01/07/2026 3044s
14May2026... 1774CofC

2026 SESSION

25-0263
06/09

HOUSE BILL ***221***

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

SPONSORS: Rep. Harrington, Straf. 18; Rep. Bernardy, Rock. 36; Rep. Notter, Hills. 12; Rep. Summers, Rock. 20; Rep. D. Thomas, Rock. 16; Rep. Vose, Rock. 5

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill:

I. 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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

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

1 Findings and Purpose. The general court finds that:

I. The cost of electricity supply in New Hampshire is higher than the national average and continues to create an economic burden on the state's citizens and businesses.

II. The cost of electricity in New England is driven by a number of factors, including the retirements of baseload generation resources, lack of adequate natural gas capacity in the winter, and increases in the cost of natural gas due to international factors.

III. The retention of and development of reliable sources of low-cost electricity supply is critical to stabilizing and reducing the cost of electricity in New Hampshire.

IV. Market volatility is harming New Hampshire's residents and businesses.

V. To ensure that New Hampshire ratepayers can benefit from cost-effective energy sources, the general court finds that it is appropriate to allow the electric distribution utilities to issue requests for proposals to provide more diverse and long-term options for providing energy service to customers.

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

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

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

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

compensation under an order no. 26,029 alternative tariff, shall remain eligible to receive that tariff for 20 years from the first day on which compensation is received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VETOED May 22, 2026

HB 221 - FINAL VERSION

LBA
25-0263
03/31/2026

HB 221- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENT # 2025-3044s)

AN ACT enabling electric utilities to own, operate, and offer advanced nuclear resources, and relative to purchased power agreements for electric distribution utilities and limitations on community customer generators.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	$126,000 (Utility Assessments) Indeterminable Increase (State's Utility Costs)	$129,000 (Utility Assessments) Indeterminable Increase (State's Utility Costs)	$135,000 (Utility Assessments) Indeterminable Increase (State's Utility Costs)
Funding Source(s)	Utility Assessment per RSA 363-A, General Fund, Highway Fund, and Various Agency Funds			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

The Office of Legislative Budget Assistant is unable to provide a complete fiscal note for this bill, as amended, as it is awaiting information from the Public Utilities Commission. The Commission was originally contacted on 01/08/26 and again on 03/27/26 for a fiscal note worksheet. When completed, a revised fiscal note will be forwarded to the Clerk's Office

METHODOLOGY:

This bill enables electric utilities to own, operate, and offer advanced nuclear resources, modifies net metering provisions, expands the capacity limits of community solar projects, and allows electric distribution utilities to enter into long-term energy contracts.

The Department of Energy states this bill modifies the responsibilities of the coordinator of nuclear development to include management of funding and outreach programs; however, these changes will not result in significant additional costs.

The Department states this bill makes several changes to net metering. The threshold between small and large customer generators is increased from 100 kW to 500 kW, resulting in additional compensation for certain customer-generators. Increasing the number of small customer generators will increase net metering compensation costs for electric utilities, which are recovered from ratepayers. Without information regarding the number of affected customer-generators, the Department is unable to estimate the total increase in costs. Based on electricity consumption data, the State accounts for approximately 1% of total electricity usage and would therefore experience an increase in electricity costs proportional to any increase in net metering compensation costs.

The Department states increasing the annual cap for community solar projects from 6 megawatts to 12 megawatts will increase workload and would require one Utility Analyst IV position (13-11960 Miscellaneous Business Operations Specialists-7, SOC 13-08). The estimated cost for this position is $126,000 in FY 2027, $129,000 in FY 2028, and $135,000 in FY 2029. The bill does not provide authorization or funding for this position. Any such position would be funded through the Department's assessment on utilities pursuant to RSA 363-A and recovered from ratepayers.

The Department states modifications to long-term energy contract provisions will have minimal fiscal impact and can be managed with existing staff.

Lastly, the Department states counties and municipalities will experience increased electricity costs as a result of increased net metering compensation; however, the extent of this impact is indeterminable.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission