

**STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DE 16-576**

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

**Order *Nisi* Adopting Limited Exception for Voluntary Tariff-Switching  
by Net-Metered Customer-Generators Participating in  
Liberty Battery Storage Pilot Program**

**O R D E R N O. 26,210**

**January 17, 2019**

In this order, the Commission adopts a limited exception to the prohibition on voluntary tariff-switching for net-metered customer-generators who participate in the battery storage pilot program planned to be implemented by Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities (Liberty). This order is being issued on a *nisi* basis to ensure that all interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

By Order No. 26,209 (January 17, 2019), issued in Docket No. DE 17-189, the Commission approved a settlement agreement providing for implementation of Liberty's battery storage pilot program. Pilot program participants with net-metered distributed generation are required to be on the alternative net metering tariff, approved in this docket by Order No. 26,029 (June 23, 2017), rather than the original net metering tariff. The approved settlement agreement provides, however, that "[f]ollowing the expiration or termination of their participation in the [battery storage pilot] program, net-metered customers who were grandfathered under the original ... net metering tariff may return to service under that original ... [net metering] tariff." See Docket No. DE 17-189 Hearing Exhibit 18 at 13. The option to return to grandfathered

status under the original net metering tariff is inconsistent with our determination in Order No. 26,055 (September 18, 2017) issued in this docket. In that order, we found that “net-metered customer-generators should be able to voluntarily switch from their grandfathered status under the original net metering tariff to the ... [alternative] net metering tariff ... but they should not be permitted to return to that original grandfathered status once they have switched.” Order No. 26,055 at 4. Order No. 26,055 and other filings and documents related to this matter, can be found at <http://puc.nh.gov/Regulatory/Docketbk/2016/16-576.html>.

We find that a limited exception to the general prohibition on voluntary tariff-switching is warranted in the context of the Liberty battery storage pilot program. Under RSA 365:28, the Commission has the authority, “after notice and hearing, to alter, amend, suspend, annul, set aside, or otherwise modify any order made by it.” In lieu of a hearing, we modify Order No. 26,055 to permit that limited exception by issuing this order on a *nisi* basis to ensure that all interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

**Based upon the foregoing, it is hereby**

**ORDERED**, that net-metered customer-generators grandfathered under the original net metering tariff participating in Liberty’s battery storage pilot program shall have the option to switch back to the original net metering tariff from the alternative net metering tariff upon the expiration or termination of their participation in that pilot program; and it is

**FURTHER ORDERED**, that Liberty shall cause a summary of this order, issued concurrently with this order, to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication


to be no later than January 28, 2019, such publication to be documented by affidavit filed with the Commission on or before February 14, 2019; and it is

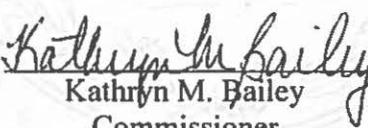
**FURTHER ORDERED**, that all persons desiring to respond to this order are notified that they may submit their comments or file a written request for a hearing which states the reason and basis for a hearing no later than February 4, 2019, for the Commission's consideration; and it is


**FURTHER ORDERED**, that any party interested in responding to such comments or request for hearing shall do so no later than February 11, 2019; and it is

**FURTHER ORDERED**, that this order shall be effective February 18, 2019, unless Liberty fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date.

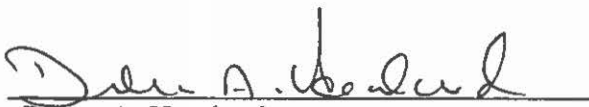
By order of the Public Utilities Commission of New Hampshire this seventeenth day of January, 2019.

  
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Martin P. Horigberg  
Chairman

  
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Kathryn M. Bailey  
Commissioner

  
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Michael S. Giaimo  
Commissioner

Attested by:

  
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Debra A. Howland  
Executive Director