

STATE OF NEW HAMPSHIRE

Intra-Department Communication

DATE: February 23, 2021

AT (OFFICE): NHPUC

FROM: Deandra Perruccio, Analyst, Sustainable Energy Division

SUBJECT: Request for One-time Limited Waiver of Puc 909.10(a) 3
Staff Recommendation to Grant Limited Waiver of Puc 909.10(a)(3)

TO: Dianne Martin, Chairwoman
Kathryn M. Bailey, Commissioner
Debra A. Howland, Executive Director

CC: Karen P. Cramton, Director, Sustainable Energy Division
David K. Wiesner, Director, Legal Division

In this memorandum, Staff recommends that the Commission grant a one-time limited waiver of the requirement for reporting by month in Puc 909.10(a)(3), which requires that all hosts file as part of their annual report “a calculation, with supporting documentation, for each month of the year, of the total electricity generated by the host’s facility, the total net electricity exported to the distribution system for which the host was compensated under these rules, the host’s total load for which it was billed by the utility, the total billed load of each member, and the total billed load of all members.”

The recommended waiver would apply to all group hosts that have not registered as a Low-Moderate Income Community Solar Project (LMI Project) that are required under Puc 900 to file a group host annual report for compliance year 2020, which is due by April 1, 2021.

Last year the Commission adopted updates to the Puc 900 rules, effective as of September 14, 2020, which govern net metering and group net metering. See DRM 19-158. The rules updates included the incorporation of a number of material changes to group net metering, including new provisions regarding on-bill crediting and LMI Project group net metering.

Rule Puc 909.10(a)(3) requires the reporting *by month* of group host electrical generation and usage, as well as member electrical usage. Prior to the rule amendments, group hosts were required to report this information only on an annual basis. The amendment requiring the hosts to provide the data by monthly is necessary for review and continued registration of LMI Project groups. Monthly data also facilitates the submission and review process for all host annual reports.

Group host annual reports for each compliance year are due by April 1 of the following year; however, the reports may be submitted any time after January 1. While the utilities and Commission Staff work to provide reminders and assistance to hosts, both have noted that hosts would benefit from more time and information to comply with the new requirement to report data by month. In addition, Staff has confirmed that no LMI Project groups were registered during compliance year 2020, and therefore no annual reports will be filed for that year by LMI Project group hosts.

Accordingly, Staff believes that a limited rule waiver regarding the monthly information reporting requirement, without affecting the requirement to report annual totals, will provide hosts flexibility in reporting requirements for this transition year and will also allow sufficient time for hosts to prepare to meet the new requirements for the 2021 reporting year, all while meeting the intent of the rule.

The Commission may grant a waiver of its rules upon a finding that the “waiver serves the public interest” and “will not disrupt the orderly and efficient resolution of matters before the commission.” Puc 201.05(a). In determining the public interest, the Commission “shall waive a rule if: (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or (2) The purpose of the rule would be satisfied by an alternative method proposed.” Puc 201.05(b).

The recommended rule waiver would serve the public interest because the primary purpose of Puc 909.10 is to provide host information for a given compliance year (i.e., annual totals). A one-time, limited waiver of Puc 909.10(a)(3) would remove the burden, for this single transition year, of obtaining and reporting monthly data for compliance year 2020 without affecting the established requirement to provide annual totals. The waiver would allow ample notice for hosts to prepare to implement the monthly data reporting requirement for compliance year 2021, providing time for them to work with their group members to obtain the required information over the course of the next year and thereafter.

Staff believes that the recommended waiver will not disrupt any matter before the Commission, that adherence to Puc 909.10(a)(3) “would be onerous” given the circumstances of the hosts described above, and that the limited waiver regarding only the monthly data requirement will satisfy the overriding purpose of the rule.

In sum, the proposed waiver would serve the public interest and would not disrupt the orderly and efficient resolution of matters before the Commission, in view of the unique circumstances in this transitional compliance year. Accordingly, the rule waiver criteria are met and Staff recommends that the Commission grant the limited waiver of Puc 909.10(a)(3). *See* Puc 201.05.