

CHAPTER 266  
SB 98 – FINAL VERSION

03/28/13 1080s  
03/28/13 1111s  
5June2013... 1857h  
06/26/13 2187EBA

2013 SESSION

13-0893  
06/09

SENATE BILL **98**

AN ACT authorizing group net metering for limited electrical energy producers.

SPONSORS: Sen. Kelly, Dist 10; Sen. Larsen, Dist 15; Sen. Watters, Dist 4; Sen. D'Allesandro, Dist 20; Sen. Fuller Clark, Dist 21; Rep. Shepardson, Ches 10; Rep. Borden, Rock 24; Rep. Bouchard, Merr 18

COMMITTEE: Energy and Natural Resources

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AMENDED ANALYSIS

This bill:

- I. Modifies the definition of customer-generator as it relates to net energy metering.
- II. Permits a customer-generator to become a group host to control the energy costs of certain customers.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                   authorizing group net metering for limited electrical energy producers.

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

1           266:1 Limited Electrical Energy Producers; Definitions. Amend RSA 362-A:1-a, II-b to read as  
2 follows:

3           II-b. "Eligible customer-generator" or "customer-generator" means an electric utility  
4 customer who owns or operates an electrical generating facility either powered by renewable energy  
5 or which employs a heat led combined heat and power system, with a total peak generating capacity  
6 of [~~not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak~~  
7 ~~generating capacity of 100 kilowatts or more~~] up to **and including** one megawatt, that is located  
8 behind a retail meter on the customer's premises, is interconnected and operates in parallel with the  
9 electric grid, and is used [~~in the first instance~~] to offset the customer's own electricity requirements.  
10 ***Incremental generation added to an existing generation facility, that does not itself qualify***  
11 ***for net metering, shall qualify if such incremental generation meets the qualifications of***  
12 ***this paragraph and is metered separately from the nonqualifying facility.***

13           266:2 New Paragraph; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph  
14 XIII the following new paragraph:

15           XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing  
16 or otherwise controlling the energy costs of a group of customers who are not customer-generators.  
17 The group of customers shall be default service customers of the same electric distribution utility as  
18 the host. The host shall provide a list of the group members to the commission and the electric  
19 distribution utility and shall certify that all members of the group have executed an agreement with  
20 the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total  
21 historic annual load of the group members together with the host exceeds the projected annual  
22 output of the host's facility. The commission shall verify that these group requirements have been  
23 met and shall register the group host. The commission shall establish the process for registering  
24 hosts, including periodic re-registration, and the process by which changes in membership are  
25 allowed and administered.

26           (b) Except as provided in subparagraph (c), the provisions of this section shall apply to a  
27 group host as a customer-generator.

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1 (c) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at  
2 the end of each billing cycle at rates consistent with the credit the group host receives relative to its  
3 own net metering under either subparagraph IV(a) or (b). On an annual basis, the electric  
4 distribution utility shall calculate a payment adjustment if the host's surplus generation for which it  
5 was paid is greater than the group's total electricity usage during the same time period. The  
6 adjustment shall be such that the resulting compensation to the host for the amount that exceeded  
7 the group's total usage shall be at the utility's avoided cost or its default service rate in accordance  
8 with subparagraph V(b) or paragraph VI. The utility shall pay or bill the host accordingly.

9 (d) Group hosts shall be responsible for any costs necessary to upgrade a utility's  
10 information systems in order to implement this paragraph, as determined by the commission.

11 (e) The commission is authorized to assess fines against, revoke the registration of, and  
12 prohibit from doing business in the state, any group host which violates the requirements of this  
13 paragraph and rules adopted pursuant to this paragraph.

14 266:3 Renewable Energy Fund. Amend RSA 362-F:10, IV to read as follows:

15 IV. The commission shall make an annual report by October 1 of each year, beginning in  
16 2009, to the legislative oversight committee on electric utility restructuring *established* under RSA  
17 374-F:5, *the house science, technology and energy committee, and the senate energy and*  
18 *natural resources committee* detailing how the renewable energy fund is being used and any  
19 recommended changes to such use. The report shall also include information on the total peak  
20 generating capacity that is net energy metered under RSA 362-A:9 within the franchise area of each  
21 electric distribution utility, and the percentage this represents of the amount that is allowed to be  
22 net metered within each franchise area. *Information shall be provided on net metered group*  
23 *host registrations and the associated customer groups, including number and location of*  
24 *group host facilities, generation by renewable source and size of facility, and group load*  
25 *served by such facilities.*

26 266:4 Effective Date. This act shall take effect upon its passage.

27 Approved: July 24, 2013

28 Effective Date: July 24, 2013