

Rhodes Consulting, James G. Rhodes Esq.  
205 Governor St.  
Providence, RI 02905

October 1, 2020

VIA *ELECTRONIC SERVICE*

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

**Re: Docket 5042 & 5047 – Response to Technical Session Record Requests**

Dear Ms. Massaro:

On behalf of Central Falls and Barrington, enclosed please find responses to the Record Requests that were issued following the Technical Session of September 17, 2020. Please note that the Excel Spreadsheet attached to the email is additional documentation for the response to request 1.

Thank you for your attention to this submission. If there any questions, please contact me at 401-758-7288.

Sincerely,

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

cc: Docket 5042 & 5047 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.



October 1, 2020

Request 1:

Please provide any MA DPU document setting forth the reporting requirements for Municipal Aggregation; the timing of such reports; and a copy of one of the reports.

Response:

Please see two attached documents. First is a copy of the February 26 DPU memorandum establishing reporting requirements for 2020. Second is an excel document used in the reporting.

Request 2:

Please provide any MA DPU document setting forth the reporting requirements for Municipal Aggregation; the timing of such reports; and a copy of one of the reports.

Response:

NEPOOL GIS User Guides differentiate retirements for compliance RECs and voluntary (or "General purpose") RECs. They require a retail sub-account for compliance RECs and a reserve sub-account for voluntary RECs. Suppliers have confirmed they follow this practice. For the voluntary RECs, suppliers further noted that they record for each REC 1) that it is for voluntary purpose and 2) reference the specific customer to which the RECs apply.

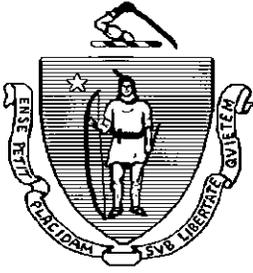
Request 3:

Good Energy, please reach out to competitive suppliers to see what the risk premium might be for inclusion of financial assurance related to renewable energy.

Response:

Good Energy has asked the competitive suppliers with whom we have a working relationship what the impact would be if there were financial assurances related to renewable energy. It should be noted that no supplier agreed to specifically be identified in this record request. Also, to clarify the terminology, the inclusion of a financial assurance would not impact any risk premium. Risk premiums refer to pricing that takes into account an unknown variable. In this scenario, the cost of the financial assurance would be a known factor at the time of bidding, and any additional cost would be a supplier determining a balance between recouping that cost in the price or bearing the cost as part of company operations.

Without providing specific attribution, our informal supplier conversations indicated that their willingness to participate in a bid would likely be related to the amount of financial assurance that may be required. For example, an increase from the current required \$250,000 to a \$500,000 bond would likely not impact the larger and financial stable suppliers, while it may give a more risky or less established supplier pause before bidding. However, if the Commission is considering a much more drastic increase, e.g. \$250,000 to \$5,000,000, then even the most stable suppliers would question whether the cost is worth it to bid.



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### MEMORANDUM

TO: Municipal Aggregation Distribution List

FROM: Jessica L. Ellis, Hearing Officer

RE: 2019 Municipal Aggregation Annual Reports and Uniform Plan Filing Requirements, D.P.U. 20-MA

DATE: February 26, 2020

CC: Mark D. Marini, Secretary

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#### I. INTRODUCTION

Each municipality with an approved aggregation plan under G.L. c. 164, § 134 must submit an annual report to the Department of Public Utilities ("Department"). Pursuant to Town of Becket, et al., D.P.U. 18-133 through D.P.U. 18-144, at 38 (2020), each municipality shall file its annual report for 2019 ("2019 Municipal Aggregation Annual Report") with the Department on or before **May 1, 2020**.

As the Department continues to gain experience with the operation of municipal aggregation programs, the Department will refine its reporting requirements from time to time and municipalities are required to adhere to all directives in this regard. See e.g., D.P.U. 18-133 through D.P.U. 18-144, at 39. The required content for the 2019 Municipal Aggregation Annual Reports is described in Section II, below.

In addition, in D.P.U. 18-133 through D.P.U. 18-144, at 37-38, the Department established additional notification requirements for municipalities during the period after plan approval but before a program is fully operational. These requirements are described in Section III, below.

Finally, to streamline the review of future municipal aggregation plans, the Department has established uniform filing requirements as set forth in Section IV, below.

These filing requirements are applicable to all municipal aggregation plans filed after the date of this memorandum.

## II. 2019 MUNICIPAL AGGREGATION ANNUAL REPORTS

### A. Reporting Requirements

Each 2019 Municipal Aggregation Annual Report shall contain, at a minimum, the following information:

1. a list of the program's competitive supplier(s) over the past year;
2. the term of each electric service agreement;
3. monthly enrollment statistics by customer class, including customer additions and withdrawals;
4. the number and percentage of customers that opted-out of the program over the year;
5. a description of the standard product and any optional product(s) offered through the program including: (a) the per kilowatt-hour ("kWh") charge for each product; and (b) the percentage of additional Renewable Energy Certificates above required minimums;
6. where a municipality has received Department approval to collect an operational adder: (a) the per kWh operational adder charged during the year; (b) the total amount of operational adder funds collected during the year; and (c) a detailed accounting of the use of such funds by the municipality;
7. total annual kWh sales, by customer class, for the standard product and each optional product;
8. where a municipality has received a waiver from the information disclosure requirements contained in 220 CMR 11.06(4): (a) a detailed discussion addressing compliance with its approved alternate information disclosure strategy; and (b) relevant documentation demonstrating that competitive supplier has provided the same information to program participants as effectively as the quarterly mailings required under 220 CMR 11.06(4)(c);
9. a detailed discussion and evidence documenting that the municipality has fully complied with all aspects of its public outreach and education plan, including, at a minimum: (a) a description of all education efforts (initial and ongoing)

undertaken during the year; (b) copies of all opt-out notices and other program-related correspondence sent during the year; (c) copies of program-related meeting notices/announcements and minutes of any such meetings; (d) copies of all education and marketing materials used during the year and a description of how and where such materials were used (*e.g.*, traditional media, Web, community outreach, etc.); and (e) screenshot images of all relevant pages of the websites of the municipality and aggregation consultant; and

10. records of any complaints received by the municipality, its aggregation consultant, or competitive supplier regarding the program and a detailed narrative addressing the response to such complaints (with supporting documents).

**B. Filing Requirements and Due Date**

To facilitate the filing of the 2019 Municipal Aggregation Annual Reports, the Department has established docket D.P.U. 20-MA. Each municipality shall file its 2019 Municipal Aggregation Annual Report in D.P.U. 20-MA and include a reference to the docket in which its current municipal aggregation plan was approved.

Previously, each municipality was required to submit its annual report to the Department by March 1<sup>st</sup> of each year for the previous calendar year. In order to ensure that sales data are available for the full calendar year, annual reports now will be due on or before May 1<sup>st</sup> of each year for the previous calendar year. Accordingly, each municipality shall file its 2019 Municipal Aggregation Annual Report with the Department on or before the close of business (5:00 p.m.) on **May 1, 2020**.<sup>1</sup>

One original hard copy of each annual report must be filed with Mark D. Marini, Secretary of the Department. Annual reports also must be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov);<sup>2</sup> (2) on a CD-ROM or USB drive. The text of the e-mail, CD ROM, or USB drive must specify: (1) the docket number of the proceeding (D.P.U. 20-MA); (2) the name of the municipality filing the annual report; and (3) a brief descriptive title of

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<sup>1</sup> To the extent a municipal aggregation program was not fully operational prior to December 31, 2019, the municipality should so indicate in its 2019 Municipal Aggregation Annual Report and include all information described in Section III, below regarding the status of its procurement process.

<sup>2</sup> Given the large number of annual report filings, municipalities should not also submit annual reports by e-mail attachment to the Hearing Officer.

the document (i.e., “2019 Municipal Aggregation Annual Report of [municipality]”). The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. The electronic file name should identify the document, but should not exceed 50 characters in length. All documents submitted in electronic format will be posted on the Department’s website: <https://eeaonline.eea.state.ma.us/DPU/Fileroom> (enter “20-MA”).

Each individual annual report must be electronically filed in searchable, PDF format. Municipal aggregation consultants filing annual reports on behalf of multiple municipalities shall not combine individual annual reports into one paper and/or electronic filing.

Data responses should be filed in electronic format using the reporting template provided in Section V, below, with all formulae and cell references intact. The Department will provide this template to the service list in Microsoft Excel format under separate cover.

### III. PRE-OPERATION PROGRAM NOTIFICATION REQUIREMENTS

Each municipality shall notify the Department in writing within ten days of its program becoming operational (i.e., the date the municipality executes an agreement with a competitive supplier). Until its program is operational, each municipality shall provide quarterly notifications to the Department as to the status of its procurement process (i.e., a brief description of the municipality’s supply procurement activities in the previous quarter and whether the municipality intends to solicit bids for program supply in the upcoming quarter). Such updates shall be filed with the Department no later than 45 days prior to the start of each applicable quarterly basic service-pricing period. See D.P.U. 18-133 through D.P.U. 18-144, at 37-38.

### IV. UNIFORM FILING REQUIREMENTS

#### A. Introduction

To streamline the review of future municipal aggregation plan filings and minimize the amount of required discovery, the Department has established the uniform filing requirements set forth below. All municipal aggregation plan filings made after the date of this memorandum shall adhere to these organizational structure and exhibit naming conventions.

Each municipal aggregation plan filing must be accompanied by a petition, signed by counsel representing the municipality (either directly or as counsel for the aggregation consultant in its role as agent for the municipality). Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 18-118, Hearing Officer Memorandum at 2 (November 5, 2018), citing Massachusetts Electric Company and Nantucket Electric Company, D.P.U. 16-05, Hearing Officer Ruling on Petition to Intervene at 10 n.3

(March 25, 2016); Western Massachusetts Electric Company, D.T.E. 01-36/02-20, Interlocutory Order on Appeal of Hearing Officer Ruling Denying Petition to Intervene at 8-10 (January 31, 2003); 1975 Mass. Op. Att'y Gen. 136.

B. Plan and Supporting Exhibits

1. Generally

Each municipal aggregation plan filing must include appropriate affidavits authenticating supporting exhibits. Each municipal aggregation plan and supporting exhibits shall be pre-marked for identification in the upper right-hand corner in the following format:

D.P.U.: [docket number]  
Exhibit:  
Page #: [# of # Format]  
Date:

A cover sheet shall accompany each proposed exhibit and if no supporting documentation exists for the proposed exhibit the cover sheet will indicate so (e.g., where no public comments were received). The Department strongly encourages filers to submit electronically produced, searchable documents and to avoid submitting scanned documents but will accept scanned documents when they cannot be created electronically. Furthermore, the PDF document (whether produced electronically or by scanning) shall be submitted with bookmarks for each exhibit, properly labeled and organized as identified below. The Department will not accept documents without an acceptable page referencing system.

## 2. Exhibit Designations

The municipal aggregation plan and other supporting exhibits attached to the petition shall be filed with the following exhibit designations:

<b>Exhibit Designation</b>	<b>Description</b>
<b>Exhibit 1</b>	Municipal Aggregation Plan <sup>3</sup>
• Attachment A	Education and Outreach Plan <sup>4</sup>
• Attachment B	Customer Opt-Out Documents
○ B-1	Exemplar Opt-Out Notice
○ B-2	Exemplar Language Access Document
○ B-3	Exemplar Opt-Out Reply Card
○ B-4	Exemplar Opt-Out Reply Card Envelope
<b>Exhibit 2</b>	Model Competitive Electric Service Agreement
<b>Exhibit 3</b>	Supporting Documentation – Procedural Requirements
• Attachment A	Certified vote to pursue aggregation (with approval of mayor or city manager, where applicable)
• Attachment B	Department of Energy Resources consultation letter
• Attachment C	Minutes of all municipal government meetings (e.g., select board, city council, etc.) where aggregation was discussed

<sup>3</sup> All petitioners shall make a good faith effort to provide a municipal aggregation plan (including education and outreach plan and customer opt-out documents) and other supporting documents (e.g., model competitive electric service agreement) that are updated to incorporate the most current Department directives regarding municipal aggregation.

<sup>4</sup> The education and outreach plan shall include detailed education and outreach strategies that are customized for each municipality's demographics. D.P.U. 18-133 through D.P.U. 18-144, at 27-28. In addition, the education and outreach plan must include the following information: (1) primary languages spoken by residents who self-identify as speaking English "less than very well"; (2) percentage of residents who self-identify as speaking English "less than very well" and speak each such primary language; and (3) source of the data used to identify (1) and (2), including a copy of such data.

<ul style="list-style-type: none"> <li>• Attachment D</li> </ul>	<p>Documentation identifying: (1) dates and locations where aggregation plan was available for citizen review; (2) period during which municipality accepted comments regarding aggregation plan; and (3) screenshot(s) of posting(s) of aggregation plan on the municipality's website</p>
<ul style="list-style-type: none"> <li>• Attachment E</li> </ul>	<p>Copies of all announcements regarding public review of proposed aggregation plan including, but not limited to, announcements regarding any public meetings. Identify location, outlet, community channel, etc. where each announcement was posted or published. Identify entity or person who prepared each announcement.</p>
<ul style="list-style-type: none"> <li>• Attachment F</li> </ul>	<p>Copies of: (1) transcripts or meeting minutes of any public meetings conducted about proposed plan; (2) any slides, scripts, presentations, or informational documents used at such meetings.</p>
<ul style="list-style-type: none"> <li>• Attachment G</li> </ul>	<p>Copies of: (1) all public comments regarding aggregation plan, regardless of whether received within any official comment period; and (2) any responses provided to comments regarding plan.</p>
<ul style="list-style-type: none"> <li>• Attachment H</li> </ul>	<p>Copy of version of municipal aggregation plan (including education and outreach plan, opt-out documents) made available for public review. Identify all differences between this version of plan and final aggregation plan submitted to Department for approval.</p>
<ul style="list-style-type: none"> <li>• Attachment I</li> </ul>	<p>Copies of all program marketing, advertising, informational, and educational materials made available to residents to date.</p>
<p><b>Exhibit 4</b></p>	<p>Program Sales, Eligible Customer, and Consumption Estimates</p>
<ul style="list-style-type: none"> <li>• Attachment A</li> </ul>	<p>Estimated total annual kWh sales for first year of program operation for standard product and each optional product. Include all assumptions used to arrive at estimates and source(s) consulted.</p>

<ul style="list-style-type: none"> <li>Attachment B</li> </ul>	<p>Table providing following information regarding eligible customers. Identify source(s) of this information:</p> <table border="1" data-bbox="721 407 1354 705"> <thead> <tr> <th data-bbox="721 407 935 554">Customer Class</th> <th data-bbox="935 407 1138 554">Number of Eligible Customers</th> <th data-bbox="1138 407 1354 554">Total Current Annual Consumption (in MWh)</th> </tr> </thead> <tbody> <tr> <td data-bbox="721 554 935 590">Residential</td> <td data-bbox="935 554 1138 590"></td> <td data-bbox="1138 554 1354 590"></td> </tr> <tr> <td data-bbox="721 590 935 625">Small C&amp;I</td> <td data-bbox="935 590 1138 625"></td> <td data-bbox="1138 590 1354 625"></td> </tr> <tr> <td data-bbox="721 625 935 661">Medium C&amp;I</td> <td data-bbox="935 625 1138 661"></td> <td data-bbox="1138 625 1354 661"></td> </tr> <tr> <td data-bbox="721 661 935 705">Large C&amp;I</td> <td data-bbox="935 661 1138 705"></td> <td data-bbox="1138 661 1354 705"></td> </tr> </tbody> </table>	Customer Class	Number of Eligible Customers	Total Current Annual Consumption (in MWh)	Residential			Small C&I			Medium C&I			Large C&I		
Customer Class	Number of Eligible Customers	Total Current Annual Consumption (in MWh)														
Residential																
Small C&I																
Medium C&I																
Large C&I																
<p><b>Exhibit 5</b></p>	<p>Aggregation Consultant Contract/Marketing Materials</p>															
<ul style="list-style-type: none"> <li>Attachment A</li> </ul>	<p>Contract between aggregation consultant and municipality.</p>															
<ul style="list-style-type: none"> <li>Attachment B</li> </ul>	<p>Aggregation consultant's response to request for proposals or other process used by municipality to obtain aggregation consulting services.</p>															
<ul style="list-style-type: none"> <li>Attachment C</li> </ul>	<p>Copies of all materials aggregation consultant provided to municipality marketing its services as consultant or electricity broker.</p>															
<ul style="list-style-type: none"> <li>Attachment D</li> </ul>	<p>Copies of all materials aggregation consultant provided to municipality addressing or referencing program pricing (including, without limitation, any documents referring to price, potential savings, lower bills, and/or price stability).</p>															
<p><b>Exhibit 6</b></p>	<p>Red-line strikeout identifying <u>all</u> differences, between proposed aggregation plan and most recent <u>Department-approved</u> aggregation plan for same aggregation consultant. Explain in detail the basis for each <u>material</u> difference.</p>															

V. REPORTING TEMPLATE



Month	Small C&I Customer Enrollment Information									
	Average # of Small C&I Customers in Municipality	Average # of Small C&I Customers Eligible for Municipal Aggregation	Average # of Small C&I Customers on Municipal Aggregation	Percentage of Small C&I Eligible Customers on Municipal Aggregation	Percentage of Small C&I Customers on Municipal Aggregation (MWH)	Product #1	Product #2	Product #3	Product #4	Total Load Served to Small C&I Customers on Municipal Aggregation (MWH)
January				0.0%	0.0%					
February				0.0%	0.0%					
March				0.0%	0.0%					
April				0.0%	0.0%					
May				0.0%	0.0%					
June				0.0%	0.0%					
July				0.0%	0.0%					
August				0.0%	0.0%					
September				0.0%	0.0%					
October				0.0%	0.0%					
November				0.0%	0.0%					
December				0.0%	0.0%					
Total Average				0.0%	0.0%					

Month	Medium and Large C&I Customer Enrollment Information									
	Average # of Medium and Large C&I Customers in Municipality	Average # of Medium and Large C&I Customers Eligible for Municipal Aggregation	Average # of Medium and Large C&I Customers on Municipal Aggregation	Percentage of Medium and Large C&I Eligible Customers on Municipal Aggregation	Percentage of Medium and Large C&I Customers on Municipal Aggregation (MWH)	Product #1	Product #2	Product #3	Product #4	Total Load Served to Medium and Large C&I Customers on Municipal Aggregation (MWH)
January				0.0%	0.0%					
February				0.0%	0.0%					
March				0.0%	0.0%					
April				0.0%	0.0%					
May				0.0%	0.0%					
June				0.0%	0.0%					
July				0.0%	0.0%					
August				0.0%	0.0%					
September				0.0%	0.0%					
October				0.0%	0.0%					
November				0.0%	0.0%					
December				0.0%	0.0%					
Total Average				0.0%	0.0%					

Municipality / Public Aggregation	Customer Type	Monthly Average # of Customers			Monthly Average % of Supply and Ineligible Service Customers	Monthly Average % of Customers on Basic Service	Monthly Average % of Customers on Multi Agg Service	Monthly Average % of Individual Competitive Supply and Ineligible Bank-Served Customers
		Small C&I	Medium and Large C&I	All				
Municipality of Municipalities	Residential	0	0	0	0%	0%	0%	
Municipality of Municipalities	Small C&I	0	0	0	0%	0%	0%	
Municipality of Municipalities	Medium and Large C&I	0	0	0	0%	0%	0%	
Municipality of Municipalities	All	0	0	0	0%	0%	0%	

Municipality	[Municipality]
Docket Municipal Aggregation Approved	[DPU Docket #]
Annual Report Calendar Year	2019

	Product Name	Renewable Energy Content (%)	Description of Product
Product #1			
Product #2			
Product #3			
Product #4			

Municipality	[Municipality]
Docket Municipal Aggregation Approved	[DPU Docket #]
Annual Report Calendar Year	2019

Opt-out notice information for residential customers		
	Total number of customers that were sent opt-out notices that opted out of municipal aggregation	Percentage of customers that opted out of municipal aggregation
January	-	0.0%
February	-	0.0%
March	-	0.0%
April	-	0.0%
May	-	0.0%
June	-	0.0%
July	-	0.0%
August	-	0.0%
September	-	0.0%
October	-	0.0%
November	-	0.0%
December	-	0.0%
Total count	-	0.0%
Total average	-	0.0%

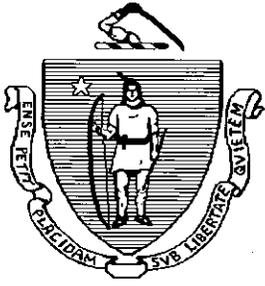
In columns B, C, and D of the "monthly customer enrollment" tab, municipalities need to provide average customer numbers. To calculate the average number of customers, use the number of that customer type that were in the municipality on the first and last day of a given month and average those two numbers. The average should not include any decimals. Below, is an example for calculating the average customer number.

**Example:**

# of customers on the first of the month (ex. March 1, 2018):	4,000
# of customers on the last day of the month (ex. March 31, 2018):	4,031
Calculated average # of customers in March 2018:	4,015.5
Average # of customers to report in spreadsheet for March 2018:	4,016

The table below identifies the rate classes to include in each rate class

Distribution Company		Residential		Business	
	R-2	Other	Small C&I		Medium and Large C&I
Eversource - NSTAR	Boston Edison	R-1, R-3, R-4	G-1, G-2, T-1, Street Lighting		G3, T2
	Cambridge Electric	R-1, R-3, R-4	G-0, G-1, G-4, G-5, G-6, T-1, Street Lighting		G2, G3
National Grid	Commonwealth Electric	R-1, R-3, R-4	G-1, G-4, G-5, G-6, G-7, Street Lighting		G2, G3
		R-1	G-1, Street Lighting		G2, G3
Eversource - WMECO	R-2	R-1, R-3, R-4	G-0, T-0, 23, 24, S1, S2		G-2, T-2, T-4, T-5
FG&E/Unitil	RD-2	RD-1	GD-1, GD-6		GD-2, GD-3, GD-4, GD-5, Outdoor Lighting



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### DISTRIBUTION LIST

- (1) Identified Municipal Aggregation Program Consultants;
- (2) Identified Counsel for Municipal Aggregation Program Consultants;
- (3) Ashley Gagnon, Assistant Attorney General;
- (4) Daniel Burstein, Esq., Department of Energy Resources;
- (5) Andrea Keeffe, Esq. and Adriana Henquen, Esq., National Grid;
- (6) Jack Habib, Esq., Keegan Werlin LLP;
- (7) Brendan Vaughan, Esq., Keegan Werlin LLP; and
- (8) Patrick Taylor, Esq., Unitil Service Corp.