

REGULAR CALENDAR

October 17, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Science, Technology and Energy to
which was referred HB 1635-FN,**

**AN ACT relative to the purchase of output of limited
electrical energy producers and including qualifying
storage system. Having considered the same, report the
same: NOT RECOMMENDED FOR FUTURE
LEGISLATION.**

Rep. Lex Berezhny

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	HB 1635-FN
Title:	relative to the purchase of output of limited electrical energy producers and including qualifying storage system.
Date:	October 17, 2022
Consent Calendar:	REGULAR
Recommendation:	NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT

This bill was referred to interim study pending passage of a similar Senate bill, SB321. Since the Senate version of this bill passed and was signed into law and superseded the provisions of HB1635, the committee and the prime sponsor of this bill find that no further legislation is needed.

Vote 18-0.

Rep. Lex Berezhny
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 1635-FN, relative to the purchase of output of limited electrical energy producers and including qualifying storage system.**NOT RECOMMENDED FOR FUTURE LEGISLATION .**

Rep. Lex Berezhny for Science, Technology and Energy. This bill was referred to interim study pending passage of a similar Senate bill, SB321. Since the Senate version of this bill passed and was signed into law and superseded the provisions of HB1635, the committee and the prime sponsor of this bill find that no further legislation is needed. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

March 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Science, Technology and Energy to
which was referred HB 1635-FN,**

**AN ACT relative to the purchase of output of limited
electrical energy producers and including qualifying
storage system. Having considered the same, report the
same with the recommendation that the bill be
REFERRED FOR INTERIM STUDY.**

Rep. Nick White

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	HB 1635-FN
Title:	relative to the purchase of output of limited electrical energy producers and including qualifying storage system.
Date:	March 3, 2022
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill would enhance the act governing limited electrical energy producers (LEEPA). The 2021 LEEPA Study Commission report found that questions remain about exactly how avoided transmission charges might be monetized. The public utilities commission Value of Distributed Energy Resources Study due this spring may provide answers to those questions. As a result, the committee believes Interim Study will give this bill's premise its proper direction.

Vote 18-4.

Rep. Nick White
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 1635-FN, relative to the purchase of output of limited electrical energy producers and including qualifying storage system. **REFER FOR INTERIM STUDY.**

Rep. Nick White for Science, Technology and Energy. This bill would enhance the act governing limited electrical energy producers (LEEPA). The 2021 LEEPA Study Commission report found that questions remain about exactly how avoided transmission charges might be monetized. The public utilities commission Value of Distributed Energy Resources Study due this spring may provide answers to those questions. As a result, the committee believes Interim Study will give this bill's premise its proper direction. **Vote 18-4.**

Original: House Clerk

Cc: Committee Bill File



2022 SESSION

Science, Technology and Energy

Bill #: HB1635-FN Motion: Not recommend AM #: _____ Exec Session Date: 10/6/2022

<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		
Somssich, Peter F.	x		
Cali-Pitts, Jacqueline A.	x		
Mann, John E.	x		
Oxenham, Lee Walker	x		
Vincent, Kenneth S.			x
McGhee, Kat	x		
McWilliams, Rebecca J.	x		
Chretien, Jacqueline H.			x
Pimentel, Roderick L.			x



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

2022 SESSION

Science, Technology and Energy

Bill #: HB1635-FN Motion: Not recommend AM #: _____ Exec Session Date: 10/6/2022

Parshall, Lucius

TOTAL VOTE:

	x		
	18	0	4

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 1635-FN

BILL TITLE: relative to the purchase of output of limited electrical energy producers and including qualifying storage system.

DATE: March 1, 2022

LOB ROOM: 306-308

MOTIONS: **REFER FOR INTERIM STUDY**

Moved by Rep. White

Seconded by Rep. Merner

Vote: 18-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk

HOUSE COMMITTEE ON Science, Technology and Energy

EXECUTIVE SESSION ON HB 1635-FN

BILL TITLE relative to the purchase of output of limited electrical energy producers and including qualifying storage system

DATE: March 1, 2022

LOB ROOM: 306-308

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) *(if offered)*

Moved by Rep. White Seconded by Rep. Merner Vote: 18-4

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of
Amendment # _____
 Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? _____ Yes x No

Minority Report? _____ Yes x No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. Fred Plett, Clerk



2022 SESSION

Science, Technology and Energy

Bill #: HB1635-FN Motion: IS AM #: _____ Exec Session Date: March 1, 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		
Somssich, Peter F.n Massimilla, Linda	x		
Cali-Pitts, Jacqueline A.		x	
Mann, John E.		x	
Oxenham, Lee Walker		x	
Vincent, Kenneth S. Horrigan, Tim		x	
McGhee, Kat	x		
McWilliams, Rebecca J.	x		
Chretien, Jacqueline H. Hakken-Phillips, Mary	x		
Pimentel, Roderick L.	x		



2022 SESSION

Science, Technology and Energy

Bill #: HB1635-FN Motion: IS AM #: _____ Exec Session Date: March 1, 2022

Parshall, Lucius

	x		
TOTAL VOTE:	18	4	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 1635-FN

BILL TITLE: relative to the purchase of output of limited electrical energy producers and including qualifying storage system.

DATE: February 1, 2022

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

Time Adjourned: 4:40 p.m.

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

Bill Sponsors:

Rep. McGhee
Rep. Allard

Rep. Stapleton
Rep. Merner

Rep. Wolf

TESTIMONY

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

Rep. McGhee – Enables LEEPS to sell in utility franchise area. Page 2 – unreasonable cost shifting etc. on page 2 – load reduction thing. Harrington – why transmission savings when does not happen through ISO-NE? Harrington – separate set of rules, reduction through LEEP process, you want them to be paid for transmission savings, but through ISO-NE not? Yes. Vose – Page 2 – individual will receive credit for transmission – Who determines?

Clifton Below – Community Power Coalition of NH. RSA 53:A and RSA 53:E. 18 members, 17 towns and 1 county. Enabling market based solutions. Intent is enable a market structure that does not create cross subsidies. LEEP now under 5 MW up to 3 customers. Transmission avoidance if not needed. Complexities. Preview of what is to come in Senate bill.

Harrington – voluntary agreement page 1 but may require approval from DOE. Answer - Good question, carryover from current law. Several large businesses very interested in long term deal with solar, etc. F/U – NHPUC & DOE have regulations for competitive suppliers. Plett – Colebrook to Nashua – how to avoid transmission? Only way is at system peak at ISO-NE reporting. Plett – billing nightmare? Load Serving Entity needs to keep track. Accounting is being done by LSEs – Eversource already measures large customers by time interval and demand at time of monthly system peak – passes ISO-NE costs over to customers.

Vose - Transmission charge would be a lower rate based on system peak reduction? Yes. Part of whole idea is to pass on cost savings.

*Griffin Roberge – DOE – Along side him is David Wiesner, DOE Council. Report concerned about cost shifting. Among complex issues are utility metering, who pays? Role of competitive energy suppliers are unclear. LEEPS may be able to provide at certain times but not all, nor provide load following service – must be provided by competitive supplier, needs to be paid by LEEP, customer or somebody else. Scope and scale of transmission savings unclear. Mismatch in credit for transmission. Bill requires consumer protections. While they seem well intended, but LEEPS not subject to regulation. Bill would expand regulation.

Wiesner – coincident peak, crap shoot if produces at time of system coincident system peak? Carefully looked at now as part of Liberty battery pilot program and distributed resources. McGhee – Roberge- when you testified credit for avoided transmission charges, conflict with another section re: Customers. Two different parties being mentioned, that is why we pointed out inconsistency.

Vose – SB321 – has it been heard? Not yet. Lewicki – is coincident peak knowable until after it has happened? No.

*Kelly Buchanan – Clean Energy NH – Brief – submitted testimony via e-mail. Parshall – sent to Committee?

Vose to McGhee – LEEP study committee recommended new study committee for avoided transmission, study committee to mechanics. Would you object to amendment?

Harrington – Coincident peak when it comes out, we'll get rich together.

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB1635 on 2022-02-01

Support: 75 Oppose: 4 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>
Currier, Dorothy	Concord, NH dorocurr@gmail.com	A Member of the Public	Myself	Support	No	No	1/26/2022 9:46 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/29/2022 5:50 PM
Hunnewell, Anne	Holderness, NH ahunne@roadrunner.com	A Member of the Public	Myself	Support	No	No	1/30/2022 12:13 PM
Hunnewell, Richard	Holderness, NH hunnewell.richard@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 12:13 PM
Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Support	No	No	1/30/2022 1:17 PM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 2:38 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 2:52 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/30/2022 3:34 PM
Foss, Carol	Penacook, NH cfoss@nhaudubon.org	A Lobbyist	New Hampshire Audubon	Support	No	No	1/30/2022 3:35 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	1/30/2022 3:38 PM
Jernstedt, Margaret	Hanover, NH Margaret.Jernstedt@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 3:53 PM
Cranage, Amy	Grantham, NH cranhan@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 4:27 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 4:42 PM

Hegfield, Laura	Amherst, NH laurahegfield@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 4:42 PM
Reed, Barbara	North Swanzey, NH BDRreed74@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 6:12 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 6:53 PM
Yen, Aloyo	Pembroke, NH lyen@afsc.org	A Member of the Public	Myself	Support	No	No	1/30/2022 7:57 PM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 8:07 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 10:20 PM
Boyle, Mary	Cornish, NH mary.n.boyle@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 11:05 PM
Pidgeon, Dawna	Enfield, NH dawna.pidgeon@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2022 5:46 AM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2022 7:00 AM
Reardon, Donna	Concord, NH bugs42953@aol.com	A Member of the Public	Myself	Support	No	No	1/31/2022 8:39 AM
Ford Burley, Nicole	Lebanon, NH nicole.ford.burley@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 8:41 AM
Cohen, Bruuce	Nashua, NH bruce.cohen@leg.state.nh.us	An Elected Official	Hillsborough 28	Support	No	No	1/31/2022 9:00 AM
Stevens, Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Support	No	No	1/31/2022 9:01 AM
DePuy, Charles	Lebanon, NH c.depuy@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2022 9:33 AM
Lewis, Elizabeth	Nashua, NH ecop.lewis@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 10:27 AM
Saum, Judith	Rumney, NH judithsaum@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 10:36 AM
Quirk, Kimberley	Enfield, NH kim.quirk@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 11:09 AM
Huberman, Joel	Peterborough, NH joel.huberman@gmail.com	A Member of the Public	the Peterborough Community Power Task Force	Support	No	No	1/31/2022 11:31 AM

Sweet, Lisa	Rye, NH lisacsweet@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2022 11:33 AM
Griffin, Julia	Hanover, NH julia.griffin@hanovernh.org	A Member of the Public	Town of Hanover	Support	No	No	1/31/2022 11:39 AM
miller, matthew	Pembroke, NH mattslb94@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 11:50 AM
Oxenham, Lee	Plainfield, NH lecoxenham@comcast.net	An Elected Official	Myself	Support	No	No	1/31/2022 11:58 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	1/31/2022 12:37 PM
Courtney, Jo-Ellen	Enfield, NH jecourtney820@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 12:43 PM
Wengenroth, Richard	Pembroke, NH rwengenroth2112@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 12:43 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2022 2:13 PM
Drachman, Dori	Peterborough, NH dori.drachman@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 2:40 PM
Putnam, Craig	Hudson, NH craigp.hudsus@gmail.com	A Member of the Public	Hudson Energy Aggregation Committee	Support	No	No	1/31/2022 3:29 PM
Campbell, Karolyn	Epsom, NH kkcampbell43@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:00 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/31/2022 4:06 PM
Smith, Jennifer	Pembroke, NH jaycmd7699@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:08 PM
Cote, Lois	Manchester, NH lcote06@outlook.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:33 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:36 PM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:36 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 4:49 PM
Peterson, Susan	Newton, NH susanrp@aol.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 4:59 PM

bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	1/31/2022 5:08 PM
Duncan, Stan	Newton, NH standuncan@post.harvard.edu	A Member of the Public	Myself	Oppose	No	No	1/31/2022 5:28 PM
Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 5:39 PM
Dutzy, Sherry	Nashua, NH sherry.dutzy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2022 6:10 PM
Looney, Paul	WALPOLE, NH Lew_0202@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2022 7:58 PM
Thomas, Anne	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 8:14 PM
Putnam, Debra	Hudson, NH dputnam327@comcast.net	A Member of the Public	Myself	Support	No	No	1/31/2022 9:34 PM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 9:42 PM
wazir, Safiya	Concord, NH Swazir@leg.state.nh.us	An Elected Official	Myself and my Constituents	Support	No	No	1/31/2022 9:47 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Support	No	No	1/31/2022 10:24 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 10:50 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Support	No	No	1/31/2022 11:19 PM
Messner, Kate	Hudson, NH kate.messner@comcast.net	A Member of the Public	Myself	Support	No	No	2/1/2022 5:51 AM
kwasnik, joseph	concord, NH jkwasnik25@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 7:11 AM
Pfau, Thomas	Rye, NH tompfau15@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 7:35 AM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 8:01 AM
Fraysse, Michael	Epsom, NH mikefraysse@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 8:11 AM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 8:24 AM

Mott-Smith, Wiltrud	Loudon, NH wmottsm@worldpath.net	A Member of the Public	Myself	Support	No	No	2/1/2022 8:35 AM
Kroll, Heidi	Concord, NH kroll@gcglaw.com	A Lobbyist	Granite State Hydropower Association (GSHA)	Support	No	No	2/1/2022 9:01 AM
Smith, Nancy	Enfield, NH nancysmith8@me.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:04 AM
HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:07 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:10 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:18 AM
Bay, Peter	West Lebanon, NH peter.bay@edf-re.com	A Member of the Public	EDF Renewables Distribution-Scale Power	Support	No	No	2/1/2022 9:19 AM
kalet, howard	Rye, NH kaletfamily@comcast.net	A Member of the Public	Myself	Support	No	No	2/1/2022 9:38 AM
Gage, John	Windham, NH jhgage@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:51 AM
Schuett, Dianne	Pembroke, NH dianne.schuett@leg.state.nh.us	An Elected Official	Merr. 20	Support	No	No	2/1/2022 12:49 PM
Herndon, Henry	Concord, NH hpherndon@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 3:06 PM
Lemoui, Claude	Canaan, NH claude.lemoui@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 5:11 PM

HB 1635-FN - AS INTRODUCED

2022 SESSION

22-2035
12/10

HOUSE BILL

1635-FN

AN ACT

relative to the purchase of output of limited electrical energy producers and including qualifying storage system.

SPONSORS:

Rep. McGhee, Hills. 27; Rep. Stapleton, Sull. 5; Rep. Wolf, Merr. 5; Rep. Allard, Merr. 21; Rep. Merner, Coos 7

COMMITTEE:

Science, Technology and Energy

ANALYSIS

This bill expands the authority of a limited producer of electrical energy to sell its output to retail electricity customers located within the same New Hampshire electric distribution utility franchise area as the limited producer, and includes qualifying electrical energy storage.

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 Two

AN ACT relative to the purchase of output of limited electrical energy producers and including qualifying storage system.

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

1 1 Definition; Limited Electrical Energy Producers; Limited Producer. Amend RSA 362-A:1-a,
2 III to read as follows:

3 III. "Limited producer" or "limited electrical energy producer" means a qualifying small
4 power producer, ***a qualifying storage system***, or a qualifying cogenerator, with a ~~[total]~~ ***maximum***
5 ***rated generating or discharge*** capacity of ~~[not more]~~ ***less*** than 5 megawatts, ***that does not***
6 ***participate in net energy metering; is not registered as a generator, asset, or network***
7 ***resource with ISO New England; and does not otherwise participate in any FERC***
8 ***jurisdictional wholesale electricity markets, except as an alternative technology regulation***
9 ***resource (ATRR) to the extent ATRRs are deemed by ISO New England to function as retail***
10 ***or network load reducers for all other ISO New England purposes. Such non-participation***
11 ***in FERC jurisdictional interstate wholesale markets may be achieved by retirement from***
12 ***such markets.***

13 2 New Paragraph; Definition; Qualifying Storage System. Amend RSA 362-A:1-a by inserting
14 after paragraph IX the following new paragraph:

15 IX-a. "Qualifying storage system" means an electric energy storage system as defined in
16 RSA 72:84.

17 3 Limited Electrical Energy Producers Act; Purchase of Output in Intrastate Commerce. RSA
18 362-A:2-a is repealed and reenacted to read as follows:

19 362-A:2-a Purchase of Output of Limited Producers in Intrastate Commerce.

20 I. A limited producer of electrical energy may sell its produced electrical energy to one or
21 more purchasers other than the franchise electric utility. Such purchasers may be any retail
22 electricity customers located within the same New Hampshire electric distribution utility franchise
23 area as where the limited producer is located or any electricity suppliers serving retail load within
24 such area.

25 II. Intrastate sales of electricity across the distribution grid shall be facilitated and
26 accounted for by competitive electricity suppliers registered with the department of energy under
27 RSA 374-F:7 or by municipal or county aggregations under RSA 53-E that are load-serving entities.

28 III. To participate in such intrastate sales of electricity over the distribution grid a limited
29 producer must be equipped with a revenue grade interval meter that can accurately measure hourly
30 exports to the distribution grid and report such meter data for daily load settlement purposes.

1 IV. The department of energy shall adopt rules pursuant to RSA 541-A to:

2 (a) Establish procedures to enable limited producers to sell electricity at wholesale
3 within intrastate commerce and at retail, either directly or indirectly through electricity suppliers;

4 (b) Establish such requirements and conditions concerning intrastate sales of electricity
5 pursuant to this section that it deems necessary to avoid substantial risk or uncompensated costs to
6 the electric utility in whose franchise area the sales takes place.

7 (c) Avoid unjust and unreasonable cost shifting transmission rate effects on retail
8 customers arising from avoided transmission cost credits, which may include provisions to reduce, on
9 a prospective basis, the credit for actual avoided transmission charges to some reasonable portion of
10 the value thereof;

11 (d) Provide for filing or reporting on contracts for such intrastate sales to the
12 department of energy and the distribution utility to which the limited producer is interconnected,
13 including provision for confidential protection of commercially sensitive financial terms of such
14 contracts; and

15 (e) Provide reasonable consumer protections for retail sales of electricity from limited
16 producers, which may include a requirement for prior review and approval of such contracts before
17 they go into effect. If such a contract review is required, the rules shall provide that failure to
18 disapprove such contract within 60 days of its filing with the department of energy shall constitute
19 approval thereof. Any such contract review shall not require a contested case.

20 V. The limited producer shall receive credit for actual avoided transmission charges if the
21 intrastate wholesale or retail sale of such electricity reduces the retail load measured at the
22 wholesale meter point between the distribution system under state jurisdiction and transmission
23 facilities under federal jurisdiction such that transmission charges allocated to the distribution
24 utility are reduced from what they otherwise would be absent the electricity exported to the
25 distribution grid by the limited producer during hours of coincident peak on which transmission
26 costs are allocated. Such credit shall be based on measurement of exports to the distribution grid at
27 the retail meter point without additional credit for avoided line and transformation losses between
28 retail meter points and the transmission grid to provide some sharing of the benefit of reduced
29 transmission charges with other ratepayers who do not participate in such intrastate electricity
30 sales by limited producers.

31 VI. Purchasers of power from limited producers shall pay for the delivery of such power
32 through tariffs, charges, and rates that are generally applicable to the customer's rate class, except
33 for default energy service charges if not applicable and transmission charges as they may be
34 adjusted pursuant to paragraph V.

35 4 New Section; Electric Renewable Portfolio Standard; Exclusion to Amount of Electricity
36 Supplied. Amend RSA 362-F by inserting after section 3 the following new section:

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- Page 3 -

1 362-F:3-a Exclusions to the Amount of Electricity Supplied. If a provider of electricity has
2 revenue grade meter data on the quantity of exports to the grid from a qualifying storage system as
3 defined in RSA 362-A:1-a to the extent that it is charged from the grid, such amounts may be
4 deducted from the calculation of electricity supplied by the provider to its end-use customers for the
5 applicable year for purposes of compliance with RSA 362-F:3 as determined and provided for by the
6 department of energy.

7 5 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-2035
12/21/21

**HB 1635-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the purchase of output of limited electrical energy producers and including qualifying storage system

FISCAL IMPACT:

Due to time constraints the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, as introduced, at this time. The Department of Energy was contacted for a fiscal note worksheet initially on 11/17/21 and again on 12/14/21. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Energy

**HB 1635-FN FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the purchase of output of limited electrical energy producers and including qualifying storage system.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General Various Government Funds	<input checked="" type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill expands the authority of a limited producer of electrical energy to sell its output to retail electricity customers located within the same New Hampshire electric distribution utility franchise area as the limited producer, and includes qualifying electrical energy storage.

The Department of Energy has identified the following potential fiscal impacts:

- The Department's expenditures will increase as it would be required to undertake rulemaking to develop and implement the parameters of the newly authorized intrastate wholesale and retail sales transactions and avoided transmission charge crediting. Proposed RSA 362-A:2-a IV (a), (b), and (c) would take significant time and resources, as well as specialized expertise the Department does not currently have and may require the use of consultants. The cost of such consultants for this project is currently unknown. Regarding proposed RSA 362-A:2-a, IV(e), the Department only has expertise

in reviewing contracts for consumer protection in other contexts, this bill would significantly expand the Department's involvement in consumer protection in a new area. Depending on the number of additional contracts requiring Department review, additional staff may be needed.

- The Department assumes the State, counties, and local governments would be eligible to enter into contracts to purchase from limited electrical energy producers. If the terms of these contracts were favorable as compared to existing electrical energy procurement, then there could be reductions in State, county and local expenditures for electricity. If the terms of the contract were not favorable as compared to existing electrical energy procurement, then the State, counties and local governments may experience increases in electricity expenditures.
- If the shared transmission savings contemplated under the proposed 362-A:2-a, V are realized and accrue to all utility ratepayers, then savings in electricity costs may be experienced by state, county, and local governments as electric ratepayers.

AGENCIES CONTACTED:

Department of Energy