

HB 1623-FN - AS INTRODUCED

2024 SESSION

24-2670
12/08

HOUSE BILL ***1623-FN***

AN ACT relative to the state energy policy.

SPONSORS: Rep. Vose, Rock. 5; Rep. D. Thomas, Rock. 16; Rep. Harrington, Straf. 18; Rep. D. McGuire, Merr. 14; Sen. Avard, Dist 12; Sen. Lang, Dist 2; Sen. Pearl, Dist 17

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill revises the state energy policy to promote affordable, reliable, dispatchable and secure energy resources for the health, safety and welfare of its citizens.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to the state energy policy.

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

1 1 Findings. The general court finds that:

2 I. Affordable, reliable, dispatchable, and secure energy resources are important to the
3 health, safety, and welfare of the state's citizens.

4 II. The state has created an environment hospitable to the investment of substantial
5 resources for the development of affordable, reliable, dispatchable, and secure energy resources
6 within the state.

7 III. The early retirement of an electric generation facility that provides affordable, reliable,
8 dispatchable, and secure energy poses a threat to the health, safety, and welfare of the state's
9 citizens.

10 IV. The state's police powers, reserved to the state by the United States Constitution,
11 provide the state with sovereign authority to make and enforce laws for the protection of the health,
12 safety, and welfare of the state's citizens.

13 V. The state has a duty to defend the production and supply of affordable, reliable,
14 dispatchable, and secure energy from external regulatory interference. The state's sovereign
15 authority with respect to the retirement of an electric generation facility for the protection of the
16 health, safety, and welfare of the state's citizens is primary and takes precedence over any attempt
17 from an external regulatory body to mandate, restrict, or influence the early retirement of an electric
18 generation facility in the state.

19 2 New Hampshire Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:

20 378:37 New Hampshire Energy Policy.

21 I. It is the policy of the sovereign state of New Hampshire and purpose of this chapter, to
22 promote affordable, reliable, dispatchable and secure energy resources for the health, safety and
23 welfare of its citizens.

24 (a) New Hampshire shall promote the development of resources to achieve the purpose
25 of this chapter without preference toward technology type, with an emphasis on dispatchable
26 resources.

27 (b) New Hampshire shall promote the development of resources, tools, and
28 infrastructure to enhance the state's ability to:

29 (1) Respond effectively to significant disruptions to the state's energy generation,
30 energy delivery systems, or fuel supplies;

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1 (2) Maintain adequate supply, including reserves of proven and cost-effective
2 dispatchable electricity reserves to meet grid demand; and

3 (3) Ensure the state's energy independence by removing regulatory barriers to
4 innovation to ensure that the state can procure affordable, reliable, and secure energy resources.

5 (c) New Hampshire shall allow market forces to drive prudent use of energy resources.
6 Government intervention to economically advantage one technology over another should be time-
7 limited, narrow, and necessary to achieve a specific policy goal.

8 (d) New Hampshire shall pursue energy conservation and efficiency according to market
9 principles and without state government subsidies.

10 (e) State regulatory processes shall balance economic costs with the level of review
11 necessary to ensure protection of the state's various interests, and where federal action is required,
12 New Hampshire will collaborate to encourage expedited federal review and action.

13 (f) New Hampshire shall maintain an environment that allows for accurate market
14 signals while balancing low consumer prices, price stability, energy reliability, and the financial
15 stability of utilities and energy suppliers.

16 (g) New Hampshire shall promote the use of clean energy sources by considering the
17 emissions of an energy resource throughout the entire life cycle of the energy resource.

18 II.(a) An electricity generator that receives notice of any federal regulation that may result
19 in the forced retirement of the generator's facility shall inform the respective commissioners of the
20 department of energy and the public utilities commission of the notice and regulation within 30 days
21 after the receipt of said notice.

22 (b) After being informed as described in subparagraph II(a), the department of energy
23 may investigate or the public utilities commission may open investigatory docket to determine how
24 such a forced retirement would affect the reliability and affordability of the state's energy resources
25 and to recommend any action necessary to defend the generator, including appealing to the attorney
26 general to file an action in court or to participate in administrative proceedings.

27 III. Any act or omission by a state agency inconsistent with this section shall not form the
28 basis of any civil suit including but not limited to those seeking equitable relief or claiming damages.

29 3 Effective Date. This act shall take effect 60 days after its passage.

HB 1623-FN- FISCAL NOTE
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AN ACT relative to the state energy policy.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill revises the state energy policy to promote affordable, reliable, dispatchable and secure energy resources for the health, safety and welfare of its citizens.

The Department of Energy indicates that this bill makes a number of changes to New Hampshire's Energy Policy as set forth in RSA 378:37 that do not have a direct fiscal impact. Proposed RSA 378:37, II would allow the Department of the Public Utilities Commission (PUC) to open an investigatory docket if a generator is forced to retire due to federal regulation, after being notified by an electricity generator that it has received such a notice. Such an investigation would be limited to the impact of the retirement on the reliability and affordability of the state's energy resources, and to make a recommendation as to whether actions are necessary to defend the generator. The Department states it's current funding mechanisms and resources would not be able to fund staff or hired consultants to conduct such investigations and the bill does not provide an appropriation.

Any such investigation would be at the discretion of the Department, if a generator receives a notice. The Department cannot forecast how often, if at all, these circumstances will occur. The

amount of additional expenditures, if funded, would be dependent on the size of the generator in question. Investigation scope and level of work needed will vary by the topic in question. Based on the recent experience of the Department in conducting investigations, the upper end of the investigation costs could be approximately \$250,000.

The Public Utilities Commission states this bill would have no fiscal impact on the Commission. The Commission has no information regarding any potential fiscal impact on a county or local level.

There would be no impact on state, county or local revenues and expenditures.

AGENCIES CONTACTED:

Department of Energy and Public Utilities Commission