

Amendment to SB 106-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Limited Electrical Energy Producers Act; Definition; Eligible Customer Generator. Amend  
4 RSA 362-A:1-a, II-b to read as follows:

5 II-b. "Eligible customer-generator" or "customer-generator" means an electric utility  
6 customer who owns, operates, or purchases power from an electrical generating facility either  
7 powered by renewable energy or which employs a heat led combined heat and power system, with a  
8 total peak generating capacity of up to and including one megawatt, except as provided for a  
9 municipal host as defined in paragraph II-c[~~, that is located behind a retail meter on the customer's~~  
10 ~~premises,] **and an industrial host as defined under paragraph II-g, that is located behind a**  
11 **retail meter on the customer's premises,** is interconnected and operates in parallel with the  
12 electric grid, and is used to offset the customer's own electricity requirements. Incremental  
13 generation added to an existing generation facility, that does not itself qualify for net metering, shall  
14 qualify if such incremental generation meets the qualifications of this paragraph and is metered  
15 separately from the [nonqualifying] **non-qualifying** facility.~~

16 2 New Paragraph; Limited Electrical Energy Producers Act Definitions. Amend RSA 362-A:1-a  
17 by inserting after paragraph II-f the following new paragraph:

18 II-g. "Industrial host" means a customer generator with a total peak generating capacity of  
19 greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a  
20 group consisting exclusively of commercial, industrial, or institutional entities with one or more  
21 accounts, provided that all accounts are located within the same utility franchise service territory.  
22 In no instance shall the electrical generating facility exceed 100 percent of the industrial group's  
23 average electric consumption over the past 12 months.

24 3 New Paragraph; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph II  
25 the following new paragraph:

26 II-a. Alternative tariffs for net energy metering shall be made available to eligible customer-  
27 generators by each electric distribution utility in conformance with Order No. 26,029 dated June 23,  
28 2017, and with net metering rules adopted by the commission. Any project that begins receiving  
29 compensation under Order No. 26,029 alternative tariffs will be eligible to continue receiving that  
30 tariff for either 20 years from the year it first begins receiving compensation or through the initial  
31 tariff term ending on December 31, 2040, whichever is longer. If the commission creates new net  
32 metering tariffs through an adjudicated proceeding before December 31, 2040, eligible customer-

**Amendment to SB 106-FN**  
**- Page 2 -**

1 generators receiving Order No. 26,029 alternative tariffs will have the option of transitioning to new  
2 tariffs created through that proceeding. If an eligible customer-generator elects to transfer to a new  
3 tariff, they may not return to Order No. 26,029 alternative tariffs. Upon the expiration of a  
4 customer-generator's eligibility under Order No. 26,029 alternative tariffs, the eligible customer-  
5 generator will have the option of transitioning to the tariff available at that time.

6 4 New Paragraph; Net Energy Metering; Consumption. Amend RSA 362-A:9 by inserting after  
7 paragraph IV the following new paragraph:

8 IV-a.(a) Facilities eligible for the net metering tariff under this section for customer-  
9 generators larger than one megawatt and up to 5 megawatt with an in-service date after January 1,  
10 2026 and not acting as a group net metering host, must consume at least 33 percent of the  
11 generation, on an annual basis.

12 (b) Consumption requirements under this section shall not apply to low and moderate  
13 income customers as defined in administrative rules of the public utilities commission in PUC  
14 902.21.

15 5 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to SB 106-FN**  
**- Page 3 -**

2025-0257s

AMENDED ANALYSIS

This bill requires large customer-generators participating in net energy metering to consume at least 33 percent of their own generation.