LEGISLATIVE COMMITTEE MINUTES

HB281

Bill as Introduced

HB 281 - AS INTRODUCED

2023 SESSION

23-0172
10/05

HOUSE BILL *281*

AN ACT relative to least cost integrated resource plan of utilities.

SPONSORS: Rep. Plett, Hills. 29; Rep. Notter, Hills. 12; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0172
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to least cost integrated resource plan of utilities.

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

1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. RSA 378:37 through RSA 378:40, relative to policy, plans, and compliance procedures for filing least cost integrated resource plan with the public utilities commission, are repealed.

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

LBA
23-0172
Amended 6/19/23

HB 281 FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2023-1879s)

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Indeterminable Funding Source:	[X] General [ ] Education [X] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

The Department of Energy indicates this bill will have no impact on state, county or local revenues. Regarding expenditures the Department offers the following:

- Section 1 which repeals the Integrated Least Cost Resource Planning process would reduce costs for utilities that are currently required to create, file, and participate in the Public Utilities Commission process that ultimately approves or denies the plans. The costs of compliance with this statute for these utilities is recovered from the ratepayers. Therefore, if the LCIRP is repealed, those costs are no longer incurred or recovered, leading to decreased costs to electricity and natural gas ratepayers, which includes the

state, counties, and units of local government.

- Section 2 through 6 will have no impact on state, county or local expenditures.
- Sections 7 through 18 will have no impact on county and local expenditures. These sections will result in additional duties and responsibilities to the Department, however the Department states these additional requirements have been funded in the FY 2024-25 operating budget.

AGENCIES CONTACTED:

Department of Energy

HB 281 - AS AMENDED BY THE SENATE

05/18/2023 1879s

2023 SESSION

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HOUSE BILL *281*

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

SPONSORS: Rep. Plett, Hills. 29; Rep. Notter, Hills. 12; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

I. Repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

II. Removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members.

III. Requires the department of energy to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

IV. Repeals the establishment of the energy efficiency and sustainable energy board and transfer some of the board's responsibilities to the department of energy.

V. Makes various changes to the energy facility site evaluation committee and permitting process.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

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

1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. RSA 378:38 through RSA 378:40, relative to plans and compliance procedures for filing least cost integrated resource plans with the public utilities commission, are repealed.

2 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

3 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the [~~commission~~] ***department***, including the[~~commission's~~] ***department's*** estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the [~~public utilities commission's~~] ***department's*** website. ***Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by***

the average residential monthly consumption of 625 kilowatt hours. The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

4 New Paragraphs; Department of Energy; Establishment; Purpose. Amend RSA 12-P:2 by inserting after paragraph IV the following new paragraphs:

V. The department shall develop strategies, concepts, and tools to enhance outreach and education programs to increase knowledge and awareness about energy efficiency and sustainable energy among New Hampshire residents and businesses.

VI. The department shall expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

5 Restructuring Policy Principles. Amend RSA 374-F:3, VI-a(b) to read as follows:

(b) Up to $400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA [~~125-O:5-a, I(c)~~] ***12-P:2, V*** as determined by the department of energy.

6 Repeal. RSA 125-O:5-a, relative to energy efficiency and sustainable energy board, is repealed.

7 Definitions. Amend RSA 162-H:2 to read as follows:

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

I-a. "Administrator" means the administrator of the committee established by this chapter.

I-b. "Affected municipality" means any municipality or unincorporated place in which any part of an energy facility is proposed to be located and any municipality or unincorporated place from which any part of the proposed energy facility will be visible or audible.

II. [~~[Repealed.]~~

~~II-a.~~] "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

~~[IV. [Repealed.]]~~

[~~V.~~] ***IV.*** "Committee" means the site evaluation committee established by this chapter.

V. "Department" means the department of energy.

VI. "Energy" means power, including mechanical power, useful heat, or electricity derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means:

(a) Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network.

(b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.

(c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.

(d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.

(e) A new electric transmission line of design rating in excess of 200 kilovolts.

(f) A renewable energy facility.

(g) An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

[~~VII-a.~~] *VIII.* "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

[~~VIII.~~] *IX.* "Filing" means the date on which the application is first submitted to the committee.

[~~IX.~~] *X.* "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

[~~X. [Repealed.]~~

~~X-a. [Repealed.]~~]

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the governing body of a host community or 2 or more governing bodies of abutting communities.

(d) A petition filed by the potential applicant.

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity, but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

8 Powers and Duties of Committee. Amend RSA 162-H:4, I through III-b to read as follows:

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for an energy facility.

(b) Determine the terms and conditions of any certificate issued under this chapter.

[~~(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter to ensure compliance with such certificate.~~

~~(d) Enforce the terms and conditions of any certificate issued under this chapter.~~]

(c) Adjudicate enforcement matters.

[~~(c)~~] ***(d)*** Assist the public in understanding the requirements of this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

[~~III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or~~

~~delegate shall also have a right to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.~~]

[~~III-a.~~] ***III.*** The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

[~~III-b.~~] ***III-a.*** The committee may not delegate its authority or duties, except as provided under this chapter.

9 Application for Certificate. Amend RSA 162-H:7, IV-IX to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, ***which shall be contemporaneously filed with the state agency having jurisdiction.*** [~~Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.~~] Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee ***and the applicant*** of that fact and specify what information the applicant must supply[~~; thereupon the committee shall provide the applicant with a copy of such notification and specification~~]. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application ***as administratively complete*** within 60 days of filing. ***Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency.*** If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted.

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

~~[VI-e. [Repealed.]~~

~~VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.~~

~~VIII.~~] ***VII.*** This chapter shall not preclude an agency from imposing its usual statutory fees.

[~~IX.~~] ***VIII.*** The applicant shall immediately inform the committee ***and applicable state agency*** of any substantive modification to its application.

10 Disclosure of Ownership. Amend RSA 162-H:8 to read as follows:

162-H:8 Disclosure of Ownership. Any application for a certificate***, or for change in ownership and transfer of certificate,*** shall be signed and sworn to by the person or executive

officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VI. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

11 Public Hearing; Studies; Rules. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. [~~The committee shall also send a copy of the public notice, not less than 14 days before the hearing, by first class mail to the governing body of each affected municipality. The~~] ***Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the*** public hearings [~~shall~~] ***may*** be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~Notwithstanding any other provision of law,~~] The hearing [~~shall~~] ***may*** be a joint hearing with the other state agencies [~~and shall be in lieu of all hearings otherwise required by any of the other state agencies~~]; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

12 Enforcement. Amend RSA 162-H:12 to read as follows:

162-H:12 *Monitoring and* Enforcement.

I. [~~Whenever the committee, or the administrator as designee, makes a preliminary determination that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.~~] ***The department shall monitor the construction and operation of any energy facility granted a certificate under this chapter or prior law to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.***

II. ***Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the committee, which may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.***

III. [~~The~~] ***Upon petition of the department, the*** committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall

give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

[~~III. The~~] *IV. Upon petition of the department, the* committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

[~~IV.~~] *V.* Notwithstanding any other provision of this chapter, each of the other state agencies having permitting, or other regulatory authority shall retain all of its powers and duties of enforcement.

[~~V.~~] *VI.* The full amount of costs and expenses incurred by the ***department and*** committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the ***department or*** committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

13 Records. Amend RSA 162-H:13 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. [~~Records~~] ***Committee records*** regarding pending applications for a certificate shall also be made available on a website.

14 Findings and Certificate Issuance. Amend RSA 162-H:16 to read as follows:

162-H:16 Findings and Certificate Issuance.

I. The committee shall incorporate in any certificate such terms and conditions ***in their entirety and without addition, deletion, or change,*** as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. After due consideration of all relevant information regarding the potential siting, or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) Issuance of a certificate will serve the public interest.

V. [~~[Repealed.]~~] ***The committee shall issue an order granting or denying a certificate. Such order shall summarize issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.***

VI. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary [~~and may provide for such reasonable monitoring procedures as may be necessary~~]. Such certificates, when issued, shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of ***applicable federal approvals or appeal processes and*** required federal and state agency studies whose study period exceeds the application period.

15 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall by continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility

proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, ***and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners.*** In the event lawful expenditures ***of the committee and department*** in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee[,] may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. ***Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.***

16 New Section; Transition. Amend RSA 162-H by inserting after section 23 the following new section:

162-H:24 Transition. On the effective date of this act, the department shall assume responsibility for all monitoring and enforcement activities under this chapter, except for proceedings opened by the committee prior to the effective date of this act, including enforcement complaints, in which case the proceeding shall continue pursuant to any existing procedural order of the committee.

17 Role of State Agencies. Amend RSA 162-H:7-a, I(c)-(d) to read as follows:

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern; ***and***

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members[~~; and~~].

18 Repeal. RSA 162-H:7-a, I(e), relative to role of state agencies, is repealed.

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

LBA
23-0172
Amended 6/19/23

HB 281-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-1879s)

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Indeterminable Funding Source:	[X] General [ ] Education [X] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

The Department of Energy indicates this bill will have no impact on state, county or local revenues. Regarding expenditures the Department offers the following:

- Section 1 which repeals the Integrated Least Cost Resource Planning process would reduce costs for utilities that are currently required to create, file, and participate in the Public Utilities Commission process that ultimately approves or denies the plans. The costs of compliance with this statute for these utilities is recovered from the ratepayers. Therefore, if the LCIRP is repealed, those costs are no longer incurred or recovered, leading to decreased costs to electricity and natural gas ratepayers, which includes the state, counties, and units of local government.
- Section 2 through 6 will have no impact on state, county or local expenditures.

- Sections 7 through 18 will have no impact on county and local expenditures. These sections will result in additional duties and responsibilities to the Department, however the Department states these additional requirements have been funded in the FY 2024-25 operating budget.

AGENCIES CONTACTED:

Department of Energy

HB 281-FN - VERSION ADOPTED BY BOTH BODIES

05/18/2023 1879s
29Jun2023... 2226CofC
29Jun2023... 2250EBA

2023 SESSION

23-0172
10/05

HOUSE BILL ***281***

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

SPONSORS: Rep. Plett, Hills. 29; Rep. Notter, Hills. 12; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

I. Repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

II. Removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members.

III. Requires the department of energy to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

IV. Repeals the establishment of the energy efficiency and sustainable energy board and transfer some of the board's responsibilities to the department of energy.

V. Makes various changes to the energy facility site evaluation committee and permitting process.

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.

05/18/2023 1879s
29Jun2023... 2226CofC
29Jun2023... 2250EBA

23-0172
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

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

1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. RSA 378:38 through RSA 378:40, relative to plans and compliance procedures for filing least cost integrated resource plans with the public utilities commission, are repealed.

2 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

3 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the [~~commission~~] ***department,*** including the[~~commission's~~] ***department's*** estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the [~~public utilities commission's~~] ***department's*** website. ***Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of***

the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours. The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

4 New Paragraphs; Department of Energy; Establishment; Purpose. Amend RSA 12-P:2 by inserting after paragraph IV the following new paragraphs:

V. The department shall develop strategies, concepts, and tools to enhance outreach and education programs to increase knowledge and awareness about energy efficiency and sustainable energy among New Hampshire residents and businesses.

VI. The department shall expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

5 Restructuring Policy Principles. Amend RSA 374-F:3, VI-a(b) to read as follows:

(b) Up to $400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA [~~125-O:5-a, I(c)~~] *12-P:2, V* as determined by the department of energy.

6 Repeal. RSA 125-O:5-a, relative to energy efficiency and sustainable energy board, is repealed.

7 Definitions. Amend RSA 162-H:2 to read as follows:

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

I-a. "Administrator" means the administrator of the committee established by this chapter.

I-b. "Affected municipality" means any municipality or unincorporated place in which any part of an energy facility is proposed to be located and any municipality or unincorporated place from which any part of the proposed energy facility will be visible or audible.

II. [~~[Repealed.]~~

~~II-a.~~] "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

[~~IV. [Repealed.]~~]

[~~V.~~] *IV.* "Committee" means the site evaluation committee established by this chapter.

V. "Department" means the department of energy.

VI. "Energy" means power, including mechanical power, useful heat, or electricity derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means:

(a) Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network.

(b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.

(c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.

(d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.

(e) A new electric transmission line of design rating in excess of 200 kilovolts.

(f) A renewable energy facility.

(g) An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

[~~VII-a.~~] *VIII.* "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

[~~VIII.~~] *IX.* "Filing" means the date on which the application is first submitted to the committee.

[~~IX.~~] *X.* "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

~~[X. [Repealed.]~~

~~X-a. [Repealed.]]~~

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the governing body of a host community or 2 or more governing bodies of abutting communities.

(d) A petition filed by the potential applicant.

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity, but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

8 Powers and Duties of Committee. Amend RSA 162-H:4, I through III-b to read as follows:

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for an energy facility.

(b) Determine the terms and conditions of any certificate issued under this chapter.

~~[(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter to ensure compliance with such certificate.~~

~~(d) Enforce the terms and conditions of any certificate issued under this chapter.~~]

(c) Adjudicate enforcement matters.

[~~(c)~~] ***(d)*** Assist the public in understanding the requirements of this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

~~[III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or~~

~~delegate shall also have a right to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.~~]

[~~III-a.~~] ***III.*** The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

[~~III-b.~~] ***III-a.*** The committee may not delegate its authority or duties, except as provided under this chapter.

9 Application for Certificate. Amend RSA 162-H:7, IV-IX to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, ***which shall be contemporaneously filed with the state agency having jurisdiction***. [~~Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.~~] Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee ***and the applicant*** of that fact and specify what information the applicant must supply[~~; thereupon the committee shall provide the applicant with a copy of such notification and specification~~]. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application ***as administratively complete*** within 60 days of filing. ***Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency.*** If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted.

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

~~[VI-e. [Repealed.]~~

~~VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.~~

~~VIII.~~] ***VII.*** This chapter shall not preclude an agency from imposing its usual statutory fees.

[~~IX.~~] ***VIII.*** The applicant shall immediately inform the committee ***and applicable state agency*** of any substantive modification to its application.

10 Disclosure of Ownership. Amend RSA 162-H:8 to read as follows:

162-H:8 Disclosure of Ownership. Any application for a certificate***, or for change in ownership and transfer of certificate,*** shall be signed and sworn to by the person or executive

officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VI. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

11 Public Hearing; Studies; Rules. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. [~~The committee shall also send a copy of the public notice, not less than 14 days before the hearing, by first class mail to the governing body of each affected municipality. The~~] ***Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the*** public hearings [~~shall~~] ***may*** be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~Notwithstanding any other provision of law,~~] The hearing [~~shall~~] ***may*** be a joint hearing with the other state agencies [~~and shall be in lieu of all hearings otherwise required by any of the other state agencies~~]; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

12 Enforcement. Amend RSA 162-H:12 to read as follows:

162-H:12 *Monitoring and* Enforcement.

I. [~~Whenever the committee, or the administrator as designee, makes a preliminary determination that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.~~] ***The department shall monitor the construction and operation of any energy facility granted a certificate under this chapter or prior law to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.***

II. ***Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the committee, which may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.***

III. [~~The~~] ***Upon petition of the department, the*** committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall

give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

[~~III. The~~] ***IV. Upon petition of the department, the*** committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

[~~IV.~~] ***V.*** Notwithstanding any other provision of this chapter, each of the other state agencies having permitting, or other regulatory authority shall retain all of its powers and duties of enforcement.

[~~V.~~] ***VI.*** The full amount of costs and expenses incurred by the ***department and*** committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the ***department or*** committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

13 Records. Amend RSA 162-H:13 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. [~~Records~~] ***Committee records*** regarding pending applications for a certificate shall also be made available on a website.

14 Findings and Certificate Issuance. Amend RSA 162-H:16 to read as follows:

162-H:16 Findings and Certificate Issuance.

I. The committee shall incorporate in any certificate such terms and conditions ***in their entirety and without addition, deletion, or change,*** as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. After due consideration of all relevant information regarding the potential siting, or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) Issuance of a certificate will serve the public interest.

V. [[~~Repealed.~~]] ***The committee shall issue an order granting or denying a certificate. Such order shall summarize issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.***

VI. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary [~~and may provide for such reasonable monitoring procedures as may be necessary~~]. Such certificates, when issued, shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of ***applicable federal approvals or appeal processes and*** required federal and state agency studies whose study period exceeds the application period.

15 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall by continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility

proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, ***and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners.*** In the event lawful expenditures ***of the committee and department*** in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee[~~,~~] may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. ***Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.***

16 New Section; Transition. Amend RSA 162-H by inserting after section 23 the following new section:

162-H:24 Transition. On the effective date of this section, the department shall assume responsibility for all monitoring and enforcement activities under this chapter, except for proceedings opened by the committee prior to the effective date of this act, including enforcement complaints, in which case the proceeding shall continue pursuant to any existing procedural order of the committee.

17 Role of State Agencies. Amend RSA 162-H:7-a, I(c)-(d) to read as follows:

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern; ***and***

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members[~~; and~~].

18 Repeal. RSA 162-H:7-a, I(e), relative to role of state agencies, is repealed.

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

LBA
23-0172
Amended 6/19/23

HB 281-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-1879s)

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Indeterminable Funding Source:	[X] General [ ] Education [X] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

The Department of Energy indicates this bill will have no impact on state, county or local revenues. Regarding expenditures the Department offers the following:

- Section 1 which repeals the Integrated Least Cost Resource Planning process would reduce costs for utilities that are currently required to create, file, and participate in the Public Utilities Commission process that ultimately approves or denies the plans. The costs of compliance with this statute for these utilities is recovered from the ratepayers. Therefore, if the LCIRP is repealed, those costs are no longer incurred or recovered, leading to decreased costs to electricity and natural gas ratepayers, which includes the state, counties, and units of local government.
- Section 2 through 6 will have no impact on state, county or local expenditures.

- Sections 7 through 18 will have no impact on county and local expenditures. These sections will result in additional duties and responsibilities to the Department, however the Department states these additional requirements have been funded in the FY 2024-25 operating budget.

AGENCIES CONTACTED:

Department of Energy

CHAPTER 233
HB 281-FN - FINAL VERSION

05/18/2023 1879s
29Jun2023... 2226CofC
29Jun2023... 2250EBA

2023 SESSION

23-0172
10/05

HOUSE BILL ***281***

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

SPONSORS: Rep. Plett, Hills. 29; Rep. Notter, Hills. 12; Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

I. Repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

II. Removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members.

III. Requires the department of energy to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

IV. Repeals the establishment of the energy efficiency and sustainable energy board and transfers some of the board's responsibilities to the department of energy.

V. Makes various changes to the energy facility site evaluation committee and permitting process.

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.

CHAPTER 233
HB 281-FN - FINAL VERSION

05/18/2023 1879s
29Jun2023... 2226CofC
29Jun2023... 2250EBA

23-0172
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

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

233:1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. RSA 378:38 through RSA 378:40, relative to plans and compliance procedures for filing least cost integrated resource plans with the public utilities commission, are repealed.

233:2 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

233:3 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the [~~commission~~] ***department***, including the [~~commission's~~] ***department's*** estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the [~~public utilities commission's~~] ***department's*** website. ***Utilities shall also be required to include an***

annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours. The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

233:4 New Paragraphs; Department of Energy; Establishment; Purpose. Amend RSA 12-P:2 by inserting after paragraph IV the following new paragraphs:

V. The department shall develop strategies, concepts, and tools to enhance outreach and education programs to increase knowledge and awareness about energy efficiency and sustainable energy among New Hampshire residents and businesses.

VI. The department shall expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

233:5 Restructuring Policy Principles. Amend RSA 374-F:3, VI-a(b) to read as follows:

(b) Up to $400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA [~~125-O:5-a, I(e)~~] *12-P:2, V* as determined by the department of energy.

233:6 Repeal. RSA 125-O:5-a, relative to energy efficiency and sustainable energy board, is repealed.

233:7 Definitions. Amend RSA 162-H:2 to read as follows:

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

I-a. "Administrator" means the administrator of the committee established by this chapter.

I-b. "Affected municipality" means any municipality or unincorporated place in which any part of an energy facility is proposed to be located and any municipality or unincorporated place from which any part of the proposed energy facility will be visible or audible.

II. [~~[Repealed.]~~

~~II-a.~~] "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

~~[IV. [Repealed.]]~~

~~[V.]~~ *IV.* "Committee" means the site evaluation committee established by this chapter.

V. "Department" means the department of energy.

VI. "Energy" means power, including mechanical power, useful heat, or electricity derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means:

(a) Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network.

(b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.

(c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.

(d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.

(e) A new electric transmission line of design rating in excess of 200 kilovolts.

(f) A renewable energy facility.

(g) An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

~~[VII-a.]~~ ***VIII.*** "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

~~[VIII.]~~ ***IX.*** "Filing" means the date on which the application is first submitted to the committee.

[~~IX.~~] *X.* "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

[~~X. [Repealed.]~~

~~X-a. [Repealed.]~~]

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the governing body of a host community or 2 or more governing bodies of abutting communities.

(d) A petition filed by the potential applicant.

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity, but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

233:8 Powers and Duties of Committee. Amend RSA 162-H:4, I through III-b to read as follows:

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for an energy facility.

(b) Determine the terms and conditions of any certificate issued under this chapter.

[~~(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter to ensure compliance with such certificate.~~

~~(d) Enforce the terms and conditions of any certificate issued under this chapter.~~]

(c) Adjudicate enforcement matters.

[~~(e)~~] ***(d)*** Assist the public in understanding the requirements of this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

[~~III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or~~

~~operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.~~]

[~~III-a.~~] ***III.*** The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

[~~III-b.~~] ***III-a.*** The committee may not delegate its authority or duties, except as provided under this chapter.

233:9 Application for Certificate. Amend RSA 162-H:7, IV-IX to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, ***which shall be contemporaneously filed with the state agency having jurisdiction.*** [~~Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.~~] Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee ***and the applicant*** of that fact and specify what information the applicant must supply[~~; thereupon the committee shall provide the applicant with a copy of such notification and specification~~]. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application ***as administratively complete*** within 60 days of filing. ***Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency.*** If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted.

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

~~[VI-e. [Repealed.]~~

~~VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.~~

~~VIII.~~] ***VII.*** This chapter shall not preclude an agency from imposing its usual statutory fees.

~~[IX.~~] ***VIII.*** The applicant shall immediately inform the committee ***and applicable state agency*** of any substantive modification to its application.

233:10 Disclosure of Ownership. Amend RSA 162-H:8 to read as follows:

162-H:8 Disclosure of Ownership. Any application for a certificate, ***or for change in ownership and transfer of certificate,*** shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VI. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

233:11 Public Hearing; Studies; Rules. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. [~~The committee shall also send a copy of the public notice, not less than 14 days before the hearing, by first class mail to the governing body of each affected municipality. The~~] ***Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the*** public hearings [~~shall~~] ***may*** be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~Notwithstanding any other provision of law,~~] The hearing [~~shall~~] ***may*** be a joint hearing with the other state agencies [~~and shall be in lieu of all hearings otherwise required by any of the other state agencies~~]; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the

committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

233:12 Enforcement. Amend RSA 162-H:12 to read as follows:

162-H:12 ***Monitoring and*** Enforcement.

I. [~~Whenever the committee, or the administrator as designee, makes a preliminary determination that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.~~] ***The department shall monitor the construction and operation of any energy facility granted a certificate under this chapter or prior law to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.***

II. ***Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the committee, which may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.***

III. [~~The~~] ***Upon petition of the department, the*** committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application,

or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

[~~III. The~~] ***IV. Upon petition of the department, the*** committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

[~~IV.~~] ***V.*** Notwithstanding any other provision of this chapter, each of the other state agencies having permitting, or other regulatory authority shall retain all of its powers and duties of enforcement.

[~~V.~~] ***VI.*** The full amount of costs and expenses incurred by the ***department and*** committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the ***department or*** committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

233:13 Records. Amend RSA 162-H:13 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. [~~Records~~] ***Committee records*** regarding pending applications for a certificate shall also be made available on a website.

233:14 Findings and Certificate Issuance. Amend RSA 162-H:16 to read as follows:

162-H:16 Findings and Certificate Issuance.

I. The committee shall incorporate in any certificate such terms and conditions ***in their entirety and without addition, deletion, or change,*** as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority.

The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. After due consideration of all relevant information regarding the potential siting, or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) Issuance of a certificate will serve the public interest.

V. [~~[Repealed.]~~] ***The committee shall issue an order granting or denying a certificate. Such order shall summarize issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.***

VI. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary [~~and may provide for such reasonable monitoring procedures as may be necessary~~]. Such certificates, when issued, shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of ***applicable federal approvals or appeal processes and*** required federal and state agency studies whose study period exceeds the application period.

233:15 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall by continually appropriated to the site evaluation

committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, ***and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners.*** In the event lawful expenditures ***of the committee and department*** in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee[~~,~~] may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. ***Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.***

233:16 New Section; Transition. Amend RSA 162-H by inserting after section 23 the following new section:

162-H:24 Transition. On the effective date of this section, the department shall assume responsibility for all monitoring and enforcement activities under this chapter, except for proceedings opened by the committee prior to the effective date of this section, including enforcement complaints, in which case the proceeding shall continue pursuant to any existing procedural order of the committee.

233:17 Role of State Agencies. Amend RSA 162-H:7-a, I(c)-(d) to read as follows:

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern; ***and***

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members[~~; and~~].

233:18 Repeal. RSA 162-H:7-a, I(e), relative to role of state agencies, is repealed.

233:19 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 08, 2023
Effective Date: October 07, 2023

Amendments

Sen. Avard, Dist 12
Sen. Watters, Dist 4
May 4, 2023
2023-1657s
10/08

Amendment to HB 281

Amend the title of the bill by replacing it with the following:

AN ACT relative to least cost integrated resource plan of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

Amend the bill by replacing all after the enacting clause with the following:

RSA 378:38 - RSA 378:41

1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. [RSA 378:37 through RSA 378:40,] relative to policy, plans, and compliance procedures for filing least cost integrated resource plan with the public utilities commission, are repealed.

2 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

3 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the ~~commission,~~ including the ~~commission~~'s estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill

shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the ~~public utilities commission's~~ departments website. ***Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours.*** The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

4 New Paragraphs; Department of Energy; Establishment; Purpose. Amend RSA 12-P:2 by inserting after paragraph IV the following new paragraphs:

V. The department shall develop strategies, concepts, and tools to enhance outreach and education programs to increase knowledge and awareness about energy efficiency and sustainable energy among New Hampshire residents and businesses.

VI. The department shall expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

5 Restructuring Policy Principles. Amend RSA 374-F:3, VI-a(b) to read as follows:

(b) Up to $400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA [~~125-O:5-a, I(e)~~] ***12-P:2, V*** as determined by the department of energy.

6 Repeal. RSA 125-O:5-a, relative to energy efficiency and sustainable energy board, is repealed.

7 Definitions. Amend RSA 162-H:2 to read as follows:

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

I-a. "Administrator" means the administrator of the committee established by this chapter.

I-b. "Affected municipality" means any municipality or unincorporated place in which any part of an energy facility is proposed to be located and any municipality or unincorporated place from which any part of the proposed energy facility will be visible or audible.

II. [~~[Repealed.]~~

~~II-a.~~] "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes desirable for temporary use of the land for public recreational uses, or necessary borings to

determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

~~[IV. [Repealed.]]~~

[~~V.~~] *IV.* "Committee" means the site evaluation committee established by this chapter.

V. "Department" means the department of energy.

VI. "Energy" means power, including mechanical power, useful heat, or electricity derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means:

(a) Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network.

(b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.

(c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.

(d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.

(e) A new electric transmission line of design rating in excess of 200 kilovolts.

(f) A renewable energy facility.

(g) An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

[~~VII-a.~~] *VIII.* "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

[~~VIII.~~] ***IX.*** "Filing" means the date on which the application is first submitted to the committee.

[~~IX.~~] ***X.*** "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

[~~X. [Repealed.]~~

~~X a. [Repealed.]~~]

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the governing body of a host community or 2 or more governing bodies of abutting communities.

(d) A petition filed by the potential applicant.

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity, but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

8 Powers and Duties of Committee. Amend RSA 162-H:4, I through III-b to read as follows:

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for an energy facility.

(b) Determine the terms and conditions of any certificate issued under this chapter.

[~~(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter to ensure compliance with such certificate.~~

~~(d) Enforce the terms and conditions of any certificate issued under this chapter.~~]

(c) Adjudicate enforcement matters.

[~~(c)~~] ***(d)*** Assist the public in understanding the requirements of this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

[~~III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate~~

~~are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.~~]

[~~III a.~~] ***III.*** The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

[~~III b.~~] ***III-a.*** The committee may not delegate its authority or duties, except as provided under this chapter.

9 Application for Certificate. Amend RSA 162-H:7, IV-IX to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms***, which shall be contemporaneously filed with the state agency having jurisdiction***. [~~Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.~~] Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee ***and the applicant*** of that fact and specify what information the applicant must supply[~~; thereupon the committee shall provide the applicant with a copy of such notification and specification~~]. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application ***as administratively complete*** within 60 days of filing. ***Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency.*** If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted.

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

~~[VI-e. [Repealed.]~~

~~VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.~~

~~VIII.~~] ***VII.*** This chapter shall not preclude an agency from imposing its usual statutory fees.

[~~IX.~~] ***VIII.*** The applicant shall immediately inform the committee ***and applicable state agency*** of any substantive modification to its application.

10 Disclosure of Ownership. Amend RSA 162-H:8 to read as follows:

162-H:8 Disclosure of Ownership. Any application for a certificate***, or for change in ownership and transfer of certificate,*** shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VI. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

11 Public Hearing; Studies; Rules. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. [~~The committee shall also send a copy of the public notice, not less than 14 days before the hearing, by first-class mail to the governing body of each affected municipality. The~~] ***Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the*** public hearings [~~shall~~] ***may*** be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~Notwithstanding any other provision of law,~~] The hearing [~~shall~~] ***may*** be a joint hearing with the other state agencies [~~and shall be in lieu of all hearings otherwise required by any of the other state agencies~~]; provided, however, if any of such other state agencies does not otherwise have authority to

conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

12 Enforcement. Amend RSA 162-H:12 to read as follows:

162-H:12 ***Monitoring and*** Enforcement.

I. [~~Whenever the committee, or the administrator as designee, makes a preliminary determination that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.~~] ***The department shall monitor the construction and operation of any energy facility granted a certificate under this chapter or prior law to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.***

II. ***Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the*** ~~***commission,***~~ ***which may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the*** ~~***commission***~~ ***shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.***

committee

committee

III. [~~The~~] ***Upon petition of the department, the*** committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

[~~III. The~~] ***IV. Upon petition of the department, the*** committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

[~~IV.~~] ***V.*** Notwithstanding any other provision of this chapter, each of the other state agencies having permitting, or other regulatory authority shall retain all of its powers and duties of enforcement.

[~~V.~~] ***VI.*** The full amount of costs and expenses incurred by the ***department and*** committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the ***department or*** committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

13 Records. Amend RSA 162-H:13 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. [~~Records~~] ***Committee records*** regarding pending applications for a certificate shall also be made available on a website.

14 Findings and Certificate Issuance. Amend RSA 162-H:16 to read as follows:

162-H:16 Findings and Certificate Issuance.

I. The committee shall incorporate in any certificate such terms and conditions ***in their entirety and without addition, deletion, or change,*** as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the

committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. After due consideration of all relevant information regarding the potential siting, or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) Issuance of a certificate will serve the public interest.

V. [~~[Repealed.]~~] ***The committee shall issue an order granting or denying a certificate. Such order shall summarize issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.***

VI. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary [~~and may provide for such reasonable monitoring procedures as may be necessary~~]. Such certificates, when issued, shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of ***applicable federal approvals or appeal processes and*** required federal and state agency studies whose study period exceeds the application period.

15 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All

application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall by continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, ***and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners***. In the event lawful expenditures ***of the committee and department*** in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee[,] may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. ***Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.***

16 New Section; Transition. Amend RSA 162-H by inserting after section 23 the following new section:

162-H:24 Transition. On the effective date of this act, the department shall assume responsibility for all monitoring and enforcement activities under this chapter, except for proceedings opened by the committee prior to the effective date of this act, including enforcement complaints, in which case the proceeding shall continue pursuant to any existing procedural order of the committee.

17 Role of State Agencies. Amend RSA 162-H:7-a, I(c)-(d) to read as follows:

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern; ***and***

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members[~~; and~~].

18 Repeal. RSA 162-H:7-a, I(e), relative to role of state agencies, is repealed.

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

Section 1 - July 1, 2024

2023-1657s

AMENDED ANALYSIS

This bill:

I. Repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

II. Removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members.

III. Requires the public utilities commission to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

IV. Repeals the establishment of the energy efficiency and sustainable energy board and transfer some of the board's responsibilities to the department of energy.

V. Makes various changes to the energy facility site evaluation committee and permitting process.

Energy and Natural Resources
May 16, 2023
2023-1879s
10/08

Amendment to HB 281

Amend the title of the bill by replacing it with the following:

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal; Public Utilities Commission; Integrated Least Cost Resource Plans. RSA 378:38 through RSA 378:40, relative to plans and compliance procedures for filing least cost integrated resource plans with the public utilities commission, are repealed.

2 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

3 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the [~~commission~~] ***department***, including the[~~commission's~~] ***department's*** estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through

the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the [~~public utilities commission's~~] ***department's*** website. ***Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours.*** The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

4 New Paragraphs; Department of Energy; Establishment; Purpose. Amend RSA 12-P:2 by inserting after paragraph IV the following new paragraphs:

V. The department shall develop strategies, concepts, and tools to enhance outreach and education programs to increase knowledge and awareness about energy efficiency and sustainable energy among New Hampshire residents and businesses.

VI. The department shall expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.

5 Restructuring Policy Principles. Amend RSA 374-F:3, VI-a(b) to read as follows:

(b) Up to $400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA [~~125-O:5-a, I(c)~~] ***12-P:2, V*** as determined by the department of energy.

6 Repeal. RSA 125-O:5-a, relative to energy efficiency and sustainable energy board, is repealed.

7 Definitions. Amend RSA 162-H:2 to read as follows:

162-H:2 Definitions.

I. "Acceptance" means a determination by the committee that it finds that the application is complete and ready for consideration.

I-a. "Administrator" means the administrator of the committee established by this chapter.

I-b. "Affected municipality" means any municipality or unincorporated place in which any part of an energy facility is proposed to be located and any municipality or unincorporated place from which any part of the proposed energy facility will be visible or audible.

II. [~~[Repealed.]~~

~~II-a.~~] "Certificate" or "certificate of site and facility" means the document issued by the committee, containing such terms and conditions as the committee deems appropriate, that authorizes the applicant to proceed with the proposed site and facility.

III. "Commencement of construction" means any clearing of the land, excavation or other substantial action that would adversely affect the natural environment of the site of the proposed facility, but does not include land surveying, optioning or acquiring land or rights in land, changes

desirable for temporary use of the land for public recreational uses, or necessary borings to determine foundation conditions, or other preconstruction monitoring to establish background information related to the suitability of the site or to the protection of environmental use and values.

[~~IV. [Repealed.]~~]

[~~V.~~] ***IV.*** "Committee" means the site evaluation committee established by this chapter.

V. "Department" means the department of energy.

VI. "Energy" means power, including mechanical power, useful heat, or electricity derived from any resource, including, but not limited to, oil, coal, and gas.

VII. "Energy facility" means:

(a) Any industrial structure that may be used substantially to extract, produce, manufacture, transport or refine sources of energy, including ancillary facilities as may be used or useful in transporting, storing or otherwise providing for the raw materials or products of any such industrial structure. This shall include, but not be limited to industrial structures such as oil refineries, gas plants, equipment and associated facilities designed to use any, or a combination of, natural gas, propane gas and liquefied natural gas, which store on site a quantity to provide 7 days of continuous operation at a rate equivalent to the energy requirements of a 30 megawatt electric generating station and its associated facilities, plants for coal conversion, onshore and offshore loading and unloading facilities for energy sources and energy transmission pipelines that are not considered part of a local distribution network.

(b) Electric generating station equipment and associated facilities designed for, or capable of, operation at any capacity of 30 megawatts or more.

(c) An electric transmission line of design rating of 100 kilovolts or more, associated with a generating facility under subparagraph (b), over a route not already occupied by a transmission line or lines.

(d) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length, over a route not already occupied by a transmission line.

(e) A new electric transmission line of design rating in excess of 200 kilovolts.

(f) A renewable energy facility.

(g) An electrical storage facility with a peak storage capacity of 30 megawatt-hours or greater.

(h) Any other facility and associated equipment that the committee determines requires a certificate, consistent with the findings and purposes of RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

[~~VII-a.~~] ***VIII.*** "Energy facility proceeding time and expenses" means time spent in hearings, meetings, preparation, and travel related to any application or other proceeding before the committee concerning an energy facility, either existing or proposed, and related reasonable out-of-pocket expenses.

[~~VIII.~~] ***IX.*** "Filing" means the date on which the application is first submitted to the committee.

[~~IX.~~] ***X.*** "Person" means any individual, group, firm, partnership, corporation, cooperative, municipality, political subdivision, government agency or other organization.

[~~X. [Repealed.]~~

~~X a. [Repealed.]~~]

XI. "Petitioner" means a person filing a petition meeting any of the following conditions:

(a) A petition endorsed by 100 or more registered voters in the host community or host communities.

(b) A petition endorsed by 100 or more registered voters from abutting communities.

(c) A petition endorsed by the governing body of a host community or 2 or more governing bodies of abutting communities.

(d) A petition filed by the potential applicant.

XII. "Renewable energy facility" means electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy. "Renewable energy facility" shall also include electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity, but at least 5 megawatts which the committee determines requires a certificate, consistent with the findings and purposes set forth in RSA 162-H:1, either on its own motion or by petition of the applicant or 2 or more petitioners as defined in RSA 162-H:2, XI.

8 Powers and Duties of Committee. Amend RSA 162-H:4, I through III-b to read as follows:

I. The committee shall:

(a) Evaluate and issue any certificate under this chapter for an energy facility.

(b) Determine the terms and conditions of any certificate issued under this chapter.

[~~(c) Monitor the construction and operation of any energy facility granted a certificate under this chapter to ensure compliance with such certificate.~~

~~(d) Enforce the terms and conditions of any certificate issued under this chapter.~~]

(c) Adjudicate enforcement matters.

[~~(c)~~] ***(d)*** Assist the public in understanding the requirements of this chapter.

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.

[~~III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate~~

~~are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate holder as are relevant to the terms or conditions of the certificate.~~]

[~~III a.~~] ***III.*** The committee may delegate to the administrator or such state agency or official as it deems appropriate the authority to specify the use of any technique, methodology, practice, or procedure approved by the committee within a certificate issued under this chapter, or the authority to specify minor changes in the route alignment to the extent that such changes are authorized by the certificate for those portions of a proposed electric transmission line or energy transmission pipeline for which information was unavailable due to conditions which could not have been reasonably anticipated prior to the issuance of the certificate.

[~~III b.~~] ***III-a.*** The committee may not delegate its authority or duties, except as provided under this chapter.

9 Application for Certificate. Amend RSA 162-H:7, IV-IX to read as follows:

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms***, which shall be contemporaneously filed with the state agency having jurisdiction.*** [~~Upon the filing of an application, the committee shall expeditiously forward a copy to the state agencies having permitting or other regulatory authority and to other state agencies identified in administrative rules.~~] Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee ***and the applicant*** of that fact and specify what information the applicant must supply[~~; thereupon the committee shall provide the applicant with a copy of such notification and specification~~]. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

(a) Describe in reasonable detail the type and size of each major part of the proposed facility.

(b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.

(c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.

(d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.

(e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.

(f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.

(g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The committee shall decide whether or not to accept the application ***as administratively complete*** within 60 days of filing. ***Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency.*** If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within 150 days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than 240 days after the application has been accepted.

VI-d. Within 365 days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

~~[VI-e. [Repealed.]~~

~~VII. Notwithstanding any other provision of law, the application shall be in lieu of separate applications that may be required by any other state agencies.~~

~~VIII.~~] ***VII.*** This chapter shall not preclude an agency from imposing its usual statutory fees.

[~~IX.~~] ***VIII.*** The applicant shall immediately inform the committee ***and applicable state agency*** of any substantive modification to its application.

10 Disclosure of Ownership. Amend RSA 162-H:8 to read as follows:

162-H:8 Disclosure of Ownership. Any application for a certificate***, or for change in ownership and transfer of certificate,*** shall be signed and sworn to by the person or executive officer of the association or corporation making such application and shall contain the following information:

I. Full name and address of the person, association, or corporation.

II. If an association, the names and residences of the members of the association.

III. If a corporation, the name of the state under which it is incorporated with its principal place of business and the names and addresses of its directors, officers and stockholders.

IV. The location or locations where an applicant is to conduct its business.

V. A statement of assets and liabilities of the applicant and other relevant financial information of such applicant.

VI. The committee shall administratively approve changes of ownership and transfers of certificates within 90 days of a petition if it determines the new certificate holder has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

11 Public Hearing; Studies; Rules. Amend RSA 162-H:10, I-c to read as follows:

I-c. Within 90 days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. [~~The committee shall also send a copy of the public notice, not less than 14 days before the hearing, by first class mail to the governing body of each affected municipality. The~~] ***Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the*** public hearings [~~shall~~] ***may*** be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. [~~Notwithstanding any other provision of law,~~] The hearing [~~shall~~] ***may*** be a joint hearing with the other state agencies [~~and shall be in lieu of all hearings otherwise required by any of the other state agencies~~]; provided, however, if any of such other state agencies does not otherwise have authority to

conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

12 Enforcement. Amend RSA 162-H:12 to read as follows:

162-H:12 ***Monitoring and*** Enforcement.

I. [~~Whenever the committee, or the administrator as designee, makes a preliminary determination that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.~~] ***The department shall monitor the construction and operation of any energy facility granted a certificate under this chapter or prior law to ensure compliance with such certificate and enforce the terms and conditions of any such certificate. With the exception of the authority retained by the state agencies in accordance with paragraph V, the department may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to such state agency or official as it deems appropriate, but shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the department shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.***

II. ***Whenever the department administratively determines, on its own or in response to a complaint, that any term or condition of any certificate issued under this chapter or prior law is being violated, it shall, in writing, notify the certificate holder of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the department shall notify the committee, which may suspend the person's certificate, or impose a fine not to exceed $10,000 per day until the violation is corrected. Except for emergencies, prior to any suspension or imposition of a fine, the committee shall give written notice of its consideration of suspension or imposition of a fine and of its reasons therefor and shall provide opportunity for a prompt hearing.***

III. [~~The~~] ***Upon petition of the department, the*** committee may suspend a certificate if the committee determines that a person has made a material misrepresentation in the application, or in the supplemental or additional statements of fact, or studies required of the applicant, or if the committee determines that the person has violated the provisions of this chapter, or any rule adopted under this chapter. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt hearing.

[~~III. The~~] ***IV. Upon petition of the department, the*** committee may revoke any certificate that is suspended after the person holding the suspended certificate has been given at least 90 days' written notice of the committee's consideration of revocation and of its reasons therefor and has been provided an opportunity for a full hearing.

[~~IV.~~] ***V.*** Notwithstanding any other provision of this chapter, each of the other state agencies having permitting, or other regulatory authority shall retain all of its powers and duties of enforcement.

[~~V.~~] ***VI.*** The full amount of costs and expenses incurred by the ***department and*** committee in connection with any enforcement action against a person holding a certificate, including any action under this section and any action under RSA 162-H:19, in which the person is determined to have violated any provision of this chapter, any rule adopted by the ***department or*** committee, or any of the terms and conditions of the issued certificate, shall be assessed to the person and shall be paid by the person to the committee. Any amounts paid by a person to the committee pursuant to this paragraph shall be deposited in the site evaluation committee fund established in RSA 162-H:21.

VII. The department may adopt rules in furtherance of its monitoring and enforcement responsibilities under this chapter.

13 Records. Amend RSA 162-H:13 to read as follows:

162-H:13 Records. Complete verbatim records shall be kept by the committee of all hearings, and records of all other actions, proceedings, and correspondence of the committee, including submittals of information and reports by members of the public, shall be maintained, all of which records shall be open to the public inspection and copying as provided for under RSA 91-A. [~~Records~~] ***Committee records*** regarding pending applications for a certificate shall also be made available on a website.

14 Findings and Certificate Issuance. Amend RSA 162-H:16 to read as follows:

162-H:16 Findings and Certificate Issuance.

I. The committee shall incorporate in any certificate such terms and conditions ***in their entirety and without addition, deletion, or change,*** as may be specified to the committee by any of the state agencies having permitting or other regulatory authority, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility; provided, however, the

committee shall not issue any certificate under this chapter if any of the state agencies denies authorization for the proposed activity over which it has permitting or other regulatory authority. The denial of any such authorization shall be based on the record and explained in reasonable detail by the denying agency.

II. Any certificate issued by the site evaluation committee shall be based on the record. The decision to issue a certificate in its final form or to deny an application once it has been accepted shall be made by a majority of the full membership. A certificate shall be conclusive on all questions of siting, land use, air and water quality.

III. The committee may consult with interested regional agencies and agencies of border states in the consideration of certificates.

IV. After due consideration of all relevant information regarding the potential siting, or routes of a proposed energy facility, including potential significant impacts and benefits, the site evaluation committee shall determine if issuance of a certificate will serve the objectives of this chapter. In order to issue a certificate, the committee shall find that:

(a) The applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of the certificate.

(b) The site and facility will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal governing bodies.

(c) The site and facility will not have an unreasonable adverse effect on aesthetics, historic sites, air and water quality, the natural environment, and public health and safety.

(d) [Repealed.]

(e) Issuance of a certificate will serve the public interest.

V. [~~[Repealed.]~~] ***The committee shall issue an order granting or denying a certificate. Such order shall summarize issues of concern expressed during public information sessions and hearings to ensure that the public's voice has been heard and recorded.***

VI. A certificate of site and facility may contain such reasonable terms and conditions, including, but not limited to the authority to require bonding, as the committee deems necessary [~~and may provide for such reasonable monitoring procedures as may be necessary~~]. Such certificates, when issued, shall be final and subject only to judicial review.

VII. The committee may condition the certificate upon the results of ***applicable federal approvals or appeal processes and*** required federal and state agency studies whose study period exceeds the application period.

15 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All

application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall by continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, ***and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners.*** In the event lawful expenditures ***of the committee and department*** in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee[~~,~~] may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. ***Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.***

16 New Section; Transition. Amend RSA 162-H by inserting after section 23 the following new section:

162-H:24 Transition. On the effective date of this act, the department shall assume responsibility for all monitoring and enforcement activities under this chapter, except for proceedings opened by the committee prior to the effective date of this act, including enforcement complaints, in which case the proceeding shall continue pursuant to any existing procedural order of the committee.

17 Role of State Agencies. Amend RSA 162-H:7-a, I(c)-(d) to read as follows:

(c) Identify issues of concern on the proposal or permit request or notify the committee that the application raises no issues of concern; ***and***

(d) When issues of concern are identified by the agency or committee, designate one or more witnesses to appear before the committee at a hearing to provide input and answer questions of parties and committee members[~~; and~~].

18 Repeal. RSA 162-H:7-a, I(e), relative to role of state agencies, is repealed.

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

2023-1879s

AMENDED ANALYSIS

This bill:

I. Repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

II. Removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members.

III. Requires the department of energy to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

IV. Repeals the establishment of the energy efficiency and sustainable energy board and transfer some of the board's responsibilities to the department of energy.

V. Makes various changes to the energy facility site evaluation committee and permitting process.

Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Howard Pearl, Vice Chair
Sen Regina Birdsell, Member
Sen David Watters, Member
Sen Debra Altschiller, Member

Date: May 4, 2023

HEARINGS

Tuesday	05/09/2023
(Day)	(Date)

Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 281**	relative to least cost integrated resource plan of utilities.
9:15 a.m.	**HB 139**	relative to the definition of "municipal host" for purposes of limited electrical energy producers.
9:30 a.m.		Hearing on proposed Amendment #1657s, relative to least cost integrated resource plan of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee., to **HB 281**, relative to least cost integrated resource plan of utilities.

EXECUTIVE SESSION ON PENDING LEGISLATION

Sponsors:

HB 281
Rep. Plett Rep. Notter Rep. Harrington

HB 281
Rep. Plett Rep. Notter Rep. Harrington

HB 139
Rep. Chretien

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

HB 281, relative to least cost integrated resource plan of utilities.

Hearing Date: May 9, 2023

Time Opened: 9:00 a.m. **Time Closed:** 10:13 a.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

Sponsors:
Rep. Plett Rep. Notter Rep. Harrington

Who supports the bill: In total, 4 individuals signed in in support of HB 281. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who opposes the bill: In total, 97 individuals signed in in opposition of HB 281. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who is neutral on the bill: In total, 1 individual signed in as neutral of HB 281. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Summary of testimony presented in support:

Representative Michael Vose

Rockingham County, District 5

- Representative Michael Vose introduced House Bill 281 on behalf of the prime sponsor, Representative Fred Platt.
- Rep. Vose stated that the purpose of HB 281 is to repeal the Least Cost Integrated Resource Planning statute.

- Rep. Vose explained that a Least Cost Integrated Resource Plan directs the utilities to not overbuild generation plants.
    - Rep. Vose explained that the resource plan statute was implemented at a time when utilities owned their own generation, but now that this is not the case, these resource plans may no longer be necessary.
- Rep. Vose stated that now the Public Utilities Commission (PUC) currently closely examines every dime that a utility spends.
    - Rep. Vose added that the PUC requires the utilities to justify every penny spent to build out transmission and distribution infrastructure.
- Rep. Vose claimed that the Least Cost Integrated Resource Plan is now redundant since the PUC is supposed to hold the utilities accountable.
    - Rep. Vose added that HB 281 essentially reduces government regulation.
- Rep. Vose recommended that the committee amend HB 281 so that it only repeals RSA 378:37 and RSA 378:39 – 40 and keep RSA 378:38 in statute.
    - Rep. Vose explained that RSA 378:38 has other statutes that refer to it.
- Senator Avard asked Rep. Vose to repeat the statute he thinks should not be repealed.
    - Rep. Vose reiterated that he would like to see RSA 378:38 be kept in statute.
- Senator Altschiller asked Rep. Vose to repeat the statute he thinks should not be repealed.
    - Rep. Vose stated that he believes RSA 378:38 should be kept in statute.
- Senator Altschiller asked Rep. Vose to explain why he believes RSA 378:38 should not be repealed when it seems that RSA 378:37 and RSA 378:39 seem to also be important statues.
    - Rep. Vose after checking the statutes stated that he had the number confused and that he meant to say only RSA 378:38-40 should be repealed.
- Senator Altschiller stated that it seems to her that RSA 378:39 contains important checks and balances on proposals.
- Senator Altschiller asked Rep. Vose if he thinks that we should examine what is harmful, ineffective or redundant about a statute before repealing it.
    - Rep. Vose replied that the statutes he would like to see repealed are redundant because the PUC now holds the utilities accountable for the resources they expend for various projects.

Tom Frantz

Director of the Regulatory Support Division, New Hampshire Department of Energy

- Director Tom Frantz stated that the statute concerning the Least Cost Integrated Resource Plans has been in effect for nearly three decades.
- Dir. Franz stated that, we have statutory budgets for energy efficiency now.
- Dir. Franz added that transmission planning for utilities is now overseen by Independent System Operators of New England (ISO New England) and the Federal Energy Regulatory Commission (FERC).
- Dir. Franz recounted recent utility projects approved by the PUC that would've been held under the Least Cost Integrated Resource Plan in the past.
- Dir. Franz stated that now that there is a statutory budget for energy efficiency. The time money and resources devoted to overseeing the resource plans could be used in other areas that need the support and resources.

Summary of testimony presented in opposition:

Richard Husband

- Richard Husband stated that he is an attorney from Litchfield, New Hampshire.
- Mr. Husband said that he has been representing citizens and himself in PUC matters for several years.
    - Mr. Husband added that he has been involved with three least cost utility planning proceedings and two natural gas and one water company proceeding.
- Senator Altschiller asked Mr. Husband if he agreed that repealing RSA 378:38-40, would eliminate the opportunity to review proposed plans by a utility.
    - Mr. Husband agreed and added that in PUC proceedings he does not see the commission look at the harm a proposed plan may have on the environment, climate, pollution and health.
- Senator Altschiller asked if in repealing the proposed statutes, we would be removing the remaining guardrails for utility plans.
    - Mr. Husband replied that in repealing these statutes, the legislature would be removing any remaining guardrails on proposed utility plans.
    - Mr. Husband reiterated that the PUC proceedings do not look at potential impacts like the resource plans do.

Nick Krakoff

Conservation Law Foundation

- Nick Krakoff stated that a few years ago, Liberty Utilities proposed the Granite Bridge Project that had an original price tag of $450 million.
    - Mr. Krakoff added that under the resource plan review, the proposed project was scaled down to a price tag of $45 million.
    - Mr. Krakoff recounted this example to support his point that in repealing this process, the legislature would be removing oversight of the state's utilities.
- Mr. Krakoff explained that the Least Cost Integrated Resource Plan does not only oversee electric utilities, but also holds accountable gas utilities as well.
- Mr. Krakoff stated that the resource plan is the only process where the PUC evaluates environmental public health impacts from utility planning.
- Mr. Krakoff claimed that in repealing these statutes, costs are going to increase for ratepayers.
- Senator Altschiller asked if there are any other statutes besides RSA 378, that govern energy management programs, which include conservation, efficiency and load management programs.
    - Mr. Krakoff replied that the resource plan is the only thing in statute that governs a proposed utility plan to be examined with those requirements in mind.

Representative Kat McGhee

Hillsborough County, District 35

- Representative Kat McGhee stated that repealing the resource plan process would not be consistent with the Senate passed bill, SB 54.

    - Rep. McGhee explained that SB 54 states that the legislature will work to minimize ratepayer risk and cost.
- Rep. McGhee stated that in repealing the resource plan, we would be enabling utilities to enter into long term contracts that the resource plan was created to govern in the first place.
- Rep. McGhee stated that it would be irresponsible to repeal safeguards for ratepayers when the state is currently looking at two major project proposals, the Twin State Clean Energy Link Project and the Gulf of Maine Offshore Wind Project.
- Rep. McGhee stated that she is in favor of updating the statutes, not repealing them.
- Senator Watters asked if the statutes are repealed, is there a potential for both sides of the aisle to work together to introduce legislation that would tackle the issues at hand.
    - Rep. McGhee replied that that would be the least favorable option, it does not make sense to wipe the slate clean and try to introduce new legislation when there is already legislation in place that works.

Susan Richman

- Susan Richman stated that the resource plans offer transparency to the public.
- Ms. Richman stated that Senate Bill 69 was laid on the table because it was deemed to be downshifting costs onto ratepayers.
    - Mr. Richman posed the question of why the Senate would then pass HB 281 if it also downshifts costs onto ratepayers.

Chris Skoglund

Director of Energy Transition, Clean Energy New Hampshire

- Chris Skoglund stated that RSA 378:37 is a critical guidepost for the state in terms of overall energy policy and is referred to in other areas.
- Dir. Skoglund stated that in a recent resource plan hearing, Eversource staff on the stand reported that they are preparing for a doubling of electric sales in the next two decades.
    - Dir. Skoglund added that this is because the state is seeing significant growth in demand and consumption.
- Dir. Skoglund stated that it is important for utilities to look at all the option and pick the option that best suits the increase in demand and consumption.
- Dir. Skoglund stated that the statute governing resource plans was updated in 2014 and in 2021.
- Dir. Skoglund stated that the resource plan is an opportunity for our state to look forward before making investments to ensure in a transparent way that we have made the lowest cost investments that will support economic development and minimize energy costs.
- Senator Altschiller asked if Dir. Skoglund has seen anything in his professional career that would warrant repealing the statutes at hand.
    - Dir. Skoglund replied that due to the recent updates, as recently as 2021, the proposals that are currently involved in proceedings are from 2020, so there is a disagreement of how these projects should be evaluated.
    - Dir. Skoglund added he cannot answer the question more due to briefs on proceedings that are due at the end of the month.

John Gage

State Coordinator, Citizens Climate Lobby

- John Gage stated that he opposes this bill because it would remove guidelines on our energy providers.
- Mr. Gage stated that there should be legislation ready to be implemented before the statues at hand are repealed.
- Mr. Gage added that in examining trends in Europe, he believes that a federal tax on carbon is imminent in the United States.

Meredith Hatfield

Nature Conservancy

- Meredith Hatfield stated that the resource plan is the only before-the-fact proceeding that the PUC conducts for project proposals by energy providers.
- Ms. Hatfield stated that if you look at the statues on hand, they govern supply and that utilities are required to discuss supply option, not just generation options.
- Ms. Hatfield highlighted that RSA 378:38-a contains a waiver provision that allows for a utility to request a waiver from the commission if any of the provisions do not apply to their project proposal.
- Ms. Hatfield stated that it would be a grave mistake to repeal these statutes without having a plan already in place.

Donald Kreis

Office of the Consumer Advocate

- Donald Kreis stated that he agrees that the Least Cost Integrated Resource Planning statute should be updated.
- Mr. Kreis stated that he would like to express his willingness to work with whatever the General Court and Governor decide what they would like to do.

Catherine Corkery

New Hampshire Sierra Club

- Catherine Corkery stated that the PUC acts as a bookend for utility proposed projects.
- Ms. Corkery stated that the resource plan is the only option in the planning process to evaluate all the potential impacts of the proposal.
    - Ms. Corkery added that these plans act as a check and balance and create trust, transparency and a conservation.
- Ms. Corkery stated that the legislature would never think to remove the Finance Committee because it takes to long to approve legislation.

Kendra Ford

- Kendra Ford stated that we need to ensure that all of our choices help protect all aspects of life.
- Ms. Ford stated that she believes that the public should be able to review any proposals put forth by a utility.

Amanda Merrill

- Amanda Merrill stated that she is a former state representative who served on the Science, Technology and Energy Committee and a former senator who served on the Energy and Natural Resources Committee.
- Ms. Merrill stated that she is the original sponsor of the legislation that created the least cost resource integrated plan.
    - Ms. Merrill added that she is in support of updating the statutes, not repealing then replacing them.
- Senator Watters stated that he hopes the Committee can continue Ms. Merrill's vision and hard work.

Neutral Information Presented:

Michael Licata

Eversource

- Michael Licata stated that his comments strictly concern the requirements that apply to electric utilities.
- Mr. Licata stated that Eversource agrees that a lot of the current components of the resource plan statute are no longer applicable.
- Mr. Licata stated that his company uses the language of the Restructuring Act and the PUC order when looking to propose new projects.
    - Mr. Licata stated that Eversource also looks to the Renewable Portfolio Standard as a guide for requirements as well.
- Mr. Licata explained the current process for project proposals.
- Mr. Licata stated that Eversource welcomes the opportunity to work with the legislature to create new legislation that would hold utilities accountable.
- Senator Altschiller asked if it was true that the utilities did not ask for these statutes to be repealed.
    - Mr. Licata confirmed that Eversource did not ask for this legislation to be introduced.
- Senator Avard asked if Eversource opposed this bill.
    - Mr. Licata replied that he did not check a support or oppose box on purpose.

NPL
Date Hearing Report completed: May 15, 2023

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

Amendment #1657s to HB 281, relative to least cost integrated resource plan of utilities.

Hearing Date: May 9, 2023

Time Opened: 10:33 a.m. **Time Closed:** 12:00 p.m.

Members of the Committee Present: Senators Avard, Pearl, Birdsell, Watters and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill repeals the requirement for electric and natural gas utilities to submit least cost integrated resource plans with the public utilities commission and have the commission evaluate the plans and maintain them on file.

Sponsors:
Rep. Plett Rep. Notter Rep. Harrington

Who supports the bill: In total, 9 individuals signed in in support of Amendment #1657s. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who opposes the bill: In total, 92 individuals signed in in opposition of Amendment #1657s. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Who is neutral on the bill: In total, 2 individuals signed in as neutral of Amendment #1657s. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikolas.liamos@leg.state.nh.us).

Summary of testimony presented in support:

Senator Kevin Avard

Senate District 12

- Senator Kevin Avard introduced Amendment #1657s.
- Sen. Avard stated that this amendment seeks to move forward provisions from five different bills, and will streamline our state's regulatory duties, and allow for municipalities to take greater advantage of net metering.

- Sen. Avard added that this amendment will also enhance cost transparency and streamline our state's energy facility sighting.

- Sen. Avard stated that these changes are vital to enable public involvement in the sighting process, offer project developers a more defined and predictable approval process, and establish a robust regulatory structure for the ongoing monitoring an enforcement of energy facilities.
- Sen. Avard explained the different sections of Amendment #1657s.
  - Section 1- House Bill 281 – repeal of the Least Cost Integrated Resource Plan
    - Under current state statute, New Hampshire electric and natural gas utilities are required to file a Least Cost Integrated Resource Plan, that looks at a forecast of future demands, supply resources, and demand programs at the lowest cost consistent with the reliable supply of electricity to the customers.
    - These plans undergo review and approval by the Public Utilities Commission (PUC).
    - The Electric Restructuring Act in the 1990s made these plans outdated.
  - Section 2 – Senate Bill 68 – Municipal Host Change.
    - The goal is to allow municipal hosts to have a generator of greater than one megawatt but less than five megawatts.
    - However, current statute contains language that prohibits smaller municipalities from being eligible in these projects.
    - This section would remove that language and allow for smaller municipalities to become eligible.
  - Section 3 – 2018 House Bill 251 – Renewable Portfolio Standard (RPS) Transparency.
    - Section three expands the transparency by requiring the utilities to also post the estimated annual cost for the average residential ratepayer on the December bill.
    - This average will be calculated by taking the average per kilowatt hour cost of the RPS and multiplying it by the average residential monthly consumption of 625 kw an hour.
    - This measure is tailored to prevent cost utility billing upgrades and advance the goal of transparency around the consumer cost.
  - Sections 4-6 – Repealing House Bill 622-FN – Repealing the Energy Efficiency and Sustainable Energy Board (EESE Board)
    - In 2022, HB 549 was passed which set in statute the course by which the systems benefit charge, the charge that electric customers pay to fund these programs changed, and how the PUC is to evaluate these energy efficiency programs.
    - These issues overlap with much of the decision and work of the Energy and Efficiency Sustainability Energy Board has conducted over the recent years.
    - Section four through six repeals the EESE board and in its entirely by providing up to $400,000 in annual funding to the Department of Energy to develop strategies, concepts, tools and other efforts to promote the benefit of energy efficiency.

        - This change will remove an outdated board but ensure that the department will continue the work to make sure that New Hampshire residents, businesses, institutions are aware of the meaningful impact that the energy efficiency can bring.
    - Sections 7-18 – House Bill 609-FN – The Site Evaluation Committee Reform
        - The amendment will make substantial, incremental improvements to the process and we will be able to take more time to settle the contentious issues which we will have.

Senator David Watters

Senate District 4

- Senator David Watters stated that he is a cosponsor on this Amendment because he would like to see important provisions from other bills that may have been killed, be implemented into another bill so that they might pass and become statute.
- Senator Watters stated that HB 609 got us into a very important direction in terms of new regulations in the sighting of new landfills.
- Senator Watters stated that we are currently in a period of the biggest transfer of energy supplies and distribution since the early 1990s.
- Senator Watters stated that he would like to provide context for this Amendment.
    - The last few years have seen enormous changes on new distributive energy resources on net metering. On solar and wind, on community power, and now we're looking towards offshore wind and hydrogen, which will similarly transform our energy picture.
    - And then of course, grid modernization as well. And we're also in the context of great spikes in energy costs over the last year, plus extraordinary opportunities have come forward with the passing of the Federal Transportation Act dollars and now the IRA, which is going to provide up to $350,000,000,000 of investment.
    - And then the commitment started out at 30 by 30 gigawatts of offshore wind, but now it's 45 gigawatts by 2030 of offshore wind. And that has huge implications for the energy supply for New Hampshire.
- Senator Watters added that if we do repeal the Least Cost Integrated Resource Plan, we need to be planning how new resources will affect future projects and our state.
- Senator Watters stated that he is supportive of Section 2, which expands net metering eligibility.
    - Senator Watters added that he is also very supportive of the provisions that promote transparency for the customers.

Representative Michael Vose

Rockingham County, District 5

- Representative Michael Vose stated that he is supportive of the regulatory reform, removing unnecessary and costly regulations, and the improvements in transparency.
    - Rep. Vose added that he is also supportive of the streamlining of the Site Evaluation Committee.
- Rep. Vose stated that with the statutory changes in previous years, the EESE Board has been essentially replaced and does not have much authority in 2023.

- Rep. Vose added that Clean Energy New Hampshire has essentially replaced the functions of the EESE Board.

- Senator Watters asked Rep. Vose if he still believed that statutes, RSA 378:38-40 should still be repealed (see the hearing report for HB 281).
  - Rep. Vose confirmed that he still thinks those statutes should be repealed.
- Senator Altschiller asked Rep. Vose to explain the public notice sections.
  - Rep. Vose explained that a public notice for hearings shall be published to the public not less than 14 days before the hearing.

Mark Sanborn

Assistant Commissioner, New Hampshire Department of Environmental Services

- Mark Sanborn stated that he is in strong support of the provision concerning the Site Evaluation Committee (SEC).
- Mr. Sanborn stated that the staff of the SEC are overworked and lack resources.
- Mr. Sanborn stated that he is very supportive of the SEC being absorbed by the enforcement wing of the Department of Energy.

Drew Biemer

Site Evaluation Committee

- Drew Biemer attended the hearing to answer questions concerning the Site Evaluation Committee, but the committee had none.

Michael Licata

Eversource

- Michael Licata stated that there are number of provisions that Eversource does not take a position on.
- Mr. Licata noted that current state statute requires the utilities on an annual basis to disclose the cost of compliance with the RPS.
- Mr. Licata stated that putting the Department of Energy in charge of monitoring and enforcement is a helpful change.
- Senator Altschiller asked Mr. Licata what Eversource's commitment is, if the Least Cost Integrated Resource Plan is repealed.
  - Mr. Licata stated that Eversource welcomes the opportunity to work with legislators and other stakeholders on either a replacement or reform of any kind.

Chris Elms, Josh Elliott and Tom Frantz

Department of Energy

- The Department of Energy is fully supportive of this amendment.
- The Department of Energy recognized that there were some typos and offered language suggestion to remedies these mistakes.
- The Department of Energy explained the sections of this amendment similar to how Senator Avard did when introducing this amendment.
  - Section 1 – repealing the Least Cost Integrated Resource Plan.
  - Section 2 – provisions of Senate Bill 68.
  - Section 3 – increasing transparency for the RPS.
  - Section 4-6 – repealing the EESE Board.

        - Responsibilities of the EESE Board an be picked up by the Department of Energy.
    - Section 7 – clean up language for the current landfill sighting changes,
    - Section 8 – moving the responsibility of monitoring and enforcement from the SEC to the DOE.
    - Section 10 - A change in ownership or a transfer of a certificate and administrative change which streamlines that process.
    - Section 11 – continues jurisdictional clarifications.
    - Section 12 – moves monitoring and enforcement language from the SEC to the DOE.
    - Section 13-18 – clean up language for the responsibility shift from SEC to DOE.
- Senator Watters asked how the DOE will notify customers of any changes to their bills or to projects that may impact them.
    - The DOE stated that they will distribute public notice to the town and surrounding towns that will be affected.
- Senator Altschiller asked the DOE to explain these kinds of notice.
    - The DOE replied that they will send notice 14 days prior and will include the notice on websites and in the newspaper.
- Senator Altschiller asked how we could repeal the Least Cost Integrated Resource Plan if other statutes refer to it as a guidepost.
    - The DOE stated that there are other statutes currently in law that will pick up if any of the other statutes are repealed.
- Senator Altschiller asked the DOE to explain why the resource plans are no longer necessary.
    - The DOE stated that with advancements of the PUC they are no longer needed.

Summary of testimony presented in opposition:

John Gage

- John Gage stated that he is opposed because, he feels that adding more line items to a bill will only confuse customers.
- Mr. Gage stated that he fears a Federal Carbon Tax is impending.
- Senator Watters thanked Mr. Gage for bringing his concerns of an impending Carbon Tax to the committee.

Meredith Hatfield

The Nature Conservancy

- Meredith Hatfield stated that her concerns for this amendment are the same as the concerns she expressed for HB 281 (see the hearing report for HB 281).
- Ms. Hatfield urged the committee to remove Section 1, which calls for the repeal of the Least Cost Integrated Resource Plan.
    - Ms. Hatfield that in repealing this, it would reduce transparency and remove the ability for the public to hear from utilities before they spend taxpayer's money.
- Ms. Hatfield stated that she strongly supports Section 2.

- Ms. Hatfield stated that she believes that this section should be its own standalone bill.
- Ms. Hatfield stated that she agrees that the language contained in Section 3 is confusing.
  - Ms. Hatfield urged the committee to strike the language concerning the EESE Board.
- Ms. Hatfield stated that it makes sense to shift the responsibilities to site new landfills to the Department of Energy.

Nick Krakoff

Conservation Law Foundation

- Nick Krakoff stated that he believes that Section 2 should be a standalone bill.
  - Mr. Krakoff added that he strongly supports Section 2.
- Mr. Krakoff stated that repealing the resource plan would be a significant cost to ratepayers.
- Mr. Krakoff argued that there is still some relevancy to the EESE Board, which is why it should not be repealed.
- Mr. Krakoff reiterated that point that no utility asked for the resource plan to be repealed.

Richard Husband

- Richard Husband stated that it would be a mistake to repeal the resource plan, which he sees as a valuable tool for the PUC.
- Mr. Husband stated that he believes that the legislature should be updating statutes, not repealing them.
  - Mr. Husband stated that he is willing to help examine statutes and see what language should be updated.

Susan Richman

- Susan Richman stated that she is against repealing the Least Cost Integrated Resource Plan and the EESE Board.
  - Ms. Richman explained that both of these provide transparency to the public.
- Mr. Richman stated that she does not think that Clean Energy New Hampshire should be responsible to hold discussions on new project proposals in our state.
  - Ms. Richman reiterated that the EESE Board allows for more transparency for customers.

Neutral Information Presented:

Representative Kat McGhee

Hillsborough County, District 35

- Representative Kat McGhee stated that she does not think the Least Cost Integrated Resource Plan should be repealed.
- Rep. McGhee stated that she is in favor of expanding net metering availability.

- Rep. McGhee added that she is skeptical of the section that requires the PUC to provide an estimated annual cost of compliance with electric renewable portfolio standards on customers electric bills.
- Rep. McGhee explained that she does not think the methods of notice will be sufficient enough and that by including to many amounts on one bill, a customer may become confused.

- Senator Altschiller asked if the Least Cost Integrated Resource Plan is repealed, would the representative be willing to work with the Senate to draft new legislation.
  - Rep. McGhee confirmed that she would be willing to, but that she hopes the committee does not repeal a statute without already having a backup plan in place.

Chris Skoglund

Clean Energy New Hampshire

- Chris Skoglund stated that Clean Energy NH opposes the repeal of the resource plan.
- Mr. Skoglund stated that he would like to enter his testimony from HB 281 into this hearing (see the hearing report for HB 281).
- Mr. Skoglund stated that Clean Energy NH does support the Site Evaluation Committee administrative efficiency measure and the municipal energy net metering provision.
- Mr. Skoglund stated that Clean Energy NH opposes the RPS compliance cost reporting position and the repeal of the EESE Board.
- Mr. Skoglund stated that Clean Energy NH is willing to work on any replacements of legislation necessary if this amendment were to be adopted.

NPL
Date Hearing Report completed: May 15, 2023

Speakers

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

Date: 5/9/2023 **Time:** 9:00 a.m.

HB 281 AN ACT relative to least cost integrated resource plan of utilities

Name/Representing *(please print neatly)*

TOM FRANTZ, NH DOE	Support ☒	Oppose ☐	Speaking?	Yes ☒	No ☐
Richard Husband, Self	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Nick Krakoff, CLF	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Susan Richman, self	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Chris Skoglund, CENH	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Kat McGhee Rep.	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Catherine Corkery NH Sierra Club	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
MICHAEL LICATA EVERSOURCE	Support ☐	Oppose ☐	Speaking?	Yes ☒	No ☐
Amanda Merrill, self	Support ☐	Oppose ☒	Speaking?	Yes ☐	No ☒ probably
Rep. Michael Vose	Support ☒	Oppose ☐	Speaking?	Yes ☒	No ☐
Meredith Hatfield, TNC	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Joseph Kwasnik	Support ☐	Oppose ☒	Speaking?	Yes ☐	No ☒
John Gage	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
Dominic Osmund	Support ☐	Oppose ☒	Speaking?	Yes ☐	No ☒
Doug Thomas/ Rock 16	Support ☒	Oppose ☐	Speaking?	Yes ☐	No ☒
Jacqueline Chretien	Support ☐	Oppose ☒	Speaking?	Yes ☐	No ☒
Don Kreis	Support ☐	Oppose ☒	Speaking?	Yes ☒	No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐	No ☐

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

Date: 5/9/2023 **Time:** 9:00 a.m.

HB 281 AN ACT relative to least cost integrated resource plan of utilities

Name/Representing *(please print neatly)*

Matt Leahy - Forest Society	Support ☐	Oppose ☒	Speaking?	Yes ☐ No ☒ ✓
Kendra Ford	Support ☐	Oppose ☒	Speaking?	Yes ☒ No ☐ ✓
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB281 on 2023-0:

Support: 1 Oppose: 83

Name	Title	Representing	Position
Hackl, Ann	A Member of the Public	Myself	Oppose
Aytur, Semra	A Member of the Public	Myself	Oppose
Almonte, Sandra	A Member of the Public	Myself	Oppose
Hagg, Jessica	A Member of the Public	Myself	Oppose
Kane, Eileen	A Member of the Public	Myself	Oppose
Ferri, Robert	A Member of the Public	Myself	Oppose
Haskins, Rep. Linda	An Elected Official	Myself	Oppose
Dodge, Corinne	A Member of the Public	Myself	Oppose
Perry, Barbara	A Member of the Public	Myself	Oppose
Kornhauser, Naomi	A Member of the Public	Myself	Oppose
Smith, Jennifer	A Member of the Public	Myself	Oppose
Cannon, Zee	A Member of the Public	Myself	Oppose
Kornhauser, Eve	A Member of the Public	Myself	Oppose
Chamberlin, Alice	A Member of the Public	Myself	Oppose
Wakeman, Donald	A Member of the Public	Myself	Oppose
Opal, Susan	A Member of the Public	Myself	Oppose
Steel, Sandy	A Member of the Public	Myself	Oppose
Dube, Jennifer	A Member of the Public	Myself	Oppose
]pe, Peter	A Member of the Public	Myself	Oppose
vbold, Michael	A Member of the Public	Myself	Oppose
FEDER, Robert	A Member of the Public	Myself	Oppose
Arabas, Jill	A Member of the Public	Myself	Oppose
Taylor, Gale	A Member of the Public	Myself	Oppose
Fagin, Valerie	A Member of the Public	Myself	Oppose
Blair, David	A Member of the Public	Myself	Oppose
Willing, Maura	A Member of the Public	Myself	Oppose
Thorne, Sarah	A Member of the Public	Myself	Oppose
Saum, Juidth	A Member of the Public	Myself	Oppose
Saum, Judith	A Member of the Public	Myself	Oppose
Conklin, Sara	A Member of the Public	Myself	Oppose
Casino, Joanne	A Member of the Public	Myself	Oppose
Jones, Gisela	A Member of the Public	Myself	Oppose
King, Jordan	A Member of the Public	Myself	Oppose
Nason, Tami	A Member of the Public	Myself	Oppose
Smith, Hayden	A Lobbyist	New Hampshire Youth Movement	Oppose
Pinsonneault, Robert	A Member of the Public	Myself	Oppose
Callaway, Barbara	A Member of the Public	Myself	Oppose
Peterson, Susan	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Support
Baker, Deb	A Member of the Public	Myself	Oppose
Cohen, Kenneth	A Member of the Public	Myself	Oppose
Boudreau, Chandra	A Member of the Public	Myself	Oppose
ipey, Jeanne	A Member of the Public	Myself	Oppose
Oldak, Brenda	A Member of the Public	Myself	Oppose
Sandler, Erin	A Member of the Public	Myself	Oppose
Lenz, James	A Member of the Public	Myself	Oppose
Lovett, Charlene	A Member of the Public	Myself	Oppose

Scott, Stella	A Member of the Public	Myself	Oppose
Dahme, Pat	A Member of the Public	Myself	Oppose
Guyre, Paul	A Member of the Public	Myself	Oppose
Alexander, Christine	A Member of the Public	Myself	Oppose
Furnald, Clinton	A Member of the Public	Myself	Oppo
Thomas, A	A Member of the Public	Myself	Oppo
Merlone, Lynn	A Member of the Public	Myself	Oppose
Hale-deSeve, Sue	A Member of the Public	Myself	Oppose
Oxenham, Evan	A Member of the Public	Myself	Oppose
leigh, armistead	A Member of the Public	Myself	Oppose
HALLOCK, LINDA	A Member of the Public	Myself	Oppose
MacLeod, Tyler	A Member of the Public	Myself	Oppose
Liebowitz, Susan	A Member of the Public	Myself	Oppose
Grossi, Anne	A Member of the Public	Myself	Oppose
Heath, Ruth	A Member of the Public	Myself	Oppose
Miller, Mary-Kay	A Member of the Public	Myself	Oppose
Fuentes, Sebastian	A Lobbyist	Rights & Democracy NH	Oppose
Hershey, Jane	A Member of the Public	Myself	Oppose
Foss, Carol	A Lobbyist	NH Audubon	Oppose
Martin, Patricia	A Member of the Public	Myself	Oppose
Low, Emily	A Member of the Public	Myself	Oppose
Holt, David	A Member of the Public	Myself	Oppose
Joyce, Ellen	A Member of the Public	Myself	Oppose
Hillman, Katrie	A Member of the Public	Myself	Oppose
Gatzke, Sarah	A Member of the Public	Myself	Oppose
Siciliano, Adrienne	A Member of the Public	Myself	Oppose
Amarakoon, Shanika	A Member of the Public	Myself	Oppose
Markson, Patrick	A Member of the Public	Myself	Oppose
Desrochers, Ashley	An Elected Official	Myself	Oppd
Taylor, Susan	A Member of the Public	Myself	Oppose
Reed, Barbara	A Member of the Public	Myself	Oppose
Wengenroth, Richard	A Member of the Public	Myself	Oppose
Beffa-Negrini, Patricia	A Member of the Public	Myself	Oppose
Moore, Susan	A Member of the Public	Myself	Oppose
Mott-Smith, Wiltrud	A Member of the Public	Myself	Oppose
Cote, Lois	A Member of the Public	Myself	Oppose
Steel, Laura	A Member of the Public	Myself	Oppose

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

Date: 5/9/2023 **Time:** 9:30 a.m.

Amendment #1657s relative to least cost integrated resource plan of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee

Name/Representing *(please print neatly)*

	Support	Oppose	Speaking?	Yes	No
Richard Hosbgad, self	☐	☒		☒	☐
CHRIS ELLMS + JOSH ELLIOTT, DOE	☒	☐		☒	☐
Nick Krakoff, CLF	☐	☒		☒	☐
Susan Richman, self	☐	☒		☒	☐
Doug Thomas/Rock 16	☒	☐		☐	☒
Chris Skoglund, CENH	☐	☐		☒	☐
Rep. Michael Vose	☒	☐		☒	☐
Catherine Corkery NH Sierra Club	☐	☒		☐	☒
MICHAEL LICATA EVERSOURCE	☒	☐		☒	☐
Meredith Hatfield, TNC	☐	☒		☒	☐
JOSEPH KWASNIK	☐	☒		☐	☒
DREW BIEMER SEC	☒	☐		☐	☐
John Gage	☐	☒		☒	☐
SEN DAVID CARTER	☒	☐		☒	☐
Dominic Osmund	☐	☒		☐	☒
Rep Kat Mcgee	☐	☐		☑	☐
Senator Keith Ayer	☒	☐		☒	☐
Senator David Watters	☒	☐		☒	☐

Senate Energy and Natural Resources Committee
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Date: 5/9/2023 **Time:** 9:30 a.m.

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Name/Representing *(please print neatly)*

Susan Richman (self)	Support ☐	Oppose ☒	Speaking?	Yes ☒ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Energy and Natural Resources Committee
SIGN-IN SHEET

Date: 5/9/2023 **Time:** 9:30 a.m.

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Name/Representing *(please print neatly)*

Mark Sanborn / NHDES	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB281 on 2023-0

Support: 1 Oppose: 83

Name	Title	Representing	Position
Hackl, Ann	A Member of the Public	Myself	Oppose
Aytur, Semra	A Member of the Public	Myself	Oppose
Almonte, Sandra	A Member of the Public	Myself	Oppose
Hagg, Jessica	A Member of the Public	Myself	Oppose
Kane, Eileen	A Member of the Public	Myself	Oppose
Ferri, Robert	A Member of the Public	Myself	Oppose
Haskins, Rep. Linda	An Elected Official	Myself	Oppose
Dodge, Corinne	A Member of the Public	Myself	Oppose
Perry, Barbara	A Member of the Public	Myself	Oppose
Kornhauser, Naomi	A Member of the Public	Myself	Oppose
Smith, Jennifer	A Member of the Public	Myself	Oppose
Cannon, Zee	A Member of the Public	Myself	Oppose
Kornhauser, Eve	A Member of the Public	Myself	Oppose
Chamberlin, Alice	A Member of the Public	Myself	Oppose
Wakeman, Donald	A Member of the Public	Myself	Oppose
Opal, Susan	A Member of the Public	Myself	Oppose
Steel, Sandy	A Member of the Public	Myself	Oppose
Dube, Jennifer	A Member of the Public	Myself	Oppose
)ube, Peter	A Member of the Public	Myself	Oppose
Newbold, Michael	A Member of the Public	Myself	Oppose
FEDER, Robert	A Member of the Public	Myself	Oppose
Arabas, Jill	A Member of the Public	Myself	Oppose
Taylor, Gale	A Member of the Public	Myself	Oppose
Fagin, Valerie	A Member of the Public	Myself	Oppose
Blair, David	A Member of the Public	Myself	Oppose
Willing, Maura	A Member of the Public	Myself	Oppose
Thorne, Sarah	A Member of the Public	Myself	Oppose
Saum, Juidth	A Member of the Public	Myself	Oppose
Saum, Judith	A Member of the Public	Myself	Oppose
Conklin, Sara	A Member of the Public	Myself	Oppose
Casino, Joanne	A Member of the Public	Myself	Oppose
Jones, Gisela	A Member of the Public	Myself	Oppose
King, Jordan	A Member of the Public	Myself	Oppose
Nason, Tami	A Member of the Public	Myself	Oppose
Smith, Hayden	A Lobbyist	New Hampshire Youth Movement	Oppose
Pinsonneault, Robert	A Member of the Public	Myself	Oppose
Callaway, Barbara	A Member of the Public	Myself	Oppose
Peterson, Susan	A Member of the Public	Myself	Oppose
Howland, Curtis	A Member of the Public	Myself	Support
Baker, Deb	A Member of the Public	Myself	Oppose
Cohen, Kenneth	A Member of the Public	Myself	Oppose
Boudreau, Chandra	A Member of the Public	Myself	Oppose
)rpey, Jeanne	A Member of the Public	Myself	Oppose
ldak, Brenda	A Member of the Public	Myself	Oppose
Sandler, Erin	A Member of the Public	Myself	Oppose
Lenz, James	A Member of the Public	Myself	Oppose
Lovett, Charlene	A Member of the Public	Myself	Oppose

Scott, Stella	A Member of the Public	Myself	Oppose
Dahme, Pat	A Member of the Public	Myself	Oppose
Guyre, Paul	A Member of the Public	Myself	Oppose
Alexander, Christine	A Member of the Public	Myself	Oppose
Furnald, Clinton	A Member of the Public	Myself	Oppose
Thomas, A	A Member of the Public	Myself	Oppose
Merlone, Lynn	A Member of the Public	Myself	Oppose
Hale-deSeve, Sue	A Member of the Public	Myself	Oppose
Oxenham, Evan	A Member of the Public	Myself	Oppose
leigh, armistead	A Member of the Public	Myself	Oppose
HALLOCK, LINDA	A Member of the Public	Myself	Oppose
MacLeod, Tyler	A Member of the Public	Myself	Oppose
Liebowitz, Susan	A Member of the Public	Myself	Oppose
Grossi, Anne	A Member of the Public	Myself	Oppose
Heath, Ruth	A Member of the Public	Myself	Oppose
Miller, Mary-Kay	A Member of the Public	Myself	Oppose
Fuentes, Sebastian	A Lobbyist	Rights & Democracy NH	Oppose
Hershey, Jane	A Member of the Public	Myself	Oppose
Foss, Carol	A Lobbyist	NH Audubon	Oppose
Martin, Patricia	A Member of the Public	Myself	Oppose
Low, Emily	A Member of the Public	Myself	Oppose
Holt, David	A Member of the Public	Myself	Oppose
Joyce, Ellen	A Member of the Public	Myself	Oppose
Hillman, Katrie	A Member of the Public	Myself	Oppose
Gatzke, Sarah	A Member of the Public	Myself	Oppose
Siciliano, Adrienne	A Member of the Public	Myself	Oppose
Amarakoon, Shanika	A Member of the Public	Myself	Oppose
Markson, Patrick	A Member of the Public	Myself	Oppose
Desrochers, Ashley	An Elected Official	Myself	Oppose
Taylor, Susan	A Member of the Public	Myself	Oppose
Reed, Barbara	A Member of the Public	Myself	Oppose
Wengenroth, Richard	A Member of the Public	Myself	Oppose
Beffa-Negrini, Patricia	A Member of the Public	Myself	Oppose
Moore, Susan	A Member of the Public	Myself	Oppose
Mott-Smith, Wiltrud	A Member of the Public	Myself	Oppose
Cote, Lois	A Member of the Public	Myself	Oppose
Steel, Laura	A Member of the Public	Myself	Oppose

Testimony

May 9, 2023

NH Senate Committee on Energy and Natural Resources
NH State House
Concord, NH 03301

RE: HB281

Dear Honorable Members,

As a New Hampshire resident, I oppose HB281.

HB281 would repeal a critical accounting tool in the Public Utilities Commission for ratepayers, called the Integrated Least Cost Resource Planning. I oppose this bill because the Least Cost Planning helps ratepayers.

Utility companies working in New Hampshire are enjoying unprecedented profits while ratepayers are working hard to pay outrageous energy bills. The Least Cost Planning ensures transparency of the rates, costs, and infrastructure as the most affordable, streamlined, and efficient. As a ratepayer, I need to know I have someone standing up for me, the fixed-income retirees down the street, the small businesses, and other ratepayers paying the bills.

As a citizen of New Hampshire and rate payor I believe I should be able to express my opinion on matters effecting my family and New Hampshire residents.

Please reject the Least Cost Planning repeal.

Sincerely,
Walter Bacigalupo
Pelham

To: Chairman Avard and members of the Senate Environment and Natural Resources Committee

Re: In opposition to certain provisions of amended HB281

May 8, 2023

Three of the provisions of HB281's amended patchwork are so harmful to our energy system, the public, and the environment that I urge that the whole of HB281 be found INEXPEDIENT TO LEGISLATE.

1. The Least Cost Integrated Resource Plan (LCIRP) offers transparency to the public. Repeal of RSA 378:37-40 would remove that transparency, so utilities would be freer to make decisions without respect to cost for the consumer, energy efficiency, or environmental protection. Additionally, the PUC would be able to act without transparency – how then would the public know whether the PUC is meeting its responsibility for oversight of the public utilities?

In the past, State House legislators have opposed net metering bills and energy efficiency bills, claiming a concern for consumers, who putatively would be harmed by down-shifting of costs. A 2016 Brookings Institute study found the evidence was to the contrary: stating "Rooftop solar: Net Metering Is a Net Benefit." Even so, just last week our legislators laid on the table SB69 (relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering) again using the disproved claim of protecting consumers from down-shifting. How conveniently our legislators claim concern for consumers when it serves to oppose energy efficiency or the spread of net metering. But if HB281 is passed and the requirement for a Least Cost Integrated Resource Plan is repealed, t NH's consumers will most certainly be harmed; utilities will be able to raise their rates, without transparency or accountability.

2. I also oppose the repeal of the EESE Board (Energy Efficiency And Sustainable Energy Board). The monthly meetings of the EESE Board are transparent and open to the public. Stakeholders from various sectors meet together, grappling with efficiency and sustainability policy decisions that affect NH consumers. CleanEnergy NH is not required by statute to include this complement of voices o is not answerable to the voting public. A membersh
3. As for the requirement that electric bills provide an estimated annual cost of compliance with electric renewable portfolio standards – this bit of accounting seems intent on setting the public against renewable portfolio standards, and so I oppose it. More meaningful information would be telling customers the relative cost of each type of fuel used to provide their energy.

for further distances CENH from wide participati

These three amendments seem aimed at confusing consumers at best, and stripping them of their rights to transparency and fair dealing, at worst. These unrelated amendments need separate consideration. Please find HB281 INEXPEDIENT TO LEGISLATE.

Thank you for your consideration.

Susan Richman
16 Cowell Drive
Durham, NH 03824
603-868-2758 susan7richman@gmail.com

CLEAN ENERGY NH
Your Voice in All Energy Matters

14 Dixon Ave, Suite 202 | Concord, NH 03301 | 603.226.4732

May 9, 2023

Senator Kevin Avard, Chair
Senate Energy and Natural Resources Committee
Legislative Office Building, Room 304
Concord, NH 03301

Testimony on House Bill 281, relative to least cost integrated resource plan of utilities.

Dear Senator Avard and members of the Committee,

Clean Energy NH (CENH) opposes this bill as written, If the legislature were to make any changes, CENH would suggest consideration of modest changes that clarify the statutes direction to state agencies and the Public Utilities Commission (PUC).

The Least Cost Integrated Resource Plan (LCIRP) statute, RSA 378:37 through 40, contains key policies and requirements intended to guide how New Hampshire electric and gas distribution utilities conduct forward looking investment plans to ensure that each utility has selected a portfolio of energy efficiency, distributed energy, and grid modernization measures. Such planning, if properly enacted, will deliver reliable, low cost, clean, and abundant power to support economic development, community welfare, and environmental health.

Repeal of the law would eliminate an important policy tool for managing the New Hampshire energy system and minimizing cost impacts to all ratepayers at a time the energy system is on the cusp of extraordinary change. This would, most impactfully, eliminate RSA 378:37, affecting not only the filing of LCIRPs by energy distribution companies.

> "***378:37 New Hampshire Energy Policy.*** *– The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities."*[1]

Similar language does not exist anywhere else in NH law. Elimination of this part of statute would remove a critical guide post for state agencies and their staff, and a vital guardrail for PUC decisions.

[1] NH Chapter 378, Rates and Charges, Least Cost Energy Planning, Section 378:37, New Hampshire Energy Policy, https://www.gencourt.state.nh.us/rsa/html/xxxiv/378/378-37.htm.

CENH does appreciate the criticism that certain elements of the LCIRP statute are a relic of a time when New Hampshire electric utilities owned power plants, however, we believe that it is unwise to "throw the baby out with the bathwater."

Changes to statutory language in 2014 and 2021, innovations in distributed energy resources, and trends in building and transportation electrification mean that the LCIRP has new meaning and importance as the energy system undergoes a significant transformation. For example, during expert testimony before the PUC in March 2023 in their electric distribution LCIRP docket DE 20-161, **Eversource staff reported that they are preparing for a doubling of electricity sales in the next two decades.**

The LCIRP statute has specific language in sections RSA 327:38 that requires the NH electric and gas utilities that requires planning for such a future, by providing an assessment of:

I. Future consumption and demand;
II. Energy conservation, energy efficiency, and demand management solutions (to manage consumption and demand);
III. Options to deliver low-cost energy supply including owned capacity,[2] market procurements, and distributed energy resources;
IV. Distribution and transmission requirements, including an assessment of benefits and costs of "smart grid" or "grid mod" technologies; and
V. The utility's operations long- and short-term environmental, economic, and energy price and supply impact on the state.[3]

Such forecasting and assessments can then inform a plan that is filed with the PUC and vetted by stakeholders to ensure that the LCIRP filed by the utility can meet the company's future need at the lowest possible cost, while also maximizing social and environmental benefit to communities, businesses, and residents. Utilities have an important role to play in ensuring that the energy transition happens at the lowest possible cost to consumers, and adopting a proactive approach to planning for how to do so is critical. The LCRIP ensures that this planning is done with the review and input of a broad range of stakeholders at the PUC, and is critical to ensure this happens.

Instead of repeal, CENH believes the LCIRP statute, contained in RSA 378:37-40, could be modified to clarify how the New Hampshire energy utilities and the Public Utilities Commission (PUC) should interpret this statute. Such a modification would retain the critical direction that the language provides to those charged with preparing the state's energy system and the economy for changes happening to the regional and global energy system. Such clarifications could consider the most recent changes to the statute in 2014 and 2021, the completion of utility industry restructuring in 2017, and the split of the PUC and the DOE in the summer of 2021.

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[2] RSA 374-G (https://gencourt.state.nh.us/rsa/html/XXXIV/374-G/374-G-mrg.htm) allows electric utilities to own distributed energy resources equivalent to 6 percent of their total load. As allowed by this statute, a 4.9 MW solar project was just approved for Unitil Electric in PUC Docket DE 22-073 (https://www.puc.nh.gov/Regulatory/Docketbk/2022/22-073.html).

[3] NH Chapter 378, Rates and Charges, Least Cost Energy Planning, Section 378:38, 378:38 Submission of Plans to the Commission, https://www.gencourt.state.nh.us/rsa/html/xxxiv/378/378-38.htm.

We at Clean Energy NH recommend that the Committee file a report recommending this bill be voted 'inexpedient to legislate' and we remain available to answer any questions or concerns you may have. Please contact Chris Skoglund (chris@cleanenergynh.org, (603) 573-9926 ext 702) or our Executive Director, Sam Evans-Brown (sam@cleanenergynh.org, (603) 573-9926 ext 700) with questions.

Sincerely,

Sam Evans-Brown
Executive Director

Clean Energy NH is a 501(c)(3) nonprofit organization. Our membership includes 130+ businesses, 36 municipal members—comprising nearly 425,000 New Hampshire citizens—and 400+ individuals in every corner of the Granite State. We advocate for the adoption of clean energy initiatives through a non-partisan, fact-based lens.

The Nature Conservancy
New Hampshire

The Nature Conservancy in New Hampshire
22 Bridge Street, 4th Floor
Concord, New Hampshire 03301-4987

tel [603] 230-9205
mobile [603] 496-9451
meredith.hatfield@tnc.org

May 9, 2023

Senator Kevin Avard, Chairman
Senate Energy and Natural Resources Committee

Re: Opposition to HB281, Relative to least cost integrated resource plan of utilities

Dear Senator Avard and Energy and Natural Resources Committee Members:

The Nature Conservancy strongly opposes HB281 sponsored by Reps. Plett, Notter, and Harrington. This bill would repeal the requirement for electric and natural gas utilities to submit Least Cost Integrated Resource Plans ("LCIRPs") to the Public Utilities Commission pursuant to RSA 378:37-40.

Repealing the LCIRP law would be a major step backwards for planning for a reliable and affordable energy future, and for protecting our environment. We respectfully urge you to oppose this bill and recommend ITL, or in the alternative re-refer the bill for further consideration with stakeholders. If you re-refer the bill, we stand ready to work with you to improve the LCIRP law.

While we believe the LCIRP is a critical tool to strengthen the state's economic vitality and increase our energy independence, and we strongly support the existing LCIRP law, we understand that the law could be improved and updated to reflect technological changes and other advancements – but we strongly oppose an outright repeal.

This law has been in place since 1990 and was last updated in 2014. Importantly, the law includes the state energy policy:

> 378:37 New Hampshire Energy Policy. – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.

The LCIRP law importantly requires a **"least cost"** lens for all utility investments, setting important guidance for ensuring wise uses of scarce ratepayer funds.

Repealing this law would eliminate the main opportunity for the PUC and the public to conduct a holistic review of utility planning to ensure it is in the best interest of New Hampshire—from least cost, energy diversity and reliability, to environmental and public health perspectives – **before** investments are made. Removing these requirements will increase energy costs for families and businesses and be detrimental to New Hampshire's environment and public health.

As you know, gas and electric utilities make millions of dollars of investments decisions each year with ratepayer funds, which significantly impact our environment and public health. Those decisions and the processes that drive them deserve public review.

Finally, we note that this bill was reported out of the House Science, Technology and Energy committee without recommendation after a 10-10 committee vote. The House calendar report noted that "both Eversource and the Consumer Advocate testified that although the process may need to be updated, it was far better to reform and modernize it instead of outright eliminating it." Please do not repeal this important law, and give us the chance to reform the LCIRP process.

Respectfully,

Meredith A. Hatfield
Associate Director for Policy & Government Relations
The Nature Conservancy NH

Least Cost Energy Planning

Section 378:37

378:37 New Hampshire Energy Policy. – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.

Source. 1990, 226:1, eff. Jan. 1, 1991. 2014, 129:1, eff. Aug. 15, 2014.

Section 378:38

378:38 Submission of Plans to the Commission. –
Pursuant to the policy established under RSA 378:37, each electric and natural gas utility, under RSA 362:2, shall file a least cost integrated resource plan with the commission within 2 years of the commission's final order regarding the utility's prior plan, and in all cases within 5 years of the filing date of the prior plan. Each such plan shall include, but not be limited to, the following, as applicable:
I. A forecast of future demand for the utility's service area.
II. An assessment of demand-side energy management programs, including conservation, efficiency, and load management programs.
III. An assessment of supply options including owned capacity, market procurements, renewable energy, and distributed energy resources.
IV. An assessment of distribution and transmission requirements, including an assessment of the benefits and costs of "smart grid" technologies, and the institution or extension of electric utility programs designed to ensure a more reliable and resilient grid to prevent or minimize power outages, including but not limited to, infrastructure automation and technologies.
V. An assessment of plan integration and impact on state compliance with the Clean Air Act of 1990, as amended, and other environmental laws that may impact a utility's assets or customers.
VI. An assessment of the plan's long- and short-term environmental, economic, and energy price and supply impact on the state.
VII. An assessment of plan integration and consistency with the state energy strategy under RSA 12-P.

Source. 1990, 226:1. 1994, 362:4, eff. June 8, 1994. 2014, 129:1, eff. Aug. 15, 2014. 2015, 89:3, eff. Aug. 4, 2015. 2021, 91:202, eff. July 1, 2021.

Section 378:38-a

378:38-a Waiver by Commission. – The commission, by order, may waive for good cause any requirement under RSA 378:38, upon written request by a utility.

Source. 1997, 298:14, eff. June 20, 1997. 2014, 129:1, eff. Aug. 15, 2014.

Section 378:39

378:39 Commission Evaluation of Plans. –
The commission shall review integrated least-cost resource plans in order to evaluate the consistency of each utility's plan with this subdivision, in an adjudicative proceeding. In deciding whether or not to approve the utility's plan, the commission shall consider potential environmental, economic, and health-related impacts of each proposed option. The commission is encouraged to consult with appropriate state and federal agencies, alternative and renewable fuel industries, and other organizations in evaluating such impacts. The commission's approval of a utility's plan shall not be deemed a pre-approval of any actions taken or proposed by the utility in implementing the plan. Where the commission determines the options have equivalent financial costs, equivalent reliability, and equivalent environmental, economic, and health-related impacts, the following order of energy policy priorities shall guide the commission's evaluation:
I. Energy efficiency and other demand-side management resources;
II. Renewable energy sources, including renewable natural gas as defined in RSA 362-I;
III. All other energy sources.

Source. 1990, 226:1. 1994, 362:5, eff. June 8, 1994. 2014, 129:1, eff. Aug. 15, 2014. 2022, 279:3, eff. June 24, 2022.

Section 378:40

378:40 Plans Required. – No rate change shall be approved or ordered with respect to any utility that does not have on file with the commission a plan that has been filed and approved in accordance with the provisions of RSA 378:38 and RSA 378:39. However, nothing contained in this subdivision shall prevent the commission from approving a change, otherwise permitted by statute or agreement, where the utility has made the required plan filing in compliance with RSA 378:38 and the process of review is proceeding in the ordinary course but has not been completed.

Source. 1994, 362:6, eff. June 8, 1994. 2014, 129:1, eff. Aug. 15, 2014.

SIERRA CLUB
NEW HAMPSHIRE

May 9, 2023

NH Senate Committee on Energy and Natural Resources
NH State House
Concord, NH 03301

RE: HB281

Dear Honorable Members,

My name is Catherine M. Corkery representing the New Hampshire Chapter of the Sierra Club with over 17,000 members and supporters in the state. The Sierra Club is a non-profit organization with the moto "Enjoy, Explore and Protect the Earth." Our goal is protecting the environment by elevating environmental standards, supporting environmental justice with clean water protections and elevating a just transition to clean energy so that everyone in New Hampshire benefits and is supported into the future.

Today, I present to the Committee that the Chapter opposes HB281, a bill to eliminate the Integrated Least Cost Resource Planning process in the NH Public Utilities Commission.

The Public Utilities Commission has the general supervision of the utilities. It supports the "just and reasonable" standard for rates and the statute states in RSA 374-F:3 (e)

> "default services which are designed to minimize customer risk, not unduly harm the development of competitive markets, and mitigate against price volatility without creating new deferred costs, if the commission determines such means to be in the public interests."

The Public Utility Commission's multifaceted process also oversees the budget needs of the utility's capital costs, energy purchases, delivery infrastructure expenses, regulatory requirements, and all of the costs to

delivery energy to their customers so that they deliver affordable, reliable, 'LEAST COST' energy, as demanded by law.

A system of checks and balances creates trust, transparency, a conversation and most of all justice. The least cost planning process ensures to the regulators and ratepayers that the utility can demonstrate it is following the law. HB281 would delete from the statute, RSA 378: 37, which reads:

> **New Hampshire Energy Policy.** – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities.

The planning for future reliability of infrastructure for a complex system is a difficult task. As an organization that has participated in a Least Cost Planning docket in the past, the NH Chapter of the Sierra Club with the guidance of a highly-skilled business lawyer was able to address important issues. I am glad we pursued the conversation. Simply repealing this planning process is shortsighted and foolish. Repealing it without replacing the process with a new and improved, well-thought-out super-duper process will not end well for anyone.

Ratepayers must have a venue to ensure that energy services are just, reliable, cost effective with minimal impacts on public health and the environment. Please, choose wisely.

I have a collection of letters from our members and supporters in opposition to repealing the least cost planning tool. This is what a few of our members and supporters said.

Virginia Borst of Pelham wrote:
We need to keep this law that requires transparency between the utility companies and their customers in the areas of price settings and their procedures.

Allison Tanner of Portsmouth said:

The Least Cost Planning helps to ensure ratepayers are not being taken advantage of by the energy companies. This winter's harmful rate increases were, in part, due to energy companies' over-reliance on the global volatile natural gas market. Using the Least Cost Planning tool should help to establish cleaner, cheaper energy sources. Please vote to defeat this bill.

Thank you for letting me share the statements of my members and supporters today.

Again, NH Sierra Club opposes the passage of HB281, or the elimination of the Least Cost Resource Plan.

Sincerely,

Catherine M. Corkery
NH Sierra Club
Chapter Director

clf
conservation law foundation

For a thriving New England

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F: 603.225.3059
www.clf.org

May 9, 2023

By Electronic Mail

The Hon. Kevin Avard, Chair
Energy and Natural Resources Committee
N.H. Senate
Concord, NH 03301

Re: HB 281, relative to integrated resource plans of utilities.

Dear Chairman Avard and Honorable Committee Members,

Conservation Law Foundation (CLF) appreciates the opportunity to comment on HB 281, which would repeal the requirement for electric and natural gas utilities to submit least cost integrated resource plans to the Public Utilities Commission and have the Commission review such plans, *See* RSA 378:37-40. CLF is a non-profit environmental advocacy organization working in New Hampshire and across the region for healthy communities and a healthy environment, including advancing sound clean energy policies that reduce pollution and strengthen the state's economic vitality. The Commission's statutorily required review of utilities' integrated resource plans provides the only opportunity for the Commission to conduct a holistic review of utility planning to ensure it is in the best interest of New Hampshire—from a least cost, energy diversity and reliability, and environmental and public health perspective. Although these requirements should ultimately be strengthened, removing them will increase energy costs for families and businesses and be detrimental to New Hampshire's environment and public health. Therefore, CLF urges the Committee to oppose HB 281.

The Least Cost Integrated Resource Planning Statutes Require the Commission to Undertake a Holistic Review of Utility Planning to Ensure It is In New Hampshire's Best Interest

Under RSA 378:37, the New Hampshire General Court has declared that it is New Hampshire's energy policy to meet the energy needs of the state at "the lowest reasonable cost, while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources." Pursuant to RSA 378:37-40, the electric and natural gas utilities must submit integrated resource plans every five years. In deciding whether to approve or deny plans, the Commission must consider the potential environmental, economic, and health-related impacts of each alternative presented by the utilities. Thus, the integrated resource planning statutes require the Commission to conduct a comprehensive review of utility planning that evaluates costs, energy diversity, and environmental and public health impacts.

HB 281 Could Lead to Increased Electric and Natural Gas Rates

The integrated resource planning statutes require the Commission to ensure that utility planning is least cost and provides energy diversity benefits. If these statutes are repealed pursuant to HB 281, ratepayers may suffer, as there will be no assurance that utilities will select projects that are the least cost option. An example of how this has worked in practice is with respect to the proposed **$450 million** Granite Bridge project. The oversight provided by the integrated resource planning process resulted in

the developer behind Granite Bridge project eventually abandoning it in favor of an alternative project that cost an order of magnitude less, at **only $45 million.** Thus, the integrated resource process protects New Hampshire ratepayers from paying for expensive and unneeded energy projects.

Moreover, the integrated resource statutes protect New Hampshire families and businesses from the effects of volatile fossil fuel prices. The high electric and natural gas prices that New Hampshire experienced last winter is largely the result of the state's overdependence on natural gas for power generation and heating.[1] Repealing the integrated resource statutes would mean that the Commission is no longer required to assess whether utilities' plans provide energy diversity benefits, which could lead to increased dependence on natural gas and even higher energy costs.

HB 281 Would Preclude the Commission from Reviewing the Environmental and Public Health Impacts of Utilities' Plans

The integrated resource planning statutes contain the only requirements for the Commission to consider the environmental and public health impacts of utilities' plans, including any climate change impacts. If they are repealed, neither the utilities nor the Commission will have an obligation to assess the environmental and public health impacts of utilities' plans, including the impacts from fossil fuel use. New Hampshire is already experiencing the effects of climate change caused by fossil fuels, including increased coastal flooding, severe heat waves, and mild winters, and increased use of fossil fuels contributes to or exacerbates asthma and other respiratory problems, as well as heart disease.[2] Ignoring the environmental and public health impacts of utility planning, as would occur if HB 281 is passed, would be a major step backward.

In sum, although the least cost integrated resource statutes ultimately should be strengthened, these statutes provide key oversight that help ensure that the Commission conducts a comprehensive review of utility planning, that includes an assessment of cost, energy diversity, environmental, and public health impacts. If the statutes are repealed it will lead to increased energy costs for New Hampshire's families and businesses and result in negative impacts to New Hampshire's environment and public health. Accordingly, the Committee should reject HB 281 and vote "inexpedient to legislate."

Sincerely,

/s/ Nick Krakoff

Nick Krakoff
Senior Attorney
Conservation Law Foundation
27 North Main Street
Concord, NH 03301

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[1] *See* Sharon Udasin, *New England grapples with sky-high electricity rates as Ukraine war squeezes gas supply*, The Hill (Jan. 8, 2023), https://thehill.com/policy/equilibrium-sustainability/3802915-new-england-grapples-with-sky-high-electricity-rates-as-ukraine-war-squeezes-gas-supply/.

[2] Cameron P. Wake, John Bucci, and Semra Aytur, *An Assessment of the Impact of Climate Change on Human Health in New Hampshire*, University of New Hampshire Sustainability Institute, at 15, 28, 30 (2014), *available at* https://scholars.unh.edu/cgi/viewcontent.cgi?article=1007&context=sustainability.

Nikolas Liamos

om: Weare Representative <rep03281@aol.com>
Sent: Tuesday, May 2, 2023 5:04 PM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Subject: HB 281

Caution! This message was sent from outside your organization.

Mr. Chairman and Members of the Committee:

I ask that you find HB 281, relative to least cost integrated resource plan of utilities, inexpedient to legislative. The bill would repeal the planning requirement, and that would likely increase the cost of electricity and gas, in particular, to the state's residential and business ratepayers. I would hope the Senate would see fit not to allow that to happen.

While the Integrated Resource Planning (IRP) statute was adopted with vertically integrated, generation-owning electric utilities in mind, the reality is that even an electric utility in a restructured state must still plan – i.e., it must still assess what resources are available to it (both pital resources and operational) and decide which ones to deploy, on what and when. Any particular investment decision is easy to justify in isolation; the IRP statute requires both the utility and the regulator to look at the big picture to make sure that the utility's choices are "least-cost" from the perspective of customers.

For example, a utility could decide to spend a fortune – or decide NOT to spend a fortune – on so-called "make ready" infrastructure that will facilitate the development of public charging stations by third parties. How would such a move affect the utility's overall cost of service and how would the investment advance, or not advance, the paragraph-long "state energy policy" that comprises the first section of the IRP statute. It's possible that if there is a boon in public charging stations then electricity usage will increase in ways that spread the company's fixed costs among more customers while reducing emissions (environmental and human health being components of the state's energy policy). It's also possible such an investment will drive up costs and that other uses of the utility's available capital (deploying smart meters, burying lines underground, implementing various voltage control technologies, etc.) would be better from a "least cost" perspective.

Another example deals with so-called NWAs – non-wires alternatives." An NWA allows a utility to defer, if not completely eliminate, expensive investments in new transformers (if not entirely new substations), new distribution lines, and other such hardware. Most commonly, an NWA consists of geo-targeted energy efficiency. Energy efficiency can save money if deploying it in a ecific geographic area allows the utility to avoid a significant investment like a new transformer.

Even under the current IRP statute "we don't own any generation" should not amount to a "get out of jail free" card in an IRP. There is plenty for a utility to do, beyond merely procuring default energy service, to keep the cost of default energy service under control. An IRP would be the perfect place for a utility to explain how its approach to procuring and selling default energy service contribute to the provision of service that is "least cost." Time-of-use rates are a great example. So are investments in billing systems that allow for the sharing of usage data in a manner that shifts demand to hours of the day when electricity is inexpensive. Also, even though utilities don't own generation, "resource adequacy" is still a state responsibility, so, an IRP docket could and should still become the forum for a utility to point out that (for example) if we built a new peaker plant somewhere that would reduce costs overall.

Finally, it's not completely accurate to say that utilities own no generation. Unitil is on the brink of getting permission to build a big solar project in Kingston, under RSA 374-G (the statute that specifically authorizes such investments). If SB 54 becomes law and utilities are encouraged to enter into some long-term power purchase agreements, that too should be a component of integrated resource planning.

Please remember that the IRP statute applies to gas utilities too. The gas utilities have not been restructured in the same sense the electric utilities have ; they're doing what they are always doing, which is buying natural gas supply from the interstate pipeline network. Are they doing that in a least-cost fashion? Would it have made sense to allow Liberty to double the size of its rate base, by building a giant storage tank and a pipeline along Route 101, as the company proposed back in 2017? That's a perfect question to address via an IRP

For these reasons, I ask the bill be found ITL.

Respectfully,

Neal M. Kurk
Weare, NH
603-529-7253

Nikolas Liamos

From: Sara Conklin <munguin@hotmail.com>
Sent: Sunday, May 7, 2023 9:18 AM
To: Donovan Fenton
Cc: Nikolas Liamos
Subject: reject HB 281

Caution! This message was sent from outside your organization.

Dear Senator Fenton,

As an Amherst, NH resident concerned about the use of fossil fuels and our high electricity bills, I urge you to **reject HB 281**.

Our health and the environment's health are inextricably intertwined. The same fuels that drive climate change also unnecessarily increase our financial burden in multiple ways: Directly, with electricity prices nearly doubling this winter because of the volatile price of natural gas, and indirectly, with higher health care costs related directly to the impacts of fossil fuel use. HB281 would repeal a critical law that requires utility companies to choose projects that are the most affordable or customers and avoid environmental and health consequences in the process. Without this law, utilities are free to choose projects based solely on their own interests rather than the public interest. Given that public utilities exist for the benefit of all individual members of the public, a utility's making choices based on its own self-interest is nonsensical.

We need the Public Utilities Commission's oversight on utility company plans because we must ensure that utilities provide affordable and clean energy to our residents. For example, it was this oversight that spared New Hampshire energy customers the unnecessary costs from the $450M Granite Bridge gas pipeline which was replaced by a much cheaper project instead.

New Hampshire's families and businesses don't need the high costs expensive energy projects bring. Please reject HB 281. Our environment, our health, and our wallets deserve nothing less.

Thank you,
Sara Conklin

Richard M. Husband
10 Mallard Court
Litchfield, NH 03052
(603)883-1218
RMHusband@gmail.com

May 8, 2023

VIA EMAIL (Kevin.Avard@leg.state.nh.us); Howard.Pearl@leg.state.nh.us; Regina.Birdsell@leg.state.nh.us; Debra.Altschiller@leg.state.nh.us; David.Watters@leg.state.nh.us; nikolas.liamos@leg.state.nh.us

Senate Energy and Natural Resources Committee

RE: HB 281
relative to least cost integrated resource plan of utilities.
OPPOSE – ORIGINAL BILL AND AMENDMENT 2023-1657s

Dear Chairman Avard and Other Honorable Committee Members:

Please oppose HB 281 and proposed Amendment 2023-1657s to that bill for the reasons expressed in my accompanying March 23, 2023 letter/testimony, and in this correspondence, all of which I submit as my testimony for this Committee's hearing on the matter tomorrow morning.

While I appreciate the consideration and effort that went into proposed Amendment 2023-1657s, if it was intended to address the concerns in my accompanying March 23, 2023 letter by introducing Site Evaluation Committee elements into the mix, or otherwise, the amendment does not, unfortunately, alleviate my concerns.

Perhaps proposed Amendment 2023-1657s was drafted with the belief that the Site Evaluation Committee ("SEC") provides a forum to address the environmental, health and other concerns expressly required to be considered in electric and natural gas utility planning under RSA 378:37-40. Certainly, the SEC provides a forum for *some* utility projects and *some* issues related to those projects, but SEC review is limited to consideration of those "energy facilities" and matters that are expressly enumerated under the SEC statutes,[1] which would leave a lot of gaps in issues that could be raised respecting utility planning under RSA 378:37-40. I will provide two examples.

[1] Please *see discussion* in my March 23, 2023 letter/testimony, p. 2, including law referenced under *Appeal of Public Service Co. of New Hampshire*, 454 A.2d 435, 122 N.H. 1062, 1066 (N.H. 1982).

First, I attempted to obtain SEC review of Liberty Utilities ("Liberty")'s proposed project to convert the Keene propane-air gas system to natural gas under Public Utilities Commission ("PUC") Docket No. DG 17-068. The utility had requested PUC permission to proceed with the conversion, to be followed by substantial planned natural gas expansion. by a petition for declaratory judgment that was not even noticed to the public and granted without any hearing or even the opportunity for public input. *See* DG 17-068 and PUC Order No. 26,065 (Oct. 17, 2017). My client, Terry Clark, a long-time resident of Keene, was reasonably concerned that the conversion may exacerbate Keene's particulate pollution problem, impede the city's (complementary) commitment to Paris Climate Accord emission reduction goals, and, as part of the utility's unreasonable plan to pursue *expansion* of its natural gas customer base to at least about only a decade before 2050, preclude a necessary, responsible state transition to cheap, clean, sustainable energy. The PUC refused to consider my client's concerns in DG 17-068, including his position that the matter should be reviewed by the SEC, but instead repeatedly held that such concerns were for the utility's RSA 378:37-40 planning case under DG 17-152. *See* PUC Order No. 26,274 (Jul. 26, 2019) at 13 ("With respect to Mr. Clark's argument regarding the Site Evaluation Committee (SEC), it is apparent from review of RSA Ch. 162-H, that the SEC's jurisdiction and responsibilities have no bearing on the issues raised in this docket."); Order No. 26,294 (Sep. 25, 2019) at 10 ("... [W]e decline to dismiss this matter on the merits as contrary to the public interest under the LCIRP statute, RSA 378:37-39, or out of deference to the jurisdiction of the SEC, as requested by Mr. Clark. Liberty's LCIRP has been filed and will be evaluated in DG 17-152 ..."); Order No. 26,613 (Apr. 22, 2022) at 5 ("Clark's pending motion in [Docket No. DG 17-068] is DENIED without prejudice as to his right to continue to seek appropriate relief through his identical motion in Docket DG 17-152.").

Second, as natural gas supply contracts are not within the SEC jurisdiction granted under RSA Chapter 162-H, and transmission pipelines that are "considered part of a local distribution network" are expressly exempted from SEC jurisdiction, *see* RSA 162-H:2, VII and proposed Amendment 2023-1657s, much natural gas utility planning, which generally involves only supply contract approvals and "local distribution network" expansion, would never be considered by the SEC. Indeed, a gas utility could add all of the large supply contracts that it wants, like the 40,000 Dth/day one conditionally approved (subject to RSA 378:37-40 approval) under DG 21-008 as the second planning option to the Granite Bridge Project, without invoking any SEC approval—or any review of environmental, health and other important considerations enumerated under RSA 378:37, if RSA 378:37-40 are repealed.

But, because RSA 378:37-40 were in effect, my client, through his involvement in the planning docket under DG 17-152, was able to convince Liberty to plan—to its credit—for a "Greene Keene" that better meets the city's unique needs and goals through lower emission fuels. *See* Liberty's newest, pending least cost integrated resource plan (under DG 22-064) at 47-48. Particularly given Keene's particulate pollution problem and the more than 100,000 New Hampshire asthma sufferers who benefit from emissions reductions, I cannot understand how anyone would consider the planning statutes and this outcome under the statutes to be "bad."

Similarly, due to the last planning case (DG 17-152) and citizen involvement[2] in the proceedings, Liberty has substantially curtailed its unreasonable expansion plans. The utility's filings in DG 21-008 indicate that the company intended to seek approval for another 27,000 Dth per day supply of natural gas by 2025/2026, and that all of its planning is/was pursuant to projections for increasing its gas use and resulting emissions until at least 2038/2039, *see* Testimony of Francisco C. DaFonte and William R. Killeen at 31:1-32:3 (including Table 3). However, Liberty's new plan (under DG 22-064) does not project the need for more gas. *See* plan at 38. I can fathom no reason the utility would have dropped its new supply plans if not due to the concerns raised under DG 17-152. Nor can I fathom any reason why the state would rationally have wanted the utility to continue such reckless growth—surely not because the state will be better off locked into its finite, diminishing supplies and inevitable corresponding price increases as we move forward.

In sum, the least cost planning statutes are not an impediment to energy advancement, but a valuable, otherwise unavailable tool for ensuring improvement. The number of natural gas customers in this state has steadily increased despite RSA 378:37-40; the planning statutes have only resulted in more reasonable expansion and other planning that will *somewhat* protect us from overreliance on natural gas and *somewhat* enable a quicker transition to less expensive renewables. The statutes themselves could be improved, for sure, but the complete repeal of RSA 378:37-40 would not serve us well at all.

Again, thank you for your time and courtesy in this matter. I will try to attend tomorrow's hearing to make myself available for questions and, if permitted, to perhaps provide more testimony on this matter.

Sincerely,

//s//Richard M. Husband

[2] Terry Clark, Conservation Law Foundation, Pipe Line Awareness Network for the Northeast, Inc.

Richard M. Husband
10 Mallard Court
Litchfield, NH 03052
(603)883-1218
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March 23, 2023

VIA EMAIL (Kevin.Avard@leg.state.nh.us); Howard.Pearl@leg.state.nh.us; Regina.Birdsell@leg.state.nh.us; Debra.Altschiller@leg.state.nh.us; David.Watters@leg.state.nh.us; nikolas.liamos@leg.state.nh.us
Senate Energy and Natural Resources Committee

RE: HB 281
relative to least cost integrated resource plan of utilities.

Dear Chairman Avard and Other Honorable Committee Members:

Please oppose HB 281, which calls for the repeal of RSA 378:37-40, the Public Utilities Commission ("PUC") electric and natural gas utility planning statutes, as it would eliminate the only meaningful PUC review of critical environmental, health and other concerns with such planning that is mandated under RSA 378:37 but not required under other PUC statutes and unwisely slam the door on any real citizens' rights and transparency in such decision-making. Inexplicably, this bill passed the House despite overwhelming citizen opposition.[1] It is not yet scheduled for hearing before your Committee.

My perspective is as a New Hampshire attorney who has participated in a number of PUC natural gas proceedings, both solely as a citizen representing myself and as *pro bono* counsel for others. *See* PUC Docket Nos. DG 14-380, DG 16-241, DG 16-770, DG 16-852, DG 17-068, DG 17-152, DG 18-092, DG 21-036, DG 21-036 and DG 22-064. I first became involved in these matters in 2015, when planning for the proposed huge (originally 36" diameter) Northeast Energy Delivery ("NED") pipeline would have routed it through at least 18 towns in southern New Hampshire, causing understandable alarm from impacted property owners and others concerned with property rights and the climate, health, safety, economic and other consequences of such a large, long-term infusion of natural gas into the state.[2] I soon learned from my first PUC natural gas proceeding, which resulted in approval for a NED-fueled gas supply contract under Docket No. DG 14-380 despite "overwhelming" public comment opposition to the project noted in the approving order itself, *see* Order No. 25,822 (Oct. 2, 2015) at 23, that

[1] Citizens opposed the bill 79-2 at the only House hearing accepting public input on the matter, held before the House Science, Technology and Energy Committee on February 7, 2023.

[2] I was not an impacted property owner but had the other concerns.

the "right" of public comment is nice, but only intervenors and other parties in PUC adjudicative proceedings such as the NED proceeding and utility planning cases have a real voice and rights in PUC proceedings.[3] I know this because I argued the issue all the way to our Supreme Court under a petition for appeal, which was politely declined. I also learned in DG 14-380, from its order rejecting my concerns out of hand, that the PUC considers environmental, health and other non-financial concerns to be outside the scope of its authorized review for financial prudence determinations, including those involving gas supply contracts such as the proposed NED contract and so-called "rate cases" requesting rate changes under RSA 374:2 and related statutes:

> "... The crux of Mr. Husband's motion for rehearing is his assertion that the Commission ignored public comments and ignored or excluded other evidence relating to negative effects of siting the NED Pipeline. He reiterates a number of comments that were previously submitted to the Commission by other members of the public. He then argues that the Commission was required to consider these negative comments and that the Commission was not preempted from doing so ...
>
> ... The comments alleged negative effects on, among other things, water wells and aquifers, wildlife, environmentally sensitive land areas, property values, the general economy, public health and safety, and the rural character of the region.
>
> The types of concerns raised by Mr. Husband, and stated in the public comments that he cites, are not within our purview in this case. This is not, as Mr. Husband alleges, a matter of federal preemption or a matter of discretion, but a matter of our statutory role and the roles of other agencies. We reiterate that our statutory review in this instance is limited to consideration of EnergyNorth's financial prudence in securing gas transportation capacity for its customers. See RSA 374:1 and 374:2 (public utilities to provide reasonably safe and adequate service at "just and reasonable" rates); RSA 378:7 and RSA 378:28 (rates collected by a public utility for services rendered or to be rendered must be just and reasonable) ..."

See Order No. 25,843 (Nov. 20, 2015) at 4-5. Review is limited because "[t]he PUC is a creation of the legislature and as such is endowed with only the powers and authority which are expressly granted or fairly implied by statute." *Appeal of Public Service Co. of New Hampshire*, 454 A.2d 435, 122 N.H. 1062, 1066 (N.H. 1982)(citing *Petition of Boston & Maine Railroad*, 82 N.H. 116, 116, 129 A. 880, 880 (1925)).

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[3] Such parties have the critical rights under RSA 541-A:31 and the PUC rules promulgated thereunder to engage in discovery, provide testimony, cross-examine opposing witnesses at the final hearing, and file motions, briefs and other pleadings that set forth and support their case before the PUC and, most importantly, are necessary to frame and support any appeal of an unsatisfactory PUC determination to the New Hampshire Supreme Court; public commenters have none of these rights.

1. **HB 281 would eliminate the only meaningful PUC review of critical utility planning concerns.**

As just noted, the PUC has limited review authority in rate cases and other typical, financial prudency proceedings that does not extend to the environmental, health and other concerns expressed under RSA 378:37 and the other planning statutes. RSA 374:1, RSA 374:2, RSA 378:7, RSA 378:27 and RSA 378:28, the statutory underpinnings for rates cases, *see, e.g.*, above discussion and DG 20-105 Order of Notice at 3-4, do not even include the words "environment" or "health." Parties know these hurdles as well as the PUC and, just like the PUC, will readily raise them as/when convenient to support or protect their own desired outcome. I strongly disagree with the Department of Energy ("DOE")'s opinion, then, as expressed at the House Science, Technology and Energy Committee February 7, 2023 hearing on HB 281, that the matters required to be reviewed under the RSA 378:37-40 utility planning statutes could alternatively be considered just as well in rate cases. However, as the DOE acknowledged in the same testimony, **such rate case determinations would be *ex post facto*, occurring after the underlying gas contract or other gas-related request had already been approved, and thus meaningless**, in any event.

Rate cases will not afford citizens the same rights and opportunities as the planning statutes, the DOE suggested no other specific PUC case(s) that might, and I am not aware of any despite looking for such avenues for years. The words "environment" and "health" and other important concerns mandated for review under RSA 378:37 are otherwise almost entirely absent from the PUC statutes. Even when environmental concerns seem clearly relevant and appropriate for consideration under the enabling statute, the PUC is extremely resistant to litigate environmental issues, as is shown by its narrow focus in so-called "crossing cases." *See, e.g.*, Order No. 25,910 (June 28, 2016) at 10-11; October 11, 2018 order in DG 18-092. Moreover, as noted in Footnote 3 above, real (discovery, testimony cross-examination, *etc.*) rights are only afforded parties in adjudicative proceedings, and many (likely most) PUC matters are not designated as adjudicative proceedings.

2. **HB 281 would unwisely slam the door on any real citizens' rights and transparency in utility planning.**

If enacted into law, HB 281 will relegate citizen input in important PUC energy decisions that will impact citizens for decades, if not forever, to public comments in the periodic revisions of our State Energy Strategy under RSA 12-P:7-a, which will be ignored just as readily as the public comments in the NED PUC case discussed above. If you doubt this, please compare the most recent 2021 State Energy Strategy with the public comments it supposedly draws "public input" from under RSA 12-P:7-a(I). Indeed, please do not stop there, compare the 2018 State Energy Strategy with its underlying public comments and make your own assessment of the "public input" value those comments received under the statute The state plainly has not been listening to its citizens on energy issues to the extent that they are allowed a voice in the State Energy Strategy and by HB 281 would eliminate their only real avenue of challenge for many

issues before the PUC—only the planning statutes plainly authorize climate and pollution impact consideration, for example—and topple important energy policies favored by citizens to boot. Why do some seem to think this is a good thing? Meaningful citizen input, not backroom decision-making, is the brain food for a well-functioning democracy—as was clearly proven, under the planning statutes, not so long ago.

The Granite Bridge Project was "Option 1" for Liberty Utilities' last completed natural gas planning case, under PUC Docket No. DG 17-152. Supported by many of our state officials, it was a horrible idea for New Hampshire: a huge overbuild[4] that would have stuck ratepayers with a bill "in the range of $500 million"[5] they would be paying long after its infrastructure lay unused and rusting (if the public will is ever heeded) and citizens with a state overreliance on natural gas that would burden New Hampshire for decades. Thus, the state was extremely lucky to have the input of citizens, on the streets and through the comprehensive "big picture" view afforded in the planning case, to expose its problems and convince the utility to abandon the project.

HB 281 is apparently the Revenge of the Granite Bridge Project, with a clear intent to remove the last vestige of real citizen input from critical PUC decision-making. If enacted, organizations such as the Conservation Law Foundation and Pipeline Awareness Network for the Northeast, Inc., and attorneys such as myself, who represented the interests of concerned citizens in DG 14-380, will lose the most important PUC forum for the expression and exercise of citizens' rights. This is not smart energy policy: if a project has merit, it will survive—and should prove that merit by surviving—not just the government's opinion, but *public* scrutiny.

3. If anything, the planning statutes should be amended, not repealed.

The planning statutes were largely attacked as an outdated relic in the House, the argument essentially being that they have aged, and not aged well, *i.e.*, they have been around for over 30 years and have lost their purpose. I have not researched the original purpose(s) of RSA 378:37-40, but I do know that they fulfill a vital current purpose, as discussed above. Moreover, the planning statutes were substantially revised and updated in 2014, *see* 2014 amendments, and could and should easily be further modernized and improved by legislation, if deemed necessary for their survival by this Committee and the Senate, rather than completely discarded. In fact, such legislation has already been drafted, HB 208, which has been supported overwhelmingly by the public, as shown by the 186-12 vote in favor of the bill at the only House hearing accepting public input on the matter, held before the House Science, Technology and Energy Committee on January 30, 2023. But, of course, that legislation was rejected by the House (albeit in several close votes). This Committee and the Senate could and should reintroduce HB

[4] The project's planned 2 Bcf LNG facility had roughly half of the LNG storage capacity of all of New Jersey, *see* http://www.northeastgas.org/about_lng.php ("LNG is utilized by several LDCs in New Jersey, with total state storage capacity of about 4 Bcf"), which serves a far greater population (approximately 9 million) than New Hampshire (approximately 1.4 million).

[5] Order No. 27,409 (Oct. 6, 2020) at 12.

208 as an amendment to HB 281, and finally give citizens the energy decision-making they have been clearly demanding. Alternatively, this Committee and the Senate should completely reject HB 281 and, with more time to consider the matter, work on reasonable revisions to RSA 378:37-40 with stakeholders in the arena.

Maybe we cannot stop some terrible things from happening at this point (a common excuse for climate inaction). But, we can stop horrible things beyond them, and we will never know what we could have done if we never try. Citizens, particularly our young, have a right to be concerned. *See*, e.g., most recent UN climate report; climate report from Trump Administration. It is wrong for the state not to listen to them as the state is obligated to meet the needs and concerns of future citizens and ratepayers as much as current ones. Please show that you are listening and respond to HB 281 as urged herein.

Thank you for your time and courtesy in this matter. I am copying the other State Senators on this to inform them of my vote, as well.

Sincerely,

//s//Richard M. Husband

cc: Daniel.Innis@leg.state.nh.us
James.Gray@leg.state.nh.us
Lou.Dallesandro@leg.state.nh.us
Jeb.Bradley@leg.state.nh.us
William.Gannon@leg.state.nh.us
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Cindy.Rosenwald@leg.state.nh.us
Becky.Whitley@leg.state.nh.us

Nikolas Liamos

From: whippoorwill@comcast.net
Sent: Monday, May 8, 2023 10:24 AM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Subject: HB 281: OPPOSE !-!-!

Caution! This message was sent from outside your organization.

Dear Senator,

As a New Hampshire resident concerned about the use of fossil fuels and our high electricity bills, I'm writing to ask you to reject HB 281. Our health and the health of the environment are two sides of the same coin. The same fuels that drive climate change also increase our energy bills, with electricity prices nearly doubling this winter because of price volatile natural gas. HB 281 would repeal a critical law that requires utility companies to choose projects that are the most affordable for customers and avoid environmental and health consequences in the process. We need the Public Utilities Commission's oversight on utility company plans because we must ensure that utilities provide affordable and clean energy to our residents. For example, it was this oversight that spared New Hampshire energy customers the unnecessary costs from the $450 million dollar Granite Bridge gas pipeline, which was replaced by a much cheaper project instead. New Hampshire's families and businesses don't need the high costs expensive energy projects bring.

Please reject HB 281: Our environment, our health, and our wallets deserve nothing less.

Thank you for your consideration, Clint

Clinton Furnald
Whippoorwill Farm
Stagecoach Road
South Hampton, NH 03827

Nikolas Liamos

om: Sherrie Trefry <STrefry@VHB.com>
Sent: Monday, May 8, 2023 10:30 AM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Subject: Opposition to proposed amendment to HB 281

Caution! This message was sent from outside your organization.

Dear Committee Members,
Please consider opposing Amendment 2023-1657 to HB 281. Remove the provision on RPS disclosure labels. I support the RPS in NH and believe it is an important tool for NH's clean energy future.

Sherrie Trefry, CSS
Energy Market Leader

P 603.391.3951
www.vhb.com

2 Bedford Farms Drive
Suite 200
Bedford NH 03110-6532

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Nikolas Liamos

From: Ruth Heath <ruthmheath@comcast.net>
Sent: Monday, May 8, 2023 3:15 PM
To: Kevin Avard; Howard Pearl; Regina Birdsell; Debra Altschiller; David Watters; Nikolas Liamos
Subject: SB281 - please oppose

Caution! This message was sent from outside your organization.

Please oppose this harmful attempt to eliminate a law that provides one of the protection mechanisms the public has to oppose infrastructure that has environmental and public health impact. The PUC needs to retain the ability to oversee the complete picture of resources and plan for what is best for NH, rather than just the utilities who will always act in their shareholders best interests.

Ruth Heath,
Canterbury NH

CLEAN ENERGY NH
Your Voice in All Energy Matters
14 Dixon Ave, Suite 202 | Concord, NH 03301 | (603) 573-9926

May 9, 2023

Senator Kevin Avard, Chair
Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

Testimony on Non-Germane Amendment #1657.

Dear Chairman Avard and members of the Committee,

Clean Energy NH (CENH) supports two of the provisions in this amendment and opposes three of them.

While the amendment includes one of our top priorities for this legislative session, we are concerned about the number of disparate proposals that have been combined in this particular amendment. We would recommend that one or more of these provisions be stripped from the amendment to improve its potential to achieve bipartisan support in the House of Representatives.

. Least Cost Integrated Resource Plan Repeal (LCIRP) - Oppose

As noted in previous testimony to the original bill, CENH opposes this provision as it would eliminate an important policy tool to managing the New Hampshire energy system and minimizing cost impacts to all ratepayers at a time the energy system is on the cusp of extraordinary change. Most importantly, this repeal would strip out of state statute RSA 378:37, impacting not only the LCIRP, but the general direction of NH energy planning:

> *"**378:37 New Hampshire Energy Policy.** – The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; to maximize the use of cost effective energy efficiency and other demand side resources; and to protect the safety and health of the citizens, the physical environment of the state, and the future supplies of resources, with consideration of the financial stability of the state's utilities."*

Similar language does not exist anywhere else in NH law.

CENH does appreciate that certain elements of the LCIRP statute are a relic of a time when New Hampshire electric utilities owned power plants. However, changes to statutory language in 2014 and 2021, as well as innovations in distributed energy resources and trends in building and transportation electrification mean that the LCIRP has new meaning and importance as the energy system undergoes a significant transformation. For example, during recent testimony before the NH Public Utilities Commission (PUC), Eversource staff reported that they are preparing for a doubling of electricity sales in the next two decades. Repealing this statute will significantly reduce the opportunity to evaluate NH electric and gas distribution utilities investment plans to ensure that each utility has selected a portfolio of energy efficiency, distributed energy, and grid modernization measures that will be able to meet this new demand and consumption reliably.

Instead of repeal, CENH believes that the LCIRP statute could be clarified and strengthened. These clarifications could account for the most recent changes to the statute in 2014 and 2021, the completion of utility industry restructuring in 2017, and the split of the PUC and the DOE in the summer of 2021.

Utilities have an important role to play in ensuring that the energy transition happens at the lowest possible cost to consumers, and adopting a proactive approach to planning for how to do so is critical. Ensuring that this planning is done proactively and with the review and input a broad range of stakeholders at the PUC is critical to ensure this happens.

II. Municipal Net Energy Metering - Support

CENH supports this provision, as it is of critical importance to delivering on the promise of HB315, which the governor signed in 2021. It will ensure that small towns are able to lower their energy bills in the same way that larger cities are already able to do, and will guarantee that the most cost-effective sites for energy production are developed, as opposed to the sites that are arbitrarily located within the same political boundaries as potential customers.

III. RPS Compliance Cost Reporting - Oppose

CENH opposes this provision, which is designed to undermine public support for Renewable Portfolio Standard (RPS). While the RPS has costs associated with compliance, it also has resulted in benefits in the form of fuel diversity and wholesale market price suppression. This provision recognizes none of those benefits, and requires only a one-sided disclosure of costs. Also, the House of Representatives has already voted to oppose this policy

IV. Energy Efficiency and Sustainable Energy (EESE) Board Repeal - Oppose

CENH opposes this provision: The EESE board has been a valuable forum for sharing information, building consensus and creating innovative new policy approaches. The EESE board has generated many important insights over the years, by commissioning and presenting independent research. Those insights include the fact that 78 percent of NH energy expenditures immediately flow out of the state and exit the NH economy.[1] Without this important forum, the Granite State risks moving forward blindly, without rigorous analysis of what the future holds.

V. Site Evaluation Committee Administrative Efficiency - Support

CENH supports this provision. While the Site Evaluation Committee does represent a robust and comprehensive forum for considering whether it is in the public interest to allow the construction of certain energy facilities, it can at times be quite cumbersome. The changes reflected in this section of the bill represent straightforward and appropriate administrative "tweaks" which will improve the efficiency of the Site Evaluation Committee.

Sincerely,
Sam Evans-Brown



Executive Director

Clean Energy NH is a 501(c)(3) nonprofit organization. Our membership includes 130+ businesses, 36 municipal members—comprising over 425,000 NH citizens—and 400+ individuals in every corner of the Granite State. We advocate for the adoption of clean energy initiatives through a non-partisan, fact-based lens.

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[1] PUC (2011). *"New Hampshire Independent Study of Energy Policy Issues,"* ,https://www.puc.nh.gov/EESE%20Board/VEIC%20NH%20Independent%20Study%20Key%20Findings%20and%20Recommendations.pdf.

Richard M. Husband
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(603)883-1218
RMHusband@gmail.com

March 23, 2023

VIA EMAIL (Kevin.Avard@leg.state.nh.us); Howard.Pearl@leg.state.nh.us; Regina.Birdsell@leg.state.nh.us; Debra.Altschiller@leg.state.nh.us; David.Watters@leg.state.nh.us; nikolas.liamos@leg.state.nh.us
Senate Energy and Natural Resources Committee

RE: HB 281
relative to least cost integrated resource plan of utilities.

Dear Chairman Avard and Other Honorable Committee Members:

Please oppose HB 281, which calls for the repeal of RSA 378:37-40, the Public Utilities Commission ("PUC") electric and natural gas utility planning statutes, as it would eliminate the only meaningful PUC review of critical environmental, health and other concerns with such planning that is mandated under RSA 378:37 but not required under other PUC statutes and unwisely slam the door on any real citizens' rights and transparency in such decision-making. Inexplicably, this bill passed the House despite overwhelming citizen opposition.[1] It is not yet scheduled for hearing before your Committee.

My perspective is as a New Hampshire attorney who has participated in a number of PUC natural gas proceedings, both solely as a citizen representing myself and as *pro bono* counsel for others. *See* PUC Docket Nos. DG 14-380, DG 16-241, DG 16-770, DG 16-852, DG 17-068, DG 17-152, DG 18-092, DG 21-036, DG 21-036 and DG 22-064. I first became involved in these matters in 2015, when planning for the proposed huge (originally 36" diameter) Northeast Energy Delivery ("NED") pipeline would have routed it through at least 18 towns in southern New Hampshire, causing understandable alarm from impacted property owners and others concerned with property rights and the climate, health, safety, economic and other consequences of such a large, long-term infusion of natural gas into the state.[2] I soon learned from my first PUC natural gas proceeding, which resulted in approval for a NED-fueled gas supply contract under Docket No. DG 14-380 despite "overwhelming" public comment opposition to the project noted in the approving order itself, *see* Order No. 25,822 (Oct. 2, 2015) at 23, that

[1] Citizens opposed the bill 79-2 at the only House hearing accepting public input on the matter, held before the House Science, Technology and Energy Committee on February 7, 2023.

[2] I was not an impacted property owner but had the other concerns.

the "right" of public comment is nice, but only intervenors and other parties in PUC adjudicative proceedings such as the NED proceeding and utility planning cases have a real voice and rights in PUC proceedings.[3] I know this because I argued the issue all the way to our Supreme Court under a petition for appeal, which was politely declined. I also learned in DG 14-380, from its order rejecting my concerns out of hand, that the PUC considers environmental, health and other non-financial concerns to be outside the scope of its authorized review for financial prudence determinations, including those involving gas supply contracts such as the proposed NED contract and so-called "rate cases" requesting rate changes under RSA 374:2 and related statutes:

> "... The crux of Mr. Husband's motion for rehearing is his assertion that the Commission ignored public comments and ignored or excluded other evidence relating to negative effects of siting the NED Pipeline. He reiterates a number of comments that were previously submitted to the Commission by other members of the public. He then argues that the Commission was required to consider these negative comments and that the Commission was not preempted from doing so ...
>
> ... The comments alleged negative effects on, among other things, water wells and aquifers, wildlife, environmentally sensitive land areas, property values, the general economy, public health and safety, and the rural character of the region.
>
> The types of concerns raised by Mr. Husband, and stated in the public comments that he cites, are not within our purview in this case. This is not, as Mr. Husband alleges, a matter of federal preemption or a matter of discretion, but a matter of our statutory role and the roles of other agencies. We reiterate that our statutory review in this instance is limited to consideration of EnergyNorth's financial prudence in securing gas transportation capacity for its customers. See RSA 374:1 and 374:2 (public utilities to provide reasonably safe and adequate service at "just and reasonable" rates); RSA 378:7 and RSA 378:28 (rates collected by a public utility for services rendered or to be rendered must be just and reasonable) ..."

See Order No. 25,843 (Nov. 20, 2015) at 4-5. Review is limited because "[t]he PUC is a creation of the legislature and as such is endowed with only the powers and authority which are expressly granted or fairly implied by statute." *Appeal of Public Service Co. of New Hampshire*, 454 A.2d 435, 122 N.H. 1062, 1066 (N.H. 1982)(citing *Petition of Boston & Maine Railroad*, 82 N.H. 116, 116, 129 A. 880, 880 (1925)).

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[3] Such parties have the critical rights under RSA 541-A:31 and the PUC rules promulgated thereunder to engage in discovery, provide testimony, cross-examine opposing witnesses at the final hearing, and file motions, briefs and other pleadings that set forth and support their case before the PUC and, most importantly, are necessary to frame and support any appeal of an unsatisfactory PUC determination to the New Hampshire Supreme Court; public commenters have none of these rights.

1. **HB 281 would eliminate the only meaningful PUC review of critical utility planning concerns.**

As just noted, the PUC has limited review authority in rate cases and other typical, financial prudency proceedings that does not extend to the environmental, health and other concerns expressed under RSA 378:37 and the other planning statutes. RSA 374:1, RSA 374:2, RSA 378:7, RSA 378:27 and RSA 378:28, the statutory underpinnings for rates cases, *see, e.g.*, above discussion and DG 20-105 Order of Notice at 3-4, do not even include the words "environment" or "health." Parties know these hurdles as well as the PUC and, just like the PUC, will readily raise them as/when convenient to support or protect their own desired outcome. I strongly disagree with the Department of Energy ("DOE")'s opinion, then, as expressed at the House Science, Technology and Energy Committee February 7, 2023 hearing on HB 281, that the matters required to be reviewed under the RSA 378:37-40 utility planning statutes could alternatively be considered just as well in rate cases. However, as the DOE acknowledged in the same testimony, **such rate case determinations would be *ex post facto*, occurring after the underlying gas contract or other gas-related request had already been approved, and thus meaningless,** in any event.

Rate cases will not afford citizens the same rights and opportunities as the planning statutes, the DOE suggested no other specific PUC case(s) that might, and I am not aware of any despite looking for such avenues for years. The words "environment" and "health" and other important concerns mandated for review under RSA 378:37 are otherwise almost entirely absent from the PUC statutes. Even when environmental concerns seem clearly relevant and appropriate for consideration under the enabling statute, the PUC is extremely resistant to litigate environmental issues, as is shown by its narrow focus in so-called "crossing cases." *See, e.g.*, Order No. 25,910 (June 28, 2016) at 10-11; October 11, 2018 order in DG 18-092. Moreover, as noted in Footnote 3 above, real (discovery, testimony cross-examination, *etc.*) rights are only afforded parties in adjudicative proceedings, and many (likely most) PUC matters are not designated as adjudicative proceedings.

2. **HB 281 would unwisely slam the door on any real citizens' rights and transparency in utility planning.**

If enacted into law, HB 281 will relegate citizen input in important PUC energy decisions that will impact citizens for decades, if not forever, to public comments in the periodic revisions of our State Energy Strategy under RSA 12-P:7-a, which will be ignored just as readily as the public comments in the NED PUC case discussed above. If you doubt this, please compare the most recent 2021 State Energy Strategy with the public comments it supposedly draws "public input" from under RSA 12-P:7-a(I). Indeed, please do not stop there, compare the 2018 State Energy Strategy with its underlying public comments and make your own assessment of the "public input" value those comments received under the statute The state plainly has not been listening to its citizens on energy issues to the extent that they are allowed a voice in the State Energy Strategy and by HB 281 would eliminate their only real avenue of challenge for many

issues before the PUC—only the planning statutes plainly authorize climate and pollution impact consideration, for example—and topple important energy policies favored by citizens to boot. Why do some seem to think this is a good thing? Meaningful citizen input, not backroom decision-making, is the brain food for a well-functioning democracy—as was clearly proven, under the planning statutes, not so long ago.

The Granite Bridge Project was "Option 1" for Liberty Utilities' last completed natural gas planning case, under PUC Docket No. DG 17-152. Supported by many of our state officials, it was a horrible idea for New Hampshire: a huge overbuild[4] that would have stuck ratepayers with a bill "in the range of $500 million"[5] they would be paying long after its infrastructure lay unused and rusting (if the public will is ever heeded) and citizens with a state overreliance on natural gas that would burden New Hampshire for decades. Thus, the state was extremely lucky to have the input of citizens, on the streets and through the comprehensive "big picture" view afforded in the planning case, to expose its problems and convince the utility to abandon the project.

HB 281 is apparently the Revenge of the Granite Bridge Project, with a clear intent to remove the last vestige of real citizen input from critical PUC decision-making. If enacted, organizations such as the Conservation Law Foundation and Pipeline Awareness Network for the Northeast, Inc., and attorneys such as myself, who represented the interests of concerned citizens in DG 14-380, will lose the most important PUC forum for the expression and exercise of citizens' rights. This is not smart energy policy: if a project has merit, it will survive—and should prove that merit by surviving—not just the government's opinion, but *public* scrutiny.

3. If anything, the planning statutes should be amended, not repealed.

The planning statutes were largely attacked as an outdated relic in the House, the argument essentially being that they have aged, and not aged well, *i.e.*, they have been around for over 30 years and have lost their purpose. I have not researched the original purpose(s) of RSA 378:37-40, but I do know that they fulfill a vital current purpose, as discussed above. Moreover, the planning statutes were substantially revised and updated in 2014, *see* 2014 amendments, and could and should easily be further modernized and improved by legislation, if deemed necessary for their survival by this Committee and the Senate, rather than completely discarded. In fact, such legislation has already been drafted, HB 208, which has been supported overwhelmingly by the public, as shown by the 186-12 vote in favor of the bill at the only House hearing accepting public input on the matter, held before the House Science, Technology and Energy Committee on January 30, 2023. But, of course, that legislation was rejected by the House (albeit in several close votes). This Committee and the Senate could and should reintroduce HB

[4] The project's planned 2 Bcf LNG facility had roughly half of the LNG storage capacity of all of New Jersey, *see* http://www.northeastgas.org/about_lng.php ("LNG is utilized by several LDCs in New Jersey, with total state storage capacity of about 4 Bcf"), which serves a far greater population (approximately 9 million) than New Hampshire (approximately 1.4 million).

[5] Order No. 27,409 (Oct. 6, 2020) at 12.

208 as an amendment to HB 281, and finally give citizens the energy decision-making they have been clearly demanding. Alternatively, this Committee and the Senate should completely reject HB 281 and, with more time to consider the matter, work on reasonable revisions to RSA 378:37-40 with stakeholders in the arena.

Maybe we cannot stop some terrible things from happening at this point (a common excuse for climate inaction). But, we can stop horrible things beyond them, and we will never know what we could have done if we never try. Citizens, particularly our young, have a right to be concerned. *See*, e.g., most recent UN climate report; climate report from Trump Administration. It is wrong for the state not to listen to them as the state is obligated to meet the needs and concerns of future citizens and ratepayers as much as current ones. Please show that you are listening and respond to HB 281 as urged herein.

Thank you for your time and courtesy in this matter. I am copying the other State Senators on this to inform them of my vote, as well.

Sincerely,

//s//Richard M. Husband

cc: Daniel.Innis@leg.state.nh.us
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Voting Sheets

Senate Energy and Natural Resources Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 251

Hearing date: 5/9/23

Executive Session date: 5/16/23

Motion of: OTP **Vote:**

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X				
Sen. Pearl, Vice Chair	X		X		
Sen. Birdsell	X				
Sen. Watters	X	X			
Sen. Altschiller	X				

Motion of: Amend 16575 **Vote:** 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X		X	X	
Sen. Birdsell	X			X	
Sen. Watters	X	X		X	
Sen. Altschiller	X				X

Motion of: OTP/A **Vote:** 4-1

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	X			X	
Sen. Pearl, Vice Chair	X		X	X	
Sen. Birdsell	X			X	
Sen. Watters	X	X		X	
Sen. Altschiller	X				X

Reported out by: Avard

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, May 16, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 281**

AN ACT relative to least cost integrated resource plan of utilities.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-1

AMENDMENT # 1879s

Senator Kevin Avard
For the Committee

Nikolas Liamos 271-7875

ENERGY AND NATURAL RESOURCES

HB 281, relative to least cost integrated resource plan of utilities.
Ought to Pass with Amendment, Vote 4-1.
Senator Kevin Avard for the committee.

General Court of New Hampshire - Bill Status System

Docket of HB281

Docket Abbreviations

Bill Title: (New Title) relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

Official Docket of **HB281.:**

Date	Body	Description
1/9/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Science, Technology and Energy
2/1/2023	H	Public Hearing: 02/07/2023 09:00 am LOB 302-304
2/9/2023	H	Executive Session: 02/16/2023 01:00 pm LOB 302-304
2/27/2023	H	Committee Report: Without Recommendation 02/16/2023 (Vote ; RC) **HC 14** P. 20
3/9/2023	H	**Ought to Pass**: MA **RC** 184-168 03/09/2023 **HJ 8** P. 84
3/14/2023	S	Introduced 03/09/2023 and Referred to Energy and Natural Resources; **SJ 10**
5/4/2023	S	**Hearing:** 05/09/2023, Room 103, SH, 09:00 am; **SC 21**
5/4/2023	S	**Hearing:** 05/09/2023, Room 103, SH, 09:30 am, on proposed amendment **#2023-1657s**; **SC 21**
5/16/2023	S	Committee Report: Ought to Pass with Amendment **#2023-1879s**, 05/18/2023; **SC 22A**
5/18/2023	S	Committee Amendment **#2023-1879s**, AA, VV; 05/18/2023; **SJ 15**
5/18/2023	S	**Ought to Pass with Amendment** 2023-1879s, MA, VV; OT3rdg; 05/18/2023; **SJ 15**
6/15/2023	H	House Concurs with Senate Amendment 2023-1879s (Rep. Vose): MF DV 176-180 06/15/2023 **HJ 16** P. 6
6/15/2023	H	House Non-Concurs with Senate Amendment 2023-1879s and Requests CofC (Rep. Vose): MA DV 179-178 06/15/2023 **HJ 16** P. 6
6/15/2023	H	Speaker Appoints: Reps. Vose, D. Thomas, Harrington, McGhee 06/15/2023 **HJ 16** P. 6
6/15/2023	S	Sen. Avard Accedes to House Request for Committee of Conference, MA, VV; 06/15/2023; **SJ 19**
6/15/2023	S	President Appoints: Senators Avard, Birdsell, Watters; 06/15/2023; **SJ 19**
6/21/2023	H	Conference Committee Meeting: 06/21/2023 10:00 am LOB 202-204
6/22/2023	S	Conference Committee Report Filed, **#2023-2226c**; 06/29/2023
6/29/2023	S	Conference Committee Report **#2023-2226c**, Adopted, VV; 06/29/2023; **SJ 20**
6/27/2023	H	Removed from Consent (Reps. Cormen, Muns, McWilliams, Haskins, Noel, Sellers, T. Lekas, A. Lekas, K. Perez, Manos) 06/27/2023 **HJ 17**
6/29/2023	H	Conference Committee Report 2023-2226c: Adopted, DV 250-121 06/29/2023 **HJ 17** P. 10
7/18/2023	S	Enrolled Bill Amendment **#2023-2250e** Adopted, VV, (In recess of 06/29/2023); **SJ 20**
7/18/2023	H	Enrolled Bill Amendment **#2023-2250e**: AA VV (in recess of) 06/29/2023 **HJ 17** P. 17
7/27/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**

7/28/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
8/10/2023	H	Signed by Governor Sununu 08/08/2023; Chapter 233; eff: 10/07/2023 **HJ 17**

NH House	NH Senate

Other Referrals

June 21, 2023
2023-2226-CofC
10/05

Committee of Conference Report on HB 281-FN, relative to least cost integrated resource plan of utilities.

Recommendation:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

The signatures below attest to the authenticity of this Report on HB 281-FN, relative to least cost integrated resource plan of utilities.

Conferees on the Part of the Senate	Conferees on the Part of the House
Sen. Avard, Dist. 12	Rep. Vose, Rock. 5
Sen. Birdsell, Dist. 19	Rep. D. Thomas, Rock. 16
Sen. Watters, Dist. 4	Rep. Harrington, Straf. 18
	Rep. McGhee, Hills. 35

July 13, 2023
2023-2250-EBA
05/08

Enrolled Bill Amendment to HB 281-FN

The Committee on Enrolled Bills to which was referred HB 281-FN

AN ACT relative to least cost integrated resource plans of utilities; municipal hosts for purposes of limited electrical energy producers; the cost of compliance with disclosure of electric renewable portfolio standards; repealing the energy efficiency and sustainable energy board; and procedures for energy facility siting by the site evaluation committee.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 281-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 281-FN

Amend RSA 162-H:24 as inserted by section 16 of the bill by replacing line 1 with the following:

162-H:24 Transition. On the effective date of this section, the department shall assume

Senate Inventory Checklist for Archives

Bill Number: HB 291 **Senate Committee:** ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 1875 ___ - amendment #_____

X - amendment # 1657S ___ - amendment #_____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

X Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2226 CofC

X Enrolled Bill Amendment(s) 2250EBA

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide 8/2/23 Date

Senate Clerk's Office AK