

SENATE FINANCE - 2021 BUDGET RECAP SHEET					
Department of Energy (All Related Change Requests)					
	Contact	SOF	FY 2022	FY 2023	Total
1. Cybersecurity Position.	Dianne Martin, PUC Chairwoman	Other	\$122,908	\$126,979	\$249,887
2. Restore General Counsel Position to the PUC/Adjudicative Commissioners (transfer)	Senator Bradley	Other	\$0	\$0	\$0
3. Replacement vehicle for the Safety Division	Dianne Martin, PUC Chairwoman	Other	\$25,000	\$0	\$25,000
4. Site Evaluation Committee					
5. Restore the Administrator Position		G	\$123,722	\$133,224	\$256,946
6. Footnote: Permitting the SEC to seek general funds.					
7. Moves positions and appropriations between accounting units in the Department of Energy, Site Evaluation Committee, Office of the Consumer Advocate and the Departments of Business & Economic Affairs and Information Technology.	Matt Mailloux, Governor's Budget Director	Other	(\$4,003)	\$283,446	\$279,443
8. DBEA - AU 2198 Class 066 OSI Training Expenses	Taylor Caswell	G	\$20,000	\$20,000	\$40,000
9. Delete IT for PUC (AU 7681)	Denis Goulet and	O	(\$312,845)	(\$149,199)	(\$462,044)
10. IT for Executive Branch (AU 7702)-(OSI moved)	Matt Mailloux	O	(\$22,095)	(\$13,653)	(\$35,748)
<u>HB 2:</u>					
11. Section 277 (page 136) References BEA as providing staff support to the Offshore Wind and Port Development Commission. BEA and OSI agree this section should be amended to provide support from the Department of Energy.					
12. HB2 Amendment #2021-1466s Senators D'Allesandro. Deletes sections 183-284 which reverses establishment of the Energy Department and restores the appropriations and positions to the previous budget structure under the Public Utilities Commission and Office of Strategic Initiatives. Creates a Commission to study the establishment of an Energy Department.					
13. HB2 Amendment #2021-1419s Senators D'Allesandro, Rosenwald, Giuda. Amends section 273, VI to remove the strike through from text regarding increases to the systems benefit charge.					
14. HB2 Amendment # 2021-1520s Senators Daniels. Amends various Department of Energy provisions of HB 2. Request of Governor's Office.					

Amendment to HB 2-FN-A-LOCAL

1 Amend the bill by deleting sections 183-284, relative to the department of energy.

2

3 1 Department of Energy. Notwithstanding the provisions of HB 1-A:

4 I. The appropriations, classified, non-classified, and unclassified positions contained in HB
5 1-A, section 1 of the 2021 regular legislative session for the department of energy shall be
6 transferred to the public utilities commission, the office of strategic initiatives, the site evaluation
7 committee, and the office of the consumer advocate. Any positions that did not exist in the 2020-
8 2021 biennium shall not be established or authorized for the 2022-2023 biennium.

9 II. The appropriations and classified positions contained in HB 1-A, section 1 of the 2021
10 regular legislative session for the department of business and economic affairs, OSI division of
11 planning, shall be transferred to the office of strategic initiatives.

12 III. The appropriations and classified positions contained in HB 1-A, section 1 of the 2021
13 regular legislative session for the department of administrative services, conservation land
14 stewardship account shall be transferred to the office of strategic initiatives.

15 IV. The department of administrative services shall execute the transfers in paragraphs I,
16 II, and III in order to restore the accounting structure and authorized positions in existence during
17 the 2020-2021 biennium. The appropriation levels established shall equal the amounts and funding
18 sources contained in the agency budget maintenance level request for the 2022-2023 biennium. The
19 amount of general funds necessary to effectuate the transfers under this section are hereby
20 appropriated for the biennium ending June 30, 2023. The governor is authorized to draw a warrant
21 for said sums out of any money in the treasury not otherwise appropriated.

22 2 New Section; Commission to Study the Establishment of a State Department of Energy.
23 Amend RSA 162-H by inserting after section 23 the following new section:

24 162-H:24 Commission Established. There is established a commission to study establishing a
25 state department of energy.

26 I. The members of the commission shall be as follows:

27 (a) Two members of the senate, one of whom shall be a member of the majority party,
28 and one of whom shall be a member of the minority party, appointed by the president of the senate.

29 (b) Two members of the house of representatives, one of whom shall be a member of the
30 majority party, and one of whom shall be a member of the minority party, appointed by the speaker
31 of the house of representatives.

32 (c) The commissioner of the department of natural and cultural resources, or designee.

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- 1 (d) The commissioner of the department of business and economic affairs, or designee.
2 (e) The commissioner of the department of environmental services, or designee.
3 (f) The commissioner of the department of administrative services, or designee.
4 (g) One representative of the office of strategic initiatives, energy division, appointed by
5 the governor.
6 (h) One representative of the New Hampshire Business and Industry Association,
7 appointed by the association.
8 (i) One representative of the public utilities commission, appointed by the chairman.
9 (j) One representative of the New Hampshire Clean Tech Council appointed by the
10 council.
11 (k) One representative of utilities, appointed by the governor.
12 (l) One representative of the New Hampshire High Tech Alliance, appointed by the
13 council.
14 (m) The consumer advocate, or designee.
15 (n) The commissioner of safety, or designee.

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

18 III. The commission shall:

- 19 (a) Review existing state programs related to energy.
20 (b) Review the departments of energy that have been established by other states.
21 (c) Consider the feasibility of creating a new department, including the costs and
22 savings, taking into consideration transfers from other state agencies.

23 IV. The members of the study commission shall elect a chairperson from among the
24 members. The first meeting of the commission shall be called by the first-named senate member.
25 The first meeting of the commission shall be held within 45 days of the effective date of this section.
26 Nine members of the commission shall constitute a quorum.

27 V. The commission shall make an interim report on or before November 1, 2021, with a final
28 report of its findings and any recommendations for proposed legislation on or before November 1,
29 2022 to the president of the senate, the speaker of the house of representatives, the senate clerk, the
30 house clerk, the governor, and the state library.

31 3 Repeal. RSA 162-H:24, relative to the commission to study the establishment of a state
32 department of energy, is repealed.

33 4 Effective Date.

34 I. Section 3 of this act shall take effect November 1, 2022.

35 II. Section 2 of this act shall take effect upon its passage.

Sen. Rosenwald, Dist 13
Sen. D'Allesandro, Dist 20
Sen. Giuda, Dist 2
May 11, 2021
2021-1419s
12/11

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 374-F:3,VI as inserted by section 273 of the bill by replacing it with the following:

2

3 VI. Benefits for All Consumers. Restructuring of the electric utility industry should be
4 implemented in a manner that benefits all consumers equitably and does not benefit one customer
5 class to the detriment of another. Costs should not be shifted unfairly among customers. A
6 nonbypassable and competitively neutral system benefits charge applied to the use of the
7 distribution system may be used to fund public benefits related to the provision of electricity. Such
8 benefits, as approved by regulators, may include, but not necessarily be limited to, programs for low-
9 income customers, energy efficiency programs, funding for the electric utility industry's share of
10 commission *and department* expenses pursuant to RSA 363-A, support for research and
11 development, and investments in commercialization strategies for new and beneficial technologies.
12 Legislative approval of the New Hampshire general court shall be required to increase the system
13 benefits charge. This requirement of prior approval of the New Hampshire general court shall not
14 apply to the energy efficiency portion of the system benefits charge if the increase is authorized by
15 an order of the commission to implement the 3-year planning periods of the Energy Efficiency
16 Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016,
17 ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource
18 Standard, is authorized by the fiscal committee of the general court; provided, however, that no less
19 than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-
20 income energy efficiency programs. Energy efficiency programs should include the development of
21 relationships with third-party lending institutions to provide opportunities for low-cost financing of
22 energy efficiency measures to leverage available funds to the maximum extent, and shall also
23 include funding for workforce development to minimize waiting periods for low-income energy audits
24 and weatherization.

Amendment to HB 2-FN-A-LOCAL

1 Amend RSA 12-P:2, III as inserted by section 183 of the bill by replacing it with the following:

2

3 III. In addition to its other functions, it shall be the duty of the department of energy to
4 provide all necessary administrative support to the public utilities commission to assist the
5 commission in carrying out its regulatory and adjudicative functions.

6

7 Amend RSA 12-P:4, IV as inserted by section 183 of the bill by replacing it with the following:

8

9 IV. The salaries of the commissioner, the deputy commissioner, and each division director shall
10 be as specified in RSA 94:1-a.

11

12 Amend RSA 12-P:5, VII as inserted by section 183 of the bill by replacing it with the following:

13

14 VII. Ensure that the department provides all necessary support to the public utilities
15 commission, the site evaluation committee, office of the consumer advocate, and any other entity
16 that is administratively attached to the department, provided that, other than for administrative
17 functions, department employees shall not communicate with the public utilities commission and its
18 staff in connection with any issue in a matter pending before the commission or the department,
19 except upon notice and opportunity for all parties to participate.

20

21 Amend RSA 12-P:9-15 as inserted by section 183 of the bill by replacing them with the following:

22

23 12-P:9 Division of Regulatory Support. There is established within the department the division
24 of regulatory support, under the supervision of an unclassified director of the division of regulatory
25 support. The division, through its officials, shall be responsible for all functions, duties, and
26 responsibilities which may be assigned to it by the commissioner or laws enacted by the general
27 court. The division shall automatically be a party to all proceedings before the public utilities
28 commission.

29 12-P:10 Specific Answers. The department or the commission may require any public utility or
30 entity subject to its jurisdiction to make specific answers to questions upon which the department or
31 commission may need information.

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1 12-P:11 Transfer of Functions, Powers, Duties. All of the functions, powers, duties, records,
2 personnel, and property of the public utilities commission incorporated in the statutes establishing
3 the department of energy and which replace the authority of the commission with the authority of
4 the department of energy, are hereby transferred, as of July 1, 2021, to the department of energy.

5 12-P:12 Prohibited Service. No member of the commission shall render any professional service
6 for any public utility in this state, or any affiliate thereof, or act as attorney or render professional
7 service against any such public utility or affiliate; nor shall he or she be a member of a firm which
8 renders any such service; nor shall he or she directly or indirectly be a party to any contract with
9 any such public utility, except a contract for the transportation of telephone or telegraph messages,
10 or a contract for the purchase of water, gas, or electricity or for other similar service.

11 12-P:13 Pipeline Operation Safety.

12 I. The department of energy shall apply annually to the Pipeline and Hazardous Materials
13 Safety Administration of the United States Department of Transportation for authorization to take
14 such actions on its behalf to oversee pipeline operation safety, security, monitoring, and compliance
15 through an inspection process.

16 II. The department of energy shall report annually to the house science, technology, and
17 energy committee prior to October 1 on the status of pipeline safety, new and proposed projects, any
18 deficiency in state law that limits the department's ability to oversee interstate pipelines, or state
19 regulations for pipelines that do not meet the minimum federal standard.

20 12-P:14 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the
21 public utilities commission which are associated with any functions, powers, and duties, transferred
22 to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall
23 continue in effect and be enforced by the commissioner of the department of energy until they expire
24 or are repealed or amended in accordance with applicable law.

25 12-P:15 Suppliers of Natural Gas and Aggregators of Natural Gas Customers; Rulemaking.

26 I. The department is authorized to adopt rules, pursuant to RSA 541-A, establishing
27 requirements for suppliers of natural gas and the aggregators of natural gas customers, including
28 registration of such suppliers and aggregators before soliciting or doing business in the state,
29 registration fees, disclosure of information to customers, standards of conduct, submission to
30 commission jurisdiction for mediation and resolution of disputes, imposition of penalties for failure
31 to comply with commission requirements, and consumer protection and assistance requirements.

32 II. The department of energy shall adopt rules under RSA 541-A which require all natural
33 gas companies to report to the department, the senate president, and the speaker of the house of
34 representatives, in a uniform manner, lost and unaccounted for gas for each year.

35 (a) Such rules shall include a method using operational and billing data to determine the
36 total amount of lost and unaccounted for gas and to identify and measure each of its components.

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1 (b) The department may grant waivers from the rules as necessary for the development
2 of innovative projects to reduce lost and unaccounted for gas. Such innovative projects shall be
3 intended to reduce costs to ratepayers and to reduce greenhouse gas emissions. An application for a
4 waiver shall include the goals of the innovative project, the expected cost, the expected benefit to
5 ratepayers and the expected reduction in greenhouse gas emissions.

6 (c) For the purposes of this paragraph, "lost and unaccounted for gas" shall mean an
7 amount of gas that is the difference between the total gas purchased by a gas company and the sum
8 of: (1) total gas delivered to customers; and (2) total gas used by a gas company in the conduct of its
9 operations.

10 III. This section shall not in any way affect the utility or non-utility status of any supplier of
11 natural gas or aggregator of natural gas customers, nor shall it be construed to limit the
12 commission's and the department of energy's existing authority with regard to the regulation of gas
13 utilities or the scope of the commission's and the department's authority in considering whether to
14 expand the availability of competitive natural gas supplies through the distribution system of gas
15 utilities.

16
17 Amend the bill by replacing section 185 with the following:

18
19 185 Repeals. The following are repealed:

20 I. RSA 4-C, relative to the office of strategic initiatives; the governor's scholarship program
21 and fund, and state demography.

22 II. RSA 4-E, relative to the state energy strategy.

23 III. RSA 12-O:51 and 52, relative to the office of offshore wind industry development.

24 185-a Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12, I(b)
25 (79) to read as follows:

26 (79) Moneys deposited in the publications revolving fund under **RSA 12-O:60, I** [RSA
27 4-C:9-a].

28 185-b Office of Strategic Initiatives; Revolving Funds; Reference Change. Amend RSA 6:12,
29 I(b)(169)

30 (169) Moneys deposited in the municipal and regional training fund under **RSA 12-**
31 **O:60, II** [RSA 4-C:9-a, II].

32
33 Amend the bill by replacing section 187 with the following:

34
35 187 Department of Energy; Unclassified Positions Established.

36 I. The following positions are hereby established in the department of energy, shall be
37 qualified by reason of education or experience or both, and shall be appointed by the commissioner

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1 and perform assigned duties according to applicable law. Each position shall be temporarily
2 assigned to its respective unclassified salary letter grade, as follows:

3 Labor Grade	Title	Job Code	Position #
4 GG	Director of Regulatory Support	9U9962	GV008
5 GG	Director of Enforcement	9U9963	GV009
6 GG	Director of Policy & Programs	9U9964	GV010
7 GG	Director of Administration	9U9966	GV012
8 HH	Deputy Commissioner of Energy	9U9967	GV013
9 II	Commissioner of Energy	9U9968	GV020

10 II. The permanent salaries of these positions shall be determined after assessment and
11 review of the appropriate letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
12 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

13 187-a Public Utilities Commission; Unclassified Positions Established. The following positions
14 are hereby established in the public utilities commission, shall be qualified by reason of education or
15 experience or both in one or more of the following areas: engineering, economics, accounting, finance,
16 or law; and shall be appointed by the agency head and perform assigned duties according to
17 applicable law. Each position shall be temporarily assigned to its respective unclassified salary
18 letter grade, as follows:

19 Labor Grade	Title	Job Code	Position #
20 GG	Senior Advisor	9U9969	GV014
21 GG	Senior Advisor	9U9970	GV015
22 GG	Senior Advisor	9U9971	GV016
23 GG	Senior Advisor	9U9972	GV017
24 GG	Senior Advisor	9U9973	GV018
25 GG	Senior Advisor	9U9974	GV019

26 II. The permanent salaries of these positions shall be determined after assessment and
27 review of the appropriate letter grade allocation in RSA 94:1-a, I(b) for the positions which shall be
28 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

29
30 Amend RSA 12-O as inserted by section 188 of the bill by inserting after section 59 the following new
31 section:

32
33 12-O:60 Revolving Funds. In order to enhance its ability to provide education and training
34 assistance to municipalities and regional agencies, the following nonlapsing revolving funds, which
35 shall not exceed \$20,000 on June 30 of each year, shall be established in the office of planning and
36 development:

37 I. A revolving fund known as the publications revolving fund.

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1 (a) The moneys in this fund shall be used for the purposes of printing materials for
2 distribution. A reasonable charge shall be established for each copy of a document. This charge
3 shall be only in the amount necessary to pay the cost of producing such document.

4 (b) The amount in the nonlapsing publications revolving fund shall not exceed \$20,000,
5 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each year shall be
6 deposited in the general fund as unrestricted revenue.

7 II. A revolving fund known as the municipal and regional training fund.

8 (a) The moneys in this fund shall be used for the purpose of providing training to local
9 and regional officials. A reasonable charge shall be established for such training. This charge shall
10 be fixed to reflect the cost of payments to experts to provide the training, the cost of written training
11 material, rental of facilities, advertising and other associated costs. Such training shall be conducted
12 in a geographically dispersed manner and scheduled with the convenience of part-time officials in
13 mind.

14 (b) The amount in the nonlapsing municipal and regional training revolving fund shall
15 not exceed \$20,000 on June 30 of each year and any amounts in excess of \$20,000 on June 30 of each
16 year shall be deposited in the general fund as unrestricted revenue.

17
18 Amend the bill by replacing section 198 with the following:

19
20 198 Public Utilities Commission; Prohibition on Future Employment. Amend RSA 363:12-b to
21 read as follows:

22 363:12-b Prohibition on Future Employment. No commissioner, **or former** executive director,
23 finance director, **or** general counsel~~[, or chief engineer]~~ of the commission shall accept any
24 employment with any utility under the control of the commission until one year after he or she shall
25 become separated from the commission.

26
27 Amend the bill by replacing section 216 with the following:

28
29 216 Nuclear Decommissioning Financing Committee; Membership. Amend RSA 162-F:15, II to
30 read as follows:

31 II. Each committee shall consist of one person who is a resident of the town or city in which
32 the facility is located and who shall be appointed by the selectmen of the town or the mayor and
33 council of the city, the chairman of the public utilities commission, **the commissioner of the**
34 **department of energy**, one senator, to be appointed by the senate president, one house member, to
35 be appointed by the speaker of the house of representatives, the state treasurer or designee, the
36 commissioner of the department of health and human services or designee, **and** the commissioner of

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1 the department of safety or designee~~], and the director of the governor's office of energy and~~
2 ~~community services or designee].~~

3
4 Amend the bill by replacing section 219 with the following:

5
6 219 Site Evaluation Committee; Administrative Attachment. Amend RSA 162-H:3, IV to read
7 as follows:

8 IV. The committee shall be administratively attached to the ~~[public utilities commission]~~
9 **department of energy** pursuant to RSA 21-G:10.

10 219-a Committee Established. There is established a committee to study necessary revisions to
11 the site evaluation committee.

12 I. The members of the committee shall be as follows:

13 (a) Two members of the senate, appointed by the president of the senate.

14 (b) Three members of the house of representatives, at least one of whom shall be a
15 member of the science, technology, and energy committee, one of whom shall be a member of the
16 finance committee, and at least one of whom shall be a member of the minority party, appointed by
17 the speaker of the house of representatives.

18 II. Members of the committee shall receive mileage at the legislative rate when attending to
19 the duties of the committee.

20 III. The committee shall:

21 (a) Evaluate the current structure, processes, authorities, funding, and functions of the
22 site evaluation committee and whether the statutory purpose and original legislative intent of the
23 site evaluation committee is being achieved.

24 (b) Review the structure, processes, authorities, funding, and functions of public bodies
25 with jurisdiction over siting large energy facilities that have been established by other states.

26 (c) Consider the site evaluation committee's relationship to the department of energy
27 and other state agencies.

28 (d) Review the timeliness of site evaluation committee decisions, the on-going
29 enforcement of certificates issued by the site evaluation committee, public input to the orderly siting
30 of energy infrastructure, and any changes required to minimize delays siting energy infrastructure.

31 (e) Make recommendations for legislation to restructure the site evaluation committee
32 no later than October 1, 2021.

33 IV. The members of the study committee shall elect a chairperson from among the members.
34 The first meeting of the committee shall be called by the first-named senate member. The first
35 meeting of the committee shall be held within 45 days of the effective date of this section. Three
36 members of the committee shall constitute a quorum.

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1 V. The committee shall report its findings and any recommendations for proposed legislation
2 to the president of the senate, the speaker of the house of representatives, the senate clerk, the
3 house clerk, the governor, and the state library on or before October 1, 2021.

4
5 Amend the bill by replacing section 221 with the following:

6
7 221 Reference Change; Minimum Energy Efficiency Standards for Certain Products;
8 Department. Amend the following RSA provisions by replacing the term "commission" with
9 "department": 339-G:3, III(b), 339-G:4, II, 339-G:5, 339-G:6, 339-G:7, 339-G:8, 339-G:9.

10
11 Amend RSA 362-F:4, I(k)(2) as inserted by section 227 to read as follows:

12
13 (2) Either have an average particulate emission rate, as measured and verified
14 under RSA 362-F:12, of less than or equal to 0.02 lbs/Mmbtu or be a participant in a plan approved
15 by the department for reductions in particulate matter emissions from emission sources owned by or
16 affiliated with the co-firing entity. The quantity of reductions required shall be the fraction of
17 electrical production derived from the combustion of biomass fuels, as determined under this
18 paragraph, multiplied by the difference between the generation unit's particulate matter emissions
19 rate and the 0.02 lbs/Mmbtu rate. The plan shall contain reductions, in the aggregate or
20 individually, in particulate matter emissions from other emission sources under the jurisdiction of
21 the department and demonstrate that the reductions will be quantifiable. The department shall
22 expeditiously review the plan and, if approved, provide such information as it deems relevant to the
23 ~~[commission]~~ **department of energy**. The application submitted to the ~~[commission]~~ **department**
24 **of energy** under RSA 362-F:11 shall inform the ~~[commission]~~ **department of energy** of the plan and
25 the ~~[commission]~~ **department of energy** shall certify the source in accordance with the plan
26 approved by the department.

27
28 Amend RSA 363-A:2, IV as inserted by section 234 of the bill by replacing it with the following:

29
30 IV. The expenses of the ~~[commission]~~ **department of energy and the public utilities**
31 **commission, and the office of the consumer advocate**, less the total of the assessed sums paid
32 ~~[to the commission]~~ pursuant to paragraph III, shall be allocated to each utility and other assessed
33 entity in direct proportion as the revenue calculation for such utility or other assessed entity relates
34 to the total of all such revenue calculations as a whole, except as otherwise provided in paragraph V.
35 Each such expense allocation shall be assessed against each public utility and other assessed entity
36 in an amount equal to its proportionate share as determined under this section, except that the
37 expense allocation attributed to each entity described in subparagraph I(e) shall be imputed to and

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1 included in the expense allocation to each electric or natural gas distribution utility or rural electric
2 cooperative for which a certificate of deregulation is on file with the commission, in correspondence
3 to the revenue portion reported pursuant to paragraph II as having been received from the
4 distribution customers of such distribution utility or the members of such rural electric cooperative
5 for which a certificate of deregulation is on file with the commission.

6
7 Amend RSA 365:7 as inserted by section 239 by replacing it the following:

8
9 365:7 Authority to Inspect. Any expert or agent of the *department of energy or the*
10 commission, who shall make a demand on behalf of the commission *or the department* to be
11 allowed to inspect as provided in RSA 365:6, shall produce written authority to make such inspection
12 signed by the [~~secretary or assistant secretary or some member~~] *chairperson* of the commission *or*
13 *the commissioner of the department of energy*.

14
15 Amend the bill by replacing section 242 with the following:

16
17 242 Repeal. The following are repealed:

- 18 I. RSA 365:8-a, relative to suppliers of natural gas an aggregators of natural gas customers.
19 II. RSA 374-F:4, III, relative to certain compliance filings filed with the public utilities
20 commission.

21
22 Amend RSA 365:38 as inserted by section 243 by replacing it with the following:

23
24 365:38 Rate Proceeding. Whenever any investigation *or proceeding* shall be necessary to
25 enable the commission to pass upon the reasonableness of the rates or charges by a public utility, the
26 utility [~~upon order of the commission,~~] shall pay to the [~~commission its~~] *department of energy the*
27 expenses involved in the investigation, including the amounts expended by [~~it~~] *the commission and*
28 *the department of energy* for attorneys, experts, accountants, or other assistants, but not
29 including any part of the salaries or expenses of the commissioners or of employees of the
30 commission *or department of energy*; provided, that the amount charged to the utility [~~by the~~
31 ~~commission~~] in any such case shall not exceed 3/4 of one percent of the existing valuation of the
32 utility investigated, such expenses with 6 percent interest to be charged by the utility to operating
33 expenses and amortized over such period as the commission shall deem proper and allowed for in the
34 rates to be charged by the utility.

35
36 Amend the bill by deleting section 250.

37

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1 Amend RSA 374:18 as inserted by section 258 by replacing it with the following:

2

3 374:18 Production of Books, Etc. The commission, by order, **or the department of energy**, may
4 require any public utility to produce within the state, at such time and place as it may designate,
5 any accounts, records, memoranda, books, or papers kept in any office or place without the state, or
6 verified copies thereof, in order that an examination thereof may be made by **or under the**
7 **direction of** the commission or ~~under its direction~~ **the department of energy**.

8

9 Amend the bill by replacing section 262 with the following:

10

11 262 Regulation of Competitive Telecommunications Providers Limited; Affordable Telephone
12 Service; Public Interest Payphones. Amend RSA 374:22-o-374:22-p to read as follows:

13 374:22-o Regulation of Competitive Telecommunications Providers Limited. Any person or
14 business entity authorized by the ~~commission~~ **department of energy** to engage in business as a
15 competitive local exchange carrier and any competitive toll provider having less than a 10 percent
16 share of toll revenue in New Hampshire shall not be required to seek prior ~~commission~~
17 **department** approval of financings or corporate organizational changes, including, without
18 limitation, mergers, acquisitions, corporate restructurings, issuance or transfer of securities, or the
19 sale, lease, or other transfer of assets or control. Nothing in this section shall exempt any such
20 competitive telecommunications service provider from such advance notice as the ~~commission~~
21 **department** may prescribe or from the requirements of RSA 374:28-a or RSA 378:46.

22 374:22-p Affordable Telephone Service; Rulemaking; Standards.

23 I.(a) For the purposes of this section, "Federal Telecommunications Act" means the federal
24 Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56.

25 (b) For purposes of this section "basic service" means:

- 26 (1) Safe and reliable single-party, single line voice service;
- 27 (2) The ability to receive all noncollect calls, at telephone lines capable of receiving
28 calls, without additional charge;
- 29 (3) The ability to complete calls to any other telephone line, which is capable of
30 receiving calls, in the state;
- 31 (4) The opportunity to presubscribe to interLATA toll carriers;
- 32 (5) The opportunity to presubscribe to intraLATA toll carriers;
- 33 (6) Dialing parity;
- 34 (7) Number portability;
- 35 (8) Enhanced 911, pursuant to the requirements of the department of safety, bureau
36 of emergency communications, or its successor agency;
- 37 (9) Access to statewide directory assistance;

- 1 (10) Telecommunications relay service (TRS);
- 2 (11) A published directory listing, at the customer's election;
- 3 (12) A caller identification blocking option, on a per-call basis;
- 4 (13) A caller identification line blocking option that is available to all customers
- 5 without a recurring charge and is provided upon customer request without charge to customers who
- 6 have elected nonpublished telephone numbers and is available without a nonrecurring charge to
- 7 customers who certify that caller identification threatens their health or safety and is available
- 8 without a nonrecurring charge when requested with installation of basic service;
- 9 (14) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 area
- 10 code calls;
- 11 (15) The ability to report service problems to the customer's basic service provider on
- 12 a 24-hour basis, 7 days a week; and
- 13 (16) Automatic Number Identification (ANI) to other carriers which accurately
- 14 identifies the telephone number of the calling party.

15 (c) Any combination of basic service along with any other service or feature offered by

16 the telecommunications service provider is nonbasic service and shall not be regulated by the

17 commission.

18 (d) Any telecommunications service provider which is not an incumbent local exchange

19 carrier shall not be required to provide basic service.

20 II. Subject to RSA 362:6, the [commission] **department of energy** shall require every

21 provider of intrastate telephone service to participate in outreach programs designed to increase the

22 number of low-income telephone customers on the network through increased participation in any

23 universal service program approved by the [commission] **department** and statutorily established by

24 the legislature. Statewide outreach programs shall continue until further order of the [commission]

25 **department**.

26 III. The [commission] **department of energy** shall seek to ensure that affordable basic

27 telephone services are available to consumers throughout all areas of the state at reasonably

28 comparable rates.

29 IV.(a) The [commission] **department of energy** shall [~~develop~~ draft] **maintain and**

30 **update** rules to implement this section and shall, after the statutory establishment of a universal

31 service fund, require every provider of intrastate telephone services to contribute to a state universal

32 service fund to support programs consistent with the goals of applicable provisions of this title and

33 the Federal Telecommunications Act.

34 (b) If the [commission] **department of energy**, upon statutory establishment of a

35 universal service program, establishes a state universal service fund pursuant to this section, the

36 [commission] **department** shall contract with an appropriate independent fiscal agent that is not a

37 state entity to serve as administrator of the state universal service fund. Program administration

1 shall be designed in the most cost-effective manner possible. Funds contributed to a state universal
2 service fund are not state funds and therefore are not subject to provisions of law relating to the
3 general fund. Rules and any state universal service fund requirements established by legislative
4 enactment and by the ~~[commission]~~ **department** pursuant to this section shall:

5 (1) Be reasonably designed to maximize federal assistance available to the state for
6 universal service purposes.

7 (2) Meet the state's obligations under the Federal Telecommunications Act.

8 (3) Be consistent with the goals of the Federal Telecommunications Act.

9 (4) Ensure that any requirements regarding contributions to a state universal
10 service fund be nondiscriminatory and competitively neutral.

11 (5) Require explicit identification on customer's bills of contributions to and in the
12 event of fund termination, refunds from, any state universal service fund established pursuant to the
13 section.

14 (6) Allow consideration in appropriate rulemaking proceedings of contributions to
15 and in the event of fund termination, refunds from, any state universal service fund established
16 pursuant to this section.

17 (c) For purposes of this section, "providers of intrastate telephone services" includes
18 providers of radio paging service and, subject to the provisions of the Federal Communications Act as
19 amended and codified at 47 U.S.C. sec. 332(c)(3)(A), mobile telecommunications services.

20 (d) Prior to requiring that providers of intrastate telephone service contribute to a state
21 universal service fund and prior to statutory establishment of a universal service fund, the
22 ~~[commission]~~ **department of energy** shall report to the general court its determination of the
23 expected program costs, the amount and type of the funding mechanism, the number of people
24 proposed to be served, the level of proposed service, and the administrative design of the proposed
25 fund.

26 V. The ~~[commission]~~ **department of energy**, annually, shall assess the penetration rate of
27 basic telephone services. If this penetration rate ever falls below the national average penetration
28 rate, the ~~[commission]~~ **department** shall commence an investigation and take steps to enhance
29 telephone market penetration. The ~~[commission]~~ **department**, annually, shall assess the success of
30 any action taken by the ~~[commission]~~ **department** to achieve the purpose of this section. The public
31 policy goal should be to raise the low income penetration level as close as reasonably possible to the
32 statewide average.

33 VI, VII. [Repealed.]

34 VIII. Notwithstanding the provisions of RSA 374:1-a:

35 (a) Incumbent local exchange carriers, whether qualified as an excepted local exchange
36 carrier or otherwise, may not discontinue residential basic service, regardless of technology used, in

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1 any portion of their franchise area unless the ~~[commission]~~ **department of energy** determines that
2 the public good will not be adversely affected by such withdrawal of service;

3 (b) Rates for basic service of incumbent local exchange carriers which qualify as
4 excepted local exchange carriers may not increase by more than 5 percent for Lifeline Telephone
5 Assistance customers and by more than 10 percent for all other basic service customers in each of
6 the 8 years after the effective date of this paragraph or the effective date of an existing alternative
7 plan of regulation, except for additional rate adjustments, with ~~[public utilities commission]~~
8 **department of energy** review and approval, to reflect changes in federal, state, or local government
9 taxes, mandates, rules, regulations, or statutes; and

10 (c) Incumbent local exchange carriers which qualify as excepted local exchange carriers
11 shall report the rates for basic service to the ~~[commission]~~ **department of energy** within 60 days of
12 the effective date of this paragraph and upon any changes to the rates.

13
14 Amend the bill by replacing section 264 with the following:

15
16 264 Repeals. The following are repealed:

- 17 I. RSA 374:35, relative to transmitting electricity out of the state.
18 II. RSA 374:36, relative to investigations and orders.

19
20 Amend RSA 378:7-a as inserted by section 280 of the bill by replacing it with the following:

21
22 378:7-a Energy Policy Act Standards. ~~[The commission]~~ **Consistent with their statutory**
23 **authority, the commission and the department of energy** may establish requirements for net
24 metering, fuel diversity, fossil fuel generation efficiency, advanced metering, time-based rates, and
25 interconnection with on-site generation facilities of customers in a manner not inconsistent with
26 section 111 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. Chapter 46) as amended
27 by the Energy Policy Act of 2005.

28
29 Amend RSA 378:27 as inserted by section 282 of the bill by replacing it with the following:

30
31 378:27 Temporary Rates. In any proceeding involving the rates of a public utility brought either
32 upon motion of the commission **or the department of energy** or upon complaint, the commission
33 may, after reasonable notice and hearing, if it be of the opinion that the public interest so requires,
34 immediately fix, determine, and prescribe for the duration of said proceeding reasonable temporary
35 rates; provided, however, that such temporary rates shall be sufficient to yield not less than a
36 reasonable return on the cost of the property of the utility used and useful in the public service less
37 accrued depreciation, as shown by the reports of the utility filed with the commission **and the**

1 **department of energy**, unless there appears to be reasonable ground for questioning the figures in
2 such reports.

3
4 Amend RSA 378:51, III as amended by section 283 of the bill by replacing it with the following:

5
6 III. The ~~[commission]~~ **department of energy** shall defer the implementation of the
7 statewide, multi-use, online energy data platform pursuant to paragraph I if ~~[it]~~ **the commission**
8 determines that the cost of such platform to be recovered from customers is unreasonable and not in
9 the public interest.

10
11 Amend the bill by replacing section 191 with the following:

12
13 191 Name Change; Office of Planning and Development. Amend the following RSAs by
14 replacing "office of strategic initiatives" with "office of planning and development": RSA 4-F:1; 12-
15 G:13; 17-M:2; 21-O:5-a; 21-P:48; 36:45; 36:46; 36:47; 36-B:1; 78-A:25; 78-A:26; 125-O:5-a; 126-A:4;
16 162-L:15; 162-L:19; 204-C:8; 216-A:3-c; 216-F:5; 217-A:3; 227-C:4; 227-G:2; 227-M:4; 233-A:2; 235:23;
17 238:20; 270:64; 270:71; 432:19; 482-A:32; 483:8; 483:10; 483-A:6; 483-A:7; 483-B:5; 483-B:12; 483-
18 B:16; 483-B:22; 485-A:4; 673:3-a; 674:3; 675:9.

19 191-a Council on Resources and Development; Membership. Amend RSA 162-C:1 to read as
20 follows:

21 162-C:1 Council Established. There is established a council on resources and development
22 which shall include the following members:

23 I. ~~[The director or assistant director of the office of strategic initiatives who shall serve as~~
24 ~~chairperson of the council.~~

25 ~~[H.]~~ The commissioner or appropriate division director, department of business and economic
26 affairs, or designee, **who shall serve as chairperson of the council.**

27 ~~[H.]~~ **II.** The commissioner or assistant commissioner, department of environmental
28 services, or designee.

29 ~~[IV.]~~ **III.** The commissioner or appropriate division director, department of agriculture,
30 markets, and food, or designee.

31 ~~[V.]~~ **IV.** The executive director or appropriate division director, fish and game department,
32 or designee.

33 ~~[VI.]~~ **V.** The commissioner or assistant commissioner, department of safety, or designee.

34 ~~[VII.]~~ **VI.** The commissioner of the department of health and human services or a member of
35 the senior management team, or designee.

36 ~~[VIII.]~~ **VII.** The commissioner or assistant commissioner, department of education, or
37 designee.

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1 ~~[IX.]~~ **VIII.** The commissioner or assistant commissioner, department of transportation, or
2 designee.

3 ~~[X.]~~ **IX.** The commissioner or appropriate division director, department of natural and
4 cultural resources, or designee.

5 ~~[XI.]~~ **X.** The commissioner or appropriate division director, department of administrative
6 services, or designee.

7 ~~[XII.]~~ **XI.** The executive director or chairman of the New Hampshire housing finance
8 authority, or designee.

9
10 Amend RSA 362-F:10, I as inserted by section 231 of the bill by replacing it with the following:
11

12 I. There is hereby established a renewable energy fund. This ***nonlapsing*** special fund shall
13 be ~~[nonlapsing]~~ ***continually appropriated to the commission to be expended in accordance***
14 ***with this section.*** The state treasurer shall invest the moneys deposited therein as provided by
15 law. Income received on investments made by the state treasurer shall also be credited to the fund.
16 All payments to be made under this section shall be deposited in the fund. Any remaining moneys
17 paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the
18 ~~[commission]~~ ***department of energy*** to support thermal and electrical renewable energy initiatives.
19 Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All
20 initiatives supported out of these funds shall be subject to audit by the ~~[commission]~~ ***department of***
21 ***energy*** as deemed necessary. All fund moneys including those from class II may be used to
22 administer this chapter, but all new employee positions shall be approved by the fiscal committee of
23 the general court. No new employees shall be hired by the ~~[commission]~~ ***department of energy*** due
24 to the inclusion of useful thermal energy in class I production.
25

26 1 Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b to read as follows:
27 374-F:4-b Ratepayer Protection.

28 I. Within 60 days of the effective date of this section, the commission shall initiate a
29 proceeding to develop rules to allow residential and small commercial customers to choose how they
30 receive communication from competitive electric suppliers and to implement the provisions of this
31 section. Where the commission has adopted rules in conformity with this section, complaints to and
32 proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

33 II. ~~[Within 120 days of the effective date of this section, the commission shall redesign its~~
34 ~~website to]~~ ***The department of energy shall*** enable residential and small commercial customers to
35 compare standard pricing policies and charges and to require competitive electric suppliers to input
36 such information ***on the department's website.*** Such information shall be input no less frequently
37 than once per month, unless there is no change in such information. ~~[Such redesign shall:~~

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

5 ~~(b) Emphasize:~~

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

8 ~~(2) Ease of use by customers.~~

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

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

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

13 ~~(2) Contract durations.~~

14 ~~(3) Whether the contract has variable or fixed rates, or both, and when such rates~~
15 ~~apply.~~

16 ~~(4) Cancellation charges.~~

17 ~~(5) Rates.~~

18 ~~(6) Other relevant information.]~~

19 III. ~~[On or before July 1, 2017, and every 2 years thereafter, the commission]~~ *The*
20 *department of energy* shall review its website *every 2 years* and ensure that the site remains an
21 efficient tool for the comparison of pricing policies and charges among competitive electric suppliers.

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

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