



11 January 2022

Second Update on CPA Administrative Rules

Be advised that during the meeting on 5 January 2022, the New Hampshire Public Utilities Commission (PUC) voted to:

- Approve the petition for rulemaking submitted by CPCNH on behalf of a coalition of stakeholders to establish CPA Administrative Rules (docketed as DRM 21-142).
- Deny the petition for rulemaking submitted by the New Hampshire Department of Energy (docketed as DRM 21-135).

The PUC subsequently adopted CPCNH's draft CPA administrative rules as their initial proposal for rulemaking in Order 26,565 (issued January 10, 2022).

Refer online to the [PUC's initial proposal for CPA administrative rules](#) and to the [docket card for DRM 21-142](#) to track the progress of CPA administrative rules going forward.

Note that PUC Order 26,565 is not yet posted on the docket card and has been appended below for reference.



PUC Order 26,565

**STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION**

DRM 21-135

NEW HAMPSHIRE DEPARTMENT OF ENERGY

**Petition for Rulemaking to Amend Puc 2000 Rules to Include Community Power
Aggregation Provisions**

DRM 21-142

COMMUNITY POWER COALITION OF NEW HAMPSHIRE

**Petition for Rulemaking to Implement RSA 53-E for Community Power
Aggregations by Stakeholders**

Order on Petitions to Initiate Rulemaking

O R D E R N O. 26,565

January 10, 2022

I. BACKGROUND

On October 25, 2021, the New Hampshire Department of Energy (Energy) filed a Petition for Rulemaking to Amend Puc 2000 Rules to Include Community Power Aggregation Provisions (Energy Petition). Energy also filed a draft rulemaking initial proposal, which readopted with amendments and adopted new language within the existing N.H. Code Admin. R. Ch. Puc 2000.

Energy's petition was docketed as DRM 21-135. Energy's petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission's website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-135.html>.

On December 1, 2021, the Community Power Coalition of New Hampshire (Coalition) filed a Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders (Coalition Petition). The Coalition also filed a draft



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rulemaking initial proposal, which consisted of an initial rules proposal that would form a new chapter of rules, the “Puc 2200” rules.

The Coalition’s petition was docketed as DRM 21-142. The Coalition’s petition and subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, are posted on the Commission’s website at: <https://www.puc.nh.gov/Regulatory/Docketbk/2021/21-142.html>.

On December 30, 2021, the Commission scheduled a meeting on January 5, 2022 to receive and discuss the petitions for rulemaking. The Commission posted the agenda for this meeting in two public places as required by law, and also distributed a copy of the agenda to the service lists in dockets DRM 21-135 and DRM 21-142.

On January 5, 2022, the Commission convened a meeting as scheduled to receive and discuss the petitions.

II. COMMISSION ANALYSIS

Pursuant to RSA 53-E:7, X, the Commission shall adopt rules relating to Community Power Aggregation. In addition, pursuant to RSA 541-A:4 and N. H. Code of Admin R. Puc 205.03, interested persons may petition the Commission to initiate rulemaking proceedings. Pursuant to Puc 205.03 (h), in response to a request for rulemaking, the Commission shall either initiate rulemaking procedures or deny the request, stating the reasons for denial in writing.

At the conclusion of the January 5, 2022 meeting, Commissioner Simpson made a motion to deny the Energy request for rulemaking and grant the Coalition request for rulemaking. Commissioner Simpson discussed the reasoning for the motion, stating that a separate chapter for the rules seemed more in keeping with the legislative intent. That motion was passed with the votes of Chairman Goldner and



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Commissioner Simpson. Commissioner Chattopadhyay was not in attendance at the meeting, but joins in this order.

As such, the requests to initiate rulemaking to implement the authorities under RSA Ch. 53-E relating to Community Power Aggregation are granted, with the Commission adopting the Coalition’s draft initial proposal as the initial proposal for adoption in the forthcoming rulemaking.

Based upon the foregoing, it is hereby

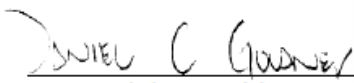
ORDERED, that the New Hampshire Department of Energy’s Petition for Rulemaking to Amend Puc 2000 Rules to Include Community Power Aggregation Provisions is DENIED and it is

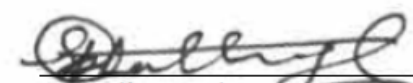
FURTHER ORDERED, that Docket DRM 21-135 shall be closed without further action; and it is

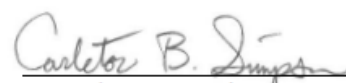
FURTHER ORDERED, that the Community Power Coalition of New Hampshire’s Petition for Rulemaking to Implement RSA 53-E for Community Power Aggregations by Stakeholders is GRANTED; and it is

FURTHER ORDERED, that the Commission will commence the rulemaking process under docket DRM 21-142, with the Community Power Coalition of New Hampshire’s draft initial proposal adopted as the initial proposal.

By order of the Public Utilities Commission of New Hampshire this tenth day of January, 2022.


Daniel C. Goldner
Chairman


Pradip K. Chattopadhyay
Commissioner


Carleton B. Simpson
Commissioner