

**REGULAR CALENDAR**

**March 3, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Science, Technology and Energy to  
which was referred HB 1258,**

**AN ACT relative to the implementation of the  
department of energy. Having considered the same,  
report the same with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Michael Harrington**

**FOR THE COMMITTEE**

## **COMMITTEE REPORT**

Committee:	<b>Science, Technology and Energy</b>
Bill Number:	<b>HB 1258</b>
Title:	<b>relative to the implementation of the department of energy.</b>
Date:	<b>March 3, 2022</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2022-0851h</b>

### **STATEMENT OF INTENT**

This bill addresses the recent creation of the Department of Energy in 2021's HB 2 (Ch. 91, Laws of 2021). As amended, it fixes numerous administrative oversights and omissions in the division of duties and responsibilities between the department and the Public Utilities Commission. It further defines the "bright red line" that separates the department and the commission to guarantee that no future conflicts of interest may contaminate any of the proceedings of the two bodies.

Vote 22-0.

Rep. Michael Harrington  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

Science, Technology and Energy

**HB 1258**, relative to the implementation of the department of energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Harrington for Science, Technology and Energy. This bill addresses the recent creation of the Department of Energy in 2021's HB 2 (Ch. 91, Laws of 2021). As amended, it fixes numerous administrative oversights and omissions in the division of duties and responsibilities between the department and the Public Utilities Commission. It further defines the "bright red line" that separates the department and the commission to guarantee that no future conflicts of interest may contaminate any of the proceedings of the two bodies. **Vote 22-0.**

Original: House Clerk  
Cc: Committee Bill File

Amendment to HB 1258

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

2

3 1 Department of Energy; General Provisions. Amend RSA 12-P:3, II to read as follows:

4 II. The department of energy is authorized to work with the department of business and  
5 economic affairs, *the public utilities commission*, and the department of administrative services  
6 to coordinate the implementation of the establishment of the department, and to transfer  
7 appropriations and create the proper expenditure lines, if needed, for the establishment of their  
8 respective operations, including but not limited to the relocation of personnel, work stations, books,  
9 papers, personnel record files, and equipment, with the approval of the governor and council and of  
10 the director of personnel.

11 2 New Paragraph; Department of Energy; General Provisions. Amend RSA 12-P:3 by inserting  
12 after paragraph II the following new paragraph:

13 III. The department shall have the authority to petition for any proceeding before the public  
14 utilities commission and shall automatically be a party to all proceedings before the commission.  
15 Any person or party that initiates a proceeding before the public utilities commission by petition or  
16 otherwise shall provide a copy to the department at the time of filing. Any person or party filing  
17 confidential information in any proceeding in which the department may appear, or exchanging  
18 confidential information in discovery or otherwise, shall provide the department with such  
19 confidential information. In adjudicative proceedings as defined by RSA 541-A:1, I, the public  
20 utilities commission and the department shall be subject to RSA 541-A:36.

21 3 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, IV to read as follows:

22 IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the  
23 continuance or granting of federal funds or other assistance intended to promote the administration  
24 of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the  
25 specific statutes administered by the department or by any division or unit within the department,  
26 whether the rulemaking authority delegated by the legislature is granted to the commissioner, the  
27 department, or any administrative unit or subordinate official of the department. *Where the*  
28 *commissioner has adopted rules under this paragraph, the department shall not be subject*  
29 *to RSA 541-A:29 or RSA 541-A:29-a.*

30 4 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, VII to read as  
31 follows:

Amendment to HB 1258

- Page 2 -

1 VII. Ensure that the department provides all necessary support to the public utilities  
2 commission, the site evaluation committee, office of the consumer advocate, and any other entity  
3 that is administratively attached to the department[~~, provided that, other than for administrative~~  
4 ~~functions, department employees shall not communicate with the public utilities commission and its~~  
5 ~~staff in connection with any issue in a matter pending before the commission or the department,~~  
6 ~~except upon notice and opportunity for all parties to participate].~~

7 5 Regulatory Support; Reference Deleted. Amend RSA 12-P:9 to read as follows:

8 12-P:9 Division of Regulatory Support. There is established within the department the division  
9 of regulatory support, under the supervision of an unclassified director of the division of regulatory  
10 support. The division, through its officials, shall be responsible for all functions, duties, and  
11 responsibilities which may be assigned to it by the commissioner or laws enacted by the general  
12 court. [~~The division shall automatically be a party to all proceedings before the public utilities~~  
13 ~~commission.~~]

14 6 Department of Energy; Transfer of Rules, Orders, Approvals. Amend RSA 12-P:14 to read as  
15 follows:

16 12-P:14 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the  
17 public utilities commission which are associated with any functions, powers, and duties, transferred  
18 to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall  
19 continue in effect *notwithstanding any provision of RSA 541-A:17, II to the contrary*, and be  
20 enforced by the commissioner of the department of energy *or the commission, as applicable*, until  
21 they *otherwise* expire or are repealed or amended in accordance with applicable law, *or for a*  
22 *period of 5 years, whichever occurs first. To the extent the department acts pursuant an*  
23 *existing rule, order, or approval, the department shall not be subject to RSA 541-A:29 or*  
24 *RSA 541-A:29-a.*

25 7 Energy Efficiency and Sustainable Energy Board. RSA 125-O:5-a, II is repealed and reenacted  
26 to read as follows:

27 II. The members of the board shall be as follows:

- 28 (a) The commissioner of the department of energy, or designee.  
29 (b) The consumer advocate, or designee.  
30 (c) The commissioner of the department of environmental services, or designee.  
31 (d) The commissioner of the department of business and economic affairs, or designee.  
32 (e) The president of the Business and Industry Association of New Hampshire, or  
33 designee.  
34 (f) The executive director of the New Hampshire Municipal Association, or designee.  
35 (g) The executive director of New Hampshire Legal Assistance, or designee.  
36 (h) The president of the Homebuilders and Remodelers Association of New Hampshire,  
37 or designee.

1 (i) Two members of the house committee with jurisdiction over energy matters,  
2 appointed by the speaker of the house of representatives.

3 (j) One member of the senate committee with jurisdiction over energy matters,  
4 appointed by the president of the senate.

5 (k) Three representatives from not-for-profit groups representing energy, environmental,  
6 consumer, or public health issues and knowledgeable in energy conservation policies and programs,  
7 appointed by the commissioner of the department of energy.

8 (l) The commissioner of the department of administrative services, or designee.

9 (m) The state fire marshal, or designee.

10 (n) The executive director of the New Hampshire housing finance authority, or designee.

11 8 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program.  
12 Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

13 VI. The department and the ~~commission~~ **department of energy** shall report on an annual  
14 basis to the air pollution advisory committee under RSA 125-J:11 and the legislative oversight  
15 committee to monitor the transformation of delivery of electric services under RSA 374-F:5, on the  
16 status of the implementation of RGGI in New Hampshire, with emphasis on the prices and  
17 availability of RGGI allowances to affected CO2 sources, consumer protection mechanisms, and the  
18 trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but  
19 not be limited to:

20 9 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program.  
21 Amend the introductory paragraph of RSA 125-O:21, VIII to read as follows:

22 VIII. Any actions taken under this subdivision by the department, *the department of*  
23 *energy*, or the commission shall not constitute a waiver of sovereign immunity and shall not be  
24 deemed consent to suit outside of New Hampshire.

25 10 Regional Greenhouse Gas Initiative; Compliance. Amend RSA 125-O:22, IV to read as  
26 follows:

27 IV. No person shall operate an affected CO2 source without a temporary or operating permit  
28 issued by the department in accordance with this chapter and RSA 125-C. An affected CO2 source  
29 that is in operation upon the effective date of this subdivision, shall submit a complete application  
30 for a permit modification to the department no later than January 1, 2009. Applications for permits  
31 shall be upon such forms, and shall include such information as the commissioner *of the*  
32 *department of environmental services* requires under rules adopted pursuant to RSA 541-A. The  
33 commissioner *of the department of environmental services* shall act upon a permit application  
34 within a reasonable period of time.

35 11 Energy Efficiency Fund and Use of Proceeds. Amend the introductory paragraph of RSA 125-  
36 O:23, III to read as follows:

1           III. All remaining proceeds received by the state from the sale of allowances, excluding the  
2 amount used for department of energy and department of environmental services administration  
3 under paragraph I, shall be allocated by the [~~commission~~] *department of energy* as follows:

4           12 Energy Efficiency Fund and Use of Proceeds; Bidding Criteria. Amend the introductory  
5 paragraph of RSA 125-O:23, III(c) to read as follows:

6           (c) The remainder to all-fuels, comprehensive energy efficiency programs administered  
7 by qualified parties which may include electric distribution companies as selected through a  
8 competitive bid process. The funding shall be distributed among residential, commercial, and  
9 industrial customers based upon each customer class's electricity usage to the greatest extent  
10 practicable as determined by the [~~commission~~] *department of energy*. Bids shall be evaluated  
11 based on, but not limited to, the following criteria:

12           13 Energy Efficiency Fund and Use of Proceeds; Annual Report. Amend RSA 125-O:23, V(e) to  
13 read as follows:

14           (e) Other data as required by the [~~commission~~] *department of energy* in order to  
15 determine program effectiveness.

16           14 Regional Greenhouse Gas Initiative; Review of the New Hampshire RGGI Program. Amend  
17 RSA 125-O:27 to read as follows:

18           125-O:27 Review of the New Hampshire RGGI Program. At the time of each comprehensive  
19 review by the participating states, the [~~commission~~] *department of energy* and the department  
20 shall concurrently review New Hampshire specific elements of the RGGI program, and include the  
21 results of such review and any recommendations for revisions to the New Hampshire regional  
22 greenhouse gas initiative program under RSA 125-O:19-29, resulting from this review in the  
23 agencies' annual report under RSA 125-O:21, VI.

24           15 Reference Change. Amend RSA 362-F:4, V to read as follows:

25           V. For good cause, and after notice and hearing, the [~~commission~~] *department of energy*  
26 may accelerate or delay by up to one year, any given year's incremental increase in class I or II  
27 renewable portfolio standards requirement under RSA 362-F:3.

28           16 Final Orders Issued by the Public Utilities Commission. Amend RSA 363:17-b to read as  
29 follows:

30           363:17-b Final Orders. The commission shall issue a final order on all matters presented to it.  
31 Matters resolved by final order of the commission shall be exempt from RSA 541-A:29 and RSA 541-  
32 A:29-a, but shall be subject to federal and state time limitations applicable to specific matters. The  
33 transcript or minutes of oral deliberations shall not constitute a final order. A final order shall  
34 include, but not be limited to:

35           I. The identity of all parties;

36           II. [~~The positions of each party on each issue;~~

37           III.] A decision on each issue including the reasoning behind the decision; and

1           ~~[IV.]~~ **III.** The concurrence or dissent of each commissioner participating in the decision.

2           17 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend  
3 RSA 362-A:2, II-III to read as follows:

4           II. To facilitate the revenue calculations required under this chapter, entities described in  
5 subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the  
6 ~~[commission]~~ **department of energy** confidential annual reports of the retail telephone service  
7 revenue of such entities, and entities described in subparagraph I(e) shall file with the ~~[commission]~~  
8 **department of energy** confidential annual reports of sales volume and revenues, by customer class,  
9 and separately identifying the total revenues received from the distribution customers of each  
10 electric or natural gas distribution utility or the members of each rural electric cooperative for which  
11 a certificate of deregulation is on file with the commission. All other utilities and other assessed  
12 entities shall file information in accordance with applicable ~~[commission]~~ **department of energy**  
13 rules.

14           III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an  
15 annual basis and shall pay such assessed sum to the department of energy. Each electric load  
16 aggregator, and each aggregator of natural gas customers shall be assessed the sum of \$2,000 on an  
17 annual basis and shall pay such assessed sum to the department of energy. Each  
18 telecommunications carrier voluntarily registered with the ~~[commission]~~ **department of energy**  
19 shall be assessed the sum of \$1,000 on an annual basis and shall pay such sum to the department of  
20 energy.

21           18 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend  
22 RSA 362-A:2, VI to read as follows:

23           VI. A minimum amount shall be assessed to utilities and other assessed entities described in  
24 paragraph I having minimal revenues in such proportion as the ~~[public utilities commission]~~  
25 **department of energy** shall determine to be fair and equitable, provided that the minimum amount  
26 assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than \$1,000.

27           19 Procedures for Termination of Certain Utility Services. Amend RSA 363-B:1, III to read as  
28 follows:

29           III. Notwithstanding the foregoing, a gas or electric public utility may terminate service to a  
30 residential customer without prior notice to the customer or the ~~[commission]~~ **department** when:

- 31           (a) There exists unauthorized or fraudulent use or procurement of utility service;  
32           (b) A condition dangerous to the health, safety, or utility service of others exists;  
33           (c) There is a clear and present danger to life, health, or physical property; or  
34           (d) The customer has clearly abandoned the premises.

35           The utility shall notify the ~~[commission]~~ **department** after it has terminated service for any of  
36 these reasons.

37           20 Conference Provided. Amend RSA 363-B:2 to read as follows:



1 363-B:2 Conference Provided.

2 I. Any person who receives a notice of intent to terminate service pursuant to RSA 363-B:1  
3 and believes such proposed termination to be unjustified may request, prior to the date specified in  
4 the termination notice, a conference with the utility company involved to review the basis for the  
5 proposed termination. The conference with the utility company shall be conducted in person, by  
6 writing or by telephone as the customer may elect. If the customer is dissatisfied with the outcome  
7 of the conference he may, within 3 days after the conference if the conference is conducted in person,  
8 or within 5 days after the conference if the conference is conducted by writing or by telephone,  
9 request a conference with a staff member of the ~~[commission]~~ **department of energy** to review the  
10 basis for the proposed termination. The conference with the ~~[commission]~~ **department** may be  
11 conducted by writing or by telephone if the customer so elects.

12 II. In the event of a request for a conference with the public utility, the public utility shall  
13 continue service to the customer for 3 days after the conference if the conference was conducted in  
14 person, or for 5 days after the conference if the conference was conducted by writing or by telephone,  
15 or to the date specified in the notice of termination, whichever comes later.

16 III. During the conference with the utility company, the utility company shall inform the  
17 customer of his right to request a conference with a staff member of the ~~[commission]~~ **department**  
18 **of energy**. If the conference with the utility company is conducted in person, the customer shall be  
19 furnished a form for requesting a conference with a staff member of the ~~[commission]~~ **department**  
20 during the conference. If the conference with the utility company is conducted by writing or by  
21 telephone, the utility company shall mail the form to the customer by regular mail on the same day  
22 as the conference. In the event of a request for a conference with a staff member of the ~~[commission]~~  
23 **department**, the public utility shall continue service to the customer until such time as the staff  
24 member or the ~~[commission]~~ **department** determines that termination is justified.

25 21 Investigations by the Department of Energy. Amend RSA 365:4 to read as follows:

26 365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall  
27 appear to the department of energy that there are reasonable grounds therefor, it shall investigate  
28 the same in such manner and by such means as it shall deem proper. After investigation, the  
29 department of energy may bring proceedings on its own motion before the public utilities  
30 commission, with respect to any complaint or violation of any provision of law, rule, terms and  
31 conditions of its franchises or charter, or any order of the commission. ***If the party bringing the***  
32 ***complaint is unsatisfied with the disposition of the complaint by the department of energy,***  
33 ***then they may petition the public utilities commission to resolve the matter through an***  
34 ***adjudicative proceeding.***

35 22 Rights in Public Waters and Lands; Licenses for New Poles. Amend RSA 371:17 to read as  
36 follows:

1       371:17 Licenses for New Poles. Whenever it is necessary, in order to meet the reasonable  
2 requirements of service to the public, that any public utility should construct a pipeline, cable, or  
3 conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the  
4 public waters of this state, or over, under or across any of the land owned by this state, *modify a*  
5 *previously licensed installation, or license a previously constructed installation*, it shall  
6 [~~petition~~] *apply to* the department of energy for a license to construct and maintain the same. For  
7 the purposes of this section, "public waters" are defined to be all ponds of more than 10 acres,  
8 tidewater bodies, and such streams or portions thereof as the department of energy may prescribe.  
9 Every corporation and individual desiring to cross any public water or land for any purpose herein  
10 defined shall [~~petition~~] *apply to* the department of energy for a license in the same manner  
11 prescribed for a public utility. *The department of energy may condition any license issued*  
12 *under this paragraph in any manner necessary to assure that the license may be exercised*  
13 *without substantially affecting the public rights in public waters or state-owned lands.*  
14 *Using a non-adjudicative process, the department of energy may reject incomplete or*  
15 *improperly filed applications, and shall, also using non-adjudicative process, issue or deny*  
16 *the license within 90 days of receiving a complete application and all information*  
17 *subsequently requested of an applicant.*

18       23 Rights in Public Waters and Lands; Notice of License Issuance and Right to Appeal. RSA  
19 371:19 through RSA 371:23 are repealed and reenacted to read as follows:

20       371:19 Notice of License Issuance and of Right to Appeal. The department of energy shall  
21 publish notice of the license on its website and cause due notice of said issuance to be given to the  
22 attorney general as representative of the state, and to such owners of lands bordering the location of  
23 a state water crossing as the department of energy may designate. Said notice shall refer to the  
24 license and inform persons of the rights of appeal in RSA 371:20. The department of energy shall  
25 provide similar notice directly to applicants.

26       371:20 Rights of Appeal, Notice, and Order. Applicants and other persons directly affected by a  
27 decision of the department of energy to issue or deny a license may appeal a department decision to  
28 the public utilities commission within 30 days of the department's decision, and not thereafter.  
29 Whenever an appeal is timely filed, the commission shall hear all parties directly affected, except  
30 with respect to applicable safety standards and the applicability and validity of any department of  
31 energy rule. The commission may rescind the license or remand to the department of energy with  
32 instructions to issue, modify, or condition a license in any manner found necessary by the  
33 commission to assure that the license may be exercised without substantially affecting the public  
34 rights in public waters or state-owned lands. There shall be no right to appeal licenses issued for the  
35 exclusive purpose of furnishing facilities or utility services to the state or with regard to licenses  
36 issued to relocate facilities when the relocation is at the request of the state and the department of  
37 energy has limited the duration of the license to two years or less. Notwithstanding the foregoing,

1 the attorney general and owners of lands bordering the location of a public water crossing may  
2 appeal for the sole purpose of determining damages and compensation pursuant to RSA 371:21. The  
3 commission shall publish notice of the appeal and any related hearing on its website, provide notice  
4 of a contested case as required under RSA 541-A, and may require such additional notice as it deems  
5 proper.

6 371:21 Damages and Compensation. Whenever an appeal is timely filed, the commission shall,  
7 upon request of an affected property owner, determine the compensation, if any, to be paid to the  
8 owner of land bordering the site of a public water crossing for any damages caused by the  
9 continuation and maintenance of any structures, facilities or equipment installed in connection with  
10 the crossing, subject to appeal as provided in RSA 371:10. The commission shall also determine the  
11 amount of compensation to be paid to the state for rights on public waters or public lands as  
12 provided in section 371:20.

13 371:22 Rulemaking Authority. The department of energy is authorized to adopt rules to  
14 implement this chapter, and shall initiate a formal rulemaking process no later than December 31,  
15 2023. Until the department adopts rules, applicants shall apply for a license by petitioning the  
16 department of energy in the same manner as under prior law. The time limits stated in this chapter  
17 shall apply notwithstanding RSA 541-A:29, and the department shall not be subject to RSA 541-  
18 A:29-a. The commission may utilize its rules governing adjudicative proceedings for hearings and is  
19 authorized to adopt rules regarding appeals and compensation to be paid under this chapter.

20 371:23 Compensation to State. Any compensation payable to the state on account of any such  
21 license shall be paid to the state treasurer and, if derived from licenses affecting state forests or  
22 forestry reservations, shall be added to the forest improvement fund; otherwise, it shall be a part of  
23 the general funds of the state.

24 24 Investigation of Other Utilities. Amend RSA 374:7 to read as follows:

25 374:7 Investigation of Other Utilities; Orders. The commission and the department of energy  
26 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by  
27 public utilities and the methods employed by public utilities in manufacturing, transmitting or  
28 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph  
29 messages, or supplying water, and, after notice and hearing thereon, *the commission* shall have  
30 power to order all reasonable and just improvements and extensions in service or methods.

31 25 Reference Change; Service Territories Served by Certain Telephone Utilities. Amend RSA  
32 374:22-g, II to read as follows:

33 II. In determining the public good, the [~~commission~~] *department of energy* shall consider  
34 the interests of competition with other factors including, but not limited to, fairness; economic  
35 efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to  
36 realize a reasonable return on its investment; and the recovery from competitive providers of  
37 expenses incurred by the incumbent utility to benefit competitive providers, taking into account the

1 proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such  
2 expenses.

3 26 Pole Attachments. Amend RSA 374:34-a, VIII to read as follows:

4 VIII. The department of energy and the *public utilities commission* shall retain [it~~s~~]  
5 *their* authority to regulate the safety, vegetation management, emergency response, and storm  
6 restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and  
7 related plant and equipment of public utilities and other private entities located within public rights-  
8 of-way and on, over, or under state lands and water bodies.

9 27 Restructuring Policy Principals; Open Access. Amend RSA 374-F:3, IV to read as follows:

10 IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open  
11 access to the electric system for wholesale and retail transactions should be promoted.  
12 [~~Comparability should be assured for generators competing with affiliates of groups supplying~~  
13 ~~transmission and distribution services. Companies providing transmission services should file at the~~  
14 ~~FERC or with the commission, or with the department of energy, as appropriate, comparable service~~  
15 ~~tariffs that provide open access for all competitors.] The commission and the department should  
16 monitor companies providing transmission or distribution services and take necessary measures to  
17 ensure that no supplier has an unfair advantage in offering and pricing such services.~~

18 28 Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b, IV-V to read as  
19 follows:

20 IV. Unless the contract specifies a month-to-month variable rate, no competitive electric  
21 supplier shall charge a residential customer a variable rate, including during a contract term or  
22 following the expiration of a contract, without first providing written notification in a form approved  
23 by the [~~commission~~] *department of energy* of the nature of such variable rate 45 days prior to the  
24 commencement of the variable rate. The residential customer shall select the method of written  
25 notification at the time the contract is signed. Such customer shall have the option to change the  
26 method of notification at any time during the contract.

27 V. Competitive electric suppliers shall retain records of any of the notices required in this  
28 section for a period of not less than 2 years and shall make such records available to the  
29 [~~commission~~] *department of energy* upon its request.

30 29 Implementation of Retail Choice. Amend RSA 374-F:4, VIII(f) to read as follows:

31 (f) Beginning in 2000, [~~the commission and~~] the department shall submit a report to the  
32 legislative oversight committee to monitor the transformation of delivery of electric services by  
33 October 1 of each year. The report shall concern the results and effectiveness of the system benefits  
34 charge.

35 30 Electric Utility Restructuring; Participation in Regional Activities. Amend RSA 374-F:8 to  
36 read as follows:

1           374-F:8 Participation in Regional Activities. The department shall advocate for New Hampshire  
2 interests before the Federal Energy Regulatory Commission and other regional and federal bodies.  
3 The commission shall participate in the activities of the New England Conference of Public Utility  
4 Commissioners, and the National Association of Regulatory Utility Commissioners *as the New*  
5 *Hampshire member agency*, and the department shall participate in the activities of the New  
6 England States Committee on Electricity, or other similar organizations *as the New Hampshire*  
7 *member agency*, and work with the New England Independent System Operator and NEPOOL to  
8 advance the interests of New Hampshire with respect to wholesale electric issues, including policy  
9 goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure  
10 nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and  
11 reasonable prices. *Employees of the commission and the department are not otherwise*  
12 *prohibited from participating in the activities of the aforementioned organizations in*  
13 *which the other agency has the lead role.* The department shall advocate against proposed  
14 regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New  
15 Hampshire. In its participation in regional activities, the commission and the department shall  
16 consider how other states' policies will impact New Hampshire rates and work to prevent or  
17 minimize any rate impact the commission or department determines to be unjust or unreasonable.

18           31 Reference Change; Investigations of Energy Storage. Amend RSA 374-H:3 to read as follows:  
19           374-H:3 [~~Commission~~] *Department of Energy* Investigation of Energy Storage.

20           I. The [~~commission~~] *department of energy* shall investigate ways to enable energy storage  
21 projects to receive compensation for avoided transmission and distribution costs, including avoided  
22 regional and local network service charges, while also participating in wholesale energy markets.  
23 The [~~commission~~] *department* shall investigate how this might be done for both utility-owned and  
24 non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-  
25 the-meter storage.

26           II. The [~~commission's~~] *department's* investigative proceeding shall specifically consider the  
27 following:

28           (a) How public policy can best establish accurate and efficient price signals for energy  
29 storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity  
30 market prices.

31           (b) How to compensate energy storage projects that participate in wholesale electricity  
32 markets for actual avoided transmission and distribution costs in a manner that provides net  
33 savings to consumers.

34           (c) How best to encourage both utility and non-utility investments in energy storage  
35 projects.

36           (d) The costs and benefits of a potential bring your own device program; how such a  
37 program might be implemented; any statutory or regulatory changes that might be needed to create,

1 facilitate, and implement such a program; and whether such a program should include all  
2 distributed energy resources or be limited to distributed energy storage projects.

3 (e) Any statutory changes the general court should implement, including but not limited  
4 to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to  
5 receive appropriate compensation for actual avoided transmission and distribution costs while also  
6 participating in wholesale energy markets.

7 (f) Any other topic the [~~commission~~] *department* reasonably believes it should consider  
8 in order to diligently conduct the proceeding.

9 III. The [~~commission~~] *department* shall report its findings and recommendations to the  
10 standing committees of the house of representatives and senate with jurisdiction over energy and  
11 utility matters no later than 2 years after initiating the proceeding. The report shall identify ways  
12 any recommended statutory changes can minimize any potential conflict with the restructuring  
13 policy principles of RSA 374-F.

14 32 Reference Change; State Operating Budget. The commissioner of the department of  
15 administrative services shall change the title of organization code 1892 from adjudicative  
16 commissioners to the public utilities commission.

17 33 Repeals. The following are repealed:

18 I. RSA 12-P:12, relative to prohibited service.

19 II. RSA 371:17-a, relative to new attachments on existing utility poles.

20 III. RSA 371:17-b, relative to temporary licenses for existing crossings on existing poles.

21 IV. RSA 371:18, relative to exceptions to hearing requirements.

22 V. RSA 374-F:3, V(b), relative to transition service.

23 34 Effective Date. This act shall take effect 60 days after its passage.

**HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY**

**EXECUTIVE SESSION on HB 1258**

**BILL TITLE:** relative to the implementation of the department of energy.

**DATE:** March 1, 2022

**LOB ROOM:** 306-308

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Harrington                      Seconded by Rep. Notter                      AM Vote: 18-4

Amendment # 2022-0851h

Moved by Rep. Harrington                      Seconded by Rep. Notter                      Vote: 22-0

**CONSENT CALENDAR: NO**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk



1/22/2021 10:09:50 AM  
Roll Call Committee Registers  
Report

## 2022 SESSION

## Science, Technology and Energy

Bill #: HB1258 Motion: OTP/A AM #: \_\_\_\_\_ Exec Session Date: 03/01/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman	x		
Thomas, Douglas W. Vice Chairman	x		
Harrington, Michael D.	x		
Notter, Jeanine M.	x		
Merner, Troy E.	x		
Plett, Fred R. Clerk	x		
Berezhny, Lex	x		
Bernardy, JD	x		
Cambrils, Jose E.	x		
Ploszaj, Tom	x		
White, Nick D.	x		
Lewicki, John	x		
<del>Somssich, Peter F.</del> Massimilla, Linda	x		
Cali-Pitts, Jacqueline A.	x		
Mann, John E.	x		
Oxenham, Lee Walker	x		
<del>Vincent, Kenneth S.</del> Horrigan, Tim	x		
McGhee, Kat	x		
McWilliams, Rebecca J.	x		
<del>Chretien, Jacqueline H.</del> Hakken-Phillips, Mary	x		
Pimentel, Roderick L.	x		





2022 SESSION

Science, Technology and Energy

Bill #:	HB1258	Motion:	OTP/A	AM #:		Exec Session Date:	03/01/2022
Parshall, Lucius					x		
<b>TOTAL VOTE:</b>					22	0	



1/22/2021 10:09:50 AM  
Roll Call Committee Registers  
Report

## 2022 SESSION

## Science, Technology and Energy

Bill #: HB1258 Motion: Adopt AM #: 0851H Exec Session Date: 03/01/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman	x		
Thomas, Douglas W. Vice Chairman	x		
Harrington, Michael D.	x		
Notter, Jeanine M.	x		
Merner, Troy E.	x		
Plett, Fred R. Clerk	x		
Berezhny, Lex	x		
Bernardy, JD	x		
Cambrils, Jose E.	x		
Ploszaj, Tom	x		
White, Nick D.	x		
Lewicki, John	x		
<del>Somssich, Peter F.</del> Massimilla, Linda	x		
Cali-Pitts, Jacqueline A.		x	
Mann, John E.		x	
Oxenham, Lee Walker		x	
<del>Vincent, Kenneth S.</del> Horrigan, Tim		x	
McGhee, Kat	x		
McWilliams, Rebecca J.	x		
<del>Chretien, Jacqueline H.</del> Hakken-Phillips, Mary	x		
Pimentel, Roderick L.	x		



1/22/2021 10:09:50 AM  
Roll Call Committee Registers  
Report

2022 SESSION

Science, Technology and Energy

Bill #: HB1258      Motion: Adopt      AM #: 0851H      Exec Session Date: 03/01/2022

Parshall, Lucius

TOTAL VOTE:

	x		
	18	4	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

**SUBCOMMITTEE WORK SESSION** on HB 1258

**BILL TITLE:** relative to the implementation of the department of energy.

**DATE:** February 14, 2022

**Subcommittee Members:** Reps. Vose, Harrington, Plett, Bernardy, Somssich, Cali-Pitts, Oxenham and McGhee

**Comments and Recommendations:** \*Dave Shulock, Griffin Roberge (request for statutory amendments). New list. Went through list. 1) DOE to start administrative process for crossings, appeal process through DPU. 2) HB1104 several years ago passed to shorten time agencies for requests. A # of agencies asked for exceptions – DES, NHPUC got exemptions for almost all. Virtually nothing that occurs that does not involve uniformed ratepayer. Takes time. These amendment requests preserve that. The work went from PUC to DOE, exceptions didn't. This fixes that error. Appellate level is Supreme Court. 3. Competitive suppliers – goes to DOE. Stray reference, correct typo. 4. Cancelled. 5; HB1258 3 & 4 – bright red line – eliminating language and replacing – ex-parte communication – if in litigated docket, sides couldn't talk except on the record, with all parties. If not litigated, communications OK. Improvement. 6. Mea culpa – HB2 setup a system where PUC and DOE could continue to enforce existing PUC rules. Drafters wanted to make nothing fell through the cracks. Another position on 541(A) – when a statute is passed, the rules expire when no longer accurate due to statute. Asking for an exemption until rulemaking takes place because impossible. Procedural rules by DOJ would be default. Will eventually put in new rules. Exemption would last forever until adopt new rules. Discussion about a 5-year sunset. That was accepted – procedural and organizational rules. 7. Replace “commission” to “department of energy” several places in assessment statute. Assessments to cover PUC, DOE, Consumer Advocate. Budget for PUC and OCA come from legislature, so DOE won't control purse strings. 8. With respect to disconnections and service terminations revert from DOE to PUC. HB1258 section corrects an oversight to give to DOE but one provision should remain PUC. 9. Complaints – filed with DOE, referred to NHPUC for adjudication – DOE and NHPUC both do more than utilities, so statute should not specify. 10. Affiliate agreements in utilities, PUC doesn't approve – so fixing an historic mistake. Only dealt with in rate cases. 11. One of matters of discussion – safety – both DOE and PUC would retain authority. They can't bargain away state's authority to regulate. DOE may set regulations, PUC adjudicates them. 12. RGGI reports from DES and DOE. Staff is now there. In bill 1258 –Amend by getting rid of superfluous language, page 7. Section II will be no longer necessary, and audits will be worked out by MOU. Department automatically audits test year. Appearances before FERC still being worked out. NESCOE managers now over to DOE. NESCOE support function at DOE but manager, appointed by Governor, could be PUC Commissioner or anybody else.

HB1258 P. 2 line 36 removes requirement of positions of each party, but doesn't preclude. Simplifies simple orders.

Donna Gamache, explanations today cleared up any confusion. Eversource OK.

David Shulock will draft an amendment to HB1258 for Rep. Harrington to run through OLS.

Clifton Below – concern – restructuring – Section 10 of the bill – Page 4, top - complaints. 1 Court Street Associates filed complaint with PUC re Liberty Utilities – 4 years in limbo. He can't represent Lebanon – he has a private interest. Liberty disclaims ownership – Right now only DOE can bring over to PUC, not private entity. Concern is if DOE says we'll try to work this out, you can close the case, have we avoided our rights? If customer not satisfied, appeal to Supreme Court. Due process rights. No adjudication. Department is aware of this issue. What if in section 10 – he suggests language - if party unsatisfied, request hearing before NHPUC in adjudicated proceeding. Shulock – sounds like a docket was opened, haven't closed, will follow through to the end. Shulock to take language back to parties.

Intent to Exec remaining bills February 28 & March 5. Amendment needs to be submitted by February 25th. S/C meet about February 22, 2022? OLS needs it before that. Say February 18th? S/C to be set up for February 22, 10 AM.

**Respectfully submitted,**

**Rep. Fred Plett  
Subcommittee Clerk**

state's authority to regulate. DOE may set regulations, PUC adjudicates them. 12. RGGI reports from DES and DOE. Staff is now there.

In bill 1258 –Amend by getting rid of superfluous language, page 7. Section II will be no longer necessary, and audits will be worked out by MOU. Department automatically audits test year. Appearances before FERC still being worked out. NESCOE managers now over to DOE. NESCOE support function at DOE but manager, appointed by Governor, could be PUC Commissioner or anybody else.

HB1258 P. 2 line 36 removes requirement of positions of each party, but doesn't preclude. Simplifies simple orders.

Donna Gamache, explanations today cleared up any confusion. Eversource OK.

David Shulock will draft an amendment to HB1258 for Rep. Harrington to run through OLS.

Clifton Below – concern – restructuring – Section 10 of the bill – Page 4, top - complaints. 1 Court Street Associates filed complaint with PUC re Liberty Utilities – 4 years in limbo. He can't represent Lebanon – he has a private interest. Liberty disclaims ownership – Right now only DOE can bring over to PUC, not private entity. Concern is if DOE says we'll try to work this out, you can close the case, have we avoided our rights? If customer not satisfied, appeal to Supreme Court. Due process rights. No adjudication. Department is aware of this issue. What if in section 10 – he suggests language - if party unsatisfied, request hearing before NHPUC in adjudicated proceeding. Shulock – sounds like a docket was opened, haven't closed, will follow through to the end. Shulock to take language back to parties.

Intent to Exec remaining bills February 28 & March 5. Amendment needs to be submitted by February 25<sup>th</sup>. S/C meet about February 22, 2022? OLS needs it before that. Say February 18<sup>th</sup>? S/C to be set up for February 22, 10 AM.



HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

Subcommittee Work Session on Bill # HB1258

BILL TITLE: Relative to the implementation of the department of energy.

DATE: February 14, 2022

ROOM: 306-308 Time Public Hearing Called to Order: 10:00 AM

Time Adjourned: 11:58 PM

(please circle if present)

Committee Members: Reps. Vose, Thomas, Plett, Harrington, Notter, Merner, Berezhny, xBernardy, Cambrils, Ploszaj, White, Lewicki, Somssich, Cali-Pitts, Mann, Oxenham, Vincent, McGhee, McWilliams, Chretien, Pimental and Parshall

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harrington – 3 sets of comments.

\*Dave Shulock, Griffin Roberge (request for statutory amendments). New list. Went through list. 1) DOE to start administrative process for crossings, appeal process through DPU. 2) HB1104 several years ago passed to shorten time agencies for requests. A # of agencies asked for exceptions – DES, NHPUC got exemptions for almost all. Virtually nothing that occurs that does not involve uniformed ratepayer. Takes time. These amendment requests preserve that. The work went from PUC to DOE, exceptions didn't. This fixes that error. Appellate level is Supreme Court. 3. Competitive suppliers – goes to DOE. Stray reference, correct typo. 4. Cancelled. 5; HB1258 3 & 4 – bright red line – eliminating language and replacing – ex-parte communication – if in litigated docket, sides couldn't talk except on the record, with all parties. If not litigated, communications OK. Improvement. 6. Mea culpa – HB2 setup a system where PUC and DOE could continue to enforce existing PUC rules. Drafters wanted to make nothing fell through the cracks. Another position on 541(A) – when a statute is passed, the rules expire when no longer accurate due to statute. Asking for an exemption until rulemaking takes place because impossible. Procedural rules by DOJ would be default. Will eventually put in new rules. Exemption would last forever until adopt new rules. Discussion about a 5-year sunset. That was accepted – procedural and organizational rules. 7. Replace “commission” to “department of energy” several places in assessment statute. Assessments to cover PUC, DOE, Consumer Advocate. Budget for PUC and OCA come from legislature, so DOE won't control purse strings. 8. With respect to disconnections and service terminations revert from DOE to PUC. HB1258 section corrects an oversight to give to DOE but one provision should remain PUC. 9. Complaints – filed with DOE, referred to NHPUC for adjudication – DOE and NHPUC both do more than utilities, so statute should not specify. 10. Affiliate agreements in utilities, PUC doesn't approve – so fixing an historic mistake. Only dealt with in rate cases. 11. One of matters of discussion – safety – both DOE and PUC would retain authority. They can't bargain away



2022 SESSION

Science, Technology and Energy

Bill #: HB1258 Motion: OTP AM #: 2022-0758H Exec Session Date: 02/22/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman			
Thomas, Douglas W. Vice Chairman			
Harrington, Michael D.			
Notter, Jeanine M.			
Merner, Troy E.			
Plett, Fred R. Clerk			
Berezhny, Lex			
Bernardy, JD			
Cambrils, Jose E.			
Ploszaj, Tom			
White, Nick D.			
Lewicki, John			
Somssich, Peter F.			
Cali-Pitts, Jacqueline A.			
Mann, John E.			
Oxenham, Lee Walker			
Vincent, Kenneth S.			
McGhee, Kat			
McWilliams, Rebecca J.			
Chretien, Jacqueline H.			
Pimentel, Roderick L.			





1/22/2021 10:09:50 AM  
Roll Call Committee Registers  
Report

2022 SESSION

Science, Technology and Energy

Bill #: HB1258 Motion: OTP AM #: 2022-0758H Exec Session Date: 02/22/2022

Parshall, Lucius

TOTAL VOTE:


# SUBCOMMITTEE WORK SESSION on HB 1258

**BILL TITLE:** relative to the implementation of the department of energy.

**DATE:** 2/22/22

**Subcommittee Members:** Reps. Plett, Harrington, Bernardy, Somssich, Cali-Pitts, McGhee and Pimentel

**Comments and Recommendations:**  
document from OLS Yes.

David Shulock, Griffin Roberge: Section 1 same. Section 2: Part of change modified makes Department automatic participant in PUC proceedings. Shulock – requested in statute getting confidential information. Transferred people and analysis to DOE so transferred right to DOE as well. VII P. 2 language stricken because it has been inserted pages 19 & 20. 541-A: It has to do with Ex-Parte communications. Discussion about budgets – set by Governor and Legislature, not DOE. DOE collects and distributes. P. 3 replaces PUC with DOE for RGGI reports. Somssich – For good cause DOE can delay or accelerate by one year percentage changes – Shulock – could be due to practical available. P. 4 – strikes positions of each party in order. Exemptions bottom of page 3 timeline – 60 days for notice, 120 days final action, then cut in half to 30 and 60 days, with these exemptions is not binding on PUC. Telecom went from a 100% of revenue assessment to 33% when deregulated. P. 5 Section 15 363:B transferred to DOE from PUC re: termination of service. Section 16 – differs from bill as introduced, New language – complaint to department allows complainant to go to PUC if DOE doesn't think so. Page 6 – changes to crossing statute. Csn be handled administratively by DOE but can have an adjudicative hearing at PUC. Allows for hearing if parties disagreed. This makes proceedings before DOE fully administrative – People can request a hearing before PUC. NISI – without a hearing. McGhee- numerous hearings on poles needed for new technologies – cell companies are not public utilities. 5G may be attached to utility – other entities would need to file to become a public utility for the purpose of crossing. Current statute has exemptions, license by notification. This would do away with all exemptions, DOE review for at least safety. Down to line 27 page 7. all part of the crossing statute. Page 8, Section 21, pole attachments, both agencies should retain authority for safety, vegetation management, etc. P. 8, lines 16-22 – add last sentence back in. Section 24 – SBC report – DOE should do.

Summary of changes – include HB1258 in it.re data platform; Shulock changes to 125-O; add sentence back in on p. 8 lines 20-23; add a 5 year term for revising rules.

---

---

---

**MOTIONS:** OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted

\_\_\_\_\_ Amendment Failed

**MOTIONS:**      OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)  
(Please circle one)

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      AM Vote: \_\_\_\_\_

Adoption of Amendment # \_\_\_\_\_

Moved by Rep. \_\_\_\_\_      Seconded by Rep. \_\_\_\_\_      Vote: \_\_\_\_\_

\_\_\_\_\_ Amendment Adopted

\_\_\_\_\_ Amendment Failed

Respectfully submitted,

Rep. \_\_\_\_\_  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

*Subcommittee hearing*

PUBLIC HEARING on Bill # HB1258

BILL TITLE: relative to the implementation of the department of energy

DATE: 02/22/2022

ROOM: 306-308 Time Public Hearing Called to Order: 10:02 AM

Time Adjourned: 11:30 AM

(please circle if present)

**Committee Members:** Reps. Vose, Thomas, Plett, Harrington, Notter, Merner, Berezhny, Bernardy, Cambrils, Ploszaj, White, Lewicki, Somssich, Cali-Pitts, Mann, Oxenham, Vincent, McGhee, McWilliams, Chretien, Pimental and Parshall (yellow not present).

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**\*Discussion on HB1258 Amendment 2022-0758H:** Q. Chairman Vose: Does this include document from OLS Yes.

David Shulock, Griffin Roberge: Section 1 same. Section 2: Part of change modified makes Department automatic participant in PUC proceedings. Shulock – requested in statute getting confidential information. Transferred people and analysis to DOE so transferred right to DOE as well. VII P. 2 language stricken because it has been inserted pages 19 & 20. 541-A: It has to do with Ex-Parte communications. Discussion about budgets – set by Governor and Legislature, not DOE. DOE collects and distributes. P. 3 replaces PUC with DOE for RGGI reports. Somssich – For good cause DOE can delay or accelerate by one year percentage changes – Shulock – could be due to practical available. P. 4 – strikes positions of each party in order. Exemptions bottom of page 3 timeline – 60 days for notice, 120 days final action, then cut in half to 30 and 60 days, with these exemptions is not binding on PUC. Telecom went from a 100% of revenue assessment to 33% when deregulated. P. 5 Section 15 363:B transferred to DOE from PUC re: termination of service. Section 16 – differs from bill as introduced, New language – complaint to department allows complainant to go to PUC if DOE doesn't think so. Page 6 – changes to crossing statute. Csn be handled administratively by DOE but can have an adjudicative hearing at PUC. Allows for hearing if parties disagreed. This makes proceedings before DOE fully administrative – People can request a hearing before PUC. NISI – without a hearing. McGhee- numerous hearings on poles needed for new technologies – cell companies are not pubic utilities. 5G may be attached to utility – other entities would need to file to become a public utility for the purpose of crossing. Current statute has exemptions, license by notification. This would do away with all exemptions, DOE review for at least safety. Down to line 27 page 7, all part of the crossing statute. Page 8, Section 21, pole attachments, both agencies should retain authority for safety, vegetation management, etc. P. 8, lines 16-22 – add last sentence back in. Section 24 – SBC report – DOE should do.

Summary of changes – include HB1258 in it, re data platform; Shulock changes to 125-O; add sentence back in on p. 8 lines 20-23; add a 5 year term for revising rules.

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 1258

**BILL TITLE:** relative to the implementation of the department of energy.

**DATE:** January 25, 2022

**LOB ROOM:** 306-308                      **Time Public Hearing Called to Order:** 3:30 p.m.

**Time Adjourned:** 4:47 p.m.

**Committee Members:** Reps. Vose, Thomas, Plett, Harrington, Notter, Merner, Berezhny, Bernardy, Cambrils, Ploszaj, White, Somssich, Cali-Pitts, Mann, Oxenham, Lewicke, McGhee, McWilliams, Chretien, Pimentel and Parshall

**Bill Sponsors:**

**Rep. Harrington**

**Rep. Vose**

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harrington – Bill sponsor – DOE creation last year wasn't perfect – this is a clean up bill from lessons learned. Not presenting amendment today but may come. Recommendation to chair is to have a subcommittee. Cali-Pitts – subcommittee would have 5 members, but anybody can attend. McGhee – bolded language on page 1 – DOE conducting audit of utilities? Auditing folks who were with PUC now with DOE.

Chris Ellms, Asst, Deputy Commissioner. David Shulock passing on potential amendments. # of conversations with Harrington, NHPUC.

David Shulock, DOE General Council – loose ends need to be taken care of. He's been through this before, could take 2 hours – he proposes high points only. Important changes – Sections 8-10 of bill as introduced transfer authority of disconnections – consumer protection apparatus to DOE, but responsibility stayed with PUC – needs to be fixed. On their list, housekeeping on utility assessment needs to go to DOE, was done but lots of stray references need to be cleaned up. Before a utility to cross public land, waterways, split process between DOE and PUC. Licensing should be completely administrative, not adjudicative, but an appeal could be made to NHPUC. Very rare. McGhee – curious resources from PUC moved over about bright red line between regulatory distinction with respect to community power. How statutory requirements don't remove red line? Community power is still being discussed with PUC – DOE sees this as not rate setting but overview of plans. McGhee - A lot in here. Clarify what stays with NHPUC. Answer – both agencies given oversight of utilities, some overlap and confusion, that is why discussions with DOE, NHPUC, and Department of Justice. That process will take a while. Somssich – A lot of questions – Who is responsible for what? Answer – that is the purpose of this bill and following bills. Statutes are constructed so that we are two different agencies. DOE will appear before NHPUC as witness, NHPUC will decide what to do. Can't tell NHPUC what to do. NHPUC full of rate analysts, economists. Now at DOE so communications will occur through filings in dockets. NHPUC can't tell DOE what to file, DOE can't tell NHPUC what to decide. Vose – how many people? DOE – low 70's population count, NHPUC somewhere around 20. NHPUC has 6 senior advisors. Much smaller staff, but not able to do number crunching DOE can do. OCA utility assessment. DOE utility assessment and some federal funding, and RPS. SEC is funded by applicant fees and general fund. NHPUC by utility assessment. Cali-Pitts – is NHPUC being slowly dissolved? No – smaller, more focused, adjudicative. DOE is administrative. Cognizant of not wanting to duplication efforts. Mann – curious – a lot of this – policy, climate change, energy efficiency, etc. DOE has role? Answer – Yes. Energy strategy, consumer, safety, etc. Mann – Strategic thinking? Answer – regardless of

differences in ideology, Chris Ellms said 2014 had a \$250,000 budget, didn't exist since. Chretien – Auditing. Answer – based on test year expenses, they are fully audited – has a relationship to reality. Do desk audits. If Commission wants an audit, can't do, but can ask the DOE to do. DOE also has ability to contract outside. Reference to provisions 541A:29? Answer – requires agency to respond within 30 days. This is what is missing from application, etc. Action within 60 days or opening of adjudicative proceeding, etc. That type of automatic timeline are impossible. When HB1104 went through, agencies were granted exceptions, NHPUC got most, now DOE. Medical need for service, notifications have been made, etc. when customer hasn't paid in 5 years. Not everything at NHPUC was that dramatic. Oversight, but exemptions did not follow.

Clifton Below – Generally supportive of trying to work things out. He is here to address one issue, 3 repeals RSA374:F4 something or other. Fourth principle – nondiscriminatory – don't repeal whole thing, keep consumer access. If customer can choose supplier, would have access to grid – if utility, can't have better access. Utilities used to be able to discriminate, can't now. Open non-discriminatory access. Is it a problem with no utility owned generation? Answer – really not but ensures non-discrimination. He is willing to help PUC and DOE sort things out. Pole attachments – Congress gave FCC authority to pole attachments. Federal statute, states can do this in lieu of FCC. Balancing test needs to go with rate setting – maybe could be a problem with federal law – not saying that but it is a concern. He thinks he can contribute. Things can be cleaned up.

Eric Wind – NHPUC – Senior advisor. Pleased to work with DOE. Will address – audit function high priority. If NHPUC requests, DOE may not turn down but concern. Staffing – 14 staff right now, 10 staff. Two would need further study are pole attachments, and community power. Members and staff worked, not him until yesterday. But they either support or take no position. Somssich – what do you think are top 3 basic – pole attachments, community power, factors make certain are considered. Audit is a priority. Section 11, affiliate agreements, and NHPUC authorization before FERC. Chretien – last page, section 20 – 1 – repealing requirement – duplicative of 363 provision.

Respectfully Submitted,

Rep Fred Plett





# House Remote Testify

## Science, Technology and Energy Committee Testify List for Bill HB1258 on 2022-01-25

Support: 2 Oppose: 32 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Lane, Connie	Concord, NH nhlanes@comcast.net	An Elected Official	Merrimack House District 12	Oppose	No	No	1/21/2022 5:27 PM
O'Neill, Nan	SALISBURY, NH raptorko@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/22/2022 1:22 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	1/22/2022 2:12 PM
Nardino, Marie	Andover, NH mdnardino@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/22/2022 4:20 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/22/2022 5:19 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	1/22/2022 9:20 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:26 AM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Oppose	No	No	1/23/2022 9:35 AM
Gilman, Julie	Exeter, NH Julie.gilman@leg.state.nh.us	An Elected Official	Town of Exeter	Oppose	No	No	1/23/2022 4:05 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Oppose	No	No	1/23/2022 6:11 PM
Chase, Wendy	Rollinsford, NH wendy.chase@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/23/2022 7:48 PM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 8:32 AM
Meuse, David	Portsmouth, NH David.Meuse@leg.state.nh.us	An Elected Official	Rockingham 29	Oppose	No	No	1/24/2022 8:45 AM



Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 9:25 AM
Hakken-Phillips, Mary	Hanover, NH mhp4nhrep@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 9:35 AM
Chase, Susan	ANDOVER, NH SRFCHASE@GMAIL.COM	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:26 AM
Darling, Gisela	Andover, NH darlinggi@tds.net	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:52 AM
levesque, cassandra	Barrington, NH cassandra.levesque@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/24/2022 11:14 AM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 2:17 PM
Moulton, Caroline	Andover, NH carolinemoulton@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 2:43 PM
Robinson, Ellis	Grantham, NH EllisMMRobinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 6:37 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 9:45 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	1/24/2022 10:12 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:18 PM
Findley, Sally	Grantham, NH findley.se@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 10:54 PM
Broshek, Mary Anne	Andover, NH mabandsadie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/24/2022 11:20 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	1/25/2022 6:03 AM
Courtney, Jo-Ellen	Enfield, NH jecourtney820@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 8:03 AM
Smith, suzanne	Hebron, NH suzanne.smith@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/25/2022 9:25 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Oppose	No	No	1/25/2022 9:34 AM
Rich, Martha	Enfield, NH martha.rich@thet.net	A Member of the Public	Myself	Oppose	No	No	1/25/2022 11:10 AM

Smith, Nancy	Enfield, NH nancysmith8@me.com	A Member of the Public	Myself	Oppose	No	No	1/25/2022 11:53 AM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/25/2022 1:14 PM
Schuett, Dianne	Pembroke, NH dianne.schuett@leg.state.nh.us	An Elected Official	Merr. Dist. 20	Oppose	No	No	1/25/2022 11:24 PM

**HB 1258 - AS INTRODUCED**

2022 SESSION

22-2162

12/10

HOUSE BILL            **1258**

AN ACT                relative to the implementation of the department of energy.

SPONSORS:            Rep. Harrington, Straf. 3; Rep. Vose, Rock. 9

COMMITTEE:          Science, Technology and Energy

---

ANALYSIS

This bill makes various changes to amend the powers and duties of the public utilities commission and the department of energy.

-----

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

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT relative to the implementation of the department of energy.

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

1 1 Department of Energy; General Provisions. Amend RSA 12-P:3, II to read as follows:

2 II. The department of energy is authorized to work with the department of business and  
3 economic affairs, ***the public utilities commission***, and the department of administrative services  
4 to coordinate the implementation of the establishment of the department, and to transfer  
5 appropriations and create the proper expenditure lines, if needed, for the establishment of their  
6 respective operations, including but not limited to the relocation of personnel, work stations, books,  
7 papers, personnel record files, and equipment, with the approval of the governor and council and of  
8 the director of personnel.

9 2 Department of Energy; Division of Enforcement. Amend RSA 12-P:8 to read as follows:

10 12-P:8 Division of Enforcement. There is established within the department the division of  
11 enforcement, under the supervision of an unclassified director of the division of enforcement. The  
12 division, through its officials, shall be responsible for all functions, duties, and responsibilities which  
13 may be assigned to it by the commissioner or laws enacted by the general court. ***The division shall  
14 conduct an audit related to the operation of public utilities in the state, which, in the  
15 opinion of the commission or the department of energy, ought to be audited. The resulting  
16 audit report shall be filed with the commission and become part of the record.***

17 3 New Paragraph; Department of Energy; General Provisions. Amend RSA 12-P:3 by inserting  
18 after paragraph II the following new paragraph:

19 III. The department shall automatically be a party to all proceedings before the public  
20 utilities commission. Any person or party that initiates a proceeding before the public utilities  
21 commission by petition or otherwise shall provide a copy to the department at the time of filing. Any  
22 person or party filing confidential information in any proceeding in which the department may  
23 appear, or exchanging confidential information in discovery or otherwise, shall provide the  
24 department with such confidential information.

25 4 Regulatory Support; Reference Deleted. Amend RSA 12-P:9 to read as follows:

26 12-P:9 Division of Regulatory Support. There is established within the department the division  
27 of regulatory support, under the supervision of an unclassified director of the division of regulatory  
28 support. The division, through its officials, shall be responsible for all functions, duties, and  
29 responsibilities which may be assigned to it by the commissioner or laws enacted by the general  
30 court. ~~[The division shall automatically be a party to all proceedings before the public utilities  
31 commission.]~~

**HB 1258 - AS INTRODUCED**  
**- Page 2 -**

1           5 Energy Efficiency and Sustainable Energy Board. RSA 125-O:5-a, II is repealed and reenacted  
2 to read as follows:

3           II. The members of the board shall be as follows:

4           (a) The commissioner of the department of energy, or designee.

5           (b) The consumer advocate, or designee.

6           (c) The commissioner of the department of environmental services, or designee.

7           (d) The commissioner of the department of business and economic affairs, or designee.

8           (e) The president of the Business and Industry Association of New Hampshire, or  
9 designee.

10          (f) The executive director of the New Hampshire Municipal Association, or designee.

11          (g) The executive director of New Hampshire Legal Assistance, or designee.

12          (h) The president of the Homebuilders and Remodelers Association of New Hampshire,  
13 or designee.

14          (i) Two members of the house committee with jurisdiction over energy matters,  
15 appointed by the speaker of the house of representatives.

16          (j) One member of the senate committee with jurisdiction over energy matters,  
17 appointed by the president of the senate.

18          (k) Three representatives from not-for-profit groups representing energy, environmental,  
19 consumer, or public health issues and knowledgeable in energy conservation policies and programs,  
20 appointed by the commissioner of the department of energy.

21          (l) The commissioner of the department of administrative services, or designee.

22          (m) The state fire marshal, or designee.

23          (n) The executive director of the New Hampshire housing finance authority, or designee.

24          6 Reference Change. Amend RSA 362-F:4, V to read as follows:

25           V. For good cause, and after notice and hearing, the ~~[commission]~~ **department of energy**  
26 may accelerate or delay by up to one year, any given year's incremental increase in class I or II  
27 renewable portfolio standards requirement under RSA 362-F:3.

28          7 Final Orders Issued by the Public Utilities Commission. Amend RSA 363:17-b to read as  
29 follows:

30          363:17-b Final Orders. The commission shall issue a final order on all matters presented to it.  
31 Matters resolved by final order of the commission shall be exempt from RSA 541-A:29 and RSA 541-  
32 A:29-a, but shall be subject to federal and state time limitations applicable to specific matters. The  
33 transcript or minutes of oral deliberations shall not constitute a final order. A final order shall  
34 include, but not be limited to:

35           I. The identity of all parties;

36           II. ~~[The positions of each party on each issue;~~

37           ~~III.]~~ A decision on each issue including the reasoning behind the decision; and

1           ~~[IV.]~~ **III.** The concurrence or dissent of each commissioner participating in the decision.

2           8 Procedures for Termination of Certain Utility Services. Amend RSA 363-B:1, II-III to read as  
3 follows:

4           II. For purposes of this section, good cause shall mean violation of any tariff provision then  
5 in force as approved by the ~~[public utilities commission]~~ **department of energy**, or nonpayment of  
6 charges that are past due and remain unpaid after proper demand for them.

7           III. Notwithstanding the foregoing, a gas or electric public utility may terminate service to a  
8 residential customer without prior notice to the customer or the ~~[commission]~~ **department** when:

9                   (a) There exists unauthorized or fraudulent use or procurement of utility service;

10                   (b) A condition dangerous to the health, safety, or utility service of others exists;

11                   (c) There is a clear and present danger to life, health, or physical property; or

12                   (d) The customer has clearly abandoned the premises.

13           The utility shall notify the ~~[commission]~~ **department** after it has terminated service for any of  
14 these reasons.

15           9 Conference Provided. Amend RSA 363-B:2 to read as follows:

16           363-B:2 Conference Provided.

17           I. Any person who receives a notice of intent to terminate service pursuant to RSA 363-B:1  
18 and believes such proposed termination to be unjustified may request, prior to the date specified in  
19 the termination notice, a conference with the utility company involved to review the basis for the  
20 proposed termination. The conference with the utility company shall be conducted in person, by  
21 writing or by telephone as the customer may elect. If the customer is dissatisfied with the outcome  
22 of the conference he may, within 3 days after the conference if the conference is conducted in person,  
23 or within 5 days after the conference if the conference is conducted by writing or by telephone,  
24 request a conference with a staff member of the ~~[commission]~~ **department of energy** to review the  
25 basis for the proposed termination. The conference with the ~~[commission]~~ **department** may be  
26 conducted by writing or by telephone if the customer so elects.

27           II. In the event of a request for a conference with the public utility, the public utility shall  
28 continue service to the customer for 3 days after the conference if the conference was conducted in  
29 person, or for 5 days after the conference if the conference was conducted by writing or by telephone,  
30 or to the date specified in the notice of termination, whichever comes later.

31           III. During the conference with the utility company, the utility company shall inform the  
32 customer of his right to request a conference with a staff member of the ~~[commission]~~ **department**  
33 **of energy**. If the conference with the utility company is conducted in person, the customer shall be  
34 furnished a form for requesting a conference with a staff member of the ~~[commission]~~ **department**  
35 during the conference. If the conference with the utility company is conducted by writing or by  
36 telephone, the utility company shall mail the form to the customer by regular mail on the same day  
37 as the conference. In the event of a request for a conference with a staff member of the ~~[commission]~~

1 **department**, the public utility shall continue service to the customer until such time as the staff  
2 member or the ~~commission~~ **department** determines that termination is justified.

3 10 Investigations by the Department of Energy. Amend RSA 365:4 to read as follows:

4 365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall  
5 appear to the department of energy that there are reasonable grounds therefor, it shall investigate  
6 the same in such manner and by such means as it shall deem proper. After investigation, the  
7 department of energy may bring proceedings on its own motion before the public utilities  
8 commission, with respect to any complaint or **any violation by a public utility** of any provision of  
9 law, rule, terms and conditions of its franchises or charter, or any order of the commission.

10 11 Affiliates of Public Utilities; Contracts. Amend RSA 366:3 to read as follows:

11 366:3 Filing of Contracts. The original or a verified copy of any contract or arrangement and of  
12 any modification thereof or a verified summary of any unwritten contract or arrangement, the  
13 consideration of which exceeds \$500, hereafter entered into between a public utility and an affiliate  
14 providing for the furnishing of managerial, supervisory, construction, engineering, accounting,  
15 purchasing, financial, or any other services either to or by a public utility or an affiliate shall be filed  
16 by the public utility with the department of energy within 10 days after the date on which the  
17 contract is executed or the arrangement entered into. The department may also require a public  
18 utility to file in such form as the department may require full information with respect to any  
19 purchase from or sale to an affiliate, whether or not made in pursuance of a continuing contract or  
20 arrangement. **Notwithstanding the requirements of this section, any affiliate agreement**  
21 **shall be approved by the public utilities commission.**

22 12 Contracts Between Utilities and Affiliates; Failure to File. Amend RSA 366:4 to read as  
23 follows:

24 366:4 Failure to File. Any contract or arrangement not filed with the department of energy  
25 pursuant to RSA 366:3 shall be unenforceable in any court in this state and payments thereunder  
26 may be disallowed by the department unless the later filing thereof is approved in writing by the  
27 department. The commission shall disallow payment if recommended by the department.  
28 **Notwithstanding the provisions of this section, any affiliate agreement shall be approved**  
29 **by the public utilities commission.**

30 13 Investigation of Other Utilities. Amend RSA 374:7 to read as follows:

31 374:7 Investigation of Other Utilities; Orders. The commission and the department of energy  
32 shall have power to investigate and ascertain, from time to time, the quality of gas supplied by  
33 public utilities and the methods employed by public utilities in manufacturing, transmitting or  
34 supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph  
35 messages, or supplying water, and, after notice and hearing thereon, **the commission** shall have  
36 power to order all reasonable and just improvements and extensions in service or methods.

HB 1258 - AS INTRODUCED

- Page 5 -

1 14 Reference Change; Service Territories Served by Certain Telephone Utilities. Amend RSA  
2 374:22-g, II to read as follows:

3 II. In determining the public good, the ~~[commission]~~ **department of energy** shall consider  
4 the interests of competition with other factors including, but not limited to, fairness; economic  
5 efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to  
6 realize a reasonable return on its investment; and the recovery from competitive providers of  
7 expenses incurred by the incumbent utility to benefit competitive providers, taking into account the  
8 proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such  
9 expenses.

10 15 Pole Attachments. Amend RSA 374:34-a, VIII to read as follows:

11 VIII. The ~~[department of energy]~~ **public utilities commission** shall retain its authority to  
12 regulate the safety, vegetation management, emergency response, and storm restoration  
13 requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and  
14 equipment of public utilities and other private entities located within public rights-of-way and on,  
15 over, or under state lands and water bodies.

16 16 Implementation of Retail Choice. Amend RSA 374-F:4, VIII(f) to read as follows:

17 (f) Beginning in 2000, ~~[the commission and]~~ the department shall submit a report to the  
18 legislative oversight committee to monitor the transformation of delivery of electric services by  
19 October 1 of each year. The report shall concern the results and effectiveness of the system benefits  
20 charge.

21 17 Electric Utility Restructuring; Participation in Regional Activities. Amend RSA 374-F:8 to  
22 read as follows:

23 374-F:8 Participation in Regional Activities. The department shall advocate for New Hampshire  
24 interests before the Federal Energy Regulatory Commission and other regional and federal bodies.  
25 The commission shall participate in the activities of the New England Conference of Public Utility  
26 Commissioners, and the National Association of Regulatory Utility Commissioners **as the New**  
27 **Hampshire member agency**, and the department shall participate in the activities of the New  
28 England States Committee on Electricity, or other similar organizations **as the New Hampshire**  
29 **member agency**, and work with the New England Independent System Operator and NEPOOL to  
30 advance the interests of New Hampshire with respect to wholesale electric issues, including policy  
31 goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure  
32 nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and  
33 reasonable prices. **Employees of the commission and the department are not otherwise**  
34 **prohibited from participating in the activities of the aforementioned organizations in**  
35 **which the other agency has the lead role.** The department shall advocate against proposed  
36 regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New  
37 Hampshire. In its participation in regional activities, the commission and the department shall



1 consider how other states' policies will impact New Hampshire rates and work to prevent or  
2 minimize any rate impact the commission or department determines to be unjust or unreasonable.

3 18 Reference Change; Investigations of Energy Storage. Amend RSA 374-H:3 to read as follows:

4 374-H:3 [~~Commission~~] **Department of Energy** Investigation of Energy Storage.

5 I. The [~~commission~~] **department of energy** shall investigate ways to enable energy storage  
6 projects to receive compensation for avoided transmission and distribution costs, including avoided  
7 regional and local network service charges, while also participating in wholesale energy markets.  
8 The [~~commission~~] **department** shall investigate how this might be done for both utility-owned and  
9 non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-  
10 the-meter storage.

11 II. The [~~commission's~~] **department's** investigative proceeding shall specifically consider the  
12 following:

13 (a) How public policy can best establish accurate and efficient price signals for energy  
14 storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity  
15 market prices.

16 (b) How to compensate energy storage projects that participate in wholesale electricity  
17 markets for actual avoided transmission and distribution costs in a manner that provides net  
18 savings to consumers.

19 (c) How best to encourage both utility and non-utility investments in energy storage  
20 projects.

21 (d) The costs and benefits of a potential bring your own device program; how such a  
22 program might be implemented; any statutory or regulatory changes that might be needed to create,  
23 facilitate, and implement such a program; and whether such a program should include all  
24 distributed energy resources or be limited to distributed energy storage projects.

25 (e) Any statutory changes the general court should implement, including but not limited  
26 to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to  
27 receive appropriate compensation for actual avoided transmission and distribution costs while also  
28 participating in wholesale energy markets.

29 (f) Any other topic the [~~commission~~] **department** reasonably believes it should consider  
30 in order to diligently conduct the proceeding.

31 III. The [~~commission~~] **department** shall report its findings and recommendations to the  
32 standing committees of the house of representatives and senate with jurisdiction over energy and  
33 utility matters no later than 2 years after initiating the proceeding. The report shall identify ways  
34 any recommended statutory changes can minimize any potential conflict with the restructuring  
35 policy principles of RSA 374-F.

**HB 1258 - AS INTRODUCED**

**- Page 7 -**

1           19 Reference Change; State Operating Budget. The commissioner of the department of  
2 administrative services shall change the title of organization code 1892 from adjudicative  
3 commissioners to the public utilities commission.

4           20 Repeals. The following are repealed:

5               I. RSA 12-P:12, relative to prohibited service.

6               II. RSA 374-F:3, IV, relative to open access to the electric system.

7               III. RSA 374-F:3, V(b), relative to transition service.

8           21 Effective Date. This act shall take effect 60 days after its passage.