

Floor Amendment to HB 1738-FN

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to ratepayer benefits from the regional greenhouse gas initiative and relative
4 to net metering, energy procurement, and nuclear regulatory duties.

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6 Amend the bill by replacing section 4 with the following:

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8 4 Cost Containment Allowances in Addition to the Budget. RSA 125-O:29 is repealed and
9 reenacted to read as follows:

10 125-O:29 Cost Containment Allowances in Addition to the Budget.

11 I. For the purposes of cost containment, the department shall make available for sale at one
12 or more auctions up to the following amounts of allowances that shall be in addition to the budget
13 allowance total for the given year under RSA 125-O:21, II, if:

14 (a) The CO2 allowance auction price equals or exceeds \$19.50 in 2027, up to 503,667
15 allowances and up to 503,667 additional allowances if it equals or exceeds \$29.25;

16 (b) The CO2 allowance auction price equals or exceeds \$20.87 in 2028, up to 503,667
17 allowances and up to 503,667 additional allowances if it equals or exceeds \$31.30;

18 (c) The CO2 allowance auction price equals or exceeds \$22.33 in 2029, up to 503,667
19 allowances and up to 503,667 additional allowances if it equals or exceeds \$33.49;

20 (d) The CO2 allowance auction price equals or exceeds \$23.89 in 2030, up to 503,667
21 allowances and up to 503,667 additional allowances if it equals or exceeds \$35.83; or

22 (e) In any year thereafter, the CO2 allowance auction price equals or exceeds 1.07
23 multiplied by the auction price at which cost containment allowances were required to be made
24 available in the previous calendar year rounded to the nearest whole cent, until further legislative
25 action.

26 II. The allowances sold pursuant to paragraph I shall be replenished, such that the full
27 1,007,214 allowances, if needed, are available the following calendar year.

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29 Amend the bill by replacing all after section 5 with the following:

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31 6 Peaceful Uses of Atomic Energy; Coordination of Studies and Development Activities. Amend
32 RSA 162-B:4, III to read as follows:

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1 III. The coordinator of nuclear development and regulatory activities shall have the duty to
2 coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies
3 conducted, and the recommendations and proposals made, in this state with like activities in New
4 England and other states and with the policies and regulations of the United States Nuclear
5 Regulatory Commission. *These activities may include the management of funding and*
6 *oversight of nuclear incentive programs, such as those described by RSA 374-F:11, as well*
7 *as outreach programs to inform and educate the public, particularly regarding safety.*

8 7 New Paragraph; Net Metering. Amend RSA 362-A:9 by inserting after paragraph II the
9 following new paragraph:

10 II-a. Each electric distribution utility shall make available alternative tariffs for net
11 metering to eligible customer-generators in accordance with order no. 26,029 dated June 23, 2017,
12 and the net metering rules adopted by the commission. Any eligible customer-generator that has
13 submitted an interconnection application to a distribution utility on or before the effective date of
14 this act and that is either a low-moderate income community solar project designated for the Electric
15 Assistance Program under RSA 362-A:9, XIV(e) in 2026 or earlier or is used to offset the electricity
16 requirements of a group consisting exclusively of one or more customers who are political
17 subdivisions that first receives compensation under an order no. 26,029 alternative tariff shall
18 remain eligible to receive that tariff for 20 years from the first day on which compensation is
19 received.

20 8 Net Metering. Amend RSA 362-A:9, III and IV to read as follows:

21 III. Metering shall be done in accordance with normal metering practices. A single net
22 meter that shows the customer's net energy usage by measuring both the inflow and outflow of
23 electricity internally shall be the extent of metering that is required at facilities with a total peak
24 generating capacity of not more than ~~[100]~~ **250** kilowatts. A bidirectional metering system that
25 records the total amount of electricity that flows in each direction from the customer premises, either
26 instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak
27 generating capacity of more than ~~[100]~~ **250** kilowatts. The bidirectional system may consist of one or
28 more meters, as long as it can be used to appropriately meter and bill in compliance with utility
29 tariffs and rules. Customer-generators shall not be required to pay for the installation of net meters,
30 but shall pay for the installation of, or procure at their own cost if approved by the interconnecting
31 utility, all bidirectional metering systems as outlined in utility interconnection tariffs or rules.

32 IV.(a) For facilities with a total peak generating capacity of not more than ~~[100]~~ **250**
33 kilowatts, when billing a customer-generator under a net energy metering tariff that is not time-
34 based, the utility shall apply the customer's net energy usage when calculating all charges that are
35 based on kilowatt hour usage. Customer net energy usage shall equal the kilowatt hours supplied to
36 the customer over the electric distribution system minus the kilowatt hours generated by the
37 customer-generator and fed into the electric distribution system over a billing period.

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1 (b) For facilities with a total peak generating capacity of more than ~~[100]~~ **250** kilowatts,
2 the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the
3 customer over the electric distribution system, less a credit on default service charges equal to the
4 metered energy generated by the customer-generator and fed into the electric distribution system
5 over a billing period.

6 9 New Paragraph; Electric Utility Restructuring; Definitions. Amend RSA 374-F:2 by inserting
7 after paragraph II the following new paragraph:

8 II-a. "Advanced nuclear reactor" has the same meaning as that provided in 42 U.S.C. section
9 16271(b)(1), as amended from time to time.

10 10 Purchased Power Agreements. Amend the introductory paragraph of RSA 374-F:11, I to read
11 as follows:

12 I. Investor-owned electric distribution utilities may elect to develop and, no later than June
13 30, ~~[2025]~~ **2040**, issue a request for proposals for multi-year agreements for energy, in conjunction
14 with or independent of any attendant environmental attributes from electric energy sources.

15 11 Purchased Power Agreements. Amend RSA 374-F:11, I(g) to read as follows:

16 (g) All megawatt hours procured through agreements made pursuant to this section
17 shall come from **existing**, new, or incremental electric energy sources.

18 12 New Subparagraphs; Purchased Power Agreements. Amend RSA 374-F:11, I(h) by inserting
19 after subparagraph (2) the following new subparagraphs:

20 (3) "Existing electric energy sources" means all sources that currently provide
21 energy to the ISO-NE regional markets, including nuclear power generation facilities located in the
22 ISO-NE control area that commenced commercial operation before January 1, 2011.

23 (4) Upon the petition of one or more electric distribution utilities, and after notice
24 and hearing, the public utilities commission may authorize such utility or utilities to enter into
25 multi-year agreements with existing, new, or incremental electric energy sources up to a total of 3
26 million megawatt hours statewide, on an annual basis, if it finds such agreements to be just and
27 reasonable and in the public interest.

28 (5) Further, any single source shall be eligible to procure an amount of energy not to
29 exceed 1 million megawatt hours statewide, on an annual basis, except for advanced nuclear reactors
30 as defined in RSA 374-F:2, II-a, which may procure an amount not to exceed 2 million megawatt
31 hours on an annual basis.

32 13 Purchased Power Agreements. Amend the introductory paragraph for RSA 374-F:11, II
33 through RSA 374-F:11, II(a) to read as follows:

34 II. Any investor-owned electric distribution utility electing to enter into an agreement
35 pursuant to this section shall petition the public utilities commission for authorization to enter the
36 agreement no later than June 30, ~~[2026]~~ **2041**.

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1 (a) Upon the petition of one or more electric distribution utilities, and after notice and
2 hearing, the public utilities commission may authorize such utility or utilities to enter into multi-
3 year agreements with new or incremental electric energy sources up to a total of 2 million megawatt
4 hours statewide, on an annual basis, if it finds such agreements to be just and reasonable and in the
5 public interest, *provided that if at least 1 million megawatt hours are procured from*
6 *advanced nuclear reactors as defined in RSA 374-F:2, II-a, an additional 1 million*
7 *megawatt hours may be procured from existing, new, or incremental electric energy sources*
8 *for a total of up to 3 million megawatt hours statewide annually.*

9 14 Effective Date. This act shall take effect 60 days after its passage.

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2026-1931s

AMENDED ANALYSIS

This bill:

I. Changes the carbon dioxide emissions budget allowances for 2027 through 2030 and thereafter, and creates 2 cost containment allowance levels and the trigger price at which the department releases allowances for years 2027 through 2030 and thereafter.

II. Modifies the coordinator of nuclear development and regulatory activities' duties.

II. Amends certain net metering applicable total peak generating capacities and establishes long-term eligibility for certain customer-generators to receive net energy metering compensation under alternative tariffs approved by the public utilities commission.

III. Defines "advanced nuclear reactor."

IV. Extends the deadline for electric distribution utilities to issue requests for proposals for multi-year agreements for energy, in conjunction with or independent of any attendant environmental attributes from electric energy sources, and modifies the requirements for the agreements.