

HB 1722 - AS INTRODUCED

2026 SESSION

26-2682

06/08

HOUSE BILL **1722**

AN ACT relative to consumer protections and energy classifications for large-use electric facilities.

SPONSORS: Rep. McGhee, Hills. 35; Rep. Caplan, Merr. 8; Rep. W. Thomas, Hills. 12; Sen. Perkins Kwoka, Dist 21

COMMITTEE: Science, Technology and Energy

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ANALYSIS

This bill creates a regulatory framework for large-energy-use retail electricity facilities, directs the public utilities commission to develop a separate classification for such customers, set cost-based tariffs, and regulate long-term contracts to prevent adverse cost impacts on other ratepayers.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struck through.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 consumer protections and energy classifications for large-use electric facilities.

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

1 1 New Chapter; Large-Energy-Use Retail Electricity Facilities. Amend RSA by inserting after  
2 chapter 374-H:3 the following new chapter:

3 CHAPTER 374-I

4 LARGE-ENERGY-USE RETAIL ELECTRICITY FACILITIES

5 374-I:1 Definitions. In this chapter:

6 I. "Costs of serving" include, as applicable, the costs incurred by an electric utility in  
7 providing transmission, distribution, interconnection, energy, capacity, or ancillary electricity  
8 services, and any related costs or associated risks in serving a large-energy-use retail electricity  
9 customer.

10 II. "Facility" means all buildings, equipment, structures, and other stationary items that are  
11 located on a single site or on contiguous or adjacent sites and that are owned or operated by the  
12 same person or entity.

13 III. "Large-energy-use facility" means a facility that can use 20 megawatts or more at peak  
14 demand and is primarily engaged in providing a service described under code 518210 of the 2022  
15 North American Industry Classification System, including computer processing, data processing  
16 centers, and web hosting services.

17 374-I:2 Classification of Service.

18 I. The public utilities commission shall establish a separate classification of retail electric  
19 service for large-energy-use facilities.

20 II. The classification shall be distinct from existing commercial or industrial service classes  
21 and shall have its own tariff schedule.

22 III. Any tariff schedule adopted under this section shall:

23 (a) Allocate the costs of serving the large-energy-use facilities' class proportionally to  
24 their actual costs of service, or assign the known costs of serving each customer directly to that  
25 customer; and

26 (b) Mitigate the risk of:

27 (1) Other retail electricity customers paying unwarranted electric costs; and

28 (2) Shifting the costs of service or load-balancing expenses from large-energy-use  
29 facilities to other retail electricity customer classes.

30 374-I:3 Tariffs and Rate Approval.

1 I. In reviewing or approving a proposed tariff schedule for large-energy-use facilities, the  
2 commission shall consider whether the proposed rates:

3 (a) Could result in increased costs or unwarranted risk to other retail electricity  
4 customers;

5 (b) Provide for equitable contributions to system efficiency, reliability, and resiliency;

6 (c) Are consistent with state and federal energy policy requirements;

7 (d) Allow reasonable flexibility for procurement of generation resources; and

8 (e) Serve the public interest, including consideration of environmental or community  
9 impacts such as water, air, or noise pollution.

10 II. The commission shall open a docket including all regulated state utilities to develop an  
11 initial tariff schedule under this chapter by January 1, 2028, to facilitate adoption of the new  
12 classification.

13 374-I:4 Contracting Requirements.

14 I. The commission shall require an electric utility entering into a contract to serve a large-  
15 energy-use facility to include provisions covering transmission, distribution, interconnection, energy,  
16 capacity, and ancillary services.

17 II. Each contract shall:

18 (a) Comply with the criteria in RSA 374-I:2;

19 (b) Specify a term of not less than 10 years;

20 (c) Identify the commencement date or estimated service-start date;

21 (d) Obligate the customer to pay a minimum amount or percentage of projected usage, as  
22 determined by the commission, for the duration of the contract; and

23 (e) Include provisions addressing early termination, performance failure, or other risks  
24 that could shift costs to other ratepayers.

25 III. A contract may include a charge for excess demand or risk mitigation above the  
26 established tariff if necessary to prevent cost-shifting.

27 IV. A delay in beginning service that is within the reasonable control of the utility shall  
28 require notice to the customer and any other conditions the commission may prescribe by rule.

29 V. Nothing in this chapter shall limit the ability of a large-energy-use facility to contract for  
30 direct supply from a dedicated non-emitting power resource within the host community that is not  
31 interconnected with the regional grid.

32 374-I:5 Applicability. This chapter shall apply to large-energy-use retail electricity customers  
33 that:

34 I. Enter into a contract for service with a dedicated generation facility after the effective  
35 date of this section;

36 II. Enter into a new contract for service with an electric utility on or after the effective date;

37 or

**HB 1722 - AS INTRODUCED**

**- Page 3 -**

1           III. Require the electric utility to make significant capital investments or incur costs after  
2 the effective date that could increase costs or risks to other retail electricity customers.

3           374-I:6 Commission Reporting.

4           I. No later than June 1 of each odd-numbered year, the public utilities commission shall  
5 submit a report, including any legislative recommendations, to the house science, technology and  
6 energy committee and the senate energy and natural resources committee.

7           II. The report shall review load and capacity trends, cost-allocation impacts, and other  
8 systemic issues identified in administering this chapter.

9           III. In preparing the report, the commission shall protect proprietary information consistent  
10 with its rules or orders and shall collaborate with the department of energy in compiling data.

11           2 Effective Date. This act shall take effect upon its passage.