

Amendment to HB 385

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

2

3 2 Community Electric Aggregation Plans; Complaints. Amend RSA 53-E:7, X to read as follows:

4 X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to
5 the extent authorities granted to municipalities and counties by this chapter materially affect the
6 interests of electric distribution utilities and their customers, to reasonably balance such interests
7 with those of municipalities and counties for the public good, which may also be done through
8 adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include
9 but not be limited to rules governing the relationship between municipal and county aggregators and
10 distribution utilities, metering, billing, access to customer data for planning and operation of
11 aggregations, notice of the commencement or termination of aggregation services and products, and
12 the reestablishment of a municipal or county aggregation that has substantially ceased to provide
13 services. Where the commission has adopted rules *or issued orders* in conformity with this
14 chapter, complaints ~~[to]~~ *pertaining to actions undertaken or omitted by any municipal or*
15 *county aggregator or electric distribution utility arising under this chapter, applicable*
16 *rules, or orders of the commission, shall be made to the department. Thereupon, the*
17 *department shall cause a copy of said complaint to be forwarded to the municipal or*
18 *county aggregator or electric distribution utility complained of, which may be*
19 *accompanied by an order, requiring that the matters complained of be satisfied, or that the*
20 *charges be answered in writing within a time to be specified by the department. If the*
21 *charges are not satisfied and it shall appear to the department that there are reasonable*
22 *grounds therefor, it shall investigate the same in such manner and by such means as it*
23 *shall deem proper. After investigation, the department may bring proceedings on its own*
24 *motion before the commission, with respect to any complaint or violation arising under*
25 *this chapter, applicable rules, or orders of the commission. If the party bringing the*
26 *complaint is unsatisfied with the disposition of the complaint by the department, then they*
27 *may petition the commission to resolve the matter through an adjudicative proceeding.*
28 *Notwithstanding any other provision of law to the contrary, municipal and county*
29 *aggregators shall be subject to the jurisdiction of the department for purposes of this*
30 *paragraph. For non-residential ratepayers, the department shall docket and make public*
31 *any received complaint. Complaints to the department and proceedings before the commission*
32 shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

Amendment to HB 385

- Page 2 -

- 1 3 Application of Amended Complaint Procedure; Community Electric Aggregation Plans. The
- 2 procedure for complaints pursuant to RSA 53-F:7, X as amended by this act, shall apply to
- 3 complaints filed with the department of energy on and after the effective date of this act.
- 4 4 Effective Date. This act shall take effect upon its passage.

HB 385 - AS INTRODUCED

2023 SESSION

23-0642

10/04

HOUSE BILL **385**

AN ACT relative to the approval of community electric aggregation plans by the department of energy.

SPONSORS: Rep. Vose, Rock. 5

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill clarifies the procedure for complaints to the department of energy concerning community electric aggregation plans.

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 Three

AN ACT relative to the approval of community electric aggregation plans by the department of energy.

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

1 1 Definition Added; Aggregation of Electric Customers. Amend RSA 53-E:2, VI-a to read as
2 follows:

3 V-a. ***"Department" means the department of energy.***

4 VI-b. "Energy services" means the provision of electric power supply solely or in combination
5 with any or all of the services specified in RSA 53-E:3.

6 2 Community Electric Aggregation Plans; Complaints. Amend RSA 53-E:7, X to read as follows:

7 X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to
8 the extent authorities granted to municipalities and counties by this chapter materially affect the
9 interests of electric distribution utilities and their customers, to reasonably balance such interests
10 with those of municipalities and counties for the public good, which may also be done through
11 adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include
12 but not be limited to rules governing the relationship between municipal and county aggregators and
13 distribution utilities, metering, billing, access to customer data for planning and operation of
14 aggregations, notice of the commencement or termination of aggregation services and products, and
15 the reestablishment of a municipal or county aggregation that has substantially ceased to provide
16 services. Where the commission has adopted rules ***or issued orders*** in conformity with this
17 chapter, complaints ~~[to]~~ ***pertaining to actions undertaken or omitted by any municipal or***
18 ***county aggregator or electric distribution utility arising under this chapter, applicable***
19 ***rules, or orders of the commission, shall be made to the department. Thereupon, the***
20 ***department shall cause a copy of said complaint to be forwarded to the municipal or***
21 ***county aggregator or electric distribution utility complained of, which may be***
22 ***accompanied by an order, requiring that the matters complained of be satisfied, or that the***
23 ***charges be answered in writing within a time to be specified by the department. If the***
24 ***charges are not satisfied and it shall appear to the department that there are reasonable***
25 ***grounds therefor, it shall investigate the same in such manner and by such means as it***
26 ***shall deem proper. After investigation, the department may bring proceedings on its own***
27 ***motion before the commission, with respect to any complaint or violation arising under***
28 ***this chapter, applicable rules, or orders of the commission. If the party bringing the***
29 ***complaint is unsatisfied with the disposition of the complaint by the department, then they***
30 ***may petition the commission to resolve the matter through an adjudicative proceeding.***

1 *Notwithstanding any other provision of law to the contrary, municipal and county*
2 *aggregators shall be subject to the jurisdiction of the department for purposes of this*
3 *paragraph. Complaints to the department* and proceedings before the commission shall not be
4 subject to RSA 541-A:29 or RSA 541-A:29-a.

5 3 Effective Date. This act shall take effect 60 days after its passage.

CONSENT CALENDAR

February 16, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 385,

AN ACT relative to the approval of community electric aggregation plans by 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 Vose

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|------------------------------------------------------------------------------------------------------|
| Committee: | Science, Technology and Energy |
| Bill Number: | HB 385 |
| Title: | relative to the approval of community electric aggregation plans by the department of energy. |
| Date: | February 16, 2023 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT 2023-0360h |

STATEMENT OF INTENT

This housekeeping bill was requested by the Public Utilities Commission (PUC). The devolvement of the PUC to create a Department of Energy two years ago required both agencies to transfer and/or clean up administrative rules. In doing this job, the PUC discovered the desirability of proactive legislation to engage the department in complaint investigation regarding community aggregation under RSA 53-E. The department concurred and this legislation was the result. The committee amendment added provisions to guarantee transparency in this process, and to grandfather complaints filed before the legislation's effective date.

Vote 20-0.

Rep. Michael Vose
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy

HB 385, relative to the approval of community electric aggregation plans by the department of energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. This housekeeping bill was requested by the Public Utilities Commission (PUC). The devolvement of the PUC to create a Department of Energy two years ago required both agencies to transfer and/or clean up administrative rules. In doing this job, the PUC discovered the desirability of proactive legislation to engage the department in complaint investigation regarding community aggregation under RSA 53-E. The department concurred and this legislation was the result. The committee amendment added provisions to guarantee transparency in this process, and to grandfather complaints filed before the legislation's effective date. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 385

BILL TITLE: relative to the approval of community electric aggregation plans by the department of energy.

DATE: February 6, 2023

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:36 a.m.

Time Adjourned: 11:07 a.m.

Committee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Merner, Lewicke, Berezny, Ploszaj, Summers, McGhee, McWilliams, Chretien, Parshall, Caplan, Muns, Noel, W. Thomas, Cormen and Reynolds

Bill Sponsors:

Rep. Vose

TESTIMONY

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

Rep Vose introduced

- Complaints to be handles by DOE, not PUC
- DOE has compliance Dept
- PUC is too small to deal with it (investigate)

Griffin Roberge - DOE

- Neutral
- No Comm Aggreg places yet live - so no complaints
- No means to get \$ to address complaints
- Likely need 2 people, do not know because it is not operational
- Nature of complaint unknown

Clifton Below - Conmmunity Power Coalition of NH

- 28 Community Power Orgs - Overall reasonable
- Limited to Comm Power Orgs
- Most complaints likely to not require adjudication
- Need to publicly docket complaints
- Flag - Escalate to PUC
- Orders are PUC responsibility and investigations are DOE
- Expect not require more than 1 individual

Respectfully Submitted,

Rep JD Bernardy, Clerk

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB385 on 2023-02-06

Support: 1 Oppose: 2 Neutral: 1 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> |
|--------------------|--------------------------------------------|------------------------|---------------------|-----------------|-------------------|--------------------|-------------------|
| Oxenham, Evan | Plainfield, NH evan.oxenham@gmail.com | A Member of the Public | Myself | Oppose | No | No | 2/3/2023 1:49 PM |
| Coon, Kate | Peterborough, NH kate2coon@gmail.com | A Member of the Public | Myself | Oppose | No | Yes | 2/5/2023 9:44 PM |
| Richardson, Daniel | Nashua, NH daniel6_22@comcast.net | A Member of the Public | Myself | Support | No | No | 2/6/2023 9:31 AM |
| HALLOCK, LINDA | Cornish, NH lindash@mail.com | A Member of the Public | Myself | Neutral | No | No | 2/6/2023 11:02 AM |

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 385

BILL TITLE: relative to the approval of community electric aggregation plans by the department of energy.

DATE: February 7, 2023

LOB ROOM: 302-304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Vose

Seconded by Rep. Bernardy

AM Vote: 20-0

Amendment # 2023-0360h

Moved by Rep. Vose

Seconded by Rep. Bernardy

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk



2023 SESSION

Science, Technology and Energy

Bill #: HB 385 Motion: OTP AM #: 03602 Exec Session Date: 7 Feb 2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|------------------------------------------------------------|-------------|-------------|-----------|
| Vose, Michael Chairman | | | |
| Thomas, Douglas W. Vice Chairman | | | |
| Notter, Jeanine M. | | | |
| Harrington, Michael D. | | | |
| Merner, Troy E. <i>Dolan, Tom</i> | | | |
| Lewicke, John <i>Khan, Abdul</i> | | | |
| Berezhny, Lex | | | |
| Bernardy, JD Clerk | | | |
| Ploszaj, Tom | | | |
| Summers, James | | | |
| McGhee, Kat <i>Ryan, Linda</i> | | | |
| McWilliams, Rebecca J. | | | |
| Chretien, Jacqueline H. <i>Morton, Jennifer</i> | | | |
| Parshall, Lucius | | | |
| Caplan, Tony | | | |
| Muns, Chris | | | |
| Noël, Henry W. | | | |
| Thomas, Wendy E.N. | | | |
| Cormen, Thomas H | | | |
| Raynolds, Ned | | | |
| TOTAL VOTE: | 20 | 0 | |



2023 SESSION

Science, Technology and Energy

Bill #: HB385 Motion: OTPA AM #: 03606 Exec Session Date: 7 Feb 2023

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|-------------------------------------------------------------|-------------|-------------|-----------|
| Vose, Michael Chairman | | | |
| Thomas, Douglas W. Vice Chairman | | | |
| Notter, Jeanine M. | | | |
| Harrington, Michael D. | | | |
| Merner, Troy E. <i>Dolan, Tom</i> | | | |
| Lewicke, John <i>Khan, Abdul</i> | | | |
| Berezhny, Lex | | | |
| Bernardy, JD Clerk | | | |
| Ploszaj, Tom | | | |
| Summers, James | | | |
| McGhee, Kat <i>Ryan, Linda</i> | | | |
| McWilliams, Rebecca J. | | | |
| Chretien, Jacqueline H. <i>Moniton, Jennifer</i> | | | |
| Parshall, Lucius | | | |
| Caplan, Tony | | | |
| Muns, Chris | | | |
| Noël, Henry W. | | | |
| Thomas, Wendy E.N. | | | |
| Cormen, Thomas H | | | |
| Raynolds, Ned | | | |
| TOTAL VOTE: | 20 | 0 | |