

HB 681-FN - AS INTRODUCED

2025 SESSION

25-0566

06/05

HOUSE BILL ***681-FN***

AN ACT establishing a statewide online energy data platform.

SPONSORS: Rep. McGhee, Hills. 35; Rep. Corman, Graf. 15; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill outlines the framework and operational guidelines for an online energy data platform, as approved by the commission in Order No. 26,589 on March 2, 2022.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a statewide online energy data platform.

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

1 Findings.

I. Since the adoption of RSA 378:50 through 54, 5 years ago, it has become more apparent than ever that a statewide, multi-use online data platform to facilitate access to granular energy data is a foundational element for moving New Hampshire's electric and natural gas systems to a more efficient paradigm focused on consumer empowerment. When customers have access to granular usage data, and critically, when they have the capability to authorize access to that data by service providers in addition to their utility, they will be better able to save money and assume more control over their energy usage.

II. The development of a statewide, multi-use online data platform advances policy objectives contained in the July 2022 edition of New Hampshire's state energy strategy developed pursuant to RSA 12-P:7-a, particularly the ongoing development of a robust, market selection of cost-effective energy resources, the promotion of in-state economic activity without permanent reliance on subsidies, the existence of a secure, reliable, and resilient energy system, and the pursuit of all-resource energy strategies that minimize barriers to innovation imposed by regulators.

III. Via Docket No. DE 19-197, an adjudicative proceeding conducted by the public utilities commission pursuant to RSA 378:51, II, the state's electric and natural gas utilities, along with the department of energy, the office of the consumer advocate, and other stakeholders including representatives of providers of unregulated and innovative energy services, have collaborated effectively to create a plan for the development and governance of a statewide, multi-use online data platform in a manner that is mindful of the need to avoid excessive rate impacts. As noted by the commission in Order No. 26,589, issued on March 2, 2022, both the technological approach and the governance paradigm endorsed by the utilities and other stakeholders are consistent with the requirements set forth in RSA 378:51 through 54.

IV. The platform governance council approved in Order No. 26,589, which operates under a consensus decision-making model and includes representatives of the utilities, the department, the office of the consumer advocate, and other stakeholders, has been meeting regularly since its approval and working diligently to move the platform toward fruition. To date, the governance council has proven to be an effective and laudable example of stakeholder collaboration on matters related to utility capital investments calculated to benefit utility shareholders, utility customers, and others with an interest in harnessing the power of emerging energy technologies.

1 V. In light of the progress achieved via Docket DE 19-197 and the platform governance
2 council, there is a need to update and clarify the language of sections 50 through 54 of RSA 378 to
3 assure the successful development of the multi-use online data platform and the prudent investment
4 of utility resources in connection therewith. For purposes of rate regulation, the department and the
5 commission should treat investments approved by the governance council no differently than other
6 investments for inclusion in the utility rate base.

7 2 New Paragraph; Multi-Use Energy Data Platform; Definitions. Amend RSA 378:50 by
8 inserting after paragraph II the following new paragraph:

9 II-a. "Statewide" means available in the service territories of all electric and natural gas
10 utilities in New Hampshire.

11 3 Online Energy Data Platform Established. RSA 378:51, II through IV are repealed and
12 reenacted to read as follows:

13 II. The framework for the online energy data platform, as approved by the commission in
14 Order No. 26,589 on March 2, 2022, shall be deemed to be consistent with the requirements of this
15 subdivision, including the provisions of the order and underlying settlement agreement related to
16 governance, development, implementation, change management, and versioning of the platform;
17 standards for data accuracy, retention, availability, privacy, and security, including the integrity and
18 uniformity of the logical data model; and, financial security standards or other mechanisms to assure
19 compliance with privacy standards by third parties.

20 III. The membership, authority, and consensus decision-making paradigm of the platform
21 governance council, as approved by Order No. 26,589, shall apply to the planning, construction, and
22 operation of the platform. Decisions of the governance council, when assented to by the department,
23 the office of the consumer advocate, the utilities represented on the council, and all other voting
24 members of the council, shall be deemed by the department and the commission to be prudent and
25 lawful. Nothing in this paragraph shall preclude a person aggrieved by a non-unanimous decision of
26 the governance council from seeking relief from the commission as otherwise provided for under this
27 title.

28 IV. When making investments or incurring costs authorized by the governance council, no
29 utility shall recover costs that are not prudently incurred, nor shall there be any recovery of, or on,
30 investments that are not used and useful.

31 V. The department of energy may adopt additional rules pursuant to RSA 541-A as
32 necessary to implement this section.

33 4 Effective Date. This act shall take effect upon its passage.

HB 681-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing a statewide online energy data platform.

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

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures*	\$0	Indeterminable Increase in excess of \$50,000	Indeterminable de minimis Increase	
Funding Source(s)	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 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	Indeterminable Increase		
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase		

METHODOLOGY:

This bill outlines the framework and operational guidelines for an online energy data platform that would allow customers to have access to granular usage data. Additionally, electric and gas distribution utilities shall only recover costs that are prudently incurred and investments that are both used and useful when making expenditures authorized by the governance council.

The Department of Energy states that the cost of establishing a statewide only energy data platform is unknown until a request for proposal is issued and a contract is award, but it is anticipated to be in the in the millions of dollars. The initial cost estimates from utility companies are between \$4.6 million and \$7 million. Additionally, the annual costs for maintaining and operating the platform are estimated to be between \$272,800 and \$416,400.

Additionally, according to electricity consumption data from the Department of Administrative Services, the state accounts for approximately 1 percent of all electricity purchases. Consequently, it could potentially experience 1 percent of any overall increase in electricity costs. Since the Department doesn't have data on natural gas and electricity consumption or estimates for the total costs and rate impacts, it cannot provide a reasonable estimate of the potential future state, county, or local expenditures with the implementation of the data platform.

The Public Utilities Commission states that this bill would have no fiscal impact on the commission and does not have any data regarding the fiscal impact on county and local expenditures.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission