

LEGISLATIVE COMMITTEE MINUTES

SB270

Bill as
Introduced

SB 270 - AS INTRODUCED

2022 SESSION

22-3025
10/04

SENATE BILL

270

AN ACT establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.

SPONSORS: Sen. Watters, Dist 4; Sen. Avard, Dist 12; Sen. Perkins Kwoka, Dist 21; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Hennessey, Dist 1; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Gannon, Dist 23; Sen. Sherman, Dist 24; Sen. Giuda, Dist 2; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill establishes a program for low-moderate income electric customers to participate in qualifying community solar savings projects built within their service territory. The bill also establishes a program for the implementation and funding of an energy efficiency resource standard and energy efficiency plan to be developed jointly by utilities and filed jointly for approval by the public utilities commission.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATEWIDE ENERGY EFFICIENCY PROGRAMS

1
2 374-I:1 Purpose. Seeking and then achieving all cost-effective energy efficiency for energy
3 consumers in New Hampshire is in the public interest because it: (a) reduces energy costs and
4 improves the security of the state and local economies; (2) reduces economic insecurity from the
5 inefficient use of regulated and unregulated energy sources; (3) diverts wealth that is otherwise
6 exported to create useful opportunities for employment within the state. It is therefore in the public
7 interest to adopt an energy efficiency resource standard and to require the state's electric and
8 natural gas utilities to work jointly to implement the standard on a statewide basis,

9 374-I:2 Definitions. In this chapter:

10 I. "Commission" means the public utilities commission.

11 II. "Consumer price index" means the most recently available inflation measure calculated
12 by the United States Department of Labor, Bureau of Labor Statistics, for all urban consumers.

13 III. "Cost-effective" means that the longterm financial benefits achieved by all utility
14 customers via nonbypassable energy efficiency charges exceed the amount paid by customers via
15 those charges.

16 IV. "Department" means the department of energy.

17 V. "Energy efficiency" means the process of achieving more work or other useful output per
18 unit of energy consumed.

19 VI. "Energy efficiency resource standard" means a requirement that the public utilities
20 covered by this chapter jointly investigate and implement all cost effective energy efficiency and, in
21 furtherance thereof, propose and then achieve targets for energy savings achieved via energy
22 efficiency.

23 VII. "ISO New England" means the regional transmission organization authorized to
24 operate the bulk power transmission system in New Hampshire and neighboring states, and
25 overseeing wholesale transactions of electricity and related products, under the Federal Power Act.

26 VIII. "Revenue decoupling" means a rate adjustment mechanism that severs the connection
27 between a utility's unit sales of electricity or natural gas and the utility's revenue, such that rates
28 are periodically adjusted up or down to account for sales fluctuations.

29 IX. "Stakeholder" means a representative of any class of utility customers, a nonprofit
30 organization whose mission is related to the achievement of energy efficiency, or a business other
31 than a public utility involved in the research, development, implementation, or deployment of energy
32 efficiency programs in New Hampshire.

33 X. "Utility" means a public utility within the meaning of RSA 362:2 that provides electric
34 distribution or natural gas distribution services to customers, including any rural electric
35 cooperative regardless of whether a certificate of deregulation is on file with the commission
36 pursuant to RSA 301:57.

37 374-I:3 Statewide Energy Efficiency Programs.

1 I. The commission shall implement an energy efficiency resource standard by requiring each
2 utility to develop jointly and file jointly for commission approval a triennial energy efficiency plan
3 covering the years 2024, 2025, and 2026, and subsequent plans for each 3-year period thereafter.

4 374-I:4 Cost Recovery.

5 I. The commission shall require utilities to avail themselves of all reasonably available
6 sources of revenue, including but not limited to the energy efficiency fund established pursuant to
7 RSA 125-O:23 and revenues available via wholesale energy and ancillary services markets operated
8 by ISO New England, to cover the cost of implementing the energy efficiency resource standard.

9 II. Net of any revenues acquired pursuant to paragraph I, the commission shall allow the
10 utilities to recover the cost of implementing the energy efficiency resource standard via
11 nonbypassable, reconciling charges as approved by the commission. The following shall apply to
12 such charges:

13 (a) In 2024, the charges shall not exceed a kilowatt-hour charge for an electric
14 distribution utility and a per therm charge for a natural gas distribution utility, as established by
15 the commission.

16 (b) For each calendar year thereafter, the charges shall not increase by a percentage
17 exceeding the consumer price index plus 0.25 percentage points.

18 (c) The charges authorized by this section shall be just, reasonable, and lawful as
19 required by RSA 378.

20 III. Energy efficiency charges approved under paragraph II shall include shareholder
21 incentive payments whose purpose shall be to reward the owners of public utilities for the
22 achievement of specific energy efficiency goals pursuant to a formula approved by the commission.

23 IV. Energy efficiency charges approved under paragraph II shall not include the recovery of
24 fixed-cost revenues that are lost by utilities as the result of energy efficiency programs operated
25 pursuant to this chapter. A utility may request commission approval of a revenue decoupling
26 mechanism for the purpose of such recovery.

27 374-I:5 Energy Efficiency Plan Development.

28 I. When developing a triennial energy efficiency plan under this chapter, utilities shall seek
29 the input of stakeholders as provided by RSA 125-O:5-a.

30 II. To facilitate the stakeholder input required by this section, the utilities shall fund, and
31 shall be authorized by the commission to recover via the charges authorized by paragraph II, the
32 acquisition of technical assistance by one or more qualified consultants via a contracting process to
33 be overseen and administered by the department, provided that the cost of such technical assistance
34 is reasonable.

35 III. Any triennial energy efficiency plan developed pursuant to this section shall reserve no
36 less than 20 percent of its budget for energy efficiency programs specifically targeted to benefit low-
37 income utility customers.

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1 3 New Subparagraph; Energy Efficiency and Sustainable Energy Board; Duties. Amend RSA
2 125-O:5-a, I by inserting after subparagraph (j) the following new subparagraph:

3 (k) Serve as a stakeholder advisory board pursuant to RSA 374-I:5 in order to
4 collaborate with utilities on the development of triennial energy efficiency plans.

5 4 New Paragraph; Energy Efficiency and Sustainable Energy Board; Advisory Committee.
6 Amend RSA 125-O:5-a by inserting after paragraph VII the following new paragraph:

7 VIII. The board may appoint an energy efficiency committee for the purpose of discharging
8 its responsibilities under subparagraph I(k), which may consist of board members or other
9 stakeholders as defined in RSA 374-I:2, IX, as well as representatives of public utilities subject to
10 RSA 374-I, provided that any such committee shall tender its recommendations to the board for
11 deliberation and vote by the board.

12 5 Restructuring Policy Principles; System Benefits Charges; Energy Efficiency Programs.
13 Amend RSA 374-F:3, VI to read as follows:

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

36 6 Restructuring Policy Principles; Energy Efficiency. RSA 374-F:3, X is repealed and reenacted
37 to read as follows:

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1 X. Energy Efficiency. Restructuring should include reasonable provisions for the
2 deployment of cost effective energy efficiency measures including those that would otherwise be lost
3 due to market barriers, pursuant to RSA 374-I.

4 7 Repeal. RSA 374-F:4, VIII(e), relative to targeted conservation, energy efficiency, and load
5 management programs and incentives, is repealed.

6 8 Application. For the remainder of calendar years 2022 and for 2023, the utilities shall
7 continue to provide energy efficiency services under the framework approved by the commission in
8 Order No. 25,932, dated August 2, 2016, notwithstanding any subsequent commission order to the
9 contrary. For the purpose of funding the programs in 2022 and 2023, the utilities shall adopt energy
10 efficiency charges for 2022 at their 2021 levels adjusted for inflation as measured by the consumer
11 price index plus 0.25 percentage points, and shall employ energy efficiency charges for 2023
12 similarly adjusted from their 2022 levels. The utilities shall continue to operate their existing
13 energy efficiency programs during 2022 and 2023 without further action from the commission..

14 9 Effective Date.

15 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

16 II. The remainder of this act shall take effect upon its passage.

SB 270 - AS AMENDED BY THE SENATE

02/16/2022 0667s

2022 SESSION

22-3025

10/04

SENATE BILL **270**

AN ACT establishing a low-moderate income community solar program.

SPONSORS: Sen. Watters, Dist 4; Sen. Avar, Dist 12; Sen. Perkins Kwoka, Dist 21; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Hennessey, Dist 1; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. Gannon, Dist 23; Sen. Sherman, Dist 24; Sen. Giuda, Dist 2; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill establishes a program for low-moderate income electric customers to participate in qualifying community solar projects.

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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 establishing a low-moderate income community solar program.

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

1 1 Net Energy Metering; Community Solar Program. RSA 362-A:9, XIV(d) and (e) are repealed
2 and reenacted to read as follows:

3 (d) The electric distribution utilities shall establish a list of potential low-moderate
4 income residential customers who qualify to benefit from the low-moderate income community solar
5 addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state
6 Electric Assistance Program administered by the commission.

7 (e) Within 90 days of the effective date of this subparagraph, the department of energy
8 shall develop a process by which community solar developers can apply for designation as a
9 community solar project. Such projects designate their production for the benefit of households on
10 the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar
11 addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can
12 offer to low-moderate income homeowners. Annually, the number of projects designated as low-
13 moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts
14 in the aggregate. If more than 6 megawatts of projects apply for designation, the department of
15 energy shall select the projects that offer the largest on-bill credit.

16 (f) Each year, the department of energy, in consultation with the electric distribution
17 utilities, shall select a means by which to enroll households as off-takers for these low-moderate
18 income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail
19 of their enrollment, and informed of the details of the project from which they are receiving credit.
20 Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify
21 for the Electric Assistance Program, or until they opt out from receiving credits.

22 (g) All costs incurred by the electric distribution utilities related to this program,
23 including but not limited to, costs of implementation, billing and administrative activities, shall not
24 be borne by the utilities, but shall be recovered from customers.

25 (h) Utility owned projects that are designated as community solar projects shall not
26 count against the limitation on the maximum allowed distributed energy resources as established by
27 RSA 374-G:4.

28 (i) Nothing in this chapter shall preclude low-moderate income solar community projects
29 from enrolling customers through any other method besides the process described in subparagraphs
30 (d)-(f). A description of any alternative method used shall be filed with department of energy.

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- Page 2 -

1 (j) The department of energy is authorized to assess fines against, revoke the
2 registration of, and prohibit from doing business in the state, any group host which violates the
3 requirements of this paragraph or rules adopted for this paragraph by the department pursuant to
4 paragraph X.

5 2 Effective Date. This act shall take effect 60 days after its passage.

SB 270 - AS AMENDED BY THE HOUSE

02/16/2022 0667s
4May2022... 1444h

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2 and reenacted to read as follows:

3 (d) The electric distribution utilities shall establish a list of potential low-moderate
4 income residential customers who qualify to benefit from the low-moderate income community solar
5 addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state
6 Electric Assistance Program.

7 (e) Within 90 days of the effective date of this subparagraph, the department of energy
8 shall develop a process by which community solar developers can apply for designation as a
9 community solar project. Such projects designate their production for the benefit of households on
10 the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar
11 addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can
12 offer to low-moderate income homeowners. Annually, the number of projects designated as low-
13 moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts
14 in the aggregate. If more than 6 megawatts of projects apply for designation, the department of
15 energy shall select the projects that offer the largest on-bill credit.

16 (f) Each year, the department of energy, in consultation with the electric distribution
17 utilities, shall select a means by which to enroll households as off-takers for these low-moderate
18 income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail
19 of their enrollment, and informed of the details of the project from which they are receiving credit.
20 Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify
21 for the Electric Assistance Program, or until they opt out from receiving credits.

22 (g) All reasonable and prudently-incurred costs incurred by the electric distribution
23 utilities related to this program, including but not limited to, costs of implementation, billing, and
24 administrative activities, shall not be borne by the utilities, but shall be recovered from customers.

25 (h) Utility owned projects that are designated as community solar projects shall not
26 count against the limitation on the maximum allowed distributed energy resources as established by
27 RSA 374-G:4.

28 (i) Nothing in this chapter shall preclude low-moderate income solar community projects
29 from enrolling customers through any other method besides the process described in subparagraphs
30 (d)-(f). A description of any alternative method used shall be filed with department of energy.

SB 270 - AS AMENDED BY THE HOUSE

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1 (j) The department is authorized to petition the commission to assess fines against,
2 revoke the registration of, and prohibit from doing business in the state, any group host which
3 violates the requirements of this paragraph and rules adopted for this paragraph pursuant to
4 paragraph X. The commission is authorized to grant or deny such petitions.

5 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 329
SB 270 - FINAL VERSION

02/16/2022 0667s
4May2022... 1444h

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22-3025
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02/16/2022 0667s
4May2022... 1444h

22-3025
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Be it Enacted by the Senate and House of Representatives in General Court convened:

1 329:1 Net Energy Metering; Community Solar Program. RSA 362-A:9, XIV(d) and (e) are
2 repealed and reenacted to read as follows:

3 (d) The electric distribution utilities shall establish a list of potential low-moderate
4 income residential customers who qualify to benefit from the low-moderate income community solar
5 addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state
6 Electric Assistance Program.

7 (e) Within 90 days of the effective date of this subparagraph, the department of energy
8 shall develop a process by which community solar developers can apply for designation as a
9 community solar project. Such projects designate their production for the benefit of households on
10 the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar
11 addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can
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13 moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts
14 in the aggregate. If more than 6 megawatts of projects apply for designation, the department of
15 energy shall select the projects that offer the largest on-bill credit.

16 (f) Each year, the department of energy, in consultation with the electric distribution
17 utilities, shall select a means by which to enroll households as off-takers for these low-moderate
18 income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail
19 of their enrollment, and informed of the details of the project from which they are receiving credit.
20 Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify
21 for the Electric Assistance Program, or until they opt out from receiving credits.

22 (g) All reasonable and prudently-incurred costs incurred by the electric distribution
23 utilities related to this program, including but not limited to, costs of implementation, billing, and
24 administrative activities, shall not be borne by the utilities, but shall be recovered from customers.

25 (h) Utility owned projects that are designated as community solar projects shall not
26 count against the limitation on the maximum allowed distributed energy resources as established by
27 RSA 374-G:4.

CHAPTER 329
SB 270 - FINAL VERSION
- Page 2 -

1 (i) Nothing in this chapter shall preclude low-moderate income solar community projects
2 from enrolling customers through any other method besides the process described in subparagraphs
3 (d)-(f). A description of any alternative method used shall be filed with department of energy.

4 (j) The department is authorized to petition the commission to assess fines against,
5 revoke the registration of, and prohibit from doing business in the state, any group host which
6 violates the requirements of this paragraph and rules adopted for this paragraph pursuant to
7 paragraph X. The commission is authorized to grant or deny such petitions.

329:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 08, 2022

Effective Date: September 06, 2022

Amendments

Sen. Watters, Dist 4
January 14, 2022
2022-0106s
10/04

Amendment to SB 270

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

2

3 AN ACT establishing a low-moderate income community solar savings program.

4

5 Amend the bill by replacing all after section 1 with the following:

6

7 2 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2022-0106s

AMENDED ANALYSIS

This bill establishes a program for low-moderate income electric customers to participate in qualifying community solar savings projects built within their service territory.

UNAPPROVED

Sen. Watters, Dist 4
January 24, 2022
2022-0237s
10/05

Amendment to SB 270

1 Amend RSA RSA 362-A:9, XIV(f) as inserted by section 1 of the bill by replacing it with the
2 following:

3
4 (f) Each year, the electric distribution utilities shall, by means of a lottery, select
5 households to enroll as off-takers for these low-moderate income community solar projects built
6 within their service territory. Customers shall be enrolled on an opt-out basis, and notified by mail
7 of their enrollment. Once enrolled, such customers shall receive on-bill credits until such time as
8 they no longer qualify for the Electric Assistance Program, or until they opt out from receiving
9 credits. All costs incurred by the electric distribution utilities in support of this program, including
10 but not limited to costs of implementation, billing, and administrative activities, shall not be borne
11 by the utilities, but shall be recoverable from customers.

Amendment to SB 270

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3 AN ACT establishing a low-moderate income community solar program and relative to
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11 income residential customers who qualify to benefit from the low-moderate income community solar
12 addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state
13 Electric Assistance Program administered by the commission.

14 (e) Within 90 days of the effective date of this subparagraph, the department of energy
15 shall develop a process by which community solar developers can apply for designation as a
16 community solar project. Such projects designate their production for the benefit of households on
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Amendment to SB 270

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8 registration of, and prohibit from doing business in the state, any group host which violates the
9 requirements of this paragraph or rules adopted for this paragraph by the department pursuant to
10 paragraph X.

UNAPPROVED

2022-0357s

AMENDED ANALYSIS

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2022-0667s

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Committee Minutes

SENATE CALENDAR NOTICE
Energy and Natural Resources

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

Date: January 12, 2022

HEARINGS

Tuesday	01/18/2022	
(Day)	(Date)	
Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 260	relative to search and rescue teams activated by fish and game.
9:15 a.m.	SB 266	relative to the limitations on taking another person's lobster or crab trap or pot.
9:30 a.m.	SB 265	relative to the aggregation of electric customers by counties.
9:45 a.m.	SB 270	establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.
10:00 a.m.	HB 549	relative to the system benefits charge and the energy efficiency and sustainable energy board.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 260

Sen. Hennessey
Rep. Egan

SB 266

Sen. French
Sen. Carson

SB 265

Sen. Kahn
Sen. Bradley
Rep. Maneval

SB 270

Sen. Watters
Sen. Bradley
Sen. Soucy
Rep. Cali-Pitts

HB 549

Rep. Vose
Sen. Ward

Sen. Prentiss

Sen. Hennessey
Sen. Gannon

Sen. Watters
Sen. Sherman
Rep. Buco

Sen. Avard
Sen. Hennessey
Sen. Gannon
Rep. McGhee

Rep. Harrington
Sen. Gannon

Sen. Whitley

Sen. Reagan
Rep. Hill

Sen. Perkins Kwoka
Sen. Prentiss

Sen. Perkins Kwoka
Sen. Whitley
Sen. Sherman

Rep. Ammon

Rep. Umberger

Sen. Avard

Sen. Avard
Rep. Bixby

Sen. D'Allesandro
Sen. Rosenwald
Sen. Giuda

Rep. Nunez

Daley Frenette 271-3042

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Daley Frenette 271-3042

SB 270, establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.

Hearing Date: January 18, 2022

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes a program for low-moderate income electric customers to participate in qualifying community solar savings projects built within their service territory. The bill also establishes a program for the implementation and funding of an energy efficiency resource standard and energy efficiency plan to be developed jointly by utilities and filed jointly for approval by the public utilities commission.

Sponsors:

Sen. Watters	Sen. Avard	Sen. Perkins Kwoka
Sen. D'Allesandro	Sen. Bradley	Sen. Hennessey
Sen. Whitley	Sen. Rosenwald	Sen. Soucy
Sen. Gannon	Sen. Sherman	Sen. Giuda
Rep. Cali-Pitts	Rep. McGhee	

Who supports the bill: Senator Bob Giuda, Senate District 2, Senator David Watters, Senate District 4, Kelly Buchanan, Clean Energy NH, Rob Werner, League of Conservation Voters, Senator Rebecca Perkins- Kwoka, Senate District 21, Ari Pollack, NH Homebuilder, Senator Cindy Rosenwald, Senate District 13, Senator Jeb Bradley, Senate District 3, Majorie Rogalski, Senator Erin Hennessey, Senate District 1, Senator Donna Soucy, Senate District 18, Jennifer Smith, Patricia Martin, Judith Saum, Lyn Lindpaintner, Jeanne Torpey, Suellen Davidson, Kristine Baber, Representative Lee Oxenham, Sullivan- District 1, Joanna Sharf, Jonathan Glass, Jane Crandell-Glass, Nancy Brennan, Nancy Wightman, Susan Liebowit, Susan Richman, Annie Rettew, Ruth Perencevich, Claudia Damon, Cindy Raspiller, Howard Brown, Denise Clark, Barbara Zaenglein, Eric Zaenglein, Susan Taylor, David Taylor, Lynne Walsh, Donna Reardon, Dan Poor, Willaim Cable, Wiltrud Mott-Smith, Judy Ptak, Caroline Storrs, Senator Tom Sherman, Senate District 24, Linda Burnap, Elizabeth Robertson, Cheri Falk, Claudia Istel, Lynda Cecchetti, Joseph Kwasnik, Ian Oxenham, Margaret Keller, Renia Woods, Andrew Jones, Gregory Davis

Who opposes the bill: Carol Petruszewicz

Who is neutral on the bill: Josh Elliot, Department of Energy

Summary of testimony presented:

Senator Watters, Senate District 4

- This bill establishes a low-moderate income solar savings program. Senator Watters brought forth an amendment that eliminates the energy efficiency language now that a the related bill, HB 549 has had a public hearing.
- The bill was brought to Senator Watters by Clean Energy NH. The bill allows low-income members of the public to be identified and then take advantage of solar power investment. The problem is identifying the people. In Connecticut, Eversource is providing anonymized lists of people who are signed up for low-income energy programs that can be provided to Eversource in order to allow them to make the investments.

Donna Gamache, Eversource

- Her only concern is that there may be an increase in cost for reporting, but as long as there is some form of cost recovery it would not be an issue. There may be some ambiguity in the language about cost recovery. Senator Watters asked if Mrs. Gamache would provide any clarifying language. She stated she would.

Kelly Buchanan, Clean Energy NH

- This bill would remove barriers to developing low- and moderate-income solar programs in NH. Currently, solar developers are responsible for customer acquisition and therefore are seeking out the information themselves which may not be appropriate in some situations. They would rather have the utilities themselves provide the list of income eligible customers who are already enrolled in the electric assistance program. They want to unlock substantial customer savings for low- and moderate-income individuals and households.
- The bill would also establish a lottery process in which those customers are anonymously picked to receive cost savings. They could opt-out If they wished.
- CENH would be glad to work with Eversource or other utilities on this issue and they support the bill.

Josh Elliot, Department of Energy

- Mr. Elliot stated that there are several references to the Public Utilities Commission in SB 270. RSA 362-A: XIV refers to the Department. There needs to be consistency within the statute about who is responsible for administering the program whether it is the commission or the department. Line 25 does need to say the commission because the commission has the authority to assess fines.
- Page 1, line 5 refers to the list of low-moderate income residents who apply for the energy efficiency program while earlier in the section it states those who qualify for benefits. This must be consistent.
- Senator Watters asked if the DOE is the appropriate department to administer the program and if it is willing to do so. Senator Watters stated that it appears that the two references to commission in lines 6, 7, and 14 should refer to the DOE while line 25 needs to refer to the commission. Mr. Elliot will clarify which entity should be responsible at a later date.

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Date Hearing Report completed: January 21, 2022

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB270 on 2022-01

Support: 53 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Pollack, Ari	A Lobbyist	NH Homebuilders	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Bradley, Senator Jeb	An Elected Official	SD3	Support
Rogalski, Marjorie	A Member of the Public	Myself	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Soucy, Donna	An Elected Official	SD 18	Support
Smith, Jennifer	A Member of the Public	Myself	Support
Martin, Patricia A	A Member of the Public	Myself	Support
Saum, Judith	A Member of the Public	Myself	Support
Lindpaintner, Lyn	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Davidson, Suellen	A Member of the Public	Myself	Support
Baber, Kristine	A Member of the Public	Myself	Support
Oxenham, Lee	An Elected Official	Myself	Support
Sharf, Joanna	A Member of the Public	Myself	Support
Oxenham, Evan	A Member of the Public	Myself	Support
Glass, Jonathan	A Member of the Public	Myself	Support
Crandell-Glass, Jane	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Wightman, Nancy	A Member of the Public	Myself	Support
Liebowit, Susan	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Rettew, Annie	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Raspiller, Cindy	A Member of the Public	Myself	Support
Petrusewicz, Carol	A Member of the Public	Myself	Oppose
Brown, Howard	A Member of the Public	Myself	Support
Clark, Denise	A Member of the Public	Myself	Support
Zaenglein, Barbara	A Member of the Public	Myself	Support
Zaenglein, Eric	A Member of the Public	Myself	Support
Taylor, Susan	A Member of the Public	Myself	Support
Taylor, David	A Member of the Public	Myself	Support
Walsh, Lynne	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support
Poor, Dan	An Elected Official	Myself	Support
Cable, William	A Member of the Public	Myself	Support
Mott-Smith, Wiltrud	A Member of the Public	Myself	Support
Ptak, Judy	A Member of the Public	Myself	Support
Storrs, Caroline	A Member of the Public	Myself	Support
Sherman, Senator Tom	An Elected Official	SD24	Support
Burnap, Linda	A Member of the Public	Myself	Support
Robertson, Elizabeth	A Member of the Public	Myself	Support
Falk, Cheri	A Member of the Public	Myself	Support
Istel, Claudia	A Member of the Public	Myself	Support
Cecchetti, Lynda	A Member of the Public	Myself	Support

kwasn timer, joseph	A Member of the Public	Myself	Support
Oxenham, Ian	A Member of the Public	Myself	Support
Keeler, Margaret	A Member of the Public	Myself	Support
Woods, Renia	A Member of the Public	Myself	Support
McCanne, Robert	A Member of the Public	Myself	Support
Jones, Andrew	A Member of the Public	Myself	Support
Davis, Gregory	A Member of the Public	Myself	Support

Testimony



CLEAN ENERGY NH

Your Voice in All Energy Matters

14 Dixon Ave, Suite 202 | Concord, NH 03301 | 603.226.4732

January 18, 2021

Senator Kevin Avard, Chair
Senate Energy & Natural Resources Committee
State House, Room 103
Concord, NH 03301

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Testimony on SB270, establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs

Dear Chair Avard and members of the Committee,

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

CENH strongly supports SB270, which would remove barriers to the further development of low- and moderate-income (LMI) community solar projects in the Granite State. In 2019, a bipartisan bill to encourage these types of solar projects with a \$0.0025/kWh “adder” was signed by Governor Sununu, but to date no projects taking advantage of the adder have been completed. A pilot program that would seek to eliminate barriers to implementing the state’s LMI solar program has been proposed, as required by the law, but the Public Utilities Commission (PUC) has taken no action to approve it. SB270 merely seeks to allow what the utilities have already proposed to move forward more quickly.

The language of SB270 relates closely to the language submitted by the utilities to the Public Utilities Commission (PUC) in a technical statement in docket DE 16-576. It solves a key problem identified in a Request for Information carried out by Eversource over the summer, which determined that customer acquisition and income verification is a critical hurdle to developing LMI solar projects. The utilities, through their administration of the Electric Assistance Program, are ideally positioned to anonymously, on an opt-out basis, provide bill credits to income qualified customers. Indeed, this is likely why they proposed this program in their pilot.

Furthermore, LMI individuals and households stand to benefit substantially from the cost-savings opportunities that net metered solar provides through on-bill crediting. For instance, Unitil increased its default residential six month electricity supply price from 9.3 cents/kWh during the winter of 2020-2021 to 17.5 cents/kWh this winter. This rate shock to LMI customers can be dampened with on-bill crediting from community solar.

Currently, solar developers in New Hampshire face administrative barriers to growing LMI community solar development. By removing those administrative barriers, SB270 would enable solar developers to kick start LMI community solar in the most cost-effective and efficient manner possible. Passing SB270 would allow qualifying customers, currently struggling with the unprecedented cost of energy, to more quickly access the cost-saving benefits of LMI community solar. SB270 would help remove these barriers to lower energy costs in several ways.

SB270 would establish a lottery system to ensure that cost savings are accessing those benefits in the fairest manner possible. Customers that are chosen through the lottery system would be notified of the change in their energy source and their participation in the LMI community solar project. Customers may opt out, if they so wish. CENH suggests that any utility notifying its customers of such a change on their bill include a detailed explanation of the benefits and provenance of the savings that they are receiving, along with visual aid, such as a photo of the solar project of which they're the beneficiary.

Finally, SB270 places appropriate guardrails on the development of LMI community solar by limiting the total nameplate capacity rating to 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the PUC will select the projects that offer the largest on-bill credit to qualified customers.

It is important to note that SB270 also provides language regarding energy efficiency. CENH currently supports and prefers the compromise amendment of HB549 as the speediest solution to ensure the sustained funding and policy continuity of New Hampshire's energy efficiency programs. However, SB270, serves as a useful backup mechanism should the passage of HB549 be untenable.

CENH strongly supports SB270 for the reasons described above and asks you to find that SB270 ought to pass.

Sincerely,



Kelly Buchanan
Director of Legislative & Regulatory Affairs
Clean Energy NH
Kelly@cleanenergynh.org
303-956-1246

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # 270

Hearing Date: 1/18/22

Executive Session Date: 2/10/22

Motion of: OTPA Vote: _____

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

Motion of: 0357s Re Vote: _____

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

Motion of: Committee minutes Vote: _____

~~St. he~~
~~Sub 2~~

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

Motion of: OTPA Center Vote: 5-0

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

Reported out by: Watters

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 270**

AN ACT

establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0667s

Senator David Watters
For the Committee

The existing program for low-moderate income electric rate payers to participate in community solar savings projects in New Hampshire has not begun because there has not been an effective means for selecting eligible participants. SB 270 as amended reestablishes the program for low-moderate income electric customers with a mechanism for the Department of Energy and the utilities to select participants.

Daley Frenette 271-3042

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

SB 270, establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.

Ought to Pass with Amendment, Vote 5-0.

Senator David Watters for the committee.

The existing program for low-moderate income electric rate payers to participate in community solar savings projects in New Hampshire has not begun because there has not been an effective means for selecting eligible participants. SB 270 as amended reestablishes the program for low-moderate income electric customers with a mechanism for the Department of Energy and the utilities to select participants.

General Court of New Hampshire - Bill Status System

Docket of SB270

Docket Abbreviations

Bill Title: (New Title) establishing a low-moderate income community solar program.*Official Docket of SB270.:*

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Energy and Natural Resources; SJ 1
1/13/2022	S	Hearing: 01/18/2022, Room 103, SH, 09:45 am; SC 3
2/10/2022	S	Committee Report: Ought to Pass with Amendment # 2022-0667s , 02/16/2022; Vote 5-0; CC; SC 7
2/16/2022	S	Committee Amendment # 2022-0667s , AA, VV; 02/16/2022; SJ 3
2/16/2022	S	Ought to Pass with Amendment 2022-0667s, MA, VV; OT3rdg; 02/16/2022; SJ 3
3/23/2022	H	Introduced 03/17/2022 and referred to Science, Technology and Energy
3/30/2022	H	Public Hearing: 04/11/2022 11:00 am LOB 306-308
4/15/2022	H	Executive Session: 04/11/2022 11:00 am LOB 306-308
4/15/2022	H	Committee Report: Ought to Pass with Amendment # 2022-1444h (Vote 21-0; CC)
5/4/2022	H	Amendment # 1444h: AA VV 05/04/2022 HJ 11
5/4/2022	H	Ought to Pass with Amendment 1444h: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Avard Moved to Concur with the House Amendment, MA, VV; 05/12/2022; SJ 12
6/7/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
7/13/2022	S	Signed by the Governor on 07/08/2022; Chapter 0329; Effective 09/06/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB270

Senate Committee: Energy

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

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

- amendment # 06675 - amendment # 03575
- amendment # 02975 - amendment # 01065
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

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

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

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

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

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

Deef
Committee Aide

6/24/22
Date

Senate Clerk's Office fr