



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

September 26, 2019

Via Email and First Class Mail to:

Debra Howland
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

RE: SB 165 & PUC 900 Rules

Dear Ms. Howland:

Please accept this letter concerning the implementation of SB 165 in the PUC 900 Rules.

Clarifying the Intent and Application of SB 165

As the prime sponsor of SB 165, the general intent to expand access and opportunity to solar savings, especially in the advancement of community solar projects.

More specifically, I wish to clarify the legislative intent being interpreted from one of my speeches on the floor of the Senate concerning the effective date of this legislation. The purpose of that speech and the effective date is to avoid interfering with existing contracts for existing projects, which is, in my view, not allowable as a matter of not only fairness, but both contract and Constitutional law. The goal is not to impair an existing or new renewable energy generator that meets the requirements to be a customer-generator from using on-bill crediting when they register or re-register as a group net metering host, it was to avoid interfering with existing contracts with existing projects. It would be completely arbitrary to only make on-bill crediting available to those projects that begin to be "in-service" date after the passage of the bill, and the legislation itself in no way includes any such restriction.

In addition, the language of SB 165 says: "a group host may elect to receive credits on the customer electric bills for each member and the host, with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09". In furtherance of the general intent of SB 165, and in conformance with all applicable laws and programs, the goal is when a group host determines a percentage to be allocated to each group member that they have the option and flexibility of on-bill credits provided either monetarily, or with a kw hour credit consistent with 362-A:9 IV (a) and (b). When there is surplus generation at the end of each billing cycle, on-bill credits shall reflect rates consistent with existing net metering tariffs spelled out in PUC 903.02.

Mike Sununu & Marc Brown Don't Have Standing to Participate in the PUC 900 Rules

As the prime sponsor of SB 165, I'm writing to voice my concern with Mike Sununu and Marc Brown's participation in the rulemaking process. I worked with the Governor's office on a

compromise, resulting in Governor Chris Sununu supporting SB 165. Unfortunately, now it appears Mike Sununu, a corporate lobbyist working on behalf of fossil fuel interests and out-of-state corporations is working to undermine the implementation of SB 165. SB 165 is about community solar, right here in New Hampshire – a critically important issue in the Granite State. The NH Public Utilities Commission should not allow this rulemaking docket to be hijacked by fossil fuel interests and the interests of out-of-state corporations. If they are allowed to participate, very little if any weight should be given to their input.

Thank you for your time and consideration.

Sincerely,



Dan Feltes
State Senate – District 15
Senate Majority Leader

cc: David Wiesner, Counsel for the NH PUC
Karen Cramton, Director of Sustainable Energy Division of NH PUC