CONSENT CALENDAR

April 15, 2024

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred SB 388-FN,

AN ACT relative to administration of utilities by the department of energy. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Michael Vose

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Science, Technology and Energy**
Bill Number:	**SB 388-FN**
Title:	**relative to administration of utilities by the department of energy.**
Date:	**April 15, 2024**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2024-1496h**

STATEMENT OF INTENT

This bill, requested by the Department of Energy, makes various changes to the administration of public utilities and the duties of the Department of Energy, including replacing the word "homeowners" with "households." It changes the date on which the department releases information to the public for inclusion in the department's annual report. As amended by the committee, the bill adds clarity to RSA 362-F:2 to assert that the department will use rules or orders to verify the eligibility of certain thermal energy producers to qualify for thermal energy credits.

Vote 19-0.

Rep. Michael Vose
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy

SB 388-FN, relative to administration of utilities by the department of energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This bill, requested by the Department of Energy, makes various changes to the administration of public utilities and the duties of the Department of Energy, including replacing the word "homeowners" with "households." It changes the date on which the department releases information to the public for inclusion in the department's annual report. As amended by the committee, the bill adds clarity to RSA 362-F:2 to assert that the department will use rules or orders to verify the eligibility of certain thermal energy producers to qualify for thermal energy credits. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. Vose, Rock. 5
Rep. Bernardy, Rock. 36
April 12, 2024
2024-1496h
12/05

Amendment to SB 388-FN

Amend the bill by replacing section 3 with the following:

3 Net Metering; Community Solar Projects. Amend RSA 362-A:9, XIV(e) to read as follows:

(e) The department of energy, by rule or order, shall develop a process by which community solar developers can apply for designation as a community solar project ***for new solar arrays***. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income [~~homeowners~~] ***households***. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit ***and that demonstrates project readiness***.

Amend the bill by inserting after section 7 the following and renumbering the original sections 8 and 9 to read as 10 and 11, respectively:

8 Public Utilities; Electric Renewable Portfolio Standard; Renewable Energy Source; Definition. Amend RSA 362-F:2, XV-a to read as follows:

XV-a. "Useful thermal energy" means renewable energy delivered from class I sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour that can be metered and that is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is approved by the department of energy ***by rule or order***.

9 Public Utilities Electric Renewable Portfolio Standard; Renewable Energy Certification; Approval. Amend RSA 362-F:6, V to read as follows:

V. A qualified producer of useful thermal energy with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour shall provide for the metering of useful thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13. For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is approved by the department of energy, ***by rule or order,*** in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13. Monitoring, reporting, and calculating the useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 388-FN

BILL TITLE: relative to administration of utilities by the department of energy.

DATE: April 15, 2024

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Vose	Seconded by Rep. D. Thomas	AM Vote: 19-0

Amendment # 2024-1496h

Moved by Rep. Vose	Seconded by Rep. D. Thomas	Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

11/6/2023 11:40:40 AM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB-388 FN Motion: OTPA AM #: 1496h Exec Session Date: 15 April 2024

Members	YEAS	Nays	NV
Vose, Michael Chairman	X		
Thomas, Douglas W. Vice Chairman	X		
Notter, Jeanine M.	X		
Harrington, Michael D.	X		
Lewicke, John	X		
~~Berezhny, Lex~~ Melvin, Charlie	X		
Bernardy, JD Clerk	X		
Ploszaj, Tom	X		
Summers, James	X		
Kennedy, Stephen J.	X		
McGhee, Kat	X		
McWilliams, Rebecca J.	X		
Chretien, Jacqueline H.			absent
Parshall, Lucius	X		
Caplan, Tony	X		
Muns, Chris	X		
Noël, Henry W.	X		
Thomas, Wendy E. N	X		
Cormen, Thomas H	X		
Raynolds, Ned	X		
TOTAL VOTE:	19	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

11/6/2023 11:40:40 AM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB-388 FN Motion: OTP AM #: 1496h Exec Session Date: 15 April 2024

Members	YEAS	Nays	NV
Vose, Michael Chairman	X		
Thomas, Douglas W. Vice Chairman	X		
Notter, Jeanine M.	X		
Harrington, Michael D.	X		
Lewicke, John	X		
~~Berezhny, Lex~~ Melvin, Charlie	X		
Bernardy, JD Clerk	X		
Ploszaj, Tom	X		
Summers, James	X		
Kennedy, Stephen J.	X		
McGhee, Kat	X		
McWilliams, Rebecca J.	X		
Chretien, Jacqueline H.			absent
Parshall, Lucius	X		
Caplan, Tony	X		
Muns, Chris	X		
Noël, Henry W.	X		
Thomas, Wendy E. N	X		
Cormen, Thomas H	X		
Raynolds, Ned	X		
TOTAL VOTE:	19	0	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 388-FN

BILL TITLE: **relative to administration of utilities by the department of energy.**

DATE: **March 19, 2024**

LOB ROOM: **302-304** **Time Public Hearing Called to Order:** **10:07 a.m.**

Time Adjourned: **10:25 a.m.**

Committee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Lewicke, Kennedy, McGhee, Parshall, Caplan, Muns, Noel, W. Thomas, Cormen and Raynolds

Bill Sponsors:

Sen. Pearl	**Sen. Avard**	**Sen. Lang**
Sen. Watters	**Sen. Gannon**	**Sen. Soucy**
Sen. Rosenwald	**Sen. Carson**	**Sen. Innis**
Sen. Perkins Kwoka	**Rep. D. Thomas**	**Rep. Plett**
Rep. Vose	**Rep. Harrington**	**Rep. Ammon**

TESTIMONY

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

Senator Pearl
- Bill request from DOE
- There will be an amendment

Josh Elliott - NH DOE
- Technical clean up bill
- Homeowners-households means renters can qualify
- Fixes report date
- Section 6 fixes exemption procedures for assessment of expenses
- Removes straggler wireless tasks - not needed
- Amendments to be done:
    - Apply to new solar only
    - Ensure projects are ready to move forward
    - Add "by rule or order" in two places as an interim

Respectfully Submitted,

Rep JD Bernardy, Clerk

SIGN UP SHEET

Register Your Opinion If Not Testifying

Committee: Science

Bill #:
SB388

Date: 3/19/24

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

Name	Address	Phone	Representing	Pro	Con

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill SB388 on 2024-03-19

Support: 16 Oppose: 0 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	SD4	Support	No	No	3/13/2024 10:02 AM
Perkins Kwoka, Senator Rebecca	Portsmouth, NH Rebecca.PerkinsKwoka@leg.state.nh.us	An Elected Official	SD21	Support	No	No	3/13/2024 10:05 AM
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No	3/13/2024 12:56 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Support	No	No	3/17/2024 7:00 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2024 6:37 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2024 12:17 PM
Rosenwald, Cindy	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	3/18/2024 2:21 PM
Dennis, Deana	Concord, NH deana.dennis@communitypowernh.gov	A Lobbyist	Community Power Coalition of NH (CPCNH)	Support	No	No	3/19/2024 7:34 AM
Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 8:06 AM
Courtney, Jo-Ellen	Enfield, NH jecourtney820@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 10:14 AM
Reardon, Donna	Concord, NH bugs42953@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 4:31 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 6:05 PM
Wells, Lee	Andover, NH leewells.locustfarm@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 6:08 PM

Riege-Blackman, Virginia	Chichester, NH ginger.blackman@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 8:35 PM
Grossi, Anne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 8:38 PM
Cote, Lois	Manchester, NH coldaf763@gmail.com	A Member of the Public	Myself	Support	No	No	3/19/2024 10:58 PM

STATE OF NEW HAMPSHIRE

COMMISSIONER
Jared S. Chicoine

DEPUTY COMMISSIONER
Christopher J. Ellms, Jr.

DEPARTMENT OF ENERGY
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-3670

FAX No. 271-1526

Website:
www.energy.nh.gov

March 19, 2024

Subject: New Hampshire Department of Energy testimony on SB 388-FN

Chairman Vose and Members of the House Science, Technology, and Energy Committee,

The New Hampshire Department of Energy is in support of SB 388-FN as amended by the Senate, with a requested amendment to include additional technical fixes.

Background:

This bill was submitted at the request of the New Hampshire Department of Energy (the Department) as a technical cleanup bill to address a collection of small issues in the statutes administered by the Department. The Department thanks Vice Chairman Pearl for his willingness to file this bill.

Section by Section Summary:

Sections 1 and 2: Section 1 clarifies that public utilities are mandated to comply with Department orders, with Section 2 being the penalty mechanism.

Section 3: This is a technical fix for the LMI Community Solar projects program established in SB 270. It changes 'homeowners' to 'households' ensuring consistency in terms throughout the statute.

Sections 4 and 5: This is a date change for when the REF annual report is due. As mentioned in the Department's testimony on SB 303, in HB 2 (2023), a number of changes were made to when Alternative Compliance Revenues are made to the Department. When making those changes, it inadvertently compressed the review time by staff to ensure that payments are in the correct amounts. This date change restores the original amount of review time. These changes are identical to the ones made in SB 303, so it is fine to leave them here as introduced.

Section 6: This section sets a window for assessed entities earning less than $10,000 in revenue to request an exemption from being assessed. This is not a new exemption but sets the window for which an entity can request an exemption.

Sections 7 and 8: These are holdover statutes that moved over to the Department that were duties of OSI. These are sections that are no longer relevant to the Department and can be removed from statute. These changes do not change a municipality's ability to regulate cellphone towers.
Section 9 is the effective date.

Testimony: This bill represents a series of small technical changes that will help the Department operate more effectively and provide better service to the people of the state of New Hampshire.
Requested Change: The Department requests the committee amend the bill to make the following changes:

Addition 1: Amend Section 3 of the bill by changing:

Lines 15-16 to read: The department of energy, by rule or order, shall develop a process by which community solar developers can apply for designation as a community solar project ***for new solar arrays***.

Lines 21-23 to read: If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit ***and that demonstrates project readiness.***

Addition 2: Amend RSA 362-F:2 XV-a to read as follows:

"Useful thermal energy" means renewable energy delivered from class I sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour that can be metered and that is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is approved by the department of energy ***by rule or order***.

Addition 3: Amend RSA 362-F:6 V to read as follows:

A qualified producer of useful thermal energy with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour shall provide for the metering of useful thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13. For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is approved by the department of energy, ***by rule or order***, in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13. Monitoring, reporting, and calculating the useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

Addition 1 allow the Department to evaluate the Low-Moderate Income adder project proposals based on demonstrated project readiness, in addition to offering the largest on bill credit, and clarifies that only new solar arrays are eligible.

Addition 2 and Addition 3 allow the Department to implement HB 233 (2023) more expeditiously.

Respectfully submitted,

Joshua Elliott

Joshua Elliott
Director, Division of Policy and Programs
New Hampshire Department of Energy

Donna Reardon

Please support SB388 to help NHDOE.

SB 388-FN - AS AMENDED BY THE SENATE

01/18/2024 0150s

2024 SESSION

24-2978
10/05

SENATE BILL ***388-FN***

AN ACT relative to administration of utilities by the department of energy.

SPONSORS: Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Watters, Dist 4; Sen. Gannon, Dist 23; Sen. Soucy, Dist 18; Sen. Rosenwald, Dist 13; Sen. Carson, Dist 14; Sen. Innis, Dist 7; Sen. Perkins Kwoka, Dist 21; Rep. D. Thomas, Rock. 16; Rep. Plett, Hills. 29; Rep. Vose, Rock. 5; Rep. Harrington, Straf. 18; Rep. Ammon, Hills. 42

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill makes various changes to the administration of public utilities and the duties of the department of energy.

This bill is a request of the department of energy.

- -

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 Four

AN ACT relative to administration of utilities by the department of energy.

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

1 Public Utilities; Compliance. Amend RSA 365:40 to read as follows:

365:40 Compliance Required. Every public utility and all officers and agents of the same shall obey, observe, and comply with every order made by the commission ***or department*** under ***their*** authority [~~of this title~~] so long as the same shall be and remain in force.

2 Public Utilities; Penalty Against Agent. Amend RSA 365:42 to read as follows:

365:42 Penalty Against Agent. Every officer and agent of any such public utility who shall wilfully violate, or who procures, aids, or abets any violation of this title, or who wilfully fails to obey, observe, and comply with any order of the commission ***or the department***, or procures, aids or abets any such public utility in its failure to obey, observe, and comply with any such order or provision, shall be subject to a civil penalty, as determined by the commission, not to exceed $100,000 for each violation. Such penalties shall be distributed to the benefit of the utility's ratepayers through a credit to bills, or, if the credit is of an amount determined by the commission to be insignificant on a per customer basis, to programs that benefit low income ratepayers.

3 Net Metering; Community Solar Projects. Amend RSA 362-A:9, XIV(e) to read as follows:

(e) The department of energy, by rule or order, shall develop a process by which community solar developers can apply for designation as a community solar project. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income [~~homeowners~~] ***households***. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit.

4 Renewable Portfolio Standard; Information. Amend RSA 362-F:8, III to read as follows:

III. Beginning [~~October 1, 2019~~] ***November 1, 2024*** and by [~~October 1~~] ***November 1*** of each subsequent year, the department of energy shall disclose the information collected under paragraph I as public information in the department of energy annual report pursuant to RSA 362-F:10, IV. No information shall be disclosed to the public that is confidential as defined by department of energy or NEPOOL Generation Information System rules.

5 Renewable Energy Fund; Report. Amend RSA 362-F:10, IV to read as follows:

IV. The department of energy shall make an annual report by [~~October~~] ***November*** 1 of each year, beginning in [~~2009~~] ***2024***, to the house science, technology and energy committee, and the senate energy and natural resources committee detailing how the renewable energy fund is being used and any recommended changes to such use. The report shall also include information on the total peak generating capacity that is net energy metered under RSA 362-A:9 within the franchise area of each electric distribution utility, and the percentage this represents of the amount that is allowed to be net metered within each franchise area. Information shall be provided on net metered group host registrations and the associated customer groups, including number and location of group host facilities, generation by renewable source and size of facility, and group load served by such facilities.

6 Assessment of Expenses; Exemption. Amend RSA 363-A:5 to read as follows:

363-A:5 Exemption From Assessment. Any public utility or other assessed entity that is not an entity to which RSA 363-A:2, I(c) or (d) applies, and that earned less than $10,000 in gross revenue during the preceding fiscal year shall not be liable for any assessment pursuant to this chapter. ***A request for exemption shall be filed with the department of energy by July 30 for the fiscal year beginning July 1 of that year, using a form provided by the department. If an exemption form is not filed on or before July 30, then the full amount of the assessment shall be due.***

7 Personal Wireless Service Facilities; Information From Carriers. Amend the introductory paragraph of RSA 12-K:3, IV to read as follows:

IV. Provide information at the time of application to construct an externally visible tower or to make a substantial modification to an existing tower, mount, or PWSF, or prior to construction if no approval is required, to the municipality in which the tower, mount, or PWSF is to be constructed [~~and to the department of energy~~] as follows:

8 Repeals; Deployment of Personal Wireless Service Facilities; Department of Energy Duties. The following are repealed:

I. RSA 12-K:1, IV and V, relative to the use of a PWSF map and model ordinances.

II. RSA 12-K:2,XII, relative to the definition of director.

III. RSA 12-K:6, relative to a personal wireless services facilities map.

IV. RSA 12-K:8 and 12-K:9, relative to guidance and rulemaking by the department of energy.

9 Effective Date. This act shall take effect July 1, 2024.

LBA
24-2978
Amended 1/19/24

SB 388-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2024-0150s)

AN ACT relative to administration of utilities by the department of energy.

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

METHODOLOGY:

The Office of Legislative Budget Assistant states this bill, as amended by the Senate, has no fiscal impact on state, county and local expenditures or revenue.

AGENCIES CONTACTED:

Department of Energy