

Amendment to SB 91

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

2
3 1 Sponsorship. This act consists of the following proposed legislation:

4 Part I: LSR 21-0945, relative to the installation, interconnection, and use of energy storage
5 systems by customers of utilities, sponsored by Sen. Watters, Prime/Dist 4; Sen. Perkins Kwoka,
6 Dist 21; Sen. Rosenwald, Dist 13; Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist
7 20; Sen. Whitley, Dist 15; Rep. Oxenham, Sull. 1.

8 Part II: relative to hydroelectric generators that share equipment for purposes of
9 interconnection to the electric grid, and requiring the public utilities commission to ensure costs are
10 not shifted in developing alternative tariffs for net energy metering.

11 Part III: LSR 21-0988, relative to group host credits for net energy metering, sponsored by
12 Sen. Perkins Kwoka, Prime/Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Whitley, Dist
13 15; Rep. McWilliams, Merr. 27; Rep. Gourgue, Straf. 25.

14 Part IV: establishing a commission to study limited electrical energy producers.

15 2 Legislation Enacted. The general court hereby enacts the following legislation:

16
17 PART I

18 Relative to the installation, interconnection, and
19 use of energy storage systems by customers of utilities.

20 1 Customer Energy Storage. RSA 374-H is repealed and reenacted to read as follows:

21 CHAPTER 374-H

22 CUSTOMER ENERGY STORAGE

23 374-H:1 Definitions. In this chapter:

24 I. "Commission" means the public utilities commission.

25 II. "Bring your own device" means a program for encouraging non-utility owned, and
26 especially retail-customer owned, behind-the-meter energy storage to provide value to the electricity
27 system, particularly in terms of peak reduction and avoided transmission and distribution costs.
28 Such a program shall provide just and reasonable compensation, as determined by the commission,
29 including actual avoided transmission and distribution costs, to a participating behind-the-meter
30 energy storage system for the value it provides to the electricity system.

31 III. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible
32 heat storage or any other technology, system, or device capable of taking electricity and storing it as

Amendment to SB 91

- Page 2 -

1 some form of energy the technology, system, or device can either convert back into electricity or use
2 to displace an electrical load at a later time. Such term shall include standalone technologies,
3 systems, and devices, as well as those co-located with or incorporated into a renewable energy
4 source.

5 IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage
6 and may include energy storage constructed, owned, and/or operated by utilities subject to the same
7 use restrictions in RSA 374-G:4, I.

8 V. "ISO-New England" means the Independent System Operator New England or any
9 successor entity.

10 VI. "Local network service" means the term as defined in ISO-New England's transmission,
11 markets, and services tariff, section II.

12 VII. "Non-utility" means any entity that is not a utility that develops, builds, owns, operates,
13 or assists in the operation of one or more energy storage projects, including retail customers that buy
14 behind-the-meter storage installed on their property.

15 VIII. "Regional network service" means the term as defined in ISO-New England's
16 transmission, markets, and services tariff, section II.

17 IX. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy
18 source as defined in RSA 362-F:4.

19 X. "Utility" and "utilities" mean public utilities as defined in RSA 362:2.

20 XI. "Wholesale electricity markets" means any energy, capacity, or ancillary service market
21 that ISO-New England operates or may operate pursuant to RSA 362-A:2-a.

22 374-H:2 Customer Energy Storage Systems.

23 I. The commission shall adopt rules clarifying policy for the installation, interconnection,
24 and use of energy storage systems by customers of utilities, and shall incorporate the following
25 principles into the rules:

26 (a) It is in the public interest to limit barriers to the installation, interconnection, and
27 use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

28 (b) New Hampshire's consumers of electricity have a right to install, interconnect, and
29 use energy storage systems on their property, subject to appropriate size and safety requirements
30 established by the commission, without the burden of unnecessary restrictions or regulations and
31 without unduly discriminatory rates or fees, provided that such storage systems conform to local
32 zoning ordinances and building codes.

33 (c) Utility approval processes and any required interconnection reviews of energy
34 storage systems shall be simple, streamlined, and just and reasonable for all parties.

35 (d) The commission may approve mechanisms for a utility to compensate a non-utility
36 for just and reasonable costs, as determined by the commission, of any transmission or distribution

Amendment to SB 91

- Page 3 -

1 charges actually avoided because of a non-utility energy storage project, to the extent practicable,
2 based on determinable cost components.

3 (e) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-
4 device peak reduction program. The commission may approve mechanisms for a utility to
5 compensate such projects for the value they actually provide including any transmission or
6 distribution costs actually avoided because of the non-utility energy storage project, to the extent
7 practicable based on determinable cost components.

8 II. Nothing in this section alters or supersedes either:

9 (a) The principles of net energy metering under RSA 362-A:9; or

10 (b) Any existing electrical permit requirements or any licensing or certification
11 requirements for installers, manufacturers, or equipment.

12 374-H:3 Commission Investigation of Energy Storage.

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

18 II. The commission's investigative proceeding shall specifically consider the following:

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

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

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

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

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

35 (f) Any other topic the commission reasonably believes it should consider in order to
36 diligently conduct the proceeding.

Amendment to SB 91

- Page 4 -

III. The commission 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.

2 Distributed Energy Resources; Definitions; Exclusions. Amend RSA 374-G:2 to read as follows:

374-G:2 Definitions; Exclusions.

I. The following definitions shall apply in this chapter except as otherwise provided:

(a) "Commission" means the public utilities commission.

(b) "Distributed energy resources" means **energy storage**, electric generation equipment[,] including clean and renewable generation, [~~energy storage,~~] energy efficiency, demand response, load reduction or control programs, [~~and~~] **or** technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III.

(c) "Electric generation equipment" means devices that produce electric power from sources of primary energy.

(d) "Primary energy" means an energy form found in nature that has not been subject to any human engineered conversion process including wind energy, solar energy, biomass, biofuels, geothermal energy, oil, natural gas, nuclear, hydro, and coal.

II.(a) "Distributed energy resources" in this chapter shall exclude electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is in excess of 5 megawatts.

(b) Any "electric generation equipment" that qualifies as energy storage as defined in RSA 374-H:1, III shall not be subject to any of the requirements of RSA 374-G:3.

3 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources. Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be used **to benefit low-income customers, with such benefit as determined by the commission**, as an offset to distribution system losses or the public utility company's own use, **or any other use as approved by the commission**;

4 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G:4, II to read as follows:

II. Distributed electric generation owned by or receiving investments from an electric utility under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the utility's total distribution peak load in megawatts. **This limitation shall not apply to front-of-**

1 *meter energy storage, the energy storage pilot approved by commission order number*
2 *26,209, or demand response.*

3 5 Effective Date. Part I of this act shall take effect 60 days after its passage.
4

5 PART II

6 Relative to hydroelectric generators that share equipment for purposes of interconnection to the
7 electric grid, and requiring the public utilities commission to ensure costs are not shifted in
8 developing alternative tariffs for net energy metering.

9 1 New Paragraph; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA
10 362-A:9 by inserting after paragraph XIX the following new paragraph:

11 XX. A hydroelectric generator with a total peak generating capacity that is at or below the
12 capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational
13 before July 1, 2021 and that shares equipment or facilities with other generators or electric utility
14 customers for interconnection to the electric grid, shall be eligible to participate in net energy
15 metering as a customer-generator even if the aggregate capacity of the generators sharing
16 equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility
17 requirements set forth in RSA 362-A:1-a, II-b. Such a hydroelectric generator shall be eligible to
18 participate in net energy metering as a customer-generator based on its individual total peak
19 generating capacity.

20 2 Limited Electrical Energy Producers Act; Net Energy Metering; Alternative Tariffs. Amend
21 RSA 362-A:9, XVI to read as follows:

22 XVI. No later than 3 weeks after the effective date of this paragraph, the commission shall
23 initiate a proceeding to develop new alternative net metering tariffs, which may include other
24 regulatory mechanisms and tariffs for customer-generators, and determine whether and to what
25 extent such tariffs should be limited in their availability within each electric distribution utility's
26 service territory. In developing such alternative tariffs and any limitations in their availability, the
27 commission shall consider: ***balancing the interests of customer-generators with those of***
28 ***electric utilities and ratepayers to ensure that, except for minimal allowances for metering***
29 ***and billing, other customers do not shift costs to customer generators and customer***
30 ***generators do not shift costs to other customers;*** the costs and benefits of customer-generator
31 facilities; ~~[an avoidance of unjust and unreasonable cost shifting]~~; rate effects on all customers;
32 alternative rate structures, including time-based tariffs pursuant to paragraph VIII; whether there
33 should be a limitation on the amount of generating capacity eligible for such tariffs; the size of
34 facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using
35 an automatic rate adjustment mechanism; and electric distribution utilities' administrative
36 processes required to implement such tariffs and related regulatory mechanisms. The commission
37 may waive or modify specific size limits and terms and conditions of service for net metering

Amendment to SB 91
- Page 6 -

specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to group host credits for net energy metering.

1 Net Metering; Group Host; Low -Moderate Income Community Solar Projects. Amend RSA 362-A:9, XIV(c) to read as follows:

(c)(1) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on the customer electric bill for each member and the host, with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. ***The cent per kwh addition to the credit provided to any particular low-moderate income community solar project shall be in the amount in effect on the date that the commission issues a group host registration number for that project. The amount of the cent per kwh addition shall be grandfathered in accordance with the grandfathering provisions of the net metering tariff for customer-generators applicable to the project as in effect on the date the commission issues the project a group host registration number.***

(2) On or before July 1, 2022, the commission shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased. The commission shall report on the costs and benefits of low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in

Amendment to SB 91
- Page 7 -

1 accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable
2 pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

3 2 Effective Date. Part III of this act shall take effect 60 days after its passage.

5 **PART IV**

6 Establishing a commission to study limited electrical energy producers.

7 1 New Section; Public Utilities; Commission to Study Limited Electrical Energy Producers.
8 Amend RSA 362-A by inserting after section 3 the following new section:

9 362-A:3-a Commission to Study Limited Electrical Energy Producers. There is established a
10 commission to study intrastate wholesale electricity sales.

11 I. The commission shall consist of the following members:

12 (a) Three members of the house science technology and energy committee, with at least
13 one member of the minority party, appointed by the speaker of the house of representatives.

14 (b) One member of the senate energy and natural resources committee, appointed by the
15 president of the senate.

16 (c) One member who is either as initially appointed from the public utilities commission
17 by the chairperson of the public utilities commission or is appointed by the commissioner of the
18 newly established department of energy if it becomes law.

19 II. Legislative members of the commission shall receive mileage at the legislative rate when
20 attending to the duties of the commission.

21 III. The commission may solicit input from any person or entity the commission deems
22 relevant to its study, including transmission and distribution utilities, and ISO-New England.

23 IV. The commission shall examine the feasibility of legislation amending RSA 362-A (limited
24 electrical energy producers or LEEP) to facilitate intrastate wholesale electricity sales and
25 determine if such sales provide a way to fill the gap between one- and 5-megawatt electricity sales
26 outside of ISO-New England markets. The commission shall seek to answer several major questions:

27 (a) Do LEEP sales avoid jurisdictional conflicts with FERC regulated transmission
28 transactions?

29 (b) Does crediting LEEP generators with avoided transmission costs shift such costs to
30 either a transmission utility, which could then increase its rates to recover said costs, or to
31 distribution ratepayers?

32 (c) Do the transmission and distribution grids overlap in ways that make calculating
33 avoided transmission charges possible?

34 (d) Do transmission rates increase to cover credits in LEEP transactions?

35 (e) What kinds of transactions will legislation enable that cannot be achieved today?

36 (f) What other issues could affect this legislation?

Amendment to SB 91

- Page 8 -

1 V. The members of the commission shall elect a chairperson from among the members. The
2 first meeting of the commission shall be called by the first-named house member. The first meeting
3 of the commission shall be held within 30 days of the effective date of this section. Three members of
4 the commission shall constitute a quorum.

5 VI The commission shall make a report with its findings and any recommendations for
6 proposed legislation on or before November 1, 2021 to the speaker of the house of representatives,
7 the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

8 2 Prospective Repeal. RSA 362-A:3-a, relative to the commission to study limited electrical
9 energy producers, is repealed.

10 3 Effective Date.

11 I. Section 2 of Part IV of this act shall take effect November 1, 2021.

12 II. The remainder of this Part shall take effect upon its passage.

Amendment to SB 91
- Page 9 -

2021-1619h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. The installation, interconnection, and use of energy storage systems by customers of utilities.
- II. Hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.
- III. Group host credits for net energy metering.
- IV. Establishing a commission to study limited electrical energy producers.