



What is Community Power?



What is Community Power and How Does Community Power Work?

Presented by:

- ▶ Henry Herndon, Clean Energy NH
- ▶ Elijah Emerson, Esq. Primmer Piper Eggleston Cramer, PC

May 20, 2020

Today's Presenters



CLEAN ENERGY NH

Your Voice in All Energy Matters

Henry Herndon, Director
Local Energy Solutions
Clean Energy NH

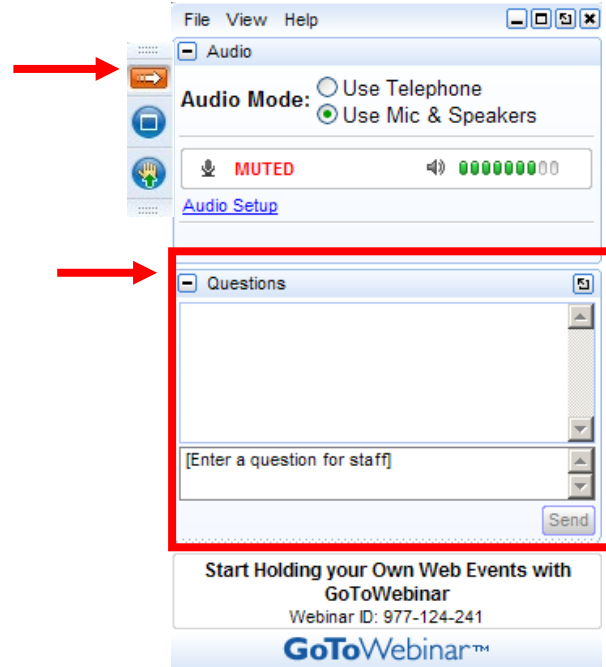


**PRIMMER PIPER
EGGLESTON &
CRAMER PC**

Elijah Emerson, Esq.
Primmer Piper Eggleston & Cramer, PC

How to Participate Today

- Open and close your panel
- Submit text questions
- Q&A addressed during the webinar session



ATTORNEYS
AT LAW

PRIMMER PIPER
EGGLESTON &
CRAMER PC

COMMUNITY POWER IN NH - Legal Considerations

Presented by: Elijah Emerson, Esq.

Community Power can be simple: purchasing energy requirements for small group of customers within municipal boundaries; **or complex:** multiple municipalities joining together to offer energy, special rates and products to all customers that do not opt out.

COMMUNITY POWER BILL - SB 286

Expands municipal power aggregation to allow more breadth and flexibility.



How is a Community Power system formed?

Governing body of municipality or county forms a community power committee (could be existing energy committee).



The Community Power Committee develops a community power plan. The plan shall provide for:

- a. universal access
- b. reliability
- c. 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
- d. shall meet, at a minimum, the basic environmental and service standards established by the commission and other applicable agencies and laws concerning aggregated service

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.

The Plan shall detail:

- 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.

The Committee shall solicit public input in the planning process and shall hold public hearings. The Committee shall approve the final plan which the committee determines “is in the best, long-term interest of the municipality or county and the ratepayers.”

The Plan must be approved by a majority of voters if it requires customers to opt out of aggregation. (Note that for customers that receive energy from a competitive supplier, they will always be opt in.)

Joint Operation of Community Power program – pursuant to RSA 53-A; Committee drafts interlocal agreement with other participants and then approved by governing board – may also need voter approval (e.g., appropriation, opt out). Agreement must be submitted for approval by the Attorney General. Then file with municipal clerks and the Secretary of State.

Interlocal agreement must contain:

- a. duration, precise organization, composition and nature of any separate legal or administrative entity created by the agreement and the powers delegated to it
- b. the purpose of the agreement
- c. the manner of financing the joint or cooperative undertaking and establishment and maintenance of a budget
- d. how the agreement is terminated and the disposal of any property obtained under it, and
- e. any other necessary and proper matters.

JOINT OPERATION OF COMMUNITY POWER –
How will it be operated? Create a separate legal entity – must follow rules for creation of a new entity.

JOINT OPERATION OF COMMUNITY POWER –
How will it be operated? If not creating a new legal entity, must make sure governing board has fair representation of all participating entities.

Contracting for Services - Community Power entity will likely need to enter into contract with third parties to provide some or all of the aggregation and other services provided to customers. Make sure following all local contracting requirements.

Funding Community Power – Create an enterprise fund; SB 286 allows for revenue bonds or loans from existing enterprise fund (so long as use is consistent with purpose of that enterprise fund). May also apply for grants and other similar programs. Eventually should be a self-sustaining operation based on rates charged to customers.

PUC OVERSIGHT? Community Power is not regulated by PUC. Services and rates only need to be approved by internal processes.

PUC has started pre-rule-making process. The PUC will regulate:

- a. Utility sharing customer information with Community Power
- b. Interaction on meters
- c. Transition on and off utility default service

THANKS!

Any questions?

You can contact me by eemerson@primmer.com

A photograph of a forest stream. The water is clear and reflects the surrounding trees and sky. A large, moss-covered log lies on the left bank. The trees are mostly bare, suggesting late autumn or winter. The overall atmosphere is peaceful and natural.

NHMA Webinar:

What is Community Power & How does Community Power Work?

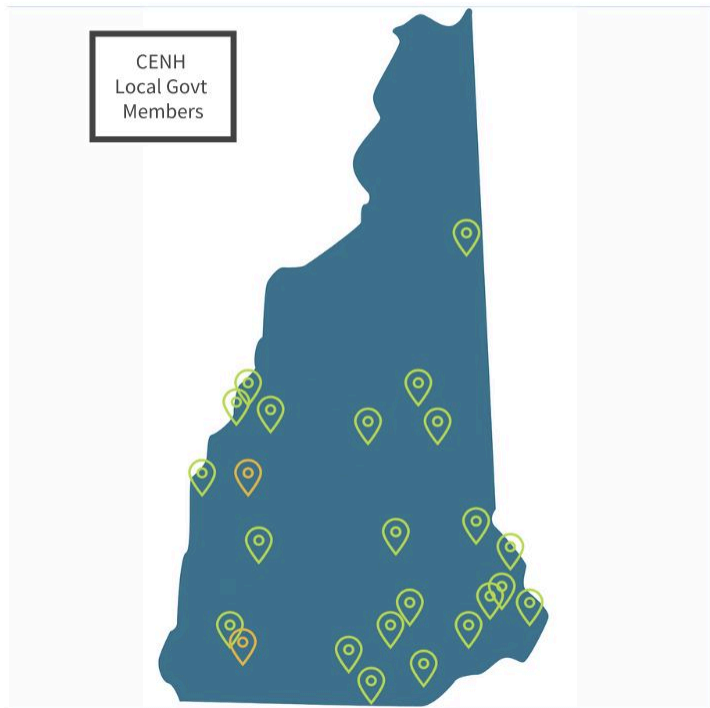
Wednesday, May 20, 2020 | 12:00pm

Agenda

- 1 | Who is Clean Energy NH?
- 2 | Community Power New Hampshire (CPNH) | Joint Action
Governance | Operations | Community Engagement
- 3 | Questions & Comments

Who is Clean Energy NH?

www.cleanenergynh.org



- **501(c)(3) Nonprofit**
- **Membership-based**
 - +130 Business Members
 - +300 Individual Members
 - 24 Local Govt Members
- **Education Focused**
 - Legislative & regulatory policy
 - Market development
 - Technical assistance for community energy projects



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🌐 www.cleanenergynh.org

CENH
Local Govt
Members



RYE, NH



County: Rockingham
Local Energy Group: Rye Energy Committee

STRATHAM, NH



County: Rockingham
Local Energy Group: Stratham Energy Committee

SHELBURNE, NH



County: Coos
Local Energy Group: Shelburne Energy Committee

SULLIVAN COUNTY, NH



County Seat: Newport

TAMWORTH, NH



County: Carroll
Local Energy Group: Tamworth Energy Committee

TEMPLE, NH



County: Hillsborough
Local Energy Group: Temple Energy Committee

WASHINGTON, NH



County: Sullivan
Local Energy Group: Washington Energy Committee

WOLFEBORO, NH



County: Carroll
Local Energy Group: Wolfeboro Energy Committee

ATKINSON, NH



County: Rockingham
Local Energy Group: Atkinson Energy Committee

BEDFORD, NH



County: Hillsborough
Local Energy Group: Bedford Energy Commission

BOSCAWEN, NH



County: Merrimack
Fun Fact: Local Hydropower

CENTER HARBOR, NH



County: Belknap
Local Energy Group: Center Harbor Energy Committee

CHESHIRE COUNTY, NH



County Seat: Keene

CLAREMONT, NH



County: Sullivan
Fun Fact: Local Hydropower

DERRY, NH



County: Merrimack
Local Energy Group: Derry Net-Zero Task Force

DURHAM, NH



County: Strafford
Fun Fact: 640kw, 2100 panel municipal solar array

EXETER, NH



County: Rockingham
Local Energy Group: Exeter Energy Committee

ENFIELD, NH



County: Grafton
Local Energy Group: Enfield Energy Committee

HANOVER, NH



County: Grafton
Fun Fact: 1st community to commit to 100% renewable energy

KEENE, NH



County: Cheshire
Local Energy Group: Monadnock Sustainability Hub

LEBANON, NH



County: Grafton
Local Energy Group: Lebanon Energy Advisory Committee

LEE, NH



County: Strafford
Local Energy Group: Lee Energy Committee

MASON, NH



County: Hillsborough
Local Energy Group: Mason Energy Committee

NASHUA, NH



County: Hillsborough
Local Energy Group: Nashua Energy Committee

Community Power New Hampshire (CPNH)

Governance | Operations | Community Engagement

What is Community Power?



Local governments
- cities, towns,
counties - can
procure and
provide electricity
and services for
their residents
and businesses

Why Implement a Community Power Aggregations?



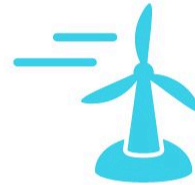
Local Control

Democratizing energy procurement to the community level



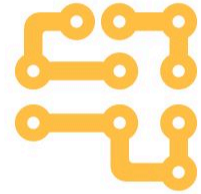
Lower Costs

MA, NY, CA and other markets have demonstrated lower rates than regulated utilities



Renewables

Build & buy clean energy



Energy Independence & Market Innovation

New technologies
Market competition & price signals
Customer empowerment

What is CPNH?

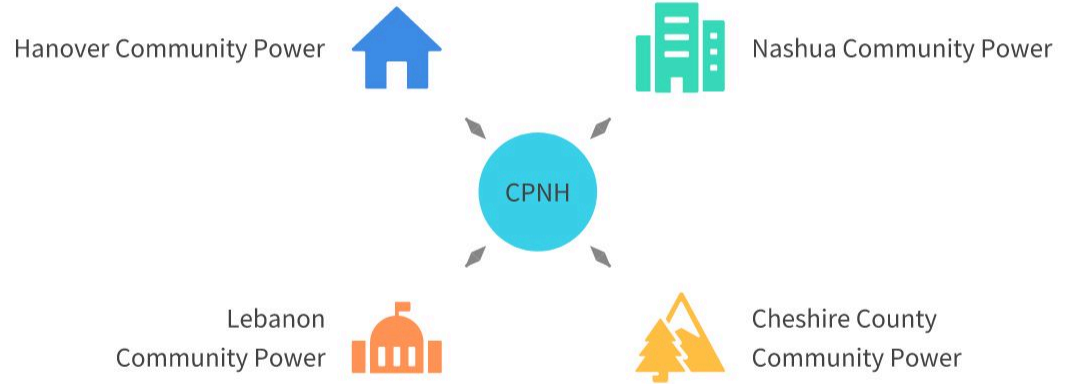
Town, city, and county governments are working together to establish 'CPNH': a locally governed public power nonprofit to provide enabling services to participating Community Power Aggregations (CPAs)

Organizing Group

Cheshire County

Cities of Nashua | Lebanon

Towns of Hanover | Harrisville | Bristol



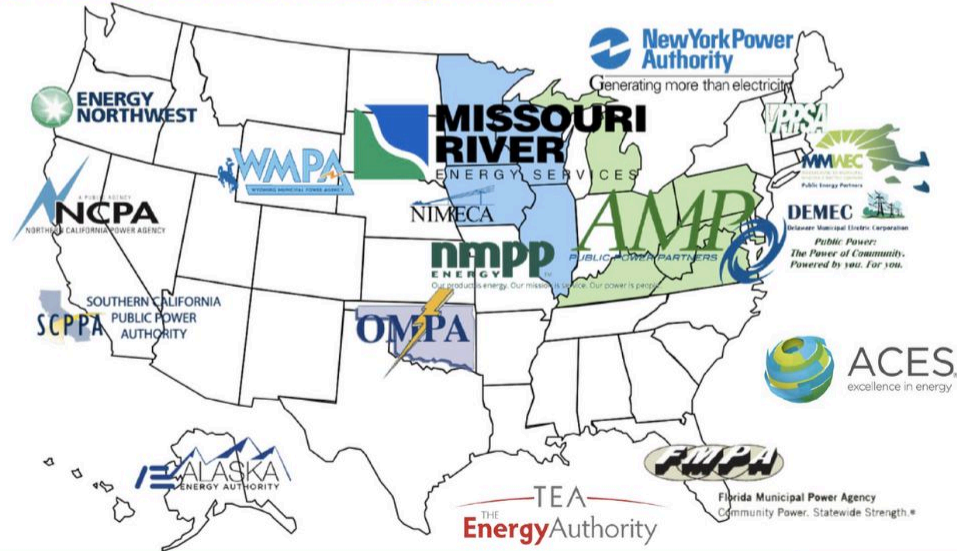
Individual CPAs retain control over individual energy portfolios, rates, and other community-specific policies/programs

CPNH remains in the design phase and has yet to be established as a legal entity

Governance - Joint Action

CPNH organizing communities have begun drafting 'Governance Agreement' under RSA 53-A, Agreements Between Municipalities. CPNH will be a locally governed nonprofit accountable to member communities.

Public Power Joint Action Agencies

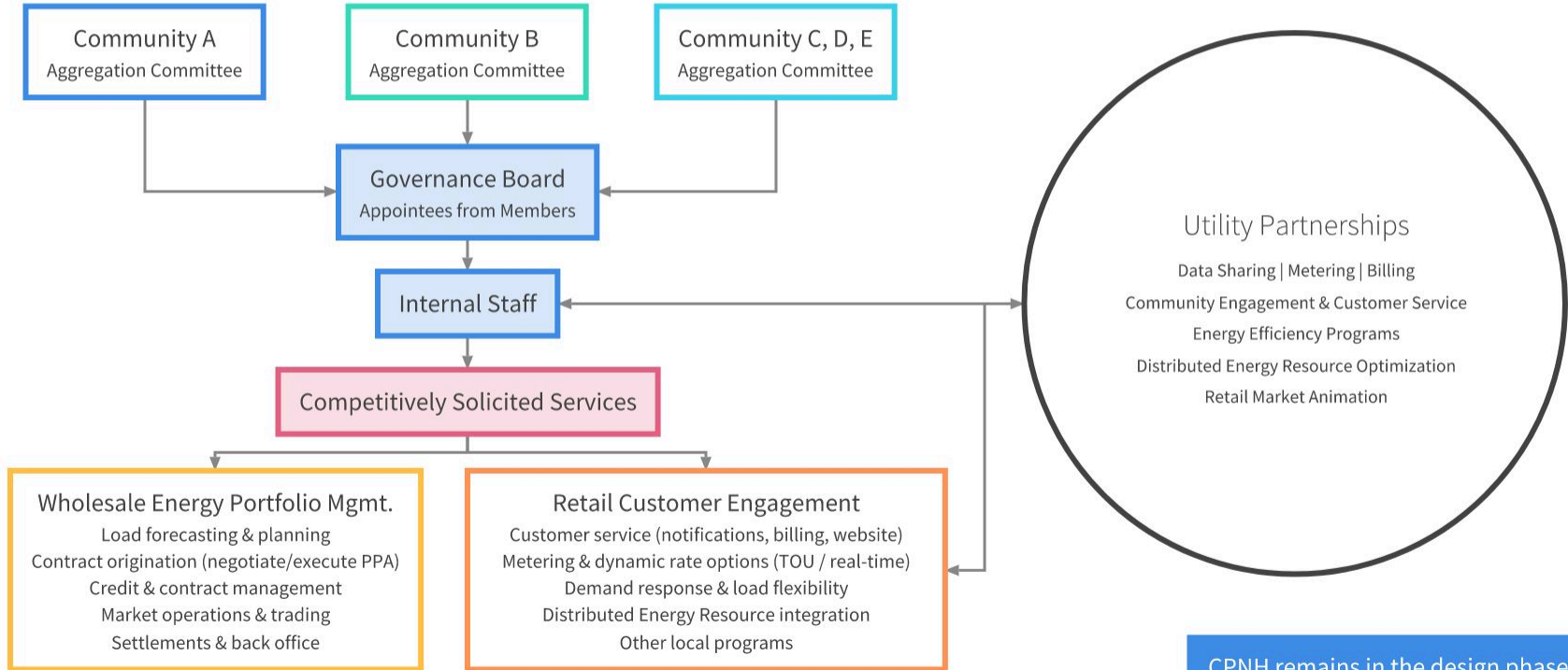


Vermont Public Power Supply Authority

- Example of a 'Shared Services Office' housing wholesale power supply services for multiple smaller entities.
- Board of Directors filled by 12 member municipal utilities



Operations: CPNH Organization Chart



CPNH remains in the design phase and has yet to be established as a legal entity

California's Community Choice Aggregators are Filling the Gaps in EV Charger Investment

CCAs haven't invested as much as utilities in EV charging infrastructure. New state grants for Silicon Valley CCAs, munis will help close the gaps.

JEFF ST. JOHN

AUGUST 14, 2019

California Community Choice Aggregator Sees Promise in Floating Offshore Wind

Monterey Bay Community Power is exploring the possibility of a huge floating offshore wind project with developers EnBW and Trident Winds.

JEFF ST. JOHN

AUGUST 16, 2019

Bay Area CCAs Solicit 30MW of Distributed Batteries to Weather Grid Outages

As PG&E blackouts for wildfire prevention leave millions without power, community-choice aggregators seek behind-the-meter solutions.

JEFF ST. JOHN

NOVEMBER 05, 2019

San Diego's Quest to Achieve 100% Renewable Energy Through Community Choice

On this week's Political Climate: how San Diego's Republican mayor pushed through a bold climate action plan.

JULIA PYPER

OCTOBER 24, 2019

Silicon Valley Clean Energy and UtilityAPI Want to Free Your Meter Data

Why is it so hard to get a quick, accurate online quote for a rooftop solar system, backup battery or EV charger?

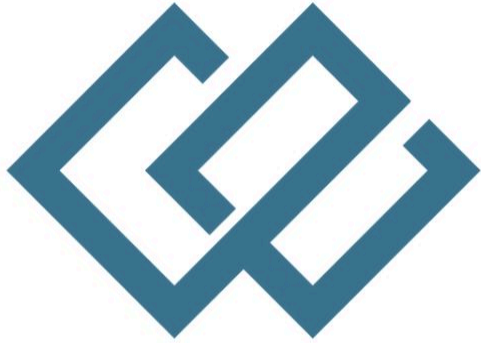
JEFF ST. JOHN

OCTOBER 16, 2019

Community Engagement: June 5th Virtual Community Power Summit

- Friday, June 5th, 1pm - 4pm
- Agenda
 - I. Welcome & Overview of Participating Communities
 - II. Keynote by Girish Balachandran, CEO of Silicon Valley Clean Energy
 - III. CPNH Joint Action Review | Breakout Group Discussions | Report Back
 - IV. Road Map for Community Power and CPNH Launch
- Audience

Community leaders, municipal/county staff & officials



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www.communitypowernh.org

Academy for Good Governance

Primex
Professional Engineering Services

NHMA
New Hampshire Municipal Association

Academy for Good Governance

New FREE Certificate Program

The Academy for Good Governance is a series of six courses created by NHMA and Primex, exclusively for elected governing body members (select board, town council, city council, board of aldermen, school board, and village district commissioners). Courses are taught by experienced attorneys and staff from NHMA, Primex, HealthTrust, and the New Hampshire School Boards Association (NHSBA). Attendees will receive education and training intended to make them more knowledgeable and effective in their governing body roles.

Attendance at the Academy is free and open to governing body members from municipalities and school districts that are members of NHMA and Primex. Space is limited, and registration will open on the NHMA website on April 6th. Attendees must attend all six courses to receive a Certificate of Completion. All classes run 5:00 pm – 7:00 pm.

CREATE NEW CONNECTIONS

Questions?
Call NHMA's Event Coordinator Ashley Method at 800.852.3358 or email NHMAregistrations@nhmunicipal.org.

Don't miss this chance to build your skills and connect with fellow municipal officials!
Find out more: www.nhmunicipal.org/workshops

DATES AND LOCATIONS:

Governance & Governing Body Authority
Presented by NHMA/NHSBA
Wednesday, June 3, 2020, NHMA Offices

Financial Responsibility
Presented by NHMA
Wednesday, June 17, 2020, NHMA Offices

Employers Liability/ Harassment
Presented by Primex
Wednesday, September 16, 2020, Primex Offices

Contracts and General Risk Management
Presented by Primex
Wednesday, September 30, 2020, Primex Offices

Health Care and Affordable Care Act
Presented by HealthTrust
Thursday, October 8, 2020, NHMA Offices

Effective Public Meetings
Presented by NHMA/NHSBA
Wednesday, October 21, 2020, NHMA Offices

WHO CAN ATTEND?

- Select board members
- Town councils
- School board members
- City councilors
- Board of Aldermen
- Village district commissioners

REGISTER NOW!

Upcoming Trustee Training

2020 MUNICIPAL TRUSTEE *VIRTUAL* TRAINING

TENTATIVE AGENDA

Wednesday, June 10, 2020

9:00 am - 9:10 am:
Introduction to Charitable Trusts Division
Tom Donovan, Director, Attorney Generals Office

9:10 am - 10:40 am:
A Little Help From My Friends
Terry Knowles, Emeritus Assistant Director

10:40 am - 10:45 am: Break

10:45 am - 12:15 pm:
Governance and Right-to-Know Law
Stephen Buckley and Natch Greyes
NH Municipal Association

12:15 pm - 12:30 pm: Lunch

12:30 pm - 2:00 pm:
Trust Fund Administration
Jamie Dow
NH Department of Revenue Administration

Thursday, June 11, 2019

[Cemetery Trustees 101](#)
10:00 am—11:30 am
Natch Greyes, Municipal Services Counsel
Mike Horne, Sec./Treasurer, NH Cemetery Association

[The Nuts & Bolts of Being a Trustee of Trust Funds](#)
1:00 pm—2:30 pm
Stephen Buckley, Legal Services Counsel, NHMA
Jill Sewer, Chair, Trustees of the Trust Fund, Town of Plaistow

REGISTRATION FEE

\$65 per person

WHEN

**Wednesday, June 10
9:00 am—2:00 pm**

**Thursday, June 11
Cemetery Trustees Breakout Session—10:00 am—11:30 am
Trustees of Trust Funds Breakout Session—1:00 pm—2:30 pm**

WHERE

VIRTUAL TRAINING

CONTACT INFO

**Ashley Methot
Events Coordinator
25 Triangle Park Drive
Concord, NH 03301
603.230.3340
amethot@nhmunicipal.org**

FOR ADDITIONAL DETAILS VISIT

www.nhmunicipal.org

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NOW OPEN!](#)

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2020 Land Use Law VIRTUAL Conference

SAVE THE DATE **SATURDAY, OCTOBER 31**

Join NHMA and the New Hampshire Office of Strategic Initiatives for the

Fall 2020 Land Use Law Conference (formerly known as the Municipal Law Lecture Series)

9:00 am—3:00 pm
Saturday, October 31, 2020

Full day workshop for municipal land use officials including members of planning and zoning boards, planners, land use administrators, select boards, town and city councilors, building inspectors, code enforcement officers and public works personnel. Presentations will focus on the legal authority and procedures these land use boards must understand with content structured to be beneficial to both novice and experienced municipal officials.

Registration to open later this summer!





*for attending
our **WEBINAR**
today!*

NHMA'S MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.



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