

SB 447 - AS AMENDED BY THE SENATE

03/26/2026 1213s

2026 SESSION

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06/08

SENATE BILL **447**

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: Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. McConkey, Dist 3; Sen. Pearl, Dist 17; Rep. Sabourin, Rock. 30; Rep. Notter, Hills. 12; Rep. D. Thomas, Rock. 16

COMMITTEE: Energy and Natural Resources

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 18 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.

VII. Expands the definition of "political subdivision" to include public housing authorities and explains eligibility for participation in group net metering.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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 and development of reliable sources of low-cost electricity supply are
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 outreach programs to inform and***
21 ***educate the public, particularly regarding safety.***

22 3 Net Metering. Amend RSA 362-A:9, III and IV to read as follows:

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

1 more meters, as long as it can be used to appropriately meter and bill in compliance with utility
2 tariffs and rules. Customer-generators shall not be required to pay for the installation of net meters,
3 but shall pay for the installation of, or procure at their own cost if approved by the interconnecting
4 utility, all bidirectional metering systems as outlined in utility interconnection tariffs or rules.

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

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

16 4 Net Energy Metering. Amend RSA 362-A:9, XIV(e) to read as follows:

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

27 5 Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

28 II-c. "Municipal host" means a customer generator with a total peak generating capacity of
29 greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a
30 group consisting exclusively of one or more customers who are political subdivisions, provided that
31 all customers are located within the same utility franchise service territory. A municipal host may
32 be owned by either a public or private entity. For this definition, "political subdivision" means the
33 state of New Hampshire or any city, town, county, school district, chartered public school, village
34 district, school administrative unit, ~~[or any district or entity created for a special purpose~~
35 ~~administered or funded by any of the above-named governmental units]~~ **nonprofit educational**
36 **institution, or any district or entity created for a special purpose administered or funded**

1 *by any of the above-mentioned governmental units; such districts or entities include public*
2 *housing authorities.*

3 6 New Paragraph; Definition; Nonprofit Educational Institution. Amend RSA 362-A:1-a by
4 inserting after paragraph II-f the following new paragraph:

5 II-g. "Nonprofit educational institution" means a nonpublic, nonprofit elementary school,
6 secondary school, or post-secondary institution such as a college or university, with approval to
7 operate as a school by the state board of education or the department of education, that is exempt
8 under section 501(c)(3) of the Internal Revenue Code, is organized and operated primarily for the
9 purpose of providing direct instruction to enrolled students, and does not distribute profits to private
10 shareholders or individuals.

11 7 New Paragraph; Electric Utility Restructuring; Definitions. Amend RSA 374-F:2 by inserting
12 after paragraph II the following new paragraph:

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

18 8 Definitions. Amend RSA 362-F:2, X-a to read as follows:

19 X-a. "Low-moderate income community solar project" means ground-mounted or rooftop
20 solar arrays, *with a total peak generating capacity of up to and including 3 megawatts*, that
21 directly benefit a group of at least 5 residential end-user customers, where at least a majority of the
22 residential end-user customers are at or below 300 percent of the federal poverty guidelines, or
23 directly benefit the residents of a public housing authority created pursuant to RSA 203, or a
24 housing project as described in RSA 78-B:2, XXIII, where the electric bills are either paid directly by
25 the residents or by the public housing authority or housing project, provided that at least a majority
26 of the residents receiving the direct benefit are at or below 80 percent of the Area Median Income
27 (AMI) calculated by the Department of Housing and Urban Development. No more than 15 percent
28 of the projected load for such project shall be attributable to non-residential end-user customers.

29 9 Purchased Power Agreements. Amend the introductory paragraph of RSA 374-F:11, I to read
30 as follows:

31 I. Investor-owned electric distribution utilities may elect to develop and, no later than June
32 30, ~~2025~~ **2040**, issue a request for proposals for multi-year agreements for energy, in conjunction
33 with or independent of any attendant environmental attributes from electric energy sources.

34 10 Purchased Power Agreements. Amend RSA 374-F:11, I(g) to read as follows:

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

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1 11 New Subparagraph; Purchased Power Agreements. Amend RSA 374-F:11, I(h) by inserting
2 after subparagraph (2) the following new subparagraphs:

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

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

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

15 12 Purchased Power Agreements. Amend the introductory paragraph for RSA 374-F:11, II to
16 read as follows:

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

20 13 Effective Date. This act shall take effect 60 days after its passage.