Committee of Conference June 15, 2021 2021-1984-CofC 10/05

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

2 utilities.

3

Recommendation:

5

- That the Senate recede from its position of nonconcurrence with the House amendment, and 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:

1011

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

12 13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

- 2 Limited Electrical Energy Producers Act; Net Energy Metering; Alternative Tariffs. Amend RSA 362-A:9, XVI to read as follows:
  - XVI. [No later than 3 weeks after the effective date of this paragraph,]
- The commission, through an adjudicative proceeding, shall [initiate a proceeding continue to develop and periodically review new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory. In developing such alternative tariffs and any limitations in their availability, the commission shall consider: balancing the interests of customer-generators with those of electric utility ratepayers by maximizing any net benefits while minimizing any negative cost shifts from customer-generators to other customers and from other customers to customer-generators; the costs and benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time-based tariffs pursuant to paragraph VIII; whether there should be a limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs: timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The commission may waive or modify specific size limits and terms and conditions of service for net metering specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

## Committee of Conference Report on SB 91 - Page 2 -

1	(b) Until such time as the commission adopts alternative net metering tariffs		
2	that expressly apply to customer-generators with a total peak generating capacity of		
3	greater than one megawatt pursuant to the criteria set forth in this paragraph, th		
4	provisions of commission order no. 26,029 issued on June 23, 2017 and subsequent order		
5	applicable to large customer-generators shall be applicable to customer-generators of		
6	greater than one megawatt otherwise authorized by statute.		
7	(c) Customer-generators of greater than one megawatt total peak generating		
8	capacity that are compensated for exports to the grid pursuant to subparagraph (b) prior		
9	to commission approval of net metering tariffs that expressly apply to such customer		
10	generators shall have the voluntary option to switch to such expressly applicable new tarif		
11	under its terms but shall not be permitted to return to a prior tariff or net metering term		
12	once they have switched.		
13	3 New Paragraph; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA		
14	362-A:9 by inserting after paragraph XIX the following new paragraph:		
15	XX.(a) The commission shall consider the question of whether or not exports to the grid by		
16	customer-generators taking default service should be accounted for as reduction to what would		
17	otherwise be the wholesale load obligation of the load serving entity providing default service absen		
18	such exports to the grid. The commission shall use its best efforts to resolve such question throug		
19	an order in an adjudicated proceeding, which may be DE 16-576, issued no later than June 15, 2022.		
20	(b) No generator of greater than one megawatt total peak generating capacity that first		
21	becomes operational after July 1, 2021 that elects to participate in net metering as otherwise		
22	authorized by statute shall be registered as a generator asset with ISO New England before June 30		
23	2022.		
24	(c) A generator of greater than one megawatt total peak generating capacity that first		
25	became operational before July 1, 2021 that elects to participate in net metering as otherwis		
26	authorized by statute and that is registered with ISO New England as a generator asset may, at its		
27	discretion, retire from such participation in ISO New England wholesale markets.		
28	4 Effective Date. Part II of this act shall take effect upon its passage.		
29			
30	Amend the bill by replacing Part IV with the following:		
31			
32	PART IV		
33	Establishing a commission to study limited electrical energy producers.		
34	1 New Section; Public Utilities; Commission to Study Limited Electrical Energy Producers		
35	Amend RSA 362-A by inserting after section 3 the following new section:		
36	362-A:3-a Commission to Study Limited Electrical Energy Producers. There is established a		

362-A:3-a Commission to Study Limited Electrical Energy Producers. There is established a commission to study intrastate wholesale electricity sales.

37

## Committee of Conference Report on SB 91 - Page 3 -

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	$outside\ of\ ISO\text{-}New\ England\ markets.\ The\ commission\ shall\ seek\ to\ answer\ several\ major\ questions:$		
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		

proposed legislation on or before November 1, 2021 to the speaker of the house of representatives,

the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

35

36

# Committee of Conference Report on SB 91 - Page 4 -

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 to on renewable energy and utilities.	this Report on SB 91, adopting omnibus legislation			
	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			

## Committee of Conference Report on SB 91 - Page 5 -

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.