

CHAPTER 268
SB 170 – FINAL VERSION

03/19/2015 0731s
03/19/2015 1056s
29Apr2015... 1286h
06/24/2015 2125CofC
06/24/2015 2342EBA

2015 SESSION

15-0601
06/05

SENATE BILL **170**

AN ACT requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

SPONSORS: Sen. Prescott, Dist 23; Sen. Avard, Dist 12; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Cataldo, Dist 6; Sen. Daniels, Dist 11; Sen. Forrester, Dist 2; Sen. Fuller Clark, Dist 21; Sen. Little, Dist 8; Sen. Pierce, Dist 5; Sen. Reagan, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill requires the public utilities commission to:

- I. Redesign the commission's website.
- II. Develop a summary of the terms and conditions of an electric generation service contract for residential customers.
- III. Extends the time for the site evaluation committee to adopt rules relative to criteria for the siting of energy facilities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Fifteen

AN ACT requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

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

1 268:1 New Section; Electric Utility Restructuring; Ratepayer Protections. Amend RSA 374-F by
2 inserting after section 4-a the following new section:

3 374-F:4-b Ratepayer Protection.

4 I. Within 60 days of the effective date of this section, the commission shall initiate a
5 proceeding to develop rules to allow residential and small commercial customers to choose how they
6 receive communication from competitive electric suppliers and to implement the provisions of this
7 section.

8 II. Within 120 days of the effective date of this section, the commission shall redesign its
9 website to enable residential and small commercial customers to compare standard pricing policies
10 and charges and to require competitive electric suppliers to input such information. Such
11 information shall be input no less frequently than once per month, unless there is no change in such
12 information. Such redesign shall:

13 (a) Reflect the best practices of similar commission websites in other states and develop
14 a process for removal of a competitive electric supplier's listings from such Internet website based on
15 protocols established by the commission to ensure compliance with this section and to address
16 customer complaints.

17 (b) Emphasize:

18 (1) Uniformity in the way competitive electric suppliers provide information for each
19 category on the commission's website.

20 (2) Ease of use by customers.

21 (3) Ease of selecting and purchasing a specific contract from a competitive electric
22 supplier shown on the commission's website.

23 (c) Include separate input boxes for the following information:

24 (1) A link to the provider's web page.

25 (2) Contract durations.

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1 (3) Whether the contract has variable or fixed rates, or both, and when such rates
2 apply.

3 (4) Cancellation charges.

4 (5) Rates.

5 (6) Other relevant information.

6 III. On or before July 1, 2017, and every 2 years thereafter, the commission shall review its
7 website and ensure that the site remains an efficient tool for the comparison of pricing policies and
8 charges among competitive electric suppliers.

9 IV. Unless the contract specifies a month-to-month variable rate, no competitive electric
10 supplier shall charge a residential customer a variable rate, including during a contract term or
11 following the expiration of a contract, without first providing written notification in a form approved
12 by the commission of the nature of such variable rate 45 days prior to the commencement of the
13 variable rate. The residential customer shall select the method of written notification at the time
14 the contract is signed. Such customer shall have the option to change the method of notification at
15 any time during the contract.

16 V. Competitive electric suppliers shall retain records of any of the notices required in this
17 section for a period of not less than 2 years and shall make such records available to the commission
18 upon its request.

19 268:2 Competitive Electricity Supplier Requirements. RSA 374-F:7, III is repealed and
20 reenacted to read as follows:

21 III. The commission may assess fines against, revoke the registration of, order the rescission
22 of contracts with residential customers of, order restitution to the residential customers of, and
23 prohibit from doing business in the state any competitive electricity supplier, including any
24 aggregator or broker, which is found to have:

25 (a) Engaged in any unfair or deceptive acts or practices in the marketing, sale, or
26 solicitation of electricity supply or related services;

27 (b) Violated the requirements of this section or any other provision of this title applicable
28 to competitive electricity suppliers; or

29 (c) Violated any rule adopted by the commission pursuant to paragraph V and RSA 374-
30 F:4-b.

31 268:3 Energy Facility Evaluation Siting, Construction and Operation; Rules. Amend RSA 162-
32 H:10, VII to read as follows:

33 VII. As soon as practicable but no later than ~~[July 1]~~ **November 1**, 2015, the committee
34 shall adopt rules, pursuant to RSA 541-A, relative to the organization, practices, and procedures of
35 the committee and criteria for the siting of energy facilities, including specific criteria to be applied
36 in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a

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1 certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning
2 shall hire and manage one or more consultants to conduct a public stakeholder process to develop
3 recommended regulatory criteria, which may include consideration of issues identified in attachment
4 C of the 2008 final report of the state energy policy commission, as well as others that may be
5 identified during the stakeholder process. *Except for the cases where the adjudicatory hearing*
6 *has commenced, applications pending on the date rules adopted under this paragraph*
7 *take effect shall be subject to such rules. Prior to the adoption of rules under this*
8 *paragraph, applications shall be continuously processed pursuant to the rules in effect*
9 *upon the date of filing. If the rules require the submission of additional information by an*
10 *applicant, such applicant shall be afforded a reasonable opportunity to provide that*
11 *information while the processing of the application continues.*

12 268:4 Effective Date. This act shall take effect upon its passage.

13 Approved: July 20, 2015

14 Effective Date: July 20, 2015