

SB 591-FN - AS INTRODUCED

2026 SESSION

26-2169

06/09

SENATE BILL        **591-FN**

AN ACT            allowing utility companies to own or build generation facilities.

SPONSORS:        Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Pearl, Dist 17; Sen. Carson, Dist 14;  
Sen. Birdsell, Dist 19; Rep. Notter, Hills. 12

COMMITTEE:      Energy and Natural Resources

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ANALYSIS

This bill authorizes limited exceptions allowing electric distribution utilities to construct or own generation facilities in New Hampshire, subject to approval by the public utilities commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT allowing utility companies to own or build generation facilities.

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

1 1 Electric Utility Restructuring; Benefits for All Consumers. RSA 374-F:3, VI is repealed and  
2 reenacted to read as follows:

3 VI. Utility Ownership of Generation. Utilities shall not own or operate generation facilities  
4 or control generation capacity, except as provided in subparagraphs (a) and (b):

5 (a) A utility may continue to own generating facilities or power supply resources that  
6 were in operation on January 1, 1996, to the extent previously authorized by the commission for  
7 purposes of system reliability or recovery of stranded costs during the transition to a competitive  
8 market.

9 (b) An electric distribution utility may, with the approval of the public utilities  
10 commission, own, build, or operate electric generation facilities located in New Hampshire, subject to  
11 the following conditions:

12 (1) No single facility shall exceed a nameplate capacity of 400 megawatts.

13 (2) The commission shall approve such ownership or construction only upon a  
14 finding that it serves the public interest and provides benefits to ratepayers and taxpayers.

15 (3) The commission may authorize long-term power purchase or sale agreements  
16 related to such facilities, for terms not exceeding 20 years.

17 (4) The utility shall comply with all applicable state and federal permitting and  
18 environmental requirements.

19 2 New Paragraph; Purpose. Amend RSA 374-F:1 by inserting after paragraph III the following  
20 new paragraph:

21 IV. It is hereby declared to be the policy of the state of New Hampshire to permit limited  
22 reentry by electric utilities into the generation market, under the oversight of the public utilities  
23 commission, when such action demonstrably serves the long-term interests of ratepayers and  
24 taxpayers, ensures energy reliability, and supports the state's economic vitality.

25 3 Effective Date. This act shall take effect 60 days after its passage.

**SB 591-FN- FISCAL NOTE**  
**AS INTRODUCED**

AN ACT allowing utility companies to own or build generation facilities.

**FISCAL IMPACT:** This bill does not provide funding, nor does it authorize new positions.

<b>Estimated State Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>Revenue</b>	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
<b>Expenditures*</b>	\$0	Indeterminable Increase \$277,000+	Indeterminable Increase \$930,000+	Indeterminable Increase \$930,000+
		Indeterminable Increase (State Utility Costs)	Indeterminable Increase (State Utility Costs)	Indeterminable Increase (State Utility Costs)
<i>Funding Source(s)</i>	Utility Assessments per RSA 363-A:1, General Fund, Highway Fund and Various Agency Funds			
<b>Appropriations*</b>	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

<b>Estimated Political Subdivision Impact</b>				
	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
<b>County Revenue</b>	\$0	\$0	\$0	\$0
<b>County Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**METHODOLOGY:**

This bill authorizes limited exceptions allowing electric distribution utilities to own, build, or operate electric generation facilities located in New Hampshire, subject to approval by the Public Utilities Commission, and declares it state policy to permit limited reentry by utilities into the generation market when such action serves the public interest and provides benefits to ratepayers and taxpayers.

The Department of Energy states this bill would increase the Department’s workload related to review of utility petitions seeking approval to own, build, or operate electric generation facilities.

The Department indicates it would require specialized consulting expertise to evaluate proposed projects and assess whether they serve the public interest and provide benefits to ratepayers and taxpayers. The Department estimates consulting costs would range from \$150,000 to \$250,000 per petition and states these costs would be paid by the petitioning utility through a special assessment. As a result, the Department reports no direct impact to state funds; however, increased utility costs would ultimately be recoverable from ratepayers. The Department further notes that the State of New Hampshire represents approximately 1% of electric sales statewide, and any increase in electric rates would result in higher state utility costs, which are indeterminable. Lastly, county and local governments may experience increased electric costs resulting from future rate changes. The fiscal impact is indeterminable.

The Public Utilities Commission states this bill would significantly increase the Commission’s workload. To carry out these responsibilities, the Commission indicates additional staffing would be required. The Commission estimates the need for Utility Analyst positions would ramp up over time, with 1 position in FY 2027, 2 positions in FY 2028, and 3 positions in FY 2029, as utility filings and associated regulatory oversight increase. In addition, the Commission states it would require additional legal staff. The Commission estimates the need for 2 Lawyer III positions and 2 Lawyer IV positions beginning in FY 2027 and continuing in subsequent fiscal years.

<b>Positions Requested by PUC</b>	<b>FY 2027</b>	<b>FY 2028</b>	<b>FY 2029</b>
Utility Analysts (13-1190 Miscellaneous Business Operations Specialist-5) 1 x FY 2027, 2 x FY 2028 and 3 x in FY 2029	\$127,000	\$266,000	\$420,000
Lawyer III (23-1010 Lawyers and Judicial Law Clerks-3) x2	\$236,000	\$248,000	\$260,000
Lawyer IV (23-1010 Lawyers and Judicial Law Clerks-4) x 2	\$254,000	\$266,000	\$280,000
<b>Total Salary, Benefits and Operating Expenses</b>	<b>\$617,000</b>	<b>\$780,000</b>	<b>\$960,000</b>

**AGENCIES CONTACTED:**

Department of Energy and Public Utilities Commission