

Senate Energy and Natural Resources Committee

Max Taylor 271-1403

HB 710-FN, enabling electric utilities to own, operate, and offer advanced nuclear resources.

Hearing Date: April 1, 2025

Time Opened: 10:37 a.m.

Time Closed: 10:49 a.m.

Members of the Committee Present: Senators Watters, Pearl, McConkey and Rosenwald

Members of the Committee Absent : Senator Avard

Bill Analysis: This bill defines "advanced nuclear resource" (ANR) and includes ANR options alongside renewable energy sources for utility services, sets limitations and guidelines for investments in distributed electric generation, and clarifies the coordinator's duties in nuclear development and regulatory activities.

Sponsors:

Rep. Vose

Rep. Ammon

Rep. Berezhny

Rep. Bernardy

Rep. McFarlane

Rep. Notter

Sen. Lang

Sen. Watters

Sen. Pearl

Who supports the bill: Representative Keith Ammon (Hillsborough County District 42), Representative JD Bernardy (Rockingham County District 36), Representative Douglas Thomas (Rockingham County District 16), Representative Alvin See (Merrimack County District 26) Mark Brown (Consumer Energy Alliance), Douglas Maily

Who opposes the bill: Brendan Feherty (NEPGA)

Who is neutral on the bill: Josh Elliot (NHDOE)

Summary of testimony presented in support:

Representative Doug Thomas

Rockingham County District 16

- Representative Thomas introduced HB 710-FN on behalf of Representative Vose, who was unable to attend the hearing.

- He explained that the bill allows New Hampshire utilities to enter into long-term power purchase agreements for up to 20% of their energy needs from advanced nuclear resources.
- He stated the bill passed the House with bipartisan support and aims to position New Hampshire as a leader in clean, dependable nuclear energy.
- Representative Thomas emphasized that this bill builds on SB 54, which authorized long-term contracts for other new energy sources, by adding advanced nuclear to the list of eligible resources.
- He clarified that the original bill allowed utility ownership or investment in nuclear generation, but that language was removed to avoid ratepayer risk.
- He stated the amended version still allows utilities to contract for nuclear power, particularly from emerging technologies like small modular reactors.
- He explained that contracts can be up to 20 years, and utilities must request bids by 2035.
- Representative Thomas said the bill sends a clear message that New Hampshire is open to nuclear innovation and clean energy development.
- He stressed that this is a forward-looking policy, laying the groundwork for adopting advanced nuclear energy as it becomes commercially viable in the next five to ten years.
- Senator Rosenwald asked where the 20% cap is generated from.
 - Representative Thomas stated that he would look into the question and follow up with the committee.

**Representative JD Bernardy
Rockingham County District 36**

- Representative Bernardy highlighted the bill defines “advanced nuclear technology” and allows utilities to enter power purchase agreements for up to 20% of their total energy supply from such resources.
- Representative Bernardy stated that the bill sends a strong message that New Hampshire is open to nuclear energy development.
- He stated the bill facilitates public information and education programs related to nuclear safety.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

**Josh Elliot
New Hampshire Department of Energy**

- Mr. Elliot explained HB 710-FN builds upon SB 54, which allowed utilities to enter power purchase agreements with new energy sources to help hedge against price volatility.
- He stated while the 20% limit is not explicitly stated in HB 710-FN, Elliot clarified it is part of the existing statutory framework within which this bill operates, specifically referencing a cumulative cap of 2 million megawatt-hours in current law.
- He stated that HB 710-FN expands eligibility to include advanced nuclear resources, with individual reactors capped at 300 megawatts of nameplate capacity.
- Under this framework, utilities would issue requests for proposals for nuclear energy, which would be evaluated by the Public Utilities Commission.
- The Public Utilities Commission would assess proposals based on six criteria already in statute: 1) cost-effectiveness for ratepayers over the agreement's term, 2) availability during long-duration weather events, 3) price stability and protection against market volatility, 4) resource diversification, 5) inclusion of ratepayer protections, 6) whether the agreement is just, reasonable, and in the public interest.
- Mr. Elliott emphasized that “just and reasonable” is a long-standing legal standard in utility regulation.
- He acknowledged that power purchase agreements carry risks, citing past challenges with the Burgess biomass facility as an example of why thoughtful implementation is essential.
- Senator Pearl asked whether HB 710-FN would conflict with a recent Senate bill that proposed classifying nuclear energy as renewable for purposes of renewable energy credits, and whether HB 710-FN's 20% cap would limit nuclear participation under that bill.
 - Mr. Elliott responded that he was unsure of the specific Senate bill and would need to review it. He stated there appeared to be no direct conflict, especially if renewable energy credits were handled separately under the other bill. However, he stated he would follow up with a more definitive answer.

Drew Biemer

Site Evaluation Committee

- Mr. Biemer stated that some have expressed worry that HB 710-FN might allow unregulated or unchecked construction of nuclear facilities.
- Mr. Biemer emphasized that this is not the case, and reiterated that any advanced nuclear facility, like all utility-scale energy projects, would still be subject to full review by the Site Evaluation Committee.

- He assured the committee that nuclear energy development under HB 710-FN would not bypass existing regulatory safeguards.

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Date Hearing Report completed: April 2, 2025