

LEGISLATIVE COMMITTEE MINUTES

# **HB385**

Bill as  
Introduced

HB 385 - AS AMENDED BY THE HOUSE

9Mar2023... 0360h

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

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ANALYSIS

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

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 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***  
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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. For non-residential ratepayers, the department shall docket and make public*  
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5 shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

6       3 Application of Amended Complaint Procedure; Community Electric Aggregation Plans. The  
7 procedure for complaints pursuant to RSA 53-F:7, X as amended by this act, shall apply to  
8 complaints filed with the department of energy on and after the effective date of this act.

9       4 Effective Date. This act shall take effect upon its passage.

HB 385 - VERSION ADOPTED BY BOTH BODIES

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HB 385 - VERSION ADOPTED BY BOTH BODIES

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CHAPTER 85  
HB 385 - FINAL VERSION

9Mar2023... 0360h

2023 SESSION

23-0642  
10/04

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9Mar2023... 0360h

23-0642  
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10 complaints filed with the department of energy on and after the effective date of this act.

85:4 Effective Date. This act shall take effect upon its passage.

Approved: June 20, 2023  
Effective Date: June 20, 2023

# Committee Minutes

**SENATE CALENDAR NOTICE**  
**Energy and Natural Resources**

Sen Kevin Avard, Chair  
Sen Howard Pearl, Vice Chair  
Sen Regina Birdsell, Member  
Sen David Watters, Member  
Sen Debra Altschiller, Member

Date: April 5, 2023

**HEARINGS**

Tuesday	04/11/2023	
(Day)	(Date)	
Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	<b>HB 142</b>	relative to the operation of the Burgess Biopower plant.
9:15 a.m.	<b>HB 257</b>	relative to telephone carrier of last resort obligations.
9:30 a.m.	<b>HB 385</b>	relative to the approval of community electric aggregation plans by the department of energy.
9:45 a.m.	<b>HB 442-FN</b>	establishing a scuba diver recreational lobster license and relative to lobster trap location tracking.

**(THE PREVIOUS HEARING FOR HB 442-FN WAS RECESSED ON APRIL 4TH)**

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**HB 142**

Rep. Vose

**HB 257**

Rep. Vose

Sen. Pearl

**HB 385**

Rep. Vose

**HB 442-FN**

Rep. Hill

Rep. Janvrin

Rep. D. Thomas

Rep. Ankarberg

Rep. Lewicke

Sen. Gannon

Rep. Weyler

Sen. Pearl

Sen. Lang

Rep. Spillane

Nikolas Liamos 271-7875

Kevin A. Avard  
Chairman

# Senate Energy and Natural Resources Committee

*Nikolas Liamos 271-7875*

HB 385, relative to the approval of community electric aggregation plans by the department of energy.

**Hearing Date:** April 11, 2023

**Time Opened:** 10:46 a.m.

**Time Closed:** 10:52 a.m.

**Members of the Committee Present:** Senators Avard, Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent :** None

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

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**Sponsors:**

Rep. Vose

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**Who supports the bill:** Representative Doug Thomas (Rockingham County, District 16), and Representative Michael Vose (Rockingham County, District 5).

**Who opposes the bill:** None

**Who is neutral on the bill:** Amanda Nonan

**Summary of testimony presented in support:**

**Representative Michael Vose**

**Rockingham County, District 5**

- Representative Michael Vose introduced House Bill 385.
- Rep. Vose stated that HB 385 was requested by the Public Utilities Commission (PUC).
- Rep. Vose stated that when the PUC and Department of Energy were separated into two new entities, both were required to revise their rules.
  - Rep. Vose stated that the PUC deemed it would be advantageous to create a compliant process for handling complaints relating to the community power aggregation programs created by RSA 53-E.
- Rep. Vose stated that HB 385 sets up within the Department of Energy, the process to resolve complaints filed against the community power aggregation organization.
- Rep. Vose stated that the House amended HB 385 to include three additional things.

- Rep. Vose stated that if a complaint was not resolved to a satisfactory level, a petition for an adjudicative proceeding would be available.
- Rep. Vose stated that the second change mandated the Department to make public any complaint they receive.
- Rep. Vose stated that any complaint filed prior to the effective date would be handled by the PUC.

**Summary of testimony presented in opposition: None**

**Neutral Information Presented:**

**Amanda Noonan**

**Director of Consumer Services Division, Department of Energy**

- Amanda Noonan stated that with the advent of community aggregation, both agencies are grappling with an additional workload.
- Dir. Noonan stated that the Department would need additional staffing resources to handle the increase of workload.
  - Dir. Noonan explained that the Department would require one to two full-time employees.
- Dir. Noonan stated that community power aggregations are not an entity that the Department can assess.
  - Dir. Noonan explained that the Department can assess utilities.
  - Dir. Noonan added that they would have no funding source for these new positions they would potentially need.
- Dir. Noonan noted that any complaint whether it is from a residential or non-residential customer that is a formal complaint would be docketed and would be public.

NPL  
Date Hearing Report completed: April 17, 2023

# Speakers





# Voting Sheets

# Senate Energy and Natural Resources Committee

## EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # HB 385

Hearing date: 4/11/23

Executive Session date: 5/16/23

Motion of: OTP 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Altschiller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Pearl, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<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. Altschiller	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Birdsell

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Tuesday, May 16, 2023

THE COMMITTEE ON Energy and Natural Resources

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Regina Birdsell  
For the Committee

House Bill 385 creates a process to resolve complaints filed against the community power aggregation organization within the Department of Energy. If a filed complaint is not resolved to a satisfactory level, there is an avenue in this legislation to open an adjudicative proceeding. Additionally, any complaint that the department receives will be reviewable by the public. The Senate Energy and Natural Resources Committee voted unanimously to pass House Bill 385.

Nikolas Liamos 271-7875

FOR THE CONSENT CALENDAR

**ENERGY AND NATURAL RESOURCES**

**HB 385**, relative to the approval of community electric aggregation plans by the department of energy.

Ought to Pass, Vote 5-0.

Senator Regina Birdsell for the committee.

House Bill 385 creates a process to resolve complaints filed against the community power aggregation organization within the Department of Energy. If a filed complaint is not resolved to a satisfactory level, there is an avenue in this legislation to open an adjudicative proceeding. Additionally, any complaint that the department receives will be reviewable by the public. The Senate Energy and Natural Resources Committee voted unanimously to pass House Bill 385.

## General Court of New Hampshire - Bill Status System

**Docket of HB385**

Docket Abbreviations

**Bill Title:** relative to the approval of community electric aggregation plans by the department of energy.*Official Docket of HB385.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/9/2023	H	<b>Introduced</b> (in recess of) 01/05/2023 and referred to Science, Technology and Energy <b>HJ 3 P. 13</b>
2/1/2023	H	Public Hearing: 02/06/2023 10:00 am LOB 302-304
2/1/2023	H	Executive Session: 02/07/2023 01:00 pm LOB 302-304
2/24/2023	H	Committee Report: Ought to Pass with Amendment <b>#2023-0360h</b> 02/16/2023 (Vote 20-0; CC) <b>HC 14 P. 7</b>
3/9/2023	H	Amendment <b>#2023-0360h</b> : AA VV 03/09/2023 <b>HJ 8 P. 10</b>
3/9/2023	H	<b>Ought to Pass with Amendment</b> 2023-0360h: MA VV 03/09/2023 <b>HJ 8 P. 10</b>
3/14/2023	S	Introduced 03/09/2023 and Referred to Energy and Natural Resources; <b>SJ 10</b>
4/5/2023	S	<b>Hearing:</b> 04/11/2023, Room 103, SH, 09:30 am; <b>SC 17</b>
5/16/2023	S	Committee Report: Ought to Pass, 05/18/2023; Vote 5-0; CC; <b>SC 22A</b>
5/18/2023	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 05/18/2023; <b>SJ 15</b>
6/13/2023	S	Enrolled Adopted, VV, (In recess 06/08/2023); <b>SJ 19</b>
6/13/2023	H	Enrolled (in recess of) 06/08/2023 <b>HJ 15</b>
6/21/2023	H	Signed by Governor Sununu 06/20/2023; Chapter 85; Eff: 06/20/2023

NH House

NH Senate

# Other Referrals



**Senate Inventory Checklist for Archives**

Bill Number: HB 385

Senate Committee: ENR

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

Final Pocket 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 # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: (Clerk's Office)**

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

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

\_\_\_ - amendment # \_\_\_      \_\_\_ - amendment # \_\_\_

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

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

Enrolled Bill Amendment(s)

Governor's Veto Message

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

\_\_\_ as amended by the senate      \_\_\_ as amended by the house

final version

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

[Signature]  
Committee Aide

8/2/23  
Date

Senate Clerk's Office AK