

SB 108-FN - VERSION ADOPTED BY BOTH BODIES

03/06/2025 0550s  
1May2025... 1585h  
06/26/2025 2748CofC  
06/26/2025 2919EBA

2025 SESSION

25-0946  
06/02

SENATE BILL **108-FN**

AN ACT relative to the department of energy.

SPONSORS: Sen. Pearl, Dist 17; Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Murphy, Dist 16; Sen. Sullivan, Dist 18; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Rosenwald, Dist 13; Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Rep. Spillane, Rock. 2; Rep. Cambrils, Merr. 4; Rep. Moffett, Merr. 4; Rep. See, Merr. 26

COMMITTEE: Energy and Natural Resources

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AMENDED ANALYSIS

This bill transfers specific regulatory and adjudicative responsibilities from the public utilities commission to the department of energy, including prohibiting unauthorized telecommunications service provision, protecting ratepayer communication preferences, and adjusting complaint, investigation, and aggregation procedures related to net energy metering.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Five*

AN ACT relative to the department of energy.

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

1 1 Ratepayer Protection. Amend RSA 374-F:4-b, I to read as follows:

2 I. Within 60 days of the effective date of this section, the [~~commission~~] **department of**  
3 **energy** shall initiate a proceeding to develop rules to allow residential and small commercial  
4 customers to choose how they receive communication from competitive electric suppliers and to  
5 implement the provisions of this section. Where the [~~commission~~] **department** has adopted rules in  
6 conformity with this section, complaints to and proceedings before the [~~commission~~] **department**  
7 shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

8 2 Certification of Assessment. Amend RSA 363-A:3 to read as follows:

9 363-A:3 Certification of Assessment. It shall be the duty of the department of energy to  
10 calculate the amount to be assessed against each such public utility and each other entity subject to  
11 assessment in accordance with RSA 363-A:1 and RSA 363-A:2. At the beginning of each fiscal year,  
12 the department of energy shall estimate the total expenses for the fiscal year, and then, based on  
13 such estimate, shall calculate the amount to be assessed quarterly on September 15, November 15,  
14 February 15, and April 15 of that fiscal year. For entities with assessments less than \$10,000, the  
15 department may bill those entities the entire amount on September 15 of that fiscal year. The  
16 department of energy shall then make a list showing the amount assessed September 15, November  
17 15, February 15, and April 15 of that fiscal year to each of the several public utilities and other  
18 entities assessed under the provisions hereof, and, together with a statement of the full name and  
19 mailing address of each such public utility and other assessed entity, shall certify the same. **Each**  
20 **public utility and entity subject to assessment under RSA 363-A:1 and RSA 363-A:2 and**  
21 **registered with the department on July 1 of the new fiscal year shall be liable for their**  
22 **entire amount assessed for that fiscal year.** After the close of each fiscal year, the department of  
23 energy shall ascertain the actual total expenses in accordance with RSA 363-A:1 and RSA 363-A:2,  
24 and then shall adjust the assessment for the first or only payment of the new fiscal year for each  
25 such public utility or other assessed entity for any underpayment or overpayment by each such  
26 public utility or other assessed entity for the prior fiscal year.

27 3 Complaints. Amend RSA 365:1 to read as follows:

28 365:1 [~~Complaint Against Public Utilities~~] **Complaints.** Any person may make **a formal**  
29 complaint to the department of energy by petition setting forth in writing any thing or act claimed to

1 have been done or to have been omitted by any [~~public utility~~] **entity subject to the department's**  
2 **or commission's jurisdictions and** in violation of any provision of [~~law,~~] **statute or rule**, or of the  
3 terms and conditions of **registration, tariff, community aggregation plan**, its franchises or  
4 charter, or of any order of the **department or commission, provided such person has first made**  
5 **the same or a substantially similar complaint to the department's consumer services**  
6 **division and exhausted all available remedies available through that division. RSA 541-**  
7 **A:29 and RSA 541-A:29-a shall not apply to informal or formal complaints filed with the**  
8 **department.**

9 4 Exceptions. Amend RSA 365:1-a to read as follows:

10 365:1-a Exceptions. Except for complaints about RSA 371:17 through RSA 371:24, RSA 374:2-a,  
11 RSA 374:22-p, I(b), RSA 374:28-a, RSA 374:34-a, RSA 374:48 through RSA 374:56, RSA 374:59, and  
12 RSA 378:44 through RSA 378:48, the provisions of this chapter shall not apply to any end user of an  
13 excepted local exchange carrier, nor to any service provided to such end user. Such end users may  
14 make complaints [~~to the commission~~] regarding basic service, as defined by RSA 374:22-p, I(b) by  
15 excepted local exchange carriers. **Except for complaints about RSAs 371:17 through 371:24,**  
16 **374:34-a, 374:48 though 374:56, and 374:59, the provisions of this chapter shall not apply to**  
17 **any end user of a voice over Internet protocol (VoIP) provider, IP-enabled service provider,**  
18 **or cellular mobile radio communication services carrier.**

19 5 Investigation and Voluntary Resolution. RSA 365:2 is repealed and reenacted to read as  
20 follows:

21 365:2 Investigation and Voluntary Resolution. The department of energy may investigate and  
22 resolve any complaint made to the department using non-adjudicative procedures. The department  
23 may adopt rules for this purpose or may set out procedural requirements by order for the  
24 investigation and resolution of complaints.

25 6 Reparation. Amend RSA 365:3 to read as follows:

26 365:3 Reparation. If the [~~public utility~~] **jurisdictional entity** complained of shall make  
27 reparation for any injury alleged and shall cease to commit or to permit the violation [~~of law,~~  
28 ~~franchise, or order~~] charged in the complaint, and shall notify the department of energy of that fact[  
29 ~~before the time allowed for answer~~], the department shall not be required to take any further action  
30 upon the [~~charges~~] **matters complained of.**

31 7 Department and Commission Adjudications. RSA 365:4 is repealed and reenacted to read as  
32 follows:

33 365:4 Department and Commission Adjudications. If the charges are not resolved voluntarily as  
34 provided in RSA 365:2 or satisfied as provided in RSA 365:3, then, for complaints over which only  
35 the department has jurisdiction, the department of energy may either issue an order dismissing the  
36 complaint or commence an adjudicative proceeding. For complaints over which the commission has  
37 jurisdiction, if requested by the person filing the complaint, the department shall transfer the

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1 complaint petition to the commission, along with a report of its investigation and attempts to resolve  
2 the complaint, whereupon the commission shall issue an order of notice opening an adjudicative  
3 proceeding.

4 8 Aggregation Program. Amend RSA 53-E:7, X to read as follows:

5 X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to  
6 the extent authorities granted to municipalities and counties by this chapter materially affect the  
7 interests of electric distribution utilities and their customers, to reasonably balance such interests  
8 with those of municipalities and counties for the public good, which may also be done through  
9 adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include  
10 but not be limited to rules governing the relationship between municipal and county aggregators and  
11 distribution utilities, metering, billing, access to customer data for planning and operation of  
12 aggregations, notice of the commencement or termination of aggregation services and products, and  
13 the reestablishment of a municipal or county aggregation that has substantially ceased to provide  
14 services. Where the commission has adopted rules or issued orders in conformity with this chapter,  
15 complaints pertaining to actions undertaken or omitted by any municipal or county aggregator or  
16 electric distribution utility arising under this chapter, applicable rules, or orders of the commission,  
17 shall be made to the department. ~~[Thereupon, the department shall cause a copy of said complaint to  
18 be forwarded to the municipal or county aggregator or electric distribution utility complained of,  
19 which may be accompanied by an order, requiring that the matters complained of be satisfied, or  
20 that the charges be answered in writing within a time to be specified by the department. If the  
21 charges are not satisfied and it shall appear to the department that there are reasonable grounds  
22 therefor, it shall investigate the same in such manner and by such means as it shall deem proper.  
23 After investigation, the department may bring proceedings on its own motion before the commission,  
24 with respect to any complaint or violation arising under this chapter, applicable rules, or orders of  
25 the commission. If the party bringing the complaint is unsatisfied with the disposition of the  
26 complaint by the department, then they may petition the commission to resolve the matter through  
27 an adjudicative proceeding.]~~ Notwithstanding any other provision of law to the contrary, municipal  
28 and county aggregators shall be subject to the jurisdiction of the department for purposes of this  
29 paragraph. For non-residential ratepayers, the department shall docket and make public any  
30 received complaint. Complaints to the department and proceedings before the commission shall not  
31 be subject to RSA 541-A:29 or RSA 541-A:29-a.

32 9 Repeal. RSA 362-A:9, XVIII, relative to net metering caps, is repealed.

33 10 Effective Date. This act shall take effect 60 days after its passage.

LBA  
25-0946  
5/13/25

**SB 108-FN- FISCAL NOTE  
AS AMENDED BY THE HOUSE (AMENDMENT #2025-1585h)**

AN ACT                    relative to the department of energy.

**FISCAL IMPACT:**

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

**AGENCIES CONTACTED:**

Department of Energy and Public Utilities Commission