

CHARTER
of the
Regulatory & Legislative Affairs Committee

FOR COMMUNITIES, BY COMMUNITIES.



**COMMUNITY
POWER COALITION
OF NEW HAMPSHIRE**

ADOPTED BY MEMBERS AT MEMBERSHIP MEETING ON OCTOBER 26, 2023

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Purpose

This Charter defines Community Power Coalition of New Hampshire's (CPCNH or Corporation) regulatory and policy principals and delineates the corresponding responsibilities and powers delegated to the Regulatory and Legislative Affairs Committee (RLAC) of CPCNH in accordance with CPCNH's Joint Powers Agreement and Articles of Agreement.

Article IX, Section 6 of CPCNH's Joint Powers Agreement provides that the Regulatory and Legislative Affairs Committee shall *"be responsible for monitoring and advising the Corporation and Members in regard to regulatory and legislative engagement"*, and shall *"appoint representatives of the Corporation to serve on statutory commissions, study commissions, and other boards, committees, and commissions"*, and *"have powers and responsibilities as specified in a Regulatory and Legislative Affairs Committee Charter, which shall be adopted or amended by the Members at a Membership Meeting"*; and

Sections 7.11, 7.16, and 7.17 of CPCNH's Articles of Agreement imbue CPCNH with the Membership's power to *"Submit documentation and notices, register, and comply with orders, tariffs, and agreements for the establishment and implementation of community power aggregations and other energy related programs"*, to *"Intervene in germane regulatory proceedings on behalf of itself and its Members"* and to *"Engage in germane legislative activity"* provided that CPCNH *"shall not under any circumstance directly or indirectly participate or intervene in any political campaigns on behalf of or in opposition to any candidate for public office"*.

This Charter is additionally intended to:

- ⚡ Allow CPCNH to pursue with legislative, regulatory, or other policy making bodies actions in a consistent manner and with the understanding that the individuals involved are pursuing actions in the best interest of the Membership, CPCNH's mission, and its customers;
- ⚡ Enable CPCNH to move swiftly to respond to events at the Legislative and Executive levels of government, including, but not limited to, the Public Utilities Commission and Department of Energy;
- ⚡ Serve as a guide to the Board of Directors and CPCNH staff in their advocacy efforts and engagement on policy matters of interest to the Membership; and
- ⚡ Ensure that CPCNH Members, customers, representatives, and policymakers will be regularly informed of CPCNH's stances on public policies that intersect with CPCNH's priorities, programs, and services.



Regulatory and Policy Principles

CPCNH's regulatory and legislative engagement is intended to broadly enable an affordable, equitable, and market-based sustainable energy transition, and shall be centered around three basic principles:

1. Advancing Community Benefits through Open Access to the Electric System

Ensuring equitable treatment of customers on competitive supply, community power default service and utility default service by the NH General Court, NH Public Utilities Commission, Department of Energy, other state agencies, distribution utilities, and other venues as appropriate — and ultimately achieving non-discriminatory open access to the electric system for wholesale and retail transactions — is of paramount importance to achieving an affordable, equitable, and market-based sustainable energy transition in New Hampshire.

2. Increasing Innovation through Local Control, Equity & Community Development

Protecting CPCNH's local control and autonomy for its CPA Members — especially with regards to finances, power procurement, reliability, customer data and billing services, and the development of local projects and customer programs — will safeguard CPCNH's ability to innovate and create new value for its communities and customers.

3. Enforcement of Laws, Market Rules, and Regulations

Distribution utilities and market participants must operate in compliance with statutory requirements, rules, and regulations. Failure to adequately monitor the market and enforce public policy has and will continue to slow innovation and derail legislative intent. CPCNH shall take actions as necessary to communicate and help to correct any such instances of noncompliance.

CPCNH should endeavor to support, oppose, propose, or contribute to any legislation, policy, proceeding, investigation, or initiative based on alignment with these principles.

RLAC Powers & Responsibilities

Responsibilities of Public Service

RLAC members are guardians of the public trust and are required to:

- ✦ Uphold the Constitution of the United States and the Constitution of the State of New Hampshire and comply with Federal and State laws and CPCNH's Joint Powers Agreement, Bylaws, policies and procedures;



- ⚡ Conduct activities and reach decisions in accordance with the Right-to-Know law (RSA 91-A);
- ⚡ Adhere to CPCNH's Conflict of Interest and other policies and discharge their duties regardless of personal consideration;
- ⚡ Refrain from accepting offers or gifts which could be perceived or interpreted as an attempt to influence their actions with respect to CPCNH's business, and report any such situations to CPCNH's General Counsel and the CPCNH Chair;
- ⚡ Treat all fellow CPCNH officials¹ or employees and members of the public and public officials with respect, courtesy, concern and responsiveness;
- ⚡ Refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of fellow CPCNH officers or employees and members of the public or public officials;
- ⚡ Refrain from making or disseminating any statement known to be untrue or misleading, or that by exercise of reasonable care should be known to be untrue or misleading;
- ⚡ Be impartial and responsible in the fulfillment of their duties; and
- ⚡ Maintain the highest standards of integrity and honesty.

Violations

Members of RLAC have a duty to point out violations of this Charter to the offending individual. If the offenses continue, then the matter shall be referred to the CPCNH Chair and Counsel. If the CPCNH Chair is the individual whose actions violate this Charter, then the matter shall be referred to the Vice Chair and Counsel.

Duty to Make Appointments

Pursuant to the Joint Powers Agreement,² RLAC shall have the authority to appoint representatives of CPCNH to serve on statutory commissions, study commissions, and other boards, committees, and commissions, or make appointment recommendations when appropriate.

RLAC officers shall consist of a Chair appointed by the CPCNH Chair, and a Vice Chair and a Clerk appointed by a vote of the majority of the committee.

¹ "Officials" includes Member Representatives, Alternates, Directors, and members of committees.

² Article IX, Committees, Section 6, Regulatory & Legislative Affairs Committee.



Duty to Monitor and Advise

Pursuant to the Joint Powers Agreement³ RLAC is responsible for monitoring and advising CPCNH and Members regarding regulatory and legislative engagement. RLAC is generally expected to prioritize identifying and tracking any legislation, policy, proceeding, investigation, or initiatives that may materially impact CPCNH's revenues, programs, administrative discretion, and control, and/or general competitive position.

General Board Updates

RLAC should submit reports for review at the next regular meeting of the Board following an RLAC meeting or meetings. CPCNH's current engagement activities and priorities, and recommended actions to be taken by the Board thereof, should be included in such reports.

Each report should be similar in form and structured to convey actionable information in a manner that supports informed decision-making.

General Membership Updates

RLAC should prepare reports providing an overview and near-term outlook regarding CPCNH's current engagement priorities along with status updates regarding notable legislative and regulatory accomplishments to-date. Such periodic reports should be sent to the Membership and posted online, not less frequently than annually.

Strategic Planning

RLAC should coordinate with the CEO regarding CPCNH's strategic planning to align CPCNH's legislative and regulatory engagement activities with operational priorities and opportunities that advance the organizations' mission and vision.

RLAC's contributions to CPCNH's strategic planning, among other topics, should include evaluation of opportunities for CPCNH to draft new legislation and enable new regulatory and/or executive administration initiatives.

Regulatory Engagement

RLAC may make recommendations to the Board and Executive Committee regarding CPCNH intervention or participation in PUC and NH DOE adjudications, investigations, rule makings and other regulatory proceedings or matters including those that may involve other agencies or levels of government and delegation of agency authority for representation in such proceedings. RLAC may also advise on positions taken in testimony, argument, or settlement in such proceedings,

³ Article IX, Committees, Section 6, Regulatory & Legislative Affairs Committee.



Legislative Platform

In advance of each year's legislative session, RLAC shall recommend for the Board's approval a Legislative Platform document presenting CPCNH's policy proposals and explaining CPCNH's support or opposition of any proposed change to NH statutes under consideration in the current legislative biennium.

The Legislative Platform should provide brief, readily understood explanations regarding how policy proposals and positions advance the Regulatory and Policy Principles of this Charter and serve to strengthen CPCNH's services, programs, and general administrative efficiency. Policy proposals should additionally include the language of the proposed statutory change accompanied by a brief discussion regarding the nature of the opportunity or concern that the statutory change is intended to address.

The Legislative Platform should also include an administrative overview that (1) explains how CPCNH's position on any proposed legislation is subject to the Board's approval or delegations of authority as provided for in this Charter, and (2) identifies specific individuals who are authorized by the Board to field inquiries and/or to engage with policymakers, the media, and the public on matters related to CPCNH's legislative affairs, such as the CPCNH Chair, RLAC Chair, CEO and/or designated staff, and legislative advocates under contract to CPCNH.

Once approved by the Board, the Legislative Platform should be distributed to the Membership, posted online, and referred to any policymakers with whom CPCNH engages on matters of policy.

Legislative Positions

Legislative issues can be brought to the attention of CPCNH through a variety of channels, including, but not limited to:

- ✦ Elected Representatives and Senators;
- ✦ CPCNH Directors, Member Representatives, and Alternates;
- ✦ CPCNH Member governing bodies and committees;
- ✦ CPCNH Staff;
- ✦ CPCNH customers and community members;
- ✦ State legislative advocates; and/or
- ✦ Other governmental associations.

Legislative requests for support or opposition should be reviewed by RLAC, the CPCNH Chair, and the CEO. CPCNH staff are expected to oversee monitoring and tracking of legislation, and to provide updates to RLAC as necessary.



RLAC should recommend a position and/or course of action to the Board. Actions that are expected to be taken by CPCNH, which may be taken independently or in combination, include:

1. Providing direction to lobbyists, the CEO, and/or CPCNH Chair to advocate in support, support with changes, oppose unless amended, oppose, or remain neutral.
2. Adopting CPCNH Board-approved resolutions supporting policy positions, providing direction to lobbyists, and/or correspondence with relevant legislators and/or outreach by CPCNH and Member Officials.
3. Draft and/or seek sponsorship of specific legislation.
4. Public Campaigns including 'action alerts' to membership and media campaigns.

RLAC may additionally recommend other courses of action for the Board's consideration to advance CPCNH's regulatory and legislative interests.

Delegations of Authority

To RLAC

Between meetings of the Board of Directors and the Executive Committee, RLAC shall have the authority to authorize:

1. Interventions or participation in PUC and NH DOE adjudications, investigations, rule makings and other regulatory proceedings;
2. Positions on pending legislation; and
3. Delegation of agency authority to represent CPCNH in such matters to the CEO and/or CPCNH Chair, or other staff or Director designated by them, along with legal counsel when appropriate.

RLAC shall only exercise such authority after consultation with the CEO when time is of the essence and action is likely needed to protect or advance the interests of the Coalition before the next regularly scheduled Board meeting or next regular or specially scheduled Executive Committee meeting. Any such actions should be reported at the next such meeting.

To the CEO in consultation with the RLAC Chair and/or CPCNH Chair

Between meetings of the Board of Directors, the Executive Committee, and RLAC the CEO in consultation with the Chair of RLAC and/or the CPCNH Chair (or the Vice Chair in the absence of the Chair), or as otherwise provided by the Board, shall have the authority to undertake or authorize:



1. Interventions or participation in PUC and NH DOE adjudications, investigations, rule makings and other regulatory proceedings;
2. Positions on pending legislation; and
3. Delegation of agency authority to represent CPCNH in such matters to the CEO and/or CPCNH Chair, or other staff or Director designated by them, along with legal counsel when appropriate.

The CEO shall only exercise such authority, except as otherwise provided by the Board, when time is of the essence and action is likely needed to protect or advance the interests of the Coalition before the next regularly scheduled Board, Executive Committee, or RLAC meeting. Any such actions should be reported at the next such meeting.

Appendix

In addition to this Charter, RLAC should draw upon the policy recitals and purposes provided under CPCNH's Joint Powers Agreement, Articles of Agreement, and Bylaws to guide the committee's activities and recommendations — from which the following excerpts are provided here for convenient reference:

1. The Constitution of New Hampshire declares that *“Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it.”*
2. In 1996, the New Hampshire General Court enacted NH RSA 374-F, the Electric Utility Restructuring Act, *“to reduce costs for all consumers of electricity by harnessing the power of competitive markets . . . for wholesale and retail electricity services”*, and provided that: (1) *“Increased customer choice and the development of competitive markets for wholesale and retail electricity services are key elements in a restructured industry that will require unbundling of prices and services and at least functional separation of centralized generation services from transmission and distribution services”* (RSA 374-F:1, I); (2) *“Competitive markets should provide electricity suppliers with incentives to operate efficiently and cleanly, open markets for new and improved technologies, provide electricity buyers and sellers with appropriate price signals”* (RSA 374-F:1, II); and (3) *“Restructuring should be designed to reduce market barriers to investments in energy efficiency and provide incentives for appropriate demand-side management and not reduce cost-effective customer conservation”* (RSA 374-F:3 X).



3. In 1996, the NH General Court also enacted NH RSA 53-E, “*Aggregation of Electric Customers by Municipalities and Counties*” and in 2019, the General Court enacted SB 286 (Chapter 316, NH Laws of 2019) to better enable municipalities and counties to create Community Power Aggregations (CPAs) as a competitive means for local governments to achieve their local policy goals and assume the responsibility of providing electricity service to their residents and businesses that do not choose an alternative supplier.
4. Local communities have additional substantial responsibilities and authority for land use planning, including adoption of master plans that may address transportation, utility and energy planning among other needs pursuant to NH RSA 674:2, zoning, development review, building and fire code administration, adoption of “stretch” codes pursuant to NH RSA 155-A:2, V, and creation of energy commissions pursuant to NH RSA 38-D for the study, planning, and utilization of energy resources and making recommendations on sustainable practices.
5. The Community Power Coalition of New Hampshire (CPCNH) is a Joint Powers Agency controlled and governed by its Members, united as a single entity to operate for the mutual benefit of the Membership, to jointly exercise the authorities granted to each Members pursuant to NH RSA 33-B, NH RSA 53-E, NH RSA 53-F, and NH RSA 374-D (including by reference NH RSA 33), all in accordance with NH RSA 53-A, for the purpose of promoting the common good, general welfare, economic vitality, and prosperity of local communities in New Hampshire, and to gain economies of scale and scope to launch, operate, and evolve CPA programs, and to support and advance other energy and climate policies and actions on behalf of the Membership.