

SB 591-FN - AS AMENDED BY THE SENATE

03/05/2026 0779s

2026 SESSION

26-2169

06/09

SENATE BILL **591-FN**

AN ACT relative to electric utility investment in distributed energy resources.

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

AMENDED ANALYSIS

This bill amends certain standards governing electric utility investment in distributed energy resources.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 electric utility investment in distributed energy resources.

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

1 1 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G:4, II-III to
2 read as follows:

3 II. Distributed electric generation owned by or receiving investments from an electric utility
4 under this section shall be limited to a cumulative maximum in megawatts of [6] **10** percent of the
5 utility's total distribution peak load in megawatts. This limitation shall not apply to [front-of-meter]
6 energy storage[, the energy storage pilot approved by commission order number 26,209,] or demand
7 response.

8 ~~[III. In addition, once the cumulative generation authorized under this chapter for a given
9 public utility reaches 3 percent of the utility's total distribution peak load in megawatts, then that
10 utility shall not be allowed to add any additional non-renewable generation under this chapter, until
11 the cumulative renewable generation installed pursuant to this chapter, as a percentage of total
12 generation installed pursuant to this chapter, shall equal or exceed twice the sum of the then-
13 applicable percentage requirements for class I and class II under RSA 362-F:3.]~~

14 2 Electric Utility Investment in Distributed Energy Resources; Authorization. Amend RSA 374-
15 G:5, II(h) to read as follows:

16 (h) Whether the expected value of the economic benefits, **direct and indirect**, of the
17 investment to the utility's ratepayers over the life of the investment outweigh the economic costs to
18 the utility's ratepayers.

19 3 Effective Date. This act shall take effect 60 days after its passage.

SB 591-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT # 2026-0779s)

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

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	align="right">\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
		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			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

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

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 03/05/26 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 authorizes limited exceptions allowing electric distribution utilities to invest in distributed energy resources, subject to approval by the Public Utilities Commission, and declares it state policy to permit such investments 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 invest in distributed energy resources. 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.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission