



VIA ELECTRONIC FILING

February 4, 2021

Greggory Wade, Hearing Officer
Department of Public Utilities
One South Station, 2nd Floor
Boston, MA 02110

RE: Investigation into Initiatives to Promote and Protect Consumer Interests in the Retail Electric Competitive Supply Market, D.P.U. 19-07-A, Tier I.B; Letter Reply Comments

Dear Hearing Officer Wade:

In this letter, Patriot Energy Group, Inc. and EMEX, LLC (collectively, “Patriot/EMEX”), pursuant to the *Memorandum* dated November 19, 2020 in the above-captioned proceeding, submits their reply comments to the issues raised in the *Memorandum* and the comments offered to the Department.

Patriot/EMEX will be limiting its reply comments to the issue of the definition of small non-residential consumers (with respect to electricity and natural gas) for the purposes of implementing Tier One initiatives.

Specifically, Patriot/EMEX agrees with the majority of commenters¹ that the Department staff proposal that a small non-residential consumer shall be a consumer “whose annual gas usage does not exceed 7,000 therms”² or “whose annual electric usage does not exceed 15,000 kilowatt hours.”³ Similarly, Patriot/EMEX agrees with the same majority of commenters that support the Department staff’s proposal⁴ that for non-residential consumers with multiple locations and/or accounts, Competitive Entities may aggregate usage across such accounts and locations. These proposals are consistent with regulations in other jurisdictions and sensibly treat sophisticated business customers as such, while protecting vulnerable residential customers.

However, Patriot/EMEX strongly disagrees with the Distribution Companies’ proposal to correlate the definition of small commercial customer with the “highest usage for all [distribution] companies’ small C&I rate classes.”⁵ This would lead to anomalous results, as the Distribution Companies admit by their lengthy table of arcane and complex definitions among (and within) the various Distribution Companies of their smallest rate class.⁶ For example, in Eversource West territory, the smallest rate class encompasses customers with less than or equal to 349 kW of demand.⁷ This would extend “small” commercial consumer protections to accounts, depending on the load factor (for electricity), with annual usage in excess of 1,000,000 kWh or nearly 100,000 kWh per month. No reasonable person would believe that such entities are at all “small.”

Moreover, the Distribution Companies’ tariffs—and consequently, the level of applicability of the “smallest” rate class—are historical artifacts relating to other ratemaking proceedings and principals. There is no evidence, and the Distribution

¹ See, e.g. Comments of CleanChoice at G; Comments of Davis, Malm at VII; Comments of RESA at V.

² *Memorandum* at 18.

³ *Id.*

⁴ *Memorandum* at 18-19.

⁵ Distribution Companies’ comments at 12.

⁶ *Id.* at 13-14.

⁷ *Id.* at 13.

Greggory Wade
February 4, 2021
Page 2 of 2

Companies do not argue otherwise, that those usage limits were intended for use by the Department (especially in a competitive retail choice environment) as a proxy for determining what non-residential entities are “small” for applying consumer protections.

In summary, Patriot/EMEX agrees with the Department Staff’s proposals for the definition of small non-residential customers, as set forth in the *Memorandum*.

Sincerely,

/s/ Matthew T. Kinney

Matthew T. Kinney
BBO #679539
Asst. General Counsel/V.P. of Regulatory Affairs
Patriot Energy Group, Inc.
EMEX, LLC
209 Burlington Rd.
Suite 219
Bedford, MA 01730
(781) 404-5928 (phone)
mkinney@patriotenergygroup.com