

CHAPTER 141  
SB 40 - FINAL VERSION

01/19/2023 0058s  
4May2023... 1373h  
06/15/2023 2182EBA

2023 SESSION

23-0754  
10/05

SENATE BILL **40**

AN ACT relative to participation in net energy metering by small hydroelectric generators.

SPONSORS: Sen. Avar, Dist 12; Sen. Perkins Kwoka, Dist 21; Sen. Lang, Dist 2; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Birdsell, Dist 19; Sen. Pearl, Dist 17; Sen. Gendreau, Dist 1; Rep. McWilliams, Merr. 30; Rep. McGhee, Hills. 35; Rep. Osborne, Rock. 2; Rep. Vose, Rock. 5; Rep. Berry, Hills. 39

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill establishes a methodology for interconnection and participation in net metering by small hydroelectric generators.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                      relative to participation in net energy metering by small hydroelectric generators.

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

1            141:1 Limited Electrical Energy Producers; Net Metering; Small Hydroelectric Generators. RSA 362-  
2 A:9, XX is repealed and reenacted to read as follows:

3            XX. Notwithstanding any provision of law to the contrary, a hydroelectric generator with a total  
4 peak generating capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-  
5 a, II-b and that first became operational before July 1, 2021 and that shares equipment or facilities with  
6 other generators, energy storage facilities, or electric utility customers for interconnection to the electric  
7 grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate  
8 capacity of the generators and energy storage facilities sharing equipment or facilities for interconnection  
9 to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such a  
10 hydroelectric generator shall be eligible to participate in net energy metering as a customer-generator  
11 based on the total peak generating capacity of each individual generating station. Only such a  
12 hydroelectric generator shall be eligible as a customer-generator as a matter of law without regard to  
13 whether such hydroelectric generator is the electric utility customer account of record at the point of  
14 interconnection to the electric grid, provided that such a hydroelectric generator that is not the electric  
15 utility customer account of record at the point of interconnection to the electric grid was, at one time,  
16 owned by the current electric utility customer or a prior electric utility customer at the point of  
17 interconnection to the electric grid and that such a hydroelectric generator that is not the electric utility  
18 customer account of record submits its initial proposed process and methodology described below to the  
19 department of energy and the relevant utility prior to July 1, 2024. Such a hydroelectric generator shall  
20 only participate in net metering for that portion of the hydroelectric generation in excess of the  
21 hydroelectric generator's contribution to serving the full requirements of the electric utility customer  
22 account of record at the point of interconnection to the electric grid. A hydroelectric generator eligible  
23 under this paragraph may, in reliance on revenue-grade meters, utilize a meter reading and billing  
24 determinant documentation process consistent with the rules of the public utilities commission in Puc 900  
25 and all applicable tariffs, to determine generation eligible for net energy metering credits. The  
26 hydroelectric generator shall submit the proposed process to the department of energy and the relevant  
27 utility for approval, and provide a copy to the electric utility customer account of record at the point of  
28 interconnection to the electric grid, prior to participating in net metering. The proposed process shall  
29 include a description of the methodology for reading the meter and documenting the data, including all  
30 necessary billing determinants that will be provided to the utility. Both the department of energy and the  
31 utility shall endeavor to review the methodology as expeditiously as possible, and the electric utility

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1 customer account of record at the point of interconnection may identify its concerns, if any. If either the  
2 department of energy or the utility rejects the proposed process, such rejection shall be adequately  
3 specific so that the hydroelectric generator may make the changes necessary to receive approval. Upon  
4 approval of the process, the hydroelectric generator shall assume liability for monthly meter reads and  
5 providing all requisite billing determinants and other necessary data to the utility for billing purposes,  
6 including issuing net metering credits. The utility shall bill according to the information received from the  
7 hydroelectric generator, but shall not be liable for the accuracy of meter reads or the ongoing  
8 maintenance and performance of the meter. The hydroelectric generator getting billed and receiving  
9 credits pursuant to this provision shall be subject to periodic audits of the documentation and records  
10 associated with the meter reading process to ensure compliance with all statutes, rules and tariffs. Audits  
11 will be conducted on an as-needed basis, and may be requested by the electric utility customer account of  
12 record, but no more frequently than annually, which shall be determined and authorized by the  
13 department of energy, and conducted by the utility. The audit results shall be provided to the electric  
14 utility customer account of record at the point of interconnection to the electric grid. The hydroelectric  
15 generator shall be responsible for all meter costs, including those for ongoing operation and maintenance,  
16 as well as all audit costs. The utility shall recover the incremental costs for this manual billing process, as  
17 well as all net metering credits issued pursuant to this provision from all utility customers. Nothing in this  
18 paragraph shall be deemed to approve or allow the participation of energy storage facilities in net energy  
19 metering unless otherwise approved or allowed by law or an order or decision issued or rule adopted by  
20 the department of energy or the public utilities commission.

141:2 Effective Date. This act shall take effect upon its passage.

Approved: June 30, 2023  
Effective Date: June 30, 2023