

Bill as Introduced

HB 1353 - AS INTRODUCED

2010 SESSION

10-2348

06/10

HOUSE BILL **1353**

AN ACT relative to group net energy metering.

SPONSORS: Rep. S. Harvey, Hills 21; Rep. Pastor, Graf 9; Rep. Butcher, Ches 3;
Rep. Townsend, Graf 10; Sen. Fuller Clark, Dist 24; Sen. Merrill, Dist 21

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill modifies certain procedures and rules related to net energy metering.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Ten

AN ACT relative to group net energy metering.

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

1 1 Declaration of Purpose. Amend RSA 362-A:1 to read as follows:

2 362-A:1 Declaration of Purpose. It is found to be in the public interest to provide for small scale
3 and diversified sources of supplemental electrical power to lessen the state's dependence upon other
4 sources which may, from time to time, be uncertain. It is also found to be in the public interest to
5 encourage and support diversified electrical production that uses indigenous and renewable fuels and
6 has beneficial impacts on the environment and public health. It is also found that these goals should
7 be pursued in a competitive environment pursuant to the restructuring policy principles set forth in
8 RSA 374-F:3. It is further found that net energy metering for eligible customer-generators may be
9 one way to provide a reasonable opportunity for small customers to choose interconnected self
10 generation, encourage private investment in renewable energy resources, stimulate in-state
11 commercialization of innovative and beneficial new technology, enhance the future diversification of
12 the state's energy resource mix, and reduce interconnection and administrative costs. ~~[However, due~~
13 ~~to uncertain cost and technical impacts to electric utilities and other ratepayers, the general court~~
14 ~~finds it appropriate to limit the availability of net energy metering to eligible customer-generators~~
15 ~~who are early adopters of small-scale renewable electric generating technologies.]~~

16 2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

17 II-b. "Eligible customer-generator" or "**customer-generator**" means an electric utility
18 customer **or a voluntarily associated group of customers or customer accounts served by the**
19 **same electric distribution utility that [who] owns [and] or operates, or whose electrical energy**
20 **needs are otherwise served by,** electrical generating facilities powered by renewable energy with a
21 total peak generating capacity of not more than ~~[100 kilowatts]~~ **2 megawatts** that is located on the
22 ~~[customer's]~~ premises **of the customer or a member of the group of customers,** is interconnected
23 and operates in parallel with the electric grid, and is intended ~~[primarily]~~ **in the first instance** to
24 offset part or all of the customer's **or group of customers'** own electricity requirements.

25 3 Net Energy Metering. Amend RSA 362-A:9, I-IV to read as follows:

26 362-A:9 Net Energy Metering.

27 I. A standard contract or tariff providing for net energy metering shall be ~~[developed and]~~
28 made available to eligible customer-generators by each electric distribution utility ~~[within 90 days of~~
29 ~~the start of retail choice of electric suppliers, or within 90 days of the final approval of]~~ **in**
30 **conformance with net metering rules adopted** ~~[regulations issued]~~ **and orders issued** by the
31 commission~~[, whichever comes first]~~. Such tariffs or contracts shall be available on a first-come,

1 first-served basis within each electric utility service area under the jurisdiction of the commission
2 until such time as the total rated generating capacity owned and operated by eligible customer-
3 generators totals ~~[one]~~ 5 percent of the annual peak energy demand distributed by each such utility
4 as determined by the commission from time to time.

5 II. *At each customer premises hosting a renewable electric generation facility*, net
6 energy metering shall be accomplished using a single meter capable of registering the flow of
7 electricity in two directions. However, an additional meter or meters to monitor the flow of electricity
8 in each direction may be installed, provided that it is not at the expense of the customer-generator
9 unless requested by the customer-generator~~[, and provided that such metering shall be used only to~~
10 ~~provide the information necessary to accurately bill the customer-generator pursuant to the~~
11 ~~provisions of this section, or for research purposes]~~. If an additional meter or meters are installed,
12 the net energy metering calculation shall yield the same result as when a single meter is used. The
13 net energy metering calculation shall be made by taking the difference between the electricity
14 supplied over the electric distribution system and the electricity generated by the eligible customer-
15 generator and fed back into the electric distribution system over the billing period.

16 III. Each net energy metering contract or tariff offered by an electric distribution utility
17 shall be identical, with respect to rates, rate structure, and periodic charges, to the contract or tariff
18 ~~[to]~~ by which the same customer would ~~[be assigned if such customer was not an eligible customer-~~
19 ~~generator]~~ *otherwise take service by choice or default*. Electricity suppliers may voluntarily
20 determine the terms, conditions, and prices under which they will agree to provide generation supply
21 to and purchase net generation output from eligible customer-generators~~[- however, electricity~~
22 ~~suppliers who]~~. *Electric utilities that provide default service [or transition service] to [such a*
23 ~~customer]~~ *eligible customer-generators* shall only bill for the net energy supplied as calculated in
24 accordance with this section *and shall provide credit for net generation in accordance with*
25 *this section*.

26 IV. The following rules shall apply to net energy measurement *charges and credits*:

27 (a) The net energy produced or consumed on a monthly basis shall be measured in
28 accordance with normal metering practices.

29 (b) Where the electricity supplied to the customer-generator over the electric distribution
30 system exceeds the electricity generated by the customer-generator during the billing period, the
31 customer-generator shall be billed based on the net energy supplied for distribution services and
32 other charges in accordance with this section and standard applicable rates. *Charges and credits*
33 *shall be given under time-based rate tariffs as determined by the commissioner*.

34 (c) Where the electricity generated by the customer-generator exceeds the electricity
35 supplied by the electric grid, the customer-generator shall be credited over subsequent billing
36 periods for the excess kilowatt hours generated in accordance with this section. *At least annually*
37 *and instead of carrying excess generation credits forward, customer-generators that take*

1 *default service may elect to be paid by the electric distribution utility for their excess*
2 *generation at rates that are not less than 90 percent of the generation supply component of*
3 *the applicable default service rate as determined by the commission. Such payment rates*
4 *may also include payment for avoided transmission charges to the extent that such excess*
5 *generation is reasonably determined to reduce wholesale transmission charges from what*
6 *they would otherwise be. The difference between amounts paid to customer-generators for*
7 *excess generation and the generation rate charged to other customers for such supply, up*
8 *to 10 percent of such rates, may be allocated to the electric distribution utility for their*
9 *costs of facilitating such transactions and to line losses, as determined by the commission.*

10 4 New Subparagraphs; Net Energy Metering. Amend RSA 362-A:9, IV by inserting after
11 subparagraph (c) the following new subparagraphs:

12 (d) Renewable energy credits shall remain the property of the customer-generator until
13 such credits are sold or transferred.

14 (e) If an electric distribution utility acquires renewable energy credits from a customer-
15 generator in conjunction with purchasing excess generation, it may apply such generation and
16 credits to its renewable energy source default service option under RSA 374-F:3, V(f).

17 (f) When the customer-generator consists of a voluntarily associated group of customers
18 or customer accounts of the same electric distribution utility, to the extent practicable excess
19 kilowatts and kilowatt hours of generation from the host account or accounts where the renewable
20 electrical generation facility or facilities are located may be credited against the generation supply
21 and transmission rate components of the other customers or customer accounts within the group, all
22 as determined by the commission after notice and hearing, on a utility-specific or generic basis.

23 5 Net Energy Metering. Amend RSA 362-A:9, VI to read as follows:

24 VI. The commission, by order, may waive any of the limitations set forth in this chapter for
25 targeted net energy metering arrangements that are part of a utility strategy to minimize
26 distribution *or other* costs.

27 6 Effective Date. This act shall take effect 60 days after its passage.

HB 1353 - AS AMENDED BY THE HOUSE

03Mar2010... 0690h

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3 and diversified sources of supplemental electrical power to lessen the state’s dependence upon other
4 sources which may, from time to time, be uncertain. It is also found to be in the public interest to
5 encourage and support diversified electrical production that uses indigenous and renewable fuels and
6 has beneficial impacts on the environment and public health. It is also found that these goals should
7 be pursued in a competitive environment pursuant to the restructuring policy principles set forth in
8 RSA 374-F:3. It is further found that net energy metering for eligible customer-generators may be
9 one way to provide a reasonable opportunity for small customers to choose interconnected self
10 generation, encourage private investment in renewable energy resources, stimulate in-state
11 commercialization of innovative and beneficial new technology, enhance the future diversification of
12 the state’s energy resource mix, and reduce interconnection and administrative costs. ~~[However, due~~
13 ~~to uncertain cost and technical impacts to electric utilities and other ratepayers, the general court~~
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15 ~~who are early adopters of small-scale renewable electric generating technologies.]~~

16 2 Definitions. Amend RSA 362-A:1-a, II-b to read as follows:

17 II-b. “Eligible customer-generator” **“or “customer-generator”** means an electric utility
18 customer who owns ~~[and]~~ **or** operates electrical generating facilities powered by renewable energy
19 with a total peak generating capacity of not more than 100 kilowatts, **or that first begins**
20 **operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or**
21 **more up to one megawatt**, that is located **behind a retail meter** on the customer’s premises, is
22 interconnected and operates in parallel with the electric grid, and is ~~[intended primarily]~~ **used in**
23 **the first instance** to offset ~~[part or all of]~~ the customer’s own electricity requirements.

24 3 Net Energy Metering. RSA 362-A:9 is repealed and reenacted to read as follows:

25 362-A:9 Net Energy Metering.

26 I. Standard tariffs providing for net energy metering shall be made available to eligible
27 customer-generators by each electric distribution utility in conformance with net metering rules
28 adopted and orders issued by the commission. Each net energy metering tariff shall be identical,
29 with respect to rates, rate structure, and charges, to the tariff under which a customer-generator
30 would otherwise take default generation supply service from the distribution utility. Such tariffs

1 shall be available on a first-come, first-served basis within each electric utility service area under the
2 jurisdiction of the commission until such time as the total rated generating capacity owned or
3 operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each
4 such utility's percentage share of the total 2010 annual coincident peak energy demand distributed
5 by all such utilities as determined by the commission.

6 II. Competitive electricity suppliers registered under RSA 374-F:7 may determine the terms,
7 conditions, and prices under which they agree to provide generation supply to and purchase net
8 generation output from eligible customer-generators.

9 III. Metering shall be done in accordance with normal metering practices. A single net
10 meter that shows the customer's net energy usage by measuring both the inflow and outflow of
11 electricity internally shall be the extent of metering that is required at facilities with a total peak
12 generating capacity of not more than 100 kilowatts. A bi-directional metering system that records
13 the total amount of electricity that flows in each direction from the customer premises, either
14 instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak
15 generating capacity of more than 100 kilowatts. Customer-generators shall not be required to pay
16 for the installation of net meters, but shall pay for the installation of all bi-directional metering
17 systems as outlined in utility interconnection tariffs or rules.

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

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

29 V. When a customer-generator's net energy usage is negative (more electricity is fed into the
30 distribution system than is received) over a billing period, such surplus shall either:

31 (a) Be credited to the customer-generator's account on an equivalent basis for use in
32 subsequent billing cycles as a credit against the customer's net energy usage or bill in a manner
33 consistent with either paragraph IV(a) or IV(b), as applicable; or

34 (b) Except as provided in paragraph VI, the customer-generator may elect to be paid or
35 credited by the electric distribution utility for their excess generation at rates that are equal to the
36 utility's avoided costs for energy and capacity to provide default service as determined by the
37 commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978

1 (PURPA). The commission shall determine reasonable conditions for such an election, including the
2 frequency of payment and the how often a customer-generator may choose this option versus the
3 option in subparagraph (a).

4 VI. Instead of the option in paragraph V(b), an electric distribution utility providing default
5 service to customer-generators may voluntarily elect, annually, on a generic basis, by notification to
6 the commission, to purchase or credit such excess generation from customer-generators at a rate that
7 is equal to the generation supply component of the applicable default service rate, provided that
8 payment is issued at least as often as whenever the value of such credit, in excess of amounts owed
9 by the customer-generator, is greater than \$50.

10 VII. A distribution utility may perform an annual calculation to determine the net effect this
11 section had on its default service and distribution revenues and expenses in the prior calendar year.
12 The method of performing the calculation and applying the results, as well as a reconciliation
13 mechanism to collect or credit any such net effects with appropriate carrying charges and credits
14 applied, shall be determined by the commission.

15 VIII. Notwithstanding other provisions of this section, the commission may establish, on a
16 utility-specific or generic basis, a methodology by which customer-generators may be provided
17 service under time-based, net energy metering tariffs. The methodology shall specify how a
18 customer's energy usage and generation shall be metered, how net energy usage shall be calculated
19 and any applicable charges applied, and how excess generation shall be credited, consistent with size
20 limits and the terms and conditions and intent of this section and other requirements of state and
21 federal law.

22 IX. Renewable energy credits shall remain the property of the customer-generator until such
23 credits are sold or transferred. If an electric distribution utility acquires renewable energy credits
24 from a customer-generator in conjunction with purchasing excess generation, it may apply such
25 generation and credits to its renewable energy source default service option under RSA 374-F:3, V(f).

26 X. The commission shall adopt rules, pursuant to RSA 541-A, to:

27 (a) Establish reasonable interconnection requirements for safety, reliability, and power
28 quality as it determines the public interest requires. Such rules shall not exceed applicable test
29 standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL);
30 and

31 (b) Implement the provisions of this section.

32 XI. The commission may by order, after notice and hearing:

33 (a) Waive any of the limitations set forth in this chapter for targeted net energy
34 metering arrangements that are part of a utility strategy to minimize distribution or other costs; and

35 (b) Implement any utility-specific provisions authorized under this section.

36 XII. Once the commission has established standards for equipment used by eligible
37 customer-generators, electric distribution utilities shall not require any additional standards or

1 testing for transmission equipment as a condition of net energy metering.

2 XIII. Customer-generators shall be responsible for all costs associated with interconnection
3 with the distribution system.

4 4 Renewable Energy Fund. Amend RSA 362-F:10, IV to read as follows:

5 IV. The commission shall make an annual report by October 1 of each year, beginning in
6 2009, to the legislative oversight committee on electric utility restructuring under RSA 374-F:5
7 detailing how the renewable energy fund is being used and any recommended changes to such use.
8 ***The report shall also include information on the total peak generating capacity that is net***
9 ***energy metered under RSA 362-A:9 within the franchise area of each electric distribution***
10 ***utility, and the percentage this represents of the amount that is allowed to be net metered***
11 ***within each franchise area.***

12 5 Small Wind Energy Systems; Definitions. Amend RSA 674:62, I to read as follows:

13 I. "Small wind energy system" means a wind energy conversion system consisting of a wind
14 turbine, a tower, and associated control or conversion electronics, which has a rated capacity
15 [~~consistent with the net metering specifications of RSA 362-A:9~~] ***of not more than 100 kilowatts***
16 and which will be used [~~primarily~~] ***in the first instance*** for onsite consumption.

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CHAPTER 143
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CHAPTER 143
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29 X. The commission shall adopt rules, pursuant to RSA 541-A, to:

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31 quality as it determines the public interest requires. Such rules shall not exceed applicable test
32 standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL);
33 and

34 (b) Implement the provisions of this section.

35 XI. The commission may by order, after notice and hearing:

36 (a) Waive any of the limitations set forth in this chapter for targeted net energy

CHAPTER 143
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- Page 4 -

1 metering arrangements that are part of a utility strategy to minimize distribution or other costs; and

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4 customer-generators, electric distribution utilities shall not require any additional standards or
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20 and which will be used [~~primarily~~] ***in the first instance*** for onsite consumption.

21 143:6 Effective Date. This act shall take effect 60 days after its passage.

22 Approved: June 14, 2010

23 Effective Date: August 13, 2010

Committee Minutes

SENATE CALENDAR NOTICE
ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

Senator Martha Fuller Clark Chairman ✓
 Senator Amanda Merrill V Chairman ✓
 Senator Jacalyn Cilley ✓
 Senator Bette Lasky ✓
 Senator Bob Odell ✓
 Senator Jeb Bradley ✓

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

10:29
open

11:05
close

Date: April 1, 2010

HEARINGS

Thursday

4/8/2010

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT	LOB 102	8:30 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM	HB1153	relative to membership of the commission to study water infrastructure sustainability funding.
8:35 AM	HB431-FN	requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.
8:55 AM	HB1542-FN	repealing nitrogen oxide emitting generation source requirements.
9:15 AM	HB232-FN	(New Title) increasing manufacturers' pesticide registration fees.
9:30 AM	HB1292-FN	relative to underground storage tank facility permits, compliance, and cleanup fund eligibility.
9:50 AM	HB1353	relative to group net energy metering.

Sponsors:

HB1153

Rep. Karen Umberger

Rep. Thomas Buco

Sen. Martha Fuller Clark

HB431-FN

Rep. Mary Gile

Sen. Sheila Roberge

Sen. Sharon Carson

Rep. Frank Davis

Rep. Mary Cooney

Rep. Jayne Spaulding

Rep. Carla Skinder

HB1542-FN

Rep. Naida Kaen

HB232-FN

Rep. Stella Scamman

HB1292-FN

Rep. Chris Christensen

Rep. Leigh Webb

HB1353

Rep. Suzanne Harvey

Sen. Martha Fuller Clark

Sen. Amanda Merrill

Rep. Beatriz Pastor

Rep. Suzanne Butcher

Rep. Charles Townsend

Energy, Environment and Economic Development Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on **HB 1353** - relative to group net energy metering

HEARING DATE: April 8, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Fuller Clark, Merrill, Lasky, Cilley, Odell, and Bradley.

MEMBERS OF THE COMMITTEE ABSENT: None.

Sponsor(s): Rep. S. Harvey, Hills 21; Rep. Pastor, Graf 9; Rep. Butcher, Ches 3; Rep. Townsend, Graf 10; Sen. Fuller Clark, Dist 24; Sen. Merrill, Dist 21

What the bill does: This bill modifies certain procedures and rules related to net energy metering.

Who supports the bill: Sen. Fuller Clark, Dist. 24, Rep. Harvey, Hills. 21, Rep. Kaen, Straf. 7, Deb Hale, National grid, Eric Stetzler, OEP, Clifton Below, NH PUC, Robert Johnson, NH Farm Bureau, Donna Gamache, PSNH, Garrett Kopczynski, City of Keene, Steve DelDeo, NH Water Works Assoc., Mike Fitzgerald, NH DES.

Who opposes the bill: None.

Neutral position: None.

Summary of testimony received:

Rep. Harvey, Hills. 21- Prime Sponsor of HB 1353.

- Hearing called to order at 10:55am
- Bill enhances existing law by increasing net metering to up to one megawatt. This change will give consumers an incentive to install renewables. This bill will effect individuals, businesses, and communities.
- Customer generator may elect to be credited for excess power sent to the grid or paid at rates equal to utilities avoided costs.

- Customer generator owns renewable energy credits and may sell them.

Eric Stetzler, OEP

- In support.
- Bill will open up business opportunities for small renewable companies and empower municipalities to become involved.
- Sen. Cilley asked for clarification on section 5. Were these new size restrictions on wind production? Mr. Speltzer replied they were not new restrictions, this clarifies that municipalities have oversight.

Clifton Below, NH PUC

- NH has had a long policy of allowing customers to self generate. This bill will continue that tradition and encourage private investment in renewable energy sources.
- Se. Cilley asked Commission Below to explain how energy credits are accrued and at what level can they be sold. Commissioner Below explained that a ceiling of 100 kilowatts must be reached before the RECs could be sold. Sen. Cilley then asked if all ratepayers would be subsidizing these upgrades. The Commissioner explained it was his understanding that they were not.
- Sen. Bradley then asked if this approach were not a two tiered process with up to 100kw and up to 1 gw? Comm. Below answered that it was. Sen. Bradley then asked if this were not a subsidy, but rather a power to power exchange? Comm. Below answered it was.

Deb Hale, National Grid

- In support.
- As a stakeholder sees as an important step.

Donna Gamache, PSNH

- In support.
- Stakeholder.
- Sen. Bradley asked if this allows up to 1megawatt will other existing subsidies be unnecessary? Ms. Gamache explained that the upfront costs to customers will still be high so the current subsidies may still be needed. The average size of current projects is 10 to 20 kilowatts.

Garett Kopczynski, City of Keene

- In support.
- Good step forward for private investment in renewables. Sees benefits for small cities like Keene.

Hearing was closed at 11:00am.

Funding: Not applicable.

Future Action: Senator Merrill moved Ought to pass on HB 1353. Seconded by Senator Cilley. Motion carried, 4-0. Senator Fuller Clark for the Committee.

MSR

File: HB 1353

Date: April 8, 2010

Date: April 8, 2010
Time: 10:29 a.m.
Room: LOB Room 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

House Bill 1353 relative to group net energy metering.

Members of Committee present: Senator Fuller Clark
Senator Merrill
Senator Cilley
Senator Lasky
Senator Odell
Senator Bradley

The Chair, Senator Martha Fuller Clark, opened the hearing on House Bill 1353 and invited the prime sponsor, Representative Suzanne Harvey, to introduce the legislation.

Representative Suzanne Harvey: Thank you, Madam Chair.

Senator Martha Fuller Clark, D. 24: Welcome.

Representative Harvey: Good morning; it's still morning. I've got copies of my testimony.

Please see Attachment #1 - Representative Harvey's typewritten testimony.

Senator Martha Fuller Clark, D. 24: And just before you start, I'd like to note that everyone who has signed up is speaking in support of this bill. So, hopefully, we could move this along relatively quickly since we're so far behind.

Representative Harvey: Right.

Senator Martha Fuller Clark, D. 24: But I do agree it's a very important bill, and we need to have a good understanding.

Representative Harvey: Thank you. Let me just start by talking about net metering for a minute just for those of you who may not have had contact with net metering before.

Currently, the statute allows folks in the state to install a renewable energy system on a building with a meter that runs two ways. It'll show the utility how much energy is being produced and how much energy is being used, and if there's excess, it will register that. And if the owner needs more energy from the grid, it will register that. So, at the end of the day, the owner gets either ... The owner either gets credit for the unused energy that goes to the grid or has to pay, on the monthly bill, for the energy that they took from the grid. So, that's the current net metering bill. And I thank Senator Bradley for playing an important role in that a couple of years ago, before my time.

What we'd like to do right now is enhance the current statute. Currently, the systems could be up to a hundred kilowatts, and we're talking about going up to one megawatt, which is a big jump, but the demand is there.

Senator Martha Fuller Clark, D. 24: And if I could interrupt you?

Representative Harvey: Yeah.

Senator Martha Fuller Clark, D. 24: Is it not true that many other states have increased their net metering to two?

Representative Harvey: Correct, correct. My original bill said two megawatts, and it's very important that Committee members understand that there was about twelve hours of discussion put into this bill between stakeholder meetings, pre-hearing, and hearing, and committee discussion. So, that's ST and E and the stakeholders; we really put in about twelve hours into this. The goal was to come out with something that would motivate more renewable energy in the state, would give people a reason to install these systems, and also do as little harm to the utilities as possible, financially.

So, I think, at the end of the day, the utilities were quite pleased with what we came up with. If you look at the title of the bill, it says, "Group net metering ... group and net energy metering." The title couldn't be changed, but there's no longer a group aspect to the bill. What would have been allowed had the group aspect stayed was ... I'll give you my favorite example that I use over and over again: if the municipality wanted to install, let's say, a solar array on city hall and it had ... Let's say it was a megawatt. Whatever. And they said, "Okay, utility, I want you to ... All the excess

energy that city hall doesn't use, we want to spread that out between the high school, the junior high school, public works department. Whatever they need, whatever they're using, they will be metered as well. The utility will know how much everybody's using and how much is being produced."

Anyway, that fell by the wayside. Evidently, it's a little too complicated for some of the utilities to handle all of those. Some of our utilities are doing it in other states. So, with that, there's no more group. We have a dozen hours of meetings, so I think we have a bill that's prime-time ready, and the goal was obviously, as I said, to expand upon the existing statute, further incent more installation of systems. And the declaration of purpose, if you look at the bill: "...provide for small scale and diversified sources of supplemental electrical ... encourage and support diversified indigenous and renewable fuels for electrical...", and allow people to invest in these systems to generate their own power. And we're not talking about people off the grid. We're talking about on the grid and power going back and forth and being measured by the meters.

So, I told you about the net metering statute that's in law now. It's 362-A:9. It allows the hundred kilowatts to be connected. And the customer generator today gets credit for excess energy not used. That's where it stops. What we're doing in this bill, we're increasing the size of the system from 100 kilowatts to one megawatt. Under 100 kilowatts, you use a single net meter that measures the flow in two directions. For over 100 kilowatts, you're using a bi-directional metering system. And the customer generator may elect to be credited for excess power or paid by the utility. That is new, and that's another enhancement to our current statute.

Plus, the customer generator owns the RECs that's produced by the power and may sell them. Also, PUC has rulemaking ability and there are a number of places in the bill where rules will be necessary. Basically, just in conclusion - because there are people behind me who can drill down deeper into the technical part, if you're interested - this empowers all sectors. We've got resident who have come out and spoken in favor of this. We've got municipalities. As a matter of fact, here is a letter from Hampton that is in support of the bill.

Please see Attachment #2 – Letter from Ann Carnaby of the Hampton Energy Committee.

Representative Harvey: We had Keene an active member of the stakeholders meetings. So, we've got residents, municipalities, farmers are interested in doing this. Business owners are interested. It certainly will enhance our own homegrown renewable energy sector doing business

installing these. So, New Hampshire, I believe, should move ahead in this direction as have many other states and help increase our use of renewable energy. And thank you.

Senator Martha Fuller Clark, D. 24: Thank you, Suzanne, for your excellent testimony. Are there questions from the Committee? Anyone?

Representative Harvey: Thank you.

Senator Martha Fuller Clark, D. 24: I'd like to call upon Mike Fitzgerald from DES.

Eric Steltzer, Office of Energy and Planning: (Speaking from the back of the room) I believe he just stepped out.

Senator Martha Fuller Clark, D. 24: Oh, okay. Would you like to come forward, Eric?

Mr. Steltzer: (Speaking from the back of the room) Why, sure!

Senator Martha Fuller Clark, D. 24: Thank you.

Mr. Steltzer: For the record, my name's Eric Steltzer, energy policy analyst at the Office of Energy and Planning. OEP is in support of this bill. We recognize so much work has been done by all the partners to come together to come up with this bill as it is before you.

We feel that this bill, by increasing the size of the systems as well as the total capacity that of distributive generation that's allowed on the grid, will open it up to business opportunities for commercial entities to put solar arrays on the roofs as well as for municipalities to be putting solar projects on top of their landfills or putting them behind their fire stations where there are resources. We also feel that this bill will give a good signal to the ... to get an understanding of how the market will respond to the increases in the net metering as proposed. And so, we certainly do support all the work that has been done for this bill. And I'm glad to...

Oh, one other thing I did want to mention as well is there is a provision at the end that was inputted on recommendation by the Office of Energy and Planning. It's on page 4, line 12 through 16. And I just want ... I just bring it up because ... to make sure that people are clear what this provision is doing. A few years ago, there was a bill passed to allow municipalities to regulate small wind energy systems, and that bill stated that it was these small wind energy systems were consistent with net metering. If that language were to

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be changed and the net metering were expanded to one megawatt, it would say that a municipality, underneath the small wind energy systems ordinance, would review one megawatt turbines. And one megawatt turbines have a vastly different planning review process than a small-scale turbine. So, we requested that that be adjusted to a hundred kilowatts, which was the level for net metering when the bill was initially passed.

Senator Martha Fuller Clark, D. 24: Thank you.

Mr. Steltzer: Any questions?

Senator Martha Fuller Clark, D. 24: Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. I actually ... That sort of gives rise ... I have several questions, and I'll try to be as quick as I can.

Mr. Steltzer: Sure.

Senator Jacalyn L. Cilley, D. 6: But that one concerns me. So, we've got wind turbines that would not be allowed to go to one megawatt, where you'd do the 100 kilowatt.

Mr. Steltzer: I'm glad you're bringing that up. This provision at the end does nothing to restrict the size of a turbine to the one megawatt. It simply has to do with the review process. So, the review process for small wind energy systems is done through the building inspector. There's a notification to the public. Public are allowed to comment back, but it's done specifically through the building inspector within a thirty day period of time. While those systems that over one megawatt would then have to comply with other ordinances and regulations within the municipality, most likely it would require a site plan review by the planning board as it is a change to the site of the commercial entity.

Senator Jacalyn L. Cilley, D. 6: Okay. That answers that question, because I was concerned that we may be circumventing local rules and ordinances, and sometimes, those get to be problematic. And if I may continue, Madam Chair?

Senator Martha Fuller Clark, D. 24: Yes, you may.

Senator Jacalyn L. Cilley, D. 6: The other thing that I wanted to know ... And certainly, in light of that bill that we heard, SB 334, back a few weeks ago, this raises a lot of questions for me. And I just want to understand. A

small generator ... Let's say I decide to put enough capacity on my buildings on my property that generates one megawatt. And I understand you need at least one megawatt to earn RECs. Is that correct?

Mr. Steltzer: To my knowledge...

Senator Jacalyn L. Cilley, D. 6: I'm seeing Cliff shake his head. Maybe I ought to wait until he comes up and answers those questions for me.

Mr. Steltzer: And I think - we're probably on the same page on this - is that they can be aggregated together.

Senator Jacalyn L. Cilley, D. 6: Right, right, right. But you need one megawatt in order to sell it, I thought.

Mr. Steltzer: And I'll defer to...

Senator Jacalyn L. Cilley, D. 6: So, aggregated or not.

Mr. Steltzer: I'll defer to Cliff there.

Senator Jacalyn L. Cilley, D. 6: Okay. Then, I...

Mr. Steltzer: Commissioner Below.

Senator Jacalyn L. Cilley, D. 6: I have several questions...

Mr. Steltzer: I'm sure he knows...

Senator Jacalyn L. Cilley, D. 6: ...along that line. I'll ask him.

Mr. Steltzer: ...much more than I.

Senator Martha Fuller Clark, D. 24: Okay.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. And other questions for Eric? Commissioner Below?

Clifton Below, Commissioner, Public Utilities Commission: Good morning. Thank you. I'm here to testify in support of the bill on behalf of the Public Utilities Commission.

I did work closely with the sponsor, the committee, and the stakeholders - both the utilities and the renewable advocates - working through numerous drafts and numerous options on the bill. And it's also been reviewed internally at the PUC very extensively as well, and I think it's a really good, well-worked out revamping of the net metering statute.

And I just ... I do want to mention just as background that New Hampshire's long had a policy of allowing customers to self-generate to meet their own load. And that policy's been reinforced periodically over the years. And I'd just like to say, you know for the record, a few of those places where it's been reinforced. In 1996, as part of the restructuring statute in our restructuring policy principles, RSA 374-F:3, under II *Customer Choice*, the statute states that customers should be able to choose among options, including interconnected self-generation. Likewise, IX *Renewable Energy Sources* states that to encourage emerging technologies, restructuring should allow customers reasonable opportunities to directly invest in and interconnect decentralized renewable electricity generating resources.

And again, in 1999, as part of electric rate reduction financing, the RSA 396-A:1 states that the general court finds that - XI - end users shall continue to have the opportunity to generate electricity for their own use without an access fee. And most recently, just last week of course, the Senate passed Senate Bill 334, which makes a finding that it is in the public interest to accelerate investments in renewable energy in order to promote immediate job creation. This bill will work towards that end, particularly encouraging private investment, opening up more opportunities for private investment in renewables.

Without ... And one thing this bill does is clarify in a way that does not detract from utilities' distribution revenues to meet their distribution revenue requirements. There's a lot of detail I could go into. I think I'll spare you that unless you have particular questions on the various aspects of the bill.

Senator Martha Fuller Clark, D. 24: Yes, Senator Cilley has some questions.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair, and thank you, Commissioner Below, for being here to, you know, to answer these. Trying to, you know, to understand the realm of, you know, subsidization and what we're putting a priority on, you know, with various projects and so on. And as you well know, 334 in the ... at least the amendment to it became very controversial. So, with these residential and business applications, they can go to one megawatt. Explain to me, if you will, how they accrue credits.

Those can ... I'm assuming they can be sold. Do they receive subsidization in order to install? It's my understanding that other programs, such as the program that offers the...

Commissioner Below: The renewable energy?

Senator Jacalyn L. Cilley, D. 6: ...\$6,000?

Senator Martha Fuller Clark, D. 24: The renewable energy.

Senator Jacalyn L. Cilley, D. 6: The renewable energy fund. I'm looking at so many funds today. Not oil disbursement; that one I know. So, they receive the renewable energy fund; then they receive some other type of subsidization on-going for the life of the project; and then they can sell the energy. Am I understanding that all of these things apply?

Commissioner Below: Well, to break it down: I don't think ... This bill doesn't really create any new subsidization.

Senator Jacalyn L. Cilley, D. 6: I'm not saying this bill...

Commissioner Below: Right.

Senator Jacalyn L. Cilley, D. 6: ...necessarily.

Commissioner Below: Right.

Senator Jacalyn L. Cilley, D. 6: Although, by going to one megawatt, it does offer certain conveniences.

Commissioner Below: Well, it does offer some conveniences, but what it does ... What is different is that current law allows net metering up to a hundred KW. And when the meter runs backwards, if you will, and somebody gets a credit, they off-set all of their costs except for fixed costs, a fixed monthly charge that doesn't get off-set. For greater than a hundred KW systems, when they're producing extra power, the only credit they actually see is for the generation that they avoid the utility from having to purchase.

So, they ... If at some hours of the day, somebody's still needing to get electricity to meet their load, then they would still pay the distribution, transmission charges, the systems benefits charge, the electricity consumption tax, so on and so forth. But they would, could, get a credit when they produce a surplus for the energy value. So, that's one way in which it doesn't expand what might arguably be considered subsidization. So, in that

way, it's like current policy that allows someone to off-set their own load behind the meter. This does allow them, at some hours, to produce a surplus and carry that off-set over to a different hour - but only the energy value for the larger systems - as well as it allows them potentially to get paid. But the only requirement in the bill is that they would be paid at the utilities' avoided cost, which is something the Legislature can mandate and doesn't really result in any cost shifting to other customers.

It also does allow the utility to voluntarily, if they chose to do so - if they think it would be simpler, for instance - to just credit the retail generation rate and pay the customer that amount. For Unitil systems, which serves in the Concord area, and National Grid, their retail rate and their avoided cost is very close to the same thing, because they go out and competitively bid, sort of, an all-requirements supply source. And that price is very close to the actual retail price, because they just transfer that. So, if a customer, you know, puts power into the grid, it's a lot like energy efficiency. They've just sort of reduced their load and/or they reduced their apparent load on that distribution theatre. And the utility just has to buy less from the market, and that's what the customer gets credited for.

In PSNH, it's a little different. Their avoided costs can be lower or, in theory, in the past sometimes, has been even higher than their actual retail rate. But I won't go into that unless you want me to.

But back to the REC, the other part of your question: any size system can generate RECs. A REC is equal to one megawatt hour of production, and this is figured up on an annual basis. The New England Generation Information System only recognizes full one megawatt hour RECs. Under the renewable portfolio standard, our Commission, the PUC, is allowed to issue fractional RECs. So, in that sense, somebody could get a tenth of a REC...

Senator Jacalyn L. Cilley, D. 6: And aggregate.

Commissioner Below: ...and if they collect, you know, enough, they can turn it into a more tradable full REC that could be put into the system. And that's ultimately what gets retired for RPS compliance.

A lot of systems have taken advantage of net metering without any other New Hampshire subsidy. There have been federal tax credits and such for renewable energy systems. There is this other law, as part of the renewable portfolio standard, that mandates this \$3 per watt incentive for residential systems, which has actually worked out to about an average of a \$2 per watt payment because people have been building more, larger systems than the

incentive will cover. And that's a one-time, upfront payment. And that's only actually been available since last July.

Senator Martha Fuller Clark, D. 24: Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: I just want to, again, walk through it so that, when you leave, I don't...

Commissioner Below: Okay.

Senator Jacalyn L. Cilley, D. 6: ...have to call you and say, "I thought I heard this."

Commissioner Below: Right.

Senator Jacalyn L. Cilley, D. 6: I just ... And these are policy decisions, and this is a piece of a policy...

Commissioner Below: Yes.

Senator Jacalyn L. Cilley, D. 6: ...that says, "We believe our energy sources should be diversified." And we've put an awful lot on residents. This also accommodates businesses, but they can accrue the RECs and sell them.

Commissioner Below: Yes.

Senator Jacalyn L. Cilley, D. 6: They can have the installation subsidized.

Commissioner Below: In the case of the residential, if there's money in the renewable energy fund for that program, yes.

Senator Jacalyn L. Cilley, D. 6: It's my understanding that that renewable energy fund will extend to commercial applications as well as soon as there is money and there is an RFP process in order to allow that to go forward.

Commissioner Below: Yes, either through an RFP process and/or a commercial incentive rebate program. Yes.

Senator Jacalyn L. Cilley, D. 6: And then there is the - I don't know what to call it - the stipend per watt for the amount of energy that's being generated that you're saying that's a one-time. It was my understanding there's something that was on-going over the life of the system that, besides the RECs, that they would receive.

Commissioner Below: No.

Senator Jacalyn L. Cilley, D. 6: Okay. All right.

Commissioner Below: Not ... I mean...

Senator Jacalyn L. Cilley, D. 6: I'll check, because I've got ... So, one final question. Are these subject to PUC review? I mean, if we're looking at a marketplace, ultimately, that is efficient, and we've used our funds wisely, is this subject to a before and after PUC review or do we take it on faith value, on faith, that these are good things to do?

Commissioner Below: There is one reporting requirement in the bill, on the last page, but it's merely about reporting how much of ... how much net metering there is in capacity relative to the total peak ... relative to what's allowed, because the bill still has a limit on the total capacity of systems that could be ... take advantage of net metering tariffs.

Senator Jacalyn L. Cilley, D. 6: Fifty percent of...

Commissioner Below: It's fifty megawatts.

Senator Jacalyn L. Cilley, D. 6: Fifty megawatts.

Commissioner Below: Fifty megawatts statewide, which is an increase over the current. Right now, the threshold's one percent. Fifty megawatts is roughly two, two and a half percent of the system peak. It was converted from one percent because that can go up and down. For instance, our historic peak - was several years ago, at this point - was back in 2007. So, if you approach that ... The House just simply decided to convert that to a solid number so it's not subject to fluctuation from year to year.

There are forty states that have legislated net metering; five more states have volunteer utility programs. So, most states do have this. Twenty states are either completely uncapped in terms of total program limit or are capped at more than five percent. So, our cap at two and a half percent would be about, sort of, average, if you will, for the states. So, there is a reporting on where we stand relative to that. We're way short of that now. We're probably only about roughly a megawatt of systems that are taking advantage of net metering now. Although, that could be...

Senator Jacalyn L. Cilley, D. 6: About three-quarters, according to Jack last week, I think.

Commissioner Below: Okay. Well, that, I think, he was referring to the number of systems that have taken advantage of the \$3 per watt program. Right, right.

Senator Jacalyn L. Cilley, D. 6: I said final question, but I really mean it this time. I'm sorry. So, I guess, fundamental ... This is as I said; there's a policy decision that says these are good things to do and that ... But they are getting subsidized, are they not, by ratepayers, all ratepayers?

Commissioner Below: Not necessarily.

Senator Jacalyn L. Cilley, D. 6: Really?

Commissioner Below: Not as a result of the net metering. Under a hundred KW system, there's an argument there is subsidy. However, I personally wouldn't say that definitively. I think there are certain situations. There are situations that may be a majority of systems, but let me just give you an example. A lot of these systems are photovoltaic, PV, systems. PV systems generate electricity when the sun's shining. The sun shining is not fairly coincident, not perfectly, but fairly coincident with our peak summer demand. Air conditioning loads are driven by sunny, hot days. The peak sometimes comes a little later in the afternoon than when PV systems are putting out the most power. But studies have shown that PV output is highly coincident with high-priced hours.

Right now, if you've got a PV system and it over ... If its size is bigger than your own needs on a sunny afternoon and it's putting power into the grid, that power could be valued at ten, fifteen, twenty, thirty cents in terms of what it's displacing that the utility would otherwise have to buy. And yet, if you end up getting a credit for that at that, sort of, average rate, your credit may be significantly less. So, there are situations where the people with PV, arguably, are contributing value to other customers. And right now, they just kind of would have to give that power away if they produce more than their total load, and that, you know, would benefit other customers.

On the other hand, for these small systems, they do, you know, in times when they're ... Right now, even before there was net metering, if they ... It was an instantaneous off-set of their load or, over the same billing period for that matter, in small customers, they would, you know ... were entitled to self-generate anyways, like you're entitled to reduce your load. You're just reducing your load by providing a PV system, for instance. So, arguably, there's not real subsidy there.

What does happen is, right now, if you're under a hundred KW system - and this bill continues the current law - is you can get a credit for when you run your meter backwards for your entire rate. So, arguably, there might be a subsidy, but you'd have to really do some study to look at is that, you know ... When you look at the time value of what's being generated, does the time value off-set what the subsidy might be? So, there is a gray area. This ... So, all I'm saying that that's just not clear-cut.

Senator Jacalyn L. Cilley, D. 6: Thank you. Thank you.

Commissioner Below: Okay.

Senator Martha Fuller Clark, D. 24: Are you happy with that?

Senator Jacalyn L. Cilley, D. 6: Oh, I can continue to do research beyond that. I guess I'm trying to figure out...

Commissioner Below: So, putting it ... If I...

Senator Jacalyn L. Cilley, D. 6: I think Senator...

Senator Martha Fuller Clark, D. 24: Senator Bradley?

Commissioner Below: And I...

Jeb E. Bradley, D. 3: Thank you, Madam Chair. Let me try to ask a couple of questions...

Commissioner Below: Sure.

Jeb E. Bradley, D. 3: ...that I think will explain your issue about the subsidies. In essence, what we have with this legislation is a two-tier approach. The first tier is a hundred KW or less that gets the fully embedded distribution, transmission, systems benefits charge, and generation rate. That's the way the law's always been, right?

Commissioner Below: Yes.

Jeb E. Bradley, D. 3: What this legislation seeks to do is expand it up to one megawatt that would only get that one portion of the bill, the cost of producing the power. Correct?

Commissioner Below: Correct.

Jeb E. Bradley, D. 3: So, by virtue of the hundred KW to megawatt, there's really no subsidy, because it's a power to power transaction. The customer is still on the hook for the ... or not getting the distribution rate back, okay. So, that's why I think Cliff's absolutely right. There's no subsidy. My question: Where's the two megawatt limit in the bill? I haven't been able to find that.

Commissioner Below: It's a one megawatt limit. That's how the bill was introduced. It was changed, and that is on page 1 of the text at line 20 and 21.

Senator Martha Fuller Clark, D. 24: Twenty and twenty-one.

Commissioner Below: Line 19; current law says not more than a hundred KW, but then the italics bold says, "or that began ... begins operation..."

Jeb E. Bradley, D. 3: I'm sorry I asked that question. I meant where's the fifty megawatt statewide limitation?

Commissioner Below: Oh. Next page, line 3.

Jeb E. Bradley, D. 3: Okay. Great. Thank you.

Senator Martha Fuller Clark, D. 24: Thank you very, very much.

Commissioner Below: Okay.

Senator Martha Fuller Clark, D. 24: Mike Fitzgerald?

Mr. Steltzer: (Speaking from the back of the room) Yeah, Mike Fitzgerald, unfortunately, had to leave, but he...

Senator Martha Fuller Clark, D. 24: Okay. Thank you. He had signed up in support of the bill. I just wanted to know if he had anything he wanted to add. Let me just go down this list for a minute. I would like to hear from Deb Hale and then from Donna Gamache.

Deb Hale, National Grid: Thank you, Madam Chair and members of the Committee. National Grid totally supports this bill. We have worked many hours and this, to get all the utilities in agreement along with the PUC and others, this was quite a feat, but we agree with the bill as written. So, we hope you pass it.

Senator Martha Fuller Clark, D. 24: Thank you very much.

ML

Ms. Hale: Thank you.

Senator Martha Fuller Clark, D. 24: Any questions for Deb?

Jeb E. Bradley, D. 3: I do have a question.

Senator Martha Fuller Clark, D. 24: Yes.

Jeb E. Bradley, D. 3: Given the ... You know what? I'll ask it of Ms. Gamache.

Senator Martha Fuller Clark, D. 24: Okay. Thank you.

Ms. Hale: Okay.

Senator Martha Fuller Clark, D. 24: Donna?

Donna Gamache, Public Service of New Hampshire: Thank you. I'm Donna Gamache. I'm with Public Service of New Hampshire, and...

Senator Martha Fuller Clark, D. 24: Thank you, Donna. Welcome.

Ms. Gamache: Thank you. And we support the bill. We worked with the group of stakeholders for many hours, and we think the final outcome is a very good outcome for the State of New Hampshire. And maybe you want to ask the question.

Senator Martha Fuller Clark, D. 24: Senator Bradley.

Jeb E. Bradley, D. 3: Well, my question is: Given that the back-and-forth that I just had with Commissioner Below about how this bill does not establish cross-subsidization of customers to people on net metering systems, thinking ahead with the kind of incentive that's in this bill for up to one megawatt products, is it your opinion that some of the other subsidies that we're getting through the renewable portfolio standard may be less necessary to generate the kind of enthusiasm for the projects that'll be generated as a result of net metering?

Ms. Gamache: I'm not sure that I would say that they're less necessary. I think, overall, renewable energy projects are expensive; some more expensive than others. In particular, solar happens to be one of those that's more expensive, and it just may be, for some of these projects, they need the rebate from the RPS. They need the dollars they're getting through net metering and their production tax incentives in order to be successful.

But I did want to just make clear: for any project that's a hundred kilowatts or less, they are getting the full, falling rate. You know fifteen to sixteen cents per kilowatt hour, that doesn't change with this bill. We didn't ask for that to change. That's what exists today, and in fact, the average size for the PSNH customer that's taken advantage of this up until now, the average size is anywhere from two to ten kilowatts. So, the majority of them are getting the larger net metering subsidy. And I think that's probably what you are asking. It's above the hundred kilowatts that they would not get that all in.

Senator Jacalyn L. Cilley, D. 6: If I could just, so that I'm...

Senator Martha Fuller Clark, D. 24: Yes, you may.

Senator Jacalyn L. Cilley, D. 6: ...very clear? That's what ... I had reviewed some of these subsidies for residents, commercial, utilities, and certainly in light of 334. So, the RECs seem pretty clear, and that if they're ... unless they're up to one megawatt, they have to aggregate. So, you know they'll have to find a way to do that. Then they got the subsidization to put the system in, and then what is it ... What's the ten to fifteen cents or fifteen cents to twenty cents that's on ... And that's on-going. Am I correct?

Ms. Gamache: That's on-going. That doesn't go away. That...

Senator Jacalyn L. Cilley, D. 6: What is that?

Ms. Gamache: That actually ... It's when the meter turns backwards, and they have a net of ... If they used a hundred kilowatts a month, and they produced a certain portion of it in their own generating, when they got the credit to their bill, it would be at the distribution, energy transmission, system benefits charge rate. They would get that.

Senator Jacalyn L. Cilley, D. 6: Oh, then the Commissioner did address that, then.

Ms. Gamache: Yeah.

Senator Jacalyn L. Cilley, D. 6: I just ... I misunderstood that that was two different things. Okay. Thank you.

Ms. Gamache: You're welcome.

Senator Martha Fuller Clark, D. 24: Any other questions? Thank you very, very much.

MK

Ms. Gamache: Thank you.

Senator Martha Fuller Clark, D. 24: And we appreciate all the work that you put into making this a success.

Ms. Gamache: Thank you.

Senator Martha Fuller Clark, D. 24: I have Garrett Kopczynski.

Garett Kopczynski, City of Keene: (Speaking from the back of the room)
Yep.

Senator Martha Fuller Clark, D. 24: Thank you.

Mr. Kopczynski: All right. I represent the city of Keene. And initially this was an effort to try and get through net metering fast.

Senator Martha Fuller Clark, D. 24: Oh, yes. Could you introduce yourself, for the record? Thank you, Jackie.

Mr. Kopczynski: Yep. Garrett Kopczynski, City of Keene Public Works Department. As I was stating, we were initially interested in group net metering because we were asked by our city manager to begin studying the potential for alternative energy solutions. We outlined a couple different options, and it was determined that some of them would have worked better had they been able to, you know, off-set some of our costs in other facilities.

Through the working of this bill, though, we've seen some potential, and we approve of this because it's a step towards getting interest from outside investors, private companies, that can support some of our alternate energy solutions. We're hoping that, in the near future with the installation of our hydro facility that'll be going into our water treatment facility in Keene, that we'll begin to generate some interest in the area and see some outside interests come into the state.

Senator Martha Fuller Clark, D. 24: Terrific. Thank you very much. Are there any questions? And I just want to appreciate you being here, and I'm sorry that we ran over.

Mr. Kopczynski: That's quite all right.

Senator Martha Fuller Clark, D. 24: Okay, then. Thank you. Let me just report now that the following people signed up in support of the bill but did

not wish to speak: Steve Del Deo, Mike Fitzgerald, Representative Naida Kaen, myself, and Bob Johnson from the Farm Bureau. Is there anyone else who would like to speak or sign up in favor or in opposition to this bill? Suzanne, did you want to add anything? Okay. With that, we'll close the hearing.

Hearing concluded at 11:05 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marty Cote".

Marty_Cote
Senate Secretary
8/23/10

2 Attachments

HB 1353 Net Metering
Rep. Suzanne Harvey

Background:

HB 1353 started as a "group" net metering bill that would have allowed individuals, municipalities and businesses to install renewable energy systems on one structure, connect it to the grid, and have excess, unused power credited to other specified metered structures.

Over a dozen hours of stakeholder and committee meetings were conducted to come to the compromise bill before you.

The goal was to expand upon the existing statute and further incent installation of more renewable systems, while minimizing harm to the utilities. Among those included in the meetings were the utilities, the PUC, the OEP, municipalities, and renewable energy business owners.

Declaration of Purpose:

- Provide for small scale and diversified sources of supplemental electrical power
- Encourage and support diversified, indigenous and renewable fuels for electric power
- Allow individuals to invest in renewable energy systems to generate their own electric power and feed unused power onto the grid

Basic Net Metering Statute (362-A:9):

- Allows installed energy system up to 100 kW to be connected to grid using single meter registering electricity flow in 2 directions
- Customer generator gets credit for excess energy

HB 1353:

- Increases size of system from 100 kW to 1 MW
- Systems \leq 100 kW use single net meter (paid for by utility) that measures flow in 2 directions
- Systems $>$ 100 kW use bi-directional metering system (paid for by customer generator)
- Customer generator may elect to be credited for excess power sent to the grid OR paid at rates equal to utility's avoided costs
- Customer generator owns renewable energy credits and may sell them
- PUC rulemaking

Conclusion:

HB 1353 empowers all sectors—residents, municipalities, farmers, business owners. New Hampshire should move in this direction, as have many other states, to help increase our use of renewable energy.

Madame chair & members of the committee, for the record, my name is Ann Carnaby, and I chair the Hampton Energy Committee.

I write in favor of House Bill 1353, representing the Hampton Energy Committee.

This proposed legislation is important to the future of the environment in NH by aggressively stimulating the use of non-fossil fuels by interested and committed parties, and will, in our estimation, facilitate the development of alternative energy projects throughout the state.

This bill is particularly important to the citizens of Hampton, since my committee has, through the Rockingham Planning Commission, conducted a study to determine the economic and technical feasibility of installing an alternative, non-fossil fuel power generating system to power the wastewater treatment facility for the town, instead of the current expenditure of more than \$300,000 per year for electric power through the utility.

That study is complete, and the relevant conclusions are as follows:

- it is technically feasible to install any of 3 renewable energy alternatives, namely solar PV, wind, & landfill gas to energy.
- an economic analysis suggests that while each technology can produce a significant percentage of the site's electricity needs, yet none could do so in an economically attractive manner at this time.
- the major reasons for the poor economic merits of any of these technologies lie in the "absence of favorable large scale net metering regulations in NH... and the absence of significant subsidies and

incentives supporting municipal renewable energy development in NH.”

We were encouraged by the engineering firm conducting the study to monitor any net metering legislation being proposed, in the hopes that its passage would create a more favorable climate & allow us to move forward with this project.

We believe that HB 1353 will go a long way to providing that climate.

Within that context, we especially applaud :

- increasing the maximum system capacity from 100kw to 2mw
- raising the maximum permitted amount of electricity generated from 1% of total electric generation to 5%
 - requiring electric utilities to purchase excess electricity produced, not just issuing a credit.

In closing, I'd like to emphasize our belief that fostering net metering will unleash the competitive spirit of current utility customers resulting in innovative applications of existing and new generating technologies while simultaneously reducing costs to municipalities and critical businesses in NH.

Net metering allows reliance on the utility to provide consistency, while fostering a spirit of cooperation in an effort to reduce the use of fossil fuels while providing an adequate amount of electric power to meet the increasing demands of today's society.

I urge you to move this bill forward, and thank you for the opportunity to offer our input. We regret that none of our committee members were available to attend your hearing this morning

Ann Carnaby
Hampton energy Committee
Hampton, NH
day 926-8315
eve 926-4917
info@hamptonenergy.org

Speakers

Senate Energy, Environment and Economic Development Committee: Sign-In Sheet

Date: April 8, 2010

Time: 9:50 a.m. Public Hearing on House Bill 1353

HB 1353

relative to group net energy metering.

Name	Representing	Support	Oppose	Speaking?	Yes
✓ Sen. Fuller Clark	Dist. 24	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
✓ Rep. Suzanne Hervey	Hills 21	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
✓ Deb Hale	National Gr. d	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
✓ Rep. Naida Kaen	Strafford 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
✓ Eric Steltzer	OEF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
Clifton Below	PUC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
✓ Robert Johnson, II	Farm Bureau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
✓ Donna Gamache	PSNH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
✓ Garrett Kaczynski	City of Keene	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>
✓ STEVE DEL DEO	NH WATER WORKS ASSOCIATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
✓ Mike Fitzgerald	DES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>

Testimony

374-F:3 Restructuring Policy Principles. –

I. **System Reliability.** Reliable electricity service must be maintained while ensuring public health, safety, and quality of life.

II. **Customer Choice.** Allowing customers to choose among electricity suppliers will help ensure fully competitive and innovative markets. **Customers should be able to choose among options** such as levels of service reliability, real time pricing, and generation sources, **including interconnected self generation.** Customers should expect to be responsible for the consequences of their choices. The commission should ensure that customer confusion will be minimized and customers will be well informed about changes resulting from restructuring and increased customer choice.

IX. **Renewable Energy Resources.** Increased future commitments to renewable energy resources should be consistent with the New Hampshire energy policy as set forth in RSA 378:37 and should be balanced against the impact on generation prices. Over the long term, increased use of cost-effective renewable energy technologies can have significant environmental, economic, and security benefits. To encourage emerging technologies, **restructuring should allow customers** the possibility of choosing to pay a premium for electricity from renewable resources and **reasonable opportunities to directly invest in and interconnect decentralized renewable electricity generating resources.**

ELECTRIC RATE REDUCTION FINANCING

1999

Section 369-A:1

369-A:1 Declaration of Purpose and Findings. – The general court finds that:

XI. End users shall continue to have the opportunity to generate electricity for their own use without an exit fee.

Voting Sheets

Senate Energy, Environment & Economic Development Committee EXECUTIVE SESSION

Bill # HB 1353

Hearing date: 4/8/10

Executive session date: 4/8/10

Motion of: OTP

VOTE: 4-0

<u>Made by</u>	Fuller Clark <input type="checkbox"/>	<u>Seconded</u>	Fuller Clark <input type="checkbox"/>	<u>Reported</u>	Fuller Clark <input checked="" type="checkbox"/>
<u>Senator:</u>	Merrill <input checked="" type="checkbox"/>	<u>by Senator:</u>	Merrill <input checked="" type="checkbox"/>	<u>by Senator:</u>	Merrill <input type="checkbox"/>
	Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>
	Cilley <input checked="" type="checkbox"/>		Cilley <input checked="" type="checkbox"/>		Cilley <input type="checkbox"/>
	Odell <input type="checkbox"/>		Odell <input type="checkbox"/>		Odell <input type="checkbox"/>
	Bradley <input type="checkbox"/>		Bradley <input type="checkbox"/>		Bradley <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Fuller Clark, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Odell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 8, 2010

THE COMMITTEE ON Energy, Environment and Economic Development
to which was referred House Bill 1353

AN ACT relative to group net energy metering.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4 - 0

AMENDMENT # s

Senator Martha Fuller Clark
For the Committee

Marty Cote 271-3045

New Hampshire General Court - Bill Status System

Docket of HB1353

Docket Abbreviations

Bill Title: relative to group net energy metering.*Official Docket of **HB1353**:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Science, Technology and Energy; HJ 6 , PG.237
01/06/2010	H	Public Hearing: 1/26/2010 11:00 AM LOB 304
01/26/2010	H	Full Committee Work Session: 2/4/2010 10:00 AM LOB 304
02/02/2010	H	Full Committee Work Session: 2/9/2010 11:00 AM LOB 304
02/09/2010	H	Full Committee Work Session: 2/11/2010 1:00 PM LOB 304
02/09/2010	H	Executive Session: 2/16/2010 10:00 AM LOB 304
02/17/2010	H	Committee Report: Ought to Pass with Amendment #0690h for Mar 3 CC (Vote 13-1); HC 17 , PG.813
02/17/2010	H	Proposed Committee Amendment #0690h; HC 17 , PG.851-853
03/03/2010	H	Amendment #0690h Adopted, VV; HJ 20 , PG.1158-1160
03/03/2010	H	Ought to Pass with Amendment #0690h: MA VV; HJ 20 , PG.1158-1160
03/24/2010	S	Introduced and Referred to Energy, Environment and Economic Development; SJ 11 , Pg.262
04/01/2010	S	Hearing: April 8, 2010, Room 102, LOB, 9:50 a.m.; SC14
04/08/2010	S	Committee Report: Ought to Pass 4/14/10; SC15
04/14/2010	S	Ought to Pass, RC 24Y-0N , MA; OT3rdg; SJ 14 , Pg.287
04/14/2010	S	Passed by Third Reading Resolution; SJ 14 , Pg.296
05/05/2010	H	Enrolled Bill Amendment #1677 Adopted; HJ 38 , PG.1915-1916
05/05/2010	S	Enrolled Bill Amendment #1677 Adopted; SJ 17 , Pg.407
05/12/2010	H	Enrolled; HJ 41 , PG.2097
05/12/2010	S	Enrolled; SJ 18 , Pg.504
06/16/2010	H	Signed by the Governor 06/14/2010; Effective 08/13/2010; Chapter 0143

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1353 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: Attachment #2

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ - AMENDMENT # _____
____ - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION _____ AS AMENDED BY THE SENATE

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: Submission a

EXECUTIVE SESSION REPORT

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

8/23/10

Marty Cole
COMMITTEE SECRETARY