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August 6, 2021

*BY MAIL DELIVERY
AND ELECTRONIC SERVICE*

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

Re: DOCKETS 5042, 5047, 5061, 5062, AND 5169 – PROPOSAL FOR ANNUAL REPORTING REQUIREMENTS FOR COMMUNITY ELECTRICITY AGGREGATION PROGRAMS

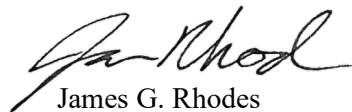
Dear Ms. Massaro:

Enclosed for filing is a proposal for annual reporting requirements for the Commission to adopt in connection with the above-referenced Dockets.

PUC orders 24099, 24100, 24101 and 24102, each identified the need to establish reporting requirements for the approved program. This proposal has been developed in furtherance of that direction. Additionally, this proposal should be filed in Docket 5169 as it is substantially similar to the approved programs, and it is expected that a decision to establish reporting requirements will cover any program currently being considered or as may be proposed in the future.

An original and nine (9) paper copies of the agreement will be delivered via mail in addition to this electronic version. Please let me know if you have any questions regarding this submission. Thank you for your consideration.

Sincerely,



James G. Rhodes
Counsel for Good Energy, L.P.

cc: Docket 5042 Service List
Docket 5047 Service List
Docket 5061 Service List
Docket 5062 Service List
Docket 5169 Service List

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

Paper copies are available upon request.



August 6, 2021

**Docket No. 5042 – City of Central Falls Community Choice Electricity Aggregation Plan
Service List updated 8/13/2020**

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**Docket No. 5047 – Town of Barrington Community Choice Electricity Aggregation (CCEA) Plan
Service List updated 8/13/2020**

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Docket No. 5062 – Town of South Kingstown - Community Choice Electricity Aggregation (CCEA) Plan
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Docket No. 5169 – Town of Portsmouth - Community Choice Electricity Aggregation (CCEA) Plan
Service List updated 7/29/2021

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**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: PETITIONS OF BARRINGTON,	:	
CENTRAL FALLS, PROVIDENCE,	:	
PORTSMOUTH AND SOUTH KINGSTOWN FOR	:	DOCKET NOs.
APPROVAL OF COMMUNITY ELECTRICITY	:	5042, 5047, 5061, 5062, 5169
AGGREGATION PLANS	:	

PROPOSAL FOR ANNUAL PROGRAM REPORTING REQUIREMENTS

I. Introduction

Prior to the approval of the Community Choice Aggregation programs in Commission Dockets 5042, 5047, 5061 and 5062, the Commission staff initiated a discussion of annual reporting requirements for the programs. The first discussion included reference to the Massachusetts requirements as established by the Massachusetts Division of Public Utilities. In response, Good Energy, as consultant to the municipalities, raised concerns about the burden of the Massachusetts requirements and requested that the Commission make an independent determination as to what should be included in any required Rhode Island Aggregation Annual Report.

Good Energy offered to provide this initial proposal for the Commission to consider. Good Energy recognizes the Commission's authority to establish reporting requirements under R.I.G.L. § 39-3-1.2, and may adopt, amend, or propose its own requirements separate and apart from those discussed here. Additionally, one of Good Energy's concerns with respect to reporting requirements currently in place in Massachusetts is that it requires the aggregation program to request information from the electric distribution company, as information in the report is beyond what the aggregation program, or its supplier, is able to track. For that reason, Good Energy specifically requests that any reporting requirement for aggregations be limited to information

they, or their supplier, can and have reason to track. Any data that may be in the possession of the electricity distribution company should be requested directly from them rather than asking the aggregation program to serve as an intermediary.

II. Purpose

Good Energy’s purpose in this proposal is to establish program reporting requirements that are consistent with state law and supported by state policies that the Commission oversees.

Aggregation programs are subject to Commission supervision and regulation to the extent of any other competitive retail electricity supplier¹ and the Commission’s inherent authority.² The General Assembly only provided a single specific reporting requirement: that “[t]he legislative authority shall report the results of this solicitation and proposed agreement awards to the commission.³” How the program will meet this requirement is already included in the aggregation plans that have been reviewed and approved by the Commission.⁴

Without specific legislative direction, any reporting requirements established by the Commission must be supported by the goals and policies associated with aggregation or other programs that the Commission is tasked with regulating. Currently, the Commission has established rules and regulations regarding long-term contracting,⁵ implementation of the renewable energy standard,⁶ energy source disclosure,⁷ and reliability responsibilities for nonregulated power producers.⁸ Where these programs intersect with aggregation is a good guide

¹ R.I.G.L. § 39-3-1.2(b).

² See § 39-1-1.

³ R.I.G.L. § 39-3-1.2(d).

⁴ Docket 5042, “PUC Order 24099” at p.6, Docket 5047, “PUC Order 24100” at p.6-7, Docket 5061, “PUC Order 24101” at p.6-7, and Docket 5062, “PUC Order 24102” at p.6-7.

⁵ 810-RICR-40-05-1.

⁶ 810-RICR-40-05-2.

⁷ 810-RICR-40-05-3.

⁸ 810-RICR-40-10-2.

towards establishing reasonable reporting requirements that may go beyond the authorizing statute. Good Energy has sought to identify the specific statutes or policies that may support the establishment of reporting requirements and recognizes that the Commission and other parties may provide further support for additional requirements.

1. Reliability of Aggregation Programs.

The Commission has specific regulations with respect to the reliability of nonregulated power producers that includes a number of specific requirements for any entity providing electricity at retail in the state.⁹ In addition to these existing requirements by selecting only a supplier who meets those requirements, on-going operational information regarding the program is a reasonable way for the Commission to understand how much of a given community's electricity demand is being met by an aggregation program along with how it may change over time.

2. Potential Impact on Last Resort Service

The Commission is tasked with regulating the electric distribution company's offering of Last Resort service.¹⁰ This includes any additional supply acquisition requirements due to the potential migration of customers from a nonregulated power producer to Last Resort service either through the decision of individual consumers or the termination of an aggregation program. Reporting requirements that may provide the Commission with information necessary to properly supervise and regulate the procurement of last resort service would be reasonable additions to the requirements of the aggregation statute.

⁹ *Supra* note 6.

¹⁰ *See* R.I.G.L. 39-1-27.3 and 39-1-27.3.1. While the statute still references "standard offer service" this proposal uses the term "last resort service" as a universal term to refer to both standard offer and last resort service.

3. Renewable Energy

The Commission has been granted the primary authority to implement the State's Renewable Energy Standard.¹¹ Its regulations implementing this standard have specific requirements regarding the purchase of renewable energy certificates that are used to meet this standard.¹² Beyond these existing requirements, the approved aggregation plans have indicated an intent to offer electricity supply products that include the voluntary purchase of additional renewable energy certificates at the election of the consumer. The further tracking of these voluntary purchases would be a reasonable reporting requirement to further the Commission's interest in fulfilling the State's renewable energy procurement goals.

4. Implementation of the Plan as Approved

Within the aggregation plans that have been approved by the Commission, the aggregator has made certain commitments with respect to the scope of its education and outreach efforts and the information contained within the program's communication to eligible customers. It is in both the public interest and the Commission's authority to confirm that these commitments have been fulfilled.

III. Specific Requirements

Though it is not specifically referenced in these reporting requirements, it should be noted that aggregation programs are limited to choosing a supplier who is properly registered to conduct business in Rhode Island. These requirements are to be supplemental to the existing required reports for nonregulated power producers. In furtherance of the above-referenced goals, Good Energy proposes the following as annual reporting requirements.

¹¹ See R.I.G.L. 39-26-6.

¹² 810-RICR-40-5-2.9.

1. Number of Customers Served.

The aggregation program shall provide to the Commission the number of customers served and would be reported (a) upon the initial launch of the program and (b) at the time of the December meter read.

2. Initial Opt-Outs.

The aggregation program shall provide to the Commission the number of customers that opt-ed out of being served by the aggregation program prior to enrollment. This includes both at program launch and during any sweeps that took place during the year.

3. Electricity Sales.

The aggregation program shall provide to the Commission the annual kWh sold by the aggregation program.

4. Program Migration.

The aggregation program shall provide to the Commission the number of customers who left the program during the year to take service from another supplier, either the electric distribution company or another nonregulated power producer. This does not include any customer who closed their account (i.e., cancelled service entirely or moved to a new location).

5. Product Rates and Details.

The aggregation program shall provide to the Commission information regarding each product being offered by the program including (a) per kWh rate, (b) renewable energy percentage, and (c) electricity supplier.

6. Complaints.

The aggregation program shall provide to the Commission the number of complaints received by the program or its supplier in connection to the operations of the program. This would

not include communications seeking more information about the program or requests to leave the program.

7. Most Recent Energy Disclosure Label.

The aggregation program shall provide to the Commission the most recent Energy Disclosure Label published for each program. This requirement is intended to supplement, not replace, any Energy Disclosure Label publication requirement that may be set forth either in the aggregation plan or other applicable regulation.

8. Consumer Notifications.

The aggregation program shall provide to the Commission a copy of any Consumer Notification Letter that has been set out to eligible customers of the program. If there is a product price change as described in the aggregation plan, the program shall provide copies of the required media releases that were issued to describe the changes.

9. Renewable Energy Procurement.

The aggregation program shall provide to the Commission a report on the voluntary renewable energy certificates that are committed to being purchased by the program on behalf of its customers based on billed usage. This is intended to be supplemental to the existing reporting requirements for nonregulated power producers for their required purchase of renewable energy certificates to meet the State's Renewable Energy Standard.

IV. CONCLUSION

Good Energy, on behalf of the Petitioners, respectfully requests that the Commission adopt items 1-9 in the previous section as annual reporting requirements for both the approved and pending community electricity aggregation programs to be submitted on a form either to be determined by the Commission or by the Petitioners when providing subsequent required reports.

Should the Commission or other party seek additional reporting requirements, Petitioner requests a reasonable amount of time to respond to any such request.

Respectfully submitted,

GOOD ENERGY, L.P.,
on behalf of Petitioners,

By its Attorney:



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Dated: August 6, 2021