SB 69-FN - AS AMENDED BY THE SENATE

02/09/2023 0406s

2023 SESSION

23-0788
10/04

SENATE BILL ***69-FN***

AN ACT relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering.

SPONSORS: Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. Pearl, Dist 17

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill allows nonprofit entities of the community and technical colleges, colleges and universities, not-for-profit hospitals, housing authorities, bona fide religious organizations, and the Pease development authority, to participate as customer-generator group hosts under net energy metering.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering.

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

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

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

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

II-g. "Nonprofit 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 nonprofit, provided that all customers are located within the same utility franchise service territory. A nonprofit host may be owned by either a public or private entity. For this definition, "nonprofit" means any community and technical college, colleges and universities, hospitals as defined in RSA 151:2, I(a) that operate as a not for profit or a non-profit, housing authorities, bona fide religious organizations, and the Pease development authority.

3 Limited Electrical Energy Producers Act; Net Energy Metering. Amend 362-A:9, XIV(a) to read as follows:

XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators, except that a political subdivision[~~,~~] as defined in RSA 362-A:1-a, II-c, ***a nonprofit as defined in RSA 362-A:1-a, II-g,*** or the owner of a facility described in RSA 362-A:9, XX, that is a customer-generator, may participate as a group member. The group of customers shall be located within the service territory of the same electric distribution utility as the host. The host shall provide a list of

the group members to the commission and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The department shall verify that these group requirements have been met and shall register the group host. The department shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the department.

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

LBA
23-0788
Amended 2/13/23

SB 69-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT #2023-0406s)

AN ACT relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Various Government Funds			

COUNTY:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

The Department of Energy indicates this bill would make additional entities eligible to participate as customer generators up to 5 megawatts. Based on information available to the Department, at least 65 entities that are not currently eligible would become eligible. The Department cannot estimate how many of the newly eligible entities would exercise this option and as such, and it cannot estimate the total load of these entities. To the extent cost shifting occurs as a result of customer generators receiving credit for excess generation, the bill would increase the amount of cost shifting, leading to increased electricity costs for the state, counties, and units of local government that do not participate in net metering. In Docket 22-060, the Public Utilities Commission is reviewing the tariff paid to customer generators and will be examining the extent of any cost shifting. Therefore, the impact on expenditures at the state, county, and local level is indeterminable.

AGENCIES CONTACTED:

Department of Energy