Amendment to HB 183

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

AN ACT establishing a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electrical supply, and relative to baseload renewable generation credits for biomass energy facilities.

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

6 New Paragraph; Preservation and Use of Renewable Generation to Provide Fuel Diversity; Definitions. Amend RSA 362-H:1 by inserting after paragraph VI the following new paragraph:

VII. “Real-time market price” means the average real-time locational marginal price at the pricing node applicable to the eligible facility in the independent system operator of New England (ISO-NE) real-time energy market for the applicable period used in the invoice submitted under RSA 362-H:3, IV.

7 New Sections; Baseload Renewable Generation Credits; Commission Authority. Amend RSA 362-H by inserting after section 2 the following new sections:

362-H:3 Baseload Renewable Generation Credits.

I. In addition to the requirements in RSA 362-F and notwithstanding any other law to the contrary, to promote retention of baseload or non-intermittent renewable generation, all net energy output generated by an eligible facility shall also produce baseload renewable generation credits for the eligible facility at the rate of one credit per net megawatt-hour generated by the eligible facility, provided that credits shall be produced only during the period commencing with the date the first credit is produced for purchase as stated in the invoice submitted under paragraph IV and ending 3 years thereafter. No baseload generation credits will be produced by any megawatt-hours purchased under RSA 362-H:2 or generated prior to the effective date of this section.

II. In this section, an "eligible facility" shall not include any facility combusting municipal solid waste.

III. Each electric distribution company subject to the commission’s approval regarding procurement of default service shall directly purchase all baseload generation credits offered for sale to it from eligible facilities located in its service territory based on the invoice submitted to it by the eligible facility. Each credit shall be purchased at a rate, expressed in dollars, equal to the positive difference between: (a) the adjusted energy rate applicable to the invoice period, and (b) the greater of the average energy rate, expressed in dollars per megawatt-hour, received in the month
or applicable invoice period by the eligible facility for the sale of its energy, or the real-time market price. If the adjusted energy rate is no longer calculable due to a change in law or default service procurement, then the adjusted energy rate in (a) shall be the average of the last 2 adjusted energy rates. The purchase of credits shall not convey title to, or be deemed to be a purchase of, any electrical energy or capacity.

IV. The eligible facility shall invoice the purchasing electric distribution company monthly for the purchase of the credits produced in the prior month or other applicable period. Each invoice shall contain the net energy output generated (in megawatt-hours), the number of credits to be sold under the invoice, the average energy rate received by the eligible facility for the sale of energy in that month, or applicable invoice period, and the real-time market price. The invoice shall provide reasonable supporting detail to verify the invoice information. The invoice information and supporting detail shall be confidential information under all applicable laws. The electric distribution company shall calculate the amount due under the invoice, provide the calculation details to the eligible facility monthly, and pay the invoice within 15 days of receipt of the invoice.

V. Notwithstanding any law to the contrary, each electric distribution company shall recover, and the commission shall order the recovery of, the cost of purchasing credits and any reasonable costs incurred by the distribution company under this section through a nonbypassable delivery services charge applicable to all customers in the distribution company’s service territory. The costs to be recovered under the charge shall be allocated among the electric distribution company's customer classes using the allocation percentages and process applicable to the particular distribution company as stated in RSA 362-H:2, V.


I. Any dispute arising under this chapter may be referred to the commission by the applicable electric distribution company or eligible facility for adjudication, and the commission is authorized to resolve any such dispute. Notwithstanding any law to the contrary, the commission shall order rate recovery under RSA 362-H:2, V.

II. If for any reason, the rights and obligations under any section of this chapter do not commence on the applicable effective date or are otherwise interrupted at any time, then any affected time period stated in the chapter shall be deemed tolled and automatically extended for the tolled period.

III. If any provision of this chapter shall be determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the validity or enforceability of any other provision, including, without limitation, the allocation percentages and processes stated in RSA 362-H:2, V and any definitions applicable to the remaining provisions.

8 Effective Date. This act shall take effect upon its passage.
AMENDED ANALYSIS

This bill establishes a committee to study the applications of microgrids in New Hampshire and changes in law necessary to allow for microgrids in electricity supply. The bill also requires electric distribution companies to purchase baseload renewable generation credits from eligible biomass facilities.