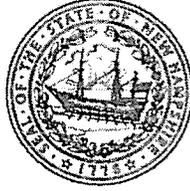


STATE OF NEW HAMPSHIRE

COMMISSIONERS
Robert R. Scott
Martin P. Honigberg

EXECUTIVE DIRECTOR
Debra A. Howland



PUBLIC UTILITIES COMMISSION
21 S. Fruit St., Suite 10
Concord, N.H. 03301-2429

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1-800-735-2964

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NHPUC 21NOV14AM10:09

November 21, 2014

Scott F. Eaton, Director
Office of Legislative Services, Administrative Rules
State House Annex, Room 219
25 Capitol Street
Concord, New Hampshire 03301

Re: Notice No. 2014-92
Commission Docket No. DRM 13-311, Puc 900 Final Proposal

Dear Mr. Eaton:

On June 9, 2014, the Commission voted pursuant to RSA 541-A to initiate a rulemaking to readopt with amendment Puc 909, regarding Group Net Metering Rules. A rulemaking notice form was filed with the Office of Legislative Services on June 20, 2014, as required by RSA 541-A:6. The notice was published in the Rulemaking Register on June 26, 2014. The notice scheduled a public hearing on the proposed Readoption with Amendment for August 27, 2014.

The hearing was held as scheduled, and comments were received from several parties involved. The Commission considered the public comment in establishing the text of the Final Proposal.

The Commission adopted the Final Proposal in a duly noticed public meeting on November 21, 2014. As required by the Rulemaking Manual, you will find enclosed one copy each of the following:

- A completed Appendix II-G, Cover Sheet for Final Proposal;
- The "Final Proposal—Fixed Text", including the cross-reference table required by RSA 541-A:3-a, II; and
- The "Final Proposal—Annotated Text".

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Debra A. Howland".

Debra A. Howland
Executive Director

Enclosures

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2014-92 Rule Number Puc 902 and Puc 909

| | |
|--|--|
| <p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 S. Fruit Street, Suite 10 Concord, New Hampshire 03301</p> | <p>2. RSA Authority: <u>RSA 362-A:9, X; RSA 365:8, XII</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p><input type="checkbox"/> Adopt</p> <p><input type="checkbox"/> Amendment</p> <p><input type="checkbox"/> Repeal</p> <p><input type="checkbox"/> Readoption</p> <p><input checked="" type="checkbox"/> Readoption w/amendment</p> |
|--|--|

5. Short Title: **Puc 902 and 909 Group Net Metering**

6. Contact person for copies and questions:

| | | | |
|----------|--|----------|-----------------------|
| Name: | Michael Sheehan | Title: | Staff Attorney |
| Address: | New Hampshire Public Utilities Commission 21 South Fruit Street Suite 10 Concord NH 03301 | Phone #: | 603-271-6028 |

7. Yes No Agency requests review by Committee legal staff in the Office of Legislative Services and delayed Committee review pursuant to RSA 541-A:12, I-a.
8. The rulemaking notice appeared in the Rulemaking Register on June 26, 2014.
9. Yes N/A Agency notified policy committees, or House Speaker and Senate President, pursuant to RSA 541-A:10, I because this is the first time this rule or its amendments have been proposed to implement newly-enacted state authority.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)**

10. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.
- 11.- Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
12. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL
APPROVED 1-6-12 TO BE EFFECTIVE 2-20-12

13. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

INSTRUCTIONS FOR THE COVER SHEET FOR FINAL PROPOSAL

The first and second unnumbered items, and Items 1 through 5, shall be completed with the same information as appeared in the “Rulemaking Notice Form” (Appendix II-C) as published for the Initial Proposal in the Rulemaking Register. Item 6 shall identify the name, title, address, and telephone number of the person in the agency who can answer questions about the proposed rule and supply copies.

The agency shall then indicate, by checking the appropriate box on Item 7, whether it is requesting that it receive and respond to comments of the Committee legal staff prior to the Committee meeting that is at least 28 days, but not more than 60 days, after the proposal is filed. In effect, this would be a request for postponement of Committee action. See RSA 541-A:12, I-a and Section 2.14 of Chapter 3 in the Drafting and Procedure Manual for Administrative Rules (Manual).

In Item 8 the agency shall list the full date, by month, day, and year, on which the “Rulemaking Notice Form” was published in the Rulemaking Register.

In Item 9 the agency shall indicate, by checking either the “Yes” box or the “N/A” (not applicable) box, whether it had notified the House and Senate policy committees, or the House Speaker and Senate President, pursuant to RSA 541-A:10, I because the Initial Proposal was the first time the rule or its amendments had been proposed to implement newly-enacted state authority.

Items 10 through 13 all relate to required attachments to the “Final Proposal Cover Sheet”. PROVIDE ONE COPY OF EVERYTHING SUBMITTED. IT IS OPTIONAL TO NUMBER THEM ACCORDINGLY. Item 10 is required in every filing, and therefore is listed without a check-box. Items 11 through 13 will be required only under the circumstances set forth in the description of the items listed below. The agency shall determine whether such attachment is required and then check either the “Yes” box to indicate that the document is required and has been attached or the “N/A” box if the document is not required and therefore not applicable:

- Item 10. The “Final Proposal—Fixed Text,” required by RSA 541-A:12, II(b). See also Section 2.12 of Chapter 3 in the Manual. Include the cross-reference table required by RSA 541-A:3-a, II as was done for the Initial Proposal. See Section 2.4 of Chapter 3 in the Manual.
- Item 11. An “Incorporation by Reference Statement” (Appendix II-H) if the agency has incorporated a third-party document or Internet content by reference for which such a statement is required pursuant to RSA 541-A: 12, III. See Section 3.12 of Chapter 4 in the Manual.
- Item 12. The text of the final proposal annotated to reflect how the text of the Final Proposal differs from the text of the Initial Proposal, if the text has changed during the public hearing and comment process. See RSA 541-A:12, II(e) and Section 5.4 of Chapter 4 in the Manual.
- Item 13. The amended fiscal impact statement obtained from the Legislative Budget Assistant if, as a result of the public hearing and comment process, a change has been made to the rule which affects the original fiscal impact statement. See RSA 541-A:5, VI and Section 2.11 of Chapter 3 in the Manual.

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.

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, 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.”

Puc 902.04 The “customer’s own electricity requirements” in Puc 902.03 includes the electricity consumed in conjunction with or to operate the facility.

Puc 902.05 “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 902.06 “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 902.07 “Electric utility customer” as used in the definition of “customer-generator” means any retail ratepayer of a distribution utility.

Puc 902.08 “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 902.09 “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 902.10 “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 902.11 “Generating capacity” means, for inverter based units, the kilowatt rating of the inverters, and for other interconnections, the kilowatt rating of the generating facility.

Puc 902.12 “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 can include a host and a member that are the same entity or person.

Puc 902.13 “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 902.14 “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 902.15 “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 902.16 “Large customer-generator” means a customer-generator defined under Puc 902.03 whose facility has a total peak generating capacity greater than 100 kilowatts (kW) up to and including one megawatt (MW).

Puc 902.17 “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, 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.

Puc 902.18 “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 902.19 “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 902.20 “Small customer-generator” means a customer-generator as defined by Puc 902.03 whose facility has a total peak generating capacity of not more than 100 kW.

Puc 902.21 “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 part 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 909.13 apply to customer-generators who elect to become hosts, to group members, and to distribution utilities that serve hosts and group members.

Puc 909.03 Registration and Re-registration of Hosts.

(a) To register as a host, a customer-generator shall provide the commission with the information specified in Puc 909.09, and shall simultaneously send a copy to the host's distribution utility.

(b) No customer-generator shall begin acting as a host until it has received a registration number from the commission.

(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, with a copy to the distribution utility.

(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.

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

(f) If a customer-generator requests that the commission issue a provisional host approval, the customer-generator shall provide the commission with the information specified in Puc 909.09 that demonstrates compliance with those requirements at a specific date in the future. Unless the commission denies a request for provisional approval for being incomplete, which denial shall be made within 60 days, the commission shall issue a provisional approval, with a copy to the distribution utility. A provisional approval shall expire in 12 months. A provisional approval does not replace the requirement to obtain a host registration number under (b) above. Prior to receiving a host registration number the customer-generator that received provisional approval shall provide the commission with updated information that demonstrates current compliance with Puc 909.09. The commission shall act upon the updated information as provided in (c) above.

(g) A host may voluntarily surrender its host registration at any time by so notifying the commission and the utility. A host that voluntarily surrenders its host registration may not again seek registration until the passage of twelve months.

(h) Upon request, a host shall provide to the commission copies of agreements with its members and any other document related to its host status, operation of its facility, and relationship with its members.

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 definition of Puc 902.14; and
- (2) The proposed host shall serve as host of the same facility under the terms of the agreement governing the existing host and group members.

(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, mailing address, trade name, telephone number, email address, and website address;
- (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) Except as allowed by Puc 902.12 and Puc 902.17, 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 provision shall address disputes arising out of the member removal process required by Puc 909.06;

(b) The host and each member shall sign an 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 909.06 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.

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

(c) The departure of a member shall be effective on the member'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. The agreement shall describe how payments are to be made between the host and members upon the departure of a member.

(e) Unless the agreement provides otherwise, in the event of a host's or member's death the meter(s) associated with that deceased host or 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 hosts or members shall remain bound by the terms of the agreement, unless the agreement provides otherwise.

Puc 909.07 Annual Report.

(a) Each host shall file with the commission, on or before March 15 of each year after registration, an annual report that contains the information required by Puc 909.10, and shall simultaneously send a copy to the host's distribution utility. Failure to timely file an annual report authorizes the distribution utility to cease making the payments provided for in Puc 909.08 until the host files its annual report, as described in Puc 909.08(e) and (f).

(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) The commission shall notify the appropriate utilities of hosts whose registration expired under (b) above.

Puc 909.08 Duties of the Distribution Utility.

(a) Upon receipt of a host registration number, 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, unless the meter read date is less than five business days after the effective date, in which case the first payment shall be due for the billing cycle beginning with the next meter read date.

(b) For hosts that are small customer-generators, the payments shall be equal to all charges that are based on kilowatt hour usage.

(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 (b) and (c above), and bill the host accordingly.

(e) If host's registration is suspended under Puc 909.11, or if the host fails to timely file an annual report required by Puc 909.07(a), the distribution utility shall cease making payments due under this chapter beginning with the billing cycle that starts with the meter read date immediately following the date of suspension or the due date for the annual report.

(f) If the utility ceased making payments under (e) above, the distribution utility shall restart monthly payments beginning with the billing cycle that starts with the meter read date immediately following the host's re-registration or filing of its annual report, as applicable. The host shall not be entitled to payment for any unpaid billing cycles that resulted from suspension or from a failure to timely file annual reports.

(g) Any distribution utility serving registered hosts shall file an annual report with the commission on or before June 1 of each year, beginning June 1, 2015, 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 total load of the members for each facility, and the load of each host.

(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, make any payments or bill credits due under Puc 903.02(h) using the prior year's avoided cost rate within 60 days of receiving the host's registration number, and commence the host's group net metering account. Puc 903.02(l) shall not apply to an existing net metering customer who becomes a host.

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:

(1) The host's name, trade name, address, service address, telephone number, e-

mail address, website address, name of distribution utility, meter number, and account number;

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

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

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

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

(10) A statement that the host has provided a copy of the application to the distribution utility;

(11) A statement 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 and Puc 902.17, a certification that none of the members is a customer generator.

(b) The applicant shall sign and date the document.

(c) The individual signing the document shall state that the information provided is true to the best of the individual's knowledge and belief.

(d) The applicant shall electronically file the 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. The commission shall accept the document and any attachments through the regular mail or by hand delivery if the applicant is unable to file the documents electronically.

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, all hosts shall provide the commission, with a copy to the distribution utility, an annual report containing the following information, covering the immediately preceding calendar year:

- (1) Any changes to the information required by 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;
- (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 host's load, 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.

(c) The host signing the annual report shall state that the information in the annual report 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. The commission shall accept the annual report through the regular mail or by hand delivery if the host is unable to file the report electronically.

Puc 909.11 Sanctions for Failure to Comply.

(a) The commission shall suspend a host's registration for a period of 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) The commission shall notify the appropriate utility of any host suspension.
- (d) 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 909.12 Confidentiality.

The registration and re-registration applications, the host's annual report, the distribution utility's annual report described in Puc 909.08(d), 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 Documents and Signatures. All documents and signatures referenced in this chapter may be electronic as authorized by RSA 291-A.

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

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Puc 902.04 The “customer’s own electricity requirements” in Puc 902.03 includes the electricity consumed in conjunction with or to operate the facility.

Puc 902. ~~0504~~ “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. ~~0605~~ “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. ~~0706~~ “Electric utility customer” as used in the definition of “customer-generator” means any retail ratepayer of a distribution utility.

Puc 902. ~~0807~~ “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. ~~0908~~ “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. ~~1009~~ “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. ~~1140~~ “Generating capacity” means, for inverter based units, the kilowatt rating of the inverters, and for other interconnections, the kilowatt rating of the generating facility.

Puc 902. ~~1244~~ “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 can include a host and a member that are the same entity or person.

Puc 902. ~~1342~~ “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. ~~1443~~ “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. ~~1544~~ “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. ~~1645~~ “Large customer-generator” means a customer-generator defined under Puc 902.03 whose facility has a total peak generating capacity greater than 100 kilowatts (kW) up to and including one megawatt (MW).

Puc 902. ~~1746~~ “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, 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.

Puc 902. ~~1817~~ “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. ~~1918~~ “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. ~~2019~~ “Small customer-generator” means a customer-generator as defined by Puc 902.03 whose facility has a total peak generating capacity of not more than 100 kW.

Puc 902. ~~2120~~ “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 part 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 909.13 apply to customer-generators who elect to become hosts, to group members, and to distribution utilities that serve hosts and group members.

Puc 909.03 Registration and Re-registration of Hosts.

(a) To register as a host, a customer-generator shall ~~provide file with the~~ commission ~~with 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.

(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, with a copy to the distribution utility.

(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.

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

(f) If a customer-generator requests that the commission issue a provisional host approval, the customer-generator shall provide the commission with the information specified in Puc 909.09 that demonstrates compliance with those requirements at a specific date in the future. Unless the commission denies a request for provisional approval for being incomplete, which denial shall be made within 60 days, the commission shall issue a provisional approval, with a copy to the distribution utility. A provisional approval shall expire in 12 months. A provisional approval does not replace the requirement to obtain a host registration number under (b) above. Prior to receiving a host registration number the customer-generator that received provisional approval shall provide the commission with updated information that demonstrates current compliance with Puc 909.09. The commission shall act upon the updated information as provided in (c) above.

(g) A host may voluntarily surrender its host registration at any time by so notifying the

commission and the utility. A host that voluntarily surrenders its host registration may not again seek registration until the passage of twelve months.

(h) Upon request, a host shall provide to the commission copies of agreements with its members and any other document related to its host status, operation of its facility, and relationship with its members.

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 definition requirements of Puc 9021413.; and
- (2) The proposed host shall serve as host of the same facility under the terms of the agreement governing the existing host and group members.

(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, mailing address, 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) Except as allowed by Puc 902.12 and Puc 902.17, a ~~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 ~~provision clause~~ shall address disputes arising out of the member removal process required by Puc 909.06;

(b) The host and each member shall sign ~~an 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 909.06 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.

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

(c) The departure of a member shall be effective on the member's ~~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. The agreement shall describe how payments are to be made between the host and members upon the departure of a member. ~~Unless the agreement provides otherwise, 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 host's or member's death the meter(s) associated with that deceased host or 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 hosts or members shall remain bound by the terms of the agreement, unless the agreement provides otherwise. ~~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 909.07 Annual Report.

(a) Each host shall file with the commission ~~an annual report on Form PUC 909.10, or a document in a similar format,~~ on or before March 15 April 1 of each year after registration, providing an annual report that contains 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.~~ Failure to timely file an annual report authorizes the distribution utility to cease making the payments provided for in Puc 909.08 until the host files its annual report, as described in Puc 909.08(e) and (f).

(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 shall expire.~~

(c) The commission shall notify the appropriate utilities of hosts whose registration expired under (b) above.

Puc 909.08 Duties of the Distribution Utility.

(a) Upon receipt of a host registration number, 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, unless the meter read date is less than five business days after the effective date, in which case the first payment shall be due for the billing cycle beginning with the next meter read date.

(b) For hosts that are small customer-generators, the payments shall be equal to all charges that are based on kilowatt hour usage~~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) above, and bill the host accordingly.

(e) If host's registration is suspended under Puc 909.11, or if the host fails to timely file an annual report required by Puc 909.07(a), expires for failures to timely file an annual report required by Puc 909.07(b), the distribution utility shall cease making payments due under this chapter beginning with the billing cycle that starts with~~as of~~ the meter read date immediately following the date of suspension or the due date for the annual report ~~October 1 of that year.~~

(f) If the utility ceased making payments under (e) above, If the host's registration is suspended, or has expired, the distribution utility shall stop monthly payments. T~~he~~ distribution utility shall restart monthly payments as of beginning with the billing cycle that starts with the meter read date immediately following the host's re-registration or filing of its annual report, as applicable. The host shall not be entitled to payment for any unpaid billing cycles that resulted from suspension or from a failure to timely file annual reports.

(g) Any distribution utility serving registered hosts shall file an annual report with the commission on or before June 1 of each year, beginning June 1, 2015, 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 total load of the members for each facility, and the load of each host.

(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 ~~2014~~ 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 or bill credits due under Puc 903.02(h) using the prior year's avoided cost rate within 60 days of receiving the host's registration number, and commence the host's group net metering account. Puc 903.02(1) shall not apply to an existing net metering customer who becomes a host.

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, website address, name of distribution utility, meter number, and 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) 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) A ~~statement-certification~~ that all members and the host are default service customers of the same distribution utility;
- (6) The total historic annual load and the total projected annual load of the host;
- (7) The total historic annual load and the total projected annual load of the members;
- (8) 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) A ~~statement-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) A ~~statement certification~~ that the host has provided a copy of the application to the distribution utility;

(11) A ~~statement 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. ~~1244~~ and Puc 902.17, a certification that none of the members is a customer generator.

(b) The applicant shall sign and date the ~~form or~~ document.

(c) The individual signing the ~~form or~~ document shall ~~state certify by the individual's signature~~ that the information ~~provided 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. The commission shall accept the ~~document 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, all 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 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;

(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 host's load, 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.

(c) The host signing the annual report shall ~~state-certify by that individual's-~~
~~signature~~ that the information ~~in~~ on the annual report 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. 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 909.11 Sanctions for Failure to Comply.

(a) The commission shall suspend a host's registration for a period of 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) The commission shall notify the appropriate utility of any host suspension.

~~(e)~~(d) 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 909.12 Confidentiality.

The registration and re-registration applications, the host's annual report, the distribution utility's annual report described in Puc 909.08(d), 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 Documents and Signatures. All documents and signatures

referenced in this chapter may be electronic as authorized by RSA 291-A.

SERVICE LIST - EMAIL ADDRESSES - DOCKET RELATED

Pursuant to N.H. Admin Rule Puc 203.11 (a) (1): Serve an electronic copy on each person identified on the service list.

| | |
|-------------------------------------|--|
| Executive.Director@puc.nh.gov | |
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| al@essexhydro.com | denise.mckeen@puc.nh.gov |
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| allen.desbiens@nu.com | dwirth@perkinshomecenter.com |
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Docket #: 13-311-1 Printed: November 21, 2014

FILING INSTRUCTIONS:

- a) Pursuant to N.H. Admin Rule Puc 203.02 (a), with the exception of Discovery, file 7 copies, as well as an electronic copy, of all documents including cover letter with:**
- DEBRA A HOWLAND
EXECUTIVE DIRECTOR
NHPUC
21 S. FRUIT ST, SUITE 10
CONCORD NH 03301-2429
- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
- c) Serve a written copy on each person on the service list not able to receive electronic mail.**

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