at a Town meeting. Adoption of this Plan by the voters at a Town meeting, by majority approval of those present and voting, establishes Hudson Community Power as an approved aggregation with statutory authorities defined under RSA 53-E:3 (to be exercised with due oversight and local governance, as described herein), and authorizes the Board of Selectmen to arrange and contract for the necessary professional services and power supplies to launch Hudson Community Power.

**Implementation Process for the Coalition & Hudson Community Power**

The town became a member of the Coalition by unanimous vote of the Hudson Board of Selectmen approving the Joint Powers Agreement for adoption and upon the Coalition Board of Directors approving Hudson’s membership.

The Coalition’s Joint Powers Agreement includes the Articles of Agreement and Bylaws of the nonprofit. It establishes the general purpose, authorities, structure, Board of Directors, committees, cost-sharing principles, liability protections, and other aspects of the organization.

The Coalition was incorporated on October 1, 2021 by the following founding local government Members: the cities of Lebanon, Nashua and Dover; the towns of Hanover, Harrisville, Exeter, Rye, Warner, Walpole, Plainfield, Newmarket, Enfield and Durham; and Cheshire County.

This plan assumes, but does not require, the town to participate fully in the Coalition for the purposes of implementing and operating Hudson Community Power.

**Town Participation in Joint Powers Agency Governance**

The Coalition’s initial Board of Directors is constituted of representatives appointed by the governing bodies of each founding member.

The Board of Selectmen has appointed primary and alternate representatives of Hudson Community Power to serve on the Coalition's Board of Directors. The town's representatives will directly oversee the Coalition's initial startup and implementation activities, including the:

- Adoption of Board policies and the election of officers;
- Hiring of expert staff to provide qualified management and oversight;
- Solicitation and contracting of third-party service vendors to launch and operate Community Power programs; and
- Appointment of Board members and other community representatives to committees.

Hudson and all members will be directly represented on the Coalition's Board until more than twenty-one (21) members join, at which point directors will be elected by vote of the member's representatives at annual meetings (with a Board size of between 11 and 21 representatives, at the members' direction).

Additionally, to exercise more regular oversight over specific aspects of the joint powers agency, the Coalition will have six standing committees: Executive, Finance, Audit, Regulatory and Legislative Affairs, Risk Management and Governance. The Board may also establish ad-hoc committees, and each direct project that members choose to pursue in the future will be overseen by a committee specific to that project.

All meetings of the Coalition will comply with New Hampshire's Right-to-Know Law (RSA 91-A), the purpose of which is to *"ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people"*, based on the recognition that *"openness in the conduct of public business is essential to a democratic society."*

#### ***Development of Member Cost Sharing Agreement and Services for Hudson Community Power***

Under the terms of New Hampshire's Community Power law ([RSA 53-E](#)):

- Community Power programs must be self-funded, with ongoing costs paid for using the revenues generated by participating customers.
- Municipalities are only allowed to incur incidental costs associated with implementing Community Power programs, such as the costs necessary to comply with the Community Power law, up to the time that the program starts to produce revenue from participating customers.

Membership in the Coalition, and the implementation of Hudson Community Power, will not require any upfront cost for the town other than such incidental expenses (i.e., the staff time, counsel review of agreements, and other costs required to comply with the Community Power law).

To provide the services, credit support and electricity supply required to launch and operate Hudson Community Power:

- The Coalition will administer competitive solicitations on behalf of all participating Community Power programs to contract with qualified vendors and credit-worthy suppliers.
- Vendors are expected to fund and self-manage the upfront cost of launching Community Power programs, under at-risk and performance-based contract structures with payments contingent upon successful launch.
- Program implementation costs for Hudson, along with ongoing operational and power procurement expenses, will be factored into the customer rates ~~adopted by the Board of~~

[Selectmen](#) and be recovered from the revenues received from participating customers after the launch of Hudson Community Power.

Similar solicitations and at-risk, performance-based contract structures have been used to successfully launch and operate new joint powers agencies in other Community Power markets.

Hudson's representatives on the Coalition's Board of Directors are participating in the solicitation of services, agency startup activities and the development of a cost-sharing agreement with other founding members.

The Coalition's Joint Powers Agreement provides certain requirements regarding how costs will be tracked and shared across participating Community Power programs, which will guide the development of the Coalition cost-sharing agreement:

- Costs will be tracked in three distinct categories: direct project costs, member services, and general and administrative costs (which are overhead costs that are not associated with any specific project or member service);
- Member cost-sharing agreements will be the same in all material respects: general and administrative costs will be allocated based on each Community Power program's share of total electricity usage each year, while each member will choose and separately pay for the costs of specific services and projects (under terms that reflect a fair allocation across all the members that chose the same services and projects); and
- The debts, liabilities and obligations of the Coalition, and of other participating Community Power programs, will be non-recourse to Hudson (unless expressly agreed to by the Board of Selectmen under Hudson's Cost Sharing Agreement or a Project Contract).

[To proceed with launching and operating Hudson Community Power through the Coalition:](#)

- [The Board of Selectmen would review and approve execution of the Coalition's Cost Sharing Agreement and Member Services Contract, along with the Data Security and Privacy Policy and the Energy Portfolio Risk Management, Retail Rates, and Financial Reserves policies approved by the Coalition's Board of Directors.](#)
- [The Coalition would provide the services and credit support necessary to launch and operate Hudson Community Power \(along with the programs of other municipalities across the state\) and would provide all-requirements electricity to customers participating in the programs.](#)
  - [Confidential customer data would be handled in accordance with the Data Security and Privacy Policy.](#)
  - [Power procurement and energy portfolio risk management, rate setting, and the accrual of financial reserves for the program would be carried out in accordance with the Coalition's Energy Portfolio Risk Management, Retail Rates, and Financial Reserves policies.](#)
  - [The Coalition would collect revenues from program customers on the Town's behalf and would recover expenses incurred on behalf of Hudson Community Power in accordance with the Cost Sharing Agreement.](#)

[Governance of the power agency would be carried out pursuant to the Coalition's Joint Powers Agreement. The Board of Directors and committees of Member Representatives — the Executive Committee, Finance Committee, Risk Management Committee, Member Operations and](#)

[Engagement Committee, Regulatory and Legislative Affairs Committee, etc. — would continue to meet regularly and carry out their responsibilities to provide oversight and direction, supported by a qualified CEO and staff experts hired to provide day-to-day oversight and management of the agency’s service providers, operations, planning, and program development activities.](#)

The Coalition intends to contract for all the services required to launch and operate member Community Power programs, which is expected to enable access to advanced services and expertise at least cost for Hudson Community Power. However, note that:

- The town will be under no obligation to rely on the services provided through the Coalition until the Board of Selectmen executes the Coalition’s cost-sharing agreement and chooses which services will be provided through the Coalition.
- At that time, the Board of Selectmen may decide to rely on the Coalition for all or a subset of the services required to launch and operate Hudson Community Power.
- Alternatively, the Board of Selectmen could decide to withdraw from the Coalition entirely, prior to [the point at which power procurement is authorized on behalf of Hudson Community Power](#), and launch Hudson Community Power independently [without any cost or continuing financial obligations to the Coalition](#).
- Lastly, after Hudson Community Power launches, the town could still decide to procure certain services independently or to withdraw from the Coalition at a future date, subject to the terms, conditions and any continuing obligations specified in the cost-sharing agreement approved by the Board of Selectmen.

Decisions made by the Board of Selectmen regarding how to best implement and operate Hudson Community Power, including the execution of the Coalition cost-sharing agreement and selection of services provided through the Coalition, will be made at duly noticed public meetings.

### **Coalition Engagement on Rule Making at the Public Utility Commission**

Hudson Community Power will launch after administrative rules governing Community Power are adopted by the Public Utilities Commission. Rules are expected to require submission of Hudson’s Electric Aggregation Plan to the Commission in order to:

- Provide formal notice that the town is planning to launch a Community Power program;
- Authorize the town to request access to additional customer data from Eversource that will be needed for the implementation and administration of Hudson Community Power.

Over the course of 2020 to 2022, members of the Coalition have actively participated in the informal rule drafting process by providing initial and subsequent sets of draft rules for review and refinement, arranging and facilitating bilateral meetings with utilities and other stakeholders, and leading stakeholder workshop discussions and editing sessions at the request of Public Utilities Commission staff.

On December 1, 2021, the Coalition submitted a petition for rulemaking to implement RSA 53-E for Community Power Aggregations, which was filed on behalf of the Coalition’s Members and other stakeholders that had been invited to join the petition. The Commission approved the petition in Docket [DE 21-142](#)<sup>1</sup> and issued an Initial Proposal on February 3, 2022, putting forward the

<sup>1</sup> See: [https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142\\_2022-03-14\\_CPCNH\\_COMMENTS.PDF](https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142_2022-03-14_CPCNH_COMMENTS.PDF)

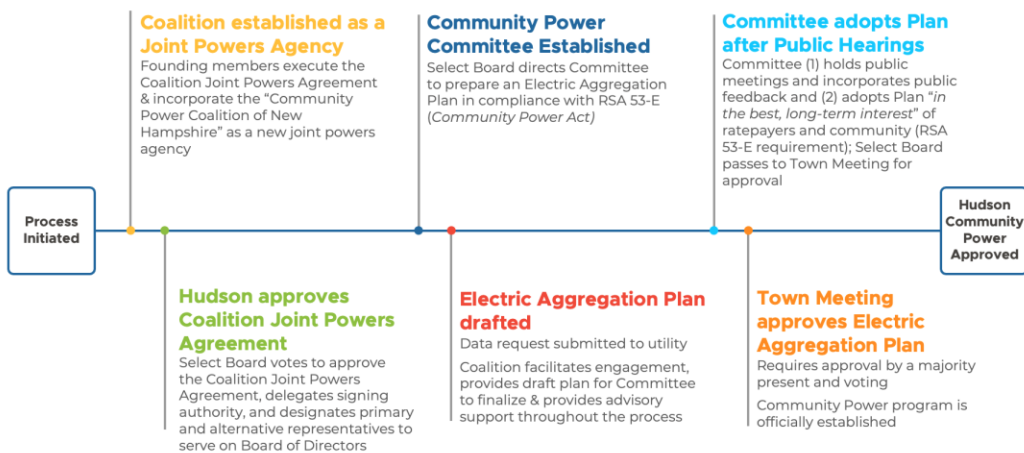
Coalition’s recommended rules for public review and comment. Hudson Community Power and the Coalition actively participated in the review and public comment process proceeding the Commission’s issuance of a Final Proposal for CPA Administrative Rules. Hudson Community Power will continue to coordinate with the Coalition to engage in the Commission’s rule development process.

### Coalition & Hudson Community Power Implementation Milestone Charts

The milestone charts below show the anticipated approval, formation and launch processes for Hudson Community Power and the Coalition power agency, as described in the sections above.

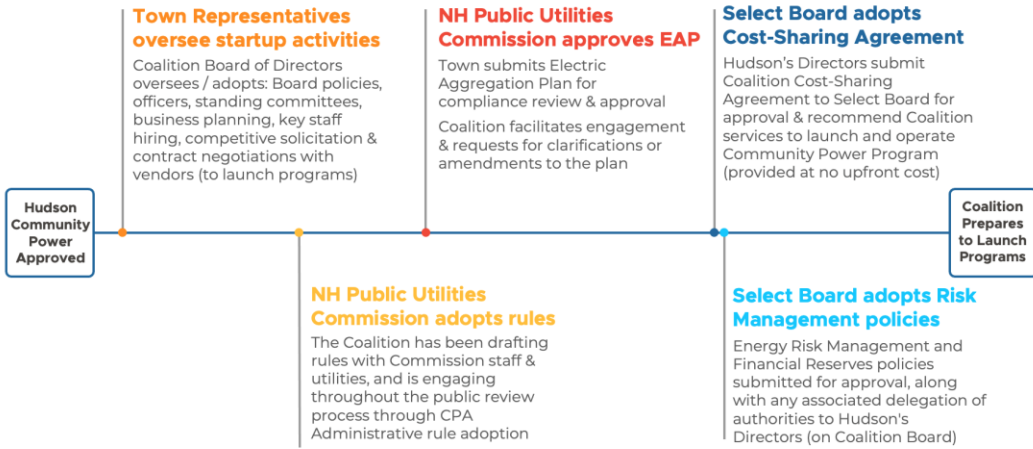
The first chart below summarizes the different categories of activities required to approve Hudson Community Power and join the Coalition as a member to create the joint powers agency:

#### Approval Process for Coalition Agency & Hudson Community Power



Hudson’s directors on the Coalition Board are overseeing startup activities, including engagement at the Public Utilities Commission to finalize the administrative rules governing the Community Power market, and will bring forward the Coalition’s cost-sharing agreement along with Energy Risk Management and Financial Reserve policies for approval by the Board of Selectmen:

#### Coalition Startup, Rule Making and Risk Management Policy Approval Process

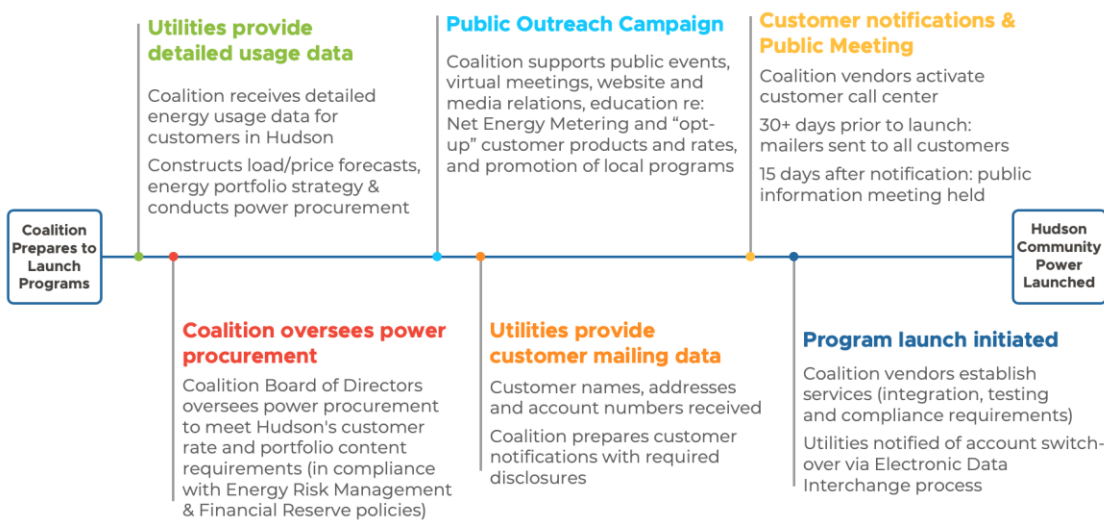


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After the Public Utility Commission adopts rules and opens the market, the Coalition will be allowed to launch Hudson Community Power (and the programs of other participating municipalities). The milestones below summarize the process by which the Coalition will structure and conduct data collection, forecasting, power procurement solicitations and rate setting exercises — in compliance with the Energy Risk Management and Financial Reserve policies adopted by the Town, and with oversight provided by Hudson’s representatives on the Coalition’s Board of Directors — and the local outreach, customer notification mailings and public meeting process that culminates in the launch of Hudson Community Power:

### Hudson Community Power Launch Process





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

## **OVERVIEW OF COMMUNITY POWER COALITION OF NEW HAMPSHIRE**

Hudson is a member of the Community Power Coalition of New Hampshire, a nonprofit joint powers agency authorized under RSA 53-A.

Joint powers agencies are governed by communities, operated on a not-for-profit basis and allow Community Power programs to voluntarily join forces to take advantage of economies of scale and shared services to boost operational efficiencies.

The public power industry has created over seventy joint powers agencies in the last fifty years, and several hundred local governments operate Community Power programs through joint powers agencies or comparable collaborative governance structures in Massachusetts, New York, Ohio, Illinois and California.

The experience of these markets demonstrates that the economics of joint purchasing can enable access to advanced services and expertise for participating Community Power programs, which helps keep power rates competitive and supports long-term financial stability.

The Coalition was incorporated on October 1, 2021 by the following founding local government Members: the cities of Lebanon, Nashua and Dover; the towns of Hanover, Harrisville, Exeter, Rye, Warner, Walpole, Plainfield, Newmarket, Enfield and Durham; and Cheshire County. Following incorporation, the city of Portsmouth and the towns of Hudson, New London, Pembroke, Webster, and Peterborough joined the Coalition's membership.

The 20 city and town members of the Coalition represent more than 270,000 residents, or ~20% of the population of New Hampshire. To put the anticipated electricity usage of all Coalition Members Community Power programs in context, at full enrollment of all eligible customers, the Coalition would be larger in size than the default service load of Unitil, Liberty Utilities, and the New Hampshire Electric Coop on an individual basis, and smaller than Eversource (New Hampshire's largest investor-owned distribution utility).

Hudson anticipates relying upon the Coalition's member services to launch and operate Hudson Community Power, but approval of this plan does not commit the town to doing so. The Board of Selectmen retains the authority to contract for any and all required program services and electricity supplies, and to pursue projects independently of the Coalition.

Based on the design and projected size of the Coalition, the Electric Aggregation Committee anticipates that participation will result in cost savings, lower staff requirements and enhanced quality of services for Hudson Community Power and other member programs.

Operating Hudson Community Power through the Coalition is expected to provide a number of distinct benefits in terms of transparency, scope and cost of services, regulatory and policy engagement, local program options, quality of energy risk management advice, the accrual of financial reserves sufficient to ensure long-term financial stability, and opportunities to develop new energy projects. These benefits are summarized in the "Regulatory and Policy Advocacy" and "Coalition Member Services" sections below.

## Regulatory and Policy Advocacy

Changes in law and regulations that adversely impact Community Power programs will be a non-trivial source of risk for Hudson Community Power.

Additionally, extending and maintaining the full range of benefits that Hudson Community Power could create for customers will require informed participation and advocacy on energy issues at the Legislature and Public Utilities Commission.

Coordination with other municipalities and Community Power initiatives on matters of common interest through the Coalition have already produced meaningful results in these areas. For example, over the last year, the communities involved in the formation of the Coalition have:

- Participated in the Community Power informal rule drafting process, including by providing the initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and leading significant portions of the subsequent stakeholder workshops at the request of Public Utilities Commission staff.
- Intervened in regulatory proceedings to represent the interests of customers and Community Power programs, such as by advocating for expanded data access in the Commission's Statewide Data Platform docket (DE 19-197), under which a settlement agreement with the utilities was negotiated and recently submitted to the Public Utilities Commission. (If adopted, the settlement would create a "Statewide Data Platform" to enable data access for customers and Community Power programs, which would be overseen by a Governance Council that includes Coalition representatives.)
- Testified in legislative hearings — and organized hundreds of people, elected officials and civic organizations to register in support of the Coalition's position on key legislation — in order to successfully negotiate critical amendments to two bills recently signed into law:
  - House Bill 315, which clarifies and expands key Community Power authorities; and
  - Senate Bill 91, which expands battery storage options for customers as well as Net Energy Metering for communities and established a committee to study the creation of a new market that would expand the ability of Community Power programs to buy from in-state generators and battery storage projects (under 5 megawatts in size).

Hudson Community Power will continue and expand on these activities through the Coalition.

## Coalition Member Services

The Coalition's business model has been designed to provide Community Power programs with:

- **Innovative local programs and customer services:** new rates, technologies and services for customers that lower electricity supply costs and risk for the program in aggregate, along with the electricity bills of participating customers from a "full bill" perspective (i.e., inclusive of transmission and distribution charges).
- **Energy Risk Management & Financial Reserve Policies, Procedures and Practices:** expert guidance on energy risk management, procurement of a diversified portfolio of energy contracts, rate setting, and financial reserves — sufficient to ensure the stability and operational continuity of Community Power programs over the long-term (as technologies, market dynamics, risk factors, consumer preferences and energy policies continue to evolve).

- **Development of Renewable and Battery Storage Projects:** joint contracting opportunities for the construction of new renewable and battery storage projects financed under long-term contracts — to diversify program energy portfolios, provide a physical hedge against wholesale market price fluctuations, enhance the resiliency of our electrical grid, and stimulate local construction and economic development.

The Coalition intends to contract with qualified vendors and credit-worthy suppliers to provide the services, credit support and electricity required to launch and operate Community Power programs. These third parties are expected to fund the upfront cost of implementing Community Power programs, the expense of which would be amortized and recovered for a specified term, along with ongoing operating costs, in customer rates.

The extent of services offered by the Coalition is expected to thereafter expand over time, in response to new market opportunities and ongoing regulatory rule reforms, and to meet the local objectives of participating Community Power programs. The Coalition also plans to hire a small number of qualified staff to ensure effective oversight of operations, as well as enhanced transparency and expert management as the Coalition’s business operations evolve.

The proceeding sections explain how the above categories of member services are interrelated in ways that combine to ensure Hudson Community Power remains operationally stable, competitive and able to achieve the full range of our local policy goals over the long-term.

#### ***Innovative Local Programs & Customer Services***

Cost-effective local programs provide new retail products and services that enable customers to:

- Intelligently moderate their use of electricity from the grid during times of high wholesale power prices and when the physical grid is constrained (at-risk of not being able to deliver enough power to meet all customers’ usage requirements during the hours of “peak demand”);
- Increase their use of electricity from the grid when wholesale prices are relatively low and the physical grid is not constrained.

Examples of innovative retail products and services that enable customers to do so include time-based rate options, individual and group net metering, targeted efficiency, distributed generation and energy storage programs, electric vehicle charging rates, and other offerings that empower customers directly and enable the services of third-party energy companies that are helping customers adopt and use new technologies.

Programs that enable the intelligent use of electricity will help Hudson Community Power to:

- Lower electricity supply costs and risk for the program in aggregate, along with the electricity bills of participating customers from a “full bill” perspective (inclusive of transmission and distribution charges);
- Strengthen customer relationships and local brand recognition; and
- Protect against customer attrition (the risk that customers opt-out of the program by choosing an alternative supplier) and potentially grow the program’s customer base over time.

Local programs, in order to be cost-effective, need to be designed in ways that relate to and actively help manage the various sources of cost and risk involved in operating a competitive power agency.

As explained in the section below, the Coalition will adopt a structured approach to monitoring, analyzing and actively managing energy cost and risk — both to enable the design of cost-effective local programs, and provide additional benefits such as long-term financial stability.

***Energy Risk Management & Financial Reserve Policies, Procedures and Practices***

Hudson Community Power’s ability to maintain competitive rates, as market prices and Eversource default rates change over time, is a primary goal for the program. Competitive rates will significantly reduce the risk that customers opt-out of Hudson Community Power and allow the program to achieve our medium- to long-term goals.

To that end, working with the other members of the Coalition, Hudson Community Power will adopt Energy Risk Management and Financial Reserve policies. The purpose of these policies is to:

- Ensure that Hudson Community Power allocates customer revenues in ways that balance our community’s goals and objectives over the short-to-long term; and
- Define how the Coalition will conduct energy risk management, procurement and market operations on behalf of Hudson Community Power (so that the agency remains in compliance with our adopted policies).

Combined with the operational procedures and practices of the Coalition’s business model, these policies are designed to ensure that Hudson Community Power and all participating members of the Coalition will be able to:

- Foresee, forecast and adequately plan for adverse contingencies (such as power supply shocks, economic downturns and changes in policy and regulations);
- Structure and manage a diversified portfolio (or “book”) of physical and financial energy contracts in order to (1) hedge price risk in an optimal fashion by assessing the cost of entering into forward contracts against the risk of wholesale market price exposure, (2) transact quickly to take advantage of changing market conditions and (3) incorporate energy contracts from a variety of preferred sources (e.g., renewables and battery storage assets, local generators, customer-generators and demand response programs, etc.);
- Maintain competitive rates, and additionally set aside funds to accrue financial reserves, while also implementing local programs (designed in ways that lower portfolio costs and risk factors);
- Draw on financial reserves or credit support sufficient to maintain (1) rate stability for participating customers and (2) adequate cash flow for the Coalition’s operations over the course of any adverse events and periods.

As Hudson Community Power accrues financial reserves, the Coalition will be able to facilitate additional ways to lower costs, create new value, and further enhance the financial stability of the program. As one example, the accrual of sufficient reserves will allow Hudson Community Power to begin self-providing the collateral required for wholesale power market transactions and power purchase agreements. This will lower the capital costs and risk premiums otherwise embedded into the price of power contracts negotiated by the Coalition. Similarly, the Coalition also intends to facilitate pooled power procurement across participating Community Power programs, and to explore opportunities to jointly satisfy collateral obligations within these arrangements.

Lastly, as explained further in the section below, the combination of the Coalition’s approach to energy portfolio risk management and the accrual of sufficient financial reserves by participating

members is what will enable Hudson Community Power to enter into long-term contracts — in order to construct new renewable and battery storage projects.

### ***Development of Renewable and Battery Storage Projects***

As Hudson Community Power and other participating Community Power programs demonstrate the ability to accrue reserves sufficient to ensure our collective financial stability — and maintain or grow our customer base by offering competitive rates and innovative services over time — the Coalition will be able to facilitate new project developments for Hudson Community Power and other Community Power programs that elect to jointly participate in long-term contracting solicitations. As context:

- Project developers and financiers require long-term power purchase agreements (typically 10 years or longer in duration) to justify the upfront cost of constructing renewables and battery storage facilities;
- Consequently, project financiers will not execute long-term contracts with a Community Power program if they do not believe that the program is likely to remain a stable, credit-worthy counterparty (i.e., unlikely to default on payment obligations over the contract term).

Achieving the ability to execute long-term contracts and build new renewables and battery storage projects is a priority for Hudson Community Power and the other Community Power programs joining together to create the Coalition. This objective is an important policy goal for our program and will additionally diversify the energy supply portfolio managed by the Coalition.

Portfolio diversification helps to stabilize operating margins by intelligently hedging Hudson Community Power's exposure to wholesale market dynamics and price fluctuations. The objective is to enter into contracts that help to manage risk and maximize revenues for the program from total portfolio management perspective, in order to further strengthen our program's financial performance and stability over the long-term. As context:

- When bidding on joint project development solicitations, developers will submit different combinations of technologies, project locations, prices, term lengths and contractual clauses with operational and financial implications.
- Selecting which contracts to enter into — and effectively negotiating contract terms and prices — requires analyzing the different contracts being offered, individually and in combinations, and simulating the impact that the new contracts would have on Hudson Community Power's cashflow, total portfolio costs and risk profile over the length of the contract.
- This exercise, which is a key component of the Coalition's broader "portfolio strategy" analysis, is referred to as "contract valuation" or "deal valuation". These simulations will allow the Coalition to quantify the value of the contract (from a portfolio risk management perspective), compare the value against the price being offered by developers, negotiate for better terms and prices as necessary, and enter into contracts on behalf of Hudson Community Power that are likely to cost less than the value created at the program portfolio level.

As described in the preceding section "*Energy Risk Management & Financial Reserve Policies, Procedures and Practices*", the Coalition's business model has been designed to actively manage a diversified portfolio of energy contracts at launch — which entails:

- Understanding and analyzing energy cost and risk factors on a continuous basis;
- Conducting contract valuation simulations;

- Negotiating contract terms and prices with a variety of counterparties to construct a portfolio of energy contracts that, in aggregate, is designed to optimally hedge price risk; and
- Thereafter, actively and continuously managing the “book” of contracts in response to market dynamics, price movements and opportunities.

In these ways, the Coalition’s business model provides the foundational capabilities required to support joint project development solicitations for Hudson Community Power and other participating programs — inclusive of long-term contract valuation simulations, counterparty negotiation, and active management of the contract and overall portfolio thereafter.

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## **Hudson Community Power Objectives and Requirements**

Hudson Community Power affords the town the capacity and flexibility to achieve our objectives pertaining to energy, economic development, and infrastructure.

Our objectives will need to be pursued through a combination of direct program activities and informed public advocacy at the Legislature and Public Utilities Commission. This will require enhanced coordination with other communities as well as advanced operational services, dedicated expertise, innovation and sustained initiative carried out over a period of multiple years.

Simultaneously, maintaining competitive rates compared to Eversource's default service rates — as market prices, energy technologies and policies change over time — will require nimble decision-making and the ability to evolve business operations in response to changing market conditions in order to actively manage risk, minimize costs and maximize the creation of customer value.

The structure of the Coalition — the combination of the joint powers agency's community governance model, competitive business model and coordinated approach to engaging in public advocacy — has been designed to enable and streamline these activities for Hudson Community Power at an advantageous, cost-effective economy-of-scale.

Participation in the Coalition is therefore expected to strengthen the capacity and financial performance of Hudson Community Power, such that the program is able to operate continuously as a self-supporting, competitive enterprise for the foreseeable future, and will therefore be able to work towards achieving the full scope of our objectives over the long-term.

### **Hudson Community Power Objectives**

To achieve our goals, Hudson Community Power will be guided by the following objectives:

- **Competitive Rates:** provide residential default rates that are lower than or competitive with those offered by Eversource;
- **Expanded Choices and Enhanced Customer Focus:** offer optional products, such as supply options with higher and lower levels of renewable energy and time-varying rates that enable the intelligent use of customer energy technologies to reduce energy expenditures and carbon emissions on a voluntary basis;
- **Fiscal Stability & Financial Reserves:** maintain a reserve fund to ensure that the program remains able to offer competitive rates as market prices fluctuate over time;
- **Consumer Protections:** ensure that the contracts entered into on behalf of customers are fair and represent the interests of Hudson and its residents;
- **Public Advocacy:** represent the interests of Hudson and the program's customers at the Legislature, Public Utility Commission and other relevant agencies on matters pertaining to Community Power and towards creating a more modern electric grid;
- **Cleaner, Local Power:** prioritize the development of cost-effective projects to supply an affordable energy portfolio that prioritizes the use of in-state and local renewable energy;
- **Community Resilience:** support local contractor training and education programs to lower barriers to the installation of new clean energy technologies, and support projects such as back-



up power supplies, electric vehicle charging networks and community microgrids on critical facilities;

- **Regional Collaborations:** collaborate with municipalities, other Community Power programs and government agencies to jointly develop cost-effective local renewable generation and storage projects, electric vehicle transit fleets and charging corridors, and other clean energy infrastructure developments;

Through strategies and initiatives like these, enabled by the scope and scale of service provided through the Coalition, Hudson Community Power intends to:

- Reduce fossil fuel consumption overall while enhancing the reliability of our electricity grid;
- Create savings and new value for customers; and
- Attract and support local businesses.

These objectives are essential to our continued success as a vital, sustainable community.

### **Near-Term Operational Requirements**

While many of the broader benefits Hudson Community Power intends to create for customers and the town will be developed over time, the program's immediate objective is to offer competitive default supply rates compared to Eversource while accruing a reserve fund sufficient to ensure long-term financial stability, and additionally offering voluntary products that retail customers may opt-up to receive as well as Net Energy Metering supply rates that allow customer generators to participate in the program.

Hudson Community Power will need to balance customer rate levels, renewable power content and the accrual of program reserves to meet these objectives.

#### ***Performance Relative to Utility Default Service and Net Energy Metering Generation Rates***

Compensation to customer generators under Net Energy Metering generation rates, the timing of the program's rate setting decisions and, to a certain degree, the procurement of electricity will need to take into account Eversource's tariffs, processes and timing in regard to these activities.

Refer to [Attachment 3](#), [Attachment 4](#), [Attachment 5](#) and the section "[Net Metering and Group Net Metering Policies](#)" for additional documentation and discussion of these factors.

**Customer Rates and Products**

The table below provides an illustrative example of a default service product and optional rates that could be offered to customers:

	DEFAULT SERVICE	OPTIONAL PRODUCTS		
	Granite Basic (automatic enrollment)	Basic Service Granite Plus (opt-up +)	Green Start Clean 50% (opt-up +)	Clean 100% (opt-up +) Prime
Attributes	5-10% above Meets Renewable Portfolio Standard (23.4% for 2023 RPS)	~33% renewable Or Carbon Free Meets RPS	~50% Renewable Or Carbon Free	100% Renewable Or Carbon Free
Price	Meet or beat Must be below default utility rate at launch	Below default utility rates	Higher or Competitive with default utility rate	Possibly Exceeds default utility rate <sup>2</sup>

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The products that Hudson Community Power initially offers to customers, and the rates charged for each product, will be refined and finalized in advance of program launch. The price points shown are aspirational. However, Hudson Community Power will not launch unless the default service offering (e.g., Granite Basic) can at least meet—and preferably beat—the default utility rate.

**Renewable Portfolio Standard Requirements**

New Hampshire’s Renewable Portfolio Standard (RPS) requires all electricity suppliers to obtain RECs for four distinct “classes” of renewables, each distinguishing between different technologies and dependent upon the year that the generators came online.

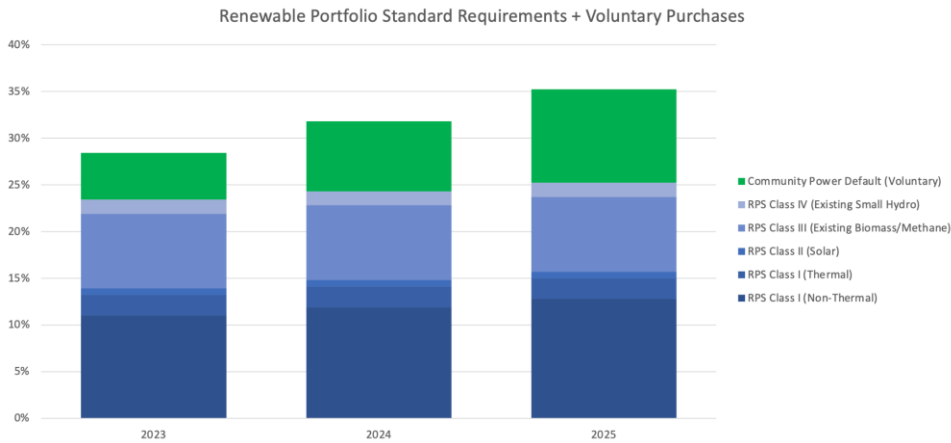
For 2023<sup>1</sup>, Eversource is required to include 23.41-6% renewable energy in their energy supply. This minimum compliance requirement will increase incrementally to 25.2% by 2025 and remain fixed thereafter, absent an increase in the RPS.

Hudson Community Power will seek to procure voluntary renewables in excess of the RPS minimum requirements<sup>3</sup> from “Class 1” resources (as defined in Attachment 3). Additionally, the program could prioritize including as much renewable energy sourced from generating resources located in New Hampshire and New England as possible.

<sup>2</sup> Example of 100% renewable energy product that is less expensive than utility default: [Cambridge’s 100% Renewable Energy Option Now More Affordable than Eversource Basic Service](#), July 12, 2022

<sup>3</sup> The RPS requirements as defined by the PUC can be found at: <https://www.puc.nh.gov/SustainableEnergy/RenewablePortfolioStandardProgram.htm>

The chart below shows in shades of blue the different classes and quantities of renewable power required under the RPS between 2023 and 2025, along with, for the sake of illustration and in green, Hudson Community Power’s additional voluntary purchases (assuming the default product from the table in the proceeding section and exceeding the RPS requirements by an increase of 2% each year):



**Energy Risk Management and Financial Reserve Policies Compliance**

Hudson Community Power’s power procurement, budgeting and rate-setting will be carried out in accordance with the Energy Risk Management and Financial Reserve policies that will be adopted by the Board of Selectmen. If Hudson Community Power elects to partner with the Coalition for the provision of services, these policies will be developed by the Coalition for review and approval by the Hudson Board of Selectmen.

This decision-making framework is intended to guide the program to allocate revenues in a manner that appropriately balances our competing priorities — to ensure that Hudson Community Power will remain stable, and able to work towards achieving all of our policy goals, over the long-term.

## **ELECTRIC AGGREGATION PLAN STATUTORY REQUIREMENTS**

The following requirements for this Electric Aggregation Plan, in compliance with RSA 53-E:6, are addressed below:

- A. Organizational structure of the program;
- B. Methods of entering into and terminating agreements;
- C. Operation and funding;
- D. Rate setting, costs, and customer enrollment process;
- E. Rights and responsibilities of program participants;
- F. Net metering and group net metering policies;
- G. Ensuring discounts for Electric Assistance Program participants; and,
- H. Termination of program.

### **Organizational Structure of the Program**

Upon approval of this plan, Hudson Community Power will be authorized to provide electricity and other related services to participating residents, businesses, and other customers in the town.

The Board of Selectmen will oversee the program and has overall governance authority. Decisions regarding Hudson Community Power, such as amending and modifying program goals or this Electric Aggregation Plan (in accordance with RSA 53-E:7, IX), adoption of Energy [Portfolio](#) Risk Management, [Retail Rates](#) and Financial Reserve policies [\(to govern the program's power procurement and rate-setting decisions\)](#), will be made at duly noticed public meetings.

The Board of Selectmen has appointed a primary and alternate representative to participate in the Community Power Coalition of New Hampshire and to serve on the agency's initial Board of Directors and may delegate certain decision-making authorities to them to carry out their responsibilities at the Board of Selectmen's direction.

In general, Hudson's representatives will be expected to help oversee the start-up and operation of the agency, provide input regarding the Coalition's public advocacy on matters of policy and regulation, provide direction to the Coalition's vendors and/or staff as the agency's operations and customer services evolve over time, and report back regularly regarding the performance of Hudson Community Power and on any matter that warrants attention or requires action by the Board of Selectmen.

Additionally, the Electric Aggregation Committee may continue to hold meetings for the purpose of (1) providing community input and advisory support regarding the program and (2) facilitating public education and engagement in our community.

### **Methods of Entering Into and Terminating Agreements**

This Electric Aggregation Plan authorizes the Board of Selectmen to negotiate, enter into, modify, enforce, and terminate agreements as necessary for the implementation and operation of Hudson Community Power.

## Operation and Funding

Hudson Community Power will contract with qualified vendors and credit-worthy suppliers to provide the services, credit support and electricity required to launch and operate the program.

This plan assumes, but does not require, Hudson to participate fully in the Coalition and thereby contract for operational services jointly with other participating Community Power programs.

The Coalition's third-party contractors will be expected to fund the upfront cost of implementing Hudson Community Power, the expense of which will be amortized and recovered in the program's rates and charges to participating customers. The program may also seek opportunities to apply for grant funding, either independently or through the Coalition.

Services provided by third-party entities required to launch and operate the program may include portfolio risk management advisory services, wholesale Load Serving Entity (LSE) services, financial services, electronic data interchange (EDI) services with the utility, and customer notification, data management, billing, and relationship management (e.g., call center, website, etc.) services. Additional information on how Hudson Community Power will implement Load Serving Entity (LSE) services is found in [Attachment 9, How Load Serving Entity Services will be Implemented](#).

Additional support services such as management and planning, budgeting and rate setting, local project development support, regulatory compliance, and legislative and regulatory engagement services (on matters that could impact the program and participating customers) will be addressed through a combination of Coalition staff support and third-party services.

Hudson Community Power will provide "all-requirements" electricity supply for its customers, inclusive of all of the electrical energy, capacity, reserves, ancillary services, transmission services, transmission and distribution losses, congestion management, and other such services or products necessary to provide firm power supply to participants and meet the requirements of New Hampshire's Renewable Portfolio Standard. (Refer to [Attachment 3](#) for details regarding the requirements of Renewable Portfolio Standard statute, RSA 362-F.)

[If a single supplier is relied upon to provide all-requirements electricity on behalf of Hudson Community Power, then \(1\) the supply contract will be executed or guaranteed by entities that possess at least a BBB- or equivalent investment-grade rating issued by a nationally recognized statistical rating organization \(NRSRO\), and \(2\) the supplier will be required to use proper standards of management and operations, maintain sufficient insurance, and meet appropriate performance requirements for the duration of the supply contract. Alternatively, if a portfolio of contracts with multiple entities is structured to diversify counterparty credit risk exposure, and actively managed to provide for all-requirements electricity on behalf of Hudson Community Power, then counterparty credit requirements and monitoring, hedging transaction authorities, residual ISO-NE market exposure limits, and reporting requirements will be carried out in accordance with Energy Portfolio Risk Management, Rates, and Financial Reserves policies that would be established prior to commencing procurement and implementing the program.](#)

~~Electricity supply contracts will be executed or guaranteed by investment-grade entities, and suppliers will be required to use proper standards of management and operations, maintain sufficient insurance and meet appropriate performance requirements.~~

Additionally, RSA 53-E provides Community Power programs with authorities pertaining to meter ownership, meter reading, billing, and other related services. These authorities provide Hudson

Community Power with the practical ability to help customers adopt and use innovative technologies (for example, building management systems, smart thermostats, backup battery storage systems, controllable electric vehicle chargers, etc.) in ways that save money, enhance grid resiliency and decarbonize our power supply.

However, the implementation of these authorities is expected to take some time, as it requires action by the Public Utilities Commission to adopt enabling rules and coordination with Eversource to adapt existing meter and billing system processes. **As a result, the capabilities and technologies mentioned in the previous paragraph will not be part of the initial focus of Hudson Community Power.**

### **Rate Setting, Costs, Enrollment Process, and Options**

Customers who choose not to participate in Hudson Community Power shall not be responsible for any costs associated with the program, apart from incidental costs incurred by the town prior to the point at which the program starts producing revenue from participating customers (for example, contract review by an attorney, but not any operational or capitalized costs of the program).

#### ***Rate Setting and Costs***

Hudson Community Power will only launch if it is able to offer residential default rates that are initially lower than or competitive with those offered by Eversource; thereafter, the program will strive to maintain competitive rates for all default service customers, as well as customers who opt-in or opt-up to receive optional retail products, while working to achieve the program's objectives (as set forth in this Electric Aggregation Plan and modified from time to time at the direction of the Board of Selectmen).

The Board of Selectmen will adopt Energy Risk Management and Financial Reserve policies to govern the program's power procurement and rate-setting decisions. Rates will be set at a level such that revenues from participating customers are projected to meet or exceed the ongoing operating and capital costs of the program.

To ensure the financial stability of Hudson Community Power, a portion of revenues will be deposited in a financial reserve account. In general, the fund will be restricted for uses such as:

- **In the near-term**, maintain competitive customer rates in the context of price fluctuations in the electricity market and other factors;
- **In the medium-term**, as collateral for power purchase agreements (including for the development of new renewable and battery storage projects), and for additional credit enhancements and purposes that lower the program's cost of service; and
- **Over the long-term**, may also be used to directly fund other program financial requirements, or to augment the financing for development of new projects and programs in the later years of the program, subject to the Board of Selectmen's approval.

As required by law, the program will ensure the equitable treatment of all classes of customers, subject to any differences arising from varying opportunities, tariffs, and arrangements between different electric distribution utilities in their respective franchise territories.

In other words, customers will be treated the same based on their circumstances. For example, any customers that opt-in after being offered the opportunity to participate during the initial

enrollment period may be offered rates that reflect how market prices have changed in the intervening period.

Changes to the program's default service rates shall be set and publicly noticed at least 30 days in advance of any rate change. In the event that Hudson Community Power elects to partner with the Coalition for the provision of service, the Coalition will coordinate with Hudson's Board of Selectmen and Electric Aggregation Committee in such notices.

### ***Enrollment Process and Options***

Hudson Community Power intends to launch on an opt-out basis, providing an alternative default service to the utility provided default service rate. After approval of this Electric Aggregation Plan and before the launch of Hudson Community Power, all customers in the town will be sent notifications regarding the program and offered the opportunity to participate:

- **Customers currently on default service provided by Eversource** will be sent "opt-out" notifications — describing the program, its implications for the town, the rights and responsibilities of customers, and program rates and charges — with instructions on how to decline participation, and thereafter be transferred to Hudson Community Power if they do not opt-out of the program prior to launch.
- **Customers already served by Competitive Electric Power Suppliers** will receive "opt-in" notifications describing the program and may request to opt-in to the program.

[If the electric distribution utilities have not fully implemented Public Utilities Commission rules and procedures governing Community Power Aggregation service, certain groups of customers on default service provided by the utilities may need to be offered service on an opt-in basis, and/or offered service on an opt-out basis at a future date. For example, if the utilities are unable to reliably provide the data on customer-generators necessary to offer Net Energy Metering \(NEM\) rates and terms, then the program may initially choose to not enroll customer-generators on an opt-out basis, as doing so could risk negatively impacting NEM customer billing and crediting procedures.](#)

For details on how net metering customers can participate in Hudson Community Power, see [Attachment 5](#) and [Attachment 6](#).

Customers will be notified through a mailing, which will be posted not less than 30 days prior to the enrollment of any customers. All information will be repeated and posted at the town's Community Power website. A public information meeting will be held within 15 days of the notification to answer program questions or provide clarification.

Optional products, such as increased renewable power content in excess of the Renewable Portfolio Standard (RPS) content of the program's default product and other energy services, may be offered on an opt-in basis.

After launch and in accordance with any applicable rules and procedures established by the Public Utilities Commission, new customers will be provided with the default service rates of Eversource and Hudson Community Power and will be transferred onto Hudson Community Power's default service unless they choose to be served by Eversource or a Competitive Electric Power Supplier.

Customers that request to opt-in to the program may do so subject to the terms of Hudson Community Power.

Residents, businesses, and other electricity customers may opt-out of participating in Hudson Community Power default service at any time, by submitting adequate notice in advance of the next regular meter reading by Eversource (in the same manner as if they were on utility provided default service or as approved by the Public Utilities Commission).

Customers that have opted-in to an optional product offered by Hudson Community Power may switch back to the Eversource or to take service from a Competitive Electric Power Supplier subject to any terms and conditions of the optional product.

### **Rights and Responsibilities of Program Participants**

All participants will have available to them the customer protection provisions of the law and regulations of New Hampshire, including the right to question billing and service quality practices.

Customers will be able to ask questions of and register complaints with the town, Eversource and the Public Utilities Commission.

Hudson Community Power shall maintain the confidentiality of individual customer data in compliance with its obligations as a service provider under RSA 363:38 (privacy policies for individual customer data; duties and responsibilities of service providers) and other applicable statutes and Public Utilities Commission rules. Individual customer data includes information that singly or in combination can identify that specific customer including the individual customers' name, service address, billing address, telephone number, account number, payment information, and electricity consumption. Such individual customer data will not be subject to public disclosure under RSA 91-A (access to governmental records and meetings). Suppliers and vendors for Hudson Community Power will be contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b). [Attachment 10](#), *Customer Data Protection Plan*, details the reasonable security procedures and practices that the Town and Hudson Community Power will employ to protect individual customer data from unauthorized access, use, destruction, modification, or disclosure.

Aggregate or anonymized data that does not compromise confidentiality of individual customers may be released at the discretion of Hudson Community Power and as required by law or regulation.

Participants will continue to be responsible for paying their bills. Failure to do so may result in a customer being transferred from Hudson Community Power back to Eversource (the regulated distribution utility and provider of last resort) for default energy service, payment collections and utility shut offs under procedures subject to oversight by the Public Utilities Commission.

### **Net Metering and Group Net Metering Policies**

Under the net metering process, customers who install renewable generation or qualifying combined heat and power systems up to 1,000 kilowatts in size are eligible to receive credit or compensation for any electricity generated onsite in excess of their onsite usage.

Any surplus generation produced by these systems flows back into the distribution grid and offsets the electricity that would otherwise have to be purchased from the regional wholesale market to serve other customers.



Currently, customer-generators are charged their full retail rate for electricity supplied by Eversource and receive credits for electricity they export to the grid based on Eversource's Net Energy Metering (NEM) tariffs.

Hudson Community Power intends to provide new rates and terms that compensate participating customer-generators for the electricity supply component of their net metered surplus generation.

Customer-generators will continue to receive any non-supply related components (e.g., transmission and distribution credits) directly from Eversource, as specified under the terms of their applicable net energy metering tariff.

For group net metering where the host customer-generator is on default service, to the extent Hudson Community Power's supply rates are lower than Eversource's default service rate or if the host is located outside of Hudson, it may be most advantageous for the host to remain an Eversource default service customer, while the other group members are free to switch to Hudson Community Power for their supply and continue to receive on-bill credits for their participation in the group.

Hudson Community Power's exact terms, conditions, and rates for compensating and crediting different types of NEM customer generators in the town will be set at duly noticed public meetings and fully disclosed to all prospective NEM customers through the program's enrollment notification process and thereafter.

Certain aspects of administering net energy metering require coordination between Eversource and Hudson Community Power. The enabling services and strategies that Hudson Community Power may pursue, in order to benefit and encourage customers to adopt distributed generation, include but are not limited to:

- Dual-billing customer-generators separately for supply services;
- Offering time-varying rates and alternative credit mechanisms to compensate customers for surplus generation;
- Streamlining the establishment of new Group Net Metering and Low-Moderate Income Solar Project groups;
- Facilitating interval meter and Renewable Energy Certificate (REC) meter installations for customer-generators; and
- Engaging at the Legislature and Public Utilities Commission to advocate for upgrades and reforms to metering and billing infrastructure and business processes to enable Net Energy Metering and other innovative services to benefit customer-generators.

For additional details regarding these enabling services and strategies, refer to:

- [Attachment 5](#) provides an overview of Eversource's net energy metering tariffs in use today, including the "standard" and "alternative" tariffs for individual customer-generators as well as Group Net Metering and Low-Moderate Income Solar Project options, and tables showing the number of customer-generators on net metered service in each utility territory;
- [Attachment 6](#) provides an in-depth discussion regarding operational and strategic opportunities to enhance net metering and group net metering through Hudson Community Power.

### **Ensuring Discounts for Electric Assistance Program Participants**

Income eligible households can qualify for discounts on their electric bills under the Electric Assistance Program. Hudson Community Power will support income eligible customers who enroll in the Electric Assistance Program to receive their discount.

Electric Assistance Program discounts are funded by all ratepayers as part of the System Benefits Charge, which is charged to all customers and collected by the distribution utilities.

At present, the Public Utilities Commission and utilities only support provision of the discount to individual customers when the customer's electricity supply charges are billed through the distribution utility.

Hudson Community Power consequently plans to rely on Eversource to bill all customer accounts enrolled in the Electric Assistance Program, which may include Eversource bills with a line-item for Hudson Community Power provision of energy supply. This represents no change in the provision or funding of this program.

This arrangement may be revisited if, at some point in future, the Public Utilities Commission enables Community Power programs to provide Electric Assistance Program customers with their discount directly.

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### **Termination of the Program**

There is no planned termination date for Hudson Community Power.

Hudson Community Power may be terminated by majority approval of the voters at a Town meeting. If so terminated, Hudson Community Power would cease operations after satisfying any obligations contractually entered into prior to termination, and after meeting any advance notification period or other applicable requirements in statute or regulation, at which point participating customers would either be transferred to default service provided by Eversource or to a Competitive Electric Power Supplier of their choosing.

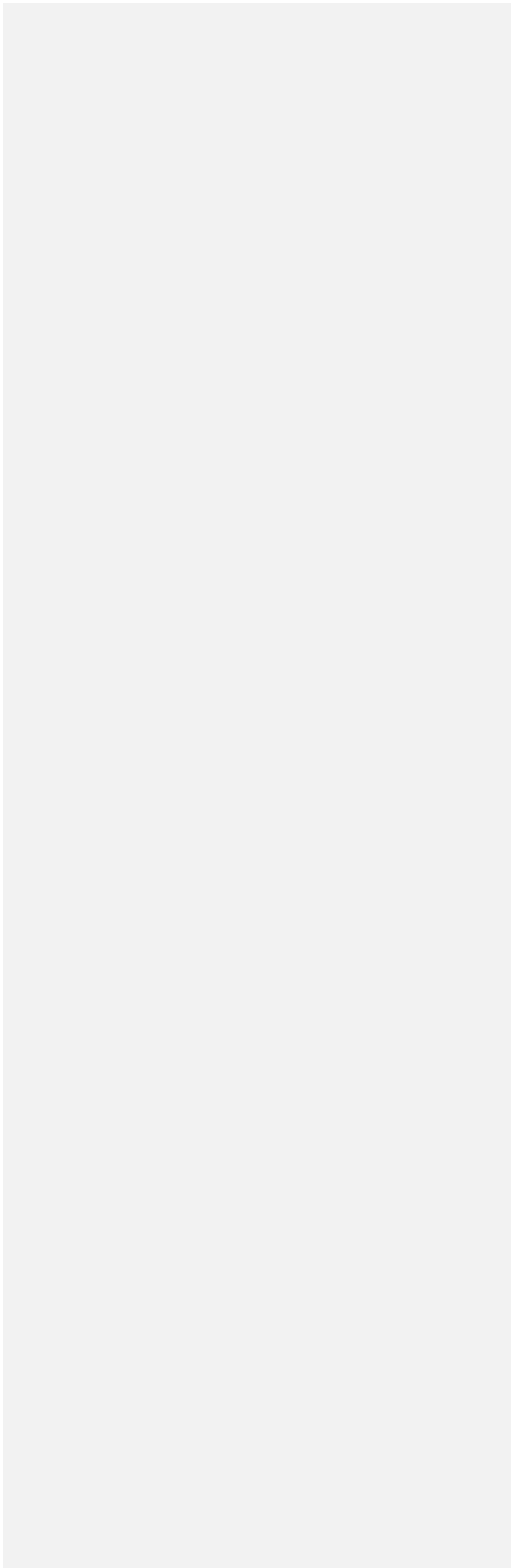
Hudson Community Power will provide as much advance notice as possible regarding the potential or planned termination of the program to participating customers, the Coalition, the Public Utilities Commission and Eversource.

Upon termination, the balance of any funds accrued in the program's financial reserve fund and other accounts, if any, would be available for distribution or application as directed by the Board of Selectmen and in accordance with any applicable law and regulation.

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**Attachments**



## **Attachment 1: Legislative Background and Local Control Authorities**

In 1996, New Hampshire led the nation in being the first state to pass an Electric Utility Restructuring Act ([RSA 374-F](#)), the purpose of which is excerpted in full below:

- I. *The most compelling reason to restructure the New Hampshire electric utility industry is to reduce costs for all consumers of electricity by harnessing the power of competitive markets. The overall public policy goal of restructuring is to develop a more efficient industry structure and regulatory framework that results in a more productive economy by reducing costs to consumers while maintaining safe and reliable electric service with minimum adverse impacts on the environment. Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services.*
- II. *A transition to competitive markets for electricity is consistent with the directives of part II, article 83 of the New Hampshire constitution which reads in part: "Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it." Competitive markets should provide electricity suppliers with incentives to operate efficiently and cleanly, open markets for new and improved technologies, provide electricity buyers and sellers with appropriate price signals, and improve public confidence in the electric utility industry.*
- III. *The following interdependent policy principles are intended to guide the New Hampshire public utilities commission in implementing a statewide electric utility industry restructuring plan, in establishing interim stranded cost recovery charges, in approving each utility's compliance filing, in streamlining administrative processes to make regulation more efficient, and in regulating a restructured electric utility industry. In addition, these interdependent principles are intended to guide the New Hampshire general court and the department of environmental services and other state agencies in promoting and regulating a restructured electric utility industry.*

Prior to this point, state regulators set retail customer rates to allow electric utilities to recover profits and prudently earned costs for "vertically integrated" monopoly service — spanning wholesale electricity generation, transmission, local distribution and retail customer services (metering, billing, collections, call center operations and so on).

Restructuring sought to increase competition and technological innovation in the markets for wholesale electricity supply and retail customer services, by requiring electric utilities to divest of their generation portfolios, creating a Federally regulated regional electricity market or "Independent System Operator" (ISO New England is the market operator for New England), and allowing Competitive Electric Power Suppliers (CEPs) to offer electricity supply rates and other services to retail customers.

Customers that did not choose a competitive supplier were left on "default service" provided by the electric utilities — afterwards referred to as "electric distribution companies" — which continue to be regulated by the Public Utilities Commission. The distribution utilities periodically hold

auctions for competitive suppliers to bid against one another for the right to supply electricity to default service customers in large groups to competitive suppliers. (Refer to [Attachment 4](#) for additional details on this process.)

### Status of the Competitive Market

Nearly a quarter century has passed, and New Hampshire’s competitive market has seen little growth since 2013. Four out of five customers remain on default service provided by the distribution utilities, and the customers that are on competitive supply only account for about half of total electricity usage.

Regulated distribution utilities continue to provide services that are not natural monopolies, and could therefore be available by competitive means, such as: default electricity supply, metering, meter data management, billing and other retail customer services (such as demand response and energy storage for smaller customers).

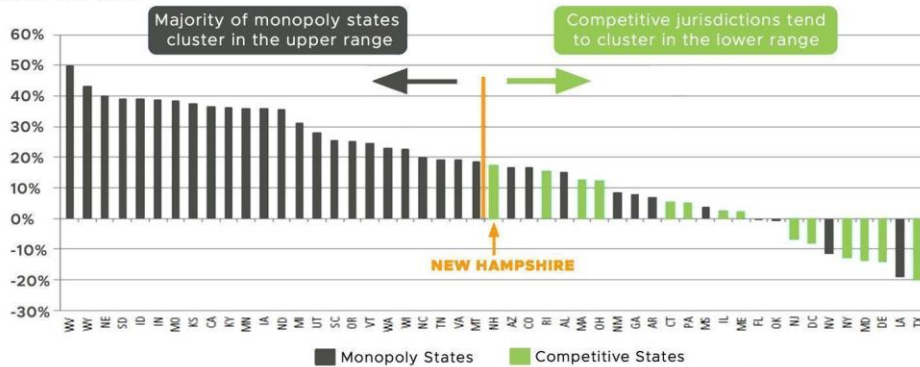
The continued reliance on utilities to provide these customer-facing services has necessitated state regulation over many aspects of the retail customer market. Utility regulation relies on administrative regulatory proceedings, which are necessarily more slow-moving and unable to respond to changing customer technologies and wholesale market dynamics (such as the increased price volatility caused by higher levels of renewable generation) compared to the nimbler, market-based framework envisioned under the Electric Utility Restructuring Act.

Residential customers, in particular, are not offered many rate options or clean technology innovations today: out of the 29 competitive suppliers currently offering service in New Hampshire, only nine offer service to residential customers (and only four serve customers in every distribution utility territory).

As a consequence, New Hampshire has fallen behind every other state with a restructured electricity market in terms of price competition:

#### All Sector Price % Price Change by State, 2008-2019

Source: EIA 861M



Credit: Retail Energy Supply Association, 2020.

## The Community Power Act

In order to support the growth of competitive market services in alignment with The Electric Utility Restructuring Act, [RSA 53-E](#) (as modified by Senate Bill 286 and House Bill 315) authorizes towns, cities and counties to launch Community Power programs that replace distribution utilities as default suppliers of electricity to retail customers. The purpose of RSA 53-E is excerpted below:

*“The general court finds it to be in the public interest to allow municipalities and counties to aggregate retail electric customers, as necessary, to provide such customers access to competitive markets for supplies of electricity and related energy services. The general court finds that aggregation may provide small customers with similar opportunities to those available to larger customers in obtaining lower electric costs, reliable service, and secure energy supplies. The purpose of aggregation shall be to encourage voluntary, cost effective and innovative solutions to local needs with careful consideration of local conditions and opportunities.”*

To achieve this purpose, RSA 53-E:3 allows Community Power programs to enter into agreements and provide for:

*“the supply of electric power and capacity; demand side management; conservation; meter reading with commission approval for meters owned or controlled by the electric distribution utilities or used for load settlement; customer service for aggregation provided services; other related services; and 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.”*

RSA 53-E further provides Community Power programs with authorities and regulatory pathways to offer more advanced meters for customers, and to provide for alternative customer billing options. Both metering and billing services are important means by which Community Power programs will be able to better engage customers and offer more innovative services that lower the energy expenditures and carbon emissions for individual customers and communities.

To enable all municipalities to work together to achieve this purpose, RSA 53-E:3 provides that *“such agreements may be entered into and such services may be provided by a single municipality or county, or by a group of such entities operating jointly pursuant to [RSA 53-A](#).”*

To ensure that utilities are fairly compensated for their continuing role in owning and operating the distribution grid, RSA 53-E:4(III) stipulates that:

*“Transmission and distribution services shall remain with the transmission and distribution utilities and who shall be paid for such services according to rate schedules approved by the applicable regulatory authority, which may include optional time varying rates for transmission and distribution services that may be offered by distribution utilities on a pilot or regular basis.”*

The law further provides that Community Power programs *“shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.”*

Enabling locally controlled Community Power programs, in order to exercise local control over these authorities and bring in third-party competitors to provide more innovative services on a community-wide scale, represents a viable and stable pathway to animate competitive retail

markets across New Hampshire — and thus realize a lower-cost, more innovative and sustainable future for both our community and all Granite Staters.

Hudson is committed to using its local control authorities granted under RSA 53-E to accelerate innovation, customer and community choice in electricity supply, the creation of new economic value, and a sustainable and resilient future for our town and customers.

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## **Attachment 2: The Community Power Coalition of New Hampshire**

Hudson is a member of the Community Power Coalition of New Hampshire (“CPCNH” or “the Coalition”), a nonprofit joint powers agency authorized under RSA 53-A and governed by participating communities under the terms of the Joint Powers Agreement.

The Coalition was incorporated as a governmental instrumentality and non-profit on October 1st, 2021, to provide for the launch and operation of Community Power Aggregation (CPA) programs on behalf of our Members throughout the state. CPCNH intends to launch power supply services in April to May 2023.

CPCNH will be funded through customer revenues, with no taxpayer subsidies. By law, each member’s CPA program is funded through program revenues; CPCNH’s budget is completely separate from the general funds of participating local governments. CPCNH’s participating local governments will share the administrative and general costs of CPCNH on a pro-rata basis, and to elect to share costs, on an individual basis, for operational services, pooled power purchases, and energy project development contracts.

CPCNH also engages at the Legislature and Public Utilities Commission on behalf of its members on matters related to energy and Community Power.

CPCNH will benefit Member communities by providing for the supply of cleaner and more locally produced electricity, innovative retail distributed energy and demand flexibility programs, policy engagement and public advocacy, competitive rates for residents, businesses, and municipal facility customers, and economic investment through the development of local programs, projects, and energy infrastructure.

Most, if not all, members anticipate relying on CPCNH as an energy services provider, for the provision of all-requirements electricity and retail customer services on behalf of their CPA programs, which will operate across all four distribution company service territories in the state: Eversource, Unitil, Liberty Utilities and the New Hampshire Electric Co-Op.

### **Governance Structure**

CPCNH is governed in accordance with our Joint Powers Agreement, and overseen by a Board of Directors composed of the representatives appointed by participating local governments. CPCNH’s Board and committee meetings are subject to New Hampshire’s Right to Know Law and open to the public.

Going forward, the Board will be elected by vote at the Annual Meeting of the Members, which is held every April, and will be composed of between eleven and twenty-one Directors elected from amongst the member representatives.

At present, the Board of Directors is currently composed of representatives (elected officials, municipal staff and volunteers serving on local energy committees) appointed by each of our local government Members to serve as either a Director or Alternate Director (each member has only one vote):

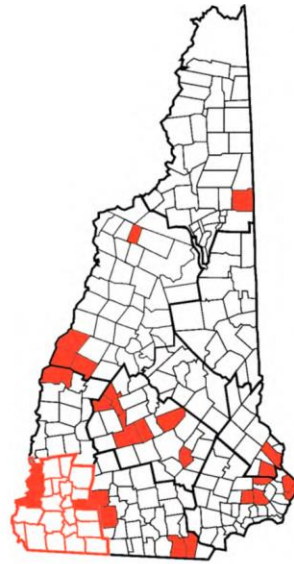


4. **Risk Management Committee:** monthly and as-needed meetings of 8 members. Responsible for overseeing CPCNH’s competitive solicitation for services and credit support, for overseeing energy portfolio risk management procurement decisions, and for understanding and advising upon enterprise risk factors and mitigating strategies more broadly.
5. **Regulatory and Legislative Affairs Committee:** as-needed meetings of 4 members. Responsible for monitoring and advising CPCNH and its Members regarding regulatory and legislative engagement, and for appointing representatives of the Corporation to serve on statutory commissions, study commissions, and other boards and commissions created by the state legislature.
6. **CEO and Staff Search Committee:** as-needed meetings of 4 members. Responsible for developing a solicitation and hiring process for Board review and approval in preparation for hiring a CEO and key staff.
7. Additionally, prior to the launch of CPA programs, the Board will create an **Audit Committee** and **Governance Committee**, as required standing committees per our Joint Powers Agreement.

**Member Service Territory**

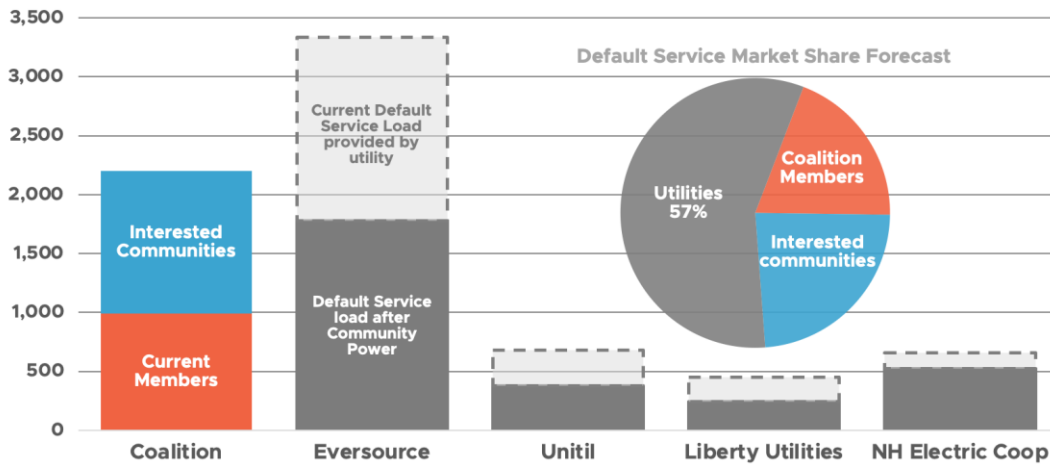
CPCNH’s twenty-seven current municipal members, which represent approximately 21% of New Hampshire’s population, intend to launch CPA programs in the next one to two years.

- The first wave of CPA programs is slated to launch between April and May of 2023, with service expansion to all current member territories thereafter (likely Q2 2024).
- At this point, CPCNH may serve ~110,000 customer accounts, provide ~900,000 MWh of electricity, and produce revenues of up to ~\$365 million per year (assuming full Member participation and retail pricing based on default utility rates in the current year).
- Over 30 additional local governments have expressed interest in joining CPCNH, which would increase representation to ~50% of New Hampshire’s population.
- CPCNH subsequently expects relatively robust member recruitment, and the launch of dozens of new CPA programs in next two to three years.



Consequently, as shown in the graph on the next page, CPCNH is positioned to become the largest default supplier of electricity in New Hampshire:

## Default Supply Service by Utility vs. Coalition (forecasted gigawatt-hours of electricity purchases)



### Organizational Capacity

The Coalition’s Board, committees, and executive team bring a great breadth and depth of experience to the organization with professional backgrounds that support CPCNH’s mission.

CPCNH is also supported by outside General Counsel (Michael Postar of DWGP, P.C., with NH advice from Eli Emerson of Primer Piper, P.C.) and two professional consultants (Henry Herndon, of Herndon Enterprises, for member services, and Samuel Golding of Community Choice Partners, for technical advice and support).

Most recently, CPCNH has concluded a competitive solicitation for services and credit support and has executed contracts for \$750,000 in startup funding, \$9.5 million in credit support, and ~\$8 million to ~\$9 million in professional services to operate the power agency and expand CPCNH’s membership over the next three years:

1. Ascend Analytics: energy portfolio risk management and procurement services, credit support (three lines of credit providing \$6 million for LSE and wholesale requirements, \$2.5 million for Ascend’s invoices, and \$1 million for non-Ascend third-party invoices), and overall implementation management and oversight (CPCNH’s critical path analysis is online here; refer to pp. 37-54).
2. Calpine Energy Solutions, for \$750,000 in startup funding and retail customer services: for Load Serving Entity (LSE) services, utility electronic data interchange (EDI), retail data management, and call center operations.
3. River City Bank, for secure revenue “lockbox” account administration and various commercial banking services.
4. Clean Energy New Hampshire for member and community relations, media strategy and engagement, and related administrative services.

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[CPCNH's committee award reports and winning response materials are online here.](#)

[CPCNH is in the process of contracting for accounting services, to implement an accounting system and controls for CPCNH.](#)

### **Staffing Strategy**

[CPCNH contracted with True Search for Executive Search Services to support hiring a CEO and aims to hire a CEO in the first quarter of 2023. The Board will support the CEO in filling key functional roles with highly qualified staff in managerial positions to provide oversight and initiative that guide's the evolution of the agency.](#)

[CPCNH anticipates that the CEO will recommend prioritizing staff capacity in the follow areas of expertise:](#)

- [Financial Management: Treasury support, budgeting, cash flow analysis, rate setting, financial controls and compliance, and reserve management.](#)
- [Retail Services: retail customer products and services, key account management and retention, and local programs.](#)
- [Energy Portfolio Management: contract valuation, procurement, power purchase agreements, portfolio strategy, and energy risk management analytics and reporting.](#)
- [Information Technology: enterprise data management and analytics.](#)
- [Regulatory and Legislative Affairs: engagement with the Legislature, NH Department of Energy, Office of the Public Advocate, Public Utility Commission, distribution utilities, and other stakeholders on energy policy and market issues impacting CPAs.](#)

### **Regulatory and Legislative Engagement**

[CPCNH carries out public information campaigns and routinely engages at the Legislature and Public Utilities Commission, often alongside the NH Office of Consumer Advocate, to advance consumer interests and protect and expand the authorities of our Members. Board Chair Clifton Below, Assistant Mayor of the City of Lebanon, often leads the agency's regulatory and legislative engagement activities. Recent initiatives include:](#)

- [Authoring the Community Power Aggregation Act, Senate Bill 286 \(2019\).](#)
- [Leading the informal rule drafting process for CPA administrative rules at the Public Utilities Commission by providing initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and helping to lead stakeholder workshops at the request of Commission staff.](#)
- [Negotiating amendments to House Bill 315 \(2021\), which would have substantially changed and weakened CPA authorities as-introduced, to instead clarify and expand key CPA authorities — including by authorizing a Purchase of Receivables program. \(Refer to CPCNH.\)](#)
- [Drafting the CPA administrative rules and leading a public stakeholder process to negotiate final rule language which was adopted by the Commission \(docket DRM 21-135\).](#)
- [Intervening to advocate for the creation of a Statewide Data Platform to enable Green Button access to electricity and natural gas retail customer data, and to negotiate a settlement —](#)

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recently adopted by the Commission — under which the platform would be governed by a Governance Council of representatives that includes Chair Below on behalf of CPAs and municipalities across the state (docket DE 19-197).

- Advancing legislation, through multiple legislative sessions, that would properly credit CPAs sourcing power from Distributed Energy Resources under 5 MW and for reducing costs from energy charges, transmission charges, and capacity charges (SB 321, 2022).
- Engaging on CPCNH’s behalf in Docket IR 22-053 regarding the evaluation of default utility procurement requirements and the potential impact due to CPAs, among other matters.

### **Purpose, Mission, Values & Power Enterprise Objectives**

CPCNH is guided by the requirements and processes provided for under our Joint Powers Agreement, the decisions of our Members and Board of Directors, and the considerations that operating a competitive power enterprise entails.

#### **Purpose of CPCNH**

The overarching objective of CPCNH is provided for in the Joint Powers Agreement:

The purpose of CPCNH is to promote the common good and general welfare by supporting the economic vitality and prosperity of local communities by enabling municipalities and counties to support and jointly exercise authorities granted to them pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D, all in accordance with NH RSA 53-A; to assist member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing Electric Aggregation Plans and Programs known as Community Power Aggregations (“CPAs”); to provide supportive services and technical assistance to community power aggregations serving member towns, cities, counties, unincorporated places, and village districts; and to support and promote public education and civic engagement by the residents and businesses of member communities in developing and implementing energy and climate policies and actions and the role of CPAs in advancing such policies and actions for the common good.

#### **Mission and Values**

CPCNH’s Board of Directors has subsequently adopted the mission and values below:

Our mission is to foster resilient New Hampshire communities by empowering them to realize their energy goals. CPCNH will create value for our Community Power member municipalities by jointly contracting for services, developing projects and programs together, educating and engaging the public, and advocating for communities and customers at the Legislature and Public Utilities Commission.

In carrying out its activities, CPCNH is guided by the following values:

1. Embody an inspiring vision for New Hampshire’s energy future.
2. Support communities to reduce energy costs and pursue economic vitality by harnessing the power of competitive markets and innovation.
3. Support communities to implement successful energy and climate policies and to promote the transition to a carbon neutral energy system.
4. Balance the interests of member communities who are diverse in demographics, geography and

their energy goals.

5. Use our shared expertise, leadership and skills to educate, empower and build the capacities of our members.
6. Help communities demystify the power sector to make informed decisions.
7. Facilitate collaboration and teamwork by championing diversity, equity and inclusion of people and communities of all kinds.

#### **Power Enterprise Objectives**

CPCNH's immediate objectives in implementing CPA supply service in April to May 2023 were summarized in the Coalition's prior solicitation for services and credit support:

While many of the broader benefits that CPCNH intends to create will be developed over time, the agency's immediate objectives are to:

1. Procure a reliable supply of all-requirements electricity, inclusive of Renewable Portfolio Standard requirements, and satisfy all load-serving entity obligations on behalf of participating customers.
2. Launch with default supply rates that "meet or beat" utility default service rates and maintain competitive default supply rates thereafter.
3. Accrue reserve funds sufficient to ensure Members' long-term financial stability.
4. Offer voluntary products that retail customers may opt-up to receive as well as Net Energy Metering supply rates that allow customer-generators to participate in the program.
5. Ensure individual customers have excellent customer service experience every time they interact with CPCNH regarding their electric service and all account transactions.
6. Guarantee that individual customer data is secure and protected against third party attacks, data breaches and inappropriate use.

#### **Coalition Energy Portfolio Risk Management, Rates, and Reserves Policies**

The Coalition's Members expect the agency to balance customer rate levels, renewable power content, and the accrual of program reserves on behalf of Member programs to meet their local policy objectives. The Board of Directors is incorporating these considerations and trade-offs regarding the prudent allocation of revenues into Energy Portfolio Risk Management, Rates, and Reserves policies, summarized as follows:

- **Energy Portfolio Risk Management Policy:** defines the risks associated with the procurement of the power supply, identifies those responsible for administering the various elements of the risk management policy (from procurement through daily operations and oversight), and sets policy parameters for managing, monitoring, and reporting on the risks associated with procuring and hedging the power supply portfolio. The policy will define the requirements and limits within which Members delegate their procurement authority to CPCNH.
- **Rates Policy:** ensures rates are set in a timely fashion to recover capital and operating costs of Member programs and that public notice and customer communication activities remain in compliance with statutory and Member Electricity Aggregation Plan requirements.

- **Financial Reserves Policy:** sets appropriate target levels (e.g., minimum and maximum contributions) to ensure CPCNH satisfies working capital requirements, procures energy at competitive rates, adheres to contractual covenants, covers unanticipated expenditures, supports rate stability, and progresses towards obtaining an investment grade credit rating. Member contributions to reserves will be tracked, and provided back to Members, pursuant to any contractual obligations, if and when they choose to cease participating in the Coalition.

### **Member Cost Sharing Agreement**

The Coalition's Joint Powers Agreement provides certain requirements regarding how costs will be tracked and shared across participating Community Power programs, which must be formalized in a Cost Sharing Agreement executed with each Member before the Coalition may provide services for their Community Power program, as follows:

- Costs will be tracked in three distinct categories: direct project costs, member services, and general and administrative costs (which are overhead costs that are not associated with any specific project or member service).
- Member cost-sharing agreements will be the same in all material respects: general and administrative costs will be allocated based on each Community Power program's share of total electricity usage each year, while each member will choose and separately pay for the costs of specific services and projects (under terms that reflect a fair allocation across all the members that chose the same services and projects).
- The debts, liabilities and obligations of the Coalition, and of other participating Community Power programs, will be non-recourse to Member communities (unless expressly agreed to by the Member under their Cost Sharing Agreement or a Project Contract).

### **Attachment 2: The Community Power Coalition of New Hampshire**

Hudson is a member of the Community Power Coalition of New Hampshire ("CPCNH" or "the Coalition"), a nonprofit joint powers agency authorized under RSA 53-A and governed by participating communities under the terms of the Joint Powers Agreement unanimously approved by Hudson's Board of Selectmen on November 9, 2021.

The Joint Powers Agreement is available on the Coalition's webpage (<http://www.cpcnh.org>). The agreement includes the nonprofit's Bylaws and Articles of Agreement, and details the common purpose, authorities, structure, Board of Directors, committees, cost sharing principals, liability protections, and other aspects of the organization.

The Coalition was incorporated on October 1, 2021 by the following founding local government Members: the cities of Lebanon, Nashua and Dover; the towns of Hanover, Harrisville, Exeter, Rye, Warner, Walpole, Plainfield, Newmarket, Enfield and Durham; and Cheshire County. Subsequent communities to have joined the Coalition's Membership include: the city of Portsmouth and the towns of Hudson, New London, Pembroke, Peterborough and Webster.

Each Member has appointed a Director and Alternate to serve on the Coalition's Board of Directors. The Board directly oversees the initial startup and implementation activities of the Coalition.



Municipalities that adopt the Joint Powers Agreement in the future may subsequently apply for membership in the Coalition under the terms and procedures provided for under the agreement.

Since incorporating, the agency has:

- Established an Executive Committee, Finance Committee, Member Operations & Engagement Committee, Risk Management Committee, Regulatory & Legislative Affairs Committee, and CEO & Staff Search Committee
- Received approximately \$135,000 in grants and donations to cover start-up administrative expenses and consulting services.
- Contracted for General Counsel legal services on an at-risk, deferred compensation basis (to be repaid after the launch of Community Power Aggregation (CPA) service) provided by Duncan Weinberg Genzer & Pembroke, P.C. with Eli Emerson from Primmer Piper Eggleston & Cramer as New Hampshire counsel.
- Contracted for technical consulting services provided by Community Choice Partners, Inc., with two-thirds compensation on an at-risk, deferred basis (to be repaid after the launch of CPA service).
- Contracted with Herndon Enterprises, LLC to provide organizational support and Member services.
- Issued a Request for Information and subsequent Request for Proposals for Comprehensive Services and Credit Support, both of which received numerous competitive responses from candidate service providers.

CPCNH intends to contract with qualified vendors and credit worthy suppliers to provide the services, credit support and electricity required to launch and operate member Community Power programs.

These third parties are expected to fund the upfront cost of implementing Community Power programs, the expense of which is expected to be amortized and recovered in the program's rates and charges to participating customers for a specified term. Similar at-risk and performance-based contract structures have been used to successfully launch and operate new joint powers agencies in other Community Power markets.

To ensure effective management of operations, as well as enhanced transparency and oversight, the Coalition plans to hire a small number of qualified staff.

### Coalition Design Process

The Coalition "Organizing Group" was initially convened in December 2019, with communities interested in Community Power meeting regularly to research national best practices and explore the viability of establishing a collaborative nonprofit to share services across municipalities and counties:

- The Coalition's initial Organizing Group consisted of the cities of Lebanon and Nashua, the towns of Hanover and Harrisville, and Cheshire County;
- Technical and community advisors included representatives from both Thayer School of Engineering and Tuck School of Business at Dartmouth, the Monadnock Sustainability Hub, Clean Energy New Hampshire, Growing Edge Partners and Community Choice Partners;
- Activities were carried out in four working group tracks: Governance Agreements, Regulatory

and Policy Engagement, Design and Implementation, and Community Engagement.

Members of the Coalition's Organizing Group have:

- Participated in the Community Power informal rule drafting process, including by providing the initial and subsequent draft rules for discussion, arranging bilateral meetings with utilities and other stakeholders, and leading significant portions of the subsequent stakeholder workshops at the request of Public Utilities Commission staff;
- Intervened in regulatory proceedings and legislative hearings to represent the interests of communities and customers, such as by advocating for expanded data access in the Commission's Statewide Data Platform docket, DE 19-197, and successfully negotiating the clarification and expansion of key Community Power authorities in House Bill 315;
- Assessed power agency design best practices — in terms of public governance and competitive operating models — by interviewing elected officials, senior staff and vendors operating Community Power programs in other states, along with representatives from public power associations (such as the American Public Power Association and the Vermont Public Power Supply Authority) and other industry experts; and
- Hosted a virtual summit on Community Power that was attended by over eighty representatives from thirty-one municipalities, collectively representing one quarter of the state's default electricity market.

The City of Lebanon, using grant funding and in collaboration with the Organizing Group executed legal, community engagement and professional service contracts to help formally establish and implement the Community Power Coalition of New Hampshire.

### **Joint Powers Agreement Drafting Process**

The Organizing Group began by surveying other Community Power states and the broader public power industry, assessed the legal and governance structure of a selection of successful nonprofit power agencies that provide services to multiple municipal members, and interviewed staff and elected officials involved.

After discussing joint governance issues and reviewing the governance documents of comparable entities, the Organizing Group created a draft Joint Powers Agreement for the Coalition in July 2020. In September 2020, the City of Lebanon and Town of Hanover, in collaboration with the Organizing Group, reviewed six responses to a Request for Qualifications and retained the legal services of Duncan, Weinberg, Genzer & Pembroke (DWGP). The firm was hired to provide advice on key aspects of joint power agency governance and to finalize the Coalition's Joint Powers Agreement, in compliance with RSA 53-A, with additional support provided by New Hampshire counsel on a subcontracted basis. DWGP are national leaders with over 50 years in public power legal guidance, and the project was led by DWGP President Michael Postar Esq.

The Joint Powers Agreement was finalized in December 2020.

### **Outreach and Implementation Process**

In February 2021, the City of Lebanon, using previously secured grant funding and in collaboration with the Coalition's Organizing Group, contracted with Henry Herndon (formerly the Director of

~~Local Energy Solutions at Clean Energy New Hampshire) and Samuel Golding of Community Choice Partners, Inc., to provide implementation support services prior to launch.~~

~~Mr. Herndon was enlisted to facilitate branding and policy communication efforts, draft and execute an outreach strategy, compile resources and support the fourteen founding members to formally incorporate the agency on October 1, 2021.~~

~~Mr. Golding was enlisted to advise on Community Power rule development at the Public Utilities Commission and other regulatory and legislative affairs, draft Electric Aggregation Plans and support municipalities through the local approval process, create educational materials and presentations, draft a business plan and budget for the Coalition, advise on Board policies and staffing, prepare vendor surveys and a request for proposals for the services and financing required to launch Community Power programs, and assist in the bid evaluation, award and contracting process.~~

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### **Attachment 3: New Hampshire’s Renewable Portfolio Standard**

New Hampshire’s Electric Renewable Portfolio Standard (“RPS”) statute, RSA 362-F, established the renewable energy policy for the State.

The RPS statute requires each electricity provider, including Eversource and Hudson Community Power, to meet a certain percentage of customer load by purchasing, generating or otherwise acquiring Renewable Energy Certificates (“RECs”):

- One REC represents the renewable attributes of one megawatt-hour of electricity, or the equivalent amount of useful thermal energy.
- RECs are generated by certified renewable energy facilities for power that is physically delivered into the New England wholesale electricity market operated by ISO-New England (which means the power can come from within New England, New York or eastern Canada).
- The New England Power Pool Generation Information System (NEPOOL GIS) issues and tracks RECs for the region.
- RECs are generally used for compliance in the same year as the renewable power was generated, though suppliers may “bank” RECs for up to two years to meet up to 30% of compliance requirements.

There are four distinct “classes” of renewable certificates under the RPS, each distinguishing between different technologies and dependent upon the year that the generators came online:

1. Class I is divided between thermal and non-thermal renewables:
  - Class I non-thermal electricity, from generators that came online after January 1, 2006: wind, solar, small hydroelectric, methane (biologically derived such as from anaerobic digestion of organic materials), biomass, hydrogen (from methane or biomass), ocean thermal, current, tidal or wave energy and also biodiesel (if produced in state).
  - Class I thermal energy, from generators that came online after January 1, 2013 (and are producing thermal energy, rather than electricity): geothermal, solar thermal, biomass and methane.
2. Class II: solar generation that came online after January 1, 2006
3. Class III: biomass & methane that came online before January 1, 2006
4. Class IV: small hydroelectric that came online before January 1, 2006

Electricity suppliers must obtain RECs for each of the four classes of renewables as a set percentage of their retail electric load, which increase on an annual basis (until plateauing after 2025, unless the RPS is raised in future):

<b>Compliance Year</b>	<b>Total RPS Requirement</b>	<b>Class I Non-Thermal</b>	<b>Class I Thermal</b>	<b>Class II Solar</b>	<b>Class III Biomass &amp; Methane</b>	<b>Class IV Small Hydro</b>
<b>2020</b>	<b>20.70%</b>	8.90%	1.60%	0.70%	8.00%	1.50%
<b>2021</b>	<b>21.60%</b>	9.60%	1.80%	0.70%	8.00%	1.50%
<b>2022</b>	<b>22.50%</b>	10.30%	2.00%	0.70%	8.00%	1.50%
<b>2023</b>	<b>23.40%</b>	11.00%	2.20%	0.70%	8.00%	1.50%
<b>2024</b>	<b>24.30%</b>	11.90%	2.20%	0.70%	8.00%	1.50%
<b>2025 onwards</b>	<b>25.20%</b>	12.80%	2.20%	0.70%	8.00%	1.50%

Note the following flexibilities in meeting Class I requirements:

- Class I non-thermal requirements may be met with Class I thermal biomass and methane resources;
- Class I requirements may also be met with Class III (biomass & methane, thermal and non-thermal) or Class IV (small hydroelectric, non-thermal) resources that have been restored through significant investment or have otherwise begun generating in excess of historic baselines; and
- Solar that came online after January 1, 2006 may be used to satisfy Class II or Class I requirements.

Additionally, net metered customers (primarily customers with solar photovoltaics) that meet certain registration and administrative requirements can track and sell their RECs (which are accounted for in NEPOOL's Generation Information System). Not all customers do, however, and the REC production from such customer generators are estimated by the Public Utilities Commission each year and applied to lower the Class I and Class II procurement requirements of the utilities and other suppliers. The impact of Community Power Aggregation on net metered customers is discussed in more detail in Attachment 5.

If the electricity providers are not able to meet the RPS requirements by purchasing or acquiring renewable energy certificates, they must pay alternative compliance payments (ACPs). The funds are used for a variety of renewable programs in New Hampshire.

The result is that these alternative compliance payment prices essentially act as a price ceiling for the REC market in New Hampshire. The ACPs for RECs by class in recent years are:

For example, Eversource, Unitil and the New Hampshire Electric Cooperative have recently made alternative compliance payments instead of purchasing certain categories of RECs:

For additional information on the Renewable Portfolio Standard, refer to:

- [New Hampshire's RPS statute \(RSA 362-F\)](#)
- [Public Utilities Commission RPS Website](#)
- [New Hampshire Renewable Energy Fund Annual Report \(1 October 2020\)](#)
- [UNH Sustainability Institute Study: New Hampshire RPS Retrospective 2007 to 2015](#)

## **Attachment 4: Utility Default Procurement Cycles and Rate Setting**

Hudson Community Power has a goal of maintaining competitive default rates compared to Eversource, while also offering voluntary products that retail customers may opt-in to receive.

The timing of the program's rate setting decisions and, to a certain degree, the procurement of electricity will need to consider when Eversource conducts these same activities (particularly for the program's default electricity product).

As context, Eversource, Liberty Utilities and Unitil all issue requests for proposals (RFPs) twice annually for competitive suppliers to assume load-serving entity obligations and supply default customers with electricity for 6-month "strip" periods, with suppliers bidding to serve individual "tranches" or segments of customers by class.

The procurement schedules, tranches and rate practices for each distribution utility are:

- **Eversource** (Public Service Company of New Hampshire): issues RFPs in May and November with bids due in early June and December for suppliers to begin serving customers in August and February, offering four ~100 MW tranches to serve small customers and a single tranche to serve large customers (five tranches in total). Retail rates are fixed over the 6-month period for small customers and vary by month for large customers.
- **Liberty Utilities**: follows the same supplier RFP schedule and retail pricing as Eversource but (1) solicits supply for small customers in a single 6-month block tranche and for large customers in two, consecutive three-month block tranches (3 tranches total), and (2) allows bidders to include and price RPS compliance obligations separately (as an additional product).
- **Unitil**: issues RFPs in March and August for delivery beginning in June and December, offering tranches of residential, small commercial, outdoor lighting and large customers classes (four tranches). The large customer RFP is structured in a distinct fashion, in that it passes through market costs for energy and so suppliers compete to price capacity, congestions, ancillary services, etc. for the large customer tranche over the 6-month term; retail rates reflect these load-serving entity costs along with the pass-through of real time locational marginal market prices (which are load-weighted by the entire class' hourly load shape i.e., not the individual large customer's usage profile). Retail rates for the residential, small commercial, and outdoor lighting classes are fixed over the 6-month term, though customers have the option to choose variable monthly pricing if the election is made prior to the start of the next 6-month term.

Supplier bids are priced in dollars per megawatt-hour (\$/MWh) on a monthly basis and generally exclude Renewable Portfolio Standard (RPS) compliance obligations (called "Renewable Energy Certificates" or "RECs"), though Liberty Utilities allows RECs to be bid as a separate product. Distribution utilities typically procure most or all of their supply of RECs through competitive solicitations held separately from the auctions for default electricity service.

New Hampshire's RPS requires all electricity suppliers to procure or otherwise obtain RECs for four distinct "classes" of renewables, each distinguishing between different technologies and dependent upon the year that the generators came online.

For 2022, Eversource is required to include 22.5% renewable energy in their energy supply. This minimum compliance requirement will increase incrementally to 25.2% by 2025 and remain fixed thereafter, absent an increase in the RPS.

Refer to [Attachment 3](#) for further details on the RPS.

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## **Attachment 5: Overview of Utility Net Energy Metering Tariffs**

### **Discussion of Utility Net Metering, Group Net Metering and Low-Moderate Income Solar Project Tariffs**

Under the net metering process, customers who install renewable generation or qualifying combined heat and power systems up to 1,000 kilowatts in size are eligible to receive credit or compensation for any electricity generated onsite in excess of their onsite usage.

Any surplus generation produced by these systems flows back into the distribution grid and offsets the electricity that would otherwise have to be purchased from the regional wholesale market to serve other customers.

The credits and compensation customer-generators receive for electricity exported to the grid are defined under Net Energy Metering (NEM) tariffs offered by Eversource, Liberty Utilities, Unitil and the New Hampshire Electric Co-op (NHEC). Note that:

- NHEC is member-owned cooperative and as such, its rules and regulations are approved by its Board of Directors and are not subject to regulation by the Public Utilities Commission. Additional information regarding NHEC's Net Energy Metering tariffs may be found online under their "[Terms and Conditions](#)".
- The Public Utilities Commission regulates the distribution utilities' Net Energy Metering (NEM) tariffs in accordance with [PUC Rule 900](#) and [RSA 362-A:9](#) (refer to [RSA 362-A:9, XIV](#) specifically for Group Net Metering statutes).

The remainder of this chapter concerns NEM tariffs regulated by the Public Utilities Commission. Note that:

- NEM tariffs offered by the utilities underwent a significant change several years ago;
- Customer-generators that installed systems before September 2017 may still take service under the "NEM 1.0" tariff ("standard" or "traditional" NEM); whereas
- Systems installed after August 2017 must take service under the "NEM 2.0" tariff ("alternative NEM")
- NEM 1.0 customers are allowed to switch to taking service under the NEM 2.0 tariff, but cannot subsequently opt-back to NEM 1.0 (with limited exceptions, e.g., participation in certain pilot programs).

Under both tariffs, customer-generators are charged the full retail rate for electricity supplied by Eversource and receive credits for electricity they export to the grid for some (but not all) components of their full retail rate. Refer to the next subsection for tables comparing NEM 1.0 to 2.0 tariffs.

To appropriately measure and credit customer-generators taking service under a NEM tariff, the utility installs a bi-directional net meter that records each kilowatt-hour (kWh) supplied to the customer from the grid and also each kWh that flows back into the grid. This data is recorded and collected on a monthly billing-cycle basis.

For NEM 1.0 tariff systems (installed before September 2017), any kWh exported to the grid are netted against kWh consumed. If there is a net surplus of kWh at the end of the monthly billing



period (i.e., more power was exported to the grid by the customer-generator than was consumed) those surplus or negative kWh are carried forward and can be used to offset future kWh consumption (so the customer only pays for their “net” energy consumption).

For NEM 2.0 tariff systems (installed after August 2017), all customer-generators receive a monetary credit for each kWh that is exported valued at 100% of their default electricity supply rate component for the month. Smaller systems (up to 100 kilowatts in size) additionally receive credits for 100% of the transmission component and 25% of the distribution component of their retail rate. (Larger systems, up to 1,000 kilowatts in size, only receive full credit for the electricity supply rate component.)

Note that most customer-generators in Hudson Community Power are expected to be taking service under NEM 2.0 tariffs going forward.

Any credits that accumulate over time are tracked and used to offset the customer-generator’s future electricity bills. Customers may also request to cash-out their surplus credit once a year, after their March billing cycle, if the balance exceeds \$100 (or any balance in the event of moving or service disconnection). NEM 1.0 surplus balances are tracked as kWh credits and are converted to dollars at wholesale avoided costs, while NEM 2.0 surplus balances are tracked as monetary credits directly (in dollars). Note that these cash-outs are treated as taxable income by the Internal Revenue Service (IRS). Payments of \$600 or more remitted to the customer are accompanied by a 1099 form for the IRS. Utilities may also issue IRS Form 1099s for smaller amounts.

Alternatively, Group Net Metering is a process that allows any customer-generator to share the proceeds of their surplus generation credits to directly offset the electricity bills of other customers, which is financially more advantageous and can increase the effective value of the system. All the members in the group need to be within the same distribution utility service territory but may be served by different suppliers. The credits are calculated based on the host site’s NEM tariff and retail rate, and payments are credited to offset the electricity bills of each member directly by the utility (assuming the utility is billing the customers for supply). These allocations are governed by a Group Net Metering Agreement between the host customer-generator and group members, which is part of the registration process overseen by the Public Utilities Commission.

Note that larger systems (up to 1,000 kilowatts in size) actually have to register as group hosts in order to qualify for net metering in the event that the customer-generator exports more than 80 percent of the power produced onsite to the distribution grid. Additionally, if the electricity exported from larger systems exceeds the total electricity usage of the group on an annual basis, the credit for the residual amount (e.g., electricity exported in excess of the group’s total usage) is re-calculated based on their utility’s avoided cost of electricity supply. This rate is lower than the NEM credit based on the customer-generator’s retail rate, and results in a downward payment adjustment issued by the utility to the host customer. Residential systems under 15 kilowatts, however, are not subject to this adjustment.

Most recently, a Low-Moderate Income (LMI) Community Solar Project option has been implemented under Group Net Metering. The program currently provides an incentive of 3 cents per kWh (dropping down to 2.5 cents after July 2021) in addition to the host site’s NEM credits, and solar systems may be either rooftop or ground-mounted systems. To qualify, groups must include at least five residential customers, a majority of which are at or below 300 percent of the federal

poverty guidelines, and non-residential customers cannot account for more than 15 percent of the total projected load in the group.

Lastly, all group hosts (except for residential systems under 15 kilowatts) must file an annual report with the Public Utilities Commission and their utility that includes the annual load of the host and members, annual total and net surplus generation of the host site system, and additional information for Low-Moderate Income Community Solar Projects.

In addition to NEM credits, all customer-generators have the option of selling the Renewable Energy Certificates (RECs) produced by their systems. This can provide an additional revenue stream to customer-generators, but requires a separate REC meter, registration and ongoing reporting requirement.

Alternatively, the Public Utilities Commission estimates the RECs that could be produced by all customer-generators who do not separately meter and sell their RECs and lowers the Renewable Portfolio Standard procurement requirements for all load-serving entities by an equivalent amount.

**Comparison of Utility “Standard” and “Alternative” Net Energy Metering Tariffs**

The tables below compare the two tariff structures, which offer different credits to customers depending on the size of their installed system:

**Net Energy Metering (NEM) Credit on Net Monthly Exports to Grid**

	<b>NEM 1.0</b> <i>“Standard NEM”</i> <i>Offered prior to 9/1/2017</i>	<b>NEM 2.0</b> <i>“Alternative NEM”</i> <i>Effective 9/1/2017</i>
<b>Large Systems</b> <i>100 Kilowatts to 1 Megawatt</i>	Full credit (at the customer’s retail rate) for electricity supply <u>only</u>	
<b>Small Systems</b> <i>≤ 100 Kilowatts</i>	Full credit for electricity supply, distribution, transmission, System Benefits, Stranded Cost & Storm Recovery charges	Full credit for electricity supply and transmission; 25% credit for distribution & no credit for other charges

As shown in the table above, levels of compensation for small customer-generators (with systems up to 100 kilowatts) were lowered, such that these customers no longer receive full compensation on their distribution rate component or several other small charges (e.g., the System Benefits, Stranded Cost and Storm Recovery charges).

Additionally, the NEM 2.0 tariff modified the type of credit, and the ways credits for surplus generation are tracked and refunded, for both small and large customer generators:

- Under NEM 1.0, any surplus generation would be tracked as a kilowatt-hour (kWh) credit, which was carried forward to offset the customer’s consumption (and bill) in future months. For any

kWh credits remaining on an annual basis (at the end of March each year), such customers have the option of either continuing to bank their credits to offset future usage, or to convert the kWh credit into a monetary credit, at a rate set by the Public Utilities Commission (typically ~3-4 cents per kilowatt-hour) and to apply the amount to their account or receive a check for the amount owed.

- Under NEM 2.0, kWh credits are automatically converted into a monetary credit every month, valued at the customer’s retail rate for that specific month. Customers have the option of either carrying the credit forward to offset to their electricity bill in future months or may receive the refund directly as a check.

The crediting mechanism under NEM 1.0 was relatively more advantageous for customers in one respect. Solar systems generate more power in the spring and summer months relative to other seasons; consequently, the credits that customer-generators would accrue during the summer months would offset their consumption in the winter months on a one-to-one, kWh per kWh basis. This is advantageous because winter supply rates are above summer rates on average.

In another respect, NEM 2.0 offers an advantage to customers that accrue surplus credits over the course of the year, because the surplus is calculated based on components of the customer’s retail rate — which is higher than the ~3-4 cents per kilowatt-hour value that is applied to convert NEM 1.0 kWh credits into a monetary credit whenever customers elect to cash-out their surplus.

These changes are summarized in the table below, and apply to all customer-generators regardless of system size:

<p><b>NEM 1.0</b>  <i>“Standard NEM”</i>  <i>Offered prior to 9/1/2017</i></p>	<p><b>NEM 2.0</b>  <i>“Alternative NEM”</i>  <i>Effective 9/1/2017</i></p>
<p>kWh credit carried forward.                      May be refunded at a rate calculated by the Public Utilities Commission (typically ~3-4¢ per kWh).</p>	<p>kWh converted to monetary credit automatically each month.                      Monetary credit carried forward as a bill credit or refundable.</p>

Additional details may be found in the Eversource, Liberty Utilities and Unitil tariffs and the Public Utilities Commission website:

- [Eversource Tariffs](#)
- [Unitil Tariffs](#)
- [Liberty Utilities Tariffs](#)
- [PUC overview of Net Metering](#)
- [PUC graphic explanation of NEM 1.0 vs. NEM 2.0.](#)

## Net Energy Metering Systems by Utility Territory

According to the most recent [Energy Information Agency \(EIA\) Form 861m data](#), there are about 11,000 customer-generators taking service under Net Energy Metering tariffs in New Hampshire, with a cumulative installed capacity of approximately 140 megawatts (in terms of nameplate capacity in alternating current, or “AC”). Estimated numbers of customer-generators and installed capacity by technology are summarized below:

- Solar photovoltaics: ~120 megawatts (MW) and 10,760 customer-generators; note that:
  - Group Net Metering accounts for an additional ~1.5 MW serving 56 customers; and
  - Sixteen residential customers, in addition to solar photovoltaics, also have battery storage systems with a cumulative capacity of 175 kilowatts (an average size of ~11 kilowatts per customer).
- Onsite wind: 412 kilowatts (kW) and 72 customer-generators.
- “Other” technologies (presumably, small hydro or qualifying combined heat and power systems, or “CHP”): ~17.5 megawatts (MW) and 55 customer-generators.

The table below provides the number of customer-generators in each distribution utility territory:

**Number of Net Metered Customer-Generators by Technology**

	Customer-Generators by Technology			Subsets of Solar PV Customers		
	Total	Wind	Other (CHP or Hydro)	Solar PV	Group Net Metering	Battery Storage
Eversource	7,949	37	52	7,860	21	0
Unitil	1,066	3	1	1,062	0	0
Liberty Utilities	724	1	0	723	22	16
NHEC	1,204	31	2	1,171	13	0
<b>Total</b>	<b>10,943</b>	<b>72</b>	<b>55</b>	<b>10,816</b>	<b>56</b>	<b>16</b>

The number of customer-generators by customer class with onsite solar photovoltaic systems, total installed capacity, and average solar system size in each utility territory are provided for reference in the tables below.

Note that these tables do not include Group Net Metered systems and participating customers within groups and reflect only installed solar photovoltaic system capacity (i.e., exclusive of onsite battery storage capacity).

**Net Metered Solar Photovoltaic Systems: Number of Customer-Generators**

	Residential	Commercial	Industrial	Total Customer-Generators
Eversource	7,195	630	35	7,860
Unitil	973	61	6	1040
Liberty Utilities	633	77	0	710
NH Electric Coop	1,065	81	4	1,150
<b>Total</b>	<b>9,866</b>	<b>849</b>	<b>45</b>	<b>10,760</b>

**Net Metered Solar Photovoltaic Systems: Total Installed Capacity (MW-AC)**

	Residential	Commercial	Industrial	Total Installed Capacity (MW-AC)
Eversource	54.15	29.66	5.09	88.91
Unitil	7.40	2.30	0.73	10.43
Liberty Utilities	4.78	5.12	0.00	9.90
NH Electric Coop	7.61	2.46	0.60	10.66
<b>Total</b>	<b>73.94</b>	<b>39.54</b>	<b>6.42</b>	<b>119.90</b>

**Net Metered Solar Photovoltaic Systems: Average System Size (kW-AC)**

	Residential	Commercial	Industrial	Average System Size (kW-AC)
Eversource	7.5	47.1	145.5	66.7
Unitil	7.6	37.8	121.2	55.5
Liberty Utilities	7.6	66.5	N/A	24.7

<b>NH Electric Coop</b>	7.1	30.3	149.0	62.2
<b>Average</b>	<b>7.5</b>	<b>45.4</b>	<b>138.6</b>	<b>52.3</b>

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## **Attachment 6: Hudson Community Power Net Metering, Group Net Metering and Low-Moderate Income Solar Project Opportunities**

Please refer to Attachment 5: [Overview of Utility Net Metering Tariffs](#) as context for this section.

[RSA 362-A:9,II](#) grants Community Power programs broad statutory authority to offer customer-generators new supply rates and terms for the generation supply component of Net Energy Metering (NEM). The relevant statutory authority is quoted in full below:

*“Competitive electricity suppliers registered under RSA 374-F:7 and municipal or county aggregators under RSA 53-E determine the terms, conditions, and prices under which they agree to provide generation supply to and credit, as an offset to supply, or purchase the generation output exported to the distribution grid from eligible customer-generators. The commission may require appropriate disclosure of such terms, conditions, and prices or credits. Such output shall be accounted for as a reduction to the customer-generators’ electricity supplier’s wholesale load obligation for energy supply as a load service entity, net of any applicable line loss adjustments, as approved by the commission. Nothing in this paragraph shall be construed as limiting or otherwise interfering with the provisions or authority for municipal or county aggregators under RSA 53-E, including, but not limited to, the terms and conditions for net metering.”*

Hudson Community Power intends to offer a NEM generation rate and terms to customers with onsite renewable generation eligible for net metering from Eversource. Note that any non-supply related components of the Net Energy Metering tariff (e.g., credits for transmission and distribution) will continue to be provided to customer-generators directly by their utility.

How Hudson Community Power calculates, accounts for, and provides NEM credits to participating customer-generators for the different types of eligible system sizes, customer types and group configurations will have a number of important financial and practical implications for the program and customers in the town.

Hudson Community Power also anticipates encountering practical challenges of an operational nature in administering net metering and group net metering programs. This is partly because net energy metering continues to evolve in response to new policy and regulatory requirements, and the day-to-day processes that govern the coordination between the program, participating customers and Eversource are subject to refinement and change over time.

In particular, Hudson Community Power will be one of the early default aggregation programs to launch in New Hampshire, and the process of transferring significant numbers of NEM customers may cause unanticipated issues due to the metering, billing and data management requirements of this subset of customers. Hudson Community Power will maintain close coordination with Eversource to expeditiously resolve any such issues that may occur.

For example, Hudson Community Power may decide to separately issue supply bills to customers that have installed systems after September 2017.

The advantage in dual-billing this subset of customers stems from what is essentially an accounting irregularity in how utility billing systems currently treats customer-generators taking service under the NEM 1.0 tariff, which applies to systems installed before September 2017, versus the NEM 2.0 tariff, which applies to all systems installed after that date. As context:

- The cumulative surplus generation exports of net metered customer-generators will decrease the amount of electricity that Hudson Community Power will have to purchase from the regional power market to supply other customers in the program. The surplus generation from both NEM 1.0 and NEM 2.0 customer-generators is tracked and netted out from the program's wholesale load obligations by Eversource for this purpose.
- However, for the purpose of netting out of the program's Renewable Portfolio Standard (RPS) compliance requirements, the surplus generation from NEM 1.0 customers is tracked and accounted for differently than it is for NEM 2.0 customers:
  - Surplus generation from NEM 1.0 customers is tracked as a kWh credit that is carried forward to offset the customer's future electricity supply requirements; these kWh credits will be counted as an offset that decreases the total electricity supplied by the program to retail customers in aggregate — which lowers the program's RPS compliance obligation.
  - Surplus generation from NEM 2.0 customers is tracked as a monetary credit that is carried forward to offset the customer's future electricity bills; even though the monetary credit is calculated each month based on every customer's kWh surplus generation, the monetary credit is treated as a re-sale or delivery of power generated by NEM 2.0 customer and provided to other participating customers through the program — it is not treated, in other words, as an offset that decreases the total electricity supplied by program to retail customers in aggregate — and therefore does not lower RPS compliance obligations in the same way.

The practical consequence of this accounting treatment is that Hudson Community Power would have to purchase Renewable Energy Certificates for the amount of surplus generation supplied by NEM 2.0 customer-generators (but not NEM 1.0 customer-generators) in the same way as if the program had imported that amount of electricity from the regional wholesale market.

- Taking on the responsibility of billing this subset of NEM 2.0 customers directly may allow Hudson Community Power to track and account for the impact of their surplus generation in ways that lower the program's RPS compliance obligations and costs. Specifically, the program could credit customers currently on the utility's NEM 2.0 tariff in the same way that NEM 1.0 customers are credited (i.e., using kWh credits to track surplus generation on the supply portion of the bill). Note that RSA 362-A:9,II explicitly grants Community Power programs the flexibility to offer net metered customers either:
  - A "*credit, as an offset to supply*" for their surplus generation, which is equivalent to the NEM 1.0 tariff accounting; or
  - To "*purchase the generation output exported*", which is equivalent to how the NEM 2.0 tariff tracks surplus generation.

Exercising the first option listed above, by offering NEM 2.0 customers a kWh credit tracked as an offset to supply, would allow Hudson Community Power to harmonize the accounting treatment of NEM 1.0 and 2.0 surplus generation for the purpose of program RPS compliance reporting. This would lower program rates and is an option that the program may therefore find cost-effective to implement.



Additionally, certain customer-generators currently receiving IRS Form 1099 taxable income from monetary credits paid out by their utility under NEM 2.0 tariff may benefit financially from receiving kWh credits for the supply portion of their monthly surplus generation instead.

While dual billing is typically avoided — as it is less convenient for most customers to receive a separate bill from their utility and supplier — customers with onsite generation systems tend to be highly informed on energy issues and respond positively to more active engagement with both their utility and supplier.

Consequently, dual billing may enhance customer satisfaction, awareness and ongoing participation in the program for customer-generators. Furthermore, dual billing could be done electronically, which is more convenient for the customer and less costly for the program than sending paper bills.

Furthermore, Hudson Community Power may be able to create additional value for customer-generators through a combination of dual billing, assistance with metering upgrades and time-varying rate structures. For example:

- Many customer-generators with solar systems may benefit from local programs that help them reduce their full energy bill costs;
- Providing the customer with a separate supply-only bill would allow Hudson Community Power to also offer a time-varying rate (which may not otherwise be available through Eversource's billing system);
- Upgrading to an interval meter (if the customer does not have one) and installing onsite battery storage, combined with a time-varying rate, may enable the customer-generator to further lower their overall bill by shifting their pattern of electricity usage at times of high-power prices and constrained generation and transmission capacity. This could also help to manage and lower the program's electricity supply costs in aggregate as well, and thus benefits all participating customers.

Similarly, Hudson Community Power may be able to streamline the process and cost of installing REC production meters, registering customer-generators and purchasing their RECs for the onsite power generated to satisfy part of the program's overall RPS compliance requirements. This would allow the program to source RECs locally and would provide an additional source of revenue for customer-generators in the town.

Hudson Community Power also intends to evaluate ways to enhance the value of the NEM credits that customers receive overall, from both the program and Eversource. For example, customer-generators may benefit by becoming hosts in Group Net Metering, including by establishing a Low-Moderate Income Solar Project group. The program may be able to streamline the process required to do so, which entails:

- Matching customers interested in becoming members with prospective group hosts;
- Executing a Group Net Metering Agreement together;
- Registering the group with the Public Utilities Commission and Eversource; and
- Thereafter filing annual compliance reports.

Lastly, NEM tariffs are subject to revision and Hudson Community Power, through the Coalition, intends to work with Eversource, participate in Public Utilities Commission proceedings and engage at the Legislature on issues that impact how the tariffs evolve going forward.

Customers are increasingly adopting new energy technologies and expect to be offered rates and services that provide them with new choices and fair compensation based on their investment; the program's ability to assist customers in these ways is heavily dependent on how state policies and utility regulations evolve over time.

Hudson Community Power will seek to represent the interests of our community and customers in these matters.

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## **Attachment 7: Hudson's Public Planning Process**

### **Hudson EAC**

The Hudson Electric Aggregation Committee (HEAC) was formed as a subcommittee of the Hudson Sustainability Committee on 10/14/21. Two Sustainability Committee members (Craig Putnam and Katherine (Kate) Messner) formed the initial membership of HEAC.

The Hudson Board of Selectmen signed the JPA on 11/9/21 and subsequently on 11/29/21 authorized the HEAC to represent Hudson to CPCNH. Craig Putnam was named as Hudson's CPCNH Director member & Kate Messner as the Alternate member. Hudson officially joined CPCNH on 12/16/21.

Hudson Electric Aggregation Committee is actively recruiting additional members. We are seeking to add approximately two homeowners and two business owners to work together with the two existing members on bringing Electric Aggregation benefits to residents and businesses in Hudson.

### **Drafting of the Hudson EAP**

The Town plans to bring Hudson Community Power to a vote in spring of 2023.

The Coalition-supplied template forms the basis for Hudson's Electric Aggregation Plan (EAP).

The Hudson Electric Aggregation Committee held several work sessions on the EAP during the summer of 2022.

### **Timeline**

No dates have been set yet for meeting particular milestones in the EAP approval process. A rough timeline exists though, as follows:

- Editing and reviewing of initial drafts of the EAP by HEAC (Spring '22)
- Bring draft of the EAP to the BOS (Summer '22)
- Interview candidate power provider organizations; do due diligence on these organizations (started Fall '20 and ongoing)
- Work with BOS, etc. to get EAP to a point where the BOS is happy with it (Summer & Fall '22)
- Develop materials for educating Hudson voters about CPA (Spring – Fall '22)
- Develop and submit warrant article (due to BOS by 11/1/22?)
- Conduct at least two public education sessions on CPA (Fall '22 & Winter '23)
- Town meeting (March '23)
- Town meeting (March '23)
- [ *The following assumes that the EAP is approved by Hudson voters...* ]
- Solicit information from, and then do due diligence on, candidate power provider and related services organizations (Spring '23)

- Recommend candidate power provider organization to the BOS (Summer – Fall '23)
- Work with BOS to partner with selected candidate power provider organization (Fall '23 – Winter '24)
- Stand up Hudson Community Power (Spring '24)

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**Commented [5]:** Revise as the process unfolds

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## **Attachment 8: Abbreviations**

### **Acronym   Meaning**

AC	Alternating Current (electric current that reverses direction many times a second at regular intervals; the N. American standard for power supply is 60 Hertz)
ACP	Alternative Compliance Payment (under the NH Renewable Portfolio Standard)
CEPS	Competitive Electric Power Suppliers
CHP	Combined Heat and Power
CPA	Community Power Aggregation
CPCNH	Community Power Coalition of New Hampshire (a.k.a. "The Coalition")
EAC	Electric Aggregation Committee
EAP	Electric Aggregation Plan
HCP	Hudson Community Power
HEAC	Hudson Electric Aggregation Committee
ISO-NE	Independent System Operator New England (the wholesale electricity market operator)
KW	Kilowatt (a measure of electrical capacity, equivalent to 1,000 watts of power)
kWh	Kilowatt-hour (a measure of electrical energy, equivalent to using or producing 1,000 watts for 1 hour, and typically used to refer to customer generation or onsite usage)
LSE	Load Serving Entity (see Attachment 10)
MW	Megawatt (a measure of electrical capacity, equivalent to 1,000,000 watts of power)
MWh	Megawatt-hour (a measure of electrical energy, equivalent to using or producing 1,000,000 watts for 1 hour, and typically used in reference to power plants or large aggregations of customers)
NEM	Net Energy Metering (tariffs that provide compensation for customer-generators)
NEPOOL GIS	The New England Power Pool Generation Information System (which issues and tracks Renewable Energy Credits)
NHEC	New Hampshire Electric Co-Op (a member-owned electric distribution cooperative)
NHPUC	New Hampshire Public Utilities Commission (which regulates NH's investor-owned electric distribution utilities: Eversource, Unitil and Liberty Utilities)
PV	Solar Photovoltaics
REC	Renewable Energy Credit (under the NH Renewable Portfolio Standard)

RPS New Hampshire’s Renewable Portfolio Standard (authorized under RSA 362-F)  
RSA Revised Statutes Annotated (refers to the codified state law of New Hampshire)

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## Attachment 9: How Load Serving Entity Services will be Implemented

Hudson Community Power will implement Load Serving Entity (LSE) services, for the purpose of procuring or selling electricity on behalf of customers participating in the aggregation.

This plan assumes, but does not require, that the Town will participate fully in and rely on the services provided through the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Hudson Community Power.

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### The Role & Responsibility of Load Serving Entities

A Load Serving Entity (LSE) is an entity that has registered with ISO New England (ISO-NE, the nonprofit regional wholesale electricity market operator) as a market participant and assumes responsibility for securing and selling electric energy and related services to serve the demand of retail customers at the distribution level (i.e., homes and businesses).

As context, every retail customer in New Hampshire (and across New England) is assigned to a specific Load Serving Entity at all times:

- Customers on utility default service are periodically re-assigned to whichever Competitive Supplier has won the utility's most recent auction or the utility as LSE.
- Similarly, customers are assigned to a different Load Serving Entity whenever they are transferred to CPA service on an opt-out default basis, choose to opt-in to take service from the CPA, or switch to a Competitive Supplier of their choosing.

Consequently, all Competitive Suppliers and Community Power Aggregators (CPAs) in New Hampshire are required to either:

1. Register as a Load Serving Entity with ISO-NE; or
2. Contract with a third-party that has agreed to be the Load Serving Entity responsible for the Competitive Supplier's or CPA's customers.

To ensure that customers receive firm power supply, there are a variety of services that need to be performed and electrical products that must be procured or otherwise provided. The required products and services are referred to as "all requirements energy" (or alternatively, "full requirements service").

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The role of Load Serving Entities is to provide, arrange for, or otherwise pay for the cost of providing all requirements energy to customers. The majority of these requirements are defined by the ISO-NE wholesale market operator, which is subject to Federal oversight, but certain requirements are defined by the state in which the LSE registers to serve customers (Renewable Portfolio Standard requirements, for example).

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In New Hampshire, full-requirements energy is defined as the provision or cost of (1) electrical energy, capacity, and reserves (including transmission and distribution losses); (2) ancillary services, congestion management, and transmission services (to the extent not already provided by the customer's utility); (3) the costs associated with complying with New Hampshire's Renewable Portfolio Standard (i.e., the cost of purchasing Renewable Energy Credits or, if an insufficient number of credits is procured, the cost of Alternative Compliance Payments); and (4) other services

or products necessary to provide firm power supply to customers (i.e., because the definition and requirements of the above products and services are subject to change over time).

Each of the above products and services is procured, provided, and accounted for in different ways, through market mechanisms and regulated processes that have been designed to accommodate the unique characteristics of the product or service in question.

Given the complex and capital-intensive nature of providing all requirements electricity to customers, Load Serving Entities are subject to significant state and Federal oversight, in terms of registration, reporting, and financial security requirements.

The web pages below provide current information regarding Load Serving Entity registration, financial security, and renewal requirements to operate in ISO-NE and New Hampshire:

- ISO-NE: [New Participant Registration Instructions](#)
- NH PUC: [Forms for Competitive Electric Power Suppliers and Electric Load Aggregators](#)
- Eversource: [Electric Information for Suppliers & Aggregators](#)
- Unitil: [Energy Supplier Resources](#)
- Liberty Utilities: [Become a Liberty Utilities Approved Supplier](#)
- New Hampshire Electric Cooperative: [Supplier Information](#)

### **Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)**

As noted earlier, the Town may decide to contract with CPCNH, as an all-requirements joint powers agency, for the provision of LSE services, all requirements energy supply and all other energy services required to implement and operate Hudson Community Power. The following information is specific to such a possible contractual relationship.

#### **CPCNH Provision of Load Serving Entity Services**

In 2022, on behalf of the Town and CPCNH's other Member communities, each of which are in various stages of authorizing Community Power Aggregations, CPCNH conducted a competitive solicitation process to solicit and contract for Comprehensive Services and Credit Support.<sup>4</sup>

As a result of the competitive solicitation process CPCNH selected and has contracted with Calpine Energy Solutions for Retail Data Management, Billing Services, and a number of other retail customer solutions. CPCNH selected and has contracted with Ascend Analytics for Portfolio Risk Management Services, credit support, and certain other services, including running a competitive RFP process to identify the best organization to provide LSE Services. An affiliate of Calpine Energy Solutions was selected as the most advantageous entity to provide LSE Services and CPCNH is in the process of finalizing arrangements and the contract for LSE Services, along with the other firms described in Attachment 2: Community Power Coalition of New Hampshire, Organizational Capacity to provide additional services required to launch and operate CPAs.

<sup>4</sup> CPCNH's Request for Proposals for Comprehensive Services and Credit Support, and additional supporting reference documentation, including the draft Business Plan for CPCNH, are posted online here: <https://www.cpcnh.org/solicitations>.

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## Responsibilities of the Town of Hudson

As a result of CPCNH’s successful solicitation and contracting strategy, the Town may now contract for and authorize CPCNH to provide comprehensive services and credit support (inclusive of LSE services) to implement and operate Hudson Community Power.

- LSE services may be implemented as follows: CPCNH may contract directly for LSE services with a third-party that is registered or will register with ISO-NE as a market participant and Load Serving Entity, satisfies all applicable financial security and other registration requirements with ISO-NE, the Commission, and NH’s distribution utilities, and has contractually agreed to assume responsibility for providing all requirements energy on behalf of Hudson Community Power’s customers.

Typically, such a third-party would additionally provide portfolio management services and credit support and assist CPCNH in structuring and maintaining a portfolio of physical and financial contracts to provide all requirements energy to participating customers. At a certain future point, CPCNH may be positioned to register with NEPOOL and ISO-NE as a market participant and Load Serving Entity directly.<sup>5</sup>

This implementation option essentially replicates the approach and structure employed by the New Hampshire Electric Cooperative, which actively manages an all-requirements energy portfolio, accrues financial reserves, and provides LSE services for default service customers.

Additionally, note that the Town of Hanover (whose Member director and alternate director are both members of CPCNH’s Risk Management Committee and participated in the proposal evaluations) is already a market participant and Load Serving Entity for the Town’s load obligations.

- CPCNH may alternatively contract with one or more Competitive Electric Power Suppliers to provide LSE services and all requirements electricity to customers at a pre-specified rate for a set length of time. Under this arrangement, the Competitive Supplier would either be the designated Load Serving Entity or would contract with a third-party that has agreed to be the Load Serving Entity responsible for the CPA’s customers.

This implementation option would essentially replicate the same approach and structure employed by NH’s regulated distribution utilities (Eversource, Unitil and Liberty Utilities), under which customers are periodically re-assigned to whichever Competitive Suppliers have won the utilities’ default service solicitations.

- CPCNH may also propose a combination of the above approaches for the Town’s consideration.

In the event that the Town does not contract with CPCNH to provide LSE and other services to Hudson Community Power, then the Town may contract to implement LSE services independently, either with a third-party LSE acting as the Town’s agent or with a Competitive Electric Power Supplier (CEPS) that contracts to provide LSE services for customers taking service from Hudson Community Power.

<sup>5</sup> Refer to CPCNH’s draft Business Plan for further details, available under RFP Reference Materials online at: <https://www.cpcnh.org/solicitations>

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The Town will ensure that contracts entered into provide for the implementation of LSE services and full requirement energy supply for customers participating in Hudson Community Power.

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## Attachment 10: Customer Data Protection Plan

Hudson Community Power will protect and maintain the confidentiality of Individual Customer Data in compliance with its obligations as a Service Provider under RSA Chapter 363 (RSA 363:38 and RSA 363.37 (“*privacy policies for individual customer data; duties and responsibilities of service providers and definitions*”) and other applicable statutes and Public Utilities Commission rules.

Individual Customer Data (ICD) includes information that is collected over the course of providing energy services to customers participating in Hudson Community Power and that, singly or in combination, can be used to identify specific customers, including: individual customer names, service addresses, billing addresses, telephone numbers, account numbers, electricity consumption data, and payment, financial, banking, and credit information.

As described herein, the Town of Hudson is responsible for ensuring that reasonable security procedures and practices are implemented and maintained to protect the confidentiality of Individual Customer Data from unauthorized access, destruction, modification, disclosure, or use.

This plan assumes, but does not require, that the Town will participate fully in the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Hudson Community Power.

### Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)

CPCNH is a Joint Powers Agency authorized under RSA 53-A (“*Agreements Between Governments: Joint Exercise of Powers*”) and RSA 53-E:3 (“*Municipality and County Authorities*”). CPCNH’s Joint Powers Agreement expressly authorizes the agency to:<sup>6</sup>

- “[C]omply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs”;
- “Make and enter into contracts” and “[m]ake and enter into service agreements relating to the provision of services necessary to plan, implement, operate, and administer CPCNH’s affairs”; and
- “[D]o all acts permitted... as well as any act necessary, consistent with New Hampshire law to fulfill the purposes” set forth under the agreement, which include assisting “member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing ... Community Power Aggregations”.

CPCNH has solicited for and contracted with third-parties to provide comprehensive services and credit support to launch Member CPA programs. CPCNH has adopted Energy Portfolio Risk Management, Retail Rates, Financial Reserves, and Data Security and Privacy policies to govern CPA operations.

<sup>6</sup> From Section 2.3, Powers, of the By-Laws of CPCNH, found at pages 21-22 of the JPA, available here: [https://www.cpcnh.org/files/ugd/202f2e\\_601bfada901c4a89a1c2812a0638090a.pdf](https://www.cpcnh.org/files/ugd/202f2e_601bfada901c4a89a1c2812a0638090a.pdf), and more specifically §2.3.11, §2.3.6, §2.3.9, and §2.3 introductory paragraph. Similar language is also in the Articles of Agreement.

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CPCNH's adopted Data Security and Privacy Policy is linked to below.<sup>7</sup> The policy defines the specific goals, requirements, and controls necessary to safeguard the confidentiality, integrity, and availability of confidential information

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CPCNH's Board has also adopted a Cost Sharing Agreement and Member Services Contract, which Members will execute prior to taking CPA service from CPCNH.

**CPCNH Request for Proposals for Comprehensive Services and Credit Support**

In April, 2022, CPCNH issued a Request for Proposals for Comprehensive Services and Credit Support and subsequently contracted with qualified third-parties to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate CPAs.

In November, 2022, CPCNH selected Calpine Energy Solutions, LLC to provide Retail Customer Services, inclusive of services required to ensure the confidentiality of ICD and executed a Master Professional Services Agreement with Calpine Energy Solutions, LLC. Services are inclusive of Member CPA start-up and customer enrollment support services, utility and Electronic Data Interchange (EDI) services, customer information system, customer call center and engagement support services, billing administration, and other services.

For additional information regarding the use of customer data, and expected operational needs of CPCNH, refer to (1) the RFP at pp. 20-23<sup>8</sup> and to (2) the RFP Addendum #2 (issued May 24, 2022), at pp. 11 in response to Questions 15.<sup>9</sup> The latter is excerpted below, and provides a concise summary of CPCNH's requirements to ensure the confidentiality of ICD:

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**Regarding Customer Privacy Compliance:**

RSA 53-E:4, VI, requires CPAs to maintain the confidentiality of individual customer information in compliance with their obligations as service providers under RSA 363:37 (Definitions) and RSA 363:38 ("Privacy Policies for Individual Customer Data; Duties and Responsibilities of Service Providers"). RSA 53-E:7, X also requires the Public Utilities Commission to adopt Administrative Rules for CPAs governing "access to customer data" and other matters.

Calpine Energy Solutions, LLC has demonstrate physical and cybersecurity readiness sufficient to ensure customer data is held in strict confidence — e.g., through audits in accordance with the American Institute of Certified Public Accountants Statements on Standards for Attestation Engagements No. 16 (SSAE 16) Service Organizational Controls (SOC) Reports, periodic network vulnerability assessments, etc. — and is contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b) and applicable Public Utilities Commission rules.

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Refer to the PUC's Adopted CPA Administrative rules (Chapter Puc 2200), specifically the definitions in Puc 2202.07 ("Confidential customer information") and Puc 2202.02 ("Anonymized"), and Puc 2205.02 ("Application of Puc 2000 to CEPS When Providing Electricity Supply to CPA Customers").

As CPCNH's retail customer services provider, Calpine Energy Solutions, LLC will comply with relevant portions of the PUC's current Administrative Rules for Competitive Electric Power

<sup>7</sup> CPCNH adopted Data Security and Privacy Policy: [https://drive.google.com/file/d/1oU9KvV20zAU85AYKOohifyGudG9bNX\\_V/view?usp=sharing](https://drive.google.com/file/d/1oU9KvV20zAU85AYKOohifyGudG9bNX_V/view?usp=sharing)

<sup>8</sup> [https://www.cpcnh.org/files/ugd/202f2e\\_e781638c123d4cf3977358f845081313.pdf](https://www.cpcnh.org/files/ugd/202f2e_e781638c123d4cf3977358f845081313.pdf)

<sup>9</sup> Pages 11-12 at [https://www.cpcnh.org/files/ugd/202f2e\\_8ceed8824453482c902a8a0fa1ab826c.pdf](https://www.cpcnh.org/files/ugd/202f2e_8ceed8824453482c902a8a0fa1ab826c.pdf).

Suppliers and Aggregators (Chapter Puc 2000). Refer to Chapter Puc 2000, Puc 2002.09 (definition of “Confidential Customer Information”) and Puc 2004.19 (“Protection of Confidential Customer Information”), which is proposed to apply to CEPS providing electricity supply service to CPA customers pursuant to Puc 2205.02 under the PUC’s CPA Administrative Rules.

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The Request for Proposals and evaluation process was overseen by CPCNH’s Risk Management Committee, composed of CPCNH Member municipality representatives, with additional support from (1) independent experts with experience operating Community Power Aggregation Joint Powers Agencies, and (2) CPCNH’s General Counsel, DWGP, P.C., a nationally recognized law firm with substantial expertise in the Community Power and broader public power industry.

CPCNH’s Risk Management Committee evaluated, ranked, and selected Calpine Energy Solutions, LLC as a vendor with a proven track record of successful qualification for EDI transactions and protection of confidential customer information, including what is characterized as ICD under RSA 363, and other relevant factors.

- Refer to CPCNH’s RFP at p.2 for a summary of the substantial domain expertise participating on the Risk Management Committee and proposal evaluation process.
- For example, the committee includes a Member Director who previously worked for Eversource for 26 years, where he was responsible for deploying and/or operating Eversource’s Customer Information System and day to day interface with competitive electric suppliers and was most recently the Director of Eversource’s Customer Center Operations.

**CPCNH Requirements to Access and Use of Individual Customer Data**

In CPCNH’s capacity as a service provider to the Town, the agency and third parties contracted through CPCNH to provide services to Hudson Community Power will need to access and use ICD for operational needs and for the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs on behalf of Hudson Community Power.

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Third parties under contract to CPCNH that may require access to ICD on behalf of Hudson Community Power may include CEPS (Competitive Electric Power Suppliers) functioning as Load Serving Entities (LSEs) for the supply of all requirements energy, or other third-party vendors providing Load Serving Entity (LSE) services on behalf of CPCNH, as well as portfolio management, Electronic Data Interchange (EDI), Customer Information System (CIS), billing, accounting, and related services, and other contractors and academic institutions under contract to support the research and development of potential new energy services to offer to customers participating in Hudson Community Power.

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Specific types of ICD that Hudson Community Power, CPCNH, and third parties under contract are expected to receive and possess include:

- Name, address, account number, and other information about electric customers within the Town for purposes of sending required notification of Hudson Community Power Commencement of Service and enrollment of customer in Hudson Community Power, consistent with Puc 2204.04, .05, and .06, as adopted by the PUC and the requirements of RSA 53-E:7, III, V, and VI.
- Individual customer information used for operation of Hudson Community Power, such as

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that in Puc 2205.13, most of which may be accessed through the EDU EDI.

- Other confidential customer information that may be received or collected directly by Hudson Community Power or CPCNH, or through sources other than the EDI due to customer participation in particular related programs or services, billing operations, other customer services, or that may be volunteered by customers, will likewise only be used for statutorily authorized purposes as ICD.

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Ongoing collection and use of individual customer data of the types described in Puc 2205.13 will be used for both:

1. General operational needs for retail power supply and related energy services operational needs, such as load and supply forecasting, portfolio management, billing and audit processes, and for research and development of potential new energy services to offer to customer participants; and
2. Programmatic and customer-specific services and offerings, such as responding to customer account queries, opt-in rates or demand side management for customers with flexible demand, distributed generation or storage, and interval meters; and other energy services that may be offered including programs for LMI participants that are qualified in the Electric Assistance Program (EAP).

In compliance with RSA 363:38 and RSA 363.37, CPCNH and third parties contracted through CPCNH that require access to ICD to provide services to Hudson Community Power will be contractually required to:

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- Implement and maintain reasonable security procedures and practices appropriate to the nature of the ICD.
- Protect ICD from unauthorized access, use, destruction, modification, or disclosure.
- Use ICD solely for primary purposes, such as: complying with the provisions of RSA 53-E:7, II; providing or billing for electrical service; meeting system, grid, or operational needs; researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs; and for research and development of potential new energy services to offer to customer participants.
- Collect, store, use, and disclose only as much ICD as is necessary to accomplish the aforementioned primary purposes.
- Not use ICD for a secondary commercial purpose unrelated to the aforementioned primary purposes of the contract without the express consent of the customer.
- Return or permanently delete all ICD after contract termination and deliver a certificate, signed by an authorized representative, stating that all ICD has been returned or permanently deleted and that all materials based on ICD has been destroyed, as appropriate (i.e., except for copies necessary for tax, billing, or other financial purposes).

Additionally, if CPCNH contracts with one or more Competitive Suppliers to provide Load Serving Entity services to participating customers, or brokers to support operations in a capacity that would require access to ICD, then the Competitive Suppliers and/or brokers would additionally be

required to comply with the requirements of Puc 2004.19 (Protection of Confidential Customer Information), which are excerpted below in the section "Statutory and Rule Requirements" for reference.

### **Responsibilities of the Town of Hudson**

As noted earlier, the Town may decide to contract with CPCNH, as an all-requirements joint powers agency, for the provision of LSE services, all requirements energy supply and all other energy services required to implement and operate Hudson Community Power. The following information is specific to such a possible contractual relationship.

The Town Manager shall review that CPCNH has adequate policies, procedures and measures in place to protect confidential information and that contractual requirements consistent with the Town's obligations to protect ICD as required under RSA 363.37, RSA 363:38 and RSA 53-E:4, VI, and consistent with PUC rules, including Puc 2004.19 and its non-disclosure restrictions, are incorporated into any contracts with CPCNH, or any other third parties that are authorized to access ICD on behalf of the Town before executing any such contracts.

The Town Manager shall review that CPCNH has adequate policies, procedures and measures in place to protect confidential information and that contractual requirements consistent with the Town's obligations to protect ICD as required under RSA 363.37, RSA 363:38 and RSA 53-E:4, VI, and consistent with PUC rules, including Puc 2004.19 and its non-disclosure restrictions, are incorporated into any contracts with CPCNH, or any other third parties that are authorized to access ICD on behalf of the Town before executing any such contracts.

The Town expects contracts and policies to provide for:

- Third-party security assessment requirements regarding: Information Security Management; Personnel Security; Systems Development and Maintenance; Application Security; System Security; Network Security; Data Security and Integrity; Access Control; and Vulnerability Management.
- Third-party security requirements including: (1) User Account and Access Controls to ensure that only authorized individuals have access to ICD for legitimate primary purposes under RSA 368:38, which may include the need for non-disclosure agreements; (2) Handling of Sensitive Data Protocols to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure; (3) Breach Reporting, including obligations to report a security breach as defined in RSA 359-C:19, V and required by RSA 359-C:20, and any other applicable laws, rules, or utility requirements for data breach reporting; (4) Plan for deletion and destruction ICD when it is no longer necessary to accomplish primary purposes pursuant to RSA 368:38; and (5) Prohibitions on use of ICD for a secondary commercial purpose not related to the primary purpose of vendor's contract without the express consent of the customer.
- Third-party documentation and reporting requirements regarding, as applicable: Audit Reports (e.g. SSAE 16/SOC Report); Documentation describing Control practices used to review sub-vendors; Maintenance of an Information Security Program; Training Program for Employees on Cyber Awareness; Background checks performed for all employees with access to ICD; Immediate Data Breach reporting to appropriate parties; and any material changes in Data Security practices since prior review and approval.

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Lastly, in the event that the Town does not contract with CPCNH to provide energy services to Hudson Community Power, then the Town will develop and adopt policies and contracts that ensure compliance with the Town's obligations as a Service Provider to protect and maintain the confidentiality of ICD under RSA 363:38, RSA 363.37, and other applicable statutes and Public Utilities Commission rules prior to directly collecting, storing, using, or disclosing any ICD or contracting with other Competitive Suppliers, brokers and/or other third-party vendors that require access to ICD.

### **Additional References: Statutory and Regulatory Requirements**

The sections below are provided for additional reference, and summarize the different requirements that apply to (1) Community Power Aggregators and Service Providers, (2) brokers and Competitive Electric Power Suppliers (CEPS) that provide Load Serving Entity services under contract to Community Power Aggregators, and (3) access to ICT through the Multi-Use Energy Data Platform authorized under RSA 378:50-54 (if and when it becomes operational).

#### **Statutory Requirements for Community Power Aggregators & Service Providers**

Statutory requirements regarding the use of Individual Customer Data for Community Power Aggregators are summarized below:

- RSA 363:37, I defines Individual Customer Data (ICD) as "information that is collected as part of providing electric, natural gas, water, or related services to a customer that can identify, singly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer."
- RSA 363:38, IV requires Service Providers to "use reasonable security procedures and practices to protect individual customer data [ICD] from unauthorized access, use, destruction, modification, or disclosure."
- RSA 53-E:4, VI provides that Community Power Aggregations (CPAs) "shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information and shall not be subject to public disclosure under RSA 91-A".
  - The definition of Service Provider under RSA 363:37, II includes "an aggregator, as defined by RSA 53-E:2, II...and any other service provider that receives individual customer data [ICD]..."
  - RSA 53-E:2, II defines an "aggregator" in this context as "any municipality or county that engages in aggregation of electric customers within its boundaries".
  - RSA 53-E:2, VI further defines "municipality" in this context as "any city, town, unincorporated place, or village district within the state."
- RSA 363:38, II requires Service Providers to: "(a) Collect, store, use, and disclose only as much individual customer data [ICD] as is necessary to accomplish primary purposes, and (b) Use individual customer data solely for primary purposes."
- RSA 363:37, III defines "[p]rimary purpose" as "the main reason for the collection, storage, use, or disclosure of individual customer data [ICD] which is limited to: (a) Providing or billing for electrical or gas service. (b) Meeting system, grid, or operational needs. (c)

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Researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs.”

- RSA 53-E:4, VI further authorizes approved Community Power Aggregations to “use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants.”
- RSA 363:38, V(b) further makes clear that a Service Provider may disclose ICD “to a third party for system, grid, or operational needs, or the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs” — provided that the Service Provider “has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.”
- RSA 363:38, V(c) provides that “[n]othing in this section shall preclude a service provider from disclosing electric, natural gas, or water consumption data required under state or federal law, or which is identified as information subject to warrant or subpoena or by an order of the commission.”
- RSA 363:38, V(a) makes clear that ICD may be aggregated and used for “analysis, reporting, or program management after information that identifies an individual customer has been removed.”

#### **Additional Requirements Specific to Brokers & Competitive Suppliers**

Pursuant to Puc 2205.02 under the PUC’s CPA Administrative Rules, brokers and Competitive Suppliers that are hired by municipalities to manage and operate Community Power Aggregations and provide Load Serving Entity services to participating customers must comply with the requirements of Puc 2004.19 (Protection of Confidential Customer Information), which is excerpted below for reference along with Puc 2002.09 (Confidential Customer Information).

Note that the use of the term “aggregator” throughout Puc 2004.19 below refers to brokers and does not refer to or otherwise apply to Community Power Aggregators.

As context, these requirements are part of the Commission’s Chapter Puc 2000 rules (“Competitive Electric Power Supplier and Aggregator Rules), which apply to Competitive Suppliers and brokers—referred to as “CEPS” and “aggregators” below, respectively — and are expressly not applicable to “municipalities or counties providing electricity or aggregating within the boundaries of participating municipalities under RSA 53-E” (Community Power Aggregators) per Puc 2001.02 (application of rules).

**Puc 2002.09 “Confidential customer information” means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information.**

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**Puc 2004.19 Protection of Confidential Customer Information.**

(a) No CEPS or aggregator shall, except as permitted under (c) below or as otherwise required by law, release confidential customer information without express written authorization from the customer.

(b) A CEPS or aggregator shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the service provided to the customer, without the express written consent of the customer.

(c) A CEPS or aggregator may disclose to a third party subject to non-disclosure restrictions confidential customer information as necessary for any one or more of the following purposes:

- (1) Billing for electric service;
- (2) Meeting electric system, electric grid, or other operational needs;
- (3) Implementing any one or more of the following programs:
  - a. Demand response;
  - b. Customer assistance;
  - c. Energy management; and
  - d. Energy efficiency.

(d) For purposes of this section, the term "non-disclosure restrictions" means that the CEPS or aggregator has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.

(e) A customer granting authorization to release confidential customer information for purposes described in the terms and conditions of service shall satisfy the requirement in (a) above.

(f) A CEPS or aggregator granted agency authority shall be deemed authorized to obtain customer usage information when it has received customer authorization as described in Puc 2004.08 or Puc 2004.09.

(g) In the event of a dispute about the release of confidential customer information, including whether the information is or should be confidential, a CEPS, aggregator, or customer may file a complaint with the commission for resolution.

**Additional Requirements for the Multi-Use Energy Data Platform**

If and when the Multi-Use Energy Data Platform (Platform) authorized under RSA 378:50-54 becomes operational, Hudson Community Power and any third-parties under contract that require access to ICD sourced from the Platform — such as CPCNH and third-parties contracted through CPCNH — will be required to comply with any Platform User Requirements, Privacy Standards, Annual Attestations, and obligations to report a security breach pursuant to terms of Settlement Agreement conditionally approved by the PUC in DE 19-197 and detailed in Exhibit C of the Agreement found in Exhibit 1B and as may be actually implemented.

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## Attachment 9: How Load Serving Entity Services will be Implemented

Hudson Community Power will implement Load Serving Entity (LSE) services, for the purpose of procuring or selling electricity on behalf of customers participating in the aggregation.

This plan assumes, but does not require, that the Town will participate fully in and rely on the services provided through the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Hudson Community Power.

### The Role & Responsibility of Load Serving Entities

A Load Serving Entity (LSE) is an entity that has registered with ISO New England (ISO-NE, the nonprofit regional wholesale electricity market operator) as a market participant and assumes responsibility for securing and selling electric energy and related services to serve the demand of retail customers at the distribution level (i.e., homes and businesses).

As context, every retail customer in New Hampshire (and across New England) is assigned to a specific Load Serving Entity at all times:

Customers on utility default service are periodically re-assigned to whichever Competitive Supplier has won the utility's most recent auction or the utility as LSE. Refer to Attachment 4 for an overview of utility default procurement solicitations.

Similarly, customers are assigned to a different Load Serving Entity whenever they are transferred to CPA service on an opt-out default basis, choose to opt-in to take service from the CPA, or switch to a Competitive Supplier of their choosing.

Consequently, all Competitive Suppliers and Community Power Aggregators (CPAs) in New Hampshire are required to either:

Register as a Load Serving Entity with ISO-NE; or

Contract with a third party that has agreed to be the Load Serving Entity responsible for the Competitive Supplier's or CPA's customers.

To ensure that customers receive firm power supply, there are a variety of services that need to be performed and electrical products that must be procured or otherwise provided. The required products and services are referred to as "all requirements energy" (or alternatively, "full requirements service").

The role of Load Serving Entities is to provide, arrange for, or otherwise pay for the cost of providing all requirements energy to customers. The majority of these requirements are defined by the ISO-NE wholesale market operator, which is subject to Federal oversight, but certain requirements are defined by the state in which the LSE registers to serve customers (Renewable Portfolio Standard requirements, for example).

In New Hampshire, full requirements energy is defined as the provision or cost of (1) electrical energy, capacity, and reserves (including transmission and distribution losses); (2) ancillary services, congestion management, and transmission services (to the extent not already provided by the customer's utility); (3) the costs associated with complying with New Hampshire's Renewable Portfolio Standard (i.e., the cost of purchasing Renewable Energy Credits or, if an insufficient number of credits is procured, the cost of Alternative Compliance Payments, as detailed in Attachment 3); and (4) other services or products necessary to provide firm power supply to customers (i.e., because the definition and requirements of the above products and services are subject to change over time).

Each of the above products and services is procured, provided, and accounted for in different ways, through market mechanisms and regulated processes that have been designed to accommodate the unique characteristics of the product or service in question.

[Given the complex and capital intensive nature of providing all requirements electricity to customers, Load Serving Entities are subject to significant state and Federal oversight, in terms of registration, reporting, and financial security requirements.](#)

[The web pages below provide current information regarding Load Serving Entity registration, financial security, and renewal requirements to operate in ISO-NE and New Hampshire:](#)

[ISO-NE: New Participant Registration Instructions](#)

[NH PUC: Forms for Competitive Electric Power Suppliers and Electric Load Aggregators](#)

[Eversource: Electric Information for Suppliers & Aggregators](#)

[Unitil: Energy Supplier Resources](#)

[Liberty Utilities: Become a Liberty Utilities Approved Supplier](#)

[New Hampshire Electric Cooperative: Supplier Information](#)

[Responsibilities of the Community Power Coalition of New Hampshire \(CPCNH\)](#)

[The Town currently anticipates that it will contract with CPCNH, as an all-requirements joint powers agency, for the provision of LSE services, all requirements energy supply and all other energy services required to implement and operate Hudson Community Power.](#)

[CPCNH Competitive Solicitation for Comprehensive Services and Credit Support](#)

On behalf of the Town and CPCNH's nineteen other Member communities, each of which are in various stages of authorizing Community Power Aggregations, CPCNH issued a Request for Proposals (RFP) for Comprehensive Services and Credit Support on April 25, 2022 and is currently conducting a solicitation process "to select a qualified entity or group of entities to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate of Community Power Aggregation (CPA) programs."<sup>10</sup> As context:

For an overview of CPCNH's authorities as a Joint Powers Agency, the RFP, proposal evaluation and contracting process, and the process by which CPCNH's Board of Directors and participating Member communities, including the Town, plan to draft and adopt enabling agreements, contracts and policies (such as the Energy Risk Management and Financial Reserves policies) refer to "Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)" in Attachment 10: Customer Data Protection Plan below.

CPCNH's RFP is primarily based upon the solicitation and contracting strategy pioneered by the Redwood Coast Energy Authority (RCEA), a CPA Joint Powers Authority in California that is similar in size to CPCNH and which successfully contracted for comprehensive services and credit support (inclusive of LSE services) on an at-risk, deferred compensation basis.

RCEA subsequently launched CPA program service and began providing LSE services and all requirements supply to CPA customers in 2017 and has operated continuously while accruing financial reserves and enabling numerous local programs and new project developments.

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<sup>10</sup> CPCNH's Request for Proposals for Comprehensive Services and Credit Support, and additional supporting reference documentation, including the draft Business Plan for CPCNH, are posted online here: <https://www.cpcnh.org/solicitations>.

The three Professional Services Agreements that RCEA negotiated and executed subsequent to their RFP process provided (1) LSE and portfolio risk management services and credit support, (2) retail data management, billing, and customer care services, and (3) various support services (e.g., administration, marketing, etc.). All three contracts are available for review online here.

Subsequent CPA Joint Powers Agencies have employed similar solicitation and contracting strategies in order to successfully contract for and implement LSE and portfolio management services for participating CPA customers.

CPCNH previously issued a Request for Information for Comprehensive Services and Credit Support in December 2021 and received numerous submissions from well-established third-party vendors that provide LSE services, portfolio management services and credit support in response. (CPCNH's Board of Directors has designated the responses as confidential due to fact that the competitive solicitation is ongoing.)<sup>11</sup>

The scope of operational services requested under CPCNH's RFP is to broadly "provide all required services and credit support necessary to operate the agency and supply all requirements electricity to CPA customers". The specific scope of operational functions requested in CPCNH's RFP is provided below:

*Retail Data Management and Billing Services*

*Utility Electronic Data Interchange (EDI)*

*Customer Data Validation and Error Resolution Management*

*Billing Calculations*

*Utility Payment Receipt*

*Revenue Oversight and Tracking*

*Retail Customer Solutions*



*Customer and Program Analytics and Insights*

*Rate Design Development, Pricing and Product Structuring*

*Grid Edge Enablement and Portfolio Integrations*

*Key Account Relationship Management*

*Inbound and Outbound Call Center Operations*

*Digital Engagement and Orchestration*

*Portfolio Risk Management Services*

*Energy Portfolio Planning and Development*

*Contract Valuation and Procurement*

*Deal Capture, Contract Management and Counterparty Monitoring*

*Trading, Position Management and Reporting*

*Forecasting, Scheduling and Settlements*

*ISO shadow settlements and dispute resolution*

*ISO monitoring, stakeholder processes, collateral posting and onboarding support*

*Banking and Financial Services*

*Credit Support*

*Secure Revenue Account Administration*

*Accounting Support and Controls*

*Financial Statement Setup and Review*

*Revenue Forecasting and Budgeting*

### Invoice Validation

Enterprise Data Management: to support the development of an in-house central repository of customer and other data for use by CPCNH staff and authorized third parties for the purpose of enabling research and development of new energy services.

Additional Services: respondents should provide additional descriptions of services not provided for above.

### CPCNH Proposal Evaluation Process and Contracting Timeline

As detailed in Attachment 11, CPCNH's Risk Management Committee is responsible for evaluating, ranking, and scoring proposals and recommending an award to the Board of Directors.

To ensure that the committee fully evaluates proposals to provide LSE and portfolio management services, CPCNH has contracted with independent experts with domain expertise in:

Managing and overseeing power supply portfolios and LSE services for an operational CPA Joint Power Agency;

Evaluating proposals, interviewing proposers, and recommending an award for LSE and portfolio management services on behalf of a CPA Joint Power Agency that subsequently launched CPA program service, has operated continuously since 2018, and recently gained an industry-first "A" credit rating from S&P Global Ratings on the basis of its fiscal discipline and approach to energy portfolio risk management; and/or

Working for an established publicly owned nonprofit enterprise that maintains three operational control centers to support 24/7/365 operations across multiple ISO/RTO markets in order to provide LSE and portfolio management services to substantial numbers of public and private sector clients that serve retail end-use customers.

CPCNH expects to conclude the RFP process, enter into contract negotiations in July August, and execute contracts to provide comprehensive services and credit support (inclusive of LSE services) in August to September 2022.

Thereafter, CPCNH's Board of Directors expects to finalize and approve the agency's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies, which Hudson's appointed Directors expect to provide to the Select Board for approval between October – December 2022.

At this point, the Town may contract for and authorize CPCNH to provide comprehensive services and credit support (inclusive of LSE services) to implement and operate Hudson Community Power.

#### Responsibilities of the Town of Hudson

The Town expects that CPCNH's solicitation and contracting strategy will be successful, and that CPCNH and the third party contractors contracted by CPCNH will implement LSE services and all other services required to launch and operate Hudson Community Power.

Depending on the result of CPCNH's solicitation and contract negotiation process, LSE services may be implemented as follows:

CPCNH may contract directly for LSE services with a third party that is registered or will register with ISO-NE as a market participant and Load Serving Entity, satisfies all applicable financial security and other registration requirements with ISO-NE, the Commission, and NH's distribution utilities, and has contractually agreed to assume responsibility for providing all requirements energy on behalf of Hudson Community Power's customers.

Typically, such a third party would additionally provide portfolio management services and credit support and assist CPCNH in structuring and maintaining a portfolio of physical and financial contracts to provide all requirements energy to participating customers. At a certain future point, CPCNH may be positioned to register with NEPOOL and ISO-NE as a market participant and Load Serving Entity directly.<sup>12</sup>

This implementation option would essentially replicate the same approach and structure employed by the New Hampshire Electric Cooperative, which actively manages an all requirements energy portfolio, accrues financial reserves, and provides LSE services for default service customers.

Additionally, note that the Town of Hanover (whose Member director and alternate director are both participating on CPCNH's Risk Management Committee and proposal evaluation) is already a market participant and Load Serving Entity for the Town's load obligations.

CPCNH may alternatively contract with one or more Competitive Electric Power Suppliers to provide LSE services and all requirements electricity to customers at a pre-specified rate for a set length of time. Under this arrangement, the Competitive Supplier would either be the designated Load Serving Entity or would contract with a third party that has agreed to be the Load Serving Entity responsible for the CPA's customers.

This implementation option would essentially replicate the same approach and structure employed by NH's regulated distribution utilities (Eversource, Unitil and Liberty Utilities), under which customers are periodically re-assigned to whichever Competitive Suppliers have won the utilities' default service solicitations. Refer to Attachment 4 for an overview of utility default procurement solicitations.

CPCNH may also propose a combination of the above approaches for the Town's consideration.

In the event that the Town does not contract with CPCNH to provide LSE and other services to Hudson Community Power, then the Town may contract to implement LSE services independently, either with a third-party LSE acting as the Town's agent or with a Competitive Electric Power Supplier (CEPS) that contracts to provide LSE services for customers taking service from Hudson Community Power.

The Town will ensure that contracts entered into provide for the implementation of LSE services and full requirement energy supply for customers participating in Hudson Community Power.

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<sup>12</sup> Refer to CPCNH's draft Business Plan for further details, available under RFP Reference Materials online at: <https://www.cpcnh.org/solicitations>

## Attachment 10: Customer Data Protection Plan

Hudson Community Power will protect and maintain the confidentiality of Individual Customer Data in compliance with its obligations as a Service Provider under RSA Chapter 363 ( RSA 363:38 and RSA 363:37 (“privacy policies for individual customer data; duties and responsibilities of service providers and definitions”) and other applicable statutes and Public Utilities Commission rules.

Individual Customer Data (ICD) includes information that is collected over the course of providing energy services to customers participating in Hudson Community Power and that, singly or in combination, can be used to identify specific customers, including: individual customer names, service addresses, billing addresses, telephone numbers, account numbers, electricity consumption data, and payment, financial, banking, and credit information.

As described herein, the Town of Hudson is responsible for ensuring that reasonable security procedures and practices are implemented and maintained to protect the confidentiality of Individual Customer Data from unauthorized access, destruction, modification, disclosure, or use.

This plan assumes, but does not require, that the Town will participate fully in the Community Power Coalition of New Hampshire (CPCNH) for the purposes of implementing and operating Hudson Community Power.

Responsibilities of the Community Power Coalition of New Hampshire (CPCNH)

CPCNH is a Joint Powers Agency authorized under RSA 53-A (“Agreements Between Governments: Joint Exercise of Powers”) and RSA 53-E:3 (“Municipality and County Authorities”). CPCNH’s Joint Powers Agreement expressly authorizes the agency to:<sup>13</sup>

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<sup>13</sup> From Section 2.3, Powers, of the By Laws of CPCNH, found at pages 21-22 of the JPA, available here: [https://www.cpcnh.org/\\_files/ugd/202f2e-601bfada901c4a89a1c2812a0638090a.pdf](https://www.cpcnh.org/_files/ugd/202f2e-601bfada901c4a89a1c2812a0638090a.pdf), and more specifically 52.3.11, 52.3.6, 52.3.9, and 52.3 introductory paragraph. Similar language is also in the Articles of Agreement.

*“[C]omply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs”;*

*“Make and enter into contracts” and “[m]ake and enter into service agreements relating to the provision of services necessary to plan, implement, operate, and administer CPCNH’s affairs”;* and

*“[D]o all acts permitted... as well as any act necessary, consistent with New Hampshire law to fulfill the purposes” set forth under the agreement, which include assisting “member municipalities and counties in complying with the provisions of NH RSA 53-E in developing and implementing ... Community Power Aggregations”.*

CPCNH has begun the process of soliciting and hiring third parties to provide comprehensive services and credit support to launch Member CPA programs, and is drafting various related enabling agreements, policies, and internal protocols necessary to do so.

#### *CPCNH Request for Proposals for Comprehensive Services and Credit Support*

CPCNH issued a Request for Proposals for Comprehensive Services and Credit Support on April 25, 2022, and is currently conducting a solicitation process “to select a qualified entity or group of entities to provide comprehensive services and credit support to enable CPCNH to develop, finance, launch, and operate of Community Power Aggregation (CPA) programs”<sup>14</sup> on behalf of CPCNH’s twenty Member communities, each of which are in various stages of authorizing Community Power Aggregations.

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<sup>14</sup> CPCNH’s Request for Proposals for Comprehensive Services and Credit Support, and additional supporting reference documentation, including the draft Business Plan for CPCNH, are posted online here: <https://www.cpcnh.org/solicitations>.

For additional information regarding the use of customer data, and expected operational needs of CPCNH, refer to (1) the RFP at pp. 20-23<sup>15</sup> and to (2) the RFP Addendum #2 (issued May 24, 2022), at pp. 11 in response to Questions 15.<sup>16</sup> The latter is excerpted below, and provides a concise summary of CPCNH's requirements to ensure the confidentiality of ICD:

Regarding Customer Privacy Compliance:

RSA 53-E:4, VI, requires CPAs to maintain the confidentiality of individual customer information in compliance with their obligations as service providers under RSA 363:37 (Definitions) and RSA 363:38 ("Privacy Policies for Individual Customer Data; Duties and Responsibilities of Service Providers"). RSA 53-E:7, X also requires the Public Utilities Commission to adopt Administrative Rules for CPAs governing "access to customer data" and other matters.

The selected Proposer will be expected to demonstrate physical and cybersecurity readiness sufficient to ensure customer data is held in strict confidence — e.g., through audits in accordance with the American Institute of Certified Public Accountants Statements on Standards for Attestation Engagements No. 16 (SSAE 16) Service Organizational Controls (SOC) Reports, periodic network vulnerability assessments, etc. — and will be contractually required to maintain the confidentiality of individual customer data pursuant to RSA 363:38, V(b) and applicable Public Utilities Commission rules.

As previously noted, Administrative Rules for CPAs are under development. Refer to the PUC's Initial Proposal for CPA Administrative Rules (Chapter Puc 2200), specifically the definitions in Puc 2202.07 ("Confidential customer information") and Puc 2202.02 ("Anonymized"), and Puc 2205.02 ("Application of Puc 2000 to CEPS When Providing Electricity Supply to CPA Customers").

<sup>15</sup> [https://www.cpcnh.org/files/ugd/202f2e\\_e781638c123d44cf3977358f845081313.pdf](https://www.cpcnh.org/files/ugd/202f2e_e781638c123d44cf3977358f845081313.pdf)

<sup>16</sup> Pages 11-12 at [https://www.cpcnh.org/files/ugd/202f2e\\_8ceed8824453482e902a8a0fa1ab826e.pdf](https://www.cpcnh.org/files/ugd/202f2e_8ceed8824453482e902a8a0fa1ab826e.pdf).



The selected Proposer, as applicable, should expect to comply with relevant portions of the PUC's current Administrative Rules for Competitive Electric Power Suppliers and Aggregators (Chapter Puc 2000). Refer to Chapter Puc 2000, Puc 2002.09 (definition of "Confidential Customer Information") and Puc 2004.19 ("Protection of Confidential Customer Information"), which is proposed to apply to CEPS providing electricity supply service to CPA customers pursuant to Puc 2205.02 under the PUC's Initial Proposal for CPA Administrative Rules.

The Request for Proposals and evaluation process is being overseen by CPCNH's Risk Management Committee, composed of CPCNH Member municipality representatives, with additional support from (1) independent experts with experience operating Community Power Aggregation Joint Powers Agencies, and (2) CPCNH's General Counsel, DWGP, P.C., a nationally recognized law firm with substantial expertise in the Community Power and broader public power industry.

CPCNH's Risk Management Committee will evaluate, rank, and select vendors with a proven track record of successful qualification for EDI transactions, protection of confidential customer information, including what is characterized as ICD under RSA 363, and other relevant factors.

Refer to CPCNH's RFP at p.2 for a summary of the substantial domain expertise participating on the Risk Management Committee and proposal evaluation process.

For example, the committee includes a Member Director who previously worked for Eversource for 26 years, where he was responsible for deploying and/or operating Eversource's Customer Information System and day to day interface with competitive electric suppliers and was most recently the Director of Eversource's Customer Center Operations.

CPCNH expects to conclude the solicitation process and execute contracts in August to September 2022.

CPCNH Enterprise Risk Management & Customer Data Policies

After CPCNH has executed service contracts, CPCNH's Board of Directors will finalize and approve the agency's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies. CPCNH's Energy Risk Management and Financial Reserves policies will be subsets of CPCNH's Enterprise Risk Management Policy, which will additionally cover relevant elements of cybersecurity and data confidentiality requirements and other topics.

CPCNH's Joint Powers Agreement requires CPCNH's Risk Management Committee to draft and recommend the Enterprise Risk Management Policy for consideration and adoption of CPCNH's Board of Directors on or before October 1, 2022.<sup>17</sup>

Between October and December 2022, Hudson's appointed Directors are expected to provide CPCNH's Cost Sharing Agreement and Energy Risk Management and Financial Reserves policies to the Select Board for approval between October – December 2022.

At this point, the Town will contract for and authorize CPCNH to provide specific services on behalf of Hudson Community Power.

CPCNH's Board of Directors has been recently presented with a plan to develop additional specific policies and CPCNH's Treasurer has prepared a budget to allocate sufficient funding to support the drafting and review process over the summer and fall. Two relevant such policies are listed below:

Record Retention & Disposal Policy: to provide a process that ensures compliance with the proper retention, protection, and timely destruction of all records created or obtained by, or otherwise in the possession and control of, CPCNH, consistent with all legal requirements.

Data Security and Privacy Policy: to define the specific goals, requirements, and controls necessary to safeguard the confidentiality, integrity, and availability of confidential information.

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<sup>17</sup> CPCNH's Risk Management Committee is also responsible for (1) reviewing major risk exposures and monitoring the steps taken to control risk exposures and (2) commissioning an independent agent to conduct and deliver an evaluation of the operational performance of the agency relative to the Enterprise Risk Management Policy every two years (starting three years after the commencement of CPA service, and as otherwise requested by the Board).

CPCNH Requirements to Access and Use of Individual Customer Data

In CPCNH's capacity as a service provider to the Town, the agency and third parties contracted through CPCNH to provide services to Hudson Community Power will need to access and use ICD for operational needs and for the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs on behalf of Hudson Community Power.

Third parties under contract to CPCNH that may require access to ICD on behalf of Hudson Community Power may include CEPS (Competitive Electric Power Suppliers) functioning as Load Serving Entities (LSEs) for the supply of all requirements energy, or other third party vendors providing Load Serving Entity (LSE) services on behalf of CPCNH, as well as portfolio management, Electronic Data Interchange (EDI), Customer Information System (CIS), billing, accounting, and related services, and other contractors and academic institutions under contract to support the research and development of potential new energy services to offer to customers participating in Hudson Community Power.

Specific types of ICD that Hudson Community Power, CPCNH, and third parties under contract are expected to receive and possess include:

Name, address, account number, and other information about electric customers within the Town for purposes of sending required notification of Hudson Community Power Commencement of Service and enrollment of customer in Hudson Community Power, consistent with initially proposed Puc 2204.04, .05, and .06, as they, or equivalent rule provisions, may be adopted by the PUC and the requirements of RSA 53-E:7, III, V, and VI.

Individual customer information used for operation of Hudson Community Power, such as that in initially proposed Puc 2205.13, most of which may be accessed through the EDU EDI. The need and use for such information, and a proposed modification of this particular rule, are addressed in CPCNH's 3/14/22 Comments on the PUC's initial rule proposal for CPAs, in docket # DE 21-142<sup>18</sup>, and in its 3/28/22 Reply Comments.<sup>19</sup>

Other confidential customer information that may be received or collected directly by Hudson Community Power or CPCNH, or through sources other than the EDU due to customer participation in particular related programs or services, billing operations, other customer services, or that may be volunteered by customers, will likewise only be used for statutorily authorized purposes as ICD.

Ongoing collection and use of individual customer data of the types described in proposed Puc 2205.13 will be used for both:

General operational needs for retail power supply and related energy services operational needs, such as load and supply forecasting, portfolio management, billing and audit processes, and for research and development of potential new energy services to offer to customer participants; and

Programmatic and customer specific services and offerings, such as responding to customer account queries, opt in rates or demand side management for customers with flexible demand, distributed generation or storage, and interval meters; and other energy services that may be offered including programs for LMI participants that are qualified in the Electric Assistance Program (EAP).

In compliance with RSA 363:38 and RSA 363.37, CPCNH and third parties contracted through CPCNH that require access to ICD to provide services to Hudson Community Power will be contractually required to:

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<sup>18</sup> See p. 2 ¶14 and p. 4 ¶16 at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142-2022-03-14-CPCNH-COMMENTS.PDF>.

<sup>19</sup> See p. 4 ¶11, and Comments on proposed Puc 2203.02(b)(1) on p. 13, Puc 2204.02(a)(1) (4) on pp. 16-17, and Puc 2205.13 p. 23 <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142/LETTERS-MEMOS-TARIFFS/21-142-2022-03-28-CPCNH-OCA-CENH-COMMENTS.PDF>.

Implement and maintain reasonable security procedures and practices appropriate to the nature of the ICD.

Protect ICD from unauthorized access, use, destruction, modification, or disclosure.

Use ICD solely for primary purposes, such as: complying with the provisions of RSA 53-E:7, II; providing or billing for electrical service; meeting system, grid, or operational needs; researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs; and for research and development of potential new energy services to offer to customer participants.

Collect, store, use, and disclose only as much ICD as is necessary to accomplish the aforementioned primary purposes.

Not use ICD for a secondary commercial purpose unrelated to the aforementioned primary purposes of the contract without the express consent of the customer.

Return or permanently delete all ICD after contract termination and deliver a certificate, signed by an authorized representative, stating that all ICD has been returned or permanently deleted and that all materials based on ICD has been destroyed, as appropriate (i.e., except for copies necessary for tax, billing, or other financial purposes).

Additionally, if CPCNH contracts with one or more Competitive Suppliers to provide Load Serving Entity services to participating customers, or brokers to support operations in a capacity that would require access to ICD, then the Competitive Suppliers and/or brokers would additionally be required to comply with the requirements of Puc 2004.19 (*Protection of Confidential Customer Information*), which are excerpted below in the section “Statutory and Rule Requirements” for reference.

Responsibilities of the Town of Hudson

The Town currently anticipates that it will contract for all requirements electricity supply and related energy services through CPCNH, as a joint powers agency, and that the primary acquisition and use of ICD will be through CPCNH and the vendors placed under contract to provide comprehensive services for the operation of Hudson Community Power.

The Town Administrator shall review that CPCNH has adequate policies, procedures and measures in place to protect confidential information and that contractual requirements consistent with the Town's obligations to protect ICD as required under RSA 363:37, RSA 363:38 and RSA 53-E:4, VI, and consistent with PUC rules, including Puc 2004.19 and its non-disclosure restrictions, are incorporated into any contracts with CPCNH, or any other third parties that are authorized to access ICD on behalf of the Town before executing any such contracts.

The Town expects contracts and policies to provide for:

Third-party security assessment requirements regarding: Information Security Management; Personnel Security; Systems Development and Maintenance; Application Security; System Security; Network Security; Data Security and Integrity; Access Control; and Vulnerability Management.



Third-party security requirements including: (1) User Account and Access Controls to ensure that only authorized individuals have access to ICD for legitimate primary purposes under RSA 368:38, which may include the need for non-disclosure agreements; (2) Handling of Sensitive Data Protocols to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure; (3) Breach Reporting, including obligations to report a security breach as defined in RSA 359-C:19, V and required by RSA 359-C:20 and any other applicable laws, rules, or utility requirements for data breach reporting; (4) Plan for deletion and destruction ICD when it is no longer necessary to accomplish primary purposes pursuant to RSA 368:38; and (5) Prohibitions on use of ICD for a secondary commercial purpose not related to the primary purpose of vendor's contract without the express consent of the customer.

Third-party documentation and reporting requirements regarding, as applicable: Audit Reports (e.g. SSAE 16/SOC Report); Documentation describing Control practices used to review sub-vendors; Maintenance of an Information Security Program; Training Program for Employees on Cyber Awareness; Background checks performed for all employees with access to ICD; Immediate Data Breach reporting to appropriate parties; and any material changes in Data Security practices since prior review and approval.

Lastly, in the event that the Town does not contract with CPCNH to provide energy services to Hudson Community Power, then the Town will develop and adopt policies and contracts that ensure compliance with the Town's obligations as a Service Provider to protect and maintain the confidentiality of ICD under RSA 363:38, RSA 363.37 and other applicable statutes and Public Utilities Commission rules prior to directly collecting, storing, using, or disclosing any ICD or contracting with other Competitive Suppliers, brokers and/or other third-party vendors that require access to ICD.

Additional References: Statutory and Regulatory Requirements

The sections below are provided for additional reference, and summarize the different requirements that apply to (1) Community Power Aggregators and Service Providers, (2) brokers and Competitive Electric Power Suppliers (CEPS) that provide Load Serving Entity services under contract to Community Power Aggregators, and (3) access to ICT through the Multi-Use Energy Data Platform authorized under RSA 378:50-54 (if and when it becomes operational).

### Statutory Requirements for Community Power Aggregators & Service Providers

Statutory requirements regarding the use of Individual Customer Data for Community Power Aggregators are summarized below:

RSA 363:37, I defines Individual Customer Data (ICD) as “information that is collected as part of providing electric, natural gas, water, or related services to a customer that can identify, singly or in combination, that specific customer, including the name, address, account number, quantity, characteristics, or time of consumption by the customer.”

RSA 363:38, IV requires Service Providers to “use reasonable security procedures and practices to protect individual customer data [ICD] from unauthorized access, use, destruction, modification, or disclosure.”

RSA 53-E:4, VI provides that Community Power Aggregations (CPAs) “shall be subject to RSA 363:38 as service providers and individual customer data shall be treated as confidential private information and shall not be subject to public disclosure under RSA 91-A”.

The definition of Service Provider under RSA 363:37, II includes “an aggregator, as defined by RSA 53-E:2, II...and any other service provider that receives individual customer data [ICD]...”

RSA 53-E:2, II defines an “aggregator” in this context as “any municipality or county that engages in aggregation of electric customers within its boundaries”.

RSA 53-E:2, VI further defines “municipality” in this context as “any Town, town, unincorporated place, or village district within the state.”

RSA 363:38, II requires Service Providers to: “(a) Collect, store, use, and disclose only as much individual customer data [ICD] as is necessary to accomplish primary purposes, and (b) Use individual customer data solely for primary purposes.”

RSA 363:37, III defines “[p]rimary purpose” as “the main reason for the collection, storage, use, or disclosure of individual customer data [ICD] which is limited to: (a) Providing or billing for electrical or gas service. (b) Meeting system, grid, or operational needs. (c) Researching, developing, and implementing new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs.”

RSA 53-E:4, VI further authorizes approved Community Power Aggregations to “use individual customer data to comply with the provisions of RSA 53-E:7, II and for research and development of potential new energy services to offer to customer participants.”

RSA 363:38, V(b) further makes clear that a Service Provider may disclose ICD “to a third party for system, grid, or operational needs, or the research, development, and implementation of new rate structures and tariffs, demand response, customer assistance, energy management, or energy efficiency programs” — provided that the Service Provider “has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the data for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.”

RSA 363:38, V(c) provides that “[n]othing in this section shall preclude a service provider from disclosing electric, natural gas, or water consumption data required under state or federal law, or which is identified as information subject to warrant or subpoena or by an order of the commission.”

RSA 363:38, V(a) makes clear that ICD may be aggregated and used for “analysis, reporting, or program management after information that identifies an individual customer has been removed.”

#### Additional Requirements Specific to Brokers & Competitive Suppliers

Pursuant to Puc 2205.02 under the PUC's Initial Proposal for CPA Administrative Rules, brokers and Competitive Suppliers that are hired by municipalities to manage and operate Community Power Aggregations and provide Load Serving Entity services to participating customers must comply with the requirements of Puc 2004.19 (Protection of Confidential Customer Information), which is excerpted below for reference along with Puc 2002.09 (Confidential Customer Information).

Note that the use of the term “aggregator” throughout Puc 2004.19 below refers to brokers and does not refer to or otherwise apply to Community Power Aggregators.

As context, these requirements are part of the Commission's Chapter Puc 2000 rules (“Competitive Electric Power Supplier and Aggregator Rules), which apply to Competitive Suppliers and brokers — referred to as “CEPS” and “aggregators” below, respectively — and are expressly not applicable to “municipalities or counties providing electricity or aggregating within the boundaries of participating municipalities under RSA 53-E” (Community Power Aggregators) per Puc 2001.02 (application of rules).

~~Puc 2002.09 “Confidential customer information” means information that is collected as part of providing electric services to a customer that can identify, singly or in combination, that specific customer, and includes the customer name, address, and account number and the quantity, characteristics, or time of consumption by the customer, and also includes specific customer payment, financial, banking, and credit information.~~

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~~Puc 2004.19 Protection of Confidential Customer Information.~~

~~(a) No CEPS or aggregator shall, except as permitted under (c) below or as otherwise required by law, release confidential customer information without express written authorization from the customer.~~

~~(b) A CEPS or aggregator shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the service provided to the customer, without the express written consent of the customer.~~

~~(c) A CEPS or aggregator may disclose to a third party subject to non-disclosure restrictions confidential customer information as necessary for any one or more of the following purposes:~~

~~(1) Billing for electric service;~~

~~(2) Meeting electric system, electric grid, or other operational needs;~~

~~(3) Implementing any one or more of the following programs:~~

~~a. Demand response;~~

~~b. Customer assistance;~~

~~c. — Energy management; and~~

~~d. — Energy efficiency.~~

~~(d) For purposes of this section, the term “non-disclosure restrictions” means that the CEPS or aggregator has required by contract that the third party implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the confidential customer information from unauthorized access, use, destruction, modification, or disclosure, and to prohibit the use of the confidential customer information for a secondary commercial purpose not related to the primary purpose of the contract without the express consent of the customer.~~

~~(e) A customer granting authorization to release confidential customer information for purposes described in the terms and conditions of service shall satisfy the requirement in (a) above.~~

~~(f) A CEPS or aggregator granted agency authority shall be deemed authorized to obtain customer usage information when it has received customer authorization as described in Puc 2004.08 or Puc 2004.09.~~

~~(g) In the event of a dispute about the release of confidential customer information, including whether the information is or should be confidential, a CEPS, aggregator, or customer may file a complaint with the commission for resolution.~~

~~Additional Requirements for the Multi-Use Energy Data Platform~~

If and when the Multi-Use Energy Data Platform (Platform) authorized under RSA 378:50-54 becomes operational, Hudson Community Power and any third parties under contract that require access to ICD sourced from the Platform — such as CPCNH and third parties contracted through CPCNH — will be required to comply with any Platform User Requirements, Privacy Standards, Annual Attestations, and obligations to report a security breach pursuant to terms of Settlement Agreement conditionally approved by the PUC in DE 19-197 and detailed in Exhibit C of the Agreement found in Exhibit 1B and as may be actually implemented.

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