

Readopt with amendments Puc 902 and Puc 909, effective 1/3/14 (Document #10502, Interim), cited and to read as follows:

CHAPTER Puc 900 NET METERING FOR CUSTOMER-OWNED RENEWABLE ENERGY GENERATION RESOURCES OF 1,000 KILOWATTS OR LESS

PART Puc 902 DEFINITIONS

Puc 902.01 “Agreement” means the written agreement signed by the host and by each group member as required by RSA 362-A:9, XIV for the purpose of controlling energy costs of the group ~~and which includes at least the following:~~

~~(a) The contact information for the host and each member, including their names, billing addresses, service addresses, phone numbers, email addresses, and name of distribution utility;~~

~~(b) The procedure by which the host will allocate and make payments to, and allocate and collect payments from, its members, including the frequency and manner of such payments and collection;~~

~~(c) The procedure by which members may join and leave the group, which procedure shall, at a minimum, contain the language required by Puc 909.05;~~

~~(d) A binding process for the resolution of any disputes arising under the agreement involving the host, its members, or among members, which process does not rely on the distribution utility or the commission. This dispute resolution clause shall address disputes arising out of the member removal process required by Puc 909.05;~~

~~(e) The host and each member must sign the agreement attesting that the information provided is true to the best of their knowledge and belief; and~~

~~(f) The agreement and signatures may be electronic as authorized by RSA 294 A.~~

Puc 902.02 “Combined heat and power system” means a “combined heat and power system” as defined in RSA 362-A:1-a, I-d, namely “a new system installed after July 1, 2011, that produces heat and electricity from one fuel input using an eligible fuel, without restriction to generating technology, has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80 percent in the production of heat and electricity, or has an electric generating capacity greater than 30 kilowatts and not more than one megawatt and a fuel system efficiency of not less than 65 percent in the production of heat and electricity. Fuel system efficiency shall be measured as usable thermal and electrical output in BTUs divided by fuel input in BTUs.”

Puc 902.03 “Customer-generator” means “eligible customer-generator” as defined in RSA 362-A:1-a, II-b, namely “an electric utility customer who owns, ~~or~~ operates, or purchases power from an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility.” For purposes of this chapter, the electricity consumed in conjunction with or to operate the facility qualifies as “the customer’s own electricity requirements.”

Puc 902.04 “Default service” means energy supply services provided by a distribution utility which includes a rural electric cooperative for which a certificate of deregulation is on file with the commission.

Puc 902.05 “Distribution utility” means the company that owns and/or operates the distribution facilities delivering electricity to the customer-generator’s premises, and includes a rural electric cooperative for which a certificate of deregulation is on file with the commission.

Puc 902.06 “Electric utility customer” as used in the definition of “customer-generator” means any retail ratepayer of a distribution utility.

Puc 902.07 “Electricity suppliers” means “electricity suppliers” as defined in RSA 374-F:2, II, namely “suppliers of electricity generation services and includes actual electricity generators and brokers, aggregators, and pools that arrange for the supply of electricity generation to meet retail customer demand, which may be municipal or county entities.”

Puc 902.08 “Eligible fuel” means “eligible fuel” as defined in RSA 362-A:1-a, II-c, namely, “natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel.”

Puc 902.09 “Facility” means the energy generating equipment interconnected with the electric distribution system through one or more meters that the distribution utility has installed, or would have installed, in the normal course of its business.

Puc 902.~~1009~~ “Generation capacity” means, for inverter based units, the kilowatt rating of the inverters, and for other interconnections, the kilowatt rating of the generation facility ~~unit~~.

Puc 902.~~1110~~ “Group” means one or more members who are default service customers of the same distribution utility who have signed an agreement with a host as required by RSA 362-A:9, XIV. A group may include a host and a member that are the same entity or person.

Puc 902.~~12~~¹⁴ “Heat led” means “heat led” as defined in RSA 362-A:1-a, II-d, namely, “that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator.”

Puc 902.~~13~~¹² “Host” means a customer-generator that elects to assume the duties and obligations of RSA 362-A:9, XIV, who is, and who remains during the term of the agreement, a default service customer of the same distribution utility as the group.

Puc 902.~~14~~¹³ “Islanding” means a condition in which a portion of the utility system that contains both load and dispersed generation is isolated from the remainder of the utility system.

Puc 902.~~15~~¹⁴ “Large customer-generator” means a customer-generator defined under Puc 902.03 whose facility that first began operation after July 1, 2010 and has a total peak generating capacity greater than 100 kilowatts (kW) up to one megawatt (MW).

Puc 902.~~16~~¹⁵ “Member” means a default service customer of the same distribution utility as the host, who signs an agreement to be a member of a group under RSA 362-A:9, XIV, ~~and~~ who remains a default service customer of the same distribution utility as the host during its membership in the group, and, except as provided in Puc 902.11, who is not a customer-generator. ~~A member may sign an agreement with more than one host, but the portions of that member’s load which are allocated to each host, when combined, shall not exceed that member’s total load.~~

Puc 902.~~17~~¹⁶ “Net energy metering” means “net energy metering” as defined in RSA 362-A:1, III-a, namely, “measuring the difference between the electricity supplied over the electric distribution system and the electricity generated by an eligible customer-generator which is fed back into the electric distribution system over a billing period.”

Puc 902.~~18~~¹⁷ “Renewable energy” means electricity produced by renewable resources including geothermal, tidal or wave, wind, solar, landfill gas, hydro, biomass, bio-oil, bio-synthetic gas, and biodiesel resources.

Puc 902.~~19~~¹⁸ “Small ~~net-metering~~ customer-generator” means a customer-generator as defined by Puc 902.03 whose facility has with a total peak generating capacity of not more than 100 kW. ~~The term includes “small customer-generator.”~~

Puc 902.~~20~~¹⁹ “Witness test” means the process used by the electric utility following the interconnection of a customer-generator’s generation facility to determine whether the interconnection affects the safety, reliability or power quality of the distribution system.

CHAPTER Puc 900 NET METERING FOR CUSTOMER-OWNED RENEWABLE ENERGY
GENERATION RESOURCES OF 1,000 KILOWATTS OR LESS

PART Puc 909 PURPOSE

Puc 909.01 Purpose. The purpose of this Section is to implement 2013 N.H. Laws Ch. 266 (SB 98), “An act authorizing group net metering for limited electrical energy producers,” which amended the definition of “customer-generator” in RSA 362-A:1-a, II-b, added RSA 362-A:9, XIV, and expanded the commission’s reporting requirement in RSA 362-F:10, IV.

Puc 909.02 Applicability. Puc 909.01 through Puc 909.11 apply to customer-generators who elect to become hosts, ~~to group members,~~ and to distribution utilities that serve ~~customer-generators who become hosts and group members.~~

Puc 909.03 Registration and Re-registration of Hosts.

(a) ~~To register as a host, a~~ Any customer-generator seeking to become a host shall ~~file with provide~~ the commission, ~~with a copy to the distribution utility, a registration application,~~ Form PUC 909.09, ~~or a document in a similar format,~~ containing the information specified in Puc 909.09, ~~and shall simultaneously send a copy to the host’s distribution utility at the electronic or physical address provided on Form PUC 909.09.~~

(b) No customer-generator shall begin acting as a host until it has ~~received a registration number from the commission~~ completed all aspects of the application process required by this section and Puc 909.09.

(c) ~~Unless the commission denies a host registration application for being incomplete, which denial shall be made within 60 days, the commission shall issue the host a registration number, determines that an application is incomplete or does not comply with the requirements of this chapter, the commission shall either approve the application in writing within 60 days after the commission receives a complete application, with a copy to the distribution utility, or it shall be deemed to have been approved 60 days after receipt.~~

(d) ~~Re-registration shall not be required so long as a registered host complies with the annual report requirements of Puc 909.07 and Puc 909.10. If the commission requested information or clarification to complete the application and such information or clarification is not provided within 60 days of the date of the request, the commission shall suspend action on the application. The commission shall provide notice of such suspension to the applicant and to the distribution utility. If, after 120 days from the date of the request the applicant has not provided the requested information or clarification, the commission shall reject the application and shall so notify the applicant and the distribution utility.~~

(e) If a host must re-register, the host shall follow the requirements of paragraph (a).

Puc 909.04 Re-Registration of Hosts.

~~(a) Re-registration shall not be required so long as a duly registered host complies with the requirements of this section including, but not limited to, the obligation to timely file annual reports described in Puc 909.06.~~

~~(b) If a host must re-register, the host shall provide the commission, with a copy to the distribution utility, a registration application, Form PUC 909.09, containing the information specified in Puc 909.09 and shall note any changes from the information provided with the host's previous application(s).~~

~~(c) Unless the commission determines that an application for re-registration is incomplete or does not comply with the requirements of this chapter, the commission shall either approve the application in writing within 60 days after the commission receives a complete application, with a copy to the distribution utility, or it shall be deemed to have been approved 60 days after receipt.~~

~~(d) If the commission requested information or clarification to complete an application for re-registration, and such information or clarification is not provided within 60 days of the request, the commission shall suspend action on the application. The commission shall provide notice of such suspension to the applicant and to the distribution utility. If, after 120 days from the date of the request the applicant has not provided the requested information or clarification, the commission shall reject the application, and shall so notify the applicant and the distribution utility.~~

Puc 909.04 Transfer of Registration Numbers.

(a) A registration number may be transferred by the host or by operation of law to another provided the following conditions are met:

(1) The proposed host meets the requirements of Puc 902.13; and

(2) The proposed host will serve as host of the same facility under the terms of the agreement governing the existing host.

(b) Within 30 days of the transfer of the registration number, the new host shall provide the commission the following information, with a copy to the host's distribution utility:

(1) The former host's name and registration number;

(2) The new host's name, trade name, telephone number, email address, and website address, as applicable;

(3) The physical address, service address, account number(s), and meter number(s) of the facility that the new host serves;

- (4) The name, telephone number, and e-mail address of the individual responsible for responding to commission inquiries after transfer of the registration number;
- (5) The identity of the owner and operator of the facility after transfer of the registration number;
- (6) A description of changes to the members in the group, if any, including changes in names, billing addresses, service addresses, account numbers, meter numbers, and projected annual load;
- (7) A certification that all members and the new host are default service customers of the same distribution utility;
- (8) A certification that the new host has provided to the host's distribution utility a copy of the notice required by this paragraph;
- (9) A certification that information provided is truthful, accurate, and complete; and
- (10) A certification that none of the members is a customer generator.

Puc 909.05 Agreement.

(a) The host and its members shall sign an agreement as defined in Puc 902.01 which includes at least the following:

- (1) The contact information for the host and each member, including their names, billing addresses, service addresses, account numbers, meter numbers, phone numbers, email addresses, and name of distribution utility;
- (2) The procedure by which the host will allocate and make payments to, and allocate and collect payments from, its members, including the frequency and manner of such payments and collection;
- (3) The procedure by which members may join and leave the group, which procedure shall, at a minimum, contain the language required by Puc 909.06; and
- (4) A binding process for the resolution of any disputes arising under the agreement involving the host, its members, or among members, which process does not rely on the distribution utility or the commission. This dispute resolution clause shall address disputes arising out of the member removal process required by Puc 909.06;

(b) The host and each member shall sign the agreement attesting that the information provided is true to the best of their knowledge and belief.

(c) A member may sign an agreement with more than one host, but the portions of that member's load which are allocated to each host, when combined, shall not exceed that member's total load.

(d) The requirements of this section to sign an agreement shall not apply if the host and all members are the same person or the same entity.

Puc 909.0605 Changes in Membership.

(a) The procedure by which members are added and removed from the group shall be defined in the agreement. The agreement shall describe how members may be added, how members may leave voluntarily, and how members may be removed involuntarily. ~~The host shall keep records of the dates that each member joins and leaves the group.~~

(b) The addition of a member shall be effective on the host's first meter read date immediately following the new member's addition.

(c) The departure of a member shall be effective on the host's last meter read date immediately preceding the member's date of departure.

(d) Departing members shall receive their allocated share of any payments due from the host, and shall be responsible for their allocated share of any payments due to the host, through the effective date of their departure. Unless the agreement provides otherwise, ~~such~~ payments due from the host shall be made within 60 days of the effective date of the members' departure and member payments due to the host shall be made within 60 days from the distribution utility's notice of payment due pursuant to Puc 909.08(d).

(e) Unless the agreement provides otherwise, in the event of a member's death the meter(s) associated with that deceased member shall continue to be a part of the group until removed according to the terms of the agreement or by order of a court with appropriate jurisdiction. The legal representatives of deceased members shall receive the deceased member's allocated share of any payments due from the host, and shall be responsible for their allocated share of any payments due to the host.

Puc 909.0706 Annual Report.

(a) Each host shall file with the commission, with a copy to the distribution utility, an annual report on Form PUC 909.10, or a document in a similar format, on or before April 1 of each year after registration, providing the information required by Puc 909.10, and shall simultaneously send a copy to the host's distribution utility at the electronic or physical address provided on form PUC 909.10, related to the preceding calendar year.

(b) A host's registration shall expire without further action by the commission if the host fails to file an annual report by October 1 of the year the annual report is due.

(c) If the host fails to timely file an annual report required by Puc 909.07, the

commission shall send the host a notice no later than July 1 of the year the report is due advising the host that it must file an annual report by October 1 of that year or its host registration will expire.

Puc 909.0807 Duties of the Distribution Utility.

(a) ~~Upon receipt of a host registration number, a registration or re-registration application and approval of that application through commission notice or through passage of time as described in Puc 909.03 and Puc 909.04, the distribution utility shall thereafter pay the host for the host's surplus generation at the end of each billing cycle. The first payment shall be due for the billing cycle beginning with the meter read date immediately following the effective date of the host's registration. The distribution utility's monthly payments to the host shall be based on the rate used to calculate the host's credit relative to the host's own net-metering under RSA 362-A:9, IV(a) or (b).~~

(b) For hosts that are small customer-generators, the payments shall be equal to the distribution utility's per kilowatt hour charges.

(c) For hosts that are large customer-generators, the payment shall be equal to the distribution utility's default service rate.

(d) For all hosts, by June 1 of each year the distribution utility shall determine for the prior year whether the host's surplus generation exceeded the group's total electricity use. If so, the host shall only be entitled to compensation for that excess generation at the avoided cost or default service rate. For purposes of calculating the payment adjustment of this paragraph, the distribution utility shall be bound by its election pursuant to Puc 903.02(k) of the avoided cost rate calculated by the commission, or by the distribution utility for each specific host, or the distribution utility's default service rate. The distribution utility shall calculate whether it overpaid the host for that excess generation according to the rates in paragraphs (b) and (c), and bill the host accordingly.

~~(e)(b) If the host's registration expires for failures to timely file an annual report required by Puc 909.0706, the distribution utility shall cease making payments due under this chapter as of the meter read date immediately following October 1 of that year stop making monthly payments. The distribution utility shall restart monthly payments as of the meter read date immediately following receipt of the host's annual report.~~

(f) If the host's registration is suspended or has expired, the distribution utility shall stop monthly payments. The distribution utility shall restart monthly payments as of the meter read date immediately following the host's re-registration.

~~(e) By June 1 of each year, the distribution utility shall calculate the difference between the host's surplus generation for which the host was paid during the course of the preceding calendar year and the group's total electricity used during that same period, using either subparagraph (1) or (2) below:~~

~~(1) If the group used more electricity than the host's surplus generation, no payment adjustment is required; or~~

~~(2) If the group used less electricity than the host's surplus generation, then the distribution utility shall calculate a payment adjustment based on the amount of electricity that the host's surplus generation exceeded the group's total use. The host shall be entitled to compensation for that excess generation at the distribution utility's avoided cost or its default service rate in accordance with RSA 362-A:9, V(b) or VI. If the distribution utility paid the host for that excess generation at a higher rate, then the distribution utility may, by June 1 of each year, bill the host for the amount it overpaid the host for that excess generation.~~

~~(g)(d) Any distribution utility serving registered hosts shall file an annual report with the commission on or before June~~April~~ 1 of each year, beginning June~~April~~ 1, 2015~~2014~~, covering the immediately preceding calendar year, which report shall describe the number and location of all registered group host facilities it serves, the generating capacity and renewable source of each facility, the payments to each facility, and the group total load of the members for each facility, and the total load of each host~~served by each facility.~~~~

(h) Any distribution utility that seeks to impose upon hosts the costs necessary to upgrade its information systems in order to implement group net metering as authorized by RSA 362-A:9, XIV(d), shall, within 90 days of the effective date of this rule, file with the commission sufficient information for the commission to determine whether the proposed costs are reasonable. Upon receipt of that filing, the commission shall open a docket and expeditiously determine the distribution utility's reasonable costs necessary to upgrade its information systems in order to implement this chapter, and determine how to allocate those costs among hosts.

(i) For any existing net metering customer-generator who becomes a host under this chapter, the distribution utility shall close out that customer-generator's net metering account and make any payments due within 60 days of receiving the host's registration number.

Puc 909.09 Form PUC 909.09 Application to Register or Re-register as a Host.

(a) An applicant for registration or re-registration as a host shall provide the commission, with a copy to the distribution utility, the following information on Form PUC 909.09, or a document in a similar format:

(1) The host's name, trade name, address, service address, telephone number, e-mail address, and website address, name of distribution utility, meter number, account number, as applicable;

(2) The name, telephone number, and e-mail address of the individual responsible for responding to commission inquiries;

(3) The identity of the owner and operator of the facility;

(4)(3) A list of all members in the host's group, including each member's name, billing address, service address, account number, meter number, and projected annual load;

(5)(4) A certification that all members and the host are default service customers of the same distribution utility;

(6)(5) The total historic annual load and the total projected annual load of the host;

(7)(6) The total historic annual load and the total projected annual load of the members;

(8)(7) The fuel source of the host facility, its ~~generating~~ capacity, the actual annual output of the host's facility, if known, and the projected annual output of the host's facility;

(9)(8) A certification that the total historic annual load of the members together with the host exceeds the projected annual output of the host's facility;

(10)(9) A certification that the host has provided a copy of the application to the distribution utility; ~~and~~

(11)(10) A certification that the applicant has the authority to file the application on behalf of the host and that its contents are truthful, accurate, and complete; and

(12) Except as allowed by Puc 902.11, a certification that none of the members is a customer generator.

(b) The applicant shall sign and date the form or document. ~~The form and signatures may be electronic as authorized by RSA 294-A.~~

(c) The individual signing the form or document shall certify by the individual's signature that the information on the form is true to the best of the individual's knowledge and belief.

(d) The applicant shall electronically file the form or document and any attachments, in a format compatible with the computer system of the commission pursuant to Puc 203.03, or through the following email address: PUCGroupNetMetering@puc.nh.gov ~~through the commission's website, www.puc.nh.gov.~~ The commission shall accept the form and any attachments through the regular mail or by hand delivery if the applicant certifies it is unable to file the documents electronically.

Puc 909.10 Form PUC 909.10 Host's Annual Report.

(a) On or before April 1 of each year, beginning the year after the host received a

~~registration number was registered~~, all ~~registered~~ hosts shall provide the commission, with a copy to the distribution utility, an annual report containing the following information on Form PUC 909.10, or a document in a similar format, covering the immediately preceding calendar year:

(1) Any changes to the information required ~~by in Form PUC~~ Puc 909.09;

(2) As to those members who joined the group during the course of the immediately preceding calendar year, the effective dates of each such member's addition and each such member's name, billing address, service address, meter number, account number, and projected annual load; ~~and~~

(3) As to those members who left the group during the course of the immediately preceding calendar year, the effective date of each such departure, the departing member's name, billing address, service address, meter number, and account number; and

(4) A calculation, with supporting documents, of the total electricity generated by the host's facility, the load of each member used to offset the host's generation, and the combined load of all the members.

(b) The host shall sign and date the annual report. ~~The annual report and signature may be electronic as authorized by RSA 294-A.~~

(c) The host signing the annual report form shall certify by that individual's signature that the information on the annual report form is true to the best of the individual's knowledge and belief.

(d) The host shall electronically file the annual report, in a format compatible with the computer system of the commission pursuant to Puc 203.03, or through the following email address: PUCGroupNetMetering@puc.nh.gov~~commission's website, www.puc.nh.gov~~. The commission shall accept the annual report through the regular mail or by hand delivery if the host certifies it is unable to file the report electronically.

Puc 909.0811 Sanctions for Failure to Comply.

(a) The commission shall suspend ~~the a host's~~ registration ~~of a host~~ for a period of ~~up to~~ no more than 2 years, after notice and an opportunity to be heard, for any of the following:

(1) A material misrepresentation of information required by Puc 909.09 which, if accurately reported, would have resulted in the denial of the application;

(2) A material violation of Puc 909 or RSA 362-A:9, XIV; or

(3) A material violation of any commission order.

(b) The commission shall determine the period of suspension based on:

- (1) The severity of the infraction;
- (2) Whether the host acted in good faith;
- (3) Whether other mitigating or aggravating circumstances exist; and
- (4) Other relevant information pertaining to the host and its principals.

(c) A host whose registration was suspended may, at the end of the period of suspension, seek reinstatement by submitting a re-registration application under Puc 909.04.

Puc 909.1244 Confidentiality.

The registration and re-registration applications ~~Form PUC 909.09~~, the host's annual report ~~Form PUC 909.10~~, the distribution utility's annual report described in Puc 909.08(d)07, and any related attachments provided to the commission shall be considered confidential and shall be released only after compliance with Puc 201.07, except that the commission shall use statistical information derived from the applications and annual reports to prepare the commission's annual report required by RSA 362-F:10, IV.

Puc 909.13 Electronic Signatures. All documents and signatures referenced in this chapter may be electronic as authorized by RSA 291-A.