



- 47 (g) The executive director of the New Hampshire Municipal Association, or designee.  
48 (h) The executive director of New Hampshire Legal Assistance, or designee.  
49 (i) The president of the Homebuilders & Remodelers Association of New Hampshire, or  
50 designee.  
51 (j) Two members of the house science, technology and energy committee appointed by the  
52 speaker of the house of representatives.  
53 (k) One member of the senate energy, environment and economic development committee,  
54 appointed by the president of the senate.  
55 (l) Three representatives from not-for-profit groups representing energy, environmental,  
56 consumer, or public health issues and knowledgeable in energy conservation policies and  
57 programs, appointed by the chairman of the public utilities commission.  
58 (m) The commissioner of the department of administrative services, or designee.  
59 (n) The state fire marshal, or designee.  
60 (o) The executive director of the New Hampshire housing finance authority, or designee.  
61 III. The board shall include, as nonvoting participants the following:  
62 (a) One representative from each utility-administered electric and natural gas energy  
63 efficiency program appointed by the chairman of the public utilities commission.  
64 (b) A representative of energy services companies delivering energy efficiency services to  
65 residential and business customers, appointed by the chairman of the public utilities commission.  
66 (c) A representative of a business or association of businesses selling or installing  
67 sustainable or renewable energy systems, appointed by the chairman of the public utilities  
68 commission.  
69 (d) A representative from the investment community with expertise in efficiency  
70 investments and financing, appointed by the chairman of the public utilities commission.  
71 IV. The chairman of the public utilities commission shall call the first meeting of the board.  
72 The board shall elect a chairperson from among its members. Seven members of the board shall  
73 constitute a quorum. The board shall make an annual report on December 1 to the governor, the  
74 speaker of the house of representatives, the president of the senate, the house science, technology  
75 and energy committee, the senate energy, environment and economic development committee,  
76 and the public utilities commission, to provide an update on its activities and recommendations  
77 for action including possible legislation.  
78 V. The board shall be administratively attached to the public utilities commission under  
79 RSA 21-G:10.  
80 VI. Legislative members of the commission shall receive mileage at the legislative rate  
81 when attending to the duties of the board.  
82 VII. No member of the board shall vote on a matter in which the member, his or her spouse  
83 or dependent, or the organization or entity represented by or employing the member, has a  
84 private interest which may directly or indirectly affect or influence the performance of his or her  
85 duties.

86 **Source.** 2008, 393:1, eff. October 1, 2008.

87 **2. Greenhouse Gas Emissions Reduction Fund Statutory Provisions:**

88 **RSA 125-O:23 Greenhouse Gas Emissions Reduction Fund.**

89 I. There is hereby established a greenhouse gas emissions reduction fund. This nonlapsing,  
90 special fund shall be continually appropriated to the commission to be expended in accordance  
91 with this section. The state treasurer shall invest the moneys deposited therein, as provided by  
92 law. Income received on investments made by the state treasurer shall also be credited to the  
93 fund. All programs supported by these funds shall be subject to audit by the commission as  
94 deemed necessary. A portion of the fund moneys shall be used to pay for commission and  
95 department costs to administer this subdivision, including contributions for the state's share of  
96 the costs of the RGGI regional organization. Any new employee positions to be paid for using  
97 fund moneys shall be approved by the fiscal committee of the general court pursuant to RSA  
98 124:15. The commission shall transfer from the fund to the department such costs as may be  
99 budgeted and expended, or otherwise approved by the fiscal committee and the governor and  
100 council, for the department's cost of administering this subdivision.

101 II. Fund moneys shall be used to support energy efficiency, conservation, and demand response  
102 programs to reduce greenhouse gas emissions generated within the state, which may include  
103 programs proposed and administered by private entities, as well as by the department, the  
104 commission, and other state and local governmental agencies. Such programs may include, but  
105 not be limited to, improving the electrical and thermal energy efficiency of New Hampshire's  
106 residential housing and commercial building stock via weatherization, energy auditing, energy  
107 efficiency related work force training and development, revolving loan funds for efficiency  
108 related investment, related industrial process and control systems, integration of passive solar  
109 heating and ventilation systems, and efforts to increase adherence to energy related building and  
110 electrical codes. These funds shall not be transferred or used for any other purpose.

111 III. At least 10 percent of the moneys shall be used to assist low-income residential customers, as  
112 defined by the commission and in a manner compatible with other low-income programs  
113 administered by the commission, to reduce total energy use including heating fuels and to foster  
114 the development and retrofitting of highly efficient and affordable housing.

115 IV. Notwithstanding paragraphs I, II, and III, all amounts in excess of the threshold prices listed  
116 below for any allowance sale made prior to January 1, 2016 that are deposited in the fund shall  
117 be rebated to all electric ratepayers in the state on a per-kilowatt-hour basis, in a timely manner,  
118 to be determined by the commission. For the following years listed, the threshold price shall be:

119 (a) 2009, \$6/ton.

120 (b) 2010, \$8/ton.

121 (c) 2011 and 2012, \$9/ton.

122 (d) 2013 and 2014, \$12/ton.

123 (e) 2015, \$15/ton.

124 (f) After 2015, no threshold price.

125 V. In the event that the commission finds that a significant amount of unencumbered dollars have  
126 accumulated in the greenhouse gas emissions reduction fund, and are not needed for program  
127 purposes, the commission shall refund such unencumbered dollars to ratepayers in a timely  
128 manner.

129 VI. All penalties collected pursuant to this subdivision shall be deposited in the greenhouse gas  
130 emissions reduction fund.

131 VII. In selecting programs to be funded under this section the commission shall consider, at a  
132 minimum, the extent to which the proposed program can be expected to:

133 (a) Reduce greenhouse gas emissions from all fuels used to provide electricity, heating, and  
134 cooling in New Hampshire;

135 (b) Be cost-effective;

136 (c) Reduce New Hampshire's peak electric load;

137 (d) Promote market transformation, innovative technology and economic development, and  
138 energy cost savings; and

139 (e) Otherwise be consistent with the public interest and the purposes of this subdivision.

140 **Source.** 2008, 182:2 eff. 6/11/08.

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### 142 **3. Renewable Energy Fund, Statutory Provisions:**

143

#### 144 **RSA 362-F:10 Renewable Energy Fund. –**

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146 I. There is hereby established a renewable energy fund. This nonlapsing, special fund shall be  
147 continually appropriated to the commission to be expended in accordance with this section. The  
148 state treasurer shall invest the moneys deposited therein as provided by law. Income received on  
149 investments made by the state treasurer shall also be credited to the fund. All payments to be  
150 made under this section shall be deposited in the fund. The moneys paid into the fund under  
151 paragraph II of this section, excluding class II moneys, shall be used by the commission to  
152 support thermal and electrical renewable energy initiatives. Class II moneys shall only be used to  
153 support solar energy technologies in New Hampshire. All initiatives supported out of these funds  
154 shall be subject to audit by the commission as deemed necessary. All fund moneys including  
155 those from class II may be used to administer this chapter, but all new employee positions shall  
156 be approved by the fiscal committee of the general court.

157 II. In lieu of meeting the portfolio requirements of RSA 362-F:3 for a given year if, and to the  
158 extent sufficient certificates are not otherwise available at a price below the amounts specified in

159 this paragraph, an electricity provider may, at the time of report submission for that year under  
160 RSA 362-F:8, make payment to the commission at the following rates for each megawatt-hour  
161 not met for a given class obligation through the acquisition of certificates:

- 162 (a) Class I--\$57.12.
- 163 (b) Class II--\$150.
- 164 (c) Class III--\$28.
- 165 (d) Class IV--\$28.

166 III. Beginning in 2008, the commission shall adjust these rates by January 31 of each year  
167 using the Consumer Price Index as published by the Bureau of Labor Statistics of the United  
168 States Department of Labor.

169 IV. The commission shall make an annual report by October 1 of each year, beginning in  
170 2009, to the legislative oversight committee on electric utility restructuring under RSA 374-F:5  
171 detailing how the renewable energy fund is being used and any recommended changes to such  
172 use.

173 **Source.** 2007, 26:2, eff. July 10, 2007.

#### 174 **4. Renewable Energy Fund Rules, adopted 6/30/08:**

##### 175 176 PART Puc 2507 RENEWABLE ENERGY FUND 177

178 Puc 2507.01 Source of Fund. All alternative compliance payments deposited pursuant to  
179 Puc 2503.02 with the state treasurer shall be held in a nonlapsing account to be known as the  
180 renewable energy fund. The commission shall account separately for alternative compliance  
181 payments received in connection with Class II certificate acquisition obligations.

182  
183 Puc 2507.02 Annual Report of Fund.

184  
185 (a) On September 1 of each year, the commission shall publish on its web site a report of  
186 the renewable energy fund including:

- 187 (1) Class II alternative compliance payments received in the calendar year;
- 188 (2) Class I, III and IV alternative compliance payments received in the calendar year;
- 189 (3) An estimate of the Class II amounts in the alternative compliance fund available  
190 to support new solar energy technology initiatives; and  
191 (4) An estimate of Class I, III and IV amounts in the alternative compliance fund  
192 available to support other thermal and electrical renewable energy initiatives.  
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196 Puc 2507.03 Renewable Energy Initiatives  
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198 (a) The commission shall periodically issue a request for proposals for initiatives to be  
199 supported by the renewable energy fund. All such initiatives shall be located in New Hampshire.  
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203 (b) In determining whether and to what extent it will dedicate money from the renewable  
204 energy fund to proposals submitted pursuant to (a) above, the commission shall consider the  
205 extent to which:

206  
207 (1) The initiative is likely to expand or support the production capacity of renewable  
208 energy facilities located in New Hampshire;

209  
210 (2) The initiative is likely to be cost-effective;

211  
212 (3) The initiative promotes market transformation, innovation, and energy cost  
213 savings;

214  
215 (4) The initiative will reduce New Hampshire's peak load as well as defer or  
216 eliminate local utility distribution plant expenditures;

217  
218 (5) The initiative is likely to result in economic development and environmental  
219 benefits for New Hampshire;

220  
221 (6) The initiative increases fuel diversity in the production of electricity or thermal  
222 energy for consumption in New Hampshire; and

223  
224 (7) The applicant has the capacity to successfully complete the initiative and the  
225 significance of the proposed assistance of the renewable energy fund in the viability  
226 of the project.

227  
228 (c) The commission on its own motion shall dedicate funds for those initiatives that it finds  
229 are:

230 (1) Substantially consistent with the factors set forth in (b) above;

231 (2) Realistically proposed and achievable by the applicant; and

232 (3) Most likely, on balance, to advance the purposes of RSA 362-F, within the  
233 constraint of available funds.

234  
235 (d) The commission shall allocate all Class II alternative compliance payments into the  
236 renewable energy fund, on an annual basis, to projects and initiatives that support eligible solar  
237 technologies.

238  
239 (e) The commission shall allocate not less than 20 percent of Class I, II, III and IV  
240 alternative compliance payments received on an annual basis to customer-sited thermal and  
241 renewable energy projects of up to 100 kilowatt in gross nameplate capacity or the equivalent  
242 thermal output provided that such customer-sited projects meet the requirements of Puc 2507.04.  
243

244 (f) The commission on its own motion and after notice and hearing shall establish a rebate  
245 program for customer-sited renewable energy projects of up to 100 kilowatt or equivalent  
246 thermal output, to be supported by the fund allocated pursuant to (e) above.

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Puc 2507.04 Customer-Sited Projects.

(a) The provisions of this part shall apply to customer-sited generation of up to 100 kW in gross nameplate capacity or equivalent thermal output.

(b) Persons seeking funds for customer-sited projects from the renewable energy fund shall apply according to this section.

(c) An applicant shall be:

(1) A residential, commercial, industrial, institutional, or public entity in New Hampshire;

(2) An end use customer of provider of electricity located in New Hampshire; and

(3) The owner of the proposed project.

(d) Applications pursuant to this part shall include the following information:

(1) The name, address and telephone number of the applicant;

(2) The location of the proposed project;

(3) The name and address of the monitor who will verify installation and production;

(4) The type of technology used in the proposed project; and

(5) The nameplate capacity of the proposed project.

(e) Applications shall include a signed contract with a primary installer or vendor that provides customers with a turnkey service.

(f) If the applicant intends to install the project, the applicant shall apply for a waiver from (e) above.

(g) The commission shall notify an applicant by letter if his or her proposal is accepted for funding from the renewable energy fund, including the amount, in dollars, that may be provided through the renewable energy fund.

(h) Prior to receiving any monies from the renewable energy fund, the applicant shall demonstrate that the project is installed and operating by providing an attestation by a monitor or a distribution company that states:

291 (1) The project is installed and operating in conformance with applicable codes,  
292 including applicable safety, zoning and building codes and has received any required  
293 inspections;

294  
295 (2) The interconnection between the project and the distribution utility complies with  
296 the applicable interconnection, testing, and operational requirements, though not  
297 necessarily the net metering requirements, of Puc 900, "Net Metering for Customer-  
298 Owned Renewable Energy Generation Resources," or in the alternative, Puc 307.06;  
299 and

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301 (3) The monitor or distribution utility has inspected the installation.

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303 (i) Upon demonstration that the project is installed and operating, the commission shall  
304 provide the state treasurer information regarding:

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306 (1) The name and address of the recipient of the money; and

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308 (2) The amount of money to be disbursed to the recipient pursuant to (i) above.

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310 Puc 2507.05 Audit. A recipient of any monies disbursed from the renewable energy fund shall  
311 make its books, records and facilities available to the commission for the purpose of allowing the  
312 commission to discharge its audit responsibilities pursuant to RSA 362-F:10, I.

313  
314 **5. HB 1628, relative to renewable energy generation incentive programs.:**

315 **CHAPTER 368**

316 **HB 1628 – FINAL VERSION**

317 **AMENDED ANALYSIS**

318 This bill:

319 I. Authorizes the public utilities commission to make a one-time payment from the  
320 renewable energy fund to certain owners of small renewable generation facilities.

321 II. Increases payment rates for the renewable energy fund for the calendar year  
322 2008.

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324 368:1 New Paragraphs; Renewable Energy Incentive Payments. Amend RSA 362-  
325 F:10 by inserting after paragraph IV the following new paragraphs:

326 V. The public utilities commission shall make and administer a one-time incentive  
327 payment of \$3 per watt of nominal generation capacity up to a maximum payment  
328 of \$6,000, or 50 percent of system costs, whichever is less, per facility to any  
329 residential owner of a small renewable generation facility, that would qualify as a  
330 Class I or Class II source of electricity, has a total peak generation capacity of less  
331 than 5 kilowatts, begins operation on or after July 1, 2008, and is located on or at  
332 the owner's residence.

333 VI. Such payments shall be allocated from the renewable energy fund established in  
334 paragraph I, to the extent funding is available, up to a maximum aggregate  
335 payment of 10 percent of the fund per year.

336 VII. The commission shall, after notice and hearing, by order or rule establish an  
337 application process for the incentive payment program established under paragraph  
338 V. The application process shall include verification of costs for parts and labor,  
339 certification that the equipment used meets the applicable safety standards of the  
340 American National Standards Institute (ANSI) or Underwriters Laboratory (UL) or  
341 similar safety rating agency, and that the facility meets local zoning regulations,  
342 and receives any required inspections.

343 VIII. The commission may, after notice and hearing, by order or rule, establish  
344 additional incentive or rebate programs for customer-sited thermal and renewable  
345 energy projects.

346 IX. After December 31, 2010, for good cause the commission may, by rule, modify  
347 the program created by RSA 362-F:10, V.

348 368:2 New Paragraph; Commission Review and Report. Amend RSA 362-F:5 by  
349 inserting after paragraph VIII the following new paragraph:

350 IX. The distribution of the renewable energy fund established in RSA 362-F:10.

351 368:3 Definition. Amend RSA 362-F:2, V to read as follows:

352 V. "Customer-sited source" means a source that is interconnected on the end-use  
353 customer's [site] *side* of the retail electricity meter in such a manner that it  
354 displaces all or part of the metered consumption of the end-use customer.

355 368:4 Renewable Energy Fund; Payment Rates. Notwithstanding any law or rule to  
356 the contrary, the payment rates established under RSA 362-F:10, II and III, for  
357 calendar year 2008 shall be as follows:

358 (a) Class I--\$58.58.

359 (b) Class II--\$153.84.

360 (c) Class III--\$28.72.

361 (d) Class IV--\$28.72.

362 368:5 Effective Date. This act shall take effect upon its passage.

363 Effective Date: July 11,2008

364 **6. HB 1653:**

365 **CHAPTER 392**

366 **HB 1653-FN-A-LOCAL – FINAL VERSION**

367 AN ACT relative to providing additional fuel assistance and enhanced  
368 weatherization services to income-eligible New Hampshire citizens and state  
369 matching funds for July-September 2008 disaster assistance grants, and making  
370 appropriations therefor.

371 **ANALYSIS**

372 This bill makes appropriations to the office of energy and planning for the fuel  
373 assistance program and the low income weatherization program. The bill requires  
374 the public utilities commission to make transfers from the Home Energy Solutions  
375 program and unused SO2 allowance proceeds held by Public Service Company of  
376 New Hampshire to the Home Energy Assistance Program for income-eligible  
377 citizens for weatherization services.

378 The bill also makes an appropriation to the department of safety, division of  
379 homeland security and emergency management, for state matching funds for  
380 disaster assistance grants to communities which sustained tornado, wind, and flood  
381 damage between July and September 2008.

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383 392:1 Findings. The general court finds that the escalating costs of fuel and the  
384 tightening of energy supplies has led to significantly higher and more volatile home  
385 heating and electricity prices, requiring action by the state in advance of the 2008-  
386 2009 winter to provide additional fuel assistance and enhanced weatherization  
387 services to income-eligible New Hampshire citizens.

388 392:2 Appropriation; Office of Energy and Planning; Fuel Assistance Program. The  
389 sum of \$10,000,000 for the fiscal year ending June 30, 2009 is hereby appropriated  
390 to the office of energy and planning for the state's fuel assistance program. This  
391 appropriation is in addition to any other funds appropriated to the office of energy

392 and planning. The governor is authorized to draw a warrant for said sum out of any  
393 money in the treasury not otherwise appropriated. It is the intent of the general  
394 court that anticipated federal revenue replace moneys in the treasury not otherwise  
395 appropriated as the funding source for this appropriation to the extent that federal  
396 fuel assistance funding exceeds \$27,500,000 for the fiscal year ending June 30,  
397 2009.

398 392:3 Appropriation; Office of Energy and Planning; Low Income Weatherization  
399 Program.

400 I. The sum of \$1,200,000 for the fiscal year ending June 30, 2009 is hereby  
401 appropriated to the office of energy and planning to accelerate and expand the  
402 availability of weatherization services for this upcoming winter. Notwithstanding  
403 the provisions of RSA 125-O, these funds may be used for the state's existing  
404 income-eligible weatherization program and for the Stay Warm New Hampshire  
405 weatherization initiative. The source of funds for this appropriation shall be the  
406 greenhouse gas emissions reduction fund established pursuant to RSA 125-O:23, I.

407 II. The office of energy and planning shall submit by December 1, 2008 and every 60  
408 days thereafter a report on the allocation and use of all federal and state moneys for  
409 fuel assistance and weatherization efforts to the speaker of the house of  
410 representatives, the senate president, the governor, and the fiscal committee of the  
411 general court.

412 392:4 Public Utilities Commission; Home Energy Assistance Program. The public  
413 utilities commission shall transfer \$500,000 from the Home Energy Solutions  
414 program to the Home Energy Assistance Program for income-eligible citizens for  
415 weatherization services. The public utilities commission shall also transfer \$360,000  
416 in unused SO2 allowance proceeds held by the Public Service Company of New  
417 Hampshire to the Home Energy Assistance Program for income-eligible  
418 weatherization services.

419 392:5 Appropriation; State Matching Funds for July-September 2008 Disaster  
420 Assistance Grants. In response to tornado and heavy wind damage sustained by  
421 communities in July 2008, and the heavy rains and flood damage sustained by  
422 communities between July and September 2008, a sum not to exceed \$300,000 is  
423 hereby appropriated to the department of safety, division of homeland security and  
424 emergency management, as the required state match for federal disaster assistance  
425 funds from the Federal Emergency Management Agency (FEMA). The governor is  
426 authorized to draw a warrant for said sum out of any money in the treasury not  
427 otherwise appropriated. Any unexpended funds appropriated in this section shall  
428 not lapse to the general fund until June 30, 2011. The appropriation in this section  
429 shall be in addition to any other funds appropriated for such purpose. With prior  
430 approval of the fiscal committee of the general court, the department of safety,  
431 division of homeland security and emergency management, shall distribute the

432 funds appropriated by this section for payment of claims in the order in which they  
433 were filed, to any eligible FEMA applicant that submitted a timely request for such  
434 assistance based on the disaster area declaration date. The funds shall be  
435 distributed pursuant to the following funding formula: federal funds shall be used  
436 for 75 percent of eligible costs and state funds shall be used for the remaining costs,  
437 except that the local applicant first shall pay 12.5 percent of its total eligible costs.

438 392:6 Effective Date. This act shall take effect upon its passage.

439 Effective Date: September 24, 2008

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