

**STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Development of New Alternative Net Metering Tariffs and/or
Other Regulatory Mechanisms and Tariffs for Customer-Generators

Docket No. DE 16-576

Motion to Continue Suspension of Distribution Utility
Low-Moderate Income Solar Pilot Program Development

NOW COMES the Department of Energy (Department), a party to this docket under RSA 12-P:9, and respectfully moves the New Hampshire Public Utilities Commission (Commission) to continue the current suspension of electric distribution utility low-moderate income (LMI) solar pilot program development in this proceeding until July 1, 2022. In support of this request, the Department states as follows:

1. On October 8, 2019, in Order No. 26,297, the Commission suspended the requirement for electric distribution utilities to develop LMI solar pilot programs for a period of two years, until July 1, 2021, in order to avoid potential duplication with recently-enacted statutory amendments before the market had an opportunity to respond to those legislative initiatives, in particular Senate Bill 165, enacted as 2019 N.H. Laws Chapter 271 (SB 165) (net metering adder provided through on-bill credits to eligible LMI solar project group hosts and members) and Senate Bill 129, enacted as 2017 N.H. Laws Chapter 226 (SB 129) (percentage of Renewable Energy Fund to be used to develop projects which provide direct benefits to LMI project participants).

2. Order No. 26,297 further provided that, if by July 1, 2021 at least two low-moderate income community solar projects had not been developed in a utility's service territory, then the utility would be required to file by October 1, 2021 a pilot program proposal meeting the criteria specified in Order No. 26,029 (June 23, 2017).

3. On July 1, 2021, the three regulated electric utilities filed status update letters with the Commission. Unital Energy Systems, Inc. (Unital) informed the Commission that no qualifying SB 165 LMI solar projects had been developed to date within its service territory, and it therefore was developing a pilot program to satisfy the requirements of Order 26,297 to be filed on or before October 1, 2021. Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (Liberty), informed the Commission that no eligible LMI projects had been substantially developed in its service territory, and thus it would propose its LMI pilot program by October 1, 2021. Public Service Company of New Hampshire d/b/a Eversource Energy (Eversource) informed the Commission that it had only one active project seeking qualification for the SB 165 LMI adder in its service territory and it had taken steps to develop a pilot program proposal for submission to the Commission. Eversource described a Request for Information on LMI community solar projects it had recently distributed to a broad and diverse range of stakeholders, focused on identifying any barriers to developing such projects, with an objective of enabling Eversource to “leverage its resources and capabilities to develop a targeted pilot designed to reduce these project hurdles and facilitate successful LMI project development.”

4. The Department believes there is no compelling reason for LMI solar pilot programs to be developed and implemented by the utilities at this time. The provisions of the N.H. Admin. R., Puc 900 rules specifying the criteria and process for determining eligibility of LMI community solar projects under SB 165 only became effective on September 14, 2020 and have been in effect for just over one year. The LMI adder available to eligible projects under SB 165 and the Puc 900 rules is expected to be used by a number of projects, including three recipients of grants funded by the Renewable Energy Fund (REF). That grant program, required by statute

to be funded with at least 15 percent of available REF funds, has proven successful in enabling eligible LMI solar project development.

5. The Department remains concerned about the potential for duplicative programs, in view of those statutory programs and related initiatives. It is unclear whether there actually is additional unmet demand for LMI solar project development. The Department is also concerned about the additional costs of utility pilot program development to meet such uncertain demand. The utilities can be expected to seek recovery of those costs from their ratepayers, and any resulting rate increases will be paid by all customers, including LMI customers who do not participate in the limited solar project funding opportunities.

6. Based on the foregoing, the Department of Energy requests that the Commission approve a further suspension of the LMI pilot program development obligation until July 1, 2022. Given that the specified date for submission of pilot program proposals is October 1st, the Department urges the Commission to grant this motion at the earliest possible time. The Department requests that the Commission waive the 10-day period for objections specified in Puc 203.07(e) and require that any objections to this motion be filed within three business days of the date hereof.

7. Liberty has indicated that it does not object to a further suspension of the pilot program development obligation. Unitil has indicated that it does not object to a further suspension of the LMI pilot program development obligation, but it would prefer that the deferral remain open-ended such that any future proposal could be filed before the extended deadline. Eversource has indicated that it would support an extension of the filing deadline with the option to file a proposed pilot program at any time prior to the extended deadline. The Office of the Consumer Advocate has been contacted regarding this request, but has not responded to indicate its position as of the time of filing.

WHEREFORE, the Department respectfully requests that this honorable Commission:

- A. Continue the current suspension of electric distribution utility low-moderate income solar pilot program development in this proceeding until July 1, 2022;
- B. Waive the 10-day objection period specified in Puc 203.07(e) and require that any objections to this motion be filed within three business days of this motion;
- C. Approve the requested continuation of suspension period at the earliest possible time;
and
- D. Grant such other and further relief as may be appropriate under the circumstances.

September 21, 2021

N.H. DEPARTMENT OF ENERGY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was provided via electronic mail to the individuals included on the Commission's service list for this docket

/s/ David K. Wiesner

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