

SB 518 - AS INTRODUCED

2026 SESSION

26-2074
06/09

SENATE BILL **518**

AN ACT relative to asset condition projects.

SPONSORS: Sen. Avard, Dist 12

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill:

I. Establishes definitions and a certification process for qualified transmission asset replacement projects.

II. Modifies application and fee requirements.

III. Clarifies agency roles in site evaluation proceedings.

IV. Expands the site evaluation committee fund to include monitoring and enforcement costs.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to asset condition projects.

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

1 1 New Subparagraph; Transmission Asset Replacement Projects. Amend RSA 162-H:2, VII by
2 inserting after subparagraph (h) the following new subparagraph:

3 (i) A transmission asset replacement project.

4 2 New Paragraph; Transmission Asset Replacement Project; Definition. Amend RSA 162-H:2 by
5 inserting after paragraph XI-a the following new paragraph:

6 XI-b. "Qualified transmission asset replacement project" means a transmission asset
7 replacement project for which:

8 (a) The transmission line has a certificate and:

9 (1) None of the conditions of the certificate or associated permits would require
10 amendment and no new permits would be required as a result of the replacement; and

11 (2) Neither the height of the poles or towers nor the width of the corridor, exclusive
12 of trimming in an established easement, will be increased as a result of the replacement; or

13 (b) The transmission line would not meet the definitions in RSA 162-H:2, VII(c), (d), or
14 (e) either before or as a result of the replacement.

15 3 New Paragraph; Transmission Asset Replacement Project; Definition. Amend RSA 162-H:2 by
16 inserting after paragraph XII the following new paragraph:

17 XIII. "Transmission asset replacement project" means replacement of 5 percent or more
18 transmission poles or towers within a 5-year period on an existing electric transmission line in an
19 existing corridor, regardless of design rating.

20 4 New Paragraph; Role of State Agencies in All Proceedings. Amend RSA 162-H:7-b by
21 inserting after paragraph VI the following new paragraph:

22 VII. The department of energy and the office of the consumer advocate shall automatically
23 have full party status and the right to appeal in any adjudicative or non-adjudicative proceeding
24 before the committee in which the department or consumer advocate files a notice of participation.
25 Any person or party that initiates a proceeding before the committee by application or otherwise
26 shall provide a copy to the department at the time of filing. Any person or party filing confidential
27 information in any proceeding in which the department or consumer advocate may appear, or
28 exchanging confidential information in discovery or otherwise, shall provide the department and
29 consumer advocate with such confidential information.

30 5 New Section; Application for Certificate; Qualified Transmission Asset Replacement Projects.
31 Amend RSA 162-H by inserting after section 7-b the following new section:

1 162-H:7-c. Application for Certificate; Qualified Transmission Asset Replacement Projects.

2 I. This section applies only to certification of qualified transmission asset replacement
3 projects as defined in RSA 162-H:2, XI-b.

4 II. All applications for a certificate for a qualified transmission asset replacement shall be
5 filed with the chairperson of the site evaluation committee.

6 III. Upon filing of an application, the chairperson of the site evaluation committee shall
7 expeditiously conduct a preliminary review to ascertain if the application contains sufficient
8 information to carry out the purposes of this chapter.

9 IV. If the application does not contain such sufficient information, the chairperson shall, in
10 writing, expeditiously notify the applicant of that fact and specify what information the applicant
11 must supply.

12 V. Each application shall contain a sworn statement under the penalties of perjury that the
13 proposed facility meets the criteria for a qualified transmission asset replacement project as defined
14 in RSA 162-H:2, XI-b.

15 VI. Each application shall also:

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

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

21 (c) Describe in reasonable detail the applicant's financial, technical, and managerial
22 capability for construction and operation of the proposed facility;

23 (d) Describe in reasonable detail the elements of and financial assurances for a facility
24 decommissioning plan; and

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

27 VII. Upon filing the application with the committee, the applicant shall publish a public
28 notice describing the nature and location of the proposed transmission asset replacement project in
29 one or more newspapers having a regular circulation in any town and/or county in which the facility
30 is located and shall provide a copy of the public notice to the city or town administrators in which the
31 facility is located for public posting.

32 VIII. The committee shall determine whether to accept the application as administratively
33 complete and that the application meets the requirements of RSA 162-H:2, XI-b, within 30 days of
34 filing. If the committee rejects an application because it determines it to be administratively
35 incomplete, the applicant may file a new and more complete application or cure the defects in the
36 rejected application within 10 days of receipt of notification of rejection.

1 IX. Public information sessions and public hearings described in RSA 162-H:10, I through
2 I-c shall not be required for qualified transmission asset replacement projects.

3 X. The applicant shall immediately inform the committee of any substantive modification to
4 its application.

5 XI. Within 180 days of the acceptance of an application, the committee shall issue or deny a
6 certificate for a qualified transmission asset replacement project.

7 6 Application and Filing Fees. Amend RSA 162-H:8-a, II(b)(1) to read as follows:

8 (1) \$3,600 per mile, for any electric transmission facility, ***except for qualified***
9 ***transmission asset replacement projects as defined in RSA 162-H:2, XI-b, which shall have***
10 ***a per mile fee of \$1,800.***

11 7 Public Hearing; Studies; Rules. Amend RSA 162-H:10, V to read as follows:

12 V. The site evaluation committee and, ***in proceedings in which they appear***, counsel for
13 the public, ***and the department of energy*** shall conduct such reasonable studies and investigations
14 as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a
15 consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this
16 chapter, the cost of which shall be borne by the applicant or certificate holder [~~in such amount as~~
17 ~~may be approved by the committee~~]. The site evaluation committee, [~~and~~] counsel for the public,
18 ***and the department of energy*** are further authorized to assess the applicant or certificate holder
19 for all travel and related expenses associated with the processing of an application or other
20 proceedings under this chapter.

21 8 New Subparagraph; Findings and Certificate Issuance. Amend RSA 162-H:16, IV by inserting
22 after subparagraph (e) the following new subparagraph:

23 (f) In determining whether the issuance of a certificate for a transmission asset
24 replacement project that is not qualified serves the public interest, the site evaluation committee
25 shall consider, among other things, whether the facility:

26 (1) Is required to correct an underlying condition that negatively impacts the
27 provision of reliable service;

28 (2) Provides economic benefit to New Hampshire's ratepayers;

29 (3) Provides additional capacity or capability that benefits New Hampshire citizens;

30 (4) Has no alternatives that could provide a similar level of service to that proposed
31 for a lower cost.

32 9 New Paragraph; Findings and Certificate Issuance. Amend RSA 162-H:16 by inserting after
33 paragraph IV the following new paragraph:

34 IV-a. After due consideration of all relevant information regarding the potential significant
35 impacts and benefits of a qualified transmission asset replacement project, the site evaluation
36 committee shall determine if issuance of a certificate will serve the objectives of this chapter. In
37 order to issue a certificate under this section, the committee shall find that:

SB 518 - AS INTRODUCED

- Page 4 -

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

4 (b) Issuance of a certificate will serve the public interest; and

5 (c) In determining whether issuance of a certificate for a qualified transmission asset
6 replacement project serves the public interest, the site evaluation committee shall consider whether
7 the facility:

8 (1) Is required to correct an underlying condition that negatively impacts the
9 provision of reliable service;

10 (2) Provides economic benefit to New Hampshire's ratepayers;

11 (3) Provides additional capacity or capability that benefits New Hampshire citizens;

12 and

13 (4) Has no alternatives that could provide a similar level of service to that proposed
14 for a lower cost.

15 10 Fund Established; Funding Plan. Amend RSA 162-H:21 to read as follows:

16 162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state
17 treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All
18 application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited
19 in the fund. All moneys in the fund shall be continually appropriated to the site evaluation
20 committee and shall only be used to pay for operating costs of the committee, including, but not
21 limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility
22 [~~proceeding~~] **proceedings** time and expenses, and administrator and other committee support costs
23 under RSA 162-H:3 and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10,
24 and all **proceedings**, monitoring, and enforcement costs of the department, except those costs
25 charged directly to applicants or owners. In the event lawful expenditures of the committee and
26 department in a fiscal year are greater than the total fees and charges held in the site evaluation
27 committee fund, the chair of the site evaluation committee may request, with prior approval of the
28 fiscal committee, that the governor and council authorize additional funding from general funds not
29 otherwise appropriated. Notwithstanding any other provision of law, the department may engage
30 additional technical, legal, or administrative support to fulfill the requirements of this chapter, the
31 cost of which shall be charged directly to the applicant or energy facility owner.

32 11 Effective Date. This act shall take effect 60 days after its passage.