

HB 221 - AS AMENDED BY THE SENATE

01/07/2026 3044s

2025 SESSION

25-0263

06/09

HOUSE BILL **221**

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

SPONSORS: Rep. Harrington, Straf. 18; Rep. Bernardy, Rock. 36; Rep. Notter, Hills. 12; Rep. Summers, Rock. 20; Rep. D. Thomas, Rock. 16; Rep. Vose, Rock. 5

COMMITTEE: Science, Technology and Energy

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AMENDED ANALYSIS

This bill:

I. Defines "advanced nuclear resource" (ANR) and includes ANR options alongside renewable energy sources for utility services.

II. Sets limitations and guidelines for investments in distributed electric generation.

III. Clarifies the coordinator's duties in nuclear development and regulatory activities.

IV. Allows the department of energy or the electric distribution utilities, or both, to issue requests for proposals (RFPs) for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources, and coordinate with one or more New England states in issuing this RFP.

V. Modifies the scope and capacity limits of community solar projects, including expanding the annual cap for low-moderate income community solar projects from 6 MW to 12 MW.

VI. Allows group net metering members to sign agreements with multiple group hosts, as long as their combined allocated load does not exceed their total load.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

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

1 1 Findings and Purpose. The general court finds that:

2 I. The cost of electricity supply in New Hampshire is higher than the national average and  
3 continues to create an economic burden on the state’s citizens and businesses.

4 II. The cost of electricity in New England is driven by a number of factors, including the  
5 retirements of baseload generation resources, lack of adequate natural gas capacity in the winter,  
6 and increases in the cost of natural gas due to international factors.

7 III. The retention of and development of reliable sources of low-cost electricity supply is  
8 critical to stabilizing and reducing the cost of electricity in New Hampshire.

9 IV. Market volatility is harming New Hampshire’s residents and businesses.

10 V. To ensure that New Hampshire ratepayers can benefit from cost-effective energy sources,  
11 the general court finds that it is appropriate to allow the electric distribution utilities to issue  
12 requests for proposals to provide more diverse and long-term options for providing energy service to  
13 customers.

14 2 Coordination of Studies and Development Activities; Position Established. Amend RSA 162-  
15 B:4, III to read as follows:

16 III. The coordinator of nuclear development and regulatory activities shall have the duty to  
17 coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies  
18 conducted, and the recommendations and proposals made, in this state with like activities in New  
19 England and other states and with the policies and regulations of the United States Nuclear  
20 Regulatory Commission. ***These activities may include the management of funding and***  
21 ***oversight of nuclear incentive programs, such as those described by RSA 374-G:4, as well as***  
22 ***outreach programs to inform and educate the public, particularly regarding safety.***

23 3 Net Metering. Amend RSA 362-A:9, III and IV to read as follows:

24 III. Metering shall be done in accordance with normal metering practices. A single net  
25 meter that shows the customer's net energy usage by measuring both the inflow and outflow of  
26 electricity internally shall be the extent of metering that is required at facilities with a total peak  
27 generating capacity of not more than [100] 500 kilowatts. A bidirectional metering system that  
28 records the total amount of electricity that flows in each direction from the customer premises, either  
29 instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak

1 generating capacity of more than [~~100~~] **500** kilowatts. The bidirectional system may consist of one or  
 2 more meters, as long as it can be used to appropriately meter and bill in compliance with utility  
 3 tariffs and rules. Customer-generators shall not be required to pay for the installation of net meters,  
 4 but shall pay for the installation of, or procure at their own cost if approved by the interconnecting  
 5 utility, all bidirectional metering systems as outlined in utility interconnection tariffs or rules.

6 IV.(a) For facilities with a total peak generating capacity of not more than [~~100~~] **500**  
 7 kilowatts, when billing a customer-generator under a net energy metering tariff that is not time-  
 8 based, the utility shall apply the customer's net energy usage when calculating all charges that are  
 9 based on kilowatt hour usage. Customer net energy usage shall equal the kilowatt hours supplied to  
 10 the customer over the electric distribution system minus the kilowatt hours generated by the  
 11 customer-generator and fed into the electric distribution system over a billing period.

12 (b) For facilities with a total peak generating capacity of more than [~~100~~] **500** kilowatts,  
 13 the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the  
 14 customer over the electric distribution system, less a credit on default service charges equal to the  
 15 metered energy generated by the customer-generator and fed into the electric distribution system  
 16 over a billing period.

17 4 Net Energy Metering. Amend RSA 362-A:9, XIV(e) to read as follows:

18 XIV.(e) The department of energy, by rule or order, shall develop a process by which  
 19 community solar developers can apply for designation as a community solar project for new solar  
 20 arrays. Such projects designate their production for the benefit of households on the list required in  
 21 subparagraph (d). Such projects will qualify for the low-moderate income solar addition as  
 22 established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-  
 23 moderate income households. Annually, the number of projects designated as low-moderate income  
 24 community solar shall not exceed a total nameplate capacity rating of [~~6~~] **12** megawatts in the  
 25 aggregate. If more than [~~6~~] **12** megawatts of projects apply for designation, the department of  
 26 energy shall select the projects that offer the largest on-bill credit and that demonstrates project  
 27 readiness.

28 5 New Paragraph; Electric Utility Restructuring; Definitions. Amend RSA 374-F:2 by inserting  
 29 after paragraph II the following new paragraph:

30 II-a. "Advanced nuclear resource" (ANR) means generation IV nuclear technologies that  
 31 include gas-cooled, lead-cooled, sodium-cooled, supercritical water-cooled, and molten salt and very  
 32 high temperature reactors, small modular, thermal-only, and encased fuel pellets reactors, including  
 33 any micro, mini, or small nuclear reactor having a generating capacity between 0 and 300  
 34 megawatts.

35 6 Definitions. Amend RSA 362-F:2, X-a to read as follows:

36 X-a. "Low-moderate income community solar project" means ground-mounted or rooftop  
 37 solar arrays **with a total peak generating capacity of up to and including 3 megawatts**, that

1 directly benefit a group of at least 5 residential end-user customers, where at least a majority of the  
2 residential end-user customers are at or below 300 percent of the federal poverty guidelines, or  
3 directly benefit the residents of a public housing authority created pursuant to RSA 203, or a  
4 housing project as described in RSA 78-B:2, XXIII, where the electric bills are either paid directly by  
5 the residents or by the public housing authority or housing project, provided that at least a majority  
6 of the residents receiving the direct benefit are at or below 80 percent of the Area Median Income  
7 (AMI) calculated by the Department of Housing and Urban Development. No more than 15 percent  
8 of the projected load for such project shall be attributable to non-residential end-user customers.

9 7 Purchased Power Agreements. Amend the introductory paragraph of RSA 374-F:11, I to read  
10 as follows:

11 I. Investor-owned electric distribution utilities may elect to develop and, no later than June  
12 30, ~~[2025]~~ **2040**, issue a request for proposals for multi-year agreements for energy, in conjunction  
13 with or independent of any attendant environmental attributes from electric energy sources.

14 8 Purchased Power Agreements. Amend RSAv, I(g) to read as follows:

15 (g) All megawatt hours procured through agreements made pursuant to this section  
16 shall come from *existing*, new, or incremental electric energy sources.

17 9 New Subparagraph; Purchased Power Agreements. Amend RSA 374-F:11, I(h) by inserting  
18 after subparagraph (2) the following new subparagraphs:

19 (3) "Existing electric energy sources" means all sources that currently provide  
20 energy to the ISO-NE regional markets, including nuclear power generation facilities located in the  
21 ISO-NE control area that commenced commercial operation before January 1, 2011.

22 (4) Upon the petition of one or more electric distribution utilities, and after notice  
23 and hearing, the public utilities commission may authorize such utility or utilities to enter into  
24 multi-year agreements with existing, new, or incremental electric energy sources up to a total of 3  
25 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and  
26 reasonable and in the public interest.

27 (5) Further, any single source shall be eligible to procure an amount of energy not to  
28 exceed 1 million megawatt hours statewide, on an annual basis, except for advanced nuclear  
29 resources as defined in RSA 374-F:2, II-a, which may procure an amount not to exceed 2 million  
30 megawatt hours on an annual basis.

31 10 Purchased Power Agreements. Amend the introductory paragraph for RSA 374-F:11, II to  
32 read as follows:

33 II. Any investor-owned electric distribution utility electing to enter into an agreement  
34 pursuant to this section shall petition the public utilities commission for authorization to enter the  
35 agreement no later than June 30, ~~[2026]~~ **2041**.

36 11 Effective Date. This act shall take effect 60 days after its passage.

**HB 221- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT # 2025-3044s)

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

**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>	align="right">\$0	\$126,000 (Utility Assessments)	\$129,000 (Utility Assessments)	\$135,000 (Utility Assessments)
		Indeterminable Increase (State's Utility Costs)	Indeterminable Increase (State's Utility Costs)	Indeterminable Increase (State's Utility Costs)
<i>Funding Source(s)</i>	Utility Assessment per RSA 363-A, 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 Increase	Indeterminable Increase	Indeterminable Increase
<b>Local Revenue</b>	\$0	\$0	\$0	\$0
<b>Local Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill, as amended, as it is awaiting information from the Public Utilities Commission. The Commission was originally contacted on 01/08/26 and again on 03/27/26 for a fiscal note worksheet. When completed, a revised fiscal note will be forwarded to the Clerk's Office

**METHODOLOGY:**

This bill enables electric utilities to own, operate, and offer advanced nuclear resources, modifies net metering provisions, expands the capacity limits of community solar projects, and allows electric distribution utilities to enter into long-term energy contracts.

The Department of Energy states this bill modifies the responsibilities of the coordinator of nuclear development to include management of funding and outreach programs; however, these changes will not result in significant additional costs.

The Department states this bill makes several changes to net metering. The threshold between small and large customer generators is increased from 100 kW to 500 kW, resulting in additional compensation for certain customer-generators. Increasing the number of small customer generators will increase net metering compensation costs for electric utilities, which are recovered from ratepayers. Without information regarding the number of affected customer-generators, the Department is unable to estimate the total increase in costs. Based on electricity consumption data, the State accounts for approximately 1% of total electricity usage and would therefore experience an increase in electricity costs proportional to any increase in net metering compensation costs.

The Department states increasing the annual cap for community solar projects from 6 megawatts to 12 megawatts will increase workload and would require one Utility Analyst IV position (13-11960 Miscellaneous Business Operations Specialists-7, SOC 13-08). The estimated cost for this position is \$126,000 in FY 2027, \$129,000 in FY 2028, and \$135,000 in FY 2029. The bill does not provide authorization or funding for this position. Any such position would be funded through the Department's assessment on utilities pursuant to RSA 363-A and recovered from ratepayers.

The Department states modifications to long-term energy contract provisions will have minimal fiscal impact and can be managed with existing staff.

Lastly, the Department states counties and municipalities will experience increased electricity costs as a result of increased net metering compensation; however, the extent of this impact is indeterminable.

**AGENCIES CONTACTED:**

Department of Energy and Public Utilities Commission