



AD-HOC COMMUNITY POWER COMMITTEE MEETING

AGENDA

Friday, February 12, 2021, 8:00 AM

Virtual Zoom Meeting*

Members:

Peter Hansel, Chair
Councilor Mike Giacomo
Dr. Ann Shedd
Paul Roth
Dan Belluscio

Staff:

Rhett Lamb, Community Development Director
Mari Brunner, Planner

1. Call to Order and Roll Call
2. Discussion: Draft Community Power Plan
3. Keene Community Power website (KeeneCommunityPower.com)
4. HB 315, "Relative to the aggregation of electric customers"
 - a. Public Hearing: Friday, February 12, 2021 at 3:00 PM
5. New Business
6. Upcoming Meetings:
 - a. Friday, March 5, 2021 at 8:00 am (regular meeting)
 - b. Tuesday, March 30, 2021 at 12:00 pm and 6:30 pm (public hearings)
7. Adjourn

***To Join the Meeting:**

The public may join the meeting online by visiting www.zoom.us/join or by calling the toll-free # (888) 475-4499 and entering the Meeting ID: **858 5592 8244**. If you encounter any issues accessing this meeting, please call (603) 209-4697 during the meeting.

City of Keene
New Hampshire

AD HOC COMMUNITY POWER COMMITTEE
MEETING MINUTES

Friday, January 15, 2021

8:00 AM

Remote Meeting via Zoom

Members Present:

Councilor Mike Giacomo
Dr. Ann Shedd
Paul Roth
Dan Belluscio

Staff Present:

Rhett Lamb, Community Development
Director
Mari Brunner, Planner

Members Not Present:

Peter Hansel, Chair

Guests:

Daria Mark, Good Energy
Patrick Roche, Good Energy
Robert Hayden, Good Energy

Mari Brunner read a prepared statement explaining how the Emergency Order #12, pursuant to Executive Order #2020-04 issued by the Governor of New Hampshire, waives certain provisions of RSA 91-A (which regulates the operation of public body meetings) during the declared COVID-19 State of Emergency.

1) Call to Order and Roll Call

Mari Brunner called the meeting to order at 8:03 AM. Roll call was conducted.

Paul Roth motioned to have Dr. Ann Shedd act as temporary Chair in the absence of Chair Peter Hansel. Councilor Mike Giacomo seconded the motion, which passed unanimously.

1) Approval of December 4, 2020 Meeting Minutes

Paul Roth moved to approve the December 4, 2020 minutes as presented. Councilor Mike Giacomo seconded the motion, which passed unanimously.

2) Preliminary Survey Results

Daria Mark, a representative from Good Energy, reviewed the results that had come in over the past month from the Community Power survey. These results helped inform what should be included in the draft Community Power Plan. The survey began on December 8, 2021 and was disseminated online as well as in print in the Monadnock Shopper newspaper. It ran for approximately one month, ending on January 7, 2021, and rendered 126 total responses, mostly from the online version.

Daria Mark paused and asked the committee if they had heard any conversation or mentions of the survey out in the community. Dan Belluscio replied that he hadn't but reasoned that everyone is fairly isolated during the pandemic, so not a lot of external conversations are taking place. Councilor Mike Giacomo stated that he shared the survey with the neighborhood groups in his north central region, reaching about 100 people.

Daria Mark continued with the review and stated they saw a predominantly residential response, with 82 percent of survey takers owning their home, and 6 percent already generating electricity with solar panels.

To help the public understand what the survey asked about, they created two videos. The first explaining Community Power, and the second answering how it impacts the City of Keene. Daria Mark encouraged the committee to take a look at those videos, which are located at KeeneEnergyPlan.com/CommunityPower. She mentioned these would be great resources to share if people are wondering what the program is all about.

The following data from the survey results was presented by Daria Mark.

Demographics: The survey asked two demographics questions to measure diversity of responses. Results showed a good spread on age and income.

Electricity Supply: A majority of the survey respondents use Eversource but 13 percent have taken action to find a different supplier. The next question explored what people are looking for when they seek a different supplier. Results showed that 69% of respondents were looking for a better rate. The other respondents wanted more renewable content.

Community Power Goals: This multiple choice question explored what the community wanted to see from the Community Power program. The highest response was a desire to see an increase in local renewable energy. Other popular answers were lower energy bills, better rates, and creating local jobs.

Renewables and Price: This question was aimed to tease out community sentiments with regards to adding renewable energy versus the cost. 8% of respondents did not want more renewable electricity but 92% said they did. Breaking down that 92% further revealed that 50% of respondents are willing to pay more for renewable electricity and 42 percent want more renewable electricity if they can pay about the same amount they currently pay.

Paul Roth asked if the last 2 bars on the Renewables and Price chart were additive (the 19 and 31 percent). Daria Mark replied that if a respondent chose the option of wanting more renewable energy, they then had to choose from three options: wanting to pay the same, willing to pay a small amount more, or willing to pay more in general. Those responses are seen in the last 3 bars (42, 19 and 31 percent) and represent how much more the participants want renewable energy. Councilor Mike Giacomo stated with regards to price sensitivity that these responses seem to be cut down the middle, 50% are able or willing to pay more, versus 50% of respondents not able or willing to pay more. Maria Dark agreed

and added that the 31 percent of respondents that are willing to pay more is the demographic they'd try to target in an opt-up campaign.

Income information was asked on the survey to reveal any trends in responses based on respondent income level. The next chart showed that respondents with higher income levels are not the only ones who are interested in more renewable energy. The lightest blue category represents income under \$50,000, the next blue is \$50,000-100,000, and the dark blue is greater than 100,000. This is important because it shows representation from all different income levels in favor of more renewable energy.

Councilor Mike Giacomo commented that the chart shows there's about a 65-35 split within the under \$50,000 cohort between the 'willing to pay extra' category and the 'want to pay the same amount' category, which tells them there's willingness and actual price sensitivity to be able to afford the higher rate, which is great. There's also no question that this cohort is in favor of more renewable energy, but about 50 percent are saying they probably can't afford a higher rate, and he wants to make sure they are paying attention to all representations in the community and going about things in a cost-effective way. Daria Mark wondered if the people who said they don't want more renewable energy, in the under \$50,000 cohort, were saying it out of concern for increased prices. She and Councilor Giacomo agreed that this could be possible because it has been a narrative they've seen in the past.

Energy Efficiency: They included 3 questions to tease out how much and what has been done in the community with regards to energy efficiency. The first question asked if they had done an energy audit. Around 73% of respondents answered yes, which showed there's still a lot of potential when thinking about saving energy. The next two questions attempted to discover if there was a reason they hadn't done an energy audit. The first asked if they keep their thermostat lower than they would like to save money, and 71% of respondents answered yes. The next question asked if their home is drafty or are their energy costs high, and about half of respondents said yes. Overall, the results showed potential on improvement for reducing energy use.

The next chart used the income levels to answer if getting an energy audit had to do with finances. The results showed that it was not a matter of income, it was more about other factors like time.

Outreach Channel Effectiveness: The survey asked people how they heard about the survey with options of the newspaper (Shopper news, Keene Sentinel), online (City website, social media), e-mail, or other. Most respondents heard about the survey through a newspaper and the next highest response was one of the online options.

Conclusions – The survey results demonstrated that there is very strong support for a default product with extra renewables, an option that offers additional renewable content, and desire for the most cost-effective option.

3) Overview of Draft Community Power Plan

Patrick Roche from Good Energy stated that the draft Community Power Plan starts with Keene's vision of electricity to be 100% renewable by 2030, and the 2050 goal of thermal and transportation to be 100% renewable energy. He stated the plan is meant to be a framework that spells out how they will approach their goals and noted that it leaves room for innovation so the program can evolve. The following was Patrick Roche's review of the plan.

Program Vision: The first piece of the plan is successful launch. They focused on economic value that also increases renewable energy for the community and supports the growth of new renewable energy in the region. The economic value will be critical for both short and long-term goals of the program. This had already been demonstrated in the survey results showing about half of the respondents willing to pay more for renewable energy, and half who are looking to pay about the same. The idea is to maximize environmental goals while having economic impact.

The second piece of the vision emphasizes using a variety of tools and innovations over time, such as optional products that help achieve higher renewable percentages for those that can afford it, and strong incentives to support more local renewable energy in Keene.

The next component is harnessing the community and making sure there's space to regularly revisit goals and planning. To help get to 100% renewable energy they want to include community input, creativity and ideas with regards to steps in the plan and distribution of benefits.

Next is removing barriers to program goals which means operating the program within the regulations that exist, but also working to change rules and expand and create new opportunities.

Lastly, is leading by example and collaborating. This is the idea of allowing the program to have a greater impact by helping other communities start and launch their own programs and collaborating with other communities to expand buying power.

Patrick Roche then touched on renewable energy and NH Class 1. He stated that renewable energy means we are focused on extra renewable energy, above and beyond what the state minimums are. This is NH Class 1, "new renewable energy," and the sources have to be located in New England, NY or Eastern Canada to be on their regional electricity grid. Wind, solar, small hydro, methane, and biomass are the primary sources.

Renewable Portfolio Graph: the light green box is the NH Class 1 section which has increased every year and is part of what drives the growth of renewable energy in our region. Keene would accelerate this growth if they purchase extra renewable energy. For the year of 2021 we are at about 10% Class 1 and the NH Renewable Portfolio Standard plateaus at about 20%.

Electricity Products: In the plan there are 3 different electricity products included. The first is the default product that people would be automatically enrolled in, unless they take action. This first product is designed to have some savings or cost parity with Eversource and some extra renewable energy. They estimated starting at 5-10% extra renewable energy with this default product, so there's flexibility to be able to remain economically competitive.

Councilor Mike Giacomo asked if the 5-10% is added to the 30% from the prior slide. Patrick Roche replied yes and stated he would show this in a graph shortly.

The other two products are optional. One would be 100% focus on extra renewable energy, so they'd match 100% of extra renewable energy on top of what the state is offering. The other would be the basic product at 0%, for people who want as much savings as possible and would meet the state's minimum portfolio standards. Patrick Roche mentioned that they will need to do a considerable amount of promotion and education to get people in the 100% option, as past programs have demonstrated that most people stay in the standard product.

A NH Renewable Portfolio Standard (RPS) and Keene Community Power graph was then shown, with the dark green representing the voluntary Class 1 in Keene, using 5% extra renewable energy on top of the NH RPS percentage. It illustrated that, if starting in 2021, they'd already be higher than the state's RPS. In other words, that 5% would be increasing the Class 1 requirement by half. They felt these product options aligned with the survey and would be a good place to start, allowing for room to add more renewable energy and keep economic value.

Rhett Lamb asked, when talking about the percentage increase over the RPS, if somebody is opting up to that 100% product, are they getting 100% renewable energy or 100% over the RPS? Patrick Roche answered that 100% NH Class 1 renewable energy would be purchased on their behalf. The percentage for the RPS and 100% of additional NH Class 1 energy would be put onto the grid. In other words, they'd be helping the rest of the grid/their neighbor because one can only physically use 100% renewable energy. Rhett Lamb suggested that they keep the message as simple as possible moving forward and Patrick Roche agreed.

Patrick Roche went on to highlight other keys for Keene's goals:

- Net metering – They don't have the price or term for paying for electricity yet, this will be figured out when they go to bid and they'll lock in rates and terms based on what they know about the market. Net metering is similar to this, they can define how they provide net metering benefits. The options are somewhat limited based on the billing system that Eversource has but there is some flexibility that they can look at in the competitive bidding process. The goal will be to see if they can offer as good or better incentives than default service. This will include education and outreach to communicate any differences between default service and what the Community Power program offers.

- Energy efficiency – The plan highlights that, to start, the main focus will be cross promoting the NH Saves program. Overtime, they are hoping to more directly support energy efficiency.
- Buying groups – Being a regional leader they state that the City of Keene is interested and open to their program and that they make their own choices about their products; however, everyone goes up to bid on the same day at the same time so they are benefiting from collective buying power, while keeping autonomy with the program.
- Opt up campaigns – Education, outreach and opt-up campaigns are run to support general program awareness and recruit participation into the 100% product.
- Planning and evaluation – There is a big emphasis on this as a part of reaching goals. They need to get the program up and running and then look at evaluation and innovations.

Universal Access and Equitable Treatment: Patrick Roche highlighted that this is a key statutory requirement. Universal access means anyone can join the program and equitable treatment means they have to treat similarly situated customers the same. The plan makes a few different distinctions on treating customers the same based on their circumstance:

- Product option – This includes the opt-up options or the basic/default option.
- Rate class - large commercial versus residential versus small business
- Joining via the opt-out process or actively opting in. The distinction here is mostly for large commercial entities. If opting in as residential or small business you are guaranteed the program rate; however, they reserve the right to charge market price for large commercial entities. The reasoning behind this is that it's a way to protect the rest of the participants due to risk premium.
- Switch options any time without penalty

Dan Belluscio asked if the larger commercial entities are negotiating a lower rate outside the system anyway, which is normally better than residential rates. Patrick Roche answered that most large commercial entities will be doing a more complex rate and probably won't be enrolling in the program. Dan Belluscio stated that everything looked amazing and wondered why people wouldn't do this and what could go wrong? Patrick Roche answered that on the economic side they can't guarantee savings. When they are recommending the default 5 or 10% they are giving themselves some buffer to account for variability because they only know the utility rate 6 months out. The track record for programs that they've run is that they do deliver savings, so that is a plus. Patrick Roche states this is why the education and outreach plan is essential. A lot of people aren't familiar with electricity and don't think about it all that much. They don't want people to feel confused or feel the city is doing something without their knowledge or buy-in, so the process typically goes better with community preparation.

Daria Mark announced that everyone could contact communitydevelopment@ci.keene.nh.us for questions, and they will answer them in the meeting on January 26, 2021. The survey outreach identified that people wanted to hear about this program via email and she showed how the public can sign up on the City of Keene website. Community outreach will include email, flyers, social media, radio, etc.

The meeting on January 26, 2021 will consist of presenting the survey results and explaining the draft Community Power plan.

4) January 26, 2021 Public Hearings – 12:00 PM and 6:30 PM

Dr. Ann Shedd requested that the committee hear about proposed HB315 and how it could impact the Community Power plan if passed. Guest Robert Hayden stated that the bill is restrictive and they do not want restrictions. They want to be able to use more renewables anywhere they can. He stated that he has had many conversations with other concerned entities in regards to planning strategies. At worst case, they would create a strategy to water down HB315 so they don't lose as much flexibility. The preferred strategy would be to completely eliminate HB315 with a large effort of business and community folks commenting against it. They are in the developmental stage of what their strategies will be and are very aware of the situation and looking to maintain the flexibility they now have.

Mari Brunner stated they have a meeting scheduled for Friday, January 22 and asked if the committee would like to hear more about this bill then. Dr. Ann Shedd replied yes and stated maybe the committee members could read a little bit about the bill beforehand. She inquired on whether or not there's a more formal version of the Community Power plan available to circulate to committee members. Mari Brunner responded that there will be and the goal is to send it out next week before the meeting to give committee members time to review it. Rhett Lamb added that they have a meeting set up with city managers and the city attorney as soon as their time allows, and will do their best to get the plan out to the committee as soon as possible.

Councilor Mike Giacomo stated he submitted a question for Daria Mark in the chat about how many people they would need to opt-up in order for them to reach 100% goal, and requested that they obtain that estimation at some point in the near future.

5) New Business

There was no new business. Dr. Ann Shedd requested that everyone contact the Community Development Department if they have questions from today.

6) Upcoming Meetings

- a. **Friday, January 22, 2021 at 8:00 am (tentative)** – Dr. Ann Shedd stated this meeting is scheduled to take place.
- b. **Jan 26 (noon and 6:30)** – Dr. Ann Shedd stated they will need a quorum for these meetings and Mari Brunner replied that she had heard back and they will have quorum at both meetings. Dr. Ann Shedd inquired about the format and Mari Brunner stated it would be similar to the meeting today, including at least 20 minutes for questions from the public.
- c. **Friday February 5, 2021 at 8:00 am**

7) Adjourn

Dr. Ann Shedd adjourned the meeting at 9:02 AM

Respectfully submitted by,
Nicole Cullinane, Minute Taker

Reviewed and edited by Mari Brunner, Planner

CITY OF KEENE

DRAFT COMMUNITY POWER PLAN

EXECUTIVE SUMMARY

The City of Keene is working toward being the first community in New Hampshire to launch a Community Power Program under RSA 53-E. The City formed an ad-hoc Community Power Committee to develop a draft Community Power Plan, which is now available for public review. After the public review period, the Committee will approve a final Plan and submit it to the City Council for consideration and adoption. The City and Committee are working with the consulting team of Good Energy and Standard Power to design, launch and manage its Community Power Program.

WHAT IS COMMUNITY POWER?

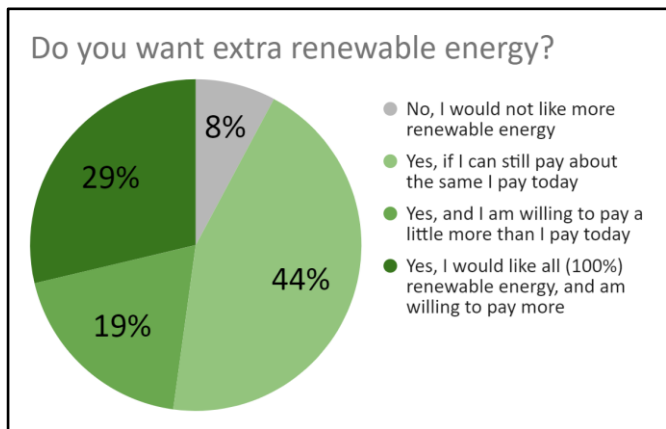
Community Power is a program to create electricity supply choices for Keene residents and businesses with cost and environmental benefits beyond that of the utility Default Service supply. Instead of simply utilizing Eversource's electricity supply, Keene will bundle together the electricity needs of its residents and small businesses and put out a Request for Proposals (RFP) for electricity suppliers to provide the necessary electricity at competitive prices. This type of program is well established in many other states that allow Community Power, and Keene's program will utilize best practices adapted for New Hampshire. With Community Power, the City is able to make strategic decisions about when to solicit bids, lock in fixed pricing for multiple years, and increase renewable energy content above the existing statewide minimum.

Community Power is identified as a key strategy in the Keene Energy Plan for meeting the City's goal of 100% renewable electricity by 2030, and 100% renewable thermal energy and transportation by 2050. Community Power also supports other Energy Plan goals, including promoting equity, energy efficiency, job creation, and climate resilience and preparedness.

DRAFT PLAN DEVELOPMENT

To develop the draft plan, the City and Committee conducted outreach to inform residents and businesses about the program and engage residents in the creation of a plan. The City held a total of four public information sessions on December 8, 2020 and January 26, 2021 to promote awareness of the development of a Community Power Plan and to gather input. The Committee released a community survey that was available online and via paper in the Monadnock Shopper News for one month, and received over 125 responses. The online survey and the City's website

www.KeeneEnergyPlan.com also hosted two educational videos about Community Power. Survey results were used to identify community goals for the Program, principally the strong support for increased renewable energy up to 100% and support for energy supply choices that include a basic option that is cost competitive with the utility default rate.



KEY PLAN ELEMENTS

Electricity Supply Choice

The Program will offer a default electricity supply product that includes extra local renewable energy over the required state minimum, while aiming to provide savings compared to Eversource’s Default Service supply. Upon launch, the Program expects to include 5-10% extra local renewable energy in its default product. The Program will explore a range of strategies to increase this percentage while maintaining competitive rates. As shown below, the program will offer optional products in addition to the default:

	Default Product (Automatic enrollment)	Optional Products		
Product Name	Keene Local Green	Keene Basic	Keene 50% Local Green	Keene 100% Local Green
Product Goals	Increase renewable energy use while maintaining competitive rates	Most competitive rate (no increase in renewable energy use)	Significant increase in renewable energy use (e.g. 50%)	Largest increase in renewable energy use (e.g. 100%)

Renewable Energy & Energy Efficiency

Extra renewable energy for the Program will come from local renewable resources and regional Class I renewable energy credits, with emphasis on New Hampshire based resources. This policy aligns with the EPA’s definition of green renewable energy and the Keene Energy Plan.

- The Program will seek to offer net metering benefits equal to or better than Eversource, and will communicate any differences so net metering customers can make an informed choice.
- The Program will support energy efficiency programs and initiatives, initially through utility-supported programs like NHSaves, but will also explore more direct opportunities.

Participation

The Program will be open to any Keene electricity consumer. Anyone currently receiving Eversource Default Service electricity supply will be eligible for automatic enrollment in the default supply product of Keene Community Power. Prior to program launch, there will be a comprehensive education and outreach effort to make residents and businesses aware of the program, their options and how to participate or not, i.e. opt out and remain on Eversource Default Service supply.

- Participants may also change products or leave the program at any time with no penalty.
- The Plan allows for the City of Keene to partner with other communities also pursuing similar goals with Community Power.

Customer Experience

Electric customers will continue to get one bill from Eversource for all electricity charges. Customers will continue to contact Eversource for all outages and all electricity delivery related issues and questions.

- The supply portion of a customer’s bill will change to reflect participation in the Keene Program.
- Electric Assistance Program (EAP) participants will continue to receive their discount.

Review the full draft Plan and follow the progress of the Program by joining the City’s email list for Community Power and/or going to the dedicated website: www.KeeneCommunityPower.com.

CITY OF KEENE
DRAFT
COMMUNITY POWER PLAN



February 2, 2021

TABLE OF CONTENTS

I. Community Power Goals and Vision	1
II. Process to Develop and Approve Plan	3
III. Customer Participation	4
III.a. Applicable classes of customers	4
III.b. Universal access	4
III.c. Equitable treatment	4
III.d. Reliability	5
IV. Organizational Structure	6
V. Electricity Supply Product Options	7
V.a. Default and Optional Electricity Supply Products	7
V.b. NH Class I Renewable Energy	9
VI. Operation	10
VI.a. Issue an RFP for power supply and select a competitive supplier	10
VI.a.i Power supply	10
VI.a.ii. Renewable Energy Credits for a renewable energy product	11
VI.b. Implement public information program including an opt-out notice	12
VI.c. Enroll customers and provide service	13
VI.d. Plan for program evolution	14
VII. Funding	14
VIII. Rate Setting and Other Costs to Participants	15
IX. Net Metering Compensation	16
X. Electric Assistance Program and other discounts	16
XI. Aggregating Municipalities & Buying Group	17
XII. Promoting Energy Efficiency	17
XIII. Method of Entering and Terminating Agreements with Other Entities	18
XIV. Rights and Responsibilities of Program Participants	18
XV. Extensions or Termination of Program	19
XVI. Planned Schedule	19
XVII. Conclusion	20
Exhibit I - Historical Overview	21
Exhibit II - Education & Outreach Plan	26

I. Community Power Goals and Vision

The City of Keene will develop and implement its Community Power Program (“Program”) as described in this Community Power Plan (“Plan”).

Community Power creates new electricity supply choices for Keene residents and businesses with the potential for cost and environmental benefits beyond that of the Default Service supply from the utility, Eversource. Instead of simply utilizing Eversource’s electricity supply, Keene will bundle together the electricity needs of its residents and small businesses and put out a bid for an electricity supplier to provide the necessary electricity at competitive prices. With Community Power, the City is able to make strategic decisions about when to solicit bids, lock in fixed pricing for multiple years, and increase the amount of renewable energy above the existing statewide minimum. Eversource will continue to manage billing and maintain wires and poles.

Community Power is part of the City’s comprehensive climate and energy planning process. One of the primary goals of Keene’s process, embodied in the City Council’s 2018 Resolution R 2018-36, is to achieve 100% renewable electricity use:

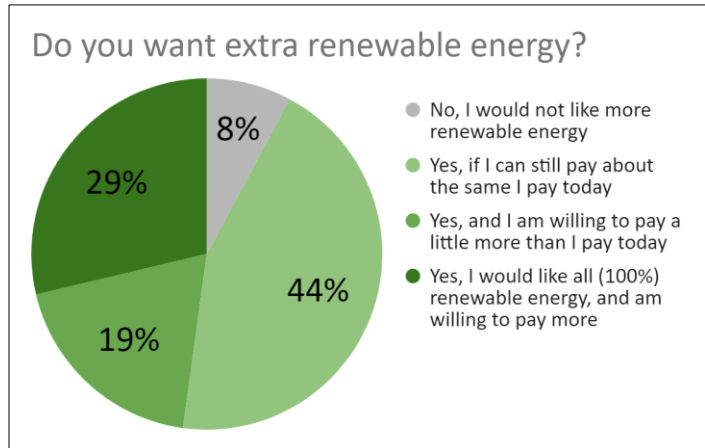
“It is the goal of the City of Keene that all electricity consumed in the City will come from renewable energy sources by the year 2030 and that 100% of all thermal energy and energy used for transportation come from renewable energy sources by the year 2050. This goal will apply to the entire Keene community, not just municipal government operations.

Keene’s climate and energy planning process also seeks to support equity, energy efficiency, job creation, and climate resilience and preparedness.

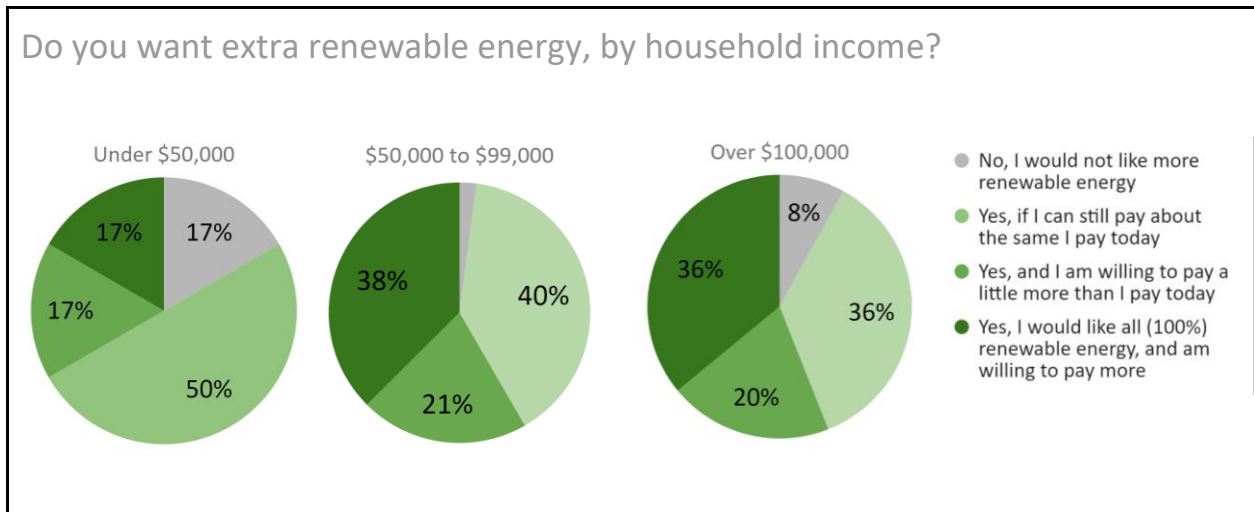
To establish specific goals and a vision for the Program, the City held information sessions and surveyed community members to ask about their priorities and preferences. While individual opinions differed, there was strong support from the majority of survey respondents from all income classes and age groups for five community priorities related to electricity supply:

- Choice for electricity options
- Control of electricity costs
- Competitive rates and lower bills
- Increased local renewable energy
- Local jobs

Particularly strong among respondents was support for renewable energy. As shown at right, over 90% of all respondents indicated a desire for extra renewables, and almost half indicated a willingness to pay more for extra renewables.



The desire for extra renewable energy generally held across age and household income brackets, with the strongest support overall in the middle income bracket, as shown below.



Detailed survey results can be found in **Exhibit I**.

The Keene community goals translate into the following goals for Keene’s Community Power Program:

1. Establish a standard (or default) electricity supply product that delivers economic value via competitive rates, uses more renewable energy, and supports the growth of local renewable energy on our regional electricity grid.
2. Increase the contribution of renewables toward 100% renewable electricity *for the entire program* by 2030, using optional products, tools and incentives that include:
 - Provide optional electricity supply products with alternative renewable electricity amounts (for example, 100%). Options afford individual participants the opportunity to meet higher renewable goals immediately and increase the overall renewable energy impact of the Program;

- Catalyze the development of local distributed energy resources, such as rooftop solar, by providing enhanced net metering and other incentives;
 - Explore opportunities to support the development of and utilize new renewable energy supply at utility scale within our region; and
 - Support energy efficiency initiatives to reduce total Program electricity demand and costs for participants;
 - Explore, and implement when possible, other tools and incentives successfully established elsewhere in New Hampshire, in other states or around the world (for example, time-of-use rate structures).
3. Engage the community to bring new ideas and resources into the Program, through every means possible, over the life of the program. Also engage the community to assess how benefits of the program can be allocated equitably.
 4. Work with regulators, utilities and suppliers to craft solutions and remove barriers to harnessing all cost-effective solutions, especially recognizing that increased electrification will be part of the solution toward 100% transportation and thermal renewable energy by 2050.
 5. Expand the Program’s impact by empowering other communities with similar goals. This includes sharing information and materials to help launch other programs as well as evaluating regional buying groups as to whether they provide greater cost savings to all participants through economies of scale.

The vision for Keene Community Power is to launch a timely Community Power Program that provides community members with attractive choices and substantially enhanced renewable energy options at competitive prices, and opens a new promising community path to 100% renewable electricity in 2030.

Community Power is emerging as a leading strategy to reach multiple community goals efficiently and equitably. The City of Keene looks forward to refining this vision for meeting our 100% renewable energy goals and all of Keene’s goals that are impacted by energy choices.

II. Process to Develop and Approve Plan

Before implementation, the Plan must be reviewed and approved by the Community Power Committee (“Committee”) and adopted by the Keene City Council. The Committee will ensure that the Program satisfies all of the statutory requirements, including that the Plan provides universal access, reliability and equitable treatment for all classes of customers. This Plan was developed to demonstrate that the Program of the City satisfies all the requirements necessary for approval by the Committee and adoption by the City Council.

This plan was developed through the following process, consistent with New Hampshire Revised Statutes Annotated (RSA) 53-E:

1. Creation of Community Power Committee
2. Creation of a Draft Plan with public hearings,
3. Approval of Plan by Community Power Committee,
4. Adoption of Plan by City Council, and
5. Submission of Final Plan to Public Utilities Commission.

Please see **Exhibit I** for detail on these steps.

III. Customer Participation

III.a. Applicable classes of customers

The Community Power Program will be available for the residential, commercial and industrial classes of electricity customers as defined by City’s electric distribution company, Eversource (“Applicable Classes”). See Eversource for current classes: <https://www.eversource.com/content/nh/residential/my-account/billing-payments/about-your-bill/rates-tariffs>

III.b. Universal access

The Plan provides for universal access for all customers by guaranteeing that all customer classes will be included in the Program under equitable terms.

All retail electric customers will have access to the Program. All customers receiving Default Service supply will be eligible for automatic enrollment in the Program, and they will be automatically enrolled in the Program unless they choose to opt out.

All customers will have the right to opt-out of the Program at any time with no charge.

As required by the statute, there shall be equitable treatment of Applicable Classes within the Program.

III.c. Equitable treatment

The community power statute requires 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. This does not mean that all classes of customers must be treated “equally,” but rather that similarly situated classes of customers be treated “equitably.”

Among applicable classes of customers, the Plan makes three distinctions.

First, the Program will distinguish among customer classes by soliciting separate pricing for each of the same customer classes the electric distribution utility uses for the distribution service.

Second, the Program will distinguish between customers receiving the default product and customers that affirmatively choose an optional product. Customers selecting an optional product will be charged the price associated with that product.

Third, the Program will distinguish between customers that join the program through an automatic enrollment process (i.e. customers who do not choose to opt-out) and customers that affirmatively elect to join the program.

- Customers that join through an automatic enrollment process include a) the initial customers at the start of the program and b) new customers that move into the City after the program start-date. All initial customers will receive the standard program pricing for their rate class. Among new customers, the Program will distinguish between new residential and small commercial customers, who will receive the standard program pricing, and all other commercial and industrial customers, who may receive pricing based on market prices at the time the customer joins the Program.
- Finally, customers that affirmatively elect to join include two types of customers: a) customers that did not become part of the Program initially because they were being served by a Competitive Supplier but then later join the Program; and b) customers re-joining the Program after having previously opted out. Those customers that were being served by a Competitive Supplier at program initiation but who later join the Program will be treated the same as new customers – residential and small commercial customers will receive the standard program pricing and all other commercial and industrial customers may be offered a price based on the then-current market rates. All customers that join the Program after having previously opted out may be offered a price based on then-current market rates rather than the standard contract price. This distinction is designed to limit any incentive for frequent switching back and forth between the Program and Default Service of the electric distribution utility.

III.d. Reliability

Reliability has both physical and financial components. The Program will address both through the Electricity Supply Agreement (“ESA”) with the Competitive Supplier. From a physical perspective, the ESA commits the Competitive Supplier to provide all-requirements power supply and to use proper standards of management and operations.

All-requirements power supply includes 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 Program participants and meet the state’s Renewable Portfolio Standard. The electric distribution utility will continue to remain responsible for delivery service, including the physical delivery of power to the customer, maintenance of the delivery system, and restoration of power in the event of an outage. From a financial perspective, the ESA requires the Competitive Supplier to pay actual damages for any failure to provide supply at the contracted rate (i.e., to pay the difference between the contract rate and the utility supply rate). The ESA requires the Competitive Supplier to maintain insurance and the Request for Proposals for a Competitive Supplier will require that an investment-grade entity either execute or guarantee the ESA. Accordingly, the Program satisfies the reliability requirement of the statute.

IV. Organizational Structure

Community Power Committee (CPC): The Finance, Organization and Personnel Committee, a standing committee of the City Council, voted to request that the Mayor constitute an ad-hoc Community Power Committee, as the designee of the Mayor and as established under RSA 53-E:6, to develop and approve a Community Power Plan for submission to and adoption by the City Council, as the legislative body of the City. The Committee will develop a draft plan, hold public hearings on the plan to solicit public input, revise the draft plan based on that input, and ultimately submit an approved Plan to the City Council. See **Exhibit I** for detail on the public input process.

City Council: In accordance with RSA 53-E:7, the City Council, as the legislative body of the municipality, will be the body to adopt the Community Power Plan after it has been approved by the Community Power Committee. The City Council will review and approve any proposed amendments to the Plan.

City Manager: The City Manager is designated by the City Council to provide direct management and oversight of the Plan on behalf of the City. The City Manager, or their designee(s), shall regularly meet with the Community Power Consultant for the purpose of providing oversight of the Plan and shall make recommendations to the City Council on Plan amendments. The City Manager shall authorize the issuance of bids for power supply and shall negotiate and execute a Electric Service Agreements (“ESA”) consistent with the products and goals described in this Plan.

Community Power Consultant: The Community Power Consultant will manage certain Program activities under the direction of the City Manager. Their responsibilities will include managing the supply procurement, developing and implementing the public education plan, interacting with the electric distribution utility and monitoring the supply

contract. Through a competitive procurement process the City has selected the partnership of Good Energy, L.P. and Standard Power (“GE/SP”) to provide these services.

Competitive Supplier: The Competitive Supplier will provide power for the Program, provide customer support including staffing a toll-free number for customer questions, and fulfill other responsibilities as detailed in the ESA. The Competitive Supplier shall be required to enter into an individual ESA with the City under terms deemed reasonable and appropriate for the retail electric customers by the City Manager.

Buying Group: The City may elect to join with other municipal aggregators in combining its load for purposes of soliciting bids from Competitive Suppliers. The purpose of the Buying Group is to allow municipal aggregators to capture the benefits of collective purchasing power while retaining full municipal autonomy. The City shall be represented by the City Manager, or their designee, on the executive committee of the Buying Group. The City, through the City Manager or their designee, shall select a Competitive Supplier based on the needs of the City and shall not be required to select the same terms or Competitive Supplier as other members of the Buying Group.

Retail electric customers: Retail electric customers shall include all electric customers taking distribution service of electricity located within the geographic boundaries of the City of Keene.

V. Electricity Supply Product Options

V.a. Default and Optional Electricity Supply Products

The Program intends to offer the following electricity supply products. Any retail electric customer that joins through an automatic enrollment process, shall be enrolled into the Program’s default product, unless they affirmatively choose to enroll in any of the optional products.

	Default Product (Automatic enrollment)	Optional Products		
Product Name	Keene Local Green	Keene Basic	Keene 50% Local Green	Keene 100% Local Green
Product Goals	Increase renewable energy use while maintaining competitive rates	Most competitive rate (no increase in renewable energy use)	Significant increase in renewable energy use (e.g. 50%)	Largest increase in renewable energy use (e.g. 100%)

- Default Product

- **Keene Local Green:** The Program intends to offer Keene Local Green as its default product. The Keene Local Green product has a goal of maintaining rough cost parity with Eversource’s Default Service supply while including extra renewable electricity above the Renewable Portfolio Standard (“RPS”) required in New Hampshire. The exact amount of extra renewable electricity will be determined after the receipt of bids from competitive suppliers. It is expected to include 5-10% extra renewable energy in the initial ESA. It is the City's goal to increase this amount in subsequent ESAs, while maintaining cost parity with Eversource’s Default Service. This product is intended to include as much renewable electricity produced by renewable energy generating resources located in New Hampshire and New England as possible (e.g. New Hampshire Class I). Including additional renewable energy in this product enables customers to have a meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

- Optional Products

- **Keene Basic:** Some customers may feel that the amount of new, renewable energy required by the RPS in New Hampshire is sufficient to fulfill their renewable energy objectives. This product offers the same amount of renewable energy as Default Service from Eversource as required by the RPS of New Hampshire. Keene Basic will be the lowest cost option in the Program.
- **Keene 50% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to 50% renewable electricity above the RPS. The City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.
- **Keene 100% Local Green:** For customers that want more renewable electricity than is offered by Keene Local Green, this product offers up to 100% renewable energy above the RPS. City reserves the right to adjust the amount of renewable energy to be included with this product and that amount will be the same for all customers choosing this option. This product enables customers who chose this option to have a more meaningful impact on the reduction of greenhouse gas emissions through the support of local renewable energy sources.

The Program notes that it cannot guarantee savings for any of its products compared to the utility Default Service rates, because utility Default Service rates may not be known for the entirety of any Program supply contract.

Any charge for the additional renewable energy would be included in the rate submitted to the electric distribution utility or be purchased separately as Renewable Energy Credits (“RECs”) from a third party. RECs are the accepted legal instrument used to track renewable energy generation and to substantiate claims of renewable energy use. For every one megawatt-hour (MWh) of renewable electricity that is generated and fed onto our electricity grid, one REC is created. In order to claim the use of a certain quantity of renewable energy, one must hold and retire an equivalent quantity of RECs. Retiring a REC ensures that there can be no double counting of renewable energy (i.e. no one else may claim to use the same REC one it has been retired).

V.b. NH Class I Renewable Energy

New Hampshire Class I renewable energy is known as “new renewable energy”. The State requires all electricity supplies to include a minimum quantity of Class I renewable energy, and that amount increases annually (currently plateauing after 2025). This increasing requirement, along with similar requirements in other New England states, has been a major driver of the growth of renewable energy in our region. If the Program voluntarily purchases additional Class I renewable energy at significant scale, Keene will augment this growth even further.

Class I renewable energy can come from wind, solar, small hydroelectric, biomass, methane, as well as hydrogen and ocean thermal, tidal or wave energy. These categories align with the Keene Energy Plan’s support for “Green Power” as defined by the US Environmental Protection Agency (EPA). All Class I renewable energy must have started operation after January 1, 2006 and must be physically delivered to our regional electricity grid, which means it can come from New England, New York or eastern Canada.

- Additional detail on NH Class I renewable energy, as well as the other classifications of renewable energy covered by the New Hampshire Renewable Portfolio Standard, may be found at https://www.puc.nh.gov/Sustainable%20Energy/Renewable_Portfolio_Standard_Program.htm
- Additional detail on EPA’s Green Power definition can be found at <https://www.epa.gov/greenpower/what-green-power>.

As described above, the City intends to purchase a portion of the RECs from renewable energy generators and include these RECs in a renewable energy product. If RECs are obtained through the Competitive Supplier, any charge for these RECs would be included in the same rate submitted to the electric distribution utility.

VI. Operation

The implementation of the Community Power Program requires extensive interaction between the City, the Competitive Supplier, and the electric distribution utility.

Following adoption of the Plan by the City Council, the key operational steps will be:

- a. Issue a Request for Proposals (RFP) for power supply and select a Competitive Supplier
- b. Implement a public information program, including an opt-out notice
- c. Enroll customers and provide service, including quarterly notifications and annual reporting
- d. Plan for program evolution

These steps are described in the sections below.

VI.a. Issue an RFP for power supply and select a competitive supplier

VI.a.i Power supply

After adoption of the Plan by the City Council, the next step is to procure a contract for power supply.

The City, under direction of the City Manager or its designee, will solicit bids from leading competitive suppliers, including those currently supplying community power programs in New England and other states. In seeking bids from competitive suppliers, the City may solicit bids for its load individually or as part of a Buying Group with other municipal aggregators. The RFP will require that the supplier satisfy key threshold criteria, including:

- Registration with the New Hampshire Public Utilities Commission (NHPUC)
- Strong financial background
- Experience serving the New England competitive market or community power programs (also known as municipal aggregations) in other states
- Demonstrated ability, supported by references, to provide strong customer service.

In addition, suppliers will be required to agree to the substantive terms and conditions of the ESA, including, for example, the requirement to:

- Provide all-requirements power supply at a fixed price
- Allow customers to exit the program at any time with no charge
- Agree to specified customer service standards

- Comply with all requirements of the NHPUC and the electric distribution utility

The City will solicit price bids from suppliers that meet the threshold criteria and agree to the terms and conditions of the ESA. The City will request bids for a variety of term lengths (e.g. 12, 24, 36 or 48 months) and for power from different sources.

In consultation with its Community Power Consultant, the City Manager, or its designee, will evaluate the bid results including price, term and source. Whether the City conducts an individual solicitation or participates in a solicitation with a Buying Group, at the conclusion of the bidding process it will select a price, term and supplier appropriate for its retail electric customers. Participation in the Buying Group shall not require the City to select the same price, terms or supplier as other members of the Buying Group. If a bid is satisfactory, the City Manager, or its designee, shall execute an Electric Service Agreement (“ESA”) with the selected supplier. If none of the bids is satisfactory, the City will reject all bids and repeat the solicitation for bids as often as needed until market conditions yield a price that is acceptable. The City will only accept a bid that enables it to launch the Program with a price, terms and characteristics that meet the criteria set by their municipal officials.

VI.a.ii. Renewable Energy Credits for a renewable energy product

In addition to soliciting bids for power supply that meet the required New Hampshire Renewable Portfolio Standard (RPS) obligation, the City intends to solicit bids for a supply of RECs for its renewable energy products. RECs, as defined in **Section V. Product Options**, are required to be purchased and retired in order to substantiate any claim of renewable energy use. It is the goal of the City to support the growth of renewable energy in its product offerings, thus contributing greater renewable energy resources to our regional electricity grid and reducing greenhouse gas (GHG) emissions. Keene also seeks to support renewable energy as locally as possible. The City Manager, or their designee(s), will determine the appropriate level of renewable energy products to be included with the default product and the optional products based upon their assessment of market conditions and what would be in the best interest of retail electric customers at the time of the power supply solicitation. All RECs, above those required by the RPS, are initially expected to be New Hampshire Class I eligible RECs. The City may seek RECs from a variety of renewable energy sources and will choose the best combination of environmental benefits and price.

The City will require bidders to identify the technology, vintage, and location of the renewable energy generators that are the sources of the RECs. It will also require that the RECs be created and recorded in the New England Power Pool Generation Information System or be certified by a third party. The City may provide customers with renewable energy generation source information through a variety of vehicles including the program web site, content disclosure labels and the customer notification letter.

VI.b. Implement public information program including an opt-out notice

An Education and Outreach Plan is required to fully inform and educate potential customers and participants in advance of automatic enrollment in the Community Power Program. Customers, including customers with limited English language proficiency and disabilities, must be informed that they would be automatically enrolled in the Program and that they would have the right to opt-out of the Program without penalty. The purpose of the Education and Outreach Plan is to raise awareness and provide retail electric customers with information concerning their opportunities, options and rights for participation in the Program.

The Education and Outreach Plan (**See Exhibit II**) consists of five components:

i. Initial Outreach and Education: This will be conducted after the selection of a Competitive Supplier and prior to arrival of the customer notification letter. It is intended to promote general awareness of the upcoming program, minimize any questions generated by the arrival of the customer notification letter and maximize recipients' ability to make an informed choice about their participation in the Program. This effort will include information about the goals of the Program, the basic terms and conditions including renewable energy components, and the opt-out process.

ii. Customer Notification Letter: In addition to the initial outreach and education initiatives, a customer notification letter (also known as an opt-out notice) will be mailed to every retail electric customer on Default Service with the electric distribution utility. This letter will contain all details on the products offered by the Program; explain that the customer will be automatically enrolled in the default product unless they choose otherwise; have instructions for how to not participate (opt out) via web, phone or a pre-addressed envelope included with the letter; and instruction for how to enroll in an optional Program product.

iii. Opt-Out Period Education & Outreach: The opt-out period will last a minimum of 30 days from the date of mailing of the customer notification letter. After the customer notification letter has been sent, the City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the program. This will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter.

iv. Timeline and Preliminary Marketing Plan for Launch: This component identifies the steps the City intends to take in marketing the Program including

identification of media and other community resources, examples of education and outreach documents, and an expected timeframe for the outreach effort.

v. Ongoing Outreach & Education: This component describes the expected outreach and education activities following Program launch. Key elements include:

- Program goals and performance, particularly as they relate to progress towards the City’s ambitious short- and long- term goals for renewable energy, particularly for 2030 and 2050.
- On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law (“Opt up campaigns”). Increasing participation in these products will serve the City’s goals to expand new renewable energy and increase overall renewable energy use; AND
- Promotion and support of the NHSaves energy efficiency program, and future energy efficiency and weatherization programs

The attached Education and Outreach Plan (**Exhibit II**) describes in detail the City’s anticipated outreach efforts, including a timeline.

VI.c. Enroll customers and provide service

i. Enroll Customers: After the conclusion of the opt-out period (i.e. no sooner than 37 days from the date of the postmark of the opt-out notice), the Competitive Supplier will enroll into the Program all retail electric customers on Default Service with the electric distribution utility who did not opt out. All enrollments and other transactions between the Competitive Supplier and the electric distribution utility will be conducted in compliance with the relevant provisions of New Hampshire Public Utilities Commission regulations, Terms and Conditions for Competitive Suppliers, and the protocols of the New Hampshire Electronic Business Transaction (EBT) standards.

ii. Provide Service: Once customers are enrolled, the Program will provide all-requirements power supply service. The Program will also provide ongoing customer service, maintain the Program web site, and process customer enrollments, ongoing opt outs, and customer selections of optional products. The Program will provide Energy Source Disclosure labels to participants as required by RSA 378:49.

Prior to the expiration of the initial ESA, the City intends to solicit a new power supply agreement, as described in **Section XIII. Method of Terminating and Entering Agreements with Other Entities**. If the City elects not to enter into a

new power supply agreement, participating customers would return to Default Service as described in **Section XV. Extensions or Termination of Program.**

When new customers move into the City, they will receive a customer notification letter detailing the Plan and an opt-out card. At the end of the opt-out period they will be enrolled in the Program unless they elect to opt-out. New customers may proactively enroll by contacting the Program directly.

iii. Annual Report: On an annual basis, the City Manager, or its designee(s) will report to the City Council on the status of the Community Power Program, including the number of customers enrolled and opting-out, kilowatt-hour usage, customer savings, participation in renewable energy products, and such other information as the City may request. The information for this report will be prepared by the Community Power Consultant, and the Community Power Consultant will assist or lead in presenting to the City Council as desired by the City Manager.

iv. Data Portal: The Community Power Consultant will make available to the City Manager and its designee(s) a secure, password-protected cloud-based data portal that provides the ability to run reports on key program metrics and performance.

VI.d. Plan for program evolution

City seeks to continually improve the program and progress towards its long-term goals. To this end, the Community Power Consultant and City will regularly assess new opportunities such as technologies, services, regulatory policy changes, and more for their applicability to the program. Community Power Consultant will develop appropriate strategies to integrate these opportunities into the Program. Community Power Consultant will support the City to present new opportunities to the City Council for their consideration and approval, if amendments to the Plan are needed.

VII. Funding

All of the costs of the Program will be funded through the ESA.

The primary cost will be the charges of the Competitive Supplier for the power supply. These charges will be established through the competitive solicitation for a supplier.

The administrative costs of the Program will be funded through a per kilowatt-hour implementation fee that will be paid by the Competitive Supplier to the Community Power Consultant, as specified in the ESA. This implementation fee will cover the services of the Community Power Consultant, including developing the Community Power Plan, managing the supply procurement, developing and implementing the public

education plan, providing customer support, interacting with the electric distribution utility, monitoring the supply contract, and providing ongoing reports.

VIII. Rate Setting and Other Costs to Participants

The Program is offered on an opt-out basis, such that eligible customers will be automatically enrolled unless they proactively choose to opt out.

As described above, the power supply charges of the Program will be set through a competitive bidding process and will include the implementation fee and applicable taxes pursuant to the ESA. Prices, terms, and conditions may differ among customer classes, which classes will be the same as the Default Service customer classes of the electric distribution utility. The frequency of price changes will be determined through the competitive bid process. The City expects to solicit bids for a number of different contract terms. Prices may change as specified in the winning bid and customers will be notified of price changes through media releases and postings on the Community Power Program website.

Regulatory events, such as new or altered requirements for the Renewable Portfolio Standard, or new taxes may result in a direct, material increase in costs during the term of the ESA. In such cases, the City and the Competitive Supplier will negotiate a potential change in the program price. At least 30 days prior to the implementation of any such change, the City will notify customers of the change in price by issuing a media release and posting a notice in City Hall and on the program website. The City shall also notify the NHPUC Consumer Services and External Affairs Division prior to implementation of any change in the Program price related to a regulatory event or new taxes. Such notice shall be provided prior to notifying customers and will include copies of all media releases, postings on the City and Program websites and any other communications the City intends to provide to customers regarding the price change.

The Program affects only the electricity supply charges of the customers. Delivery charges will be unchanged and will continue to be charged by the electric distribution utility in accordance with tariffs approved by the NHPUC.

Participants in the Program will receive one bill from the electric distribution utility that includes both the power supply charge of the Competitive Supplier and the delivery charge of the electric distribution utility. Any applicable taxes will be billed as part of the Program's power supply charge.

IX. Net Metering Compensation

In accordance with RSA 362-A:9, II, the Program may determine the terms and conditions for net metering. In order to support the development of distributed energy resources within Keene, the Program will seek to offer net metering terms and conditions - for standard, alternative and group net metering - equal to or better than that provided on Default Service. To this end, the Program will evaluate the net metering terms and conditions offered by competitive suppliers as part of the procurement and bid selection process.

To ensure net metering customers can make a fully informed decision on their participation in the Program, the Program will tailor all education and outreach materials to clearly communicate any and all differences between the net metering value and operation provided by the Program and Default Service.

Additionally, the Program will evaluate how any proposed or implemented changes to the utility metering or billing infrastructure may create new opportunities to enhance the net metering benefits.

X. Electric Assistance Program and other discounts

The New Hampshire Electric Assistance Program (EAP) provides qualifying customers with a discount on their monthly electric bill. The New Hampshire Legislature authorized funding for this statewide program as part of electric utility deregulation. All electric utility ratepayers support the statewide EAP through the System Benefits Charge (SBC) portion of their electric bill.

The EAP for income-eligible customers that may qualify for a discount off their monthly electric bill would continue for participants in the Program. The level of discount depends on household income, household size and electricity usage.

The EAP discount does apply to the Supplier Services portion of an electric bill when a customer chooses an independent supplier for their electricity needs. The participants in the Program who are enrolled in the EAP will receive their discounts by the same method they presently receive their discount. Participation in the Program is independent of enrollment in the EAP and does not impact the EAP discount.

Other discount programs administered by Community Action Programs that address the needs of low-income residents would continue for participants in the Program.

XI. Aggregating Municipalities & Buying Group

Participating in a buying group may offer the potential for the City to expand its buying power for greater economies of scale and to support the City's goal of acting as a regional leader, supporting other municipalities to access the benefits for Community Power. Keene will evaluate opportunities for such a buying group before issuing a bid for competitive supply. See **Section VI.a. Issue an RFP for Power Supply and Select a Competitive Supplier** for details on the implementation of a buying group.

Additionally, the City reserves its right, in accordance with RSA 53-E:6, I, to join with other municipalities or counties for its Community Power Plan and implementing its Community Power program. Any changes to the Community Power Plan must be reviewed and approved by the City Council.

XII. Promoting Energy Efficiency

In addition to supporting cost-competitive and cleaner electricity, the City seeks to leverage the Community Power Program to help reduce energy use. This will initially take the form of cross-promoting awareness of efficiency programs through the Program's education and outreach. The Program will also evaluate opportunities for direct support of energy efficiency.

Promotional education will focus on existing energy efficiency and conservation programs, such as New Hampshire's Weatherization Assistance Program for low-income households and the New Hampshire Saves (NHSaves) program, which provides customers with information, incentives and support designed to save energy, reduce costs, and protect our environment statewide. NHSaves is funded by electric and natural gas ratepayers and delivered by Eversource, Liberty Utilities, New Hampshire Electric Cooperative and Unitil to make homes, businesses and towns more sustainable and more comfortable places to live and work, both now and in the future. Through NHSaves customers can receive a Home Energy Assessment. The assessment identifies energy-saving opportunities in the home and provides the customer with an energy report. The report includes information on equipment rebates and no-cost products, as well as access to 0% financing and a limited time offers, such as up to 100% off approved insulation. The assessment can also include delivery of energy-saving products recommended by the Energy Specialist, such as LED light bulbs, advanced power strips, and thermostats that can be installed right away to start saving money and energy.

If and when additional energy efficiency and conservation programs or initiatives become available, the Program will evaluate how to incorporate them into its promotional outreach and education.

XIII. Method of Entering and Terminating Agreements with Other Entities

The process for entering, modifying, enforcing, and terminating all agreements associated with the Plan will comply with the municipal charter, federal and state law and regulations, and the provisions of the relevant agreement.

The City plans to use the same process described in **Section IV.a.** of this Plan to solicit bids and enter into any subsequent ESAs with the assistance of its then-current Community Power Consultant. Customers will be notified of subsequent ESAs through press releases and public notices. The transfer of customers from the existing supplier to the new supplier will be coordinated with the electric distribution utility using established Electronic Data Interchange (EDI) protocols.

If the City determines that it requires the services of a Community Power Consultant after expiration of the existing agreement with GE/SP, it will evaluate opportunities to solicit a Community Power Consultant individually or as part of a group of municipalities aggregating the electric load of their respective customers. The City will solicit proposals for, and evaluate, potential Community Power Consultants using a competitive procurement process or alternative procedure which the City determines to be in the best interest of its customers and consistent with all applicable local, state and federal laws and regulations.

XIV. Rights and Responsibilities of Program Participants

All participants will have the right to opt out of the Program at any time without charge. They may exercise this right by any of the following: 1) calling the toll-free number of the Competitive Supplier; 2) contacting the electric distribution utility and asking to be returned to Default Service; or 3) enrolling with another competitive supplier.

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 City, the Community Power Consultant, the Competitive Supplier, the electric distribution utility and the NHPUC. As appropriate, the City and the Community Power Consultant will direct customer complaints to the Competitive Supplier, the electric distribution utility or the NHPUC.

Participants will continue to be responsible for paying their bills and for providing access to metering and other equipment necessary to carry out utility operations. Participants are responsible for requesting any exemption from the collection of any applicable taxes and must provide appropriate documentation of such exemption to the Competitive Supplier.

XV. Extensions or Termination of Program

At least 90 days prior to the end of the term of the initial ESA, the City will solicit bids for a new supply agreement and plans to continue the program with the same or new competitive supplier.

Although the City is not contemplating a termination date, the program could be terminated upon the termination or expiration of the ESA without any extension, renewal, or negotiation of a subsequent supply contract, or upon the decision of the City to dissolve the program effective on the end date of the existing ESA. In the event of termination, customers would return to the Default Service of the electric distribution utility, unless they choose an alternative competitive supplier. The City will notify customers of a planned termination of the program through media releases and postings on the Program website.

The City will notify the electric distribution utility of the planned termination or extension of the Program. In particular, the City will provide the electric distribution utility notice: (1) 90 days prior to a planned termination of the program; (2) 90 days prior to the end of the anticipated term of the ESA; and (3) four business-days after the successful negotiation of a new electric service agreement. The City will also provide notice to the NHPUC 90 days prior to a planned termination, which notice shall include copies of all media releases, City Hall and website postings and other communications the City intends to provide customers regarding the termination of the Program and the return of participants to Default Service.

In the event of the termination of the Program, it is the responsibility and requirement of the Competitive Supplier to return the customers to Default Service of the electric distribution utility in accordance with the then applicable EDI rules and procedures.

XVI. Planned Schedule

The planned schedule below is presented for illustrative purposes. The final schedule will be established once the Program has received all necessary approvals.

Day	Action or Event
1	Issue RFP for Competitive Supplier
31	ESA executed between City and Competitive Supplier
32	Competitive Supplier notifies electric distribution utility to prepare retail electric customer data of the City; broad-based educational campaign begins

33	Competitive Supplier begins EDI testing with electric distribution utility.
44	Competitive Supplier receives retail electric customer data from electric distribution utility
48	Competitive Supplier, at its expense, mails opt-out notice and reply cards with pre-paid envelopes to all retail electric customers, identifying the return date by which the reply card envelopes must be mailed and postmarked
51	Retail electric customers receive opt-out notice in the mail
63	Competitive Supplier completes EDI testing with electric distribution utility.
81	Return date by which customers deciding to opt-out must mail a reply card in pre-paid envelope to Competitive Supplier.
85	Competitive Supplier removes all retail electric customers who opt out from the eligible list
85	Competitive Supplier sends “supplier enrolls customer” EDI for all participating customers.
90	Service begins as of each customer's next meter read date

XVII. Conclusion

Keene’s Community Power Program meets all of the requirements of the Community Power law, including providing universal access, a reliable power supply and treating all customer classes equitably. The City looks forward to launching the Program and pursuing the benefits of a competitive power supply, renewable energy, and electricity choice for its retail electric customers.

Exhibit I - Historical Overview

1. Creation of Community Power Committee

On June 18, 2020 the Keene City Council approved the formation of an Ad-Hoc Community Power Committee (CPC). From City Council Minutes June 18, 2020:

FOP REPORT - COMMUNITY POWER PROGRAM & AD HOC COMMUNITY POWER COMMITTEE – ASSISTANT CITY MANAGER/COMMUNITY DEVELOPMENT DIRECTOR

The Mayor brought forward the Finance, Organization and Personnel Committee report recommending that the Mayor be requested to constitute an ad-hoc Community Power Committee to develop a Community Power Plan for submission to the City Council in accordance with RSA 53-E. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a roll call vote with 15 Councilors present and voting in favor.

APPOINTMENT OF AN AD HOC COMMUNITY POWER COMMITTEE

The Mayor appointed an ad hoc Community Power Committee that would be charged with developing a community power plan for the citizens of Keene. The appointments from the Mayor included: Dr. Ann Shedd, Peter Hansel, Paul Roth, Jeffrey Titus, Michael Giacomo and Daniel Belluscio. A motion by Councilor Powers to confirm the appointments was duly seconded by Councilor Bosley. On roll call vote, 15 Councilors were present and voting in favor. The appointments were confirmed.

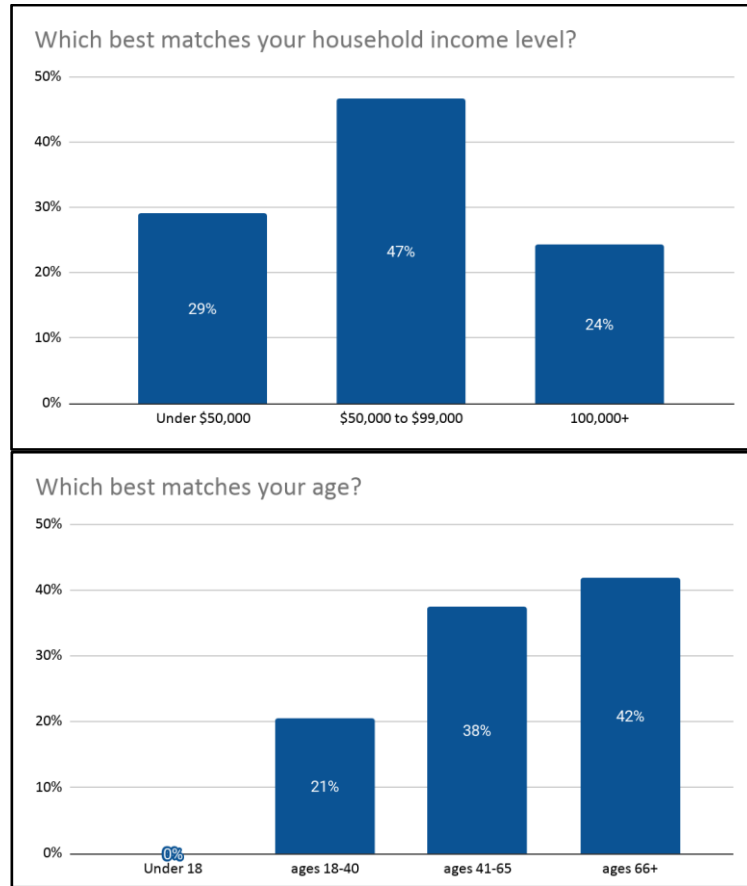
2. Creation of a Draft Plan with public hearings

The Committee, supported by City Staff and the Community Power Consultant, held two public information sessions on December 8, 2020 to promote awareness of the development of a Community Power Plan and to begin gathering input. Also on December 8, 2020, the Committee released a community survey open for approximately one month through January 7, 2021. The survey was available online and via paper in the Monadnock Shopper News. The online survey and the City's website, KeeneEnergyPlan.com also hosted two educational videos about Community Power. KeeneEnergyPlan.com has hosted additional educational resources about Community Power, including an FAQ page, podcast and interviews with municipal leaders from active community power (also known as municipal aggregation) programs, such as Medford, Massachusetts.

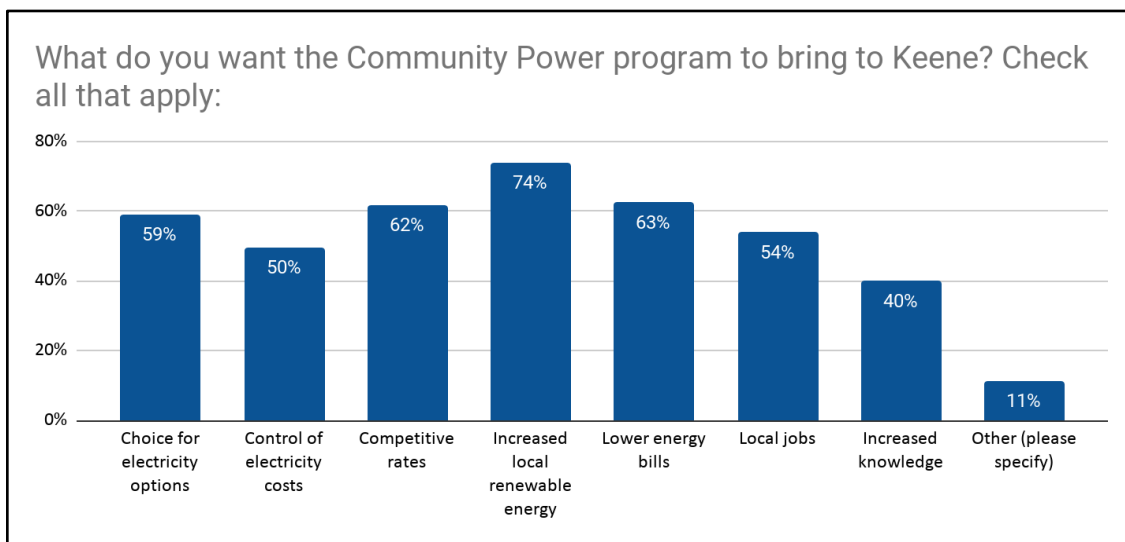
The survey received 126 responses, 97 online and 29 in paper via the Monadnock Shopper News. Key survey findings:

- 86% of respondents currently receive supply from Eversource Default Service. Such customers would be eligible for automatic enrollment in the program.

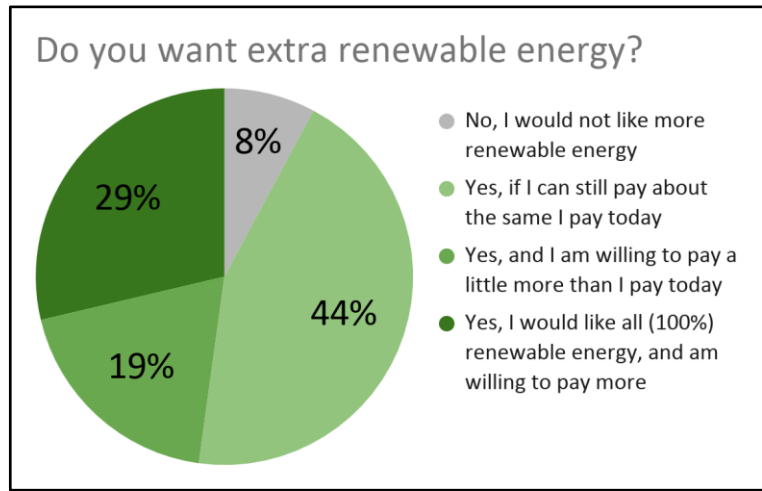
- The survey had a well-distributed diversity of household income groups and age, as shown below:



- Respondents identified a range of benefits they are interested in with Community Power:

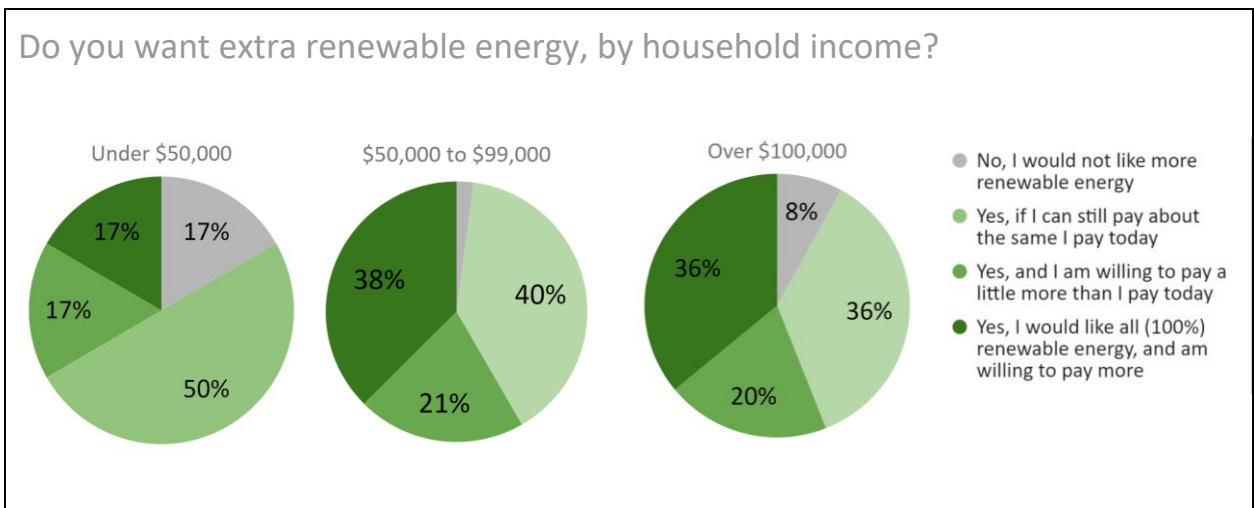


- 92% of respondents were interested in including more renewable energy in their electricity. Of those interested, roughly half (45%) sought extra renewable energy if they could pay about the same they pay today. The other half (55%) was willing to pay a little or a lot more for extra renewable energy.

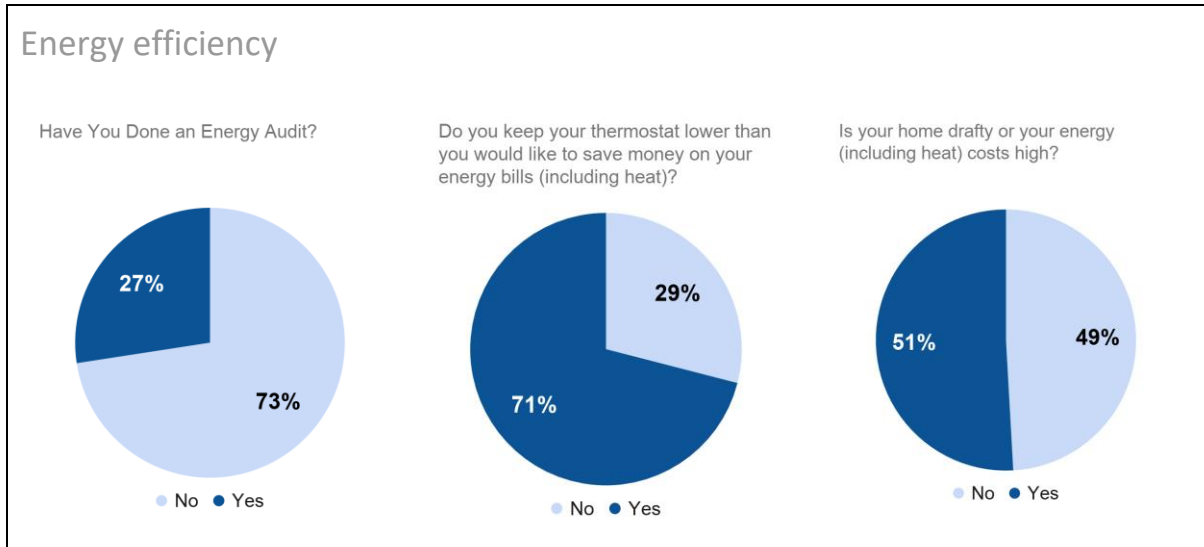


- When analyzing preferences for renewable energy and cost by household income, a similar pattern remains for each income group.

Those households under \$50k were more likely than other income groups to want no extra renewable energy; however, 83% of the income group was still interested in more renewable energy. Of those interested, 50% sought extra renewable energy if they could pay about the same they pay today. The other 33% was willing to pay a little or a lot more for extra renewable energy.



- Nearly three-quarters (73%) of participants had not performed an energy audit, and the percentages were nearly identical across household income groups. There appears to be widespread opportunity for energy efficiency improvements, with nearly three-quarters (71%) reporting that they keep their thermostat lower than they would like in winter and over half (51%) reporting their home is drafty or heating costs are too high.



Survey Conclusions:

The majority of participants in Community Power programs typically remain in the default product rather than choosing any of the program optional products. Given the strong support for both renewable energy and cost parity demonstrated in the survey responses, it suggests that Keene would be well-served by a default product designed with the goals of 1) achieving cost parity or savings compared to Eversource Default Service and 2) including some extra renewable energy.

Additionally, the survey highlighted that, for those that can afford it, the program should offer options with substantially more renewable energy for a price premium.

Although less than 8% of survey responses were not interested in extra renewable energy, it could be beneficial to have an optional product that would meet their needs by providing a lower-cost option with no extra renewable energy, particularly for those households in the lowest income bracket.

There is substantial opportunity for energy audits and efficiency improvements, suggesting support for energy efficiency by the Program would be valuable.

Respondents also cited an interest in local jobs, which the Program can support through demand for additional local renewable energy and by promotion greater

participation in energy efficiency programs. Regional cooperation, particularly with neighboring municipalities, would amplify this impact as well.

[insert additional detail on public review and comments]

3. Approval of Plan by Community Power Committee

[insert detail]

4. Adoption of Plan by City Council

[insert detail]

5. Submission of Final Plan to Public Utilities Commission

[insert detail]

Exhibit II - Education & Outreach Plan

1. Initial Outreach and Education

The initial outreach and education will provide a description of the Program for eligible customers and will be conducted via traditional print and TV channels, social media, a dedicated website, public presentations and personal communications to inform eligible customers about the Program and will include a toll-free number. This effort will provide specific information about the Program and increase public awareness of the goals of the Program and the upcoming opt-out notification process.

If any Program materials were to reference cost savings for any part of the program, a notice would be included which states that the City cannot guarantee that the Program will provide customers with prices lower than the distribution utility's Default Service rate over the full term of any supply contract entered into by the City.

1.1 Media Outreach

Prior to the launch of the Program, the City will initiate media outreach that may include the use of local cable television shows, newspapers and social media to provide greater public education and to describe the Program, the opt-out process, the website, and the toll-free telephone number. Outreach may also include public service announcements (PSAs), scheduling interviews of Program spokespersons with local media outlets, and securing a positive media presence.

A news release may be distributed to help achieve the aforementioned goals. Follow-up news releases may be used to update the media on the status of the progress of the Program.

1.2 Notices and Public Postings

Brochures/flyers will be distributed in City offices describing the Program, the opt-out process and the toll-free telephone number in order to further reinforce the Program's details. Brochures/flyers may be placed in key gathering areas or buildings (e.g. library, Senior Center, etc.) which will create the necessary repetition of messages required to motivate customer action and build awareness and understanding.

1.3 Customer Service Center

The Program will maintain a toll-free telephone number to address eligible customers' questions regarding the Program, deregulation, the opt-out process, price information and other issues eligible customers may raise.

1.4 Website

All information regarding the Program will be posted on the Community Power (CP) website, which is linked to the website of the City. The CP website will have links to the website of the electric distribution utility, the New Hampshire Public Utilities Commission (NHPUC), and the Competitive Supplier.

1.5 Public Presentations

The Program will provide presentations to municipal officials and to interested community groups.

1.6 Outreach to Persons with Limited English Proficiency or Disabilities

At the launch of the Program, the City will include in its customer notification letter a Language Access Document in the native languages of limited-English-speaking residents, which includes, but is not limited to, Spanish. This Language Access Document will inform eligible customers that the letter contains important information from the City about their electric service and they should have the notice translated. The notice will also include the toll-free customer service number. The City will also provide a translation option on its Program website that will translate any written materials on the website into over 100 different languages. The website will be designed with the goal of being compliant with the Americans with Disabilities Act (“ADA”) and will include formats that allow the content to be read out loud by computer assistive technology. Outreach efforts will be communicated in print and audio formats to provide access to both the hearing and visually impaired.

2. Customer Notification Letter

The customer notification letter (also known as “opt out notice”) will be sent via standard mail to the billing address of each eligible customer on Default Service. The notification envelope will be designed to appear as an official City communication and it will be clearly marked as containing time sensitive information related to the Program. The notification will contain a letter describing the Program. The Competitive Supplier shall bear all expenses regarding the opt-out notice.

The letter will inform eligible customers:

- a) about the Program and provide information regarding participation and rights;
- b) that they have the right to opt-out of the Program without penalty;
- c) of all charges, prominently stated, with a comparison of price and primary terms of the Competitive Supplier and the current Default Service offering;
- d) that any savings under the Program compared to Default Service cannot be

- guaranteed because the Default Service rate is subject to changes
- e) about the opt-out process; and
 - f) in languages other than English for appropriate customer groups (i.e. toll-free telephone number).

The customer notification letter will also contain an opt-out reply card with a simple check off and signature line for eligible customers who do not wish to participate. The envelope will be pre-stamped for return of the opt-out reply card in order to protect customer privacy.

Eligible customers will have 33 days from the date of the mailing to mail back the opt-out card in a pre-addressed postage-paid envelope and the customer notification shall identify the specific date by which the envelopes containing the opt-out card must be postmarked. Automatic enrollment of customers will not start until three days after the date specified for the postmark of the return envelopes to allow for receipt of the opt-out cards prior to the start of automatic enrollments. New eligible customers will be enrolled in the Program in accordance with applicable Local Distributor Company rules. Upon initiation of service, these new eligible customers will receive the same customer information as all other eligible customers.

A copy of the initial customer Notification Letter will be filed with the Director of the Consumer Services and External Affairs Division of the Public Utilities Commission prior to the start of the opt-out period.

3. Opt-Out Period Education & Outreach

After the customer Notification Letter has been sent, City will continue its education and outreach to afford residents and businesses the opportunity to learn more and find answers to key questions relating to their decision to opt out or enroll in one of the optional products of the program. This process will include, at a minimum, a public information meeting within 15 days of the mailing of the customer notification letter. It will also include a similar range of outreach activities as enumerated in section 1.1 to 1.6.

4. Timeline and Preliminary Marketing Plan for Launch

The timeline and preliminary marketing plan identifies the steps the City may take to inform the community about the Program, as described in Sections 1 through 3 of Exhibit II. The schedule is designed to work towards the estimated date when the customer Notification Letter is scheduled to arrive in customer mailboxes.

The costs and implementation will be handled by the Community Power Consultant, under the direction of the City.

From estimated date customer notification letter arrives in customer mailboxes		
Action	Days before	Days after
A. Website launch	60	Ongoing
B. Work with local media resources	60	30
C. Active social media outreach	30	30
D. Initial person presentations	30	30
E. Distribute marketing materials	30	30
F. Customer help line	30	Ongoing
G. Mail postcard to all eligible accounts	15	-
H. Customer notification letter arrives	0	0

A. Website Launch:

Timeframe: 60 days before the estimated date that the customer notification letter arrives in customer mailboxes, then maintained on an ongoing basis.

The Program will maintain an informational website with features that include Program details, an online savings calculator and enrollment, opt-up and opt-out forms for the convenience of participants.

B. Work with local media resources:

Timeframe: 60 days before to 30 days after the estimated date that the customer notification letter arrives.

Area Newspapers:

The City will work with area print and online newspapers to disseminate accurate and timely information about the Program. As part of this targeted outreach to these papers, the City may seek a meeting with the editorial board to establish a good foundation for continued dialogue over the course of the contract. Other newspaper outlets may include other local publications.

- These papers include: Keene Sentinel, Monadnock Shopper News, and the New Hampshire Union Leader

Local Public Access Television:

The City intends to work with Cheshire TV channels for public (1301) and government (1302) access. City can record interviews about the program and PSAs for upcoming meetings.

Other Television and Radio Stations

Develop press releases to send to other TV stations and radio stations.

- TV stations include WMUR (ABC, MANCHESTER, NH) Channel 9; WUTF (INDEPENDENT, WORCESTER, MA) Channel 27; WVTA (PBS, WINDSOR, VT) Channel 41; WWJE (INDEPENDENT, DERRY, NH) Channel 50; WEKW (PBS, KEENE, NH) Channel 52; WNEU (NBC, MERRIMACK, NH) Channel 60;
- Radio stations include WVBA (88.9 FM) Brattleboro, VT; WEVO (89.1 FM) Concord, NH; WEVN (90.7 FM) Keene, NH; WEEY (93.5 FM) Swanzey, NH; WSNI (97.7 FM) Keene, NH; WINQ (103.1 FM) Keene, NH; WKNE (103.7 FM) Keene, NH; WYRY (105.5 FM) Keene, NH; WCNL (1010 AM) Newport, NH; WKBK (1290 AM) Keene, NH; WTSA (1450 AM) Brattleboro, VT

Municipal Staff Interviews

Develop Q&A Scripts and prepare municipal staff or volunteers for interviews.

C. Active Social Media Outreach

Timeframe: 60 days before to 30 days after the estimated date that the customer notification letter arrives.

Boost all traditional media coverage on social media platforms, with the goal of driving traffic to the dedicated website of the City.

In concert with the communication leads of the City, develop a campaign of planned tweets and Facebook posts, timed to coincide with important milestones in order to keep ratepayers informed, particularly those that may not interact with traditional media on a regular basis. Draft content and graphics to accompany the posts, to be made by City staff.

- These accounts may include: City of Keene (Instagram, Facebook); City Manager (Twitter); Keene Community Development (Instagram, Facebook & Twitter) and Keene Public Library (Instagram, Facebook & Twitter).

Monitor various channels such as Facebook and Instagram for relevant conversations and questions about the Program. Draft responses to comments and questions and utilize social media as a critical tool in engaging with members of the community.

- These accounts may include: “Downtown Keene” Facebook page (@downtownkeene); the “Keene, NH” Facebook group (5.5k members); and “Keene NH Community Forum” Facebook group (1.5k members)

Identify key social media influencers in the City, including lawmakers, advocates and reporters. Develop a spreadsheet of the social media handles/accounts and reach out to them to keep them informed about the Program.

D. In Person Presentations

Timeframe: 30 days before to 30 days after the estimated date that the customer notification letter arrives. This will include, as required in RSA 53:E-7, a public information meeting within 15 days of the mailing of the customer notification letter.

Local Groups

Connect with local groups and associations to see if representatives of the City can participate in an upcoming meeting or offer to host a dedicated event. Seek their assistance in identifying how to best connect with customers with limited-English capabilities or disabilities that may prevent them from accessing Program information.

- Example groups include: Neighborhood associations, Social service agencies, Business Focus Group, Rotary, Kiwanis, Lions, Chamber, Clean Energy team, Keene Young Professionals, Downtown Group, Board of Realtors, Keene Senior Center, Keene Off-campus Housing (landlords and tenants), Keene State College English as a Second Language (ESL) classes, CALL Program (Cheshire Academy for Lifelong Learning).

Reaching the business community will be important. Presenting to the Chamber of Commerce can start this dialogue and lead to additional outreach to and connection with businesses.

Council Meetings

Present or provide materials for the Council meetings and any constituent meeting they may have.

E. Distribute marketing materials

Timeframe: 30 days before to 30 days after the estimated date that the customer Notification Letter arrives.

Many groups may have a natural interest in promoting awareness about the Program and can be provided with electronic and hard-copy materials with reference information for the Program.

Distribute to key locations such as Municipal Offices and Public Library.

F. Customer Help Line

Timeframe: 30 days before the estimated date that the customer notification letter arrives and ongoing thereafter.

Establish customer helplines with the Competitive Supplier and Community Power Consultant to answer customer inquiries.

G. Mail Postcard to all eligible accounts

Timeframe: 15 days before the estimated date that the customer notification letter arrives.

Post Card

Send out prior to customer notification letter. Establishes that there is a community-sponsored Program and increases the likelihood that recipient engages with the more detailed opt-out letter.

H. Customer Notification Letter arrives

Sent to all retail electricity customers on Default Service. Customers will have at least 30 days from the date of mailing to elect not to participate in the Program (i.e opt out) before the Program starts. The customer notification letter will provide all Program rates, terms and conditions, identify the deadline to opt out, and will provide instructions for how to opt out via web, phone or mail. It will also remind customers that once the Program starts, they may still opt out at any time, without penalty.

5. Ongoing Outreach and Education

The City intends to continue outreach and education for customers after enrollment in the Program. The costs and implementation will be handled by the Community Power Consultant, under the direction of the City. These efforts will include:

- **Program impact:** Key metrics relating to cost performance, renewable energy purchases and program enrollment. Particularly as the program accomplishments relate to progress towards the City’s ambitious short- and long- term goals for renewable energy and greenhouse gas emission reduction. This will also include the Energy Source Disclosure labels for the electricity supply;
- **Opt up campaigns:** On-going campaigns to recruit participation into its optional product(s) that contain more renewable energy than required by law (“Opt up campaigns”). Increasing participation in these products will serve the City’s goals to expand new renewable energy and reduce greenhouse gas emissions;
- **Customer awareness:** Rights and procedures for Program participants; contact information for customer inquiries, responses to frequently asked questions, and details regarding the Program’s electric supply and renewable attributes.
- **Public input:** As the program considers changes to further its progress toward a 100% renewable future and other goals, City will manage outreach to solicit input and feedback from the community.
- **Program changes and evolution:** Any changes in offerings and prices, which will be posted on the Program website that is linked to the website of the City.

The program will utilize similar mediums for on-going education and outreach as for the initial launch education and outreach, including but not limited to: social media, traditional media, in-person meetings and presentations, outreach to local groups, video, and mail.

Translation of all materials will be provided as necessary to reach communities with limited English proficiency.

HB 315 - AS INTRODUCED

2021 SESSION

21-0533

10/08

HOUSE BILL **315**

AN ACT relative to the aggregation of electric customers.

SPONSORS: Rep. Vose, Rock. 9; Rep. Cali-Pitts, Rock. 30; Rep. Harrington, Straf. 3; Rep. Thomas, Rock. 5

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill revises the procedures applicable to municipal or county aggregators and municipal electric utilities for the aggregation of energy services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the aggregation of electric customers.

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

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

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

5 2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph
6 V the following new paragraph:

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

9 3 Municipal and County Authority; Agreements RSA 53-E:3, II is repealed and reenacted to
10 read as follows:

11 II.(a) Enter into agreements for energy services, specifically:

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

13 (2) Demand side management through utility or regional system operator
14 administered management programs.

15 (3) Conservation through utility or regional system operator administered
16 conservation and efficiency programs.

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

19 (b) Such agreements may be entered into and such services may be provided by a single
20 municipality or county, or by a group of such entities operating jointly pursuant to RSA 53-A.

21 4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

22 53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under
23 this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly
24 authorized to aggregate [~~other~~] **energy** services [~~commonly and regularly billed to customers~~] **as**
25 **described in RSA 53-E:3**. Municipalities may operate approved aggregation programs as self-
26 supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-
27 D and loans from other municipal enterprise funds as may be approved by the governing body and
28 the legislative body of the municipality. Any such loans from other municipal enterprise funds shall
29 be used for purposes that have a clear nexus to the primary purposes of such other funds, such as
30 generation, storage, or sale of power generated from sites, facilities, or resources that might
31 otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be

HB 315 - AS INTRODUCED
- Page 2 -

1 deemed to limit the capacity of customers to select any service or combination of services offered by
2 such municipal aggregators or to limit the municipality from combining billing for ~~[any or all utility]~~
3 ***energy services with other municipal*** services.

4 5 Regulation of Aggregators. RSA 53-E:4 is repealed and reenacted to read as follows:

5 53-E:4 Regulation.

6 I. An aggregator operating under this chapter shall not be considered a utility engaging in
7 the wholesale purchase and resale of electric power and shall not be considered a municipal utility
8 under RSA 38.

9 II. The provision of aggregated energy services under this chapter shall be regulated by this
10 chapter and any other applicable laws governing aggregated electric power and energy services in
11 competitive electric markets.

12 III. Transmission and distribution services shall remain with the transmission and
13 distribution utilities, who shall be paid for such services according to rate schedules approved by the
14 applicable regulatory authority, which may include optional time varying rates for transmission and
15 distribution services that may be offered by distribution utilities on a pilot or regular basis. An
16 aggregator shall not be required to own any utility property or equipment to provide energy services
17 to its customers.

18 IV. Aggregators shall be subject to RSA 363:38 as service providers and individual customer
19 data shall be treated as confidential private information and shall not be subject to public disclosure
20 under RSA 91-A.

21 6 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

22 53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an
23 aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall
24 require them to pay, any costs associated with such program, through taxes or otherwise except for
25 electric power supply or energy services consumed directly by the municipality or county, ~~or~~
26 ~~incidental costs, which may include costs necessary to comply with the provisions of this chapter up~~
27 ~~to the time that the aggregation starts to produce revenue from participating customers].~~

28 7 Electric Aggregation Plan. Amend RSA 53-E:6, III to read as follows:

29 III. The plan shall detail:

30 (a) The organizational structure of the program.

31 (b) Operation and funding.

32 (c) Rate setting and other costs to participants, including whether energy supply
33 services are offered on an opt-in basis or on an opt-out basis ~~[as an alternative default service].~~

34 (d) The methods for entering and terminating agreements with other entities.

35 (e) The rights and responsibilities of program participants.

36 (f) ~~[How net metered electricity exported to the distribution grid by program~~
37 ~~participants, including for group net metering, will be compensated and accounted for.~~

HB 315 - AS INTRODUCED
- Page 3 -

1 ~~_____ (g) How the program will ensure participants who are enrolled in the Electric Assistance~~
2 ~~Program administered by the commission will receive their discount.~~

3 ~~_____ (h) Termination of the program.~~

4 8 Aggregation Program RSA 53-E:7 is repealed and reenacted to read as follows:

5 53-E:7 Aggregation Program.

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

9 II. Once adopted, or upon revision following adoption, the plan shall be submitted to the
10 commission for review and the commission shall determine whether the plan conforms to the
11 requirements of this chapter and whether the plan imposes undue risk on non-participants.

12 III. If the plan is adopted or once adopted is revised to include an opt-out, the municipality
13 or county shall mail written notification to each retail electric customer within the municipality or
14 county based upon the addresses in public records of the municipality or county for such customers.
15 Notification shall include a description of the aggregation program, the implications to the
16 municipality or county, and the rights and responsibilities that the participants will have under the
17 program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail
18 electric customer shall be included in a program in which the customer does not know all of the rates
19 or charges the customer may be subject to at least 30 days in advance of the customer's application
20 and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of
21 being enrolled in such program, unless the customer affirmatively responds to the notification or
22 requests in writing to be included in the program.

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

25 V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis
26 unless the approved aggregation plan explicitly creates an opt-out service program where the rate or
27 price is known at least 30 days in advance of its application and, for a period of not less than 30 days
28 from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in
29 such program, by return postcard, website, or such additional means as may be provided. Customers
30 who are on default service provided by an electric distribution utility shall be automatically enrolled
31 in an aggregation provided energy services if they do not elect to opt out. Customers opting out will
32 remain on default service. Customers taking energy service from a competitive electricity supplier
33 shall not be automatically enrolled in any aggregation program, but may voluntarily opt in. A new
34 customer to the electric distribution utility after the notification mailing required by paragraph III
35 shall initially be enrolled in utility provided default service unless the customer has relocated within
36 a single utility's service area and is continuing service with a competitive electricity supplier. On a
37 recurring basis, but not more frequently than monthly, an aggregation may request, and the utility

1 will provide, a list of customers within the aggregation's territory who are not enrolled with a
2 competitive electricity supplier for the aggregation to use in identifying any new customers. New
3 customers identified from such list shall be enrolled by the aggregation in the aggregation program,
4 unless the customer opts-out of the aggregation. Municipal aggregations shall take priority or
5 precedence over any county aggregations and each such aggregation shall be responsible for assuring
6 that customers are enrolled with the correct aggregation. Customers enrolled in a municipal or
7 county provided energy services shall be free to elect to return to utility provided default service or to
8 transfer to a competitive electricity supplier with adequate notice in advance of the next regular
9 meter reading by the distribution utility, in the same manner as if they were on utility provided
10 default service or as approved by the commission.

11 VI. Once adopted, an aggregation plan and program may be amended and modified from
12 time to time as provided by the governing body of the municipality or county and approved by the
13 commission. In all cases the establishment of an opt-out default service program shall be approved
14 as provided in paragraph I.

15 VII. The commission shall adopt rules, under RSA 541-A, to implement this chapter,
16 including but not limited to rules governing the relationship between municipal or county
17 aggregators and distribution utilities, metering, notice of the commencement or termination of
18 aggregation services and products, and the reestablishment of a municipal or county aggregation
19 that has substantially ceased to provide services. Where the commission has adopted rules in
20 conformity with this chapter, complaints to and proceedings before the commission shall not be
21 subject to RSA 541-A:29 or RSA 541-A:29-a.

22 9 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the
23 following new section:

24 53-E:9 Billing Arrangements. Each electric distribution utility shall offer to bill customers on
25 behalf of competitive electric power suppliers and to pay such suppliers in a timely manner the
26 amounts due such suppliers from customers for generation services, less a percentage of such
27 amounts that reflects uncollectible bills and overdue payments, as approved by the commission.

28 10 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 53-E

AGGREGATION OF ELECTRIC CUSTOMERS BY MUNICIPALITIES AND COUNTIES

53-E:1 Statement of Purpose. – 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.

Source. 1996, 192:2, eff. Aug. 2, 1996.

53-E:2 Definitions. –

In this chapter:

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

II. "Aggregator" means, unless the context indicates otherwise, a municipality or county that engages in aggregation of electric customers within its boundaries.

III. "Commission" means the public utilities commission.

IV. "Committee" means the electric aggregation committee established under RSA 53-E:6.

V. "County" means any county within the state.

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

VI. "Municipality" means any city, town, unincorporated place, or village district within the state.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:1, eff. Oct. 1, 2019.

53-E:3 Municipal and County Authorities. –

Any municipality or county may:

I. Aggregate the retail electric customers within its boundaries who do not opt out of or who consent to being included in an aggregation program.

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

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

(2) Demand side management through utility or regional system operator administered management programs.

(3) Conservation through utility or regional system operator administered conservation and efficiency program.

(4) ~~Meter reading.~~

(5) ~~Customer service.~~

~~(6) Other related services.~~

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

(b) 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.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:2, eff. Oct. 1, 2019.

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

Source. 1997, 298:20, eff. June 20, 1997. 2019, 316:2, eff. Oct. 1, 2019.

53-E:3-b Use of "Community Power" as a Name Reserved. – The use of the term "Community Power" following the name of a municipality or county shall be reserved for the exclusive use by such entity as a name for proposed or approved municipal or county aggregations. Aggregations operated jointly by a group of such entities pursuant to RSA 53-A may adopt an appropriate identifying name in conjunction with the term "Community Power" as a name.

Source. 2019, 316:3, eff. Oct. 1, 2019.

53-E:4 Regulation. –

I. An aggregator operating under this chapter shall not be considered a utility engaging in the wholesale purchase and resale of electric power and shall not be considered a municipal utility under RSA 38. ~~Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However, a municipal or county aggregation may elect to participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.~~

II. The provision of aggregated electric power and energy services under this chapter shall be regulated by this chapter and any other applicable laws governing aggregated electric power and energy services in competitive electric markets.

III. Transmission and distribution services shall remain with the transmission and distribution utilities, 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. An aggregator shall not be required to own any utility property or equipment to provide electric power and energy services to its customers.

~~IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter, subject to the commission finding in the public good and approval of the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.~~

~~V. Municipal or county aggregations that supply power shall be treated as competitive electricity suppliers for the purpose of access to the electric distribution utility's electronic data interface and for ceasing operations.~~

~~VI. Municipal or county aggregations Aggregators 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. An approved aggregation may 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.~~

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

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

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

53-E:6 Electric Aggregation Plan. –

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans.

II. The plan shall provide 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 shall meet, at a minimum, the basic environmental and service standards established by the commission and other applicable agencies and laws concerning aggregated service.

III. The plan shall detail:

(a) The organizational structure of the program.

- (b) Operation and funding.
 - (c) Rate setting and other costs to participants, including whether energy supply services are offered on an opt-in basis or on an opt-out basis as an alternative default service.
 - (d) The methods for entering and terminating agreements with other entities.
 - (e) The rights and responsibilities of program participants.
 - (f) ~~How net metered electricity exported to the distribution grid by program participants, including for group net metering, will be compensated and accounted for.~~
 - (g) ~~How the program will ensure participants who are enrolled in the Electric Assistance Program administered by the commission will receive their discount.~~
 - (h) ~~Termination of the program.~~
- IV. The committee shall approve a final plan which the committee determines is in the best, long-term interest of the municipality or county and the ratepayers.
- V. The committee shall solicit public input in the planning process and shall hold public hearings.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

53-E:7 Aggregation Program. –

- I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out default service program, to be approved by a majority of those present and voting.
- II. Once adopted, or upon revision following adoption, the plan shall be submitted to the commission for review and the commission shall determine whether the plan conforms to the requirements of this chapter and whether the plan imposes undue risk on non-participants.
- III. If the plan is adopted or once adopted is revised to include an opt-out ~~alternative default service~~, the municipality or county shall mail written notification to each retail electric customer within the municipality or county based upon the addresses in public records of the municipality or county for such customers. ~~To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all their electric customers taking distribution service within the municipality or county.~~ Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance of the customer's application and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.
- IVH. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.
- IV. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the approved aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has

the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be automatically enrolled in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will ~~instead~~ remain on default service. Customers taking energy service from a competitive electricity supplier shall not be automatically enrolled in any aggregation program, but may voluntarily opt in. ~~A N~~new customers to the electric distribution utility after the notification mailing required by paragraph III shall initially be enrolled in utility provided default service unless the customer has relocated within a single utility's service area and is continuing service with a competitive electricity supplier given a choice of enrolling in utility provided default service or aggregation provided default service, where such exists. ~~New customers shall be informed of pricing for each when they apply for service. Such new customers may also enroll with a competitive electricity supplier.~~ New customers identified from such list who do not make such a choice shall be enrolled in the aggregation in the aggregation program, unless the customer opts-out of the aggregation default service of any geographically appropriate approved aggregation, or, if none exists, the utility provided default service. Municipal aggregations shall take priority or precedence over any county aggregations and each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation. Customers ~~automatically~~ enrolled in a municipal or county provided ~~default~~energy services shall be free to elect to return to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission.

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

VI. The commission may adopt rules, under RSA 541-A, to implement this chapter, including but not limited to rules governing the relationship between municipal or county aggregators and distribution utilities, metering, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

Source. 1996, 192:2, eff. Aug. 2, 1996. 2019, 316:4, eff. Oct. 1, 2019.

53-E:8 Other Aggregators. – Nothing in this chapter shall preclude private aggregators from operating in service areas served by municipal or county aggregators.

Source. 1996, 192:2, eff. Aug. 2, 1996.

53-E:9 Billing Arrangements. – Each electric distribution utility shall offer to bill customers on behalf of competitive electric power suppliers and to pay such suppliers in a timely manner the amounts due such suppliers from customers for generation services, less a percentage of such amounts that reflects uncollectible bills and overdue payments, as approved by the commission.