

Bill as
Introduced

HB 351 - AS INTRODUCED

2021 SESSION

21-0410
10/06

HOUSE BILL **351**

AN ACT relative to the system benefits charge.

SPONSORS: Rep. Harrington, Straf. 3

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill changes the procedure for increasing the system benefits charge assessed electric customers and clarifies its purposes.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the system benefits charge.

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

1 1 Restructuring Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as
2 follows:

3 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
4 implemented in a manner that benefits all consumers equitably and does not benefit one customer
5 class to the detriment of another. Costs should not be shifted unfairly among customers. A
6 nonbypassable and competitively neutral system benefits charge applied to the use of the
7 distribution system may be used to fund public benefits related to the provision of electricity. Such
8 benefits, as approved by regulators, may include, ~~[-but not necessarily be limited to,]~~ programs for
9 low-income customers, energy efficiency programs ***whose main purpose is to reduce the***
10 ***consumption of electricity and not some other form of energy***, funding for the electric utility
11 industry's share of commission expenses pursuant to RSA 363-A, support for research and
12 development, and investments in commercialization strategies for new and beneficial technologies.
13 ~~[Legislative] Prior approval [of] by either the passage of legislation by the New Hampshire~~
14 ~~general court or authorization by the fiscal committee of the general court~~ shall be required to
15 increase the system benefits charge~~[- This requirement of prior approval of the New Hampshire~~
16 ~~general court shall not apply to the energy efficiency portion of the system benefits charge if the~~
17 ~~increase is authorized by an order of the commission to implement the 3 year planning periods of the~~
18 ~~Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated~~
19 ~~August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy~~
20 ~~Efficiency Resource Standard, is authorized by the fiscal committee of the general court]; provided,~~
21 however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall
22 be expended on low-income energy efficiency programs. Energy efficiency programs should include
23 the development of relationships with third-party lending institutions to provide opportunities for
24 low-cost financing of energy efficiency measures to leverage available funds to the maximum extent,
25 and shall also include funding for workforce development to minimize waiting periods for low-income
26 energy audits and weatherization.

27 2 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Kevin Avard, Chair
Sen Bob Giuda, Vice Chair
Sen James Gray, Member
Sen David Watters, Member
Sen Rebecca Perkins Kwoka, Member

Date: April 19, 2021

HEARINGS

Monday		04/26/2021
(Day)		(Date)
Energy and Natural Resources		REMOTE 000 1:00 p.m.
(Name of Committee)		(Place) (Time)
1:00 p.m.	HB 315	relative to the aggregation of electric customers.
1:20 p.m.	HB 351	relative to the system benefits charge.
1:40 p.m.	HB 373	relative to state participation in low carbon fuel standards programs.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/94599447337>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: +19292056099,,94599447337# or +13017158592,,94599447337#
4. Webinar ID: [945 9944 7337](https://www.zoom.us/j/94599447337)
5. To view/listen to this hearing on YouTube, use this link: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 315

Rep. Vose Rep. Cali-Pitts Rep. Harrington Rep. Thomas

HB 351

Rep. Harrington

HB 373

Rep. Notter Rep. Vose Rep. Harrington Rep. Aldrich
Rep. Osborne

Griffin Roberge 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Griffin Roberge 271-3042

HB 351, relative to the system benefits charge.

Hearing Date: April 26, 2021.

Time Opened: 1:27 p.m.

Time Closed: 3:20 p.m.

Members of the Committee Present: Senators Avard, Gray, Watters and Perkins Kwoka.

Members of the Committee Absent: Senator Giuda.

Bill Analysis: This bill changes the procedure for increasing the system benefits charge assessed electric customers and clarifies its purposes.

Sponsors:

Rep. Harrington

Who supports the bill: Dan McGuire; Gregory Moore, Americans for Prosperity - New Hampshire; Marie Nardino; Representative Jeanine Notter, Hillsborough - District 21; Representative Doug Thomas, Rockingham - District 5; Representative Michael Vose, Rockingham - District 9; Peter Wotowiec.

Who opposes the bill: Representative Susan Almy, Grafton - District 13; Luis Aranzabal; Susan Arnold, Appalachian Mountain Club; Bill Baber, Dover, NH; Doreen Baker; Jon Ballentine; William Bardsley; Representative Christy Barlett, Merrimack - District 19; David Bates; Patricia Beffa-Negrini; Bruce Berk, Pittsfield, NH; Representative Peter Bixby, Strafford - District 17; Sandra Blanchard; Kathleen Bollerud; Sue Bracy; Nancy Brennan, Weare, NH; Ronald Briggs; Susan Bruce; Mary Burdett; Raymond Burke, NH Legal Assistance; Catherine Bushueff; Kathy Cahill; Barbara Callaway; Representative Tony Caplan, Merrimack - District 6; Lilian Carter; Joanne Casino; Laurie Chambers; Susan Chollet; Daniel Clapp; Denise Clark; Martha Clark; Ryan Clouthier; Representative John Cloutier, Sullivan - District 10; Ethan Cole; Beth Collea; Karen Contos; Barbara Cook; Catherine Corkery, NH Sierra Club; Patricia Cornell; Susan Covert; Dorothy Currier; Claudia Damon; Mark Dean, NH Electric Cooperative; Dick Devens; Karen Dewey; Corinne Dodge; Kathy Donohoe; Anne Dontonville, Enfield, NH; Roger Dontonville, Grafton - District 10; Dori Drachman, Peterborough, NH; Bryan Dwyer; Representative Donna Ellis, Strafford - District 8; Cheri Falk, Wilton, NH; Elizabeth Fenner-Lukaitis; Bryan Field, Peterborough, NH; Dana Fischer, Mitsubishi Electric Trane HVAC; Honorable Eileen Flockhart, Exeter, NH; Adam Foley; Suzanne Fournier; John Gage, Windham NH; Ann Garland; Tori Gerlt; Nancy Gillard; William Gillard; Representative Julie Gilman, Rockingham - District 18; Catherine Goldwater; Martha Goodnow; Laurie Gordon; Margaret Gordon; Representative Chuck Grassie, Strafford - District 11; Andy Gray; Nancy Greenwood; Anne Grossi, Bedford, NH; Kenneth Grossman; Kent Hackmann; Joan Hambley; Heidi Hamer; Doris Hampton; Kevin Hanlon; Robert Haring-Smith; Emily Hay; Robert Hayden, Standard Power; Representative Mary Heath, Hillsborough - District 14; Robin Helrich; Adelinda Higgs; Robert Hinkel; Anthony Holtz; Representative Timothy Horrigan, Strafford - District 6; Anne

Huberman; Joel Huberman; Richard Husband; Katherine Inman; Dennis Jakubowski; Susan Jamback; Carolyn Johnson; Sara Johnson; Carolyn Jones; Michael Joy; Robin Kaiser; Honorable David Karrick, Warner, NH; Jean Keene; Robert Keene; Eamon Kelley; Mary Kelley; Elizabeth Kelly; Lorraine Kelly; Kathryn Kerman; Barbara Jo Kingsley, Peterborough, NH; Kimberly Kirkland; Helmut Koch; Laurie Koch; Catherine Koning; Nick Krakoff, Conservation Law Foundation; Carol Kraus, Peterborough, NH; Donald Kreis, Office of the Consumer Advocate; Joy Kubit; Joseph Kwasnik, Concord, NH; Deborah Leavitt; Gabriel Leonard; Kathleen Letellier; Sheryl Liberman; Mary Lincoln; Suzanne Loder; James Lonano; Carmen Lorentz; Janet Lucas; Joe Magruder; Representative John Mann, Cheshire - District 2; Emily Manns; Edward Marquardt; Scott Maslansky; Kyle McAdam; Representative Rebecca McBeath, Rockingham - District 26; Representative Kat McGhee, Hillsborough - District 27; David McGraw; Dawn McGuire; David McKenzie; Brigid McNamee; Gerald Milliken; Nathan Mills; Madeleine Mineau, Clean Energy NH; Faith Minton; Karen Mitchell; Honorable Howard Moffett, Canterbury, NH; Donna Mombourquette; Howell Montgomery, Liberty Utilities; Janet Moore; Robin Mower; Megan Murray; Jennifer Newell; Faith Northrop; Dana Nute; Sam Osherson; Evan Oxenham; Sharon Parker; Chase Pennoyer; Ruth Perencevich; Representative Maria Perez, Hillsborough - District 23; Judith Pettingell; Rod Pimentel; Elizabeth-Anne Platt; Ann Podlipny; Erin Pospychala; Cora Quisumbing-King; Daniel Ramage, A+ Energy Services; Mary Raven; Donna Reardon; John Reardon; Barbara Reed; Annie Rettew; Susan Richman, Durham, NH; Laura Samoisette; Judith Saum; Joe Schapiro; Lois Scribner; Stephen Shadford; Kristen Shelley; Jennifer Smith; Representative Suzanne Smith, Grafton - District 8; Richard Spence; Louise Spencer; Kathy Spielman; Diane St. Germain, Bedford, NH; Philip Stephenson; Roger Stephenson; Representative Deb Stevens, Hillsborough - District 34; Caroline Storrs; Laura Teterski; Elaine Thomas; Julia Thompson; Katherine Thorndike; Sarah Thorne; Jeanne Torpey; Sherrie Trefry; Bruce Tucker; Naomi Tucker; Representative Suzanne Vali, Hillsborough - District 30; Jim Verschueren; Laura Vincent; Janet Ward; Patricia Waterman; Margaret Watkins; Jill Weber; Honorable Ken Wells, Andover, NH; Lee Wells; Representative Wendy Chase, Strafford - District 18; Rob Werner, League of Conservation Voters; Representative Joyce Weston, Grafton - District 8; Mary Wilke; Candace Williams; Maura Willing; Susan Wyatt; Jamie Young; Barbara Zaenglein; Eric Zaenglein; Julie Zimmer.

Who is neutral on the bill: Kat Bourque, Unitil; Donna Gamache & Kate Peters, Eversource Energy.

Summary of testimony presented in support:

Representative Michael Vose
Rockingham – District 9

- Representative Vose introduced HB 351 on behalf of the bill's prime sponsor, Representative Michael Harrington. Representative Harrington was in the Caribbean.
- The first part of HB 351 clarifies the purpose of the system benefits charge (SBC). The SBC is a nonbypassable and competitively neutral charge applied to the use of the distribution system to fund public benefits related to the provision of electricity. The bill amends RSA 374-F:3, VI to state that the SBC may fund programs for low-income customers and energy efficiency programs whose main purpose is to reduce the consumption of electricity and not some other form of energy. Representative Harrington found that over the years, the amount of money spent on thermal projects, such as home insulation, has become a larger portion of SBC spending. In the last quarter of 2019, thermal projects accounted for 9.5% of the total kilowatt-hour (KWh) savings while accounting for 52% of the SBC funds. Energy efficiency, the main purpose of which is to reduce electric consumption, accounted for 90.5% of the KWh savings while consuming 48% of the SBC funds. If electric customers pay the SBC to increase the electric grid's efficiency, then SBC

funds should be directed toward that purpose. This change seeks to spend SBC funds where NH gets the biggest reduction in electricity consumption.

- The second part of HB 351 changes the procedure for increasing the SBC. Currently, HB 374-F:3, VI requires legislative approval for any increase in the SBC. However, the statute has an exemption from this legislative approval requirement. The exemption applies to the energy efficiency portion of the SBC if the increase is authorized by a Public Utilities Commission (PUC) order to implement the three-year planning periods of the Energy Efficiency Resource Standard (EERS) established by PUC Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the EERS, is authorized by the Joint Legislative Fiscal Committee. This exemption was inserted in statute via HB 317 (2018) and expanded upon in HB 4-FN-A-LOCAL (2019). HB 351 removes this exemption and requires any SBC increase to be approved by the NH General Court or the Joint Legislative Fiscal Committee.
- The price of electricity is determined by the PUC through a complex rate setting process that has many components. A vital component of that is defined as the rate per KWh, or the final price of electricity that a consumer will pay. The SBC is not part of that rate, but is an added charge used to pay for energy efficiency. Today, changes to the SBC are the result of the adoption of the EERS back in 2016. Since 2017, a subcommittee of the Energy Efficiency and Sustainable Energy Board (EESEB) has worked with stakeholders to come up with the EERS framework that will determine how much should be raised by the SBC to achieve energy efficiency goals. The settlement agreement on the 2021-2023 Triennial EERS Plan was then submitted to the PUC for its review and approval. The docket, DE 20-092, is ongoing. The pending 2021-2023 Triennial EERS Plan would increase the SBC, which raised \$62 million for energy efficiency programs in 2020, to raise \$280 million by 2023. Because the SBC is separate charge from electricity and is mandated by the NH General Court, many feel that changes by the SBC should be approved by the NH General Court. The NH General Court, accountable to the people of the state, has an obligation to exercise their constitutional authority to provide oversight of a legislatively mandated charge.
- Senator Watters said the SBC tried to assist low-income households as they seek to address their heating and electricity bills. In many cases, these households get their heating from electrical sources, so there is an interconnection between thermal projects and electricity. Senator Watters asked if SBC funds could be used for solar installation or heat pumps for low-income households.
 - Representative Vose said the SBC can fund a variety of things. Per RSA 374-F:3, VI, the SBC can provide benefits as approved by regulators that can include programs for low-income customers, energy efficiency programs, funding for the electric industry's share of PUC expenses pursuant to RSA 363-A, support research and development, and investments in commercialization strategies for new and beneficial technologies. The SBC could be used for the items Senator Watters referenced if those investments made the electric system more energy efficient.
- Senator Watters said electricity can be a cheaper option than other sources of energy for heating one's home. Efforts to help people shift to electric sources of heat may be a good idea. However, HB 351 amends RSA 374-F:3, VI to restrict funding for energy efficiency programs whose main purpose is to reduce the consumption of electricity and not some other form of energy.
 - Representative Vose said HB 351 aims to use the SBC and the energy efficiency programs it supports to reduce electric consumption. Adding new types of consumption would not be in conflict to reduce the electric consumption of existing products. For example, newer refrigerators are more efficient than older refrigerators. That new refrigerator may reduce electric consumption at one's house but adding a heat pump will increase electric consumption and will not create efficiency for the entire energy system.

*Representative Jeanine Notter
Hillsborough – District 21*

- Supports HB 351 and Representative Vose's testimony.

*Gregory Moore
NH State Director, Americans for Prosperity – New Hampshire*

- HB 351 ensures transparency. The bill ensures that SBC dollars collected by NH's ratepayers are expended on programs that will reduce electricity consumption. NH's ratepayers who pay the SBC should see the direct benefit of the SBC costs placed on their electric bills.
- HB 351 ensures accountability. NH does not abdicate its legislative responsibilities. HB 351 ensures that legislators oversee any SBC increase and are accountable to the voters.
- Responding to Mr. Kreis's testimony regarding the constitutionality of HB 351, there have been many instances where state agencies must seek legislative approval for specific actions, such as getting approval

from the Joint Legislative Committee on Administrative Rules for any new administrative rules or the Joint Legislative Fiscal Committee on state agency/department fiscal items.

- Mr. Moore contended that it would be appropriate to retain the NH General Court or Joint Legislative Fiscal Committee approval for any increase in the SBC. The NH General Court could approve an increase to the SBC through a resolution rather than through legislation. The Joint Legislative Fiscal Committee could meet out of session and be more flexible to address an SBC increase.

Representative Doug Thomas

Merrimack – District 5

- Representative Thomas and the Office of Strategic Initiatives (OSI) appointee voted against the 2021-2023 Triennial EERS Plan on the EESEB. The plan will raise the SBC exponentially.
- The public has very little knowledge of EESEB activities and does not know what is going on. Representative Thomas has a fiduciary responsibility to his constituents. The Town of Londonderry has many elderly residents on fixed incomes. Electric bills have not decreased. Increasing electric costs will impact those on fixed incomes. Exercising legislative oversight, even on a very small part on one's electric bill, is an important role for the NH General Court to play.
- HB 351 may not be a perfect solution, but it sends a message that electric costs must be brought under control.
- Senator Avard referenced Mr. Hayden's testimony where it was stated that the SBC is assessed at .0743 cents per KWh. He asked Representative Thomas what the SBC would be under the 2021-2023 Triennial EERS Plan.
 - Representative Thomas said the SBC would cost ratepayers \$280 million over the course of the 2021-2023 Triennial EERS Plan. Increasing the SBC during the COVID-19 pandemic is not a good decision. While the SBC may be a very minor cost of one's electric bill, those costs add up. Those additional costs hurt low-income households.
- Senator Avard asked if HB 351's language was in HB 2-FN-A-LOCAL (2021) as amended by the House.
 - Representative Thomas said he has not looked at HB 2-FN-A-LOCAL as amended by the House in depth.
 - Senator Watters said HB 2-FN-A-LOCAL as amended by the House includes HB 351's language that eliminates the exemption for the EERS to get legislative approval, but it does not include HB 351's language that limits SBC funding to programs that solely reduce electricity consumption.

Summary of testimony presented in opposition:

Don Maurice Kreis – provided written testimony

Consumer Advocate, Office of the Consumer Advocate (OCA)

- The OCA represents the interest of residential utility customers before the PUC pursuant to RSA 363:28. The OCA does not represent the interests of commercial and industrial customers.
- The OCA shares the objectives of HB 351's supporters in clarifying what the NH General Court expects from the SBC. There has been a dearth of legislation on what is and what is not appropriate for ratepayer funded energy efficiency. The NH General Court should offer additional guidance than what currently exists.
- The NH General Court could decide for itself what rates consumers should pay for their utility service, but the NH General Court established the PUC for that purpose and created specific instructions and guidance in state statute for the PUC to follow in its rate setting process. However, HB 351 is inconsistent with that approach as it requires the NH General Court to bless an action made by an administrative agency that the NH General Court created. Requiring this type of approval raises constitutional issues that will need to be resolved in appropriate forums if HB 351 becomes law.
- HB 351 should be re-referred. HB 549 (2021) has been retained by the House Science, Technology, and Energy Committee and deals with the same issues as HB 351. The committee, interested stakeholders, and the public should have continued discussions on HB 549 to establish reasonable standards for what ratepayer funded energy efficiency should be.
- Senator Watters asked if the OCA had any comments on the portion of HB 351 that requires SBC funds to only be used for energy efficiency programs whose main purpose is to reduce the consumption of electricity and not some other form of energy.
 - Mr. Kreis said restricting the SBC to only reduce electric consumption would have an unfortunate result of leaving a large amount of cost-effective energy efficiency on the table. However, there is a certain logic to restricting the SBC to reducing electric consumption. The OCA could see both sides of the argument but does not see the need for the type of restriction as spelled out in HB 351.

- Senator Watters referred to his questions of Representative Vose and wondered if it may be possible to insert language in HB 351 that would encourage investment in energy provided by renewable sources.
 - Mr. Kreis said such language would be possible and permissible. It would be a slightly different policy imperative to encourage the use of electricity for heating purposes rather than using fossil fuels for heating purposes. However, there are good public policy reasons to do so.
- Senator Avard referenced Mr. Kreis' testimony in that HB 351 may be unconstitutional. He asked Mr. Kreis to elaborate on that point.
 - Mr. Kreis said HB 351's framework amounts to a de facto "legislative veto" scheme of the sort placed out of bounds, as a matter of federal constitutional law, in the US Supreme Court case *INS v. Chadha* (1983). While *Chadha* was decided under the US Constitution, the frame of government established under the NH Constitution is identical in all material respects and there is no reason to suppose the NH Supreme Court would reject the *Chadha* precedent. In other words, the NH General Court can exercise its powers all by itself or it can create executive branch agencies like the PUC and delegate authority to those agencies. What the NH General Court cannot do is create an agency, tell the agency to make decisions, and then declare that the decision does not stick unless those who like it come back to the NH General Court to get it ratified.

*Representative John Mann
Cheshire – District 2*

- The only way to reduce electric consumption in heating a house is to insulate it. Insulating a house reduces one's electric costs in the summer and winter months. It is a strange thing that HB 351 requires the SBC to fund energy efficiency programs whose sole purpose is to reduce electricity consumption.
- Once you insulate a house and make it energy efficient, the house remains that way for years. A steady energy efficiency program generates a savings stream – once a set of houses is insulated and efficient, money is not sent to fossil fuel companies to pay for fuel. Those savings would remain in-state. Those savings build up each year as more houses get energy efficient.
- Reducing energy efficiency measures impacts our local economy. HB 351 has a lot of negative impacts.

*Representative Kat McGhee – provided written testimony
Hillsborough – District 27*

- HB 351 is a dangerous and ill-considered restructuring of the SBC process.
- The SBC was placed in state statute to provide systemwide benefits. It is a regulatory requirement that energy efficiency programs like NH Saves provide a benefit to all ratepayers. These programs are proven to generate savings in excess of what is spent. Energy efficiency programs results in a permanent reduction in fuel demand, helps the state improve its carbon footprint, and lower its energy outlay.
- HB 351 requires any SBC increase to be approved by either passage of legislation by the NH General Court or authorization of the Joint Legislative Fiscal Committee. HB 351 inserts the NH General Court into the SBC process that it delegated to the PUC. The EERS included input from a variety of stakeholders and electric utilities over a length of time. The NH General Court does not have the time or resources to engage in a rate setting process for the SBC. Inserting the NH General Court into this process would make rate setting political.
- The EERS would generate up to \$1.3 billion in economic stimulus as NH recovers from the COVID-19 pandemic. HB 351 will cause delays in the rollout of the EERS and put a halt to NH Saves funding, which currently has wait lists. The 2021-2023 Triennial EERS Plan, agreed to in a settlement agreement in December 2020 and overdue for rollout since January 2021 due to PUC inaction, can be approved if HB 351 is defeated because its language muddies the waters of the PUC process.
- Senator Watters asked if there was any testimony before the House Science, Technology, and Energy Committee about what would occur if the Joint Legislative Fiscal Committee approved an increase to the SBC, but the NH General Court defeated legislation to approve an increase to the SBC. Senator Watters said there would obviously be a conflict if one body approved an SBC increase and another body killed an SBC increase.
 - Representative McGhee did not recall any discussion on that issue. The fact that both bodies are inserted in HB 351 does not provide clarity. The NH General Court would likely need to introduce legislation to increase the SBC.
- Senator Avard referenced Representative McGhee's statement that implementing in the EERS would lead to a \$1.3 billion stimulus. He asked how HB 351 is holding up the rollout of the EERS.
 - Representative McGhee said there were a couple bills in the House focusing on the EERS. The PUC likely saw these bills and realized that their passage would impact the EERS's rollout. Additionally,

some state legislators sent a letter to the PUC opposing any SBC increase as NH's economy recovered from the COVID-19 pandemic. A consultant was brought into EERS discussions and that consultant determined that increasing the SBC would lead to a \$1.3 billion stimulus.

Huck Montgomery

Director of Government Affairs, Liberty Utilities

- The EERS is a collaborative effort undertaken by a large variety of stakeholders. All energy efficiency programs through the NH Saves program, of which Liberty Utilities and other utilities are the administrators, must be cost-effective. A lot of work went into EERS planning process that got the 2021-2023 Triennial EERS Plan together. That plan is currently pending before the PUC for approval.
- Currently, RSA 374-F:3, VI provides that all future SBC increases must go to the NH General Court for approval. However, the statute has an exemption for the 2021-2023 Triennial EERS Plan so that it is not subject to the need for legislative approval.
- The EERS framework is the result of 18 months of work on behalf of a wide variety of stakeholders that would save \$200 million for NH's economy. The 2021-2023 Triennial EERS Plan was created under the expectation that it would be approved by the PUC and all future SBC increases would go before the NH General Court. HB 351 is unfair to those customers who are requesting energy efficiency services. If HB 351 was signed into law and the NH General Court voted against an SBC increase, customers would lose access to cost effective measures to reduce their electricity usage.
- Senator Avard referenced Representative Vose's statement that an SBC increase would lead to more than \$200 million in energy costs. However, Mr. Montgomery's testimony said it would result in \$200 million in savings. He asked Mr. Montgomery to elaborate on his testimony.
 - Mr. Montgomery said that state statute requires each dollar spent in energy efficiency programs to create a net savings. People should look holistically at the value of the investment in energy efficiency. When one makes a stock investment, that individual looks at future appreciation and not just the upfront costs to purchase that stock. The PUC uses a Granite State Test to test the effectiveness of these energy efficiency programs and found that there will be \$200 million in savings.
- Senator Avard asked where the committee could find information on these savings.
 - Mr. Montgomery said he can request the information from staff at Liberty Utilities. These figures are also publicly available on the PUC's docket DE 20-092 regarding the 2021-2023 triennial EERS Plan.
- Senator Watters expressed his concern about HB 351's restriction of energy efficiency programs to reduce electricity consumption. He noted that RSA 374-F:3, VI permits the use of an SBC to fund public benefits related to the provision of energy. Such benefits may include programs for low-income customers, energy efficiency programs, etc. This language is quite broad, but HB 351's is more limiting. There could be programs to help people, such as programs in battery storage or community solar, that could be energy efficient to avoid peak demand. He asked if Mr. Montgomery saw any conflicts in HB 351 as NH moved toward greater electrification in dealing with various needs, such as home heating.
 - Mr. Montgomery said additional stipulations on what the SBC funds may not really matter as current state statute requires any future SBC increases, excluding those increases under the triennial 2021-2023 Triennial EERS Plan, must receive legislative approval. Each non-electric program funded in part by the SBC must be shown to be cost effective through the Granite State Test, that each dollar spent must generate a net savings for all energy customers.

Raymond Burke – provided written testimony

Benefits Project Co-Director, NH Legal Assistance

- HB 351 could negatively impact low-income households who are currently waiting for energy efficiency installations that will reduce their energy costs during a pandemic and make energy more affordable in the future.
 - The 2021-2023 Triennial EERS Plan is currently pending before the PUC. HB 351 could create additional and uncertainty. NH is already four months into 2021. Electric and natural gas utilities filed a letter to the PUC about the impacts of further delays, which include strains on an already inadequate workforce to complete low-income energy efficiency measures because of the uncertainty.
 - Additional uncertainty would further harm the low-income program and result in serving fewer low-income households.
- HB 351 would have a negative impact on the long-term implementation of the low-income energy efficiency program by creating uncertainty in the planning process.

- HB 351 does not make clear what happens if the Joint Legislative Fiscal Committee authorizes an SBC increase while legislation is pending before the NH General Court, and the full NH General Court rejects the increase at a later date. This could delay the implementation of the statewide energy efficiency plan.
 - Years-long waiting lists already exist across the state for low-income families seeking cost-effective energy efficiency improvements to their homes. Currently, there are roughly 8,000 households on the waiting list for energy efficiency improvements. Additional delay and uncertainty will only make the waiting lists longer.
- NH's low-income energy efficiency program has been recognized nationally as an exemplary program and is critical to reduce energy costs for all NH ratepayers. Low-income families often pay a higher percentage of their household income on energy costs than do higher income families, meaning they have less money to spend on other basic needs.
 - Energy efficiency programs not only promote more affordable utility service in the long run, but also lead to safer and more comfortable homes and to improvements in health outcomes. HB 351 would deprioritize "fuel-neutral" savings, which would have an adverse impact on NH's nationally recognized low-income program.
- Senator Avaré referenced Mr. Burke's testimony about 8,000 currently waiting for energy efficiency improvements. Senator Avaré asked what those households are specifically waiting for.
 - Mr. Burke said the households are income eligible for weatherization improvements. These households could be served with energy efficiency measures, but there is not enough funding or an adequate workforce to address the growing demand. When households come off the waiting list, a household's utility, in consultation with the local Community Action Program (CAP), will conduct an audit of that household to determine what energy efficiency measures are possible. During this audit, a team will determine what measures are truly cost effective for the household and NH's ratepayers. Based on that audit, full weatherization services may be provided or more energy efficient appliances may be installed.
- Senator Avaré asked if the low-income energy efficiency program was open to renters.
 - Mr. Burke said the low-income energy efficiency program was open to renters.
- Senator Avaré summarized that an audit team will go into one's home and determine what may be the most cost-effective energy efficiency measures for that home and for NH's ratepayers.
 - Mr. Burke said Senator Avaré was correct. There are rules around the level of rebates offered for different types of energy efficiency measures based on an audit's outcome.

*Susan Richman
Durham, NH*

- NH Saves is a popular program that makes a significant difference.
- Only wealthier households can invest in solar panels and battery storage. Weatherization and non-electric energy efficiency measures are most cost effective for low-income households.
- There are large externalities for using fossil fuels, such as increased health care costs. These externalized costs need to be considered. Energy efficiency can diminish carbon emissions by 40%.
- PUC Commissioners serve six-year terms. Stakeholders involved in PUC discussions are knowledgeable about their industry. Placing the authority to increase the SBC in the hands of the NH General Court politicizes the SBC and creates uncertainty for businesses involved in energy efficiency programs.
- Over the past few years, the NH General Court has voted down legislation to decrease carbon emissions and increase fossil fuel dependence. The 2021-2023 Triennial EERS Plan has been stalled at the PUC for four months. One must ask whose interests are vested in protecting out of state fossil fuel industries.

*Ethan Cole
Owner, Earthshare Construction, LLC*

- Earthshare Construction, LLC is a small contracting company in Lebanon, NH that has been involved in a lot of weatherization projects. The company has five employees.
- Earthshare Construction, LLC has been involved with NH Saves for five years. NH Saves has been a great program to work with that benefits residents, businesses, the economy, and NH's future. The demand for NH Saves has been very strong and grown in recent years.
- Low-income households are more heavily impacted by energy costs. NH Saves makes low-income households more efficient and healthier to live in.
- Paying for energy from fossil fuels goes out-of-state. Weatherization projects retain those dollars in state to benefit a household and all NH ratepayers through cost-effective energy efficiency.

Daniel Ramage

Owner, A+ Energy Services

- Requiring energy efficiency programs to only fund efforts to reduce electricity consumption would be problematic due to a lesser number of households using electricity for heat and more efficient appliances being available.
- NH's energy efficiency programs have come a long way, but NH still lags compared to its neighboring states.
- HB 351 is causing unease amongst local contractors who saw the 2021-2023 Triennial EERS Plan as a means to grow their businesses to meet the growing demand. Due to the PUC delay in approving the 2021-2023 Triennial EERS Plan, projects are on hold and employees and equipment purchases are on standby.
- Senator Avard asked if Mr. Ramage was testifying in opposition to HB 351.
 - Mr. Ramage said he was opposed to HB 351.

Emily Manns

Chair, Peterborough Energy Committee

- Energy efficiency programs are important for communities to lower their energy costs for resiliency and environmental benefits. HB 351 stands in the way of a clean energy future and making progress on clean energy goals.

Madeleine Mineau – provided written testimony

Executive Director, Clean Energy NH

- NH's energy efficiency programs directly benefit all NH customers. There is a rigorous cost-benefit analysis for every dollar invested in the program. These programs are a direct investment in the local economy to improve local households and businesses.
- Requiring legislative approval of the SBC would very severely affect the timing and continuity of energy efficiency programs. The 2021-2023 Triennial EERS Plan, which the PUC should have ruled on in December 2020, is still pending. If HB 351 is signed into law before the PUC issues an order, uncertainty will continue over the 2021-2023 Triennial EERS Plan as legislative approval will be required every year. Throughout the public comment process, businesses and contractors stressed the importance of program predictability and a long-term planning horizon. HB 351 would disrupt that.
- If legislative approval for SBC increases is required, the NH General Court will need to consider a wealth of technical information. The 2021-2023 Triennial EERS Plan submitted to the PUC included 1,000 pages of information, excluding testimony from the interested parties. There was roughly 28 hours of public hearings on that plan and the associated SBC. It is simply not realistic to expect the NH General Court to put in the time to review all that information. The NH General Court does not have access to utility analysts and industry experts to help guide them on their decision making.
- Reiterating Ms. Peters' testimony, most energy efficiency programs already focus on electricity savings. Weatherization programs are extremely beneficial to low-income customers and other customers. Funding is needed for those programs unless the NH General Court considered another source of funding.
- Senator Watters said Governor Sununu called for increased attention to low-income households for energy savings. Senator Watters referenced his SB 205 (2019), which was later rolled in HB 4-FN-A-LOCAL (2019). That legislation required 20% of SBC funds to be expended on low-income energy efficiency programs. He asked if Governor Sununu has clearly supported energy efficiency efforts to help low-income households.
 - Ms. Mineau said Governor Sununu has made it a talking point that energy efficiency and renewable energy programs should directly benefit low-income customers.
- Senator Watters said HB 351 may be moot. There is to be a new appointee to the PUC. If the PUC did not like the 2021-2023 Triennial EERS Plan, they could do what they want to. Even without HB 351, PUC commissioners will do what they are going to do.
 - Ms. Mineau said she was uncertain why the PUC has not acted on the 2021-2023 Triennial EERS Plan. Some feel the delay is due to the PUC being short one commissioner. However, pending legislation like HB 351 may also be a reason why the PUC is not acting. The PUC has not given any reasons for its delay. There is no reason that the PUC is not issuing an order. If a third commissioner is appointed, that commissioner needs to review the entire docket record. If HB 351 was signed into law before the PUC acted and the PUC moved forward with a more modest SBC increase, that increase would still need legislative approval. This would cause further delay.
- Senator Avard referenced Mr. Moore's testimony that HB 351 ensures transparency and accountability. He asked Ms. Mineau for her thoughts on that testimony.

- Ms. Mineau serves as the EESEB chair. While Representative Vose said the EESEB set the SBC, that is not the case. The EESEB followed direction given to it by the NH General Court and the PUC to conduct a stakeholder driven process. All ESSEB meetings were publicly noticed and open to the public. Minutes were taken at each meeting. There were multiple rounds of public comment during the planning process. This process took a year where meetings were held twice a month. An EESEB subcommittee reported to the full EESEB on 2021-2023 Triennial EERS Plan developments. Votes were taken by the EESEB subcommittee and the full EESEB. The EESEB advised program administrators on what the EESEB would like to see in their plan. The program administrators submitted their plan to the PUC for a full docket process. All PUC dockets are open to the public. Anyone who wished to take part in the process was entirely welcome to participate.
- Senator Avard asked what the SBC amounts to on an average electric bill.
 - Ms. Mineau explained that an average residential electric bill has the following components: a fixed customer charge, transmission costs, distribution costs, energy costs, and an SBC. The SBC funds the energy efficiency programs. There can also be other costs on an electric bill like stranded costs. The SBC is very small compared to other costs. While all utilities have different charges, a typical residential customer pays roughly \$1.00-2.00 a month for the SBC. The SBC funds energy efficiency programs and bill assistance programs for low-income customers.
- Senator Avard asked if HB 351's language is in HB 2-FN-A-LOCAL (2021).
 - Ms. Mineau said it was her understanding the language was in HB 2-FN-A-LOCAL as introduced, but she was not sure if the language was in HB 2-FN-A-LOCAL as amended by the House.
- Senator Avard said that if HB 351 was in HB 2-FN-A-LOCAL as amended by the House, then HB 351 was not needed.
 - Ms. Mineau agreed with Senator Avard.

Nick Krakoff – provided written testimony

Staff Attorney, Conservation Law Foundation – New Hampshire

- Energy efficiency generates significant economic benefits for NH. Since 2002, energy efficiency measures have resulted in cumulative customer savings in excess of \$3.4 billion. The State of NH has saved \$45 million from energy efficiency over the past 11 years. The 2021-2023 Triennial EERS Plan would result in \$1.3 billion in cost savings over the lifetime of the measures and support over 4,600 full-time jobs.
- HB 351 would result in significantly reduced benefits for NH residents and ratepayers. Requiring legislative approval is unrealistic and unworkable. The NH General Court delegates decisions regarding the EERS and the SBC to the PUC to make these decisions. The NH General Court does not have the time or resources to review the many issues under the EERS plan.
- HB 351's provision requiring authorization from the Joint Legislative Fiscal Committee is likely unconstitutional. A 1981 opinion of the NH Supreme Court ruled "the supreme legislative authority is vested in the house of representatives and the senate" and "small groups in either house cannot fairly be said to represent the 'legislative will.'" Therefore, statutory schemes delegating lawmaking authority to smaller legislative bodies are unconstitutional.

Joseph Kwasnik – provided written testimony

Concord, NH

- The SBC was created during NH's 1996 electric restructuring for all energy efficiency programs regardless of fuel type used within residential, commercial, or industrial locations. The decision not to solely restrict the use of the SBC to measures to reduce electricity consumption in the state was justified and would benefit all energy consumers.
- Requiring legislative approval for SBC increases is inconsistent with long-standing statute and the PUC's current function to set rates and, by extension, the SBC. The PUC is better positioned to evaluate the needs for SBC increases than the NH General Court in a timely, effective, and efficient manner.
- NH ranks last when compared to other New England states on energy efficiency spending and is less competitive with them.

Gerald F. Milliken, Jr. – provided written testimony

Tri-County Community Action Program

- The current SBC allows for anyone to take advantage of the numerous programs that it was designed to offer. The program benefits outweigh the SBC and any applicable copay in total energy savings each year.

- The NH Electrical Assisted programs like the low-income weatherization (HEA) and non-low-income weatherization program (HPwES) have been designed by the PUC to look for electrical savings, but not to stop there. Being fuel blind is a stronger, more inclusive conversation and whole home approach.
- HB 351 threatens the all-inclusivity energy saving of the current programs and could jeopardize the total energy savings a ratepayer gets for their money. Requiring legislative approval will cause program delays that impact customers and the local workforce.

Robert Hayden

President, Standard Power

- HB 351 stands in contrast to the collaboration done on HB 315 (2021). HB 315 as amended by the House was the result of extensive discussions amongst stakeholders to arrive at a bill that all agreed with. HB 351 was voted on quickly and had no extensive discussions with stakeholders.
- In response to Senator Avard's question of Ms. Mineau on how much the SBC costs an average residential ratepayer, the SBC is assessed at .0743 cents per KWh.

Neutral Information Presented:

Kate Peters – provided written testimony

Energy Efficiency Manager, Eversource Energy

- Ms. Peters addressed HB 351's requirement for legislative approval to any SBC increase. Eversource Energy wants to ensure they fully understand the SBC process and the potential for delays and complications in that process. Having a better understanding of that process during the energy efficiency program planning process is more beneficial than seeking legislative approval and potentially having Eversource Energy readjust its planning. This understanding will be more beneficial to Eversource Energy's customers and the contractors they work with.
- Ms. Peters addressed HB 351's requirement that the SBC only fund energy efficiency programs that reduce electricity consumption. There are two programs that use the SBC for non-electric savings: the low-income weatherization program and the non-low-income weatherization program. These programs account for 25% of the energy savings Eversource Energy achieves and roughly 25% of Eversource Energy's budget. RSA 374-F:3, VI currently requires that at least 20% of the SBC go toward the low-income weatherization program.
- Ms. Peters noted Mr. Cole's testimony from the perspective of local contractors. Eversource Energy is seeing a growing demand for these energy efficiency programs from its customers. The best way to reduce energy costs for low-income households is to reduce their heating fuel, regardless of whether that heating fuel is electricity or home heating oil. This helps customers get off fuel assistance so that they may use their income to pay for other needs. These programs have been operating since 2002 with a lot of support from customers, municipalities, businesses, legislators, and PUC commissioners.
- Senator Avard referenced Ms. Peters' testimony that energy efficiency programs help customers get off fuel assistance. He asked if Eversource Energy had any data to demonstrate that.
 - Mr. Peters said she could look. There is a federal fuel assistance program that is utilized by NH's Eversource Energy customers. Eversource Energy coordinates with federal weatherization programs as it runs its own programs. Eversource Energy seeks to reduce fuel usage, which reduces the need for those customers to utilize fuel assistance. As Mr. Burke noted, there are many households that are eligible for these programs. Eversource Energy has customers waiting for energy efficiency measures that cannot be served, so those customers continue to use fuel assistance programs.
- Senator Avard noted that Eversource Energy indicated it was neutral on HB 351, but Ms. Peters' testimony appeared to indicate that HB 351 would leave Eversource Energy's energy efficiency programs in limbo.
 - Ms. Peters said Eversource Energy wants to get as much clarity from the NH General Court as to what its policy priorities are and how Eversource Energy can implement them. These energy efficiency programs are important to Eversource Energy and its customers. Reducing confusion is needed to ensure the best outcome for customers.
- Senator Avard asked if HB 351 helps Eversource Energy achieve its energy efficiency goals.
 - Ms. Peters said she had questions about the clarity of HB 351. For example, HB 351 requires energy efficiency programs to reduce electricity usage. However, Eversource Energy currently operates that way. If 25% of energy efficiency funds are going to non-electric programs, then that means 75% are going to electric reduction programs. Eversource Energy is unsure if it needs to change its programs to meet HB 351's requirements.
- Senator Watters said it seemed the PUC would be unwilling to move forward on the 2021-2023 Triennial EERS Plan knowing that HB 351 was under consideration. If HB 351 was signed into law, then that means

the 2021-2023 Triennial EERS Plan would be further delayed until 2022 when legislation could be introduced to increase the SBC. HB 351 would effectively prevent the startup of the EERS for 2021.

- o Ms. Peters said Eversource Energy is currently operating on its 2020 funding levels at the PUC's direction while the PUC continues its review. Eversource Energy is running its programs. The confusion is about when and whether the PUC will rule on the EERS proposal and whether that proposal will then need to get legislative approval.

GJR

Date Hearing Report completed: April 26, 2021.

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill HB351 on 2021-04-26

Support: 7 Oppose: 218 Neutral: 4 Total to Testify: 19

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Montgomery, Huck	Not Given	Not Given	A Lobbyist	Liberty Utilities	Oppose	Yes	4/23/2021 9:32 PM
Krakoff, Nick	nkrakoff@clf.org	603-369-4787	A Lobbyist	Myself	Oppose	Yes	4/21/2021 10:58 AM
Burke, Raymond	rburke@nhla.org	603-206-2214	A Member of the Public	New Hampshire Legal Assistance	Oppose	Yes	4/21/2021 4:51 PM
Fischer, Dana	dfischer@hvac.mea.com	207.272.4650	A Member of the Public	Mitsubishi Electric Trane HVAC	Oppose	Yes	4/23/2021 11:26 AM
Mann, John`	john.mann67@comcast.net	(603) 835-90	An Elected Official	My Constituents	Oppose	Yes	4/25/2021 2:49 PM
Kreis, Donald	donald.kreis@oca.nh.gov	603.271.1174	State Agency Staff	Office of the Consumer Advocate	Oppose	Yes	4/23/2021 10:47 AM
Moore, Greg	gmoore@afphq.org	603.303.9297	A Lobbyist	Americans for Prosperity-New Hampshire	Support	Yes	4/22/2021 9:32 AM
Richman, Susan	susan7richman@gmail.com	603.868.2758	A Member of the Public	Myself	Oppose	Yes	4/25/2021 4:39 PM
McGhee, Kat	Kat.mcghce@leg.state.nh.us	603.465.2033	An Elected Official	Hillsborough 27, Hollis	Oppose	Yes	4/25/2021 12:26 PM
kwasnik, joseph	jkwasnik25@gmail.com	603.730.7148	A Member of the Public	Myself	Oppose	Yes	4/25/2021 5:01 PM
Cole, Ethan	ethan@earthshareconstruction.com	802.356.4383	A Member of the Public	Myself	Oppose	Yes	4/25/2021 9:56 PM
Peters, Kate	katherine.peters@eversource.com	603-568-1680	A Member of the Public	Eversource Energy Efficiency (with Donna Gamache)	Neutral	Yes	4/25/2021 9:02 PM
Ramage, Daniel	aplusenergy.dr@gmail.com	603.489.9269	A Member of the Public	A Plus Energy Services	Neutral	Yes	4/26/2021 6:54 AM
Gamache, Donna	donna.gamache@eversource.com	603-345-0994	A Lobbyist	Eversource Energy	Neutral	Yes	4/26/2021 7:45 AM
Mineau, Madeleine	madeleine@cleanenergy.nh.org	607-592-6184	A Lobbyist	Clean Energy NH	Oppose	Yes	4/26/2021 8:47 AM
Notter, Jeanine	jeaninenotter@comcast.net	603 423-0408	An Elected Official	Hillsborough 21	Support	Yes	4/26/2021 12:49 PM
Vose, Michael	michael.vose@leg.state.nh.us	603.734.4084	An Elected Official	Myself	Support	Yes	4/26/2021 12:37 PM
Milliken, Gerald	jmilliken@tccap.org	603-326-6626	A Member of the Public	Myself	Oppose	Yes	4/26/2021 11:33 AM
Manns, Emily	ecmanns@gmail.com	Not Given	A Member of the Public	Peterborough Energy Committee	Oppose	Yes	4/26/2021 7:42 AM
Caplan, Tony	anthonycaplan1@gmail.com	603.428.7042	An Elected Official	Merrimack 6	Oppose	No	4/26/2021 7:45 AM
Zaenglein, Barbara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 11:52 AM
Zaenglein, Eric	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 11:53 AM
Ellis, Donna	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/26/2021 12:23 PM
Storrs, Caroline	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 1:58 PM
McBeath, Rebecca	NHStateHouse@gmail.com	Not Given	An Elected Official	Myself	Oppose	No	4/26/2021 2:04 PM
holtz, anthony	awave28@live.com	412.737.9812	A Member of the Public	Myself	Oppose	No	4/26/2021 2:07 PM

Hamblet, Joan	joan.hamblet@leg.state.nh.us	603.205.4925	An Elected Official	Myself	Oppose	No	4/26/2021 2:32 PM
Werner, Rob	rwerner@lcv.org	603-674-9810	A Lobbyist	League of Conservation Voters	Oppose	No	4/26/2021 2:51 PM
Johnson, Sara	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 2:58 PM
McAdam, Kyle	kylejmcadam@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/27/2021 11:28 AM
Williams, Candace	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/27/2021 2:38 PM
Clouthier, Ryan	Clouth2007@hotmail.com	603-722-2159	A Member of the Public	Myself	Oppose	No	4/26/2021 12:51 PM
Mills, Nathan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 1:07 PM
Pimentel, Rod	Rodpimentel@leg.state.nh.us	Not Given	An Elected Official	Myself	Oppose	No	4/26/2021 10:35 AM
bollerud, kathleen	bollerud2@gmail.com	603.398.8469	A Member of the Public	Myself	Oppose	No	4/26/2021 11:08 AM
Maslansky, Scott	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 1:20 PM
Moffett, Howard	howard.m.moffett@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 1:21 PM
Schapiro, Joe	joe.schapiro@leg.state.nh.us	603.852.5039	An Elected Official	Cheshire 16, Keene	Oppose	No	4/26/2021 1:25 PM
Parker, Sharon	parker20@juno.com	603.863.7348	A Member of the Public	Myself	Oppose	No	4/26/2021 11:29 AM
Bixby, Peter	peter.bixby@leg.state.nh.us	16037495659	An Elected Official	Myself	Oppose	No	4/26/2021 8:51 AM
McNamee, Brigid	brigidmcnamee@yahoo.com	603.223.0139	A Member of the Public	Myself	Oppose	No	4/26/2021 9:12 AM
Helrich, Robin	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 9:17 AM
Verschueren, Jim	jd.verschueren@gmail.com	603.978.0398	A Member of the Public	Myself	Oppose	No	4/26/2021 9:17 AM
Leavitt, Deborah	daleavitt77@comcast.net	603.343.4493	A Member of the Public	Myself	Oppose	No	4/26/2021 9:24 AM
Kelley, Mary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 9:25 AM
Wendy, Chase	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/26/2021 9:25 AM
Dwyer, Bryan	dwyer.bryan@gmail.com	603.748.0935	A Member of the Public	Myself	Oppose	No	4/26/2021 10:23 AM
Higgs, Adelinda	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 10:24 AM
Corkery, Catherine	catherine.corkery@sierraclub.org	603.491.1929	A Lobbyist	NH Sierra Club	Oppose	No	4/26/2021 10:27 AM
Dontonville, Anne	Adontonville@gmail.com	603.632.7719	A Member of the Public	Myself	Oppose	No	4/26/2021 7:59 AM
McGuire, Dawn	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 8:04 AM
Baker, Doreen	doreeno97@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 8:06 AM
Heath, Mary	Not Given	Not Given	An Elected Official	hills district 14	Oppose	No	4/26/2021 8:12 AM
Weston, Joyce	jweston14@roadrunner.com	603.276.0862	An Elected Official	Myself	Oppose	No	4/26/2021 8:12 AM
Lorentz, Carimen	clorentz@lrcommunitydevelopers.org	603.455.2312	A Member of the Public	Myself	Oppose	No	4/26/2021 8:18 AM
Scribner, Lois	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 8:27 AM
Bartlett, Rep Christy	christydbartlett@gmail.com	603.717.8151	An Elected Official	Merrimack 19	Oppose	No	4/26/2021 8:30 AM
Lonano, James	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 8:31 AM
Liberman, Sheryl	saml54@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 8:32 AM
Smith, Suzanne	zanne719@gmail.com	603.715.0086	An Elected Official	Myself	Oppose	No	4/26/2021 8:41 AM
Dean, Mark	medean@mdeanlaw.net	603.494.1032	A Lobbyist	New Hampshire Electric Cooperative, Inc.	Oppose	No	4/26/2021 8:41 AM
Garland, Ann	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:02 AM
Dewey, Karen	pkdewey@comcast.net	603.504.2813	A Member of the Public	Myself	Oppose	No	4/26/2021 7:04 AM

Clark, Denise	denise.m.clark03055@gmail.com	603.213.1692	A Member of the Public	Myself	Oppose	No	4/26/2021 7:06 AM
Burdett, Mary	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:20 AM
Bushueff, Catherine	agawawdesigns@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:24 AM
Ballentine, John M	mikeb@btine.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:25 AM
Pospychala, Erin	erinmvp@gmail.com	603.526.7616	A Member of the Public	Myself	Oppose	No	4/26/2021 9:46 AM
Mann, John	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/26/2021 10:01 AM
Bourque, Kat	bourquek@unitil.com	603-770-3215	A Lobbyist	Unitil	Neutral	No	4/26/2021 10:04 AM
Lucas, Janet	janluca1953@gmail.com	16037267614	A Member of the Public	Myself	Oppose	No	4/26/2021 10:05 AM
Horrigan, Timothy	timothyhorrigan@icloud.com	603.868.3342	An Elected Official	Strafford 6	Oppose	No	4/26/2021 7:32 AM
Mitchell, Karen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:35 AM
Gordon, Margaret	Megordon98@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 7:36 AM
Stevens, Representative Deb	debstevens4ward7@gmail.com	603.820.0866	An Elected Official	My 10K constituents	Oppose	No	4/25/2021 9:06 PM
Perencevich, Ruth	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 9:06 PM
Dontonville, Roger	rdontonville@gmail.com	603.632.7719	An Elected Official	Myself	Oppose	No	4/25/2021 9:15 PM
Northrop, Faith	f.northrop@comcast.net	603.536.2191	A Member of the Public	Myself	Oppose	No	4/25/2021 10:53 PM
Loder, Suzanne	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 11:10 PM
Carter, Lilian	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 1:40 AM
Gordon, Laurie	Lmgord23@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 4:46 AM
Inman, Katherine	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 5:23 AM
Collea, Beth	bethcollea@aol.com	781.724.2254	A Member of the Public	Myself	Oppose	No	4/26/2021 6:04 AM
St Germain, Diane	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/26/2021 6:05 AM
Waterman, Raymond	prwaterman@aol.com	16034243692	A Member of the Public	Myself	Oppose	No	4/26/2021 6:27 AM
Waterman, Patricia	prwaterman@aol.com	16033450644	A Member of the Public	Myself	Oppose	No	4/26/2021 6:27 AM
Baber, Bill	wsbabar@gmail.com	603.749.5969	A Member of the Public	Myself	Oppose	No	4/26/2021 6:35 AM
Murray, Megan	megan.murray@leg.state.nh.us	Not Given	An Elected Official	Hillsborough District 22	Oppose	No	4/26/2021 6:43 AM
Nardino, Marie	Not Given	Not Given	A Member of the Public	Myself	Support	No	4/26/2021 6:45 AM
Goldwater, Catherine	cathy.goldwater@gmail.com	603.860.3756	A Member of the Public	Myself	Oppose	No	4/26/2021 6:46 AM
Cahill, Kathy	kathyhigginscahill@gmail.com	603.731.3246	A Member of the Public	Myself	Oppose	No	4/25/2021 10:08 PM
Gilman, Representative Julie	julie.gilman@leg.state.nh.us	Not Given	An Elected Official	Exeter	Oppose	No	4/25/2021 10:14 PM
Magruder, Joe	joe.magruder@gmail.com	603.731.9232	A Member of the Public	Myself	Oppose	No	4/25/2021 10:15 PM
Flockhart, Eileen	hartflock@comcast.net	603.778.0647	A Member of the Public	Myself as a former Representative	Oppose	No	4/25/2021 7:49 PM
Gage, John	jhgage@gmail.com	603.965.1586	A Member of the Public	Myself	Oppose	No	4/25/2021 7:55 PM
Blanchard, Sandra	sandyblanchard3@gmail.com	603.724.3768	A Member of the Public	Myself	Oppose	No	4/25/2021 7:55 PM
Letellier, Kathleen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 9:32 PM
WELLS, Lee	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 9:35 PM
Huberman, Anne	Anne.Huberman@gmail.com	603.924.0842	A Member of the Public	Myself	Oppose	No	4/25/2021 10:24 PM

Reed, Barbara D.	BDRreed74@gmail.com	603.352.5015	A Member of the Public	Myself	Oppose	No	4/25/2021 10:25 PM
Kubit, Joy	joykubit@gmail.com	603.526.6678	A Member of the Public	Myself	Oppose	No	4/25/2021 10:28 PM
Kelley, Eamon	eamon.kelley@leg.state.nh.us	646.653.5539	An Elected Official	Coos 3	Oppose	No	4/25/2021 11:29 PM
Kraus, Carol	carolekraus@gmail.com	603.924.7085	A Member of the Public	Myself	Oppose	No	4/26/2021 12:23 AM
Aranzabal, Luis	Luisaranzabal40@gmail.com	603.461.1834	A Member of the Public	Myself	Oppose	No	4/26/2021 5:49 AM
perez, maria	mariaeli63@gmail.com	603.801.7867	An Elected Official	Myself	Oppose	No	4/26/2021 5:50 AM
Raven, Mary	marybeth.raven@gmail.com	603.620.0670	A Member of the Public	Myself	Oppose	No	4/25/2021 8:39 PM
thompson, julia	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:57 PM
Lincoln, Mary	mary.lincoln52@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 5:04 PM
Wells, Ken	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 5:15 PM
Falk, Cheri	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 7:34 PM
Clark, Martha	mctraveler1@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 5:27 PM
Greenwood, Nancy	nancgreenwood@yahoo.com	603.226.2471	A Member of the Public	Myself	Oppose	No	4/25/2021 5:42 PM
Briggs, Ronald	Rongb1950@gmail.com	603.226.2471	A Member of the Public	Myself	Oppose	No	4/25/2021 5:45 PM
KARRICK, DAVID	electdavidkarrick@gmail.com	603.456.2772	A Member of the Public	Myself	Oppose	No	4/25/2021 6:56 PM
Goodnow, Martha	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 6:56 PM
Hinkel, Robert	r.hinkel@gmail.com	413.478.8701	A Member of the Public	Myself	Oppose	No	4/25/2021 7:00 PM
Tucker, Bruce	bruce@2cker.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 7:01 PM
Cornell, Patricia	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/25/2021 7:05 PM
jakubowski, dennis	dendeb146@gmail.com	603.496.5749	A Member of the Public	Myself	Oppose	No	4/25/2021 7:14 PM
Minton, Faith	minton.faieth@gmail.com	603.496.6650	A Member of the Public	Myself	Oppose	No	4/25/2021 7:17 PM
Spencer, Louise	lpskentstreet@gmail.com	603.491.1795	A Member of the Public	Myself	Oppose	No	4/25/2021 7:17 PM
Bracy, Sue	marysuebracy@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 7:18 PM
Platt, Elizabeth-Anne	lizanneplatt09@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 7:35 PM
Spielman, Kathy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:10 PM
Moore, Janet	Jmpcilley@tds.net	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:11 PM
Rettew, Annie	abrettew@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:21 PM
Cook, Barbara D	bdc7@aol.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:31 PM
Zimmer, Julie	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:47 PM
Mower, Robin	melodyofharpists@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:50 PM
Kelly, Elizabeth	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 8:51 PM
Jamback, Susan	susanjamback@gmail.com	508.561.0380	A Member of the Public	Myself	Oppose	No	4/25/2021 12:30 PM
Currier, Dorothy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 12:40 PM
Telerski, Laura	Laura.Telerski@Leg.State.NH.US	603.320.3957	An Elected Official	Hillsborough 35	Oppose	No	4/25/2021 12:47 PM
McGuire, Dan	danmcguire@gmail.com	603-782-4918	A Member of the Public	Myself	Support	No	4/25/2021 12:53 PM
Koch, Laurie	kochlj@aol.com	603.491.2000	A Member of the Public	Myself	Oppose	No	4/25/2021 4:45 PM
Kingsley, Barbara Jo	barbjokingsley@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 1:15 PM

QUISUMBING-KING, Cora	coraq@comcast.net	603.343.4347	A Member of the Public	Myself	Oppose	No	4/25/2021 5:34 PM
Podlipny, Ann	apodlipny57@comcast.net	603.370.1914	A Member of the Public	Myself	Oppose	No	4/25/2021 5:52 PM
Bardsley, William	wbardsley@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 5:54 PM
Weber, Jill	jill@frailfarms.com	603.978.1263	A Member of the Public	Myself	Oppose	No	4/25/2021 5:57 PM
Vincent, Laura	lvlaauravincen5@gmail.com	603.783.4849	A Member of the Public	Myself	Oppose	No	4/25/2021 6:07 PM
Grossi, Anne	adgrossi7982@gmail.com	603.674.1181	A Member of the Public	Myself	Oppose	No	4/25/2021 6:15 PM
Hampton, Doris	dandmhamp38@gmail.com	603.783.4418	A Member of the Public	Myself	Oppose	No	4/25/2021 6:37 PM
Cloutier, John	jocloutier@comcast.net	16034773690	An Elected Official	Myself	Oppose	No	4/25/2021 6:38 PM
Grassie, Chuck	chuck.grassie@leg.state.nh.us	16039787417	An Elected Official	Strafford 11	Oppose	No	4/25/2021 6:41 PM
Young, Jamie	Not Given	Not Given	A Member of the Public	Myself, a New Hampshire resident	Oppose	No	4/25/2021 1:36 PM
Mombourquette, Donna	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 1:42 PM
Lindpaintner, Lyn	lynlin@bluewin.ch	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:39 PM
Bruce, Susan	susanb.red@mac.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:41 PM
Thomas, Doug	Not Given	Not Given	An Elected Official	Myself	Support	No	4/25/2021 4:42 PM
Gerlt, Tori	tgerlt@resilientbuildingsgroup.com	8335458	A Member of the Public	Myself	Oppose	No	4/23/2021 10:30 AM
Hanlon, Kevin	kevin@horizon-res.com	16033694833	A Member of the Public	Horizon RES NH LLC	Oppose	No	4/23/2021 10:34 AM
Samoisette, Laura	lsamoisette@resilientbuildingsgroup.com	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 10:35 AM
Almy, Susan	susan.almy@comcast.net	603.448.4769	An Elected Official	Myself	Oppose	No	4/25/2021 3:19 PM
Tucker, Naomi	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 3:25 PM
Damon, Claudia	cordsdamon@gmail.com	603.226.4561	A Member of the Public	Myself	Oppose	No	4/25/2021 4:03 PM
Kirkland, Kimberly	kimberly@reiskirkland.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:20 PM
Beffa-Negrini, Patricia	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:22 PM
Willing, Maura	Maura.Willing@Comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:28 PM
Brennan, Nancy	burningnan14@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 4:33 PM
Stephenson, Roger	rstephenson@ucsusa.org	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 12:49 PM
Joy, Michael	info@millcityenergy.com	603.396.7520	A Member of the Public	Myself	Oppose	No	4/23/2021 1:43 PM
Thorndike, Katherine	khthorndike@gmail.com	603.707.7598	A Member of the Public	Myself	Oppose	No	4/23/2021 2:30 PM
Foley, Adam	afoley@snhs.org	603-703-7681	State Agency Staff	Myself	Oppose	No	4/23/2021 2:34 PM
Koning, Catherine	ckoning@ne.rr.com	603.732.2558	A Member of the Public	Myself	Oppose	No	4/23/2021 12:15 PM
Stephenson, Phillip	phillip.stephenson@gmail.com	504.975.8737	A Member of the Public	Myself	Oppose	No	4/23/2021 1:31 PM
Oxenham, Evan	evan.oxenham@gmail.com	603.727.9368	A Member of the Public	Myself	Oppose	No	4/23/2021 2:35 PM
Pettingell, Judith	Not Given	603.643.2164	A Member of the Public	Myself	Oppose	No	4/23/2021 3:36 PM
Shelley, Kristen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 7:13 PM
Chambers, Laurie	Not Given	Not Given	A Member of the Public	Yankee Thermal Imaging	Oppose	No	4/23/2021 9:46 AM
Nute, Dana	dnute@resilientbuildingsgroup.com	603-226-1009	A Member of the Public	Myself	Oppose	No	4/23/2021 9:49 AM

Contos, Karen	kcontos84@gmail.com	509.688.9021	A Member of the Public	Myself	Oppose	No	4/23/2021 9:52 AM
pennoyer, chase	ck.pennoyer@gmail.com	603.562.5413	A Member of the Public	Myself	Oppose	No	4/23/2021 9:55 AM
Kelly, Lorraine	ltompkinskelly@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 9:55 AM
Hayden, Robert	b.hayden@standardpower.com	603.325.1749	A Member of the Public	Standard Power	Oppose	No	4/23/2021 9:56 AM
Hay, Emily	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 9:58 AM
Haring-Smith, Robert	rharingsmith@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 10:02 AM
Gray, Andy	agray@resilientbuildingsgroup.com	603.226.1009	A Member of the Public	Myself	Oppose	No	4/23/2021 10:04 AM
Fournier, Suzanne	BroxEnvironCitizens2@comcast.net	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 10:11 AM
Donohoe, Kathy	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 10:21 AM
Leonard, Gabriel	gleonard@scshelps.org	603.719.4286	State Agency Staff	Myself	Oppose	No	4/23/2021 10:23 AM
Grossman, Kenneth	ken.grossman.100@gmail.com	603.731.8322	A Member of the Public	Myself	Oppose	No	4/23/2021 10:41 AM
Kaiser, Robin	robinkaisergish1@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 7:44 AM
Kerman, Kathryn	kkerman@phoenixfarm.org	603.876.4562	A Member of the Public	Myself	Oppose	No	4/24/2021 8:44 AM
McKenzie, David	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 8:55 AM
Wotowiec, Peter	Not Given	603.852.0459	A Member of the Public	Myself	Support	No	4/24/2021 9:04 AM
newell, jennifer	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 9:05 AM
Dodge, corinne	corinnedodge@hotmail.com	16034325759	A Member of the Public	Myself	Oppose	No	4/24/2021 12:13 PM
jones, carolyn	carolynj1947@gmail.com	603.357.0563	A Member of the Public	Myself	Oppose	No	4/24/2021 1:58 PM
Marquardt, Edward	ermarku@YTI.BIZ	603.330.3377	A Member of the Public	Myself	Oppose	No	4/23/2021 9:32 AM
JOHNSON, Carolyn	crjohnson55@icloud.com	301.956.0806	A Member of the Public	Myself	Oppose	No	4/23/2021 9:34 AM
Trefry, Sherrie	Not Given	16034404193	A Member of the Public	Myself	Oppose	No	4/23/2021 9:34 AM
Husband, Richard	RMHusband@gmail.com	603.883.1218	A Member of the Public	Myself	Oppose	No	4/23/2021 9:35 AM
Clapp, Daniel	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 2:09 PM
BERK, BRUCE	bruce.berk.nh@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 5:38 PM
Reardon, Donna	bugs42953@aol.com	603.496.0252	A Member of the Public	Myself	Oppose	No	4/24/2021 8:38 PM
Reardon, John	bugs42953@aol.com	603.496.2365	A Member of the Public	Myself	Oppose	No	4/24/2021 8:39 PM
Drachman, Dori	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 11:01 PM
Torpey, Jeanne	jtorpey51@comcast.net	Concord	A Member of the Public	Myself	Oppose	No	4/25/2021 5:49 AM
Saum, Judith	judithsaum@gmail.com	603-786-6170	A Member of the Public	Myself	Oppose	No	4/25/2021 6:44 AM
Thomas, Elaine	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/25/2021 9:10 AM
Covert, Susan	scovert@comcast.net	603.746.4486	A Member of the Public	Myself	Oppose	No	4/25/2021 9:22 AM
Field, Bryan	brysciguy@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 12:06 PM
DEVENS, Dick	rdevens41@gmail.com	2846877	A Member of the Public	Myself	Oppose	No	4/23/2021 10:58 AM
Huberman, Joel	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 2:15 PM
Smith, Jennifer	jaycmd7699@gmail.com	603.738.6221	A Member of the Public	Myself	Oppose	No	4/24/2021 6:52 AM
Shadford, Stephen	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 7:27 AM
Casino, Joanne	joannecasino@comcast.net	603.746.3491	A Member of the Public	Myself	Oppose	No	4/24/2021 11:30 AM

Fenner-Lukaitis, Elizabeth	glukaitis@mcttelecom.com	16034566268	A Member of the Public	Myself	Oppose	No	4/24/2021 11:36 AM
Gillard, William Daniel	Not Given	603-357-0213	A Member of the Public	Myself	Oppose	No	4/23/2021 11:43 AM
Gillard, Nancy	ndgillard@ne.rr.com	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 11:45 AM
wyatt, susan	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 1:29 PM
Arnold, Susan	sarnold@outdoors.org	603-664-2050	A Lobbyist	Appalachian Mountain Club	Oppose	No	4/25/2021 10:18 AM
ward, janet	jwardnh@comcast.net	16037464991	A Member of the Public	Myself	Oppose	No	4/25/2021 10:41 AM
Thorne, Sarah	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/23/2021 8:19 PM
Keene, Robert	dmdsmile@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 9:21 AM
Keene, Jean	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/24/2021 9:23 AM
Bates, David	debates70@gmail.com	603.456.2578	A Member of the Public	Myself	Oppose	No	4/24/2021 11:03 AM
Osherson, Sam	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 7:50 AM
Koch, Helmut	helmut.koch.2001@gmail.com	603.491.3306	A Member of the Public	Myself	Oppose	No	4/25/2021 8:12 AM
Watkins, Margaret	Not Given	Not Given	A Member of the Public	New Hampshire Audubon	Oppose	No	4/25/2021 8:19 AM
Wilke, Mary	wilke.mary@gmail.com	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 10:49 AM
Chollet, Susan	suechollet@pobox.com	603.924.9095	A Member of the Public	Myself	Oppose	No	4/25/2021 11:33 AM
Hamer, Heidi	Not Given	Not Given	An Elected Official	Myself	Oppose	No	4/25/2021 11:41 AM
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	Not Given	An Elected Official	Hillsborough County 30	Oppose	No	4/24/2021 9:39 AM
Spence, Richard	rtssds2@gmail.com	603.842.5139	A Member of the Public	Myself	Oppose	No	4/25/2021 1:54 PM
McGraw, David	Not Given	Not Given	A Member of the Public	Myself	Oppose	No	4/25/2021 2:16 PM
Hackmann, Kent	hackmann@uidaho.edu	16039343225	A Member of the Public	Myself	Oppose	No	4/25/2021 2:25 PM
Callaway, Barbara	bcallaway65@gmail.com	603-277-2170	A Member of the Public	Myself	Oppose	No	4/25/2021 2:34 PM

Testimony

Griffin Roberge

From: Barbara Jo Kingsley <barbjokingsley@gmail.com>
Sent: Sunday, April 25, 2021 1:25 PM
To: Griffin Roberge; Kevin Avard; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters
Subject: I oppose HB 351

Dear Senate Energy and Natural Resources committee'

I strongly oppose HB 351. This bill will have a negative impact on energy and weatherization programs in NH. It will have a very negative impact particularly on low and moderate income families. Why pass a bill that will be detrimental to Granite Staters?? I really do not understand the thinking behind those who support this bill.

Barbara Jo Kingsley
Home: 603-567-7126
Cell: 603-400-7826
barbjokingsley@gmail.com

Griffin Roberge

From: Fischer, Dana <dfischer@hvac.mea.com>
Sent: Monday, April 26, 2021 12:55 PM
To: Griffin Roberge
Subject: Opposition to HB351

Good afternoon,

I am writing to express opposition to HB351 "AN ACT relative to the system benefit charge."

Passage of HB351 will create an uncertain business environment to hundreds of businesses across the state that have invested in the growth of their companies and hired staff to meet increased demand for HVAC services with the installation of high performance cold-climate heat pumps. Gaps in rebate availability makes it difficult for contractors to predict consumer demand from one season to the next making it harder to keep full time staff employed year round or to invest their gains into additional growth and opportunity.

Best regards,

Dana

Dana Fischer
Manager of Utilities and Electrification - East

Mitsubishi Electric Trane HVAC US LLC
150 Cordaville Road, Suite 110, Southborough, MA 01772
Mobile: 207-272-4650
Email: dfischer@hvac.mea.com



<http://www.metahvac.com>

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Griffin Roberge

From: Kreis, Donald <Donald.M.Kreis@oca.nh.gov>
Sent: Friday, April 23, 2021 11:44 AM
To: Kevin Avar; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: House Bill 351, Monday's Hearing
Attachments: HB 351 testimony senate 210426.pdf

Dear Chairman Avar; Senators Giuda, Gray, Watters, and Perkins-Kwoka; and Mr. Roberge:

Attached is my written testimony on HB 351. I apologize for commenting at such length but the issues implicated by this bill are important to the Office of the Consumer Advocate.

Although I registered to testify at Monday's hearing, it is quite probable I will be unable to do so. My office's advisory board holds its regular quarterly meeting at 2:00 on Monday, I am required by statute to attend, and so I will have to leave your scheduled 1:20 hearing by 1:45.

This is not a problem from my perspective; having laid out my views fully in writing, oral testimony would really be for the purpose of answering any questions you might have. I'd be pleased to answer any such questions in writing or via phone call.

I apologize for the scheduling conflict. Have a great weekend!

Sincerely,
Don

Donald M. Kreis
Consumer Advocate
Office of the Consumer Advocate
21 South Fruit Street, Suite 18
Concord, New Hampshire 03301
603.271.1174 (direct line)
603.277.0330 (mobile/text)

CONSUMER ADVOCATE
Donald M. Kreis

ASSISTANT CONSUMER ADVOCATE
Pradip K. Chattopadhyay

STATE OF NEW HAMPSHIRE



OFFICE OF THE CONSUMER ADVOCATE
21 S. Fruit St., Suite 18
Concord, N.H. 03301-2429

TDD Access: Relay NH
1-800-735-2964

Tel. (603) 271-1172

Website:
www.oqa.nh.gov

April 26, 2021

**TESTIMONY OF CONSUMER ADVOCATE DONALD M. KREIS
BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
IN OPPOSITION TO
HOUSE BILL 351, RELATIVE TO THE SYSTEM BENEFITS CHARGE**

Chairman Avar and Honorable Members of the Committee:

The Office of the Consumer Advocate, which (as you know) represents the interests of residential utility customers pursuant to RSA 363:28, respectfully requests that you report HB 351 to the floor of the House with an "inexpedient to legislate" (ITL) recommendation.

Let me begin by apologizing for what is likely to be my inability to testify in person at the hearing you have scheduled on this bill. The hearing partially conflicts with a long-scheduled meeting of the Residential Ratepayers Advisory Board, which I am obliged by statute to attend.

I. Negawatts vs. Megawatts

As the person who is tasked by statute with advancing the interests of the state's residential utility customers, I believe that energy efficiency is the most significant thing I can attain on behalf of my constituency. Why? Because "negawatts" are cheaper than megawatts. By that I mean: Given the current realities of how we use and don't use electricity and heating fuel, squeezing more work out of each unit of energy consumed is the cheapest way to meet the next unit of demand – cheaper than meeting that demand by making and delivering more electricity or more natural gas.

Given that reality, I regret to say that ratepayer-funded energy efficiency is under siege in New Hampshire, with a ferocity that has not been seen in our state since the implementation of electric industry restructuring 20 years ago. HB 351 is one element of a two-pronged assault on our energy efficiency programs, and I urge you to declare it unacceptable.

Five years ago, acting pursuant to its plenary authority over public utilities pursuant to RSA 365 and its responsibility pursuant to RSA 378 to assure that public utility rates are "just and reasonable," the Public Utilities Commission (PUC) approved the concept of an Energy Efficiency Resource Standard

(EERS).¹ A year later, the PUC approved the first EERS triennial plan, which guided the EERS through a very successful 2018, 2019, and 2020.

House Bill 351 concerns the mechanism used to fund much, but not all, of the EERS – the “System Benefits Charge” that appears on the bills of electric customers. The energy efficiency portion of the SBC is presently authorized but not required under provisions of the Electric Industry Restructuring Act, RSA 374-F. The General Court has not *required* the PUC to adopt an EERS nor to fund energy efficiency programs by approving its inclusion in the SBC (which also pays for low-income bill assistance²) or the natural gas equivalent of the SBC (known as the LDAC, “local distribution adjustment clause”).

Ratepayer-funded energy efficiency programs, provided on a statewide basis by the utilities, have been a feature of electric service in New Hampshire since restructuring was implemented in the early 2000s. Prior to the EERS, the PUC initially determined the SBC along with the resulting program budgets – and the utilities then used those budgets to add as much energy efficiency as possible. The key change brought by the EERS as of 2018 is that energy savings goals are set first and the rate determinations are made accordingly. The programs operate under the “NH Saves” trade banner.

NHSaves has been a hugely successful public policy initiative, particularly from the perspective of customers. According to our utilities, since 2002 these programs have saved customers \$3.4 billion, which includes (I assume) savings accruing to *all* customers as well as savings accruing to individual customers installing energy efficiency measures with the assistance of the program. According to the widely respected American Council for an Energy Efficient Economy (ACEEE), New Hampshire is ranked Number 18 among the states (and DC) when it comes to energy efficiency – impressive until you realize we are last in the northeast until you get to Delaware.³ But we are rising through the ACEEE ranks and catching up with our neighbors, thanks to our Energy Efficiency Resource Standard.

II The Two-Pronged Assault on NH Saves

Despite this success, the EERS has engendered considerable opposition, ideological in nature.

Some argue that the government has no business interfering in the market economy of retail energy. These opponents contend that if energy efficiency were such a great idea then people would simply buy it. In my opinion, this wishes away certain realities of our retail energy economy, among them: consumers’ debt aversion, the entrenched nature of supply-side options, the mismatch between the near-term costs of energy efficiency measures and their long-term payback periods, and the simple

¹ An EERS is simply a directive to the state’s electric and natural gas utilities that they pursue “all cost effective energy efficiency.” “Cost effective” in this context means that all ratepayers – not just those adopting energy efficiency in their homes and businesses – save money as the result of any program funded by the EERS. See Order No. 26,322, adopted by the PUC on December 19, 2019 in Docket No. DE 17-136, approving the new “Granite State” cost-benefit test, for a full explanation.

² The portion of the SBC that funds low income assistance programs for electric customers is fixed by statute at a maximum of 1.5 mills (0.15 cents) per kilowatt hour. See RSA 374-FVII(c).

³ Weston Berg et alii, “The 2020 State Energy Efficiency Scorecard,” American Council for an Energy Efficient Economy, available at <https://www.aceee.org/state-policy/scorecard>.

reality that most consumers just want to turn the lights (and the heat) on without thinking about energy.

Moreover, even if you are a true believer in free-market economics, the perfect becomes the enemy of the good if we say that, for ideological reasons, we cannot look at energy efficiency projects that don't pencil out – i.e., the payback isn't there for the property owner – and then make them a good deal for the property owner by throwing in some ratepayer money that will eventually be more than paid back, a win-win all around.

A longstanding and outspoken opponent of ratepayer-funded energy efficiency is the Business and Industry Association – which recently argued that the PUC should reject any increases in energy efficiency charges because such increases “build upon themselves” in a kind of upward spiral. According to the BIA, “energy efficiency projects are losing their margin of return, resulting in fewer projects with high efficiency yield.”⁴

It is noteworthy that the BIA made these claims in a letter to the PUC in the agency's pending EERS proceeding, without participating as a party, presenting evidence, and subjecting that evidence to the scrutiny provided via the formal process of administrative adjudication. It is true that, as we make progress by investing in energy efficiency, additional progress becomes more expensive (indulging a *big* assumption, i.e., that technological advances do not continue). But the BIA ignores the reality that even these additional investments in energy efficiency are cost effective – i.e., they save all ratepayers money – and are therefore good for customers in all sectors, including those BIA members that have reaped additional savings by participating in programs that have made their businesses more energy efficient.

Finally, legislative opponents of the EERS contend that energy efficiency charges are a tax and, thus, should be imposed not by bureaucratic fiat but, rather, via explicit legislative approval. The premise of this argument is flawed. Energy efficiency charges are not a tax; they are not collected by the government, they are never held by the government, and they are certainly not spent by the government. The only involvement of the government lies in approving the charges, just as the government approves all utility rates, and then rigorously overseeing how that money is spent.

A. An Unconstitutional Bill

It is this flawed premise – that energy efficiency charges are a tax – that drives HB 351. Therefore, if HB 351 becomes law, PUC-approved increases to the energy efficiency charges on electric bills would require subsequent approval of the General Court or, at the very least, the Joint Fiscal Committee of the General Court.

Apart from the fact that HB 351 is a solution in search of a problem, there is an even bigger issue with the bill: It is unconstitutional. The HB 351 framework amounts to a de facto “legislative veto” scheme of the sort placed out of bounds, as a matter of federal constitutional law, in a landmark U.S. Supreme Court decision, *INS v. Chadha*, 462 U.S. 919 (1983). While *Chadha* was decided under the

⁴ November 9, 2020 Letter of Jim Roche, BIA President, to the PUC filed in Docket No. DE 20-092, available at https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092/COMMENTS/20-092_2020-11-10_BIA_COMMENTS.PDF, at 2.

U.S. Constitution, the frame of government established under the New Hampshire Constitution is identical in all material respects and there is no reason to suppose the New Hampshire Supreme Court would reject the *Chadha* precedent.

In other words, under our system of government, the General Court can exercise its powers all by itself – or, it can create executive branch agencies like the PUC and delegate authority to those agencies. What the Legislature *cannot do* is create an agency, tell the agency to make decisions, and then declare that the decision doesn't stick unless those who like it come back to the Legislature to get it ratified.

B. Regulatory Inaction on Energy Efficiency

Regrettably – and, here, I apologize for being the person who finds it necessary to name the elephant in the living room – HB 351 comes before you at an especially troubling juncture.

The 2021-2023 triennial EERS plan is still awaiting approval by the PUC. The Order, expected by year's end, is now *more than three months overdue*. Every party to the PUC proceeding, a broad swath of interests that included the state's utilities – supported the plan, which calls for saving 4.5 percent of electric sales and 2.8 percent of natural gas sales over three years. These are the first truly aggressive savings goals that have ever been presented to the PUC. The ideological opponents I previously mentioned did not participate in the PUC proceeding; they simply wrote letters to the PUC urging the very result they have achieved in *de facto* fashion because the PUC has not acted.

I cannot account for the PUC's failure to act. Anything I say would be speculation. But it is having real consequences; we have lost the entire first quarter of the first year of the triennial plan, certain of the NHSaves programs have been put on hold, the contractors we depend on to install energy efficiency measures – local businesses all – cannot plan or hire, and the NHSaves programs can't just use last year's charges and last year's budgets to maintain last year's savings levels. Thus the state's Energy Efficiency Resource Standard is in crisis.

This Committee can and should make its displeasure with this state of affairs known to the PUC. I criticize the agency myself with great reluctance; my job, after all, is to charm the PUC on behalf of residential customers. But, as I said, cost-effective energy efficiency is the most valuable thing I can procure for the customers whose interests I serve. Along with advocates for decarbonization, renewables, and low-income customers, I spent a *whole year* reaching an agreement with all of the state's electric and natural gas utilities, creating a remarkable coalition. And now it is apparently all for naught because the administrative agency charged with blessing the deal either cannot or will not act – all in circumstances where outside forces are openly pressuring the agency.

III. My Proposal: Rerefer, Rethink, and Respect the Principled Skeptics

One possibility you should consider is asking the Senate to rerefer HB 351 to this Committee. As I have said to your counterparts in the other body, I think the energy efficiency skeptics in the General Court have a point: Right now, the Energy Efficiency Resource Standard is almost entirely a creature of the PUC's invention. The EERS really deserves explicit legislative endorsement and, with it, suitable statutory guard rails so that even the skeptics are satisfied. The Legislature could examine the

PUC-approved cost-benefit test for its adequacy; it could become part of a statute. There could be limits on annual percentage increases, savings targets, or near-term bill impacts. Maybe it's even time to fold energy efficiency costs into distribution service and distribution rates, so that energy efficiency investments compete with supply-side investments on a level playing field for the title of "least cost."

No doubt there are other good ideas out there, and I'm sure others would join me in working with lawmakers from both caucuses in addressing this public policy challenge.⁵

Even though I'd love to see New Hampshire lead the nation, and shed its niche as last in New England, when it comes to energy efficiency, I'd be pleased to help those who are more cautious and skeptical than I am achieve their goals. To paraphrase the late Learned Hand, when it comes to energy efficiency (or anything else), I am not too sure that I am right.⁶ I would respectfully counsel a similar posture of humility for all of us as we confront matters of energy policy.

Thank you for considering my views. Please do not hesitate to call my direct line at 603.271.1174 if I can be of assistance.

⁵ There is already a vehicle on the House side for having such conversations later this year. The Science, Technology and Energy Committee voted to retain HB 549, introduced by Chairman Vose to take a more comprehensive look at the Energy Efficiency Resource Standard. Although, of course, Representative Vose should speak for himself I believe he was willing to retain HB 549 because he wants to get this right – i.e., he wants to enshrine the Energy Efficiency Resource Standard in statute, subject to appropriate constraints so that everyone is confident we are spending ratepayer money wisely.

⁶ The late Judge Learned Hand (1872-1961) of the U.S. Court of Appeals for the Second Circuit, a summer resident of Cornish and bosom friend of his Cornish neighbor J.D. Salinger, famously led 1.5 million people gathered in New York's Central Park, including 150,000 newly naturalized U.S. citizens, in reciting the Pledge of Allegiance on May 21, 1944. Judge Hand introduced the Pledge with a peroration, the most memorable quote from which is: "What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right."

Griffin Roberge

From: Gamache, Donna M <donna.gamache@eversource.com>
Sent: Monday, April 26, 2021 8:42 AM
To: Griffin Roberge
Subject: HB 351 written testimony
Attachments: HB 351 Testimony.docx

Good morning, Griffin:

I am attaching written testimony for today's hearing on HB 315.

Thank you very much

Donna

Donna Gamache, Director, Governmental Affairs

EVERSOURCE

780 No. Commercial St | Manchester, NH 03101 | ☎ : 603-345-0994

✉ : donna.gamache@eversource.com

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780 N. Commercial Street
P. O. Box 330
Manchester, NH 03105-0330

Donna M. Gamache
Director-Governmental Affairs

603-634-2881
donna.gamache@eversource.com

April 26, 2021

The Honorable Chair, Senator Kevin Avar
Energy and Natural Resources Committee
Concord, NH 03301

Thank you for the opportunity to provide written testimony on HB 351, relative to the system benefits charge.

Many of you are aware that the creation of energy efficiency programs to assist customers in lowering their electricity usage and bills, began with the restructuring of the electricity industry in New Hampshire roughly twenty years ago. At that time, this committee took the lead crafting how the programs would be funded and assigned the regulation of the programs to the Public Utilities Commission (PUC). Since that time, the electric utilities have been administering New Hampshire's energy efficiency programs, along with the natural gas utilities, and are responsible for developing the energy efficiency plans for the state. The programs have evolved over the years as new technology became available and as customer needs and policy priorities have changed. We are very proud of how we have been able to design programs and offerings that are always focused on leveraging best practices to bring the most benefit to our customers.

Our track record of success in implementing and evolving programs has happened under the watchful eye of the PUC. I encourage this committee to scan the PUC's website to view the rigorous review the programs undergo to ensure that every penny of our customers' dollars is spent cost effectively to achieve energy savings.

In 2020, we were proud to file the 2021-2023 Statewide Energy Efficiency Plan with the NHPUC for review and approval. The Plan creates a framework to provide even more creative, cost-saving energy efficiency solutions to residents, businesses and municipalities in our state, helping them to reduce energy use, save money, lower peak demands and support local jobs and economic development. The Plan is currently under review at the NHPUC and we appreciate the PUC's decision-making process and understand the considerations that they need to balance throughout that process.

This legislation seeks to include General Court or Fiscal Committee approval in the Plan review process and also indicates a legislative desire to shift away from the home weatherization programs we have provided to low-income and residential customers for years. We are committed to developing and implementing energy efficiency programs that meet all statutory

Page 2

policy objectives with transparency and collaboration, while maintaining strict cost effectiveness standards and ensuring that the benefits of least-cost energy resources are available to all customers. We would be happy to work with the Senate Energy and Natural Resources Committee to ensure that our plans and programs are meeting New Hampshire's energy policy priorities in a way that emphasizes efficient administration and effective delivery of services to meet the needs of your constituents and our customers.

As always, we look forward to continuing to work with the Prime Sponsor and members of the Committee to help provide information and background so that this legislature may reach their policy goals.

Thank you for your consideration. Please do not hesitate to reach out with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Donna Gaudache". The signature is written in dark ink and is positioned below the word "Sincerely,".

Griffin Roberge

From: denise kwasnik <drkwasnik@gmail.com>
Sent: Sunday, April 25, 2021 5:06 PM
To: Griffin Roberge
Subject: Written Testimony HB351 in Opposition
Attachments: kwasnikSenatetestimonyHB35104252021.pdf

Dear Sir:

Please find attached my written testimony in opposition to HB351. I also wish to provide oral testimony.

Regards,

Joseph Kwasnik

54 Pleasant Street, Unit 8

Concord, NH 03301

6037307148

April 25, 2021

Chairman Kevin Avar
Senate Energy and Natural Resources Committee
New Hampshire Senate

RE: HB351 AN ACT relative to the system benefits charge-**Citizen testimony**

Dear Chairman Avar:

I am today submitting written testimony **in opposition** to HB351. My reasons for opposition to the bill are as follows:

1. This bill seeks to unnecessarily limit the use of systems benefit charges (SBC) earmarked for energy efficiency programs to only fund electricity energy efficiency measures and requires prior approval of the New Hampshire general court by either passage of legislation or authorization by the fiscal committee of the general court to increase systems benefit charges.
2. The general court decided in 1996 during the restructuring of the electric utility industry to permit the use of the SBC for all energy efficiency programs regardless of fuel type used within residential, commercial or industrial locations. I believe this was recognition that regardless of the fuel type used for space heating, all residential, industrial and commercial locations within the state were also electricity consumers contributing to the SBC and were rightly able to share in the use of the SBC for non-electric energy efficiency efforts.. As such, the decision not to solely restrict the use of the systems benefit charge to measures to reduce electricity consumption in the state was justified and would benefit all energy consumers. I believe this decision is still valid today.
3. In addition, the authority of the Public Utilities Commission (PUC) to oversee the setting of rates and **systems benefit charges to be included in rates** is specifically authorized by statute in RSA 374-F:3, VI and is therefore the **authority** derived from the legislation pursuant to Part I, Article 28 of the New Hampshire Constitution.
4. Requiring legislative approval for increases in the systems benefit charge is inconsistent with long-standing statute and the current function of the PUC to set rates and by extension the SBC. Surely the PUC is better positioned to evaluate the needs for increases in the SBC than the New Hampshire general court and can do so in an effective, efficient and timely manner. Let the PUC do its job.

This bill **should not pass** as it is counter to long-standing statute and needlessly disrupts the efficient and effective functions of the PUC.

Thank you for the opportunity to submit this testimony.

Regards,

Joseph Kwasnik, Citizen and taxpayer
54 Pleasant Street, Unit 8
Concord, NH 03301
603-730-7148

Griffin Roberge

From: Elizabeth Kelly <betsy@metrocast.net>
Sent: Sunday, April 25, 2021 8:57 PM
To: Griffin Roberge
Subject: SB 351

I am opposed to this bill because I feel strongly that we must do everything we can to strengthen state energy efficiency programs.

Thank you,

Elizabeth M. Kelly
17 Linda Lane
Gilford, NH 03249
(603) 524-5329

Griffin Roberge

From: Huck Montgomery <Huck.Montgomery@libertyutilities.com>
Sent: Tuesday, May 11, 2021 9:01 AM
To: Griffin Roberge
Subject: RE: HB 351 Testimony
Attachments: Net Cost-Benefit.docx; Granite State Test.docx

Griffin, attached you'll find documentation which answers the questions discussed below:

- 1) The document called "Net Cost-Benefit" illustrates my point that there is more than \$200 million worth of incremental value at stake in the 2021-2023 EERS plan. The real number is actually \$209,481,000. Here's what that number means: the 2018-2020 EERS programs had a net value over the life of the programs of \$355 million. So as not to double-count, we subtracted that \$355 million from the total \$565 million in net value of the 2021-23 plan, which is equals about \$209 million. This is a very conservative estimate of the incremental net lifetime value of the 2021-2023 EERS.
- 2) The document called "Granite State Test" details how the Granite State Test came about and how it works. The Granite State Test was created in PUC Docket 17-136, which was a public process that included multiple working groups and independent consultant reports, and took place over three years. It really is the gold standard for the development of a rigorous cost-effectiveness methodology. Note that under the Granite State Test, the benefit-cost ratio of the 2021-2023 EERS is 2.55, which means *for every \$1 spent on these programs customers will save \$2.55*.
- 3) And yes, the cite you referenced is the statutory basis for the law requiring all EE programs to be cost effective. More specifically, the requirement itself would be contained in the first citation in the "Granite State Test" document, which is PUC order number 26,322 approving the "Benefit Cost Working Group" recommendations in the above-referenced docket. So there's statutory and regulatory/adjudicative law requiring NH's EE programs to be cost-effective, and a rigorous analytical process for determining cost-effectiveness.

I also wanted to add another key point: for Liberty's average residential electric customer, the bill increase associated with the 2021-2023 EERS is less than \$1 per year (see chart below, which is the most up-to-date version of this from our EE team). So we would certainly argue that the overall benefits of the program are cost-beneficial any way you look at it.

Thanks again for pulling this together. Really looking forward to talking with Sen. Giuda later today too. Cheers,

Granite State Electric Co.			
Year	Avg Resi Bill/Mo	EE SBC Portion	EE SBC Rate
2020	\$ 117.47	\$ 4.41	\$ 0.00678
2021	\$ 117.73	\$ 5.10	\$ 0.00785
Y-o-Y % Chg	0.22%	15.78%	15.78%
2022	\$ 118.68	\$ 5.62	\$ 0.00864
Y-o-Y % Chg	0.81%	10.06%	10.06%
2023	\$ 119.19	\$ 5.99	\$ 0.00922
Y-o-Y % Chg	0.43%	6.71%	6.71%
Note: Avg Residential Use per Month = 650 kWh			

Huck Montgomery | Liberty Utilities (East Region) | Director of Governmental Affairs
P: 603-724-2129 | C: 603-391-5898 | E: Huck.Montgomery@libertyutilities.com

From: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Sent: Thursday, May 6, 2021 6:09 PM
To: Huck Montgomery <Huck.Montgomery@libertyutilities.com>
Cc: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Subject: RE: HB 351 Testimony

Huck:

I'd like to get the information by Tuesday next week so that I may share it with the committee members before HB 351 goes to the floor. I cannot anticipate any substantial floor debate, but want to be prepared just in case.

Feel free to send the information to me – I'll share it with the committee members on my end. If they have any questions, either they or I will contact you.

Have a good evening,

----- Griffin Roberge
Legislative Aide to Senator Bob Giuda
Legislative Aide to the Senate Energy & Natural Resources Committee
Phone: (603) 271-3042
E-mail: griffin.roberge@leg.state.nh.us

From: Huck Montgomery <Huck.Montgomery@libertyutilities.com>
Sent: Thursday, May 06, 2021 6:07 PM
To: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Subject: RE: HB 351 Testimony

Griffin, thanks so much for following up on this!

I had started pulling this stuff together with our EE team, but stopped when I saw re-referral happen. I'll get right back on it.

Can you let me know when you need this by? I'll make sure we meet whatever deadline you have.

Huck Montgomery | Liberty Utilities (East Region) | Director of Governmental Affairs
P: 603-724-2129 | C: 603-391-5898 | E: Huck.Montgomery@libertyutilities.com

From: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Sent: Thursday, May 6, 2021 5:59 PM
To: Huck Montgomery <Huck.Montgomery@libertyutilities.com>
Cc: Griffin Roberge <Griffin.Roberge@leg.state.nh.us>
Subject: HB 351 Testimony

Huck:

Hope you're doing well.

I am finalizing the hearing report on HB 351, relative to the system benefits charge, and wanted to follow up with you on some questions the committee asked.

During your testimony, Senator Avarad referenced Representative Vose's testimony that the EERS would increase the SBC to cost \$280 million by 2023. You said the EERS would lead to net savings of \$200 million. Senator Avarad asked you to elaborate on your testimony about net savings.

You testified that state statute requires each dollar spent on energy efficiency to generate a net savings. The PUC uses a Granite State Test to test the effectiveness of these energy efficiency programs that found the EERS would lead to \$200 million in savings.

I wanted to follow up on Senator Avard's behalf and ask if you may be able to provide 1) documentation illustrating a \$200 million in net savings, 2) additional information on the Granite State Test, and 3) the state statute you reference that requires EE programs to be cost effective. I assume the answer to 3) may be the first few lines of RSA 374-F:3, VI?

My apologies for the very late request for this information. Staffing a senator who is engaged in budget discussions has taken away a chunk of my time from Senate ENR Committee matters. Please let me know if you have any questions.

Very best,

Griffin Roberge

Legislative Aide to Senator Bob Giuda

Legislative Aide to the Senate Energy & Natural Resources Committee

Phone: (603) 271-3042

E-mail: griffin.roberge@leg.state.nh.us

NH EERS Plan Comparison
2018-20 vs. 2021-23 Terms

Electric Utility Benefits & Costs			
Term	Total Benefits	Total Costs	Net
2018-20 ¹	\$504,825,000	\$149,394,000	\$355,431,000
2021-23 ²	\$930,225,000	\$365,313,000	\$564,912,000
		<i>Difference</i>	\$209,481,000

Notes:

¹Values represents the filed benefits and costs per the 2018-20 Plan EERS Plan filing, and subsequent revisions as part of the 2019 and 2020 Plan Update filings:

- 2018 data retrieved from: https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2018-01-12_NH_UTILITIES_ATT_REV_EERS_PLAN.PDF , Bates pgs 217R, 255R, 290R & 314R
- 2019 data retrieved from: https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2019-01-15_EVERSOURCE_UPDATED_PLAN_UPDATED_EXH_10.PDF , Bates pgs 65, 100, 132 & 154
- 2020 data retrieved from: https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/LETTERS-MEMOS-TARIFFS/17-136_2020-01-15_EVERSOURCE_UPDATED_EE_PLAN.PDF , Bates pgs 60, 94, 113 & 133

²Values represents the filed benefits and costs per DE 20-092 Exhibit 2, Settlement - Attachment A, Bates pg 382, 449, 497, 545, 606 & 655. Retrieved at https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/20-092_2020-12-10_EXH_2.PDF

New Hampshire Energy Efficiency Resource Standard (EERS)

2021-2023 Utility Plan Proposal Highlights

As of April 28, 2021

Benefit-Cost Testing Methodology

On December 30, 2019, the Commission issued Order 26,322, approving the application of the Granite State Test (GST) as the primary test to determine cost effectiveness for energy efficiency investments for the 2021-2023 EERS plan term. The GST focuses on costs and benefits which accrue only to the utility system, while also considering impacts associated with unregulated fuels, water, fossil fuel emissions, and income eligible participants¹.

The Commission also approved the application of two secondary tests to measure the two extremes of the cost-effectiveness spectrum:

- (1) The Utility Cost Test (UCT), which considers only a utility's costs of delivering energy efficiency programs against the direct benefits to its utility system (i.e., ignoring non-system benefits realized by participants).
- (2) The Secondary Granite State Test (GST-2), which includes a much larger list of impacts considered relevant to New Hampshire, such as both the utility and participant costs of delivering energy efficiency programs against the direct and indirect benefits to the utility system, participants, and the environment.

The development of these tests is based on the review of specific policy priorities in New Hampshire, following the guidance of the National Standards Practice Manual (NSPM) framework¹.

In terms of application of the GST, UCT, and GST-2, if an energy efficiency investment is projected to produce a net benefit to ratepayers under the GST, the presumption is the investment can be made, and cost recovery is appropriate. The corollary is also true – if an investment does not result in a net benefit under the GST, the presumption is the investment should not be made. However, the GST does not need to be considered in a vacuum. In some instances, when deciding whether to approve an investment, the Commission may wish to weigh the GST test results alongside other factors, including but not limited to: the results of the secondary tests; least-cost planning imperatives; rate, bill, and participation impacts; jobs and economic development impacts; customer equity; and any other important policy goals.

The NH Utilities use a common set of avoided costs to ensure that program benefits are calculated consistently across utilities, which are based on values from the New England Regional Avoided Energy Supply Components (AESC) study that is updated every three years³. The most recently completed AESC Study was released on March 15, 2021².

Further background and details regarding the development of these tests, the application of, and the AESC study can be found on Bates pages 209-212 of the NH Utilities 2021-23 EERS plan³.

¹ NH PUC, DE 17-136, Order No. 26,322 (2019, December 30). 2018-2020 New Hampshire Statewide Energy Efficiency Plan Benefit Cost Working Group Recommendations; Order Approving Benefit Cost Working Group Recommendations. Retrieved at https://www.puc.nh.gov/Regulatory/Docketbk/2017/17-136/ORDERS/17-136_2019-12-30_ORDER_26322.PDF

² Synapse Energy Economics, Inc. (2021, March 15). Avoided Energy Supply Components in New England: 2021 Report. Retrieved at <https://www.synapse-energy.com/sites/default/files/AESC%202021.pdf>

³ NH Utilities (2020, September 1). 2021-2023 NH Statewide Energy Efficiency Plan. Retrieved from Bates pages 209-212 at: <https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/20-092%202020-12-10%20EXHIBIT%201%20PART%201.PDF>

Program Benefits and Costs

Utility Type	Benefits			Costs	
	Granite State Test (GST)	Utility Cost Test (UCT)	Secondary Granite State Test (GST-2)	Utility	Customer/ Participant
Electric	\$836,596	\$575,073	\$1,166,753	\$324,862	\$198,584
Natural Gas	\$93,628	\$75,181	\$100,645	\$40,451	\$19,307
Combined	\$930,225	\$650,254	\$1,267,398	\$365,313	\$217,890
Note: All values are in (\$000s) and sourced from DE 20-092 Exhibit 2, Settlement - Attachment A, Bates pg 382, 449, 497, 545, 606 & 655. Retrieved at https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/20-092_2020-12-10_EXH_2.PDF					

- Using the approved primary GST methodology, the 2021-23 EERS Plan projected benefits across all NH electric and natural gas utilities is \$930.225M, as compared to utility costs of \$365.313M, equating to a total portfolio GST benefit cost ratio of **2.55**.
- Using the secondary UCT methodology, the total portfolio benefit cost ratio is **1.78**, which is computed by dividing the projected UCT benefits (\$650.254M) by the planned utility costs (\$365.313).
- Using the secondary GST-2 methodology, the total portfolio benefit cost ratio is **2.17**, which is computed by dividing the projected GST-2 benefits (\$1,267.368M) by the sum of the planned utility costs (\$365.313) plus the projected customer/participant costs (\$217.890).

Program Savings

Utility	Annual MWh	Lifetime MWh	Annual MMBtu	Lifetime MMBtu
Electric	474,616	5,604,822	384,425	7,899,508
Natural Gas	96	1,625	706,065	9,008,589
Combined	474,712	5,606,447	1,090,490	16,908,097
Notes: -All values sourced from DE 20-092 Exhibit 2, Settlement - Attachment A, Bates pg 382, 449, 497, 545, 606 & 655. Retrieved at https://www.puc.nh.gov/Regulatory/Docketbk/2020/20-092/TRANSCRIPTS-OFFICIAL%20EXHIBITS-CLERKS%20REPORT/20-092_2020-12-10_EXH_2.PDF -The Annual and Lifetime MMBtu savings for the electric utilities represent savings associated with reduced usage of heating oil, propane, kerosene and wood. -The Annual and Lifetime MWh savings for the natural gas utilities represent corollary savings associated with specific natural gas measures, such as motors or pumps, with furnaces/boilers.				

For the 2021-23 EERS Plan:

- Total electric savings are 474,712 annual MWhs and 5,606,447 lifetime MWhs, which equates to an average measure life of 11.8 years for efficiency measures installed.
- Total natural gas savings are 706,065 annual MMBtus and 9,008,589 lifetime MMBtus, which equates to an average measure life of 12.8 for efficiency measures installed.
- Total unregulated energy savings for fuels such as heating oil, propane, kerosene and wood are 384,425 annual MMBtus and 7,899,508 lifetime MMBtus, which equates to an average measure life of 20.5 for efficiency measures installed.

Griffin Roberge

From: Gamache, Donna M <donna.gamache@eversource.com>
Sent: Tuesday, May 11, 2021 1:08 PM
To: Griffin Roberge
Subject: FW: HB 351 Information Request
Attachments: HB 351 Additional Information Memo.docx

Hi Griffin,

Kate pulled together the attached document which attempts to answer the questions. I apologize for the delay, but if there are further questions, Kate is on standby.

Thank you very much

Donna

Donna Gamache, Director, Governmental Affairs

EVERSOURCE

780 No. Commercial St | Manchester, NH 03101 | ☎ : 603-345-0994

✉ : donna.gamache@eversource.com

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To: Donna Gamache

From: Kate Peters, Energy Efficiency

Re: Follow-up from HB 351 Hearing

At the hearing for HB 351 I suggested that weatherization to reduce fuel usage and energy bills for low-income customers can also have a positive impact on the need that those customers have for federal Fuel Assistance ("FAP") dollars (which help income-eligible customers to pay for heating fuel.) The Chair asked for any research related to such reductions.

I have followed up via email with the supervisor of the Eversource income-eligible efficiency program and with staff at OSI who oversee federal Weatherization and Fuel Assistance dollars.

I found that Fuel Assistance typically covers only a portion of the total energy bill for low-income customers. For some customers energy efficiency improvements may mean that they reduce the portion of additional energy bill that they cover, for others efficiency improvements may mean a reduction in their need for FAP dollars. We do not have a quantitative analysis on the interplay between energy efficiency and FAP. Neither the state nor the utilities have executed a study focused on this particular question. It could be done and we may gain some insightful information if funding such a study is of priority interest.

The NH Utilities do execute regular third-party review and analysis of our programs to verify energy savings and make recommendations for process improvements. The latest evaluation of the Income Eligible program was completed in 2020 and can be found on the Commission website where all of our evaluations are posted. https://www.puc.nh.gov/Electric/Monitoring_Evaluation_Report_List.htm

Griffin Roberge

From: Milliken, Jerry <jmilliken@tccap.org>
Sent: Monday, April 26, 2021 12:42 PM
To: Griffin Roberge
Subject: Milliken - Brief Statement regarding HB 351
Attachments: Milliken - HB 351 - Statement - 4-26-2021.docx

Please find my attached brief statement regarding today's testimony regarding HB 351.

Thank you,
Gerald Milliken

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Gerald F. Milliken, Jr.

4/26/2021

30 Exchange Street
Berlin, NH 03570

Regarding: Brief Statement on HB 351

Dear NH Senate Committee Members:

The current "systems benefit charge" is exactly as its name implies for anyone that takes advantage of the numerous programs it was designed to offer. For qualified applicants, by income or home resource needs. The program benefits outweigh the systems benefit charge and any applicable copay in total energy savings each year.

The New Hampshire Electrical Assisted programs like the Low income Weatherization "HEA" and non-low income Weatherization program "HPwES" have been designed by the PUC to look for electrical savings but not stop there. Being fuel blind is a stronger more inclusive conservation and Home approach.

HB 351's language threatens the all-inclusivity energy saving of the current programs and could jeopardize the total energy savings a rate payer gets for their money. Another Concern I have is that by taking away the rate fee setting by the PUC, this will at some point delay program funding fees and structure information availability for Program operators to plan workforce needs.

Listed items above is why I am not in favor of the current bill and language.

Sincerely,



Gerald F. Milliken, Jr

Griffin Roberge

From: Bourque, Katherine <bourquek@unitil.com>
Sent: Monday, April 26, 2021 10:08 AM
To: Griffin Roberge
Subject: HB 351 Written Testimony - Unitil
Attachments: Unitil Testimony HB 351 04262021.pdf

Good Morning, Griffin!

Hope you had a nice weekend.

Attached is neutral, written testimony from Unitil for HB 351, being heard today. I did sign in as neutral as well, but we have no need to testify at the hearing.

As always, please let me know if you have any questions.

Kat

Katherine A. Bourque, Esq.
Director, Government Affairs



6 Liberty Lane West
Hampton, NH 03842

T 603.773.6486 M 603.770.3215

bourquek@unitil.com | unitil.com

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April 26, 2021

The Honorable Chair, Senator Kevin Avar
Senate Energy and Natural Resources Committee
107 N Main Street
Concord, NH 03301

Dear Chairman Avar and Members of the Committee:

On behalf of Unitil, thank you for the opportunity to provide written testimony on HB 351, relative to the system benefits charge.

As electric and gas utilities, we are the administrators of New Hampshire's energy efficiency programs and responsible for developing the Energy Efficiency Plan ("Plan") for the state. In 2020, we were proud to file a Plan with the NHPUC for approval that ensures all of our customers have access to valuable cost-saving solutions and one that will assist them in reducing their energy use and save money through energy efficiency. The Plan filed was developed through a collaborative public process that included robust and diverse stakeholder engagement. The process included utility customers, ratepayer advocates, members of the business community, non-profits serving disadvantaged populations, environmentalists and members of the NH legislature. Ultimately, the NHPUC will make a final determination regarding implementation of the Plan and we appreciate the PUC's decision-making process and understand the considerations that they need to balance throughout the process.

This legislation seeks to subject the system benefits charge (SBC) to legislative or Fiscal Committee approval for the filed Plan that runs from 2021-2023. As outlined above, we believe that the current process is inclusive, open to the public, and provides a level of administrative efficiency that may be difficult to duplicate in either the legislature or through approval by another body. Ultimately, this has the potential to be detrimental to program continuity and efficient administration and could diminish the benefits that the three-year Plan seeks to deliver to our customers.

As always, we look forward to continuing to work with the Prime Sponsor and members of the Committee to continue to understand the intent of the bill and to help provide information and background so that this legislature may reach their policy goals.

Thank you for your consideration. Please do not hesitate to reach out with any questions.

Sincerely,

Kat Bourque
Director of Government Affairs



6 Liberty Lane West
Hampton, NH 03842
bourquek@Unitil.com
603.770.3215

Griffin Roberge

From: Madeleine Mineau <madeleine@cleanenergynh.org>
Sent: Monday, April 26, 2021 11:24 AM
To: Kevin Avar; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge
Subject: CENH testimony in opposition of HB351
Attachments: CENH HB351 Testimony Senate 20210426.pdf

Dear Chairman Avar and members of the Committee,
Please find attached testimony in opposition of HB351 from CENH.
I look forward to testifying at the hearing this afternoon.

Madeleine

--
Madeleine Mineau
Executive Director
Clean Energy NH (formerly NHSEA)
Cell phone: 607-592-6184



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CLEAN ENERGY NH

Your Voice in All Energy Matters

April 26th, 2021

Senator Kevin Avar, Chair
Senate Energy & Natural Resources Committee
Submitted via email

Testimony on HB351, relative to the system benefits charge

Dear Chairman Avar and members of the Committee,

Clean Energy NH (CENH) is a non-profit member-based organization. We are New Hampshire's leading clean energy advocate that is dedicated to supporting policies and programs that strengthen our state's economy by encouraging a transition to renewable energy and promoting energy efficiency.

CENH strongly opposes HB351 because we believe the System Benefits Charge (SBC) should be approved by the Public Utilities Commission (PUC), not the legislature.

As stated in previous testimony before the Committee, CENH firmly believes that the SBC is a utility rate and, like all other utility rates, is best reviewed, regulated, and approved by the regulators at the PUC. The PUC has the staff, resources, and expertise to properly evaluate proposed changes to the SBC. Furthermore, the PUC has been clearly charged by the legislature as the authority responsible for regulating utility rates such as the SBC. As a utility rate, changes to the SBC are accompanied by extensive, highly technical supporting documentation that requires highly skilled, trained utility analysts to review. It is CENH's understanding that the legislature does not have the same access to these resources and is therefore not in a position to effectively evaluate proposed changes. The 2021-2023 Energy Efficiency Resource Standard (EERS) plan was developed during a year long public process with multiple opportunities for public input followed by a PUC docket process. The plan filing for the utilities alone was 969 pages followed by expert witness testimony from multiple parties. This material was presented and reviewed during roughly 28 hours of hearings. The legislature has delegated the review and approval of utility rates because the PUC is best equipped to give these complex issues the detailed review, expert evaluation, and time needed to make informed decisions.

In addition, proposed changes to the SBC are often made with the need for a timely review and approval process. The PUC has the well-established guidelines for review through a clear and transparent docket system that involves ample opportunity for public comment. The legislative schedule may not allow for such timely review and approval process and therefore CENH is concerned certain programs, such as the state's energy efficiency programs, which rely on SBC funding, may suffer if review and approval are unnecessarily delayed.



CLEAN ENERGY NH

Your Voice in All Energy Matters

The triennial EERS plan approach was formed in part to alleviate program start-stops due to budget approval delays or running out of funding that used to cause significant problems for customers and energy efficiency contractors. Having the flexibility to evaluate the SBC on an ongoing basis as necessary is an asset to the state's energy efficiency programs and is not possible due to the legislature's limited time in session.

CENH also opposes the addition in this bill of the following: *"Such benefits, as approved by regulators, may include, [but not necessarily be limited to,] programs for low-income customers, energy efficiency programs whose main purpose is to reduce the consumption of electricity and not some other form of energy..."* CENH supports a diverse range of energy efficiency programs that benefit NH residents and businesses and including fuel neutral weatherization which significantly reduces energy burdens and improves public health. CENH would like to highlight that all SBC dollars spent on energy efficiency program are evaluated with PUC oversight by a stringent cost-benefit analysis to ensure that even non-participants benefit. Dollars spent on low-income weatherization or other programs, not all of which focus on reducing electricity alone, are authorized by statute (RSA 374-F:3, VI): *"no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs."*

Therefore, Clean Energy NH kindly requests that you oppose HB351 and maintain the authority to approve changes to the SBC to the PUC.

Sincerely,

Madeleine Mineau

Executive Director

Clean Energy NH

madeleine@cleanenergynh.org

607-592-6184

Griffin Roberge

From: Naomi Tucker <naomitucker@gmail.com>
Sent: Sunday, April 25, 2021 3:31 PM
To: Bob Giuda; David Watters; Griffin Roberge; James Gray; Kevin Avar; Rebecca Perkins Kwoka
Subject: Oppose HB373 & HB 351

I am writing as a resident of New Hampshire to **oppose HB 373**. It is nonsensical and antithetical to the live free or die motto to prohibit discussions about environmental impact. Keep out of state financial interests out of our politics and business.

I also **oppose HB351**. This bill will have a huge negative impact on funding for energy efficiency and weatherizing, which are crucial components to transitioning to renewables. It will also have an outsized impact on low and moderate income families.

Thank you,
Naomi Tucker

Griffin Roberge

From: Nick Krakoff <nkrakoff@clf.org>
Sent: Monday, April 26, 2021 10:17 AM
To: Griffin Roberge
Subject: HB 351, relative to the SBC, CLF Comments
Attachments: Conservation Law Foundation Comments on HB 351 (relative to the SBC) 4-26-21 (4840-0637-8983.1).pdf

To Whom It May Concern,

Attached, please find Conservation Law Foundation's written testimony/comments regarding HB 351.

Best regards,

Nick Krakoff
Staff Attorney
Conservation Law Foundation
27 North Main Street
Concord, NH 03301-4930
P: 603-369-4787
E: nkrakoff@clf.org

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April 26, 2021

By Electronic Mail

The Hon. Kevin Avar, Chair
Energy and Natural Resources Committee
N.H. Senate
Concord, NH 03301

Re: HB 351, relative to the system benefits charge

Dear Chairman Avar and Honorable Committee Members,

Conservation Law Foundation (CLF) appreciates the opportunity to comment on HB 351, which would significantly impede New Hampshire's energy efficiency resource standard (EERS) by imposing substantial limitations on its main source of funding, the system benefits charge (SBC). CLF is a non-profit environmental advocacy organization working in New Hampshire and across the region for healthy communities and a healthy environment, including advancing sound clean energy policies that reduce pollution and strengthen the state's economic vitality.

Energy Efficiency Generates Significant Economic Benefits for New Hampshire

Since 2002, energy efficiency measures in New Hampshire have resulted in cumulative customer savings in excess of \$3.4 billion.¹ In fact, as DES recently announced, the State of New Hampshire has saved \$45 million from energy efficiency over the past 11 years.² Moreover, the NH Utilities' 2021-2023 energy efficiency plan, filed in September 2020 pursuant to the EERS, would result in extra customer energy cost savings of more than \$1.3 billion over the lifetime of the measures.³ Spending on the energy efficiency services involved with the 2021-2023 plan would also support over 4,600 full-time jobs.⁴

The energy efficiency measures proposed under the 2021-2023 plan are all cost effective, meaning they are the lowest cost energy resource. In other words, a unit of energy saved through efficiency is less expensive than the total lifetime cost of a unit of energy from other resources. While a few groups have criticized the 2021-2023 plan for being too expensive for ratepayers, they have ignored the fact that the energy efficiency resources proposed under the plan will cost consumers less than they would otherwise spend on energy without the energy efficiency gains of the plan.

HB 351 Would Result in Significantly Reduced Benefits for New Hampshire Residents and Ratepayers

Despite the fact that New Hampshire's current EERS law has been highly beneficial for New Hampshire's economy and for ratepayers, resulting in multi-billion-dollar savings, HB 351 seeks to revise how the SBC is assessed and clarify its purpose. However, by making it less likely that future EERS plans would receive

¹ 2021-2023 New Hampshire Statewide Energy Efficiency Plan, at 18, filed September 1, 2020, *available at* https://www.puc.nh.gov/regulatory/Docketbk/2020/20-092/INITIAL%20FILING%20-%20PETITION/20-092_2020-09-01_NHUTILITIES_EE_PLAN.PDF.

² DES Press Release, February 11, 2021, *available at* <https://www.des.nh.gov/news-and-media/nh-state-government-energy-management-efforts-avoid-over-45-million-energy-costs>.

³ 2021-2023 New Hampshire Statewide Energy Efficiency Plan, at 19.

⁴ *Id.* at 19.



sufficient funding, the proposed revisions would, as compared to current law, result in substantially reduced energy efficiency benefits for New Hampshire residents.

HB 351 would severely hinder the overall success of the EERS. Specifically, the provision in HB 351 requiring legislative approval for SBC increases is unworkable and unrealistic. The Commission has the resources and expertise to evaluate EERS plans and SBC rates. The 2021-2023 plan consisted of nearly 1,000 pages, which was followed by the submission of expert testimony by multiple parties. In reviewing the plan, the Commission conducted five days of hearings. The legislature has delegated decisions involving the EERS and SBC rates to the Commission because the Commission is better equipped to make such decisions. In contrast, the legislature, which is not an adjudicative body like the Commission, lacks the time and resources to sufficiently review the many issues that arise under EERS plans. Delegating decision-making regarding the SBC to a quasi-judicial body, such as the Commission, also helps insulate such decisions from partisan politics.

Moreover, the provision in HB 351 specifying that the main purpose of New Hampshire's energy efficiency programs is to reduce the consumption of electricity and not some other form of energy ignores the myriad benefits arising from energy efficiency programs that reduce the use of thermal energy. Through weatherizing their homes and adopting more efficient heat sources, consumers save considerably on heating costs during New Hampshire's cold winter months. Further, weatherization programs create numerous jobs for contractors. HB 351 would significantly curtail, if not eliminate, the benefits consumers obtain from energy efficiency programs that enable them to reduce heating costs.

The Provision in HB 351 Requiring Authorization by the Fiscal Committee is Likely Unconstitutional

HB 351 provides that "prior approval by either the passage of legislation by the New Hampshire General Court or authorization by the fiscal committee of the general court shall be required to increase systems benefit charge." The provision requiring authorization by the fiscal committee is likely unconstitutional under New Hampshire law. *See Opinion of the Justices*, 431 A.2d 783, 788 (N.H. 1981) (holding that under the New Hampshire Constitution, "the supreme legislative authority is vested in the house of representatives and the senate," and "small groups in either house cannot fairly be said to represent the 'legislative will'" and, therefore, statutory schemes delegating lawmaking authority to smaller legislative bodies are unconstitutional).

In sum, the EERS works under current law, and HB 351 would result in a reduction in the numerous energy efficiency benefits for New Hampshire consumers, multiply the challenges already associated with gaining approval for three-year EERS plans, and contains an unconstitutional delegation to a single committee of a single house of the General Court. Accordingly, CLF urges the Committee to reject HB 351 and vote "inexpedient to legislate."

Sincerely,

/s/ Nick Krakoff

Nick Krakoff
Staff Attorney
Conservation Law Foundation
27 North Main Street
Concord, NH 03301

Griffin Roberge

From: Raymond Burke <rburke@nhla.org>
Sent: Wednesday, April 28, 2021 2:39 PM
To: Kevin Avar; Rebecca Perkins Kwoka; Bob Giuda; James Gray; David Watters
Cc: Griffin Roberge
Subject: NHLA's written testimony in opposition to HB 351
Attachments: 2021.04.28.NHLA written testimony HB351.pdf

Dear Chairman Avar and Honorable Members of the Committee:

Thank you again for the opportunity to testify on April 26, 2021 in opposition to HB 351. Attached is New Hampshire Legal Assistance's written testimony. I am happy to answer any additional questions that you might have about the low-income program. I can also be available to work with the committee and others on ways to improve the bill going forward should the Committee decide to retain it.

Thank you for your time and attention to this important issue.

Sincerely,

Raymond Burke
Director, Energy & Utility Justice Project
Co-Director, Benefits Project
New Hampshire Legal Assistance
117 North State Street
Concord, NH 03301
T: (603) 206-2214
F: (833) 722-0271
www.nhla.org
Pronouns: he, him, his

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April 28, 2021

Toll-Free (all offices):
1-800-562-3174

Fax (all offices):
1-833-722-0271

TTY:
1-800-735-2964

Berlin
1131 Main Street
Berlin, NH 03570
603-752-1102

Claremont
24 Opera House Square
Suite 206
Claremont, NH 03743
603-542-8795

Concord
117 North State Street
Concord, NH 03301
603-223-9750

Manchester
1850 Elm Street
Suite 7
Manchester, NH 03104
603-668-2900

Portsmouth
154 High Street
Portsmouth, NH 03801
603-431-7411

Administration
117 North State Street
Concord, NH 03301
603-224-4107

Via E-Mail

Senator Kevin Avar, Chairman
Senate Energy and Natural Resources Committee
New Hampshire State House
State House, Room 115
107 North Main Street
Concord, NH 03301

RE: NHLA Opposes HB 351

Dear Chairman Avar and Honorable Members of the Committee:

New Hampshire Legal Assistance (NHLA) submits this written testimony in opposition to HB 351. NHLA is a statewide non-profit law firm. Our attorneys and paralegals represent low-income and elderly clients throughout the state, including advocating on behalf of low-income ratepayers before the New Hampshire Public Utilities Commission (PUC). **Based on NHLA's experience representing low-income and elderly ratepayers at the PUC, we oppose HB 351 and encourage the Committee to recommend the bill Inexpedient to Legislate.**

If HB 351 becomes law, it could negatively impact low-income households who are currently waiting for energy efficiency installations that will reduce their energy costs during a pandemic and make energy more affordable in the future. HB 351 could create additional delay and uncertainty for implementation of the current three-year energy efficiency plan that is pending before the PUC. Depending on when the PUC issues an order approving the current three-year plan and whether the PUC approves any increases to the Systems Benefits Charge (SBC) in that order, the fiscal committee or the full legislature might have to approve the SBC increase if HB 351 were to become law. This could cause significant delays in implementing the current three-year energy efficiency plan. We are already four months into 2021, and the electric and natural gas utilities recently filed a letter with the Commission about the impacts of further delays, which include strains on an already inadequate workforce to complete low-income energy efficiency measures and installations. Some utilities have temporarily paused the installation of low-income energy efficiency measures because of the uncertainty. **More uncertainty would further harm the low-income program and result in serving fewer low-income households. The legislature already decided to exempt the current three-year plan and**



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will approve any future increases to the SBC that are necessary to implement subsequent three-year plans so the change proposed in HB 351 is not necessary.

Passage of HB 351 would also have a negative impact on the long-term implementation of the low-income energy efficiency program by creating uncertainty in the planning process. The bill would require prior approval of increases to the SBC by either the passage of legislation or authorization by the fiscal committee of the general court. The bill does not make clear what happens if the fiscal committee authorizes an increase while legislation is pending, and the full legislature rejects the increase at a later date. This uncertainty could delay implementing the statewide energy efficiency plan, which is critical in the state's efforts to reduce energy costs for all New Hampshire ratepayers and especially low-income ratepayers. Years-long waiting lists already exist across the state for low-income families seeking cost-effective energy efficiency improvements to their homes. If HB 351 is passed, the EERS framework will at best face uncertainty and will at worst be halted in its tracks. The low-income waiting lists will grow longer and more energy that could have been saved, for those families most in need of such savings, will simply be wasted.

The low-income energy efficiency program has been recognized nationally¹ as an exemplary program and is critical in the state's efforts to reduce energy costs for all New Hampshire ratepayers. Low-income families often pay a larger percentage of their household income on energy costs than do higher income families, which means they have less money to spend on other basic needs. The low-income energy efficiency program reduces energy bills through the implementation of cost-effective energy efficiency measures, such as the installation of air-sealing and insulation. The resulting savings help families afford other daily necessities like food and medicine. In addition, studies have shown that energy efficiency programs not only promote more affordable utility service in the long run, but also lead to safer and more comfortable homes and to improvements in health outcomes. This bill would deprioritize "fuel-neutral" savings, which would have an adverse impact on New Hampshire's national recognized low-income program.

The benefits of investment in the low-income energy efficiency program go beyond the resulting reduction in energy usage. Low-income households with smaller energy bills are less likely to face disconnections, are less likely to face foreclosure or tax deeding, and are less likely to have to rely on other assistance programs, such as municipal welfare assistance. Funding for energy efficiency programs also results in more jobs for those workers weatherizing low-income homes in New Hampshire. Many others in New Hampshire will indirectly benefit from the increased spending power of both the weatherized households and the gainfully employed weatherization workers.

¹ The New Leaders of the pack: ACEEE's Fourth National Review of Exemplary Energy Efficiency Programs, January 2019, available at <https://www.aceee.org/research-report/u1901> (accessed Apr. 26, 2021).



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Working for Equal Justice Since 1971

In conclusion, New Hampshire Legal Assistance urges you to oppose this bill. Thank you for your consideration of this testimony.

Sincerely,

/s/Raymond A. Burke
Raymond A. Burke, Esq.
Benefits Project Co-Director
New Hampshire Legal Assistance

Griffin Roberge

From: Kathy McGhee <kmcghee257@gmail.com>
Sent: Sunday, April 25, 2021 12:25 PM
To: ~Senate Energy and Natural Resources Committee
Cc: Kathy McGhee
Subject: April 26th Hearing Testimony HB315, HB351 & HB373
Attachments: HB315 Senate Testimony 4-26-21.docx; HB351 Senate Testimony 4-26-21.docx; HB373
Gag Rule 4-26-21.docx

Dear Senator Avar and Members of the Energy and Natural Resources Committee,

I thank you for your time and consideration of the aforementioned House bills coming before you in hearings on Monday, April 26th.

I am signing up to speak on each and will try to be at these hearings starting at 1 PM. I do have a conflict in the afternoon and wanted to be sure to get you my testimony in advance, in case for some reason I am unable to be with you in person.

Thank you for your consideration.

Regards.
Rep. Kat McGhee, M.Ed, PMP
Deputy Ranking Member
House Science, Technology & Energy

Senator Avar and members of Energy and Natural Resources, I submit my testimony today to ask for your support in voting ITL on House Bill 351, a dangerous and ill-considered restructuring of the system benefits charge process.

The system benefits charge was put into statute to do exactly what it says, provide system benefits. In fact, it is a regulatory requirement that the Public Utilities Commission (PUC) ensures that energy efficiency programs, like NH Saves, provide a benefit to all ratepayers. These programs are proven to generate several times the money spent on them. Energy Efficiency is a good deal and our constituents should be able to count on the fact that we do not undermine working programs upon which they rely. Energy Efficiency investments result in permanent reduction in fuel demand and therefore help the state improve its carbon footprint, while lowering energy outlay.

I ask you to stop a bill that seeks to fix something that isn't broken. But, worse still, HB351 seeks to break what's working and that should raise a red-flag.

How does it do that? HB351 says that the authority to set the system benefits charge, an authority granted to the Public Utilities Commission by the legislature, needs to be sent back to the House for an up or down vote or sent to the Fiscal Committee. It doesn't really pick one, it just insists that the House must in some way be inserted into the PUC process - a process that already requires proof that proposed Energy Efficiency plans will benefit NH ratepayers.

There is also the consideration of how this slows the process and interferes with the efforts to create a Department of Energy in which the PUC would operate to administer energy efficiency programs via the utilities - as it has always done. This new department and its integration and planning will already create complexities as to how existing programs work. For those who dislike bureaucracy, the idea of too many cooks in the kitchen comes to mind.

The consumer advocate of the state of New Hampshire put it this way in a recent article:

'The Legislature can set utilities rates, including the System Benefits Charge, all by itself. Or it can choose to delegate that authority to an administrative agency - here, the Public Utilities Commission - with instructions to guide the regulators. What the legislature can't do is delegate the authority, require supporters of energy efficiency to go through the regulatory process, and then require them to come back to the legislature for lawmakers blessing. That's inconsistent with the New Hampshire constitution.'

This bill hurts our constituents, because it puts a halt to the funding of NH Saves, our most popular energy efficiency program and one for which wait lists already exist.

If you have constituents who depend on NH Saves or who are on a wait list, please vote ITL so the pending 3 year Energy Efficiency plan is not scuttled. The utility led process that created that 3 year plan concluded that it would generate up to 1.3 billion in economic stimulus as New Hampshire recovers from the COVID economy. This plan, agreed to in December and overdue for rollout since January, can only be approved if this bill is defeated because its language muddies the waters of the PUC process - for no apparent gain.

There are very few bills you will vote on that can help our constituents, our economy and our environment as much as preventing HB351 from becoming law.

Thank you.

Kat McGhee

Deputy Ranking Member

House Science, Technology & Energy

Griffin Roberge

From: Michael Harrington <harringt1@metrocast.net>
Sent: Friday, April 23, 2021 8:45 AM
To: Kevin Avar; Bob Giuda; James Gray; Rebecca Perkins Kwoka; David Watters; Griffin Roberge; 'Michael Vose'
Subject: HB 351, relative to the system benefits charge

Chair Avar and E & NR members, I am writing on HB 351 of which I am the prime sponsor. Due to other commitments I will not be able to attend the hearing on this bill but I did want to inform you of what the bill proposes and why I sponsored it

First, there is some misunderstanding of what is proposed. The bill will not reduce energy efficiency spending (EE) by a single penny, it just re-prioritizes how it is spend. It does nothing to change the amount of money that is spent for low income assistance. It also grants the legislature and not the PUC the authority to raise the System Benefits Charge (SBC)

The SBC is suppose to be just that a charge to all ratepayers that is spent to benefit the system. The theory being that lowering demand through EE measures reduces costs to all ratepayers. This why the charge was created and it has worked to accomplish that goal. However over the years the amount of money being spent on thermal projects (e.g. home insulation) has become a much larger portion of the spending. In the 4th quarter of 2019 thermal projects accounted for 9.5% of the total KWh savings while consuming 52% of the dollars. EE projects whose main purpose was to reduce electric consumption accounted for 90.5% of the KWh savings while consuming 48% of the budget.

The bill states "Such benefits, as approved by regulators, may include, programs for low-income customers, energy efficiency programs whose main purpose is to reduce the consumption of electricity and not some other form of energy," This would only apply to the residential portion of SBC spending as there is no similar problem with the Commercial and Industrial portions.

In other words lets spend the money where it gets the biggest electric reduction bang for the bucks. It does not prohibit spending on thermal projects whose main purpose is to reduce electric consumption such as insulating a home that uses electric heat or an electric heat pump

The second part of the bill states that "Prior approval by either the passage of legislation by the New Hampshire general court or authorization by the fiscal committee of the general court shall be required to increase the system benefits charge." This is pretty simply, the SBC is a non-bypassable charge that all electricity uses must pay.

It is effectively a tax and only the legislature and not non-elected PUC Commissioners should have the authority to raise it. As was stated by a Democratic Senator at a recent House hearing on SB91, policy decisions should be made by the legislature and not the PUC. This is not to say that the PUC can't present the legislature with a proposed SBC increase, it just does not give them approval to implement them without approval as stated above.

I hope you will give this bill careful consideration

Rep. Michael Harrington

Assistant Majority Leader

Science, Energy and Technology Committee

NH House of Representatives

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # HB 351

 Hearing Date: 04/26/2021

 Executive Session Date: 05/03/2021

 Motion of: ITL - Vote: Withdrawn by Watters

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Motion of: Re-refer Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Reported out by: Gray

Notes: ITL motion withdrawn by Senator Watters, seconded by Senator Perkins Kwoka withdrawal made after Senator Gray suggested a re-refer motion.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Monday, May 3, 2021

THE COMMITTEE ON Energy and Natural Resources
to which was referred **HB 351**
AN ACT relative to the system benefits charge.

Having considered the same, the committee recommends that the Bill
BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 4-0

Senator James Gray
For the Committee

Griffin Roberge 271-3042

ENERGY AND NATURAL RESOURCES

HB 351, relative to the system benefits charge.

Re-refer to Committee, Vote 4-0.

Senator James Gray for the committee.

Docket of HB351

Docket Abbreviations

Bill Title: relative to the system benefits charge.*Official Docket of HB351.:*

Date	Body	Description
1/9/2021	H	Introduced (in recess of) 01/06/2021 and referred to Science, Technology and Energy HJ 2 P. 44
1/21/2021	H	Public Hearing: 02/01/2021 04:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/92752912485 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/23/2021	H	Majority Committee Report: Ought to Pass (Vote 11-9; RC) HC 18 P. 59
3/23/2021	H	Minority Committee Report: Inexpedient to Legislate
4/9/2021	H	Ought to Pass: MA RC 198-179 04/09/2021 HJ 7 P. 45
4/13/2021	S	Introduced 04/08/2021 and Referred to Energy and Natural Resources; SJ 12
4/20/2021	S	Remote Hearing: 04/26/2021, 01:20 pm; Links to join the hearing can be found in the Senate Calendar; SC 21
5/3/2021	S	Committee Report: Rereferred to Committee, 05/13/2021; SC 23
5/13/2021	S	Rereferred to Committee, MF, VV; 05/13/2021; SJ 15
5/13/2021	S	Sen. Avarad Moved Inexpedient to Legislate; 05/13/2021; SJ 15
5/13/2021	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===; 05/13/2021; SJ 15

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 351

Senate Committee: ENR

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

☒ Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

☒ Bill version as it came to the committee

☒ All Calendar Notices

☒ Hearing Sign-up sheet(s)

☒ Prepared testimony, presentations, & other submissions handed in at the public hearing

☒ Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: (Legislative Aides)

All amendments considered in committee (including those not adopted):

N/A - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

☒ Executive Session Sheet

☒ Committee Report

Floor Action Documents: (Clerk's Office)

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ - amendment # _____

_____ - amendment # _____ - amendment # _____

Post Floor Action: (if applicable) (Clerk's Office)

_____ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

_____ Enrolled Bill Amendment(s)

_____ Governor's Veto Message

All available versions of the bill: (Clerk's Office)

_____ as amended by the senate _____ as amended by the house

_____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office AK