Bill as Introduced

HB 96 – AS INTRODUCED

2003 SESSION

03-0224
03/09

HOUSE BILL ***96***

AN ACT relative to eligibility as a customer-generator.

SPONSORS: Rep. M. Harrington, Straf 68

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill permits certain generating facilities powered by renewable organic fuel derived from substances such as fryer oil to be eligible for net energy metering.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 96 - AS INTRODUCED

03-0224
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to eligibility as a customer-generator.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Limited Electrical Energy Producers; Definitions; Eligible Customer-Generator. Amend RSA 362-A:1-a, II-b to read as follows:

II-b. "Eligible customer-generator" means an electric utility customer who owns and operates electrical generating facilities powered by solar, wind, ***bio-fueled diesel,*** and/or hydro energy with a total peak generating capacity of not more than 25 kilowatts that is located on the customer's premises, is interconnected and operates in parallel with the electric grid, and is intended primarily to offset part or all of the customer's own electricity requirements. ***As used in this paragraph, "bio-fueled diesel" means a diesel engine powered by a renewable organic fuel derived from substances such as fryer oil.***

2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 96 Date 1-23-03

Committee ST & E

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 96

BILL TITLE: relative to eligibility as a customer-generator.

DATE: January 23, 2003

LOB ROOM: 304 **Time Public Hearing Called to Order:** 11:17 am

Time Adjourned: 11:54 am

(please circle if present)

Committee Members: Reps. Thomas, Maxfield, Ham, Harrington, Introne, Leach, Arnold, Beaton, Cataldo, Crane, Hatch, Nuttee, Ross, Slocum, Pitts, Kaen, J. Harris, Pelletier, Poulin and Webber.

Bill Sponsors: Rep. M. Harrington

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Michael Harrington, prime sponsor – Introduced the bill.

Q: Rep. Amy Webber – Are fuel taxes avoided by using vegetable oil?

A: First off, this bill pertains to stationary sites, not vehicles. This is more of an issue in the United Kingdom where diesel fuel taxes are very high.

Q: Rep. Sam Cataldo – Where does used fryer oil go now?

A: It is thrown out, usually in landfills.

***Joanne Morin, NH Department of Environmental Services** – Opposes the bill as written.

Q: Rep. Roy Maxfield – Has this fuel been used in other applications as a substitute for diesel?

A: Yes, and we need to encourage its use because of reduced emissions (air pollution).

Donna Gamache, PSNH – She is neutral on the bill. PSNH has years of experience in net metering and offered expertise for the subcommittee.

John Hermann, Nelson Farms – Very much in favor of this bill.

Q: Rep. Maxfield – Is vegetable oil readily available.

A: Yes. Around 6000 gallons are available from Concord restaurants every two weeks.

Q: Rep. Robert Introne – How is fryer vegetable oil processed for your application?

A: You must add 20 % of ethanol or methanol to make it work as bio-diesel fuel.

Chairman Thomas sent the bill to subcommittee at a date to be scheduled.

Respectfully Submitted:

Robert E. Introne

Robert E. Introne, Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HB 96

BILL TITLE: relative to eligibility as a customer-generator.

DATE: February 4, 2003

Subcommittee Members: Reps. Poulin, Ross, Cataldo, Leach, Introne, Thomas, Maxfield, Beaton, Nutter and Slocum

Comments and Recommendations: Sense of the subcommittee was that the effect of this bill was limited to one individual. There were issues relating to fuel blends and pollution. In addition, the profile for this generating capability was not cyclical as is typical of renewables. PSNH testified that the timing of deposits and withdrawal could be manipulated to take advantage of price differences. Joanne Morin testified that the bill would have to be rewritten to use existing standard language to control blends. Rep. Leach commented that there are other bills in the pipeline that support renewables without the issues of the current bill. Rep. Slocum expressed support for the bill as long as it did not result in adding costs to utilities which would be passed on to normal customers. PSNH testified that there would be costs because of the fact that this customer did not fit the normal profile.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Maxfield

Seconded by Rep. Leach

Vote: 10-0

Respectfully submitted,

Rep. Lee G. Slocum
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION ON HB 96

BILL TITLE: relative to eligibility as a customer-generator.

DATE: {Type DATE here} 2/4/03

Subcommittee Members: Reps. Poulin, Ross, Cataldo, Leach, Introne, Thomas, Maxfield, Beacon, Notter, Slocum

Comments and Recommendations: Sense of the subcommittee was that the effect of this bill was limited to one individual. There were issues relating to fuel blends and pollution. In addition, the profile for this generating capability was not cycled as is typical of renewables. PSNH testified that the timing of deposits and withdrawals could be manipulated to take advantage (over)

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. Maxfield

Seconded by Rep. Leach

Vote: 10/0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____

Respectfully submitted,

Rep. Lee G. Slocum
Subcommittee Chairman/Clerk

of price differences. Joanne Morin testified that the bill would have to be rewritten to use existing standard language to control blends. Rep Leach commented that there are other bills in the pipeline that support renewables without the issues of the current bill. Rep Slocum expressed support for the bill as long as it did not result in adding costs to utilities which would be passed on to normal customers. PSNH testified that there would be costs because of the fact that this customer did not fit the normal profile.

Testimony

For Use With HB 96

362-A:9 Net Energy Metering.

I. A standard contract or tariff providing for net energy metering shall be developed and made available to eligible customer-generators by each electric distribution utility within 90 days of the start of retail choice of electric suppliers, or within 90 days of the final approval of net metering regulations issued by the commission, whichever comes first. Such tariffs or contracts shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned and operated by eligible customer-generators totals 0.05 percent of the annual peak energy demand distributed by each such utility as determined by the commission from time to time.

II. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions. However, an additional meter or meters to monitor the flow of electricity in each direction may be installed, provided that it is not at the expense of the customer-generator unless requested by the customer-generator, and provided that such metering shall be used only to provide the information necessary to accurately bill the customer-generator pursuant to the provisions of this section, or for research purposes. If an additional meter or meters are installed, the net energy metering calculation shall yield the same result as when a single meter is used. The net energy metering calculation shall be made by taking the difference between the electricity supplied over the electric distribution system and the electricity generated by the eligible customer-generator and fed back into the electric distribution system over the billing period.

III. Each net energy metering contract or tariff offered by an electric distribution utility shall be identical, with respect to rates, rate structure, and periodic charges, to the contract or tariff to which the same customer would be assigned if such customer was not an eligible customer-generator. Electricity suppliers may voluntarily determine the terms, conditions, and prices under which they will agree to provide generation supply to and purchase net generation output from eligible customer-generators; however, electricity suppliers who provide default service or transition service to such a customer shall only bill for

the net energy supplied as calculated in accordance with this section.

IV. The following rules shall apply to net energy measurement:

(a) The net energy produced or consumed on a monthly basis shall be measured in accordance with normal metering practices.

(b) Where the electricity supplied to the customer-generator over the electric distribution system exceeds the electricity generated by the customer-generator during the billing period, the customer-generator shall be billed based on the net energy supplied for distribution services and other charges in accordance with this section and standard applicable rates.

(c) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid, the customer-generator shall be credited during the next billing period for the excess kilowatt hours generated in accordance with this section.

V. The commission shall adopt rules, pursuant to RSA 541-A, to establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires.

VI. The commission, by order, may waive any of the limitations set forth in this chapter for targeted net energy metering arrangements that are part of a utility strategy to minimize distribution costs.

VII. Once the commission has established standards for equipment used by eligible customer-generators, electric distribution utilities shall not require any additional standards or testing for transmission equipment as a condition of net energy metering.

History

Source. 1998, 261:10, eff. Aug. 25, 1998. 2000, 148:1, 2, eff. July 22, 2000.

Amendments—2000. Paragraph I: Substituted "90 days of the start of retail choice of electric suppliers, or within 90 days of the final approval of net metering regulations issued by the commission, whichever comes first" for "6 months of the start of retail choice of electric suppliers" in the first sentence.

Paragraph VII: Added.

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 96

BILL TITLE: **relative to eligibility as a customer-generator.**

DATE: February 6, 2003

LOB ROOM: 304

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Maxfield

Seconded by Rep. Hatch

Vote: 16-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Robert E. Introne, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 96

BILL TITLE: **relative to eligibility as a customer-generator.**

DATE: 2/6/03

LOB ROOM:

Amendments:

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Sponsor: Rep. _____ OLS Document #: _____ Adopted/Failed

Motions: OTP, OTP/A, (ITL), Interim Study (Please circle one.)

Moved by Rep. MARCELO

Seconded by Rep. HATCH

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. _____

Seconded by Rep. _____

Vote: _____ (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Dep.

Rep. ~~Robert E. Introne~~, Clerk

EDWARD LEACH

OFFICE OF THE HOUSE CLERK 2003 SESSION

SCIENCE, TECHNOLOGY AND ENERGY

Bill #: HB 96 Title: relative to eligibility as a customer-generator

PH Date: ___/___/___ Exec Session Date: 02/06/03

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Thomas. John H. Chairman	✓	
Maxfield. Roy D. V Chairman	✓	
Ham. Bonnie	✓	
Harrington. Michael D	✓	
Introne. Robert E		
Leach. Edward R	✓	
Arnold. Thomas I	✓	
Beaton. William A	✓	
Cataldo. Sam A	✓	
Crane. Elenore Casey	✓	
Hatch. Paul R	✓	
Nutter. Edward H	✓	
Ross. Lawrence C	✓	
Slocum. Lee G	✓	
Pitts. Jacqueline A	✓	
Kaen. Naida L		
Harris. Joseph D	✓	
Pelletier. Arthur J		
Poulin. Richard L	✓	
Webber. Amy C		
	16	0

TOTAL VOTE:
Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Science, Technology and Energy**

BILL NUMBER: **HB 96**

TITLE: relative to eligibility as a customer-generator.

DATE: February 6, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The subcommittee found during discovery that though biofuel is another alternative in energy production, a mix with diesel would create other concerns with environmental issues and qualifications as to net-metering and marketing issues.

Vote 16-0.

Rep. Roy D. Maxfield
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Science, Technology and Energy
HB 96, relative to eligibility as a customer-generator. **INEXPEDIENT TO LEGISLATE**
Rep. Roy D. Maxfield for Science, Technology and Energy: The subcommittee found during discovery that though biofuel is another alternative in energy production, a mix with diesel would create other concerns with environmental issues and qualifications as to net-metering and marketing issues. **Vote 16-0.**

HB 96 Relative to eligibility as a customer-generator

~~The committee found in the discovery process that the type of engine in question are stationary,~~

The committee found during discovery that though bio-fuel is another alternation in energy production, a mix with diesel would create other concerns with environmental issues, qualifications as to net-metering & marketing issues.

Vote 16-0

John Thomas