

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: January 9, 2020
AT (OFFICE): NHPUC

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

SUBJECT: DRM 19-158 Rulemaking, Puc 900 Net Metering Rules
Readoption of Rules with Amendments
Filing of Draft Final Proposal for Commission Review

TO: Commissioners
Debra A. Howland, Executive Director

CC: Thomas C. Frantz, Director, Electric Division

Enclosed with this memorandum is a Draft Final Proposal for further amendments to the Puc 900 net metering rules, which has been prepared by Commission Staff (Staff) in order to address the following matters:

1. Respond to comments submitted by interested stakeholders with reference to the Initial Proposal adopted by the Commission;
2. Include a new rule clarifying when multiple renewable energy projects will be deemed to be one facility for purposes of net metering eligibility, if the projects are located on the same parcel of land or adjacent and contiguous parcels of land; and
3. Include rules amendments necessary to implement Senate Bill 165 (2019) with respect to on-bill crediting for group net-metered renewable energy facilities and the additional net metering compensation available to "low-moderate income community solar projects."

Note that the draft Final Proposal only shows changes from the Initial Proposal, and not all of the changes from the currently effective Puc 900 rules.

Staff recommends that, pursuant to RSA 541-A:11, I(c), the Commission solicit public comment on the Draft Final Proposal before filing a Final Proposal in accordance with RSA 541-A:12.

In particular, Staff proposes that a public comment hearing be held on January 28, 2020 at 10:00 a.m., and that written comments be accepted until February 5, 2020.

Readopt with amendments Puc 901, effective 9-20-11 (Document #9998), 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 901 PURPOSE

Puc 901.01 Purpose. The purpose of Puc 900, pursuant to the mandate of RSA 362-A:9, is to establish reasonable interconnection requirements for safety, reliability and power quality for net energy metering as the public interest requires, and consistent with the legislative declaration of purpose set forth in RSA 362-A:1, in which the legislature found:

(a) It to be in the public interest to provide for small scale and diversified sources of supplemental electrical power to lessen the state's dependence upon other sources which may, from time to time, be uncertain;

(b) It to be in the public interest to encourage and support diversified electrical production that uses indigenous and renewable fuels and has beneficial impacts on the environment and public health; and

(c) That net energy metering for eligible customer-generators may be one way to provide a reasonable opportunity for small customers to choose interconnected self-generation, encourage private investment in renewable energy resources, stimulate in-state commercialization of innovative and beneficial new technology, enhance the future diversification of the state's energy resource mix, and reduce interconnection and administrative costs.

Puc 901.02 Applicability.

(a) Puc 904 through 908 shall be applicable only to small net-metering customers.

(b) Puc 903.02(l) through (p) shall only apply to net surplus electricity exported to the distribution system that accumulates during the 12 monthly billing cycles preceding the March 2012 billing cycle and in subsequent billing cycles.

(c) Where expressly noted, the provisions of Puc 900 shall apply only to customer-generators subject to the standard net metering tariff or only to customer-generators subject to the alternative net metering tariff.

(d) Interconnection of large net-metering customer-generators shall be governed by each utility's interconnection practices as set forth in its tariff filed with the commission.

(e) With the exception of Puc 903.02(u) and Puc 905.07, and unless otherwise noted, Puc 900 shall be applicable to rural electric cooperatives for which a certificate of deregulation is on file with the commission with respect to customer-generator subject to the standard net metering tariff up to the applicable cap set forth in Puc 903.02(b).

Readopt with amendments Puc 902, effective 1-8-15 (Document #10757), to read as follows:**PART Puc 902 DEFINITIONS**

Puc 902.01 “Affordable Housing Project” means any multi-family residential housing project that is:

(1) Funded through a federal, state, or local program requiring that the real estate remains subject to land use restriction or rental housing affordability covenants that limit allowable rents charged to individuals or families, consistent with RSA 674:58, IV pertaining to workforce housing, or as otherwise required under the applicable federal, state, or local program;

(2) A federal low-income housing tax credit project, as defined in Section 42 of the Internal Revenue Code of 1986, as amended;

(3) A project funded with federal grants made to states for low-income housing projects in lieu of low-income housing tax credits under Section 1602 of the American Recovery and Reinvestment Act of 2009; or

(4) A limited equity cooperative, including, but not limited to, a manufactured housing park or apartment building, in which the majority of members are of low or moderate income.

Puc 902.0~~2~~⁴ “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 902.0~~3~~² “Alternative Net Metering Tariff” means the alternative net energy metering tariff provisions adopted by the commission pursuant to RSA 362-A:9, XVI in Order No. 26,029 issued in Docket DE 16-576 on June 23, 2017, which tariff provisions are applicable to customer-generators receiving a utility net metering capacity allocation on or after September 1, 2017 once the utility is capable of implementing such new tariff provisions.

Puc 902.0~~4~~³ “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 902.0~~5~~⁴ “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 non-qualifying facility.” The “customer's own electricity requirements” shall include the electricity consumed in conjunction with or to operate the facility.

Puc 902.0~~65~~ “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, but does not include alternative default service provided by a municipal or county aggregator under RSA 53-E.

Puc 902.0~~76~~ “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 902.0~~87~~ “Electric utility customer” as used in the definition of “customer-generator” means any retail ratepayer of a distribution utility.

Puc 902.0~~98~~ “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 902.1~~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 902.11 “End-user customer” means any person or entity that purchases electricity supply at retail in New Hampshire from another person or entity, with the exception of a generating facility taking station service at wholesale from the regional markets administered by ISO New England, Inc. or its successor independent system operator or regional market administrator.

Puc 902.1~~20~~ “Facility” means the electricity generating equipment, powered by renewable energy or that employs a heat led combined heat and power system, interconnected with the electric distribution system through any one retail meter or more than one retail meters installed or to be that the distribution utility has installed, or would have installed, in the normal course of its business in accordance with Puc 903.03.

Puc 902.13 “Federal poverty guidelines” means the federal poverty guidelines updated periodically in the federal register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. §9909(2).

Puc 902.1~~41~~ “Generating capacity” means, for inverter-based units, the maximum generating capacity alternating current kilowatt rating of the inverters, and for other interconnections, the nameplate capacity kilowatt rating of the generating facility.

Puc 902.1~~52~~ “Group” means one or more members who are 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 902.1~~63~~ “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 902.1~~74~~ “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 customer of the same distribution utility as the group.

Puc 902.1~~85~~ “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 902.1~~96~~ “Large customer-generator” means a customer-generator ~~defined under Puc 902.03~~ whose facility has a total maximum generating capacity greater than 100 kilowatts alternating current up to and including one megawatt.

Puc 902.20 “Low-moderate income community solar project” means “low-moderate income community solar project,” as defined in RSA 362-F:2, X-a, namely, “ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority of the residential end-user customers are at or below 300 percent of the federal poverty guidelines.”

Puc 902.2~~17~~ “Member” means a 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 customer of the same distribution utility as the host during its membership in the group, and, except as provided in Puc 902.1~~52~~, who is not a customer-generator.

Puc 902.2~~248~~ “Net energy metering” means “net energy metering” as defined in RSA 362-A:1-a, 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 902.2~~349~~ “Non-bypassable charges” means charges assessed on the full amount of electricity imports without any netting during the applicable billing period, including such charges as the system benefits charge, stranded cost recovery charge, and storm recovery surcharge.

Puc 902.2~~40~~ “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 902.2~~54~~ “Small customer-generator” means a customer-generator ~~as defined by Puc 902.03~~ whose facility has a total maximum generating capacity of not more than 100 kilowatts alternating current.

Puc 902.2~~62~~ “Standard Net Metering Tariff ” means the net energy metering tariff provisions as specified in RSA 362-A:9, as applicable to customer-generators receiving a utility net metering capacity allocation prior to September 1, 2017 and not in excess of the net metering cap applicable prior to commission adoption of the alternative net metering tariff.

Puc 902.2~~73~~ “Witness test” means the process used by the electric distribution utility following the interconnection of a customer-generator’s facility to determine whether the interconnection affects the safety, reliability, or power quality of the utility’s distribution system.

Readopt with amendments Puc 903 – Puc 908, effective 9-20-11 (Document #9998), to read as follows:

PART Puc 903 CONDITIONS TO INTERCONNECTION

Puc 903.01 General Rules, Rights, and Obligations.

(a) Any distribution utility and any electricity supplier operating within the state of New Hampshire shall, upon request, provide net energy metering to customer-generators pursuant to Puc 900 and RSA 362--A:9.

(b) A distribution utility shall comply with Puc 900 in a non-discriminatory manner and shall not unreasonably withhold its permission to interconnect a customer-generator's facility.

(c) Any electricity supplier operating within New Hampshire that is not the default service provider shall offer net metering pursuant to Puc 900, but may provide for rates and terms as provided in RSA 362-A:9, II and Puc 903.02(g).

(d) Any customer-generator who engages in net energy metering in New Hampshire shall comply with Puc 900.

(e) A customer-generator shall comply with:

(1) Applicable commission-approved rules, tariffs, and terms and conditions of the distribution utility not in conflict with Puc 900;

(2) Any local, state, or federal law, statute, or regulation which applies to the design, siting, construction, installation, operation, or any other aspect of the customer-generator's facility and associated interconnection; and

(3) Interconnection requirements of the distribution utility as set forth in its tariff on file with the commission.

(f) Interconnection with the distribution utility under Puc 900 shall not authorize a customer-generator to utilize the distribution utility's electric distribution system for the transmission or distribution of electric power.

(g) The distribution utility shall have the right to review the design of a customer-generator's facility and associated interconnection and to inspect such facility and interconnection prior to the commencement of facility operations.

(h) The distribution utility may require a customer-generator to make modifications to its facility as necessary to comply with the requirements of Puc 900.

(i) The distribution utility's review and authorization for operation shall not be construed as confirming or endorsing the customer-generator's design or as warranting the safety, durability, or reliability of the facility or associated interconnection.

(j) The distribution utility shall not, by reason of such review or lack of review, be responsible for the strength, adequacy, or capacity of the facility's equipment.

(k) A customer-generator's facility and associated interconnection shall be reasonably accessible to the distribution utility's personnel as necessary for the utility to perform its duties and exercise its rights under its tariffs and terms and conditions filed with and approved by the commission and under Puc 900.

(l) Any information pertaining to a facility and associated interconnection that is provided to a distribution utility by a customer-generator shall be treated by the utility in a confidential manner.

(m) A customer-generator shall operate and maintain its facility and associated interconnection in a manner that is safe and reliable.

(n) A customer-generator shall be responsible for all costs associated with interconnection of the customer-generator's facility to the distribution system, as provided under RSA 362-A:9, XIII.

Puc 903.02 Statutory and Other Requirements.

(a) Electric distribution utilities shall make net energy metering available to customer-generators, pursuant to RSA 362-A:9 and Puc 900.

(b) Eligibility for net energy metering shall be available on a first-come, first-served basis within each distribution utility service area under the jurisdiction of the commission, provided that the standard net metering tariff provisions are available only until the total rated generating capacity owned and operated by customer-generators within the respective utility service area exceeds the following amounts: Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities, 8.74 MW; New Hampshire Electric Cooperative, Inc., 3.16 MW; Public Service Company of New Hampshire d/b/a Eversource Energy, 75.38 MW; and Unitil Energy Systems, Inc., 12.72 MW. No more than 4 MW of such total rated generating capacity eligible for the standard net metering tariff throughout New Hampshire shall be from combined heat and power systems.

(c) A large customer-generator subject to the alternative net metering tariff shall be eligible for net energy metering only if at least 20 percent of the actual or estimated annual electricity generation from its facility is consumed behind-the-meter, unless it has registered as a group host under RSA 362-A:9, XIV and Puc 909.

(d) Customer-generators subject to the standard net metering tariff may switch to the alternative net metering tariff upon written notice to the distribution utility, but any such customer-generators may not return to the standard net metering tariff terms once they have switched. Any such customer-generators that switch to the alternative net metering tariff shall be grandfathered under the structure and design of that tariff through December 31, 2040, following which date they shall transition to tariffs that are in effect at the time.

(e) Metering shall be done in accordance with normal metering practices as follows:

(1) Except as provided for in (3) and (5) below, small customer-generators subject to the standard net metering tariff shall have a single net meter that internally measures the inflow and outflow of electricity such that the net electricity usage or production can be periodically read, and the small customer-generators shall not be required to pay for the installation of that meter;

(2) Large customer-generators shall have a bi-directional metering system that records the total amount of electricity that the customer receives from the distribution utility and the total ~~outflow amount of electricity exported of electricity to the distribution system~~. Such meter shall record measurements instantaneously or over intervals of an hour or less. Large customer-generators shall pay for the installation of the bidirectional metering system;

(3) A distribution utility may install an additional meter or meters to monitor the flow of electricity in each direction for a small customer-generator subject to the standard net metering tariff, provided that it is not at the expense of the small customer-generator, unless the additional metering is requested by the small customer-generator;

(4) A distribution utility may install a net meter that measures energy usage or production at intervals of an hour or less, provided that it is not at the expense of the small customer-generator unless the interval meter is requested by the small customer-generator;

- (5) If the output of the customer-generator's facility will be measured for the purposes of recording renewable energy output under RSA 362-F, a second meter measuring the production of electricity from the facility may be installed at the customer-generator's expense, except as otherwise provided in (8) below;
- (6) If an additional meter or meters are installed, as described in (3) or (5) above, or (8) below, the net energy metering calculation shall yield the same result as when a single meter is used, pursuant to RSA 362-A:9;
- (7) Small customer-generators subject to the alternative net metering tariff shall have bi-directional meters installed to record in separate channels the quantities of electricity imports from the distribution utility system and electricity exports to the distribution utility system over a billing cycle; and
- (8) If, at the time of interconnection, a small customer-generator subject to the alternative net metering tariff requests that the distribution utility install a second ~~a~~-utility-owned meter measuring the production of electricity from the facility, the utility shall install such a production meter at no cost to the customer-generator. The small customer-generator shall provide and install a meter socket in a physical location acceptable to the utility.
- (f) A customer-generator shall be billed for electricity under the same rate schedule that such customer-generator would be billed if it had no generation.
- (g) Competitive electricity suppliers registered under RSA 374-F:7 and Puc 2000 may voluntarily determine the terms, conditions, and prices under which they will agree to provide ~~electric energy~~generation supply to, and purchase net ~~electric energy~~generation output from, customer-generators.
- (h) Pursuant to RSA 362-A:9, the following shall apply to net energy metering for small customer-generators subject to the standard net metering tariff and billed on a rate schedule that is not time-based:
- (1) The net electricity received or exported over a billing period shall be measured in accordance with normal metering practices;
 - (2) Charges that are not based on kilowatt-hours, including the customer charge and demand-based charges, shall be billed in accordance with the applicable rate schedule;
 - (3) If the electricity received by the customer-generator from the distribution system exceeds the electricity exported to the distribution system by the customer-generator during the billing period, the customer-generator shall be billed based on the net energy ~~supplied-received~~ in accordance with the applicable rate schedule, net of any credits pursuant to (5) a. below; ~~and~~
 - (4) If the electricity exported to the distribution system by the customer-generator exceeds the electricity ~~than is~~ received from the distribution system over the billing period:
 - a. The surplus electricity exported to the distribution system shall be calculated by subtracting the kilowatt-hours received from the distribution system from the kilowatt-hours exported to the distribution system over the billing period; and
 - b. The distribution utility shall use zero kilowatt-hours when calculating all charges that are based on kilowatt-hour usage;

- (5) If the electricity exported to the distribution system by the customer-generator exceeds the electricity received from the distribution system over any billing period, the customer-generator shall be:
- a. Credited over subsequent billing periods for the surplus electricity exported to the distribution system and all associated kilowatt-hour-based charges; or
 - b. For default service customers, if the surplus electricity production exceeds 600 kilowatt-hours, the customer-generator may elect, on an annual basis, to receive a payment from the distribution utility equal in amount to the economic value of accumulated surplus as calculated pursuant to (n) below; and
- (6) Customer-generators subject to the standard net metering tariff shall be grandfathered under the structure and design of that tariff through December 31, 2040, following which date they shall transition to tariffs that are in effect at the time.
- (i) The following shall apply to small customer-generators subject to the alternative net metering tariff:
- (1) The net electricity received or exported over a billing period shall be measured in accordance with normal metering practices;
 - (2) Charges that are not based on kilowatt-hours, including the customer charge and demand-based charges, shall be billed in accordance with the applicable rate schedule;
 - (3) Non-bypassable charges shall be assessed based on the full amount of electricity received from the distribution system without any netting of electricity exports over the billing period;
 - (4) If the electricity exported to the distribution system by the customer-generator exceeds the electricity received from the distribution system over the billing period:
 - a. The surplus electricity exported to the distribution system shall be calculated by subtracting the kilowatt-hours received from the distribution system from the kilowatt-hours exported to the distribution system over the billing period; and
 - b. The distribution utility shall use zero kilowatt-hours when calculating all charges, except non-bypassable charges, that are based on kilowatt-hour usage;
 - (5) If the electricity exported to the distribution system by the customer-generator exceeds the electricity received from the distribution system over any billing period, the customer-generator shall:
 - a. Receive a monetary bill credit for net electricity exports over the billing period calculated at 25 percent of any distribution charges assessed on a per-kilowatt-hour basis, any transmission charges assessed on a per kilowatt-hour basis, and, for default service customers, the default service rate assessed on a per kilowatt-hour basis;
 - b. The monetary credits shall carry forward to subsequent billing periods until used; and
 - c. If the monetary credit balance exceeds \$100 as of the end of the March billing period, on an annual basis, the customer-generator may elect to receive a payment from the distribution utility equal to the amount of the accrued monetary bill credits; and

(6) Customer-generators subject to the alternative net metering tariff shall be grandfathered under the structure and design of that tariff through December 31, 2040, following which date they shall transition to tariffs that are in effect at the time.

(j) Pursuant to RSA 362-A:9, the following shall apply to net energy measurements for large customer-generators subject to the standard net metering tariff:

(1) The net electricity received or exported over a billing period shall be measured in accordance with normal metering practices;

(2) All charges that are not based on kilowatt-hours, including the customer charge and demand-based charges, shall be billed in accordance with the applicable rate schedule;

(3) If the electricity received by the customer-generator from the distribution system exceeds the electricity exported to the distribution system by the customer-generator over the billing period, the customer-generator shall be billed all applicable charges on all kilowatt hours ~~supplied to received~~ by the customer from the distribution system, less a credit on default service charges, for those customer-generators on utility default service, equal to the metered electricity exported to the distribution system over the billing period;

(4) If electricity exported to the distribution system by the customer-generator exceeds the electricity received from the distribution system over the billing period:

a. The surplus electricity exported to the distribution system shall be calculated by subtracting the kilowatt-hours received from the distribution system from the kilowatt-hours exported to the distribution system over the billing period; and

b. The distribution utility shall use zero kilowatt-hours when calculating all default service charges. The customer-generator shall be billed for all other applicable charges on all kilowatt-hours ~~supplied to received by~~ the customer from the electric distribution system;

(5) If the electricity exported to the distribution system by the customer-generator exceeds the electricity received by the customer-generator from the distribution system over any billing period, the customer-generator shall be:

a. Credited for surplus electricity exported to the distribution system over subsequent billing periods for default service charges only, for those customer-generators on utility default service; or

b. For default service customers, the customer-generator may elect on an annual basis to receive a payment from the distribution utility equal in amount to the economic value of the accumulated surplus as calculated pursuant to (n) below; and

(6) Large customer-generators subject to the standard net metering tariff shall be grandfathered under the structure and design of that tariff through December 31, 2040, following which date they shall transition to tariffs that are in effect at the time.

(k) The following shall apply to net energy measurements for large customer-generators subject to the alternative net metering tariff:

(1) The net electricity exported or received over a billing period shall be measured in accordance with normal metering practices;

(2) All charges that are not based on kilowatt-hours, including the customer charge and demand-based charges, shall be billed in accordance with the applicable rate schedule;

(3) If the electricity received by the customer-generator from the distribution system exceeds the electricity exported to the distribution system by the customer-generator over the billing period, the customer-generator shall be billed for all applicable charges on all kilowatt-hours ~~supplied to~~ received by the customer from the distribution system, less a credit on default service charges, for those customer-generators on utility default service, equal to the metered electricity exported to the distribution system over the billing period;

(4) If the electricity exported to the distribution system by a customer-generator on utility default service exceeds the electricity received from the distribution system over the billing period:

a. The surplus electricity exported to the distribution system shall be calculated by subtracting the kilowatt-hours received from the distribution system from the kilowatt-hours exported to the distribution system over the billing period; and

b. The distribution utility shall use zero kilowatt-hours when calculating all default service charges. The customer-generator shall be billed for all other applicable charges on all kilowatt-hours supplied to the customer from the electric distribution system;

c. Customers who receive default service shall receive a monetary bill credit for ~~surplus~~ net electricity exported ~~during each billing period~~, calculated at the default service rate assessed on a per kilowatt-hour basis;

~~dd.~~ The monetary credits shall carry forward to subsequent billing periods until used; and

~~ee.~~ If the monetary credit balance exceeds \$100 as of the end of the March billing period, on an annual basis, the customer-generator may elect to receive a payment from the distribution utility; and

(5) Large customer-generators subject to the alternative net metering tariff shall be grandfathered under the structure and design of that tariff through December 31, 2040, following which date they shall transition to tariffs that are in effect at the time.

(1) For customer-generators subject to the standard net metering tariff, on or before June 1 of each year, each distribution utility shall provide to customer-generators taking default service that have accumulated a surplus in excess of 600 kilowatt-hours at the end of their March billing cycle written notice that provides:

(1) The number of accumulated surplus kilowatt-hours;

(2) A statement that the customer-generator will continue to accumulate any net surplus unless it elects one of the following two options:

a. Receive a bill credit equal to the economic value of the applicable surplus; or

b. Elect payment by check of the economic value of the surplus;

(3) The capacity in kilowatts, if any, associated with such surplus generation, whether actual, pursuant to (n)(5) below, or estimated, pursuant to (n)(6) or (7) below, as applicable; and

(4) The average rate, expressed in dollars or cents per kilowatt-hour, that the energy component of such surplus will be valued at, the rate for the capacity value of such surplus, expressed in dollars or cents per kilowatt, and the total economic value of such surplus, expressed in dollar and cents.

(m) For customer-generators subject to the alternative net metering tariff, on or before June 1 of each year, each distribution utility shall provide to customer-generators that have accumulated monetary bill credits of \$100 or more at the end of their March billing cycle written notice that provides:

(1) The total accumulated monetary bill credits;

(2) A statement that the customer-generator will continue to carry forward any net monetary bill credits unless it elects to receive payment by check; and

(3) A description of the process through which the customer-generator may elect to receive payment by check of the balance of such accumulated monetary bill credits.

(n) Unless an electric distribution utility elects otherwise as provided in subsection (p) below, and except as may be provided otherwise pursuant to subsection (v) below, the commission shall annually determine the rates for utility avoided costs for energy and capacity consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA) (16 USC § 824a-3 and 18 CFR § 292.304) and as set forth below:

(1) On or before May 15 of each year, the commission shall publish on its website its calculation of the rates for avoided costs of energy and capacity for the previous year ending March 31 to be used by utilities to calculate the economic value of surplus net-metered generation for the previous year which may be paid or credited to customer-generators subject to the standard net metering tariff, starting in the June billing cycle, along with supporting calculations, an explanation of assumptions and data sources, and estimated portions of annual surplus generated during the hour or hours used to calculate avoided capacity costs pursuant to (6) and (7) below (capacity factors) if actual hourly surplus generation data is not used for such calculation pursuant to (5) below;

(2) The rates for avoided energy costs shall be based on the short-term avoided energy costs for the New Hampshire load zone in the wholesale electricity market administered by ISO New England, Inc., consisting of the hourly real time locational marginal price (LMP) of electricity plus generation-related ancillary service charges, all adjusted for the average line loss in New Hampshire between the wholesale metering point and the retail metering point;

(3) The rate for the avoided generation related capacity costs shall be based on the applicable ISO New England, Inc. Forward Capacity Market (FCM) price for the power year most closely matching the 12 months ending in the March billing cycle. The avoided FCM price shall be adjusted to account for any peak energy rent payments made from the energy market that reduce direct capacity costs charged to load and for average line loss in New Hampshire between the wholesale metering point and the retail metering point. Such adjusted price shall be used to determine the rate for avoided capacity costs in dollars per kilowatt to be used by utilities to calculate the value of generation capacity associated with surplus generation on a customer-by-customer basis. If there is more than one hour in each power year on which ISO New England, Inc. allocates FCM costs to load, the commission shall structure the rate proportionally to ISO New England, Inc.'s allocation of such costs;

(4) In determining the customer-specific value of avoided capacity costs, each utility shall multiply the quantity (in kilowatts) of each customer-generator's surplus generation exported to the distribution system at the hour or hours of capacity peak with respect to which FCM costs are allocated to load, whether actual, pursuant to (5) below, or estimated, pursuant to (6) or (7) below, as applicable, by the rate or rates determined by the commission pursuant to (1) and (3) above;

(5) If hourly meter data is available for a customer-generator's net meter and the utility has the technical capability to utilize that data for avoided cost calculations, the utility, at its election by written notice to the commission on or before June 1 of each year, shall calculate the value of avoided capacity costs or avoided energy costs, or both, for each such customer-generator using actual hourly surplus generation data. The value of avoided energy costs shall be individually calculated by weighting the actual avoided energy costs for each hour of the 12 months ending the immediately preceding March 31, as determined by the commission pursuant to (1) and (2) above, by the actual hourly surplus electricity exported to the distribution system in each hour for the same period to determine a customer-specific average rate for the energy value of net surplus generation;

(6) For all types of net-metered systems other than solar photovoltaic (PV) systems, and for which actual hourly data is not utilized pursuant to (5) above:

- a. The rate for avoided energy costs shall be calculated by using a simple average of hourly cost data from ISO New England, Inc. for the 12 months ending the immediately preceding March 31, assuming that surplus generation is, on average, equally distributed over all hours of the year; and
- b. The portion of surplus generation estimated to be produced during the hour or hours of capacity peak on which FCM costs are allocated to load shall be equal to the number of such hours divided by 8,760;

(7) For net-metered PV systems for which actual hourly data is not utilized pursuant to (5) above, the rate for avoided energy costs shall be calculated as a weighted average annual rate by weighting the actual avoided costs for each hour of the 12 months ending the immediately preceding March 31 by the hourly generation output profile for PV systems in New Hampshire determined as follows:

- a. If verifiable hourly generation output data is available and on file at the commission by April 5 for the applicable year from at least 25 kilowatts of PV system capacity operating within New Hampshire, then the output profile for PV systems shall be the hourly average of all such data; or
- b. If such data is not available, the hourly generation output profile shall be the modeled hourly PV performance data output produced by the U.S. Department of Energy, National Renewable Energy Laboratory, PVWatts software, version 6.1.2, (available at <https://pvwatts.nrel.gov/>) with the default settings for Concord, New Hampshire; and
- c. The portion of surplus generation estimated to be produced during the hour or hours of capacity peak on which FCM costs are allocated to load shall be in the same proportion as the output profile utilized pursuant to (7) a. or b. above.

(o) To correct an error in its determination of avoided costs, the commission shall, on its own motion, the motion of a utility, or the motion of a third party, revise its determination of rates for avoided costs and capacity factors as necessary. Any amounts paid or credited at the originally published rates and capacity factors shall be subject to reconciliation by the revised rates and factors.

(p) Annually, by written notice to the commission on or before June 1 of each year, each electric distribution utility may elect, by filing notice with the commission, to purchase or value surplus generation from customer-generators subject to the standard net metering tariff for the preceding year ending in the March billing cycle at a rate that is equal to the energy supply component of the applicable default service rate, instead of the avoided cost rates determined by the commission pursuant to paragraph (n) above, provided that payment is issued to such customer-generators at least as often as whenever the value of such credit, in excess of amounts owned by the customer-generator, is greater than \$50.

(q) Upon termination of net energy metering, there shall be no payment or credit to a customer-generator subject to the standard net metering tariff for any remaining excess generation.

(r) For customer-generators subject to the alternative net metering tariff, upon termination of net energy metering the utility shall pay to such customer-generators an amount equal to the accumulated balance of any monetary bill credits, ~~and no credit shall be given to the customer-generators for any remaining excess generation.~~

(s) The commission shall waive any provision of Puc 900 or RSA 362-A, by order after notice and an opportunity for a hearing, if it determines that waiver of the applicable statute or rule section is a targeted net energy metering arrangement that is part of a utility strategy to minimize distribution costs, pursuant to RSA 362-A:9.

(t) The commission shall consider any request for a waiver, whether filed pursuant to (s) above or otherwise, pursuant to Puc 201.05.

(u) A distribution utility may perform an annual calculation to determine the net effect of net metering on its default service and distribution revenues and expenses in the prior calendar year. Pursuant to Puc 203, the commission shall determine by order, after notice and hearing, the utility-specific method of performing the calculation and applying the results, as well as a reconciliation mechanism to collect or credit any such net effects with appropriate carrying charges and credits applied.

(v) Pursuant to Puc 203, upon petition by a utility or on its own motion, the commission shall, by order, after notice and hearing, establish on a utility-specific basis a methodology by which customer-generators may be provided service under time-based net energy metering tariffs, provided that it determines the resulting rates are just and reasonable and in accordance with RSA 362-A:9, VIII.

(w) Renewable energy certificates associated with the customer-generator's facility shall remain the property of the customer-generator until such certificates are sold or transferred.

(x) The following grandfathering provisions shall apply to customer-generators subject to either the standard net metering tariff or the alternative net metering tariff:

(1) Subsequent sales or other transfers of ownership of a net-metered facility or the property upon which the facility is located shall not affect the terms and conditions under which the customer-generator is rendered net metering service. New owners shall be allowed to continue to take service under the same terms and conditions in effect at the time of such sale or transfer through December 31,

2040, following which date they shall transition to tariffs that are in effect at the time, provided that the facility is not moved to a different location by the purchaser, transferee, or otherwise;

(2) Residential small customer-generators may expand the capacity of their facilities without limitation, provided that the expansion does not result in total facility capacity in excess of 100 kilowatts, and remain subject to the same applicable net metering tariff;

(3) A non-residential small customer-generator may expand the capacity of its facility by an amount up to the greater of either 20 kilowatts or 50 percent of the system capacity allocated into the standard net metering tariff program prior to September 1, 2017, or 50 percent of the original capacity of a facility installed under the alternative net metering tariff, as applicable, provided that in neither case can such expansion have the effect of increasing the facility's capacity to an amount in excess of 100 kilowatts;

(4) A non-residential large customer-generator may expand the capacity of its facility by an amount up to the greater of either (1) 50 kilowatts, or (2) a capacity amount such that the expanded facility is sized to produce 110 percent of the customer-generator's annual kilowatt-hour on-site usage, as clearly demonstrated through the customer-generator's documentation of any consecutive 12 months within the previous two years;

(5) No such expansion under (3) or (4) can have the effect of increasing the facility's capacity to a level in excess of one megawatt. Expansion of a net-metered facility by or for a non-residential customer-generator smaller than the applicable limitation shall allow the customer-generator to continue to be grandfathered under the applicable net metering tariff, while any such expansion in excess of the applicable limitation shall result in the entire net-metered facility losing its net metering grandfathered status under the applicable net metering tariff; and

(6) Any facility expansion or other modification shall be reported to the distribution utility within 30 days of expansion or modification, or earlier if so required under the utility's distributed generation interconnection procedures.

Puc 903.03 Where Multiple Projects Are Deemed a Single Facility.

(a) Except as otherwise provided in (c) below, projects consisting of electricity generating equipment powered by an eligible renewable energy source or that employ a heat led combined heat and power system, and located behind separate retail meters, shall be deemed to be one facility for purposes of net metering eligibility if the projects are located on the same parcel of land or adjacent and contiguous parcels of land.

(b) The restrictions set forth in (a) above shall apply to two or more projects notwithstanding any phased approach to development or different construction schedules for such projects.

(c) Multiple projects located on the same or adjacent and contiguous parcels of land and interconnected behind separate retail electricity meters shall be considered separate facilities, if each such project is being or has been developed:

(1) To serve not less than 50 percent of the annual on-site load of existing or new retail electric customers;

(2) To participate in a different electric generation program, such as net metering, direct producer-to-consumer retail sales of electric power, or wholesale sales of electric power;

(3) Using a solar photovoltaic system that is limited in size to that which will fit on the roof and exterior envelope of the building or buildings served by the retail electricity meter through which the system is interconnected to the electric distribution system; or

(4) Using distinct and different electricity generating technologies and equipment that can be operated independently.

PART Puc 904 INTERCONNECTION APPLICATION PROCESS

Puc 904.01 Pre-application Review.

(a) Before purchasing or installing net energy metering equipment, a customer-generator may request that the distribution utility informally review the proposed project and provide information on:

- (1) Whether the customer-generator's facility and electric distribution system interface, in the opinion of the distribution utility, is likely to comply with the requirements of Puc 900; and
- (2) Whether the customer-generator is in an area or service location which is likely to require any upgrade or study.

(b) At the pre-application stage, the distribution utility shall provide the customer-generator its best evaluation, given the information it has available, but shall not be required to conduct a study or extensive review of the proposed project.

Puc 904.02 Interconnection Application.

(a) To initiate the process to engage in net energy metering, a customer-generator shall file with its distribution utility and, if applicable, its electricity supplier, an interconnection application form.

(b) When filing an application with the distribution utility, to obtain evidence of the filing and the date of filing, the applicant shall:

- (1) File the application by certified mail;
- (2) Obtain a dated acknowledgment of receipt from the distribution utility; or
- (3) Obtain written or electronic verification of receipt from the distribution utility by other means consistent with (1) and (2) above.

(c) The interconnection application form shall include the following:

- (1) Applicant information which shall include:
 - a. The customer-generator's name;
 - b. The customer-generator's full mailing address;
 - c. The facility location, if different from the address listed pursuant to b. above;
 - d. The customer-generator's daytime and evening telephone numbers;

- e. The information provided in a., b., and d. above for an alternative contact person when the customer-generator is unavailable;
- f. The name of the local distribution utility and the customer-generator's account number; and
- g. If different than the distribution utility, the name of the customer-generator's electricity supplier and the customer-generator's account number with that supplier;

(2) Generating facility information, including:

- a. The generator type, whether solar, wind, hydroelectric, or other renewable energy source used to generate electricity, as listed in RSA 362-F:4, I (a) through (k);
- b. The generator manufacturer, model name, and model number;
- c. The number of phases of the unit, whether single or 3-phase;
- d. The power rating of the generation output of the system in kilowatts;
- e. If applicable, the inverter manufacturer, model name, and model number;
- f. Whether or not a storage system will be used in connection with the facility; and
- g. Whether an exterior manual disconnect switch for utility use shall be installed, if the capacity size of the facility is less than or equal to 10 kilowatts; and

(3) Installation information and certification, which shall include:

- a. Whether the generator will be installed by the owner;
- b. The installation date;
- c. The anticipated interconnection date;
- d. The name, complete address, telephone number, and license number of the installing electrician, if applicable;
- e. The name and company affiliation of the vendor selling the generator to the customer-generator;
- f. The signature, with the date of signature, of the vendor, certifying that the facility hardware is in compliance with Puc 900;
- g. Certification, if applicable, that the facility has been installed in compliance with the local municipal building and electrical codes in the form of:
 - 1. A signed and dated certificate by the applicable local code official; or

2. A copy of a signed and dated final inspection certificate from the municipality;
and

h. A signed and dated certification by the customer-generator that:

1. The customer-generator has installed and shall operate the generation system in compliance with applicable electrical standards;
2. The initial start-up test required by Puc 905.04 has been successfully completed; and
3. To the best of the customer-generator's knowledge, all of the information contained in the interconnection notice is true and correct; and

i. Any information required-provided under Puc 904.01.

(d) A customer-generator may submit an interconnection application to its distribution utility when the customer-generator's facility has not been fully installed and tested, but shall:

- (1) Provide in writing in connection with the interconnection application, a description of any manner in which the facility is not fully connected and tested, or is not yet otherwise in compliance;
- (2) Fulfill any unmet requirements prior to interconnection of the facility; and
- (3) Upon completion of any unmet interconnection requirements, provide the distribution utility with any necessary updated written certifications required by this part.

(e) The distribution utility shall not interconnect the facility until all requirements pursuant to (c) and (d) above have been met.

(f) Upon request, the distribution utility shall provide to the customer-generator written confirmation that the interconnection application has been received and the date of receipt as follows:

- (1) If the application is filed in person, immediately; or
- (2) If the application is filed by mail or other means, within 10 business days of receipt, with written acknowledgement that states that:
 - a. The application is complete; or
 - b. That the application is incomplete and specifying the information necessary to complete the application requirements.

(g) When the distribution utility provides a receipt for an application, it may clarify that the receipt acknowledges the date and fact of a filing, but not approval of the filing.

Puc 904.03 Mutual Indemnity Provision.

(a) Unless both parties to the agreement have agreed, pursuant to (g) below, to not enter into or maintain the mutual indemnity agreement, prior to interconnection, the customer-generator, his or her distribution utility, and, if applicable, the customer-generator's electricity supplier, shall:

- (1) Execute the mutual indemnity agreement described in (b) below; and
 - (2) Maintain the terms of the agreement while the net energy metered unit is interconnected.
- (b) With regard to the mutual indemnity agreement, each party to the agreement shall provide as follows:
- (1) Each party shall hold harmless and indemnify the other party, and its directors, officers, agents and employees, from and against any and all loss, liability, damage, or expense, including any direct, indirect or consequential loss, liability, damage, or expense, but not including attorneys' fees unless awarded by a court of competent jurisdiction, for injury or death to persons, including employees of either party, and damage to property, including property of either party, arising out of or in connection with intentional, willful, wanton, reckless, or negligent conduct regarding:
 - a. The engineering, design, construction, maintenance, repair, operation, supervision, inspection, testing, protection, or ownership of the party's facilities; or
 - b. Any replacements, additions, or improvements to, or reconstruction of, the party's facilities;
 - (2) Neither party shall be indemnified by the agreement for any loss, liability, damage, or expense resulting from its sole negligence or willful misconduct; and
 - (3) Notwithstanding the indemnity provisions contained in the agreement, except for a party's willful misconduct or sole negligence, each party shall be responsible for damage to its own facilities resulting from electrical disturbances or faults.
- (c) The mutual indemnity agreement shall become effective, as between the respective parties executing and exchanging the document, upon interconnection of the customer-generator's facility to the electric distribution system and mutual execution and exchange of the document by the distribution utility, the customer-generator, and, if applicable, the electricity supplier.
- (d) The distribution utility shall also execute the mutual indemnity agreement described in this section.
- (e) The customer-generator, distribution utility, and, if applicable, the electricity supplier, shall each execute duplicate originals of the mutual indemnity agreement described in (b) above and each party to the agreement shall retain one executed original of the agreement.
- (f) If an electricity supplier sells electric power to the customer-generator, it may require that the customer-generator enter into a mutual indemnity agreement with it, as described in this section.
- (g) Notwithstanding (c) through (f) above, the customer-generator and the distribution utility with which the customer-generator interconnects, and/or the electricity supplier of the customer-generator, separately or together, may at any time, by mutual agreement, elect not to enter into or to void the indemnity agreement described in (b) above.
- (h) The provisions of the indemnity agreement described in this section shall not be construed to relieve any insurer of its obligation to pay any insurance claims in accordance with the provisions of any valid insurance policy.

Puc 904.04 Application Completeness Review.

(a) The interconnection process shall be deemed to have commenced when the customer-generator submits a complete application pursuant to this part.

(b) The distribution utility shall evaluate the application for completeness and notify the customer-generator in writing within 10 business days of the application's receipt whether the application is or is not complete and, if the application is not complete, inform the customer-generator in writing of any information required to be provided to complete the application.

(c) The distribution utility shall verify that the customer-generator's facility equipment meets the requirements of Puc 905.

(d) If the distribution utility approves the application, the distribution utility shall sign the application and return the approved application to the customer-generator.

(e) If the distribution utility determines that interconnection of the customer-generator's facility would jeopardize the safety, reliability, or power quality of the local distribution system, the distribution utility shall require the customer-generator to pay for necessary modifications to the distribution system before the application is approved.

(f) In the event that the distribution utility requires the customer-generator to pay for system modifications pursuant to (e) above, the distribution utility shall provide to the customer-generator a description of work and an estimate of the cost to complete that work.

(g) If the customer-generator agrees to pay for the system modifications, the customer-generator shall sign the description of the work and submit a signed copy and the payment of the estimated costs to the distribution utility.

(h) Upon receipt of the customer-generator's approval and payment, the distribution utility shall perform the system modifications.

(i) Upon completion of the system modifications, the distribution utility shall sign the application approval and provide a copy of the signed approval to the customer-generator.

Puc 904.05 Installation and Interconnection of Facility.

(a) Upon receipt of an application signed by the distribution utility, the customer-generator may install the generating facility.

(b) Following installation of the facility, the customer-generator shall arrange for inspection of the completed installation by the local building inspector or, if one is not available, a New Hampshire licensed electrician.

(c) The person who inspects the installation pursuant to (b) above shall sign a certificate of completion.

(d) If the facility was installed by an electrical contractor, the customer-generator shall also have the contractor complete a certificate of completion.

(e) When the customer-generator has obtained the certifications required pursuant to (c) and (d) above, the customer-generator shall provide to the distribution utility a copy of the certificate(s) of completion.

(f) Following receipt of the certificate(s) of completion, the distribution utility may inspect the customer-generator's facility for compliance with interconnection standards by arranging for a witness test.

(g) Until a witness test has been performed, the customer-generator shall have no right to operate in parallel with the electric distribution system, unless a witness test has been previously waived by the distribution utility on the application form.

(h) If the distribution utility elects to conduct a witness test, the distribution utility shall attempt to conduct it within 10 business days of the receipt of the certificate(s) of completion.

(i) All projects larger than 10 kilowatts shall be subject to a witness test, unless the distribution utility has waived the witness test on the application form.

(j) If the witness test shows that the facility has been correctly installed and is functioning without jeopardizing the safety, reliability, or power quality of the distribution system, the distribution utility shall notify the customer-generator in writing that the interconnection is authorized.

(k) If the witness test results indicate that the facility installation jeopardizes the safety, reliability, or power quality of the distribution system, the distribution utility shall disconnect the facility, provided that the distribution utility informs the customer-generator in writing of the specific actions are required to address the safety, reliability, or power quality issues as necessary to permit approval of the facility interconnection.

(l) If the customer-generator does not substantially complete construction of the facility within 12 months after receiving application approval from the distribution utility, the distribution utility shall require the customer-generator to reapply for interconnection.

(m) With respect to any facility with a capacity size up to 25 kilowatts that does not interface with the electric distribution system by means of an inverter, the distribution utility shall have a period of 75 days from the initial filing of the interconnection application to:

- (1) Assess the proposed facility and the customer-generator's site characteristics;
- (2) Communicate with the customer-generator regarding adequate protective interface devices;
and
- (3) Allow the applicant to interconnect or provide to the customer-generator specific written reasons for objecting to interconnection of the facility.

(n) If the customer-generator and the distribution utility agree that the application reasonably requires more time before the distribution utility responds as provided in (m) above, as applicable, they may agree to extend the deadline for response.

(o) Except as provided in (n) above, if the distribution utility is not able to respond to the applicant within the 10-day review period for inverter-based systems or the 75-day review period for non-inverter-based facilities, and the customer-generator does not agree to an extension of the response time, the distribution utility shall:

- (1) Notify the commission and the customer-generator in writing no later than the expiration of the relevant period;
- (2) Petition the commission for an extension of a specified time period; and

(3) Cite the specific reasons why the deadline was not met and the basis for the length of the requested extension.

(p) The commission shall grant an extension for review of the application for the shortest time reasonable, if any, if it determines that it is necessary to provide the distribution utility additional time to assess the effect of the proposal on safety, reliability, or power quality of the electric distribution system in light of:

- (1) The complexity of the characteristics of the site;
- (2) The complexity of the proposed generation and interconnection facilities; or
- (3) Delay occasioned by:
 - a. Failure of the customer-generator to timely provide to the distribution utility information necessary to assess the potential impact of the system on safety, reliability or power quality of the electric distribution system;
 - b. Untimely response by the customer-generator to the distribution utility in response to a distribution utility request for information; or
 - c. Circumstances beyond the control of the distribution utility that prevent the utility from responding within the time limits established by this section.

(q) The distribution utility shall notify the customer-generator as soon as reasonably possible, but not later than 30 days following the filing of an application for interconnection of a facility, of any required information not included in the customer-generator's interconnection application that the customer-generator has indicated is complete.

(r) If the distribution utility has not met the applicable deadline for responding to a completed application pursuant to (m) above and has not petitioned for an extension pursuant to (o) and (p) above, the customer-generator may:

- (1) Contact the distribution utility and the commission and request resolution; or
- (2) File a complaint with the commission.

(s) Prior to operation, during normal business hours, the customer-generator shall:

- (1) Provide the distribution utility the opportunity to inspect the facility; and
- (2) Upon request, demonstrate to the distribution utility the operation of the facility.

(t) The distribution utility shall interconnect with any customer-generator which:

- (1) Receives electric service from the distribution utility;
- (2) Has completed the application process required by this section; and
- (3) Has installed a net energy metering facility that complies with the interconnection and technical specification requirements of Puc 900.

(u) Facilities that meet the interconnection requirements of Puc 900 shall not be required by the distribution utility to meet additional requirements, perform or pay for additional tests, or pay additional interconnection-related charges, except as otherwise provided.

(v) Nothing in (u) above shall prohibit a party from requesting that the commission grant a rule waiver, pursuant to Puc 201.05, with respect to any net-metered facility, to require additional interconnection requirements, performance of or payment for additional tests, or payment of additional interconnection-related charges.

(w) A customer-generator, distribution company, or electricity supplier may install additional controls or meters or conduct additional tests, in addition to those required by Puc 900, but if entry to the customer-generator's premises is necessary, it shall first obtain consent to access the premises pursuant to Puc 908.03.

(x) The expenses associated with any additional tests, meters, and/or equipment described in (w) above, shall be borne by the party requiring the additional tests, meters, and/or equipment.

(y) For facilities larger than 25 kilowatts, the distribution utility shall require a site-specific interconnection review that may require additional protective equipment and may exceed the 75-day time frame by up to an additional 60 days.

Puc 904.06 Upgrades or Changes in the Net Metering Facility.

(a) The customer-generator shall provide to the distribution utility a written update regarding any of the information required to be provided in the interconnection application as any such changes occur.

(b) The customer-generator shall re-certify to the distribution utility the applicable certifications required by Puc 904.05(c) and (d), if any of the following occurs:

- (1) The generation capacity of the facility is increased or its source is changed;
- (2) Any key component of the facility, such as the inverter, is replaced or upgraded; or
- (3) The relays for a non-inverter facility are replaced, rewired, or upgraded.

Puc 904.07 Insurance. The customer-generator shall not be required by the distribution utility or any electricity supplier to purchase or maintain property insurance or comprehensive personal liability insurance to protect against potential liability resulting from the installation, operation, or ownership of the generation and interconnection facility.

PART Puc 905 TECHNICAL REQUIREMENTS FOR INTERCONNECTION OF FACILITIES

Puc 905.01 Requirements for Disconnect Switches.

(a) No facility which connects to the electric distribution system by means of a single-phase or 3-phase inverter that complies with Puc 906.01 shall be required to install and maintain a manual disconnect switch for utility use, unless:

- (1) The customer-generator's revenue meter is not routinely accessible to the utility;
- (2) The facility uses multiple inverters connected in series; or

(3) The utility connection is through a transformer rated meter.

(b) For purposes of this section, a “transformer rated meter” means a meter panel or switchboard employing the use of potential and current transformers.

(c) If the distribution utility finds it necessary for scheduled maintenance of which the customer-generator has received reasonable notice, or in an emergency situation, to disconnect from the electric distribution system a customer-generator that does not maintain a manual disconnect switch for utility use, the utility may do so by:

(1) Pulling the customer-generator’s meter;

(2) Disconnecting the customer-generator’s service at the site transformer; or

(3) Executing any other reasonable method of disconnection.

(d) If the customer-generator has been notified of a scheduled maintenance or other event requiring disruption of service, as an alternative to having service disconnected, and upon agreement of the distribution utility, the customer-generator or its representative may be present at the scheduled time of disruption of service and demonstrate to the utility representative that generation has been isolated from the utility distribution system and remains isolated for the duration of the required period.

(e) If the customer-generator schedules a meeting with the distribution utility for disconnection of the facility, as described in (d) above, and the customer-generator does not meet at the scheduled time, the distribution utility may disconnect the service as provided in (c) above.

(f) If the customer-generator does not install a manual disconnect device accessible to the utility, the customer-generator:

(1) Shall assume all risks and consequences associated with the loss of power to the customer-generator’s premises during any period when the distribution utility is required to disconnect the customer-generator’s electric service; and

(2) Acknowledges that the service disconnection shall interrupt all electric service to the customer-generator’s facility site.

(g) Any customer-generator may agree to install a manual disconnect device accessible to the distribution utility.

(h) If the customer-generator elects not to install a disconnect switch for use by the distribution utility, the customer-generator shall install a warning label, to be provided by the distribution utility, on or near the service meter location.

Puc 905.02 Disconnect Switch.

(a) For purposes of this section, a “gang-operated” switch means a switch in which the separate switches for each phase are operated as a group from a single control.

(b) A facility that elects to install a manual disconnect switch for utility use shall meet the following requirements:

- (1) The disconnect switch shall be an external, manual, visible, gang-operated, load break disconnecting switch;
- (2) The customer-generator shall purchase, install, own, and maintain the disconnect switch;
- (3) The disconnect switch shall be located between the power-producing equipment and the interconnection point with the distribution utility system;
- (4) The disconnect switch shall meet applicable standards established by Underwriters Laboratories, American National Standards Institute, the National Electrical Code, and the Institute of Electrical and Electronic Engineers;
- (5) The disconnect switch shall be clearly marked, "Generator Disconnect Switch", with permanent letters 3/8 inch or larger;
- (6) The disconnect switch shall be located on the facility site at a location that is mutually agreeable to the customer-generator and the distribution utility;
- (7) The disconnect switch shall be readily accessible for operation and locking by distribution utility personnel; and
- (8) The disconnect switch shall be lockable in the open position with a standard padlock with a 3/8 inch shank.

Puc 905.03 Configuration of the Transformer Serving the Customer-Generator's Facility Site.

- (a) The existing site transformer serving the customer-generator load may be used if its use will not significantly degrade the power quality or voltage regulation on the secondary distribution system and if such usage will not create problems for distribution utility system relaying.
- (b) For single-phase distributed generation facilities connected to 4-wire multi-grounded neutral systems, the high side of the step-up transformer shall be connected phase-to-neutral.
- (c) A phase-to-phase high side connection shall be allowed if it does not degrade power quality or voltage regulation on the distribution system.
- (d) For single-phase distributed generation facilities connected to 3-wire or 4-wire impedance grounded systems, the step-up transformer high-side winding shall be connected phase-to-phase.
- (e) For 3-phase distributed generation facilities connected to 4-wire multi-grounded distribution systems, the step-up transformer may be an existing grounded-wye to grounded-wye transformer. The term "wye," as used in this subsection, means the configuration in which one end of each transformer winding is connected to a common point and the other to its appropriate line terminal, resembling the letter "Y."
- (f) In cases as described in (e) above, the generator shall be impedance grounded as necessary to achieve effective grounding but limit the desensitization of the distribution utility system ground fault relaying.
- (g) The net-metered facility site shall be impedance grounded, as described in (f) above, if necessary, in a manner adequate to assure that the facility does not:

- (1) Significantly degrade the power quality or voltage regulation on the distribution system;
- (2) Create significant safety problems; or
- (3) Create problems for distribution utility system relaying.

(h) To guard against over-voltages on the unfaulted phases of a 3-phase utility primary, if the transformer serving the customer-generator site is ungrounded, over-voltage protection shall be used to:

- (1) Detect a situation in which the utility has tripped due to a phase-to-ground fault, and the connected ungrounded generator might not yet have tripped; and
- (2) Trip the generator at high speed.

(i) The cost of any improvements necessary to the site transformer serving the net-metered facility shall be borne according to the distribution utility's approved tariff on file with the commission.

Puc 905.04 Initial Testing.

(a) After installation of the net-metered facility, and before final approval and interconnection to the electric distribution system, the customer-generator shall, in addition to the certification(s) required in connection with the interconnection application, conduct a load-break test on the facility, as described in (b) below, to confirm that the anti-islanding controls are functioning.

(b) When conducting a load-break test, the customer-generator shall demonstrate that, after the main disconnect switch or circuit breaker of the residence or building is opened, the net-metered facility shuts down within 2 seconds.

(c) If the generation unit fails to shut down within 2 seconds after conducting the test, as provided in (b) above, the customer-generator shall inform the distribution utility.

(d) The customer-generator shall provide an initial test on a non-inverter interfaced facility, by demonstrating that:

- (1) The relays function as designed;
- (2) The relays have been calibrated to settings as provided by the distribution utility pursuant to Puc 907.01(f);
- (3) All key components of the facility function as designed; and
- (4) The anti-islanding function of the facility works properly.

(e) The testing of the relays of a non-inverter interfaced facility shall be conducted by an individual who:

- (1) Uses test equipment:
 - a. Necessary to adequately test the key components of the facility;
 - b. That is calibrated within tolerances sufficient to assure accurate testing; and

c. That is calibrated with a frequency consistent with industry standards;

(2) Has received the education and training necessary to conduct the sophisticated testing of relays and other components of a non-inverter based facility; and

(3) Maintains any professional accreditation or certification required to conduct such testing.

(f) The individual conducting the testing of a non-inverter-based facility required by this section shall, upon request, provide to the distribution utility information regarding his or her background and credentials, and equipment, maintenance, and calibration of the equipment sufficient to allow the utility to assess the individual's competence to undertake the required testing.

(g) Upon request, the customer-generator shall allow the distribution utility to have a representative present for the initial or periodic testing required by this part.

Puc 905.05 Periodic Testing.

(a) With respect to a net-metered facility which interfaces with the electric distribution system by an inverter, the customer-generator shall, if requested to do so by the distribution utility, conduct a load-break test, as described in Puc 905.04(b), once per year after installation.

(b) With respect to a net-metered facility that does not interface with the electric distribution system by an inverter, the customer-generator shall:

(1) Conduct a load-break test, as described in Puc 905.04, once per year after installation; and

(2) Verify the proper calibration and protective function of the components and systems of the facility, which shall include the testing prescribed by each facility component manufacturer:

a. Once every 4 years or according to the schedule recommended by the manufacturer, whichever is more frequent, for facilities rated greater than 25 kilowatts; or

b. Once every 4 years for facilities rated 25 kilowatts or less.

(c) The testing of the calibration and protective function of the components and systems of a non-inverter interfaced system shall be conducted by an individual qualified as provided in Puc 905.04(e) and (f).

(d) The customer-generator shall:

(1) Create a written record of the dates and procedures for tests conducted pursuant to this section; and

(2) Maintain the written record of verification testing for inspection by the distribution utility for a period of 4 years from the date of each respective test.

Puc 905.06 Studies and Analysis.

(a) A distribution utility may conduct detailed load flow, voltage regulation, or short circuit coordination studies of the primary feeder if it determines that the addition of a net-metered facility will push

the aggregate capacity of distributed generation on the feeder to the threshold level described in (b) and (c) below.

(b) The distribution utility may determine that the threshold of concern for aggregate distributed generation has been reached if:

- (1) The lower of 7.5 percent of the peak feeder demand as measured at the substation or 20 percent of the peak feeder demand downstream of the point of interconnection is reached;
- (2) More than one net-metered facility is proposed to be installed on the same secondary shared by many customers; or
- (3) Any other reasonable means, consistent with (1) or (2) above, of determining that a study is necessary.

(c) The distribution utility shall determine that the threshold of concern for aggregate distributed generation has been reached, if it determines that the addition of the proposed net-metered facility poses a reasonable threat to the continued safety, reliability, or power quality to any significant portion of the electric distribution system.

Puc 905.07 Payment for Upgrades or Improvements to the Electric Distribution System. If an upgrade or an improvement to the electric distribution system up to the customer-generator's meter is necessary for the distribution utility to interconnect to the customer-generator's net-metered facility, the expense shall be borne according to the utility's approved tariff on file with the commission.

PART Puc 906 COMPLIANCE PROCESS FOR INVERTER-BASED FACILITIES

Puc 906.01 Inverter Requirements.

(a) A net-metered facility that interconnects to the electric distribution system by means of a single-phase or 3-phase inverter shall be deemed to be compliant with the technical specifications for the facility itself, as established by Puc 900, if the facility complies with the minimum requirements set forth in the following national standards:

- (1) The "IEEE Standard 1547 (2018) for Interconnecting Distributed Power Resources with Electric Power Systems" issued by the Institute of Electrical and Electronic Engineers, Inc., New York, NY, 2018; and
- (2) The "UL 1741 SA, Standard for Inverters, Converters, Controllers with Interconnection System Equipment for Use with Distributed Generation Resources," issued by Underwriters Laboratories, Inc., of 333 Pfingsten Road, Northbrook, Illinois 60062, 2016.

(b) Each net-metered facility shall be installed in accordance with the State Building Code, including the National Electrical Code, pursuant to RSA 155-A:1, IV, as may be modified from time to time by the State Building Code Review Board pursuant to RSA 155-A:10, V.

PART Puc 907 COMPLIANCE PROCESS FOR NET-METERED FACILITIES NOT USING AN INVERTER

Puc 907.01 Interconnection Requirements.

(a) Except as provided in (b) below, any net-metered facility that interfaces with the electric distribution system by means other than an inverter shall:

(1) Meet the following safety and service quality requirements:

- a. The facility shall not compromise the safety of the distribution utility personnel, the customer-generator, or other customers on the electric distribution system;
- b. The facility shall have:
 1. Adequate non-islanding protection;
 2. Utility-grade protective devices to separate the facility from the electric distribution system, including:
 - (i) Time over-frequency protection;
 - (ii) Time under-frequency protection;
 - (iii) Time over-voltage protection; and
 - (iv) Time under-voltage protection;
 3. Protection devices at the primary voltage level for ground fault and ground current contribution;
 4. Adequate short circuit interrupting devices; and
 5. Reliable power sources for shunt-tripped short circuit interrupting “devices”;
- c. The generation facility shall not reduce the quality of service on the electric distribution system, including voltage fluctuations, excessive voltage, and current harmonic content; and
- d. Facilities greater than 35 kilowatts shall certify that they are in compliance with IEEE Standard 1547 for harmonics;

(2) Interface with the electric distribution system in compliance with the following requirements:

- a. The system shall synchronize with the primary voltage level on the distribution system;
- b. The transformer winding connection to be used at the primary voltage interconnecting point shall be adequate to coordinate with the distribution system;
- c. The generation facility shall synchronize with the electric distribution system; and
- d. The generation facility shall correct the power factor, if necessary;

- (3) Not impair the quality of service standards maintained by the electric distribution system;
- (4) Provide other protections and devices necessary, consistent with the requirements of this section, to assure safety, quality of service, reliability, and power quality of the electric distribution system; and
- (5) Use utility grade relays as required.

(b) A non-inverter-based system shall be installed in accordance with the National Electrical Code, 2008, issued by the National Fire Protection Association, Quincy, Massachusetts.

(c) An applicant proposing to interconnect a net-metered facility to the electric distribution system shall provide to the distribution utility the following:

- (1) The interconnection application form required by Puc 904.02;
- (2) Alternating current (AC) and direct current (DC) elementary and schematic diagrams describing the planned protection package; and
- (3) A one-line diagram of the net-metered facility showing how the system protection shall be wired.

(d) The customer-generator shall provide for testing of the relays of the net-metered facility once the settings have been applied to confirm that the settings perform the intended function.

(e) With respect to the testing of relays described in (d) above:

- (1) The testing shall be conducted by an individual qualified to conduct testing as provided in Puc 905.04(e) and (f); and
- (2) The customer-generator shall provide to the distribution utility the opportunity to:
 - a. Be present at and observe the testing; or
 - b. Conduct the testing of the relays by a qualified utility representative.

(f) If the customer-generator and the distribution utility cannot agree to the interconnection requirements, they shall file with the commission a detailed statement of their disagreement for review and determination by the commission.

(g) In determining interconnection requirements for a non-inverter-based facility, the commission shall consider safety, reliability, and power quality, in the context of the legislative intent of RSA 362-A:9.

PART Puc 908 PROCEDURAL REQUIREMENTS FOR INTERCONNECTED FACILITIES

Puc 908.01 Emergencies and Maintenance.

(a) The customer-generator shall, during the period it operates as a customer-generator, provide to the distribution utility a current telephone number(s) at which the customer-generator may be contacted.

(b) The distribution utility shall make arrangements for routine utility repairs or inspections that might involve the net-metered facility during normal business hours.

(c) The customer-generator shall not export electricity to the electric distribution system during any outages of the distribution system that serves the customer-generator.

(d) The customer-generator's net-metered facility may be operated during outages referred to in (c) above only with an open tie to the distribution utility.

(e) The customer-generator's net-metered facility shall not:

- (1) Create an islanding situation on the electric distribution system; or
- (2) Energize a de-energized utility circuit for any reason.

Puc 908.02 Procedures for Disconnection.

(a) When an emergency condition, as described in (b) below, exists and when it is necessary under the circumstances to do so, the distribution utility may disconnect the customer-generator's net-metered facility and electric service.

(b) An emergency condition shall have occurred when the interconnection represents a condition which:

- (1) Is likely to result in imminent significant disruption of service to the distribution utility's customers;
- (2) Is imminently likely to endanger life or property;
- (3) Constitutes emergency or pre-emergency conditions on the utility system;
- (4) Constitutes a hazardous condition; or
- (5) Reveals that a protective device tampering has occurred on the customer-generator's facility.

(c) The distribution utility may open the disconnect switch or disconnect the customer-generator's service, as applicable, after notice to the customer-generator has been delivered and a reasonable time to correct the condition, consistent with the conditions, has elapsed, if:

- (1) The customer-generator has failed to make available records of required verification tests, and, in the case of a non-inverter-interfaced facility, maintenance of its protective devices;
- (2) The customer-generator's net-metered facility impedes:
 - a. The normal use of distribution utility equipment or equipment belonging to other distribution utility customers in a negative manner; or
 - b. The normal quality of service of other customers in a negative manner; or
- (3) The customer-generator's net-metered facility has been modified so that it is not in compliance with Puc 900.

(d) When the customer-generator has corrected the problem and restored the net-metered facility to compliance with Puc 900 and notifies the distribution utility of such compliance, the utility shall:

(1) Within 2 business days provide:

- a. Written verification to the customer-generator of such compliance; or
- b. Written notice to the customer-generator of the specifics of any continued noncompliance; and

(2) When the system is in compliance, reconnect, or allow re-connection, as soon as possible under the circumstances.

(e) The customer-generator may reconnect the net-metered facility to the electric distribution system in coordination with the distribution utility, upon receipt of verification as provided in (d) above, if the customer-generator, upon the utility's request or otherwise, disconnected itself from the distribution system.

(f) If the distribution utility disconnects the customer-generator's net-metered facility as a result of one of the emergency conditions described in (b) above, it shall notify the customer-generator of the disconnection:

(1) Within 24 hours of the disconnection; or

(2) As soon as possible in circumstances where a widespread emergency or other significant extenuating circumstances preclude utility personnel contacting the customer-generator within the 24-hour period.

(g) If the emergency referred to in (a) above was not caused by the net-metered facility, then the distribution utility shall reconnect the facility upon cessation of the emergency.

(h) Notwithstanding any special notification and reconnection requirements for customer-generators established by this part, the distribution utility shall not be required to provide for special notification or reconnection for a customer-generator that differs from its usual and regular policies and protocols in a disconnection situation, if:

(1) The disconnection is not for reasons associated with the net-metered facility; and

(2) The distribution utility does not open the customer-generator's disconnect switch or pull the customer-generator's meter.

(i) If the emergency referred to in (a) above was caused by the net-metered facility, then the distribution utility shall communicate the nature of the problem to the customer-generator within 5 days, and attempt to resolve the issue with the customer-generator.

(j) Within 30 days of the disconnection referred to in (h) above, the distribution utility shall file a disconnection petition with the commission if the distribution utility and the customer-generator have not reached a mutually agreed-upon resolution.

(k) Non-emergency disconnections of the net-metered facility by a distribution utility shall follow the same process as emergency disconnections of such systems, except that the utility shall:

(1) Provide the customer-generator no less than 5 business days' prior notice of the disconnection; and

(2) Describe in detail in the notice to the customer-generator the reasons for the disconnection.

(l) If the net-metered facility is not the reason for the disconnection, the distribution utility shall reconnect the system as soon as the activity, such as line maintenance, necessitating the disconnection, ceases.

(m) When a utility disconnects a customer-generator's net-metered facility, the customer-generator may file a complaint with the commission at any time after disconnection.

(n) If a disconnection complaint is filed with the commission, the commission shall hold a hearing on the matter within 30 days and rule on whether the net-metered facility has violated a condition necessary for it to operate.

(o) In any hearing referred to in (n) above, the disconnecting utility shall have the burden of proof.

(p) A customer-generator shall not re-close a disconnect device which has been opened and tagged by its distribution utility, or attempt to re-install a pulled meter without the prior permission of the distribution utility, or in the event of a dispute, the commission.

(q) A customer-generator shall be allowed to disconnect the net-metered facility from the distribution utility without prior notice in order to self-generate, but shall notify the distribution utility as soon as practical following disconnection.

Puc 908.03 Distribution Utility Access to Net-Metered Facility.

(a) The distribution utility may inspect the net-metered facility at its own expense at a time mutually agreeable to the customer-generator upon reasonable notice to the customer-generator.

(b) Except in emergency circumstances, the distribution utility shall provide not less than 5 business days' prior notice to the customer-generator to enter the facility site in order to inspect the net-metered facility, install additional controls or meters, or conduct additional tests.

(c) A customer-generator shall not deny access to the distribution utility to inspect the net metered system, install additional controls or meters or conduct additional tests.

Puc 908.04 Complaints and Investigations.

(a) The procedures set forth in Puc 204 shall be applicable to filing and resolution of any complaint and investigation arising out of Puc 900.

(b) A customer-generator, distribution utility, or any other interested person may file with the commission a complaint or request for resolution of a dispute relating to Puc 900.

Puc 908.05 Notifying Public of Net Energy Metering.

(a) When a customer initiates an inquiry and requests information regarding net energy metering, the distribution utility shall provide to the customer a copy of Puc 900 and the name and telephone number of a contact person(s) at the utility and a description of net energy metering.

(b) The distribution utility shall provide to each customer in a billing insert or a billing message in the customer bill a brief description of the availability of net energy metering, which billing insert or message shall be of one paragraph or more in length.

(c) The distribution utility shall provide the information described in (b) above on an annual basis.

Puc 908.06 Violations of Authorization to Interconnect.

(a) After notice and an opportunity for a hearing, the commission shall revoke, suspend, or condition the authorization for a customer-generator to interconnect a net-metered facility, or take such other action consistent with the above that it deems warranted if it finds good cause therefor.

(b) “Good cause,” as such phrase is used in (a) above, shall exist if the commission finds one or more of the following:

(1) The customer-generator was granted authority to operate based on false or misleading information supplied by the applicant which:

a. Is material; and

b. The applicant knew or should have known was false or misleading;

(2) The facility was not installed or is not being operated substantially in accordance with the National Electrical Code or applicable interconnection requirements;

(3) The customer-generator has failed to comply with the conditions of approval to operate or representations made in the filing for approval to operate; or

(4) Other conditions, consistent with (1) through (3) above, exist which the commission finds necessitate revocation or suspension, or placing conditions on, the authorization to interconnect.

(c) In determining the actions to be taken based on its finding in (a) above, the commission shall consider the following:

(1) The severity of the consequences resulting from the violation, such that the more severe the consequences, the more severe the action to be taken;

(2) Mitigating circumstances, such as how quickly the customer-generator took action to rectify the situation, how much control the customer-generator had over the situation, and other circumstances that would tend to lessen the fault of the customer-generator; and

(3) Any prior violations of Puc 900.

Puc 908.07 Utilities Shall Report Number and Size of Net-Metered Facilities.

(a) Each distribution utility shall:

(1) Track the number and size of net-metered facilities interconnected to their distribution systems;

(2) Report to the commission annually by April 1 of each year for the prior year, the following information regarding net-metered facilities:

- a. The number of facilities operating;
- b. The generation output rating of the facilities in kilowatts; and
- c. Information regarding any net-metered combined heat and power facilities.

Puc 908.08 Existing Facilities Grandfathered.

(a) Net-metered facilities that have been interconnected with the distribution utility, with the knowledge of the distribution utility, as of the initial effective date of Puc 900 shall:

- 1. Be deemed to be registered; and
- 2. Not be required, due to the adoption of Puc 900, to:
 - a. Re-apply for interconnection pursuant to Puc 904; or
 - b. Upgrade to meet the applicable requirements for interconnection of Puc 905, the requirements for inverter units of Puc 906, or the requirements for non-inverters of Puc 907.

(b) The grandfathered facilities referred to in (a) above shall comply with the procedural requirements for interconnected facilities contained in Puc 908.

(c) A customer-generator may repair a net-metered facility that is grandfathered under (a) above, such as by repairing relays in a non-inverter system, but if the customer-generator changes the inverter or adds to the generation capacity or otherwise upgrades or alters the facility as provided in Puc 904.05, the customer-generator shall update the qualifications of the facility as provided in Puc 904.05.

(d) The distribution utility or electricity supplier may request, and the customer-generator shall provide, with respect to any facility grandfathered under this section, the information required in connection with the interconnection application form set forth in Puc 904.02, and the customer-generator shall, without request, update any such information as it may change.

(e) A net-metered facility that has been interconnected with its distribution utility prior to the initial adoption of Puc 900, without the knowledge of the distribution utility, shall not be grandfathered for purposes of this section.

Puc 908.09 Relationship to Other Commission Rules. Unless otherwise specified, Puc 900 shall not supersede any other rule of the commission, but instead shall supplement such rules.

Puc 908.10 Transferability.

(a) A customer-generator's certificate to operate a net-metered facility shall transfer to the new owner when the property with the net-metered facility is sold or otherwise conveyed, if the new owner provides to the distribution utility in writing:

- (1) Any information that is new or different from that provided in connection with the interconnection application as described in Puc 904.02; and

(2) An agreement to operate and maintain the net-metered facility according to Puc 900, RSA 362-A, and other applicable requirements.

(b) The distribution utility shall not deny a new owner acquiring a currently-registered net-metered facility, which otherwise complies with the requirements of Puc 900, the right to register, provided that the new owner complies with (a) above.

(c) The new customer-generator owner, as described in (a) and (b) above, shall notify the distribution utility of the transfer and of the applicable information required by the interconnection application as described in Puc 904.02.

(d) A net-metered facility transferred as described in this section shall not be deemed to have exited from the system, and neither Puc 903.02(q) nor Puc 903.02(r) shall apply to any such transfer.

(e) If any change or upgrade in a net-metered facility would otherwise require new approval pursuant to Puc 904.05, a mere transfer of ownership shall not relieve the customer-generator from that requirement.

Readopt with amendments Puc 909, effective 1-8-15 (Document #10757), to read as follows:

PART Puc 909 GROUP NET METERING

Puc 909.01 Purpose. The purpose of this part is to implement the group net metering provisions of RSA 362-A:9, XIV and commission's expanded reporting requirement pursuant to RSA 362-F:10, IV.

Puc 909.02 Applicability.

(a) Puc 909.01 through Puc 909.1~~53~~ apply to customer-generators who elect to become hosts, to group members, and to distribution utilities that serve hosts and group members.

(b) Large customer-generators subject to the alternative net metering tariff that do not consume behind-the-meter at least 20 percent of the actual or estimated annual electricity production from their facilities shall register as group hosts pursuant to this part or they shall be ineligible to net meter.

(c) Puc 909.12 applies to customer-generators who or which register or re-register as a host on or after July 1, 2019 and elect to receive on-bill credits.

(d) Puc 909.13 applies to customer-generators who or which meet the requirements specified therein to register as a low-moderate income community solar project.

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 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 or ineligible within 60 days of its filing, the commission shall issue the host a registration number, with a copy provided 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 or ineligible within 60 days of its filing, the commission shall issue a provisional approval, with a copy provided to the distribution utility. A provisional approval shall expire 12 months from the date of its issuance. A provisional approval does not supersede the requirement to obtain a host registration number under (b) above. Prior to receiving a host registration number, a customer-generator that received provisional approval shall provide to the commission 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 distribution utility. ~~A host that voluntarily surrenders its host registration shall not again seek registration until 12 months after the date of such surrender.~~

(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 group host registration number may be transferred by the host or by operation of law to another, provided that the following conditions have been met:

- (1) The proposed host meets the definition of Puc 902.174; 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 provided 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, if any, telephone number, email address, and website address, if any;
- (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 email 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 customers of the same distribution utility;
- (8) A certification that the new host has provided to the distribution utility a copy of the notice required by this subsection;
- (9) A certification that the information provided is true, accurate, and complete; and
- (10) Except as allowed by Puc 902.1~~52~~ and Puc 902.~~217~~, 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 902.0~~24~~, 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, or, for groups electing on-bill crediting, the procedure by which on-bill credit percentage allocations will be determined, subject to the restrictions specified in Puc 909.12 and Puc 909.13;
- (3) The procedure by which members may join and leave the group, which procedure shall, at a minimum, comply with and 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, including disputes arising out of the member removal process required by Puc 909.06, which dispute resolution process does not rely on the distribution utility or the commission; and. That dispute resolution provision shall address disputes arising out of the member removal process required by Puc 909.06.
- (5) For groups electing on-bill crediting, each member shall grant limited permission for the host to obtain member load and account information from the distribution utility for the purposes of complying with Puc 909.06 and Puc 909.10.

(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 that is not participating in on-bill crediting 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. A member in a group participating in on-bill crediting shall not be a member of more than one group at the same time.

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

(e) No agreement shall in any way prohibit or restrict the members of a low-moderate income community solar project group who are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines from leaving such groups, consistent with Puc 909.13(d)(8).

Puc 909.06 Group Changes in Membership.

(a) The procedure by which members are added to 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, subject to the limitation specified in Puc 909.05(e).

(b) For groups participating in group net metering without on-bill crediting, changes in group membership shall be implemented as follows:

(1b) The addition of a member shall be effective on the member's first meter read date immediately following the new member's addition:-

(2e) The departure of a member shall be effective on the member's ~~first~~last meter read date immediately ~~following~~preceding the member's date of departure:-

(3d) 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, ~~and-~~ The agreement shall describe how payments are to be made between the host and members upon the departure of a member:- ~~and~~

(4) The host shall notify the commission of changes to the group membership on an annual basis pursuant to Puc 909.07.

(c) For groups participating in group net metering with on-bill crediting, changes shall be implemented as follows:

(1) A host may make changes to group membership or credit percentage allocations up to four times each year, and only once in each calendar quarter ending March 31, June 30, September 30, and December 31, by submitting the information specified in (e) below;

(2) Group changes submitted pursuant to (1) above, and approved by the commission when applicable under Puc 909.06(h) shall take effect for the next host and member billing cycles beginning at least 5 business days following the date of change notification submission or approval of changes by the commission, if required;

(3) Group changes for low-moderate income community solar projects shall continue to meet the requirements for such projects specified in Puc 909.06(e)(7) and (8);

(4) In the event a member has moved, the member's credit percentage allocation for the applicable meter shall continue to accrue until the implementation of (2) above following the submission and approval of the information required in (e) below pursuant to the applicable schedule specified in (1) above; and

(5) If the meter of a member becomes inactive, the credit percentage allocation for the account associated with that meter shall be redistributed the host until the implementation of (2) above following the submission and approval of the information required in (e) below pursuant to the applicable schedule specified in (1) above.

(de) 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 of competent jurisdiction. The legal representatives of deceased hosts or members shall remain bound by the terms of the agreement, unless the agreement provides otherwise.

(e) The host shall notify the commission and the distribution utility of any change to the group by providing the following information in accordance with (b)(4) above or (c)(1) above, as applicable:

(1) The host's name, trade name, if any, address, service address, telephone number, email address, website address, if any, name of distribution utility, meter number, and account number;

(2) For a group adding or removing members, each departing member's name, billing address, service address, account number, meter number, projected annual load, percentage allocation, and low-moderate income status, as applicable;

(3) For a group adding or removing members, each new member's name, billing address, service address, account number, meter number, projected annual load, percentage allocation, and low-moderate income status, as applicable;

(4) Except as otherwise permitted under Puc 902.15 and Puc 902.21, a certification that no new member is a customer-generator;

(5) For a group using on-bill crediting and changing credit percentage allocations, the name, billing address, service address, account number, meter number, current percentage allocation, and low-moderate income status, if applicable, for each group member and the host;

(6) For a group using on-bill crediting and changing credit percentage allocations, the new allocation percentage for each group member and the host;

(7) For a group with a low-moderate income community solar project, the information specified in Puc 909.09(a)(17); and

(8) For a group with a low-moderate income community solar project, verification that the percentage allocations meet the requirements of Puc 909.12(c) through (e) and Puc 909.13(h).

(f) The host shall sign and date the change notification submitted.

(g) The individual signing the change notification shall certify that the information provided is true, accurate, and complete, to the best of the individual's knowledge and belief.

(h) For any group with a low-moderate income community solar project, the Commission shall review each complete change notification for continued low-moderate income community solar project adder eligibility, and approve or deny such change notification within 20 business days following its submission pursuant to Puc 909.06(c)(1). The Commission shall notify the utility and the host of its approval or denial.

Puc 909.07 Annual Report.

(a) Except as otherwise provided in (b) below, each host shall file with the commission, on or before April 1 of each year after registration, an annual report that contains the information required by Puc 909.10, and shall send a copy of the report to the host's distribution utility. Failure to timely file an annual report shall authorize 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~~(ie)~~ and ~~(jf)~~.

(b) A customer-generator with a residential net-metered facility with generating capacity less than 15 kilowatts interconnected to a distribution utility that is not a low-moderate income community solar project, is not required to file an annual report under this section.

(c) 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, with the exception of hosts subject to the exemption in (b) above.

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

Puc 909.08 Duties of the Distribution Utility.

(a) With the exception of groups that elect to receive on-bill credits pursuant to Puc 909.12, uUpon receipt of a host registration number, the distribution utility shall thereafter pay the host for the host's net excess electricity exported to the distribution system at the end of each billing cycle in accordance with the utility tariff provisions applicable to the host's customer class, unless the host is a large customer-generator that does not receive default service from the utility. 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 5 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) Upon receipt of a host registration number for a group that elects to receive on-bill credits under Puc 909.12, the distribution utility shall thereafter allocate a monetary credit on the account of the host and each member of the group pursuant to Puc 909.12(f).

(c) Upon receipt of a host registration number for a group with a low-moderate income community solar project under Puc 909.13, the distribution utility shall thereafter allocate a monetary credit on the account of the host and each member of the group pursuant to Puc 909.13(c) and (i).

(d) For hosts that are small customer-generators subject to the standard net metering tariff that receive default service from the distribution utility, the payments or credits from the distribution utility for net excess electricity exported to the distribution system shall be based onequal to all charges assessedthat are based on a per-kilowatt-hour basisusage.

(e) For hosts that are small customer-generators subject to the alternative net metering tariff that receive default service from the distribution utility, the payments or credits from the distribution utility for net excess electricity exported to the distribution system shall be calculated based onas 25 percent of any distribution charges assessed on a per-kilowatt-hour basis, any transmission charges assessed on a per-kilowatt-hour basis, and the default service rate on a per-kilowatt-hour basis.

(f) For hosts that are large customer-generators and receive default service from the distribution utility, the payments or credits from the distribution utility for net excess electricity exported to the distribution system shall be based onequal to the distribution utility's default service rate.

(g) For hosts that are small customer-generators subject to the alternative net metering tariff that do not receive default service from the distribution utility, the payments or credits from the distribution utility for net excess electricity exported to the distribution system shall be calculated based on 25 percent of any distribution charges assessed on a per-kilowatt-hour basis and any transmission charges assessed on a per-kilowatt-hour basis.

(hf) For all hosts not exempted under Puc 909.07(b), by June 1 of each year the distribution utility shall determine for the prior year whether the host's ~~net exported 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 under this subsection, the distribution utility shall be bound by its election pursuant to Puc 903.02(p) 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 (db) through (ge) above, and bill the host accordingly.

(ig) If the 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 or providing credits 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.

(jh) If the distribution utility ceased making payments under (ig) above, the distribution utility shall resume making monthly payments or providing monthly credits 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 payments, nor shall the host and members be entitled to any credits, for any ~~unpaid~~ billing cycles with respect to which payments were not made or credits were not provided as that resulted off from suspension or ~~from a~~ failure to timely file any required annual reports.

(ki) 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, whether the group is using on-bill crediting, whether the group is a low-moderate income community solar project, the payments to each ~~host facility~~, the credits provided to each group host and members, and the total load of the members for each facility, and the load of each host. The distribution utility is not required to include actual host and member load data for hosts that are exempt from filing annual reports under Puc 909.07(b), but instead shall include the estimated facility production and estimated host and member load data for such exempt groups.

(l) Any distribution utility serving registered hosts with low-moderate income community solar projects shall file with the commission an appendix to its annual report on or before June 1 of each year covering the immediately preceding calendar year, which appendix shall provide the total annual amount of on-bill monetary credits provided to each member of any such group.

(mj) For any existing net metering customer-generator ~~subject to the standard net metering tariff~~ 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 the applicable tariff rate for standard or alternative net metering pursuant to Puc 903.02(l) or (m), ~~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(q) shall not apply to an existing net metering customer who becomes a host.

(n) For any group which elects to receive on-bill credits, the distribution utility shall make available to the host the following information following end of each host billing cycle:

(1) The total net electricity exports from the host's facility during the billing cycle;

(2) The total amount of on-bill monetary credits accrued to the host and group members during the billing cycle; and

(3) The on-bill monetary credit allocated to the host and each group member for the billing cycle.

(o) For any group which elects to receive on-bill credits, the distribution utility shall make available to the host by January 30th of each year the load for each group member who was a member for any period during the preceding calendar year, by such member's monthly billing cycle during the year.

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 to the commission, with a copy to the distribution utility, the following information:

- (1) The host's name, trade name, if any, address, service address, telephone number, email address, website address, if any, name of distribution utility, meter number, and account number;
- (2) The name, telephone number, and email 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) Certification that all members of the group have executed an agreement with the host;
- (6) A statement that all members and the host are customers of the same distribution utility;
- (7) The total historic annual load and the total projected annual load of the host;
- (8) The total historic annual load and the total projected annual load of the members;
- (9) The fuel source of the host's 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;
- (10) 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;
- (11) A statement that the host has provided a copy of the application to the distribution utility;
- (12) A statement that the applicant has the authority to file the application on behalf of the host and that ~~the~~ contents of the application are true~~ful~~, accurate, and complete;~~and~~
- (13) Except as allowed by Puc 902.1~~52~~ and Puc 902.~~217~~, a certification that none of the members is a customer-generator;~~;~~
- (14) A statement regarding whether the group is electing to receive on-bill monetary credits;
- (15) A statement regarding whether the group has a low-moderate income community solar project;
- (16) For groups that elect to receive on-bill monetary credits:

a. The annual credit percentage allocation for the host and each member; and

b. A statement verifying that the specified percentage allocations meet the requirements of Puc 909.12(e); and

(17) For hosts registering a group with a low-moderate income community solar project:

a. Indication of residential end-user customer status for the host and each member;

b. Indication whether the host and each member is a residential end-user customer with household income at or below 300 percent of the federal poverty guidelines;

c. Specification of the amount of any group host or member load attributable to non-residential end-user customers;

d. Description of the income verification procedure for the group;

e. Certification that the group meets the requirements of Puc 909.13(d);

f. Certification that the agreement meets the requirements of Puc 909.05(e);

g. Statement confirming that the specified credit percentage allocations meet the requirements of Puc 909.12(c) through (e) and Puc 909.13(h);

h. Certification that no member is also a member of another group at the time of registration;

i. Documentation demonstrating that any member which is an affordable housing project qualifies as such under Puc 902.01; and

j. Description of the direct, quantifiable benefits to be provided by any member which is an affordable housing project to the tenants or residents of that project pursuant to Puc 909.13(e).

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

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

(d) For groups participating in on-bill crediting, member information shall be provided in xls format.

(e) 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 U.S. mail, by overnight express service, or by hand delivery, if the applicant is unable to file the document 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 to the commission, with a copy sent 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) For groups participating in group net metering without on-bill crediting, the applicable information regarding changes to the group as required by Puc 909.06(e);

~~_(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, projected annual load, and certification that each such member has executed an agreement with the host;~~

~~(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, account number, and historic annual load; and~~

(34) A calculation, with supporting documentation, for each month of the year, of the total electricity generated by the host's facility, the total net electricity exported to the distribution system for which the host was compensated under these rules, the host's total load for which it was billed by the utility, the total billed load of each member, and the total billed combined-load of all members; and-

(4) Any host with a low-moderate income community solar project shall provide in xls format the following additional information, covering the immediately preceding calendar year, together with the host annual report:

a. Identification of each group member who is a residential end-user customer with household income at or below 300 percent of the federal poverty guidelines, who is a residential customer not identified as having such a household income level, or which is an affordable housing project;

b. Certification that all members who are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines have been income-verified by a method or methods consistent with Puc 909.13(f) within the year covered by the annual report;

c. The total amount of monetary credits awarded by month to each group member and the host;

d. Copies of the monthly documentation provided to the host by the distribution utility pursuant to Puc 909.08(n);

e. The total percentage of all monetary credits that was distributed to group members who are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines or which are affordable housing projects;

f. Certification that the group met the requirements specified in Puc 909.13 during the preceding calendar year;

g. For any member which is an affordable housing project, the total amount of on-bill monetary credits, net of payments or other charges under any power purchase agreement or

other contractual arrangement with the host, that was available to provide direct, quantifiable benefits to the tenants or residents of that project pursuant to Puc 909.13(e); and

h. Description of the direct, quantifiable benefits provided by a member which is an affordable housing project to the tenants or residents of that project pursuant to Puc 909.13(e), including total benefit-related spending for the calendar year covered by the report.

(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, accurate, and complete, 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 U.S. mail, by overnight express service, 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 not 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 distribution 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 pursuant to Puc 909.03.

Puc 909.12 Group Net Metering with On-bill Credits.

(a) A customer-generator registering or re-registering a group with the commission on or after July 1, 2019 may elect in the application for registration or re-registration for the group host and all group members to receive on-bill credits.

(b) To elect on-bill monetary credits, a group shall meet all of the applicable requirements of this chapter and the host shall provide the additional information required under Puc 909.09(a)(16).

(c) The host of a group for which on-bill monetary credits have been elected shall specify the percentage of the net metering credit monetary amount otherwise payable to the host to be allocated to the host and to each group member on their respective distribution utility bills, which percentage shall apply to the sum of the base net metering credit and the additional credit amount described in Puc 909.13(b) for any group registered as a low-moderate income community solar project, pursuant to Puc 909.13(h).

(d) The percentage allocations required under (c) above shall be made initially in the registration or re-registration application submitted by the host, and thereafter any changes to such allocations shall be made in the group change notification required to be submitted pursuant to Puc 909.06(c).

(e) For all groups receiving on-bill monetary credits, the credit percentage allocations shall be subject to the following restrictions:

(1) The percentage allocations shall total 100 percent; and

(2) Each group member's total percentage allocation shall be greater than zero.

(f) Upon receipt of a host registration number for a group for which on-bill monetary credits have been elected under this section, the distribution utility shall thereafter allocate a monetary credit on the host's and each member's account as follows:

(1) A total monetary credit shall be calculated for the host's net excess electricity exported to the distribution system at the end of each billing cycle based on the applicable net metering tariff and host rate class;

(2) The total monetary credit calculated pursuant to (1) above shall be distributed to the host and the group members as monetary credits on their monthly utility bills in accordance with the percentage allocations specified in accordance with (c) through (e) above; and

(3) The monetary credit shall be separately itemized on a customer's bill and deducted from the balance due on the bill after all applicable charges and all other credits.

Puc 909.13 Low-Moderate Income Community Solar Projects.

(a) The host customer-generator for a low-moderate income community solar project may register as a low-moderate income community solar project group by providing the information in its registration application as specified in Puc 909.09(a)(1) through (17).

(b) A group registered with a low-moderate income community solar project shall receive additional on-bill monetary credits for all excess electricity production eligible under Puc 909.08(c) through (j), at the following rates for the specified time periods:

(1) An additional 3 cents per kilowatt-hour through July 1, 2021; and

(2) An additional 2.5 cents per kilowatt-hour on July 2, 2021 and thereafter.

(c) The group host of a low-moderate income community solar project shall have the option to receive payment from the electric distribution utility on a monthly basis equal to the host's on-bill monetary credit amount in excess of the host's billed charges for the billing period.

(d) To register as a low-moderate income community solar project group, a project shall meet the following requirements:

(1) The host facility has an initial operational date on or after July 1, 2019.

(2) The host has elected for the group to receive on-bill credits pursuant to Puc 909.12;

(3) The host shall indicate whether it elects the monthly payment option provided under (c) above;

(4) The group includes at least five residential end-user customers;

(5) A majority of the residential end-user customers in the group have household income at or below 300 percent of the federal poverty guidelines, as verified by the methods specified in (f) below;

(6) No more than 15 percent of the projected annual load for the group is attributable to non-residential end-user customers, with the exception of any projected load attributable to affordable housing projects;

(7) A group member that is an affordable housing project will provide direct benefits to the tenants or residents of that project as provided in (e) below; and

(8) No group member who is a residential end-user customer with household income at or below 300 percent of the federal poverty guidelines will be charged or assessed any subscription fee, investment amount, power purchase price, termination fee, withdrawal charge, or other cost, expense, fee, charge, or other amount as a condition of his or her group membership.

(e) A group member that is an affordable housing project shall provide direct, quantifiable benefits, such as rental payment reductions, building improvements, energy efficiency measures, wireless internet access, investments in new affordable housing units, or resident services to the extent not reimbursed or otherwise funded by a federal, state, or local source, to the tenants or residents of that project, unless the provision of such benefits would result in any tenant's or resident's ineligibility for, or reduction in the amount of benefits available from, any other federal, state, or local assistance program.

(f) The host shall be responsible for initial and ongoing annual income verification for group members who are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines, using one of the following income verification methods:

(1) Participation in the electric assistance program;

(2) Income verification performed by a community action agency;

(3) A complete copy of an award letter dated within 12 months of the income verification date for the Home Energy Assistance Program/Fuel Assistance Program, Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, or Supplemental Security Income;

(4) Verification of moderate income members with sufficient documentation to verify that annual income is at or below 300 percent of the federal poverty guidelines; or

(5) An alternative income verification method functionally equivalent to the methods described in (1) through (3) above that is proposed by a host and approved by the commission.

(g) The commission or its third party contractor may independently review and verify a host's income verification method and documentation, group members' income information, and eligibility criteria compliance for low-moderate income community solar projects.

(h) In addition to compliance with Puc 909.12(c) through (e), the host of a group registered as a low-moderate income community solar project shall make on-bill monetary credit percentage allocations to the host and group members such that the sum of such percentage allocations to members that are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines or affordable housing projects shall not be less than 12 percent of the total credit amount allocated to the host and all group members.

(i) Upon receipt of a host registration number for a group registered as a low-moderate income community solar project, the distribution utility shall thereafter allocate an on-bill monetary credit to the host's and each group member's account as follows:

(1) A total monetary credit shall be calculated for the host's net excess electricity exported to the distribution system at the end of each billing cycle, based on the alternative net metering tariff and host rate class, plus an additional 3 cents per kilowatt-hour through July 1, 2021 and 2.5 cents per kilowatt-hour after that date;

(2) The total monetary credit for each billing cycle calculated pursuant to (1) above shall be distributed to the host's and members' accounts in accordance with the percentage allocations specified pursuant to Puc 909.12(c) through (e) and (h) above;

(3) The monetary credit shall be separately itemized on one line on a customer's bill and deducted from the balance due on the bill after all applicable charges and all other credits; and

(4) Monthly payments shall be made to any group host that has elected the monthly payment option provided under (c) above.

(j) The host of a group registered as a low-moderate income community solar project shall demonstrate the continuing eligibility of the group on an annual basis by providing the information required pursuant to Puc 909.10(a)(4).

Puc 909.1~~42~~ Confidentiality. The registration and re-registration applications, the host's annual report, the distribution utility's annual report described in Puc 909.08(i), and any related attachments provided to the commission shall be public documents which shall be disclosed by the commission upon request or at its discretion, except that the commission may protect from public disclosure to the extent permitted by law information that may be considered to be confidential, commercial, or financial, or other information, the disclosure of which would constitute an invasion of privacy. Notwithstanding the foregoing, any information submitted to the commission pursuant to this chapter shall be available to the commission for the preparation and public release of statistics and other metric and non-metric data.

Puc 909.1~~53~~ Electronic Documents and Signatures. All documents and signatures referenced in this chapter may be electronic as authorized by RSA 294-E.

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APPENDIX

Rule(s)	Statute
Puc 902 and 909 (other specific provisions implemented by specific rules listed below)	RSA 362-A:9, X and 365:8, I(1)
Puc 902.01	RSA 362-A:9, XIV(a)
Puc 902.02	RSA 362-A:9, XVI
Puc 902.03	RSA 362-A:1-a, I-d
Puc 902.04	RSA 362-A:1-a, II-b
Puc 902.08	RSA 374-F:2, II
Puc 902.09	RSA 362-A:1-a, II-c
Puc 902.12	RSA 362-A:9, XIV(a)
Puc 902.13	RSA 362-A:1-a, II-d
Puc 902.14	RSA 362-A:9, XIV(a)
Puc 902.17	RSA 362-A:9, XIV(a)
Puc 902.18	RSA 362-A:1-a, III-a
Puc 902.22	RSA 362-A:9, XVI
Puc 903	RSA 362-A:9
Puc 903.01(c)	RSA 362-A:9, II
Puc 903.01(n)	RSA 362-A:9, XIII
Puc 903.02(g)	RSA 374-F:7
Puc 904.02	RSA 362-A:9, RSA 362-F:4, I (a) through (f), RSA 365:8, I(1)
Puc 908.03	RSA 365:8, I
Puc 908.05	RSA 365:8, I(1)
Puc 908.06	RSA 541-A:30, II
Puc 908.07	RSA 362-A:9; RSA 374:15
Puc 909.01	RSA 362-A:9, XIV
Puc 909.02	RSA 362-A:9, XIV
Puc 909.03	RSA 362-A:9, XIV(a)
Puc 909.04	RSA 362-A:9, XIV(a)
Puc 909.05	RSA 362-A:9, XIV(a)
Puc 909.06	RSA 362-A:9, XIV(a)
Puc 909.07	RSA 362-A:9, XIV; RSA 362-F:10, IV
Puc 909.08	RSA 362-A:9, XIV
Puc 909.09	RSA 362-A:9, XIV(a)
Puc 909.10	RSA 362-A:9, XIV(a); RSA 362-F:10, IV
Puc 909.11	RSA 362-A:9, XIV(e)
<u>Puc 909.12</u>	<u>RSA 362-A:9, XIV</u>
<u>Puc 909.13</u>	<u>RSA 362-A:9, XIV</u>
Puc 909.1 42	RSA 365:8, I(d); RSA 91-A:5
Puc 909.1 53	RSA 294-E

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