

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1742, relative to customer-generators inadvertently enrolled in a municipal or county aggregation program.

Hearing Date: March 24, 2026

Time Opened: 9:01 a.m.

Time Closed: 9:19 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill allows a customer-generator that is inadvertently enrolled in a municipal or county aggregation program to request that the electric distribution utility re-enroll the customer-generator in the utility's default energy service.

Sponsors:

Rep. Vose

Rep. Cormen

Rep. Harrington

Rep. Hill

Rep. Notter

Rep. D. Thomas

Sen. Avard

Sen. Pearl

Sen. Watters

Who supports the bill: 38 Individuals signed in Support of this legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: None

Who is neutral on the bill: 1 Individual signed Neutral on this legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Michael Vose, Rockingham District 5

- Representative Vose introduced the legislation and explained that a bill passed in 2021 that enabled community aggregation programs. One key change in that bill was shifting from an opt-in system to an opt-out system. The opt-in approach proved ineffective, whereas the opt-out model has been more successful because it automatically enrolls communities.

- Under this system, all residents receive a mailing informing them of the new aggregation plan in their town. If they have concerns or prefer not to participate, they can opt out at any time.
- However, the enrollment process is not flawless and can occasionally result in errors. One group that is not eligible for enrollment is net metering customers. In some cases, individuals in this group were inadvertently enrolled in a community aggregation plan and, as a result, lost their net metering credits.
- For example, some customers lost up to three months of net metering credits, which can represent a significant financial loss. To address this issue, those who are mistakenly enrolled and lose credits may contact their distribution utility to request reimbursement, with recovery available for up to four months.
- Representative Vose noted that while the issue is relatively straightforward, it is important to establish a clear remedy to address these errors.

Senator Avard asked why it was 60 day after passage and not immediately upon passage.

Representative Vose said this it is a pretty standard timeframe and he did not think it to be a problem.

Bart Plymouth, Freedom energy logistics

- He explained that he had asked Representative Vose to introduce this bill on behalf of one of their customers who had been affected by this issue. The customer had been mistakenly enrolled in a community aggregation plan despite being ineligible due to their net metering status.
- Because current statute does not address this type of situation, there was no clear or straightforward remedy available at the time. As a result, resolving the issue required additional effort and coordination, highlighting a gap in the law. This legislation is intended to close that gap by establishing a defined process for correcting such errors and ensuring that affected customers can recover any financial losses more easily.

Deana Dennis, CPC NH

- Ms. Dennis expressed appreciation to Representative Vose for bringing the legislation forward and stated their support for the bill.
- She emphasized that this legislation addresses a real and recurring problem. Due to inaccuracies in customer data, ineligible customers, particularly those participating in net metering, have been mistakenly enrolled in community aggregation programs on multiple occasions.
- They noted that Community Power Coalition of New Hampshire (CPCNH) made a deliberate decision not to enroll most of their net metering customers. This decision was driven by limitations in the data provided by utilities, specifically

the inability to accurately supply net export data. Without reliable data, CPCNH would still need to procure energy through ISO New England, increasing the risk of mismatches and financial discrepancies. As a result, CPCNH adopted a cautious approach to avoid creating additional issues for customers.

- They further stated that the current system is suboptimal, and while this legislation represents only a small step forward, it is nonetheless a move in the right direction. At present, the costs and benefits associated with these issues are effectively socialized across the entire state, rather than being precisely allocated.
- Finally, they suggested that there is a better way to manage these programs. In particular, they noted that distributed energy programs could be delivered on a more competitive basis, which could improve efficiency, accuracy, and overall outcomes for customers.

Joshua Elliot, DOE

He noted that an amendment to the bill is needed. Specifically, he pointed to language at the end of line 14, which could be interpreted in a way that unintentionally excludes net metering customers or shifts them into a different category (such as net metering 2.0). To address this ambiguity, he suggested adding the phrase “for the customer-generator” after the word “effect” to ensure the provision clearly applies to net metering participants.

Senator Rosnewald asked for clarification regarding the term “inadvertent enrollment,” particularly in relation to line 15. She noted that the language seemed to suggest that the disenrollment itself was inadvertent and requested clarification on whether the bill was instead referring to inadvertent enrollment followed by corrective disenrollment.

Mr. Elliot explained that the statute is intended to be clear on this point and is referring specifically to the disenrollment process that occurs after an inadvertent enrollment. In other words, the issue begins with a mistaken enrollment, and the statute addresses the subsequent correction.

Michael Licata, Eversource

He echoed the points raised by others. He also proposed a friendly amendment to the bill, suggesting that the recovery period referenced in line 16 be extended from three months to four months. This change, he explained, would align the timeframe with existing provisions and maintain consistency.