CHAPTER 245
HB 1258 - FINAL VERSION

17Mar2022... 0851h
05/05/2022 1824s
26May2022... 2126EBA

2022 SESSION

22-2162
12/10

HOUSE BILL *1258*

AN ACT relative to the implementation of the department of energy and relative to the definition of "municipal host" for purposes of limited electrical energy producers.

SPONSORS: Rep. Harrington, Straf. 3; Rep. Vose, Rock. 9

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill makes various changes to amend the powers and duties of the public utilities commission and the department of energy. This bill also amends the definition of "political subdivision," as used in the definition of a "municipal host."

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the implementation of the department of energy and relative to the definition of "municipal host" for purposes of limited electrical energy producers.

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

245:1 Department of Energy; General Provisions. Amend RSA 12-P:3, II to read as follows:

II. The department of energy is authorized to work with the department of business and economic affairs***, the public utilities commission,*** and the department of administrative services to coordinate the implementation of the establishment of the department, and to transfer appropriations and create the proper expenditure lines, if needed, for the establishment of their respective operations, including but not limited to the relocation of personnel, work stations, books, papers, personnel record files, and equipment, with the approval of the governor and council and of the director of personnel.

245:2 New Paragraph; Department of Energy; General Provisions. Amend RSA 12-P:3 by inserting after paragraph II the following new paragraph:

III. The department shall have the authority to petition for any proceeding before the public utilities commission and shall automatically be a party to all proceedings before the commission. Any person or party that initiates a proceeding before the public utilities commission by petition or otherwise shall provide a copy to the department at the time of filing. Any person or party filing confidential information in any proceeding in which the department may appear, or exchanging confidential information in discovery or otherwise, shall provide the department with such confidential information. In adjudicative proceedings as defined by RSA 541-A:1, I, the public utilities commission and the department shall be subject to RSA 541-A:36.

245:3 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. ***Where the commissioner has adopted rules under this paragraph, the department shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

245:4 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, VII to read as follows:

VII. Ensure that the department provides all necessary support to the public utilities commission, the site evaluation committee, office of the consumer advocate, and any other entity that is administratively attached to the department[~~, provided that, other than for administrative functions,~~

~~department employees shall not communicate with the public utilities commission and its staff in connection with any issue in a matter pending before the commission or the department, except upon notice and opportunity for all parties to participate~~].

245:5 Regulatory Support; Reference Deleted. Amend RSA 12-P:9 to read as follows:

12-P:9 Division of Regulatory Support. There is established within the department the division of regulatory support, under the supervision of an unclassified director of the division of regulatory support. The division, through its officials, shall be responsible for all functions, duties, and responsibilities which may be assigned to it by the commissioner or laws enacted by the general court. [~~The division shall automatically be a party to all proceedings before the public utilities commission.~~]

245:6 Department of Energy; Transfer of Rules, Orders, Approvals. Amend RSA 12-P:14 to read as follows:

12-P:14 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the public utilities commission which are associated with any functions, powers, and duties, transferred to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect ***notwithstanding any provision of RSA 541-A:17, II to the contrary,*** and be enforced by the commissioner of the department of energy ***or the commission, as applicable,*** until they ***otherwise*** expire or are repealed or amended in accordance with applicable law***, or for a period of 5 years, whichever occurs first. To the extent the department acts pursuant to an existing rule, order, or approval, the department shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

245:7 Energy Efficiency and Sustainable Energy Board. RSA 125-O:5-a, II is repealed and reenacted to read as follows:

II. The members of the board shall be as follows:

(a) The commissioner of the department of energy, or designee.

(b) The consumer advocate, or designee.

(c) The commissioner of the department of environmental services, or designee.

(d) The commissioner of the department of business and economic affairs, or designee.

(e) The president of the Business and Industry Association of New Hampshire, or designee.

(f) The executive director of the New Hampshire Municipal Association, or designee.

(g) The executive director of New Hampshire Legal Assistance, or designee.

(h) The president of the Homebuilders and Remodelers Association of New Hampshire, or designee.

(i) Two members of the house committee with jurisdiction over energy matters, appointed by the speaker of the house of representatives.

(j) One member of the senate committee with jurisdiction over energy matters, appointed by the president of the senate.

(k) Three representatives from not-for-profit groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs, appointed by the commissioner of the department of energy.

(l) The commissioner of the department of administrative services, or designee.

(m) The state fire marshal, or designee.

(n) The executive director of the New Hampshire housing finance authority, or designee.

245:8 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program. Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

VI. The department of environmental services and the department of energy shall report on an annual basis to the air pollution advisory committee under RSA 125-J:11, the ***chair of the*** house science, technology, and energy committee, and the ***chair of the*** senate energy and natural resources committee on the status of the implementation of RGGI in New Hampshire, with emphasis on the prices and availability of RGGI allowances to affected CO2 sources, consumer protection mechanisms, and the trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but not be limited to:

245:9 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program. Amend the introductory paragraph of RSA 125-O:21, VIII to read as follows:

VIII. Any actions taken under this subdivision by the department***, the department of energy,*** or the commission shall not constitute a waiver of sovereign immunity and shall not be deemed consent to suit outside of New Hampshire.

245:10 Regional Greenhouse Gas Initiative; Compliance. Amend RSA 125-O:22, IV to read as follows:

IV. No person shall operate an affected CO2 source without a temporary or operating permit issued by the department in accordance with this chapter and RSA 125-C. An affected CO2 source that is in operation upon the effective date of this subdivision, shall submit a complete application for a permit modification to the department no later than January 1, 2009. Applications for permits shall be upon such forms, and shall include such information as the commissioner ***of the department of environmental services*** requires under rules adopted pursuant to RSA 541-A. The commissioner ***of the department of environmental services*** shall act upon a permit application within a reasonable period of time.

245:11 Energy Efficiency Fund and Use of Proceeds. Amend the introductory paragraph of RSA 125-O:23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for department of energy and department of environmental services administration under paragraph I, shall be allocated by the [~~commission~~] ***department of energy*** as follows:

245:12 Energy Efficiency Fund and Use of Proceeds; Bidding Criteria. Amend the introductory paragraph of RSA 125-O:23, III(c) to read as follows:

(c) The remainder to all-fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the [~~commission~~] ***department of energy***. Bids shall be evaluated based on, but not limited to, the following criteria:

245:13 Energy Efficiency Fund and Use of Proceeds; Annual Report. Amend RSA 125-O:23, V(e) to read as follows:

(e) Other data as required by the [~~commission~~] ***department of energy*** in order to determine program effectiveness.

245:14 Regional Greenhouse Gas Initiative; Review of he New Hampshire RGGI Program. Amend RSA 125-O:27 to read as follows:

125-O:27 Review of the New Hampshire RGGI Program. At the time of each comprehensive review by the participating states, the [~~commission~~] ***department of energy*** and the department shall concurrently review New Hampshire specific elements of the RGGI program, and include the results of such review and any recommendations for revisions to the New Hampshire regional greenhouse gas initiative program under RSA 125-O:19-29, resulting from this review in the agencies' annual report under RSA 125-O:21, VI.

245:15 Reference Change. Amend RSA 362-F:4, V to read as follows:

V. For good cause, and after notice and hearing, the [~~commission~~] ***department of energy*** may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

245:16 Final Orders Issued by the Public Utilities Commission. Amend RSA 363:17-b to read as follows:

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. Matters resolved by final order of the commission shall be exempt from RSA 541-A:29 and RSA 541-A:29-a, but shall be subject to federal and state time limitations applicable to specific matters. The transcript or minutes of oral deliberations shall not constitute a final order. A final order shall include, but not be limited to:

I. The identity of all parties;

II. [~~The positions of each party on each issue;~~

~~III.~~] A decision on each issue including the reasoning behind the decision; and

[~~IV.~~] ***III.*** The concurrence or dissent of each commissioner participating in the decision.

245:17 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA 363-A:2, II-III to read as follows:

II. To facilitate the revenue calculations required under this chapter, entities described in subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the [~~commission~~] ***department of energy*** confidential annual reports of the retail telephone service revenue of such entities, and entities described in subparagraph I(e) shall file with the [~~commission~~] ***department of energy*** confidential annual reports of sales volume and revenues, by customer class, and separately identifying the total revenues received from the distribution customers of each electric or natural gas distribution utility or the members of each rural electric cooperative for which a certificate of deregulation is on file with the commission. All other utilities and other assessed entities shall file information in accordance with applicable [~~commission~~] ***department of energy*** rules.

III. Each entity described in subparagraph I(e) shall be assessed the sum of $10,000 on an annual basis and shall pay such assessed sum to the department of energy. Each electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of $2,000 on an annual basis and shall pay such assessed sum to the department of energy. Each telecommunications carrier voluntarily registered with the [~~commission~~] ***department of energy*** shall be assessed the sum of $1,000 on an annual basis and shall pay such sum to the department of energy.

245:18 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA 363-A:2, VI to read as follows:

VI. A minimum amount shall be assessed to utilities and other assessed entities described in paragraph I having minimal revenues in such proportion as the [~~public utilities commission~~] ***department of energy*** shall determine to be fair and equitable, provided that the minimum amount assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than $1,000.

245:19 Procedures for Termination of Certain Utility Services. Amend RSA 363-B:1, III to read as follows:

III. Notwithstanding the foregoing, a gas or electric public utility may terminate service to a residential customer without prior notice to the customer or the [~~commission~~] ***department*** when:

(a) There exists unauthorized or fraudulent use or procurement of utility service;

(b) A condition dangerous to the health, safety, or utility service of others exists;

(c) There is a clear and present danger to life, health, or physical property; or

(d) The customer has clearly abandoned the premises.

The utility shall notify the [~~commission~~] ***department*** after it has terminated service for any of these reasons.

245:20 Conference Provided. Amend RSA 363-B:2 to read as follows:

363-B:2 Conference Provided.

I. Any person who receives a notice of intent to terminate service pursuant to RSA 363-B:1 and believes such proposed termination to be unjustified may request, prior to the date specified in the termination notice, a conference with the utility company involved to review the basis for the proposed termination. The conference with the utility company shall be conducted in person, by writing or by telephone as the customer may elect. If the customer is dissatisfied with the outcome of the conference he may, within 3 days after the conference if the conference is conducted in person, or within 5 days after the conference if the conference is conducted by writing or by telephone, request a conference with a staff member of the [~~commission~~] ***department of energy*** to review the basis for the proposed termination. The conference with the [~~commission~~] ***department*** may be conducted by writing or by telephone if the customer so elects.

II. In the event of a request for a conference with the public utility, the public utility shall continue service to the customer for 3 days after the conference if the conference was conducted in person, or for 5 days after the conference if the conference was conducted by writing or by telephone, or to the date specified in the notice of termination, whichever comes later.

III. During the conference with the utility company, the utility company shall inform the customer of his right to request a conference with a staff member of the [~~commission~~] ***department of energy***. If the conference with the utility company is conducted in person, the customer shall be furnished a form for requesting a conference with a staff member of the [~~commission~~] ***department*** during the conference. If the conference with the utility company is conducted by writing or by telephone, the utility company shall mail the form to the customer by regular mail on the same day as the conference. In the event of a request for a conference with a staff member of the [~~commission~~] ***department***, the public utility shall continue service to the customer until such time as the staff member or the [~~commission~~] ***department*** determines that termination is justified.

245:21 Investigations by the Department of Energy. Amend RSA 365:4 to read as follows:

365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall appear to the department of energy that there are reasonable grounds therefor, it shall investigate the same in such manner and by such means as it shall deem proper. After investigation, the department of energy may bring proceedings on its own motion before the public utilities commission, with respect to any complaint or violation of any provision of law, rule, terms and conditions of its franchises or charter, or any order of the commission. ***If the party bringing the complaint is unsatisfied with the disposition of the complaint by the department of energy, then they may petition the public utilities commission to resolve the matter through an adjudicative proceeding.***

245:22 Rights in Public Waters and Lands; Licenses for New Poles. Amend RSA 371:17 to read as follows:

371:17 Licenses for New Poles. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state, ***modify a previously licensed installation, or license a previously constructed installation,*** it shall [~~petition~~] ***apply to*** the department of energy for a license to construct and maintain the same. For the purposes of this section, "public waters" are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the department of energy may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall [~~petition~~] ***apply to*** the department of energy for a license in the same manner prescribed for a public utility. ***The department of energy may condition any license issued under this paragraph in any manner necessary to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. Using a non-adjudicative process, the department of energy may reject incomplete or improperly filed applications, and shall, also using non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant.***

245:23 Rights in Public Waters and Lands; Notice of License Issuance and Right to Appeal. RSA 371:19 through RSA 371:23 are repealed and reenacted to read as follows:

371:19 Notice of License Issuance and of Right to Appeal. The department of energy shall publish notice of the license on its website and cause due notice of said issuance to be given to the attorney

general as representative of the state, and to such owners of lands bordering the location of a state water crossing as the department of energy may designate. Said notice shall refer to the license and inform persons of the rights of appeal in RSA 371:20. The department of energy shall provide similar notice directly to applicants.

371:20 Rights of Appeal, Notice, and Order. Applicants and other persons directly affected by a decision of the department of energy to issue or deny a license may appeal a department decision to the public utilities commission within 30 days of the department's decision, and not thereafter. Whenever an appeal is timely filed, the commission shall hear all parties directly affected, except with respect to applicable safety standards and the applicability and validity of any department of energy rule. The commission may rescind the license or remand to the department of energy with instructions to issue, modify, or condition a license in any manner found necessary by the commission to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. There shall be no right to appeal licenses issued for the exclusive purpose of furnishing facilities or utility services to the state or with regard to licenses issued to relocate facilities when the relocation is at the request of the state and the department of energy has limited the duration of the license to two years or less. Notwithstanding the foregoing, the attorney general and owners of lands bordering the location of a public water crossing may appeal for the sole purpose of determining damages and compensation pursuant to RSA 371:21. The commission shall publish notice of the appeal and any related hearing on its website, provide notice of a contested case as required under RSA 541-A, and may require such additional notice as it deems proper.

371:21 Damages and Compensation. Whenever an appeal is timely filed, the commission shall, upon request of an affected property owner, determine the compensation, if any, to be paid to the owner of land bordering the site of a public water crossing for any damages caused by the continuation and maintenance of any structures, facilities or equipment installed in connection with the crossing, subject to appeal as provided in RSA 371:10. The commission shall also determine the amount of compensation to be paid to the state for rights on public waters or public lands as provided in section 371:20.

371:22 Rulemaking Authority. The department of energy is authorized to adopt rules to implement this chapter, and shall initiate a formal rulemaking process no later than December 31, 2023. Until the department adopts rules, applicants shall apply for a license by petitioning the department of energy in the same manner as under prior law. The time limits stated in this chapter shall apply notwithstanding RSA 541-A:29, and the department shall not be subject to RSA 541-A:29-a. The commission may utilize its rules governing adjudicative proceedings for hearings and is authorized to adopt rules regarding appeals and compensation to be paid under this chapter.

371:23 Compensation to State. Any compensation payable to the state on account of any such license shall be paid to the state treasurer and, if derived from licenses affecting state forests or forestry reservations, shall be added to the forest improvement fund; otherwise, it shall be a part of the general funds of the state.

245:24 Investigation of Other Utilities. Amend RSA 374:7 to read as follows:

374:7 Investigation of Other Utilities; Orders. The commission and the department of energy shall have power to investigate and ascertain, from time to time, the quality of gas supplied by public utilities and the methods employed by public utilities in manufacturing, transmitting or supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph messages, or supplying water, and, after notice and hearing thereon, ***the commission*** shall have power to order all reasonable and just improvements and extensions in service or methods.

245:25 Reference Change; Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g, II to read as follows:

II. In determining the public good, the [~~commission~~] ***department of energy*** shall consider the interests of competition with other factors including, but not limited to, fairness; economic efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable return on its investment; and the recovery from competitive providers of expenses incurred by the incumbent utility to benefit competitive providers, taking into account the proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such expenses.

245:26 Pole Attachments. Amend RSA 374:34-a, VIII to read as follows:

VIII. The department of energy ***and the public utilities commission*** shall retain [~~its~~] ***their*** authority to regulate the safety, vegetation management, emergency response, and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public utilities and other private entities located within public rights-of-way and on, over, or under state lands and water bodies.

245:27 Restructuring Policy Principals; Open Access. Amend RSA 374-F:3, IV to read as follows:

IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open access to the electric system for wholesale and retail transactions should be promoted. [~~Comparability should be assured for generators competing with affiliates of groups supplying transmission and distribution services. Companies providing transmission services should file at the FERC or with the commission, or with the department of energy, as appropriate, comparable service tariffs that provide open access for all competitors.~~] The commission and the department should monitor companies providing transmission or distribution services and take necessary measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

245:28 Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b, IV-V to read as follows:

IV. Unless the contract specifies a month-to-month variable rate, no competitive electric supplier shall charge a residential customer a variable rate, including during a contract term or following the expiration of a contract, without first providing written notification in a form approved by the [~~commission~~] ***department of energy*** of the nature of such variable rate 45 days prior to the commencement of the variable rate. The residential customer shall select the method of written notification at the time the contract is signed. Such customer shall have the option to change the method of notification at any time during the contract.

V. Competitive electric suppliers shall retain records of any of the notices required in this section for a period of not less than 2 years and shall make such records available to the [~~commission~~] ***department of energy*** upon its request.

245:29 Implementation of Retail Choice. Amend RSA 374-F:4, VIII(f) to read as follows:

(f) Beginning in 2000, [~~the commission and~~] the department shall submit a report to the legislative oversight committee to monitor the transformation of delivery of electric services by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

245:30 Electric Utility Restructuring; Participation in Regional Activities. Amend RSA 374-F:8 to read as follows:

374-F:8 Participation in Regional Activities. The department shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, and the National Association of Regulatory Utility Commissioners ***as the New Hampshire member agency***, and the department shall participate in the activities of the New England States Committee on Electricity, or other similar organizations ***as the New Hampshire member agency***, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. ***Employees of the commission and the department are not otherwise prohibited from participating in the activities of the aforementioned organizations in which the other agency has the lead role.*** The department shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission and the department shall consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission or department determines to be unjust or unreasonable.

245:31 Reference Change; Investigations of Energy Storage. Amend RSA 374-H:3 to read as follows:

374-H:3 [~~Commission~~] ***Department of Energy*** Investigation of Energy Storage.

I. The [~~commission~~] ***department of energy*** shall investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs, including avoided regional and local network service charges, while also participating in wholesale energy markets. The [~~commission~~] ***department*** shall investigate how this might be done for both utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-the-meter storage.

II. The [~~commission's~~] ***department's*** investigative proceeding shall specifically consider the following:

(a) How public policy can best establish accurate and efficient price signals for energy storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity market prices.

(b) How to compensate energy storage projects that participate in wholesale electricity markets for actual avoided transmission and distribution costs in a manner that provides net savings to consumers.

(c) How best to encourage both utility and non-utility investments in energy storage projects.

(d) The costs and benefits of a potential bring your own device program; how such a program might be implemented; any statutory or regulatory changes that might be needed to create, facilitate, and implement such a program; and whether such a program should include all distributed energy resources or be limited to distributed energy storage projects.

(e) Any statutory changes the general court should implement, including but not limited to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to receive appropriate compensation for actual avoided transmission and distribution costs while also participating in wholesale energy markets.

(f) Any other topic the [~~commission~~] ***department*** reasonably believes it should consider in order to diligently conduct the proceeding.

III. The [~~commission~~] ***department*** shall report its findings and recommendations to the standing committees of the house of representatives and senate with jurisdiction over energy and utility matters no later than 2 years after initiating the proceeding. The report shall identify ways any recommended statutory changes can minimize any potential conflict with the restructuring policy principles of RSA 374-F.

245:32 Reference Change; State Operating Budget. The commissioner of the department of administrative services shall change the title of organization code 1892 from adjudicative commissioners to the public utilities commission.

245:33 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means ***the state of New Hampshire or*** any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

245:34 Repeals. The following are repealed:

I. RSA 12-P:12, relative to prohibited service.

II. RSA 371:17-a, relative to new attachments on existing utility poles.

III. RSA 371:17-b, relative to temporary licenses for existing crossings on existing poles.

IV. RSA 371:18, relative to exceptions to hearing requirements.

V. RSA 374-F:3, V(b), relative to transition service.

245:35 Nullification; Duplicity from HB 1270 (2022, 137). Section 29 of this act shall not take effect.

245:36 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 21, 2022
Effective Date: August 20, 2022