

LEGISLATIVE COMMITTEE MINUTES

SB79

Bill as
Introduced

SB 79 - AS INTRODUCED

2023 SESSION

23-0978

10/08

SENATE BILL **79**

AN ACT relative to the participation of customer generators in net energy metering.

SPONSORS: Sen. Lang, Dist 2

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill adds the requirement for large customer-generators participating in net energy metering to consume at least 20 percent of their own generation.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 participation of customer generators in net energy metering.

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

1 1 Limited Electrical Energy Producers Act; Definition; Eligible Customer Generator. Amend
2 RSA 362-A:1-a, II-b to read as follows:

3 II-b. "Eligible customer-generator" or "customer-generator" means an electric utility
4 customer who owns, operates, or purchases power from an electrical generating facility either
5 powered by renewable energy or which employs a heat led combined heat and power system, with a
6 total peak generating capacity of up to and including one megawatt or 100 percent of the customer's
7 aggregate average electric consumption over the past 12 months if greater than one megawatt but
8 less than 5 megawatts, except as provided for a municipal host as defined in paragraph II-c, ~~[that is~~
9 ~~located behind a retail meter on the customer's premises,]~~ provided it is interconnected and operates
10 in parallel with the electric grid, and is used to offset the customer's own electricity requirements.
11 Incremental generation added to an existing generation facility, that does not itself qualify for net
12 metering, shall qualify if such incremental generation meets the qualifications of this paragraph and
13 is metered separately from the nonqualifying facility.

14 2 New Paragraph; Net Energy Metering; Consumption. Amend RSA 362-A:9 by inserting after
15 paragraph IV the following new paragraph:

16 IV-a.(a) Facilities eligible for the net metering tariff under this section for customer
17 generators larger than 100 kilowatts and up to 5 megawatt with an in-service date after January 1,
18 2023 and not acting as a group net metering host, must consume at least 20 percent of the
19 generation, on an annual basis.

20 (b) Consumption requirements under this section shall not apply to low and moderate
21 income customers as defined in administrative rules of the public utilities commission in PUC
22 902.21.

23 3 Effective Date. This act shall take effect 60 days after its passage.

and service area

SB 79 - AS AMENDED BY THE SENATE

03/16/2023 0840s

2023 SESSION

23-0978

10/08

SENATE BILL **79**

AN ACT relative to the participation of customer generators in net energy metering.

SPONSORS: Sen. Lang, Dist 2

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill adds a definition and requirements for an industrial host as a customer-generator under the limited electrical energy producers act.

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7 the customer's premises, and as provided for an industrial host as defined in paragraph II-g,
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9 customer's own electricity requirements. Incremental generation added to an existing generation
10 facility, that does not itself qualify for net metering, shall qualify if such incremental generation
11 meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.

12 2 New Paragraph; Definition. Amend RSA 362-A:1-a by inserting after paragraph II-f the
13 following new paragraph:

14 II-g. "Industrial host" means a customer generator with a total peak generating capacity of
15 greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a
16 group consisting exclusively of one commercial, industrial, or institutional entity with one or more
17 accounts, provided that all accounts are located within the same utility franchise service territory.
18 In no instance shall the electrical generating facility exceed 100 percent of the industrial host's
19 average electric consumption over the past 12 months. An industrial host may be owned by either a
20 public or private entity.

21 3 Effective Date. This act shall take effect 60 days after its passage.

SB 79 - VERSION ADOPTED BY BOTH BODIES

03/16/2023 0840s

2023 SESSION

23-0978

10/08

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SB 79 - FINAL VERSION

03/16/2023 0840s

2023 SESSION

23-0978

10/08

SENATE BILL

79

AN ACT

relative to the participation of customer generators in net energy metering.

SPONSORS:

Sen. Lang, Dist 2

COMMITTEE:

Energy and Natural Resources

AMENDED ANALYSIS

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19 average electric consumption over the past 12 months. An industrial host may be owned by either a
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22

23 VETOED May 31, 2023

Amendments

Amendment to SB 79

1 Amend the bill by replacing sections 1 and 2 with the following:

2

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6 customer who owns, operates, or purchases power from an electrical generating facility either
7 powered by renewable energy or which employs a heat led combined heat and power system, except
8 as provided for a municipal host as defined in paragraph II-c, that is located behind a retail meter on ^{provided it}
9 the customer's premises, and as provided for an industrial host as defined in paragraph II-g, is
10 interconnected and operates in parallel with the electric grid, and is used to offset the customer's
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18 group consisting exclusively of one commercial, industrial, or institutional entity with one or more
19 accounts, provided that all accounts are located within the same utility franchise service territory.
20 In no instance shall the total peak generating capacity exceed 100 percent of the industrial host's
21 average electric consumption over the past 12 months. ^{electrical generating facility} An industrial host may be owned by either a
22 public or private entity.

2023-0759s

AMENDED ANALYSIS

This bill adds a definition and requirements for an industrial host as a customer-generator under the limited electrical energy producers act.

UNAPPROVED

Amendment to SB 79

1 Amend the bill by replacing sections 1 and 2 with the following:

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22 public or private entity.

Amendment to SB 79

- Page 2 -

2023-0840s

AMENDED ANALYSIS

This bill adds a definition and requirements for an industrial host as a customer-generator under the limited electrical energy producers act.

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: February 16, 2023

HEARINGS

Tuesday	02/21/2023	
(Day)	(Date)	
Energy and Natural Resources	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m. SB 165	relative to the online energy data platform.	
(THE PREVIOUS HEARING FOR SB 165 WAS RECESSED ON FEBRUARY 15TH)		
9:15 a.m. SB 79	relative to the participation of customer generators in net energy metering.	
9:30 a.m. SB 96	relative to state energy performance contracting.	
9:45 a.m. SB 16	establishing a stakeholders' group to address utility poles and attachments in New Hampshire.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 165

Sen. Perkins Kwoka

SB 79

Sen. Lang

SB 96

Sen. Lang

Sen. Carson

Rep. Moffett

SB 16

Sen. Watters

Rep. Corman

Rep. McWilliams

Sen. Avard

Sen. Pearl

Sen. Murphy

Rep. Infantine

Sen. Ricciardi

Rep. Ammon

Sen. Fenton

Rep. Grote

Rep. Cambrils

Nikolas Liamos 271-7875

Kevin A. Avard
Chairman

Senate Energy and Natural Resources Committee

Nikolas Liamos 271-7875

SB 79, relative to the participation of customer generators in net energy metering.

Hearing Date: February 21, 2023

Time Opened: 9:26 a.m.

Time Closed: 10:00 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill adds the requirement for large customer-generators participating in net energy metering to consume at least 20 percent of their own generation.

Sponsors:

Sen. Lang

Who supports the bill: In total, 73 individuals signed in in support of SB79. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikola.liamos@leg.state.nh.us)

Who opposes the bill: In total, 2 individuals signed in in opposition of SB79. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikola.liamos@leg.state.nh.us)

Who is neutral on the bill: In total, no individuals signed in as neutral of SB79. The full sign in sheets are available upon request to the Legislative Aide, Nikolas Liamos (nikola.liamos@leg.state.nh.us)

Summary of testimony presented in support:

Senator Tim Lang

Senate District 2

- Senator Tim Lang introduced Senate Bill 79.
- Senator Lang stated that SB 79 adds language to the existing statute concerning net energy metering.

- Senator Lang stated that SB 79 is pro-business and allows for businesses to participate in net energy metering, if at the end of the year they consume as much energy as they produce.
- Senator Lang stated that businesses who are high energy users would benefit from SB 79.
- Senator Lang stated that SB 79 allows for businesses to produce energy up to their energy need and not above, the goal is to allow for businesses to become self sufficient with their energy and hopefully lower their costs.
- Senator Lang stated that multistate manufacturers compete with other states in the same company to produce products.
 - Senator Lang provided an example of the Anheuser-Busch plant in Merrimack competes with a plant in New Jersey to produce bottles, and if the cost to produce is too high in Merrimack, then the project would go to New Jersey.
- Senator Lang stated that SB 79 would allow for our state to retain manufacturing and make New Hampshire competitive.
- Senator Avard asked if Senator Lang would be ok with the language change on line 20 and Line 9.
 - Senator Lang responded that he has no objections to the language change.

Jim Monahan

Dupont Group

- Jim Monahan stated that he is testifying on behalf of Revision Energy.
- Mr. Monahan provided the committee with a signed letter of companies who are currently restrained by the current law.
- Mr. Monahan stated that he is not asking the committee to expand net metering, rather to allow for certain customers to produce more than one megawatt.
- Mr. Monahan stated that some businesses energy consumption is above one megawatt.
- Mr. Monahan stated that currently, companies who produce greater than one megawatt and who feed it back into the grid are not properly compensated for their contribution.
 - Mr. Monahan noted that the current law does not incentivize businesses to build large manufacturing plants in New Hampshire.
- Senator Avard asked if the energy contributed to the grid would be evaluated at the wholesale or retail market level.
 - Mr. Monahan responded that SB 79 does not involve the price of electricity, only the scale of acceptable projects.
- Senator Avard asked if a business can contribute the unused energy back into the grid.
 - Mr. Monahan replied that, SB 79 requires a business to produce only what they consume, but on nights and weekends when no one is working, then they may contribute energy back into the grid.
- Mr. Monahan stated that SB 79 applies to businesses who employ a lot of people and for companies on a global level who have to meet global energy standards.
- Senator Avard asked if there is any cost shifting.
 - Mr. Monahan replied that there is no cost shifting, the key is to get the rates of production and consumption under control.

- Senator Pearl asked if we are now allowing someone to build a 4.9 megawatt facility, and if they do not use everything they produce, then would they be eligible for net metering if they meet the annual twenty percent requirement.
 - Mr. Monahan replied that is correct.
 - Mr. Monahan stated that the twenty percent standard was implanted by the Senate Energy Committee last year.
- Senator Pearl asked, what would change if up to five megawatts was allowed instead of one.
 - Mr. Monahan stated that SB 79 only allows for companies to reduce as much as they consume.
 - Mr. Monahan continued that the goal is to create a facility that has its production meet its annual consumption.
- Mr. Monahan stated that Senator Pearl was a cosponsor of 2020's HB 1420, which was basically an identical bill.
- Mr. Monahan stated that he thought it was best to bring SB 79 not as a giant comprehensive project, but rather as a specific bill for specific customers.
- Mr. Monahan stated that he doesn't want to see an environment created where businesses lose out on federal clean energy tax credits.
- Mr. Monahan stated that this is a years long process, customers just want to know that if they contribute energy back to grid then they will receive a fair price for the rate.
- Mr. Monahan stated that SB 79 is an incremental change in net metering.
- Senator Avard asked if storage is a relevant issue to these customers.
 - Mr. Monahan responded that large manufactures may have the wherewithal for their own storage, but other manufactures may see the grid as their own battery where they can export and import energy whenever they need it.
- Senator Avard asked if Mr. Monahan would be ok with the language change on line 20 and line 9.
 - Mr. Monahan responded that the language was originally changed in SB 79 to take into account customers who may have their generators not directly attached to the meter.
 - Mr. Monahan noted that he does not think the current language allows for a generator to be located in Arizona.
- Senator Pearl asked if in adding service area, would this help remedy all concerns.
 - Mr. Monahan stated that he believes it would, but that he would have to check back with the engineers at Revision Energy.

Sam Evans-Brown

Clean Energy New Hampshire

- Sam Evans-Brown stated that Clean Energy NH is supportive of SB 79.
- Mr. Evans-Brown stated that SB 79 is a small change to current laws.
- Mr. Evans-Brown stated that there are only dozens of companies in New Hampshire who would be eligible for this.
- Mr. Evans-Brown stated that manufactures are more likely to be negatively affected by high energy rates.
- Mr. Evans-Brown stated that this is a small incremental change.
- Senator Watters asked if five megawatts is the sweet spot for net metering.

- Mr. Evans-Brown confirmed that two to five megawatts is the sweet spot, ISO New England sees projects starting at five megawatts as worth their time.
- Senator Watters asked if we've shown that this is good for municipalities then why would we not allow for manufactures to participate in this
 - Mr. Evans-Brown confirmed that manufactures should be able to participate just like municipalities.
- Senator Watters asked if it would have been fair to say that SB 79 would help businesses with high energy costs.
 - Mr. Evans-Brown stated that this bill does indeed help businesses with high energy costs.

David Juret

Senior Vice-President, Business and Industry Association

- David Juret stated that the Business and Industry Association supports SB 79.
- Mr. Juret stated that he doesn't have any objections to the characterizations to the bill.
- Mr. Juret stated that a lot of his members signed the letter urging the committee to pass SB 79.

Summary of testimony presented in opposition:

Josh Elliott

Director of Policy and Programs, Department of Energy

- Josh Elliott stated that there is an ongoing docket before the PUC concerning energy rates in net metering and increasing the current cap.
- Mr. Elliott stated that based on the language of SB 79, there is nothing saying the facility has to be in New Hampshire, or the same utility service area.
 - Mr. Elliott stated that the energy generator facility could be anywhere.
 - Mr. Elliott stated that this can be solved by group host net metering or a power purchase agreement.
- Mr. Elliott stated that the definition of the PUC's role has already been addressed in SB 161.
- Mr. Elliott stated that SB 79's language contradicts the language of SB 161.
 - Senator Avard asked how we could avoid this.
 - Mr. Elliott responded that a language change could remedy this.
 - Mr. Elliott stated that the Department's objection centers on SB 79 prioritizing businesses at the expense of a single mother living in Manchester trying to provide for her family.
- Mr. Elliott stated that if a business wants to expand storage, then they can expand their storage on their own.
- Senator Watters asked if Mr. Elliott would agree that the legislature is the policy setting body and that they consider issues of the public good.
 - Mr. Elliott confirmed that it is.
- Senator Altschiller asked if adding in language that SB 79 removed, if it would satisfy the Department's concerns.
 - Mr. Elliott confirmed that it would.

- Senator Avard asked if adding back in Section B, would that help with the Department's concerns as well.
 - Mr. Elliott confirmed that it would.

Neutral Information Presented: None

NPL

Date Hearing Report completed: March 3, 2023

Speakers

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB79 on 2023-02

Support: 70 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
longley, margaret	A Member of the Public	Myself	Support
Farnum, Ellen	A Member of the Public	Myself	Support
Hill, Bonnie	A Member of the Public	Myself	Support
Liebowitz, Susan	A Member of the Public	Myself	Support
Beaton, Richard	A Member of the Public	Myself	Oppose
Southard, Barbara	A Member of the Public	Myself	Support
Grossi, Anne	A Member of the Public	Myself	Support
Damon, Claudia	A Member of the Public	Myself	Support
Smith, Jennifer	A Member of the Public	Myself	Support
Satterfield, Peter	A Member of the Public	Myself	Support
Reed, Barbara	A Member of the Public	Myself	Support
Carter, Lilian	A Member of the Public	Myself	Support
Casino, Joanne	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Kaiser, Robin	A Member of the Public	Myself	Support
Liscord, Barbara	A Member of the Public	Myself	Support
Dickler, Jeffrey	A Member of the Public	Myself	Support
Rettew, Ann	A Member of the Public	Myself	Support
Isel, Claudia	A Member of the Public	Myself	Support
es, Andrew	A Member of the Public	Myself	Support
Devore, Gary	A Member of the Public	Myself	Support
Englund, Alfrieda	An Elected Official	Myself	Support
Walker, Deborah Klein	A Member of the Public	Myself	Support
Keeler, Margaret	A Member of the Public	Myself	Support
Wessels, Susan	A Member of the Public	Myself	Support
kwasnik, joseph	A Member of the Public	Myself	Support
Merlone, Lynn	A Member of the Public	Myself	Support
Hershey, Jane	A Member of the Public	Myself	Support
Keegan, John	A Member of the Public	Myself	Support
Moore, Susan	A Member of the Public	Myself	Support
Hackmann, Kent	A Member of the Public	Myself	Support
FEDER, Robert	A Member of the Public	Myself	Support
Feder, Marsha	A Member of the Public	Myself	Support
Phillips, Betsey	A Member of the Public	Myself	Support
Till, Mary	A Member of the Public	Myself	Support
Coakley, Lynn	A Member of the Public	Myself	Support
MESERVE, BARBARA	A Member of the Public	Myself	Support
Taylor, Gale	A Member of the Public	Myself	Support
Benham, Beth	A Member of the Public	Myself	Support
Beffa-Negrini, Patricia	A Member of the Public	Myself	Support
berk, bruce	A Member of the Public	Myself	Support
Jakubowski, Deborah	A Member of the Public	Myself	Support
aman, Susan	A Member of the Public	Myself	Support
EDRICH, ED	A Member of the Public	Myself	Support
perencevich, ruth	A Member of the Public	Myself	Support
Spencer, Louise	A Member of the Public	Myself	Support
QUISUMBING-KING, Cora	A Member of the Public	Myself	Support

Allen, Mary Grace	A Member of the Public	Myself	Support
Bishop, Nancy	A Member of the Public	Myself	Support
Messner, Katherine	A Member of the Public	Myself	Support
Introcaso, Paul	A Member of the Public	Myself	Support
Ellermann, Maureen	A Member of the Public	Myself	Support
Bartlett, Christy	A Member of the Public	Myself	Support
DeMark, Richard	A Member of the Public	Myself	Support
DeMark, Harriet	A Member of the Public	Myself	Support
Russman, Rick	An Elected Official	Myself	Support
Willing, Maura	A Member of the Public	Myself	Support
Lamphier, Regan	An Elected Official	Myself	Support
Davidson, Geri	A Member of the Public	Myself	Support
Brennan, Nancy	A Member of the Public	Myself	Support
Hincbauch, Melissa	A Member of the Public	Myself	Support
Chase, Karen	A Member of the Public	Myself	Support
Corell, Elizabeth	A Member of the Public	Myself	Support
Kroll, Heidi	A Lobbyist	Monadnock Paper Mills	Support
Holt, David	A Member of the Public	Myself	Support
Lewis, Elizabeth	A Member of the Public	Myself	Support
Racusin, Sharon	A Member of the Public	Myself	Support
Miles, Nancy	A Member of the Public	Myself	Support
Staples, Monica	A Member of the Public	Myself	Support
Almy, Susan	An Elected Official	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support

Voting Sheets

Senate Energy and Natural Resources Committee EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # SB 79

Hearing date: 2/21/23

Executive Session date: 3/8/23

Motion of: OP Vote: 3-0

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: General # 0759s 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" 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: OTPA 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" 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"/>

Reported out by: Sen Watters

Notes: _____

Senate Energy and Natural Resources Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Bill # SB79

Hearing date: 2/21/23

Executive Session date: 3/8/23

Motion of: CONDENA 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input checked="" 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"/>

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: Sen. Watters

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 8, 2023

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 79**

AN ACT

relative to the participation of customer generators
in net energy metering.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

by a vote of: 5-0

Amendment # 0840s

Senator David Watters
For the Committee

SB 79 permits industrial and commercial entities to qualify as large customer-generators participating in net energy metering. They must consume at least 20 percent of their own generation. In order for a customer to be eligible to participate, the generator must be interconnected and parallel with the electric grid and used to offset the customer's own electricity requirements. The customer generator's peak generating capacity shall be between one and five megawatts. Lastly, the electrical generating facility shall not exceed 100 percent of the average energy consumption over the past 12 months.

Nikolas Lamos 271-7875

FOR THE CONSENT CALENDAR

ENERGY AND NATURAL RESOURCES

SB 79, relative to the participation of customer generators in net energy metering.

Ought to Pass with Amendment, Vote 5-0.

Senator David Watters for the committee.

SB 79 permits industrial and commercial entities to qualify as large customer-generators participating in net energy metering. They must consume at least 20 percent of their own generation. In order for a customer to be eligible to participate, the generator must be interconnected and parallel with the electric grid and used to offset the customer's own electricity requirements. The customer generator's peak generating capacity shall be between one and five megawatts. Lastly, the electrical generating facility shall not exceed 100 percent of the average energy consumption over the past 12 months.

General Court of New Hampshire - Bill Status System

Docket of SB79

Docket Abbreviations

Bill Title: relative to the participation of customer generators in net energy metering.*Official Docket of SB79.:*

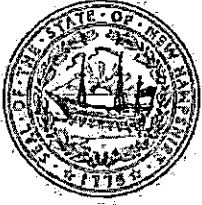
Date	Body	Description
1/18/2023	S	Introduced 01/05/2023 and Referred to Energy and Natural Resources; SJ 4
2/16/2023	S	Hearing: 02/21/2023, Room 103, SH, 09:15 am; SC 11
3/8/2023	S	Committee Report: Ought to Pass with Amendment #2023-0840s , 03/16/2023; Vote 5-0; CC; SC 13
3/16/2023	S	Committee Amendment #2023-0840s , AA, VV; 03/16/2023; SJ 10
3/16/2023	S	Ought to Pass with Amendment 2023-0840s, MA, VV; OT3rdg; 03/16/2023; SJ 10
3/21/2023	H	Introduced (in recess of) 03/16/2023 and referred to Science, Technology and Energy
3/28/2023	H	Public Hearing: 04/03/2023 11:00 am LOB 302-304
4/11/2023	H	Full Committee Work Session: 04/17/2023 01:00 pm LOB 302-304
4/11/2023	H	Executive Session: 04/18/2023 09:00 am LOB 302-304
4/25/2023	H	Committee Report: Without Recommendation 04/18/2023 (Vote ; RC)
5/4/2023	H	Ought to Pass: MA RC 194-179 05/04/2023 HJ 13 P. 41
5/23/2023	H	Enrolled (in recess of) 05/18/2023 HJ 14
5/23/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); SJ 16
6/2/2023	S	Vetoed by Governor 05/31/2023

NH House

NH Senate

Docket of SB79		
01/18/2023	S	Introduced 01/05/2023 and Referred to Energy and Natural Resources; SJ 4
02/16/2023	S	Hearing: 02/21/2023, Room 103, SH, 09:15 am; SC 11
03/08/2023	S	Committee Report: Ought to Pass with Amendment # 2023-0840s, 03/16/2023; Vote 5-0; CC; SC 13
03/16/2023	S	Committee Amendment # 2023-0840s, AA, VV; 03/16/2023; SJ 10
03/16/2023	S	Ought to Pass with Amendment 2023-0840s, MA, VV; OT3rdg; 03/16/2023; SJ 10
03/21/2023	H	Introduced (in recess of) 03/16/2023 and referred to Science, Technology and Energy
03/28/2023	H	Public Hearing: 04/03/2023 11:00 am LOB 302-304
04/11/2023	H	Full Committee Work Session: 04/17/2023 01:00 pm LOB 302-304
04/11/2023	H	Executive Session: 04/18/2023 09:00 am LOB 302-304
04/25/2023	H	Committee Report: Without Recommendation 04/18/2023 (Vote ; RC)
05/04/2023	H	Ought to Pass: MA RC 194-179 05/04/2023 HJ 13 P. 41
05/23/2023	H	Enrolled (in recess of) 05/18/2023 HJ 14
05/23/2023	S	Enrolled Adopted, VV, (In recess 05/18/2023); SJ 16
06/02/2023	S	Vetoed by Governor 05/31/2023

Other Referrals



**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

CHRISTOPHER T. SUNUNU
Governor

May 31, 2023

Governor's Veto Message Regarding Senate Bill 79

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on May 31, 2023, I have vetoed Senate Bill 79, an act relative to the participation of customer generators in net energy metering.

This legislation includes several problematic provisions. Most notably, the bill amends the statutory definition of a customer-generator and entirely removes the 1-megawatt net metering limit under current law. This change effectively removes all size limits on net metering aside from municipal and industrial host net metering arrangements. Although this may have been unintended by legislators, this change would completely upend the state's net metering structure and makes this bill unacceptable.

In addition to this mistake, enacting Senate Bill 79 would risk cost-shifting to benefit large businesses at the expense of those ratepayers who cannot afford higher energy costs. Energy cost increases are regressive, most directly affecting low-income families and seniors on fixed incomes. The New Hampshire Public Utilities Commission has an active adjudicative proceeding, DE 22-060, that will consider changes to the current net metering tariff structure. This proceeding will inform our understanding of the extent that net metering shifts costs among ratepayers and arrive at an appropriate rate of compensation for customer-generators. At that point, we may be able to feel much more confident that an expansion of net metering will not negatively impact our most vulnerable citizens.

For the reasons stated above, I have vetoed Senate Bill 79.

Respectfully submitted,

A handwritten signature in black ink that reads "Christopher T. Sununu".

Christopher T. Sununu
Governor

Senate Inventory Checklist for Archives

Bill Number: SB79

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 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 # 0840s - amendment # _____

- amendment # 0759s - 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 AL