

Bill as Introduced

SB 118 - AS INTRODUCED

2011 SESSION

11-1037
06/03

SENATE BILL **118**

AN ACT modifying the definition of renewable generation facility.

SPONSORS: Sen. Gallus, Dist 1; Rep. Rappaport, Coos 1

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill modifies the definition of renewable generation facility to include a participant-funded electric transmission line designed to transmit certain renewable electric energy.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT modifying the definition of renewable generation facility.

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

- 1 1 Definition of Renewable Generation Facility. Amend RSA 72:73 to read as follows:
- 2 72:73 Definition of Renewable Generation Facility. In this subdivision, "renewable generation
- 3 facility" means a facility which produces electric energy for resale solely by the use, as a primary
- 4 energy source, of renewable energy [~~as defined in RSA 374 F:3, V(1)(3)~~], ***or a participant-funded***
- 5 ***electric transmission line designed primarily to transmit renewable electric energy of a***
- 6 ***design rating in excess of 200 kilovolts that is in excess of 100 miles in length***, including the
- 7 land, all rights, easements, and other interests thereto, and all dams, buildings, structures, and
- 8 other improvements situated thereon which are necessary or incidental to the production ***or***
- 9 ***transmission*** of power at the facility.
- 10 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to SB 118

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

2

3 AN ACT extending minimum electric renewable portfolio standards at 2025 percentages.

4

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

6

7 1 Minimum Electric Renewable Portfolio Standards. Amend RSA 362-F:3 to read as follows:

8 362-F:3 Minimum Electric Renewable Portfolio Standards. For each year specified in the table
9 below, each provider of electricity shall obtain and retire certificates sufficient in number and class
10 type to meet or exceed the following percentages of total megawatt-hours of electricity supplied by
11 the provider to its end-use customers that year, except to the extent that the provider makes
12 payments to the renewable energy fund under RSA 362-F:10, II:

	2008	2009	2010	2011	2012	2013	2014	2015	2025 and thereafter
14 Class I	0.0%	0.5%	1%	2%	3%	4%	5%	6%	16%(*)
15 Class II	0.0%	0.0%	0.04%	0.08%	0.15%	0.2%	0.3%	0.3%	0.3%
16 Class III	3.5%	4.5%	5.5%	6.5%	6.5%	6.5%	6.5%	6.5%	6.5%
17 Class IV	0.5%	1%	1%	1%	1%	1%	1%	1%	1%

18 * Class I increases an additional one percent per year from 2015 through 2025. Classes II-IV remain
19 at the same percentages [~~from 2015 through 2025~~] **after 2014** except as provided in RSA 362-F:4, V-
20 VI.

21 2 Effective Date. This act shall take effect 60 days after its passage.

Amendment to SB 118
- Page 2 -

2011-0344s

AMENDED ANALYSIS

This bill extends minimum electric renewable portfolio standards at 2025 percentages.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
ENERGY AND NATURAL RESOURCES

Printed: 03/03/2011 at 12:51 pm

Senator Bob Odell Chairman
Senator John Gallus V Chairman
Senator Jeb Bradley
Senator Gary Lambert
Senator Amanda Merrill

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

Date: March 3, 2011

HEARINGS

Thursday

3/17/2011

ENERGY AND NATURAL RESOURCES

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: SB 22 was previously recessed on 02/03/2011.

9:00 AM SB22 relative to alternative regulation of small incumbent local exchange carriers.

✓ 9:15 AM SB118 modifying the definition of renewable generation facility.

Sponsors:

SB22

Sen. Bob Odell

SB118

Sen. John Gallus

Rep. Laurence Rappaport

START: 10:27am

END: 10:58

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Richard Parsons, Legislative Aide

RE: Hearing report on SB 118 – **modifying the definition of renewable generation facility.**

HEARING DATE: 3/17/11

MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert, Merrill

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Gallus, Dist 1; Rep. Rappaport, Coos 1

What the bill does: This bill modifies the definition of renewable generation facility to include a participant-funded electric transmission line designed to transmit certain renewable electric energy.

Who supports the bill: Senator John Gallus, District 1

Who opposes the bill: Will Abbott, SPNHF; Rep. Laurence Rappaport, Coos 1; Michael Krak; Richard Samson; Jasen Stock, NH Timberland Owners Association; John Amey; Karen Placey; Bill Schomburg; Robert Olson, GDF Suez North America Inc., Bridgewater Power Company, Springfield Power; David Dobbins;

Neutral position: Michael Fitzgerald, DES; Anne Ross, PUC

Summary of testimony received:

Senator John Gallus, District 1- Prime sponsor

- Hearing opened at 10:28 am
- The bill was introduced at the deadline for submitting legislation as it was still unclear whether towns would have the ability to collect taxes to reach payment in lieu of tax agreements.
 - It has since become clear that they would.
- Amendment #344s introduced.

- The amended legislation, which would replace the bill, came at the request of the City of Berlin.
- The City was concerned and asked for the bill because of the potential impact for 400-500 jobs for the North Country that would be produced by Laidlaw.
- Recommend to accept the changes and ITL it.
- Question from Senator Odell: You are bringing in an amendment and asking to entertain the amendment and then offer ITL?
 - Yes, and that is basically at the request of the City of Berlin.

Rep. Larry Rappaport, Coos 1

- If the bill is ITL'ed have nothing to say.

Richard Samson, Resident of Stewartstown

- Request the language be added from testimony (Attachment #1)
 - Requests that after each provider of electricity "within the state of New Hampshire" shall obtain and retire.
 - Believe that our NH or current biomass and hydroelectric plants within our state only should be the benefactors of this bill.

Michael Fitzgerald, DES

- No position.
- Serve on the SEC that would hear affected projects.
- The PUC and DES are reviewing the RPS.
 - The review process began in February and would recommend comprehensive revisions to the current RPS.
- Question from Senator Odell: There is a process underway and any change that would be given would be seen in a report for legislation next session?
 - Yes, and the intent would be that the report be ready in November or earlier.
- Question from Senator Merrill: In reference to SEC, asked if it could be explained for the record?
 - Site Evaluation Committee.

David Dobbins, Resident of Gilford

- Would like to read a press release from Senator Gallus dated March 15th, 2011.
- The press release explained that SB 118 would have no implications for the Northern Pass.
- Confusion given by SB 118.
- Would like to question why the original bill was poised?
 - Referenced similar concern for HB 302 changing the RPS standards.
- It seems reckless and abusive to get a reaction and then set it aside.
- Would also say that the PUC is reviewing the RPS standards and it would be appropriate for that process to continue.

Michael Krak

- Questions.
 - Since the bill was submitted it no longer exists?

- Answer from Senator Odell: No, it still exists unless the amendment is adopted by the Committee.
 - Mr. Krak said he understood the process of the Committee to review the bill.
 - Against anything that fosters the Northern Pass project.
- Anne Ross, PUC
- No position.
 - Issue that the amendment would address.
 - In the current proceeding in which Laidlaw and PSNH approve a 20 year contract which extends to 2033 it requires a purchase of RPS requirements.
 - There are parties in the proceeding that say there can be no purchase agreements beyond 2025.
 - It would be a bill that would be a proponent to the process.
 - Question from Senator Odell: Does not putting this bill into law possibly hurt Laidlaw?
 - There can be an argument either way and without some clarification there is likely to be litigation.

Robert Olson, Six existing biomass plants

- Clients are interveners and part of the litigation discussed by Anne Ross.
 - We are the ones that raised that issue.
- The idea that something that is under litigation is taking up by the Legislature without fully looking at the many sides isn't necessarily the best idea.
 - There are many sides to the issue, and hopefully make room in the process to hear people affected by the bill.
 - There are things that affect the viability of the biomass plants.
 - The Laidlaw transaction would affect the biomass plants.

David Dobbins

- Hearing that a floor amendment could be introduced and concerned that elements of the original bill that deal with the Northern Pass could be resurrected.

Hearing closed at 10:58 am

Funding: *Not applicable.*

Future Action:

Senator Gallus made a motion that the bill be "inexpedient to legislate" and the motion was seconded by Senator Lambert. The vote was 4-0 and Senator Gallus will take the bill to the floor.

RMP

[file: SB 0118 report]
Date: 3/18/11

Speakers

Senate Energy and Natural Resources Committee: Sign-In Sheet

Date: 3/17/2011

Time: 9:15 AM Public Hearing on SB 118

SB 118

modifying the definition of renewable generation facility.

*as introduced
neutral on amendments*

Name	Representing	Support	Oppose	Speaking?	Yes	No
X Will Abbott	SPNHF	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
X L. H. Rappaport	State Rep	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X MICHAEL KRAK	ME	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X Richard Samson	Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X Jason Stok	NH Timberland Owners Assoc.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X Jof Arney	Pittsburg	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X Gene Placing	Manchester/Arbiting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X Bill Schomburg	Columbia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ANGEL KRAK	ME	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
X Michael Fitzgerald	DES	<input type="checkbox"/> info	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>



Testimony

Richard J. Samson

804 Piper Hill Road
Stewartstown NH 03576

603-246-3570
samsonr@nhcwb.com

March 16, 2011

Energy and Natural Resources Committee

RE: SB 118

Dear Mr. Chairman and Committee Members,

*I respectfully request that the following language be added, after each
provider of electricity" within the state of New Hampshire" shall obtain
and retire. #1 ↑ RJS*

*I believe that our "New Hampshire" or current biomass and hydroelectric
plants within our own state only should be the benefactors of this bill.*

#1 Produced

Respectfully Submitted,

Richard J. Samson
Richard J. Samson

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 17, 2011

THE COMMITTEE ON Energy and Natural Resources
to which was referred Senate Bill 118

AN ACT modifying the definition of renewable generation facility.

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

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-0

AMENDMENT # s

Senator John T. Gallus
For the Committee

Richard Parsons 271-3076

New Hampshire General Court - Bill Status System

Docket of SB118

Docket Abbreviations

Bill Title: modifying the definition of renewable generation facility.*Official Docket of SB118:*

Date	Body	Description
1/19/2011	S	Introduced and Referred to Energy and Natural Resources, SJ 3 , Pg.37
3/3/2011	S	Hearing: 3/17/11, Room 102, LOB, 9:15 a.m.; SC14
3/17/2011	S	Committee Report: Inexpedient to Legislate, 3/23/11; SC16
3/23/2011	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; SJ 10 , Pg.173

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB0118 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0344s _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

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

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 7/22/11


BY COMMITTEE AIDE