

1 Committee of Conference Report on SB 91, adopting omnibus legislation on renewable energy and
2 utilities.

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4 Recommendation:

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6 That the Senate recede from its position of nonconcurrence with the House amendment, and
7 concur with the House amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 House, and pass the bill as so amended:

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11 Amend Part II of the bill by replacing all after section 1 with the following:

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13 2 Limited Electrical Energy Producers Act; Net Energy Metering; Alternative Tariffs. Amend
14 RSA 362-A:9, XVI to read as follows:

15 XVI. ~~[No later than 3 weeks after the effective date of this paragraph.]~~

16 (a) The commission, ***through an adjudicative proceeding***, shall ~~[initiate a~~
17 ~~proceeding]~~ ***continue*** to develop ***and periodically review*** new alternative net metering tariffs,
18 which may include other regulatory mechanisms and tariffs for customer-generators, and determine
19 whether and to what extent such tariffs should be limited in their availability within each electric
20 distribution utility's service territory. In developing such alternative tariffs and any limitations in
21 their availability, the commission shall consider: ***balancing the interests of customer-generators***
22 ***with those of electric utility ratepayers by maximizing any net benefits while minimizing***
23 ***any negative cost shifts from customer-generators to other customers and from other***
24 ***customers to customer-generators***; the costs and benefits of customer-generator facilities; an
25 avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate
26 structures, including time-based tariffs pursuant to paragraph VIII; whether there should be a
27 limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible
28 to receive net metering tariffs: timely recovery of lost revenue by the utility using an automatic rate
29 adjustment mechanism; and electric distribution utilities' administrative processes required to
30 implement such tariffs and related regulatory mechanisms. The commission may waive or modify
31 specific size limits and terms and conditions of service for net metering specified in paragraphs I, III,
32 IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for
33 customer-generators. The commission may approve time and/or size limited pilots of alternative
34 tariffs.

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1 I. The commission shall consist of the following members:

2 (a) Three members of the house science technology and energy committee, with at least
3 one member of the minority party, appointed by the speaker of the house of representatives.

4 (b) Two members of the senate energy and natural resources committee, appointed by
5 the president of the senate.

6 (c) One member who is either as initially appointed from the public utilities commission
7 by the chairperson of the public utilities commission or is appointed by the commissioner of the
8 newly established department of energy if it becomes law.

9 II. Legislative members of the commission shall receive mileage at the legislative rate when
10 attending to the duties of the commission.

11 III. The commission may solicit input from any person or entity the commission deems
12 relevant to its study, including transmission and distribution utilities, and ISO-New England.

13 IV. The commission shall examine the feasibility of legislation amending RSA 362-A (limited
14 electrical energy producers or LEEP) to facilitate intrastate wholesale electricity sales and
15 determine if such sales provide a way to fill the gap between one- and 5-megawatt electricity sales
16 outside of ISO-New England markets. The commission shall seek to answer several major questions:

17 (a) Do LEEP sales avoid jurisdictional conflicts with FERC regulated transmission
18 transactions?

19 (b) Does crediting LEEP generators with avoided transmission costs shift such costs to
20 either a transmission utility, which could then increase its rates to recover said costs, or to
21 distribution ratepayers?

22 (c) Do the transmission and distribution grids overlap in ways that make calculating
23 avoided transmission charges possible?

24 (d) Do transmission rates increase to cover credits in LEEP transactions?

25 (e) What kinds of transactions will legislation enable that cannot be achieved today?

26 (f) What other issues could affect this legislation?

27 (g) Are there relevant similarities or differences with respect to how LEEP generators
28 are or could be treated with respect to avoided transmission costs and how customer-generators
29 under net energy metering are or could be treated with respect to avoided transmission costs?

30 V. The members of the commission shall elect a chairperson from among the members. The
31 first meeting of the commission shall be called by the first-named house member. The first meeting
32 of the commission shall be held within 30 days of the effective date of this section. Three members of
33 the commission shall constitute a quorum.

34 VI The commission shall make a report with its findings and any recommendations for
35 proposed legislation on or before November 1, 2021 to the speaker of the house of representatives,
36 the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

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1 2 Prospective Repeal. RSA 362-A:3-a, relative to the commission to study limited electrical
2 energy producers, is repealed.

3 3 Effective Date.

4 I. Section 2 of Part IV of this act shall take effect November 1, 2021.

5 II. The remainder of this Part shall take effect upon its passage.

The signatures below attest to the authenticity of this Report on SB 91, adopting omnibus legislation on renewable energy and utilities.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Avard, Dist. 12

Rep. Vose, Rock. 9

Sen. Bradley, Dist. 3

Rep. Thomas, Rock. 5

Sen. Watters, Dist. 4

Rep. Harrington, Straf. 3

Rep. Cali-Pitts, Rock. 30

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2021-1984-CofC

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. The installation, interconnection, and use of energy storage systems by customers of utilities.
- II. Hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and relative to the public utilities commission developing alternative tariffs for net energy metering.
- III. Group host credits for net energy metering.
- IV. Establishing a commission to study limited electrical energy producers.