

THE STATE OF NEW HAMPSHIRE

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December 10, 2009

Carol Holahan, Director
Office of Legislative Services
Room 114, State House
107 North Main Street
Concord, NH 03301-4951

RE: Filing of Adopted Rules
Puc 2600 – Greenhouse Gas Emissions Reduction Fund
Final Proposal No. 2009-162
Commission Docket No. DRM 08-127

Dear Ms. Holahan:

The Public Utilities Commission (Commission) pursuant to RSA 541-A:14, III and Chapter 3, section 2.21 of the *New Hampshire Drafting and Procedural Manual for Administrative Rules* (the *Manual*), hereby files with the Director of the Office of Legislative Services in care of the Division of Administrative Rules, the enclosed adopted rules, as referred to in the caption above. The Joint Legislative Committee on Administrative Rules (Committee) voted to approve these rules at its December 3, 2009 meeting. On December 9, 2009, the Commission held a public hearing, pursuant to RSA 91-A:2, III, and voted to adopt Final Proposal 2009-162 as approved by the Committee.

We hereby certify that the material enclosed is a true copy of Puc 2600, Greenhouse Gas Emissions Reduction Fund, which was adopted by vote of the Commission.

As required by Chapter 3, section 2.21 of the *Manual*, enclosed for filing are:

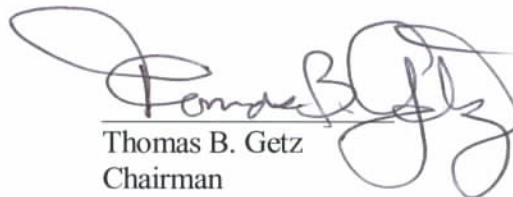
- 2 copies of the adopted rules in the format required by Chapter 4 of the *Manual*, including the appendix containing the cross reference table required by RSA 541-A:3-a,II; and
- One copy of a cover letter (this letter) containing the name and address of the agency adopting the rules; identification of the rules by rule number; the date of the rules' adoption; the effective time and date, if other than 12:01 a.m. of the day after filing; identification of any editorial changes made in the adopted rules from the text of the final proposal after Committee

review; and signature by a member of the group with rulemaking authority, certifying that the material enclosed is a true copy of the rules adopted by the agency on the date given.

It is the intention of the Commission that the enclosed rules shall become effective at 12:01 a.m. on the day after filing.

Please contact us if you have questions or concerns.

Yours Truly,



Thomas B. Getz
Chairman

CHAPTER Puc 2600 GREENHOUSE GAS EMISSIONS REDUCTION FUND

PART Puc 2601 PURPOSE AND APPLICABILITY

Puc 2601.01 Purpose. The purpose of Puc 2600, pursuant to RSA 125-O:8, II and 125-O:23, is to provide for the administration of the greenhouse gas emissions reduction fund.

Puc 2601.02. Applicability. Puc 2600 shall apply to those persons seeking use of monies from the greenhouse gas emissions reduction fund including:

- (a) Private entities;
- (b) The department;
- (c) The commission; and
- (d) Other state and local governmental agencies and instrumentalities.

PART Puc 2602 DEFINITIONS

Puc 2602.01 “Allowances” means those Regional Greenhouse Gas Initiative (RGGI) allowances comprising the state’s annual budget for CO2 emissions specified in RSA 125-O:21, II.

Puc 2602.02 “Building energy code” means the building code defined in RSA 155-D:2, II.

Puc 2602.03 “Conservation” means a reduction in energy use and greenhouse gas emissions through reduced energy consumption or demand.

Puc 2602.04 “Commission” means the public utilities commission.

Puc 2602.05 “Cost-effective” means that the reasonably expected energy efficiency gains and other benefits of a proposed measure or program exceed the reasonably projected costs of implementing the measure or program calculated over its expected life.

Puc 2602.06 “Department” means the department of environmental services.

Puc 2602.07 “Demand response programs” means mechanisms to reduce the demand from electricity customers in response to supply conditions, peak demand, or market prices.

Puc 2602.08 “Energy audit” means the inspection, survey and analysis of energy flows in a building, process or system with the objective of understanding the energy dynamics of the system under study and assessing the opportunities for energy efficiency and conservation improvements.

Puc 2602.9 “Energy efficiency” means using less energy or energy in a different manner that results in lower net greenhouse gas emissions to provide the same level of energy service or comparable functionality.

Puc 2602.10 “Greenhouse gas emissions reduction fund” means the non-lapsing, special fund established by RSA 125-O:23.

Puc 2602.11 “Low-income residential customers” means those residents of New Hampshire who are eligible for either federal, state or utility low-income energy assistance, energy efficiency or weatherization programs, or whose income is 60% or less of the state’s median income.

Puc 2602.12 “New Hampshire’s peak electric load” means the annual hour of maximum electric load measured in megawatts for the New Hampshire electric grid.

Puc 2602.13 “Passive solar heating and ventilation systems” means the technologies that create heat or cooling without the use of active mechanical systems. Passive solar heating technologies convert sunlight into usable heat or store heat for future use, with little or no use of other energy sources. Passive ventilation systems use building design features that allow or promote air flows for natural ventilation and cooling with little or no use of other energy sources.

Puc 2602.14 “Private entity” means a for profit or not for profit legal entity that is not a governmental agency, including, but not limited to, non-municipal utilities, corporations, partnerships, individuals and other forms of business and not for profit organizations.

Puc 2602.15 “Regional greenhouse gas initiative (RGGI)” means “regional greenhouse gas initiative” as defined in RSA 125-O:20, XII, namely “the program to implement a memorandum of understanding (MOU) between signatory states, dated December 20, 2005 and as amended on August 8, 2006 and April 20, 2007, and the corresponding model rule to establish a regional CO2 emissions budget and allowance trading program for emissions from fossil fuel-fired electricity generating units.”

Puc 2602.16 “Revolving loan fund” means a source of money from which loans are made for energy efficiency, conservation, or demand response purposes where, as borrowers repay loans, funds become available for new loans to other borrowers.

Puc 2602.17 “Weatherization” means the practice of protecting a building and its interior from cold and hot weather including sunlight, precipitation, and wind, and of modifying a building to reduce energy consumption and optimize energy efficiency.

PART Puc 2603 LOW INCOME RESIDENTIAL CUSTOMERS

Puc 2603.01 Energy Efficiency for Low Income Residential Customers.

(a) Pursuant to RSA 125-O:23, III, the commission shall allocate at least 10 percent of the greenhouse gas emissions reduction fund, on an annual basis to assist low income residential customers:

- (1) To reduce total energy use, including heating fuels; and
- (2) To foster the development and retrofitting of highly efficient and affordable housing.

PART Puc 2604 ENERGY EFFICIENCY PROGRAMS

Puc 2604.01 Use of Greenhouse Gas Emissions Reduction Fund.

(a) Pursuant to RSA 125-O:23, the greenhouse gas emissions reduction fund shall be used to support energy efficiency, conservation and demand response programs to reduce greenhouse gas emissions generated within New Hampshire.

(b) The commission shall select and fund eligible programs through:

- (1) The solicitation of proposals pursuant to Puc 2604.02;
- (2) An adjudicative proceeding, pursuant to Puc 203, for the system benefits charge core efficiency programs approved pursuant to RSA 374-F; or
- (3) Otherwise through an adjudicative proceeding, pursuant to Puc 203.

(c) Eligible programs shall include, but not be limited to, the following:

- (1) Energy audits;
- (2) Weatherization of New Hampshire residential and commercial building stock;
- (3) Energy efficiency related work force training and development;
- (4) Revolving loan funds for energy efficiency related investment;
- (5) Energy efficiency related industrial process and control systems;
- (6) Integration of passive solar heating and ventilation;
- (7) Programs to increase compliance with the building energy code;
- (8) Programs to improve the electric and thermal energy efficiency of new and existing residences and commercial buildings;
- (9) Programs to foster the development and retrofitting of highly efficient and affordable housing;

(10) Education, outreach and information programs that promote energy efficiency, conservation, and demand response; and

(11) Demand response programs to reduce New Hampshire's peak electric load.

(d) Notwithstanding this part, the commission shall have the authority to rebate certain monies in the greenhouse gas emissions reduction fund to electric ratepayers pursuant to Puc 2605 and RSA 125-O:23, IV.

Puc 2604.02 Solicitation of Proposals.

(a) The commission shall periodically issue requests for proposals (RFPs) for programs to be supported by the greenhouse gas emissions reduction fund.

(b) To be eligible for monies from the greenhouse gas emissions reduction fund, a proposal shall be designed to improve energy efficiency, conservation or demand response, and reduce greenhouse gas emissions in New Hampshire.

(c) Persons eligible to respond to any request for proposals include the following:

- (1) Private entities;
- (2) The department;
- (3) The commission; and
- (4) State and local government agencies and instrumentalities, including municipal utilities.

(d) RFPs shall include:

- (1) A description of information to be included in submitted proposals;
- (2) Requirements for funding agreements that selected recipients will be required to enter into prior to receiving funding;
- (3) Monitoring and reporting requirements; and
- (4) Proposal submission requirements.

(e) The commission shall request supplemental information or revisions from persons submitting proposals when such information or revisions will:

- (1) Clarify the terms within the proposal; or
- (2) Otherwise assist the commission in the revision and evaluation of the proposal.

(f) The commission shall recommend coordination or collaboration between applicants and shall allow revisions to proposals if such coordination, collaboration or revisions will improve:

- (1) Efficient management of the program;
- (2) Cost effectiveness of the program; or
- (3) The ability of the applicant or applicants to accomplish the purposes of RSA 125-O:23.

Puc 2604.03 Selection of Proposals.

(a) In determining whether and to what extent it will fund proposals submitted pursuant to Puc 2604.02 (a) above, the commission shall consider the extent to which each proposed program can be expected to:

- (1) Reduce greenhouse gas emissions from all fuels used to provide electricity, heating and cooling in New Hampshire;
- (2) Be cost-effective;
- (3) Reduce New Hampshire's peak electric load;
- (4) Promote:
 - a. Market transformation for energy efficient technologies, strategies and design;
 - b. Innovative technologies;
 - c. Economic development; and
 - d. Reduced energy costs;
- (5) Leverage funds or resources from other sources to maximize its impact;
- (6) Effectively measure and verify program performance against stated goals;
- (7) Promote collaboration and provide useful information for future program evaluation and improvements; and
- (8) Otherwise be consistent with the public interest and the purposes of RSA 125-O:19.

(b) The commission shall fund those proposals that it finds:

- (1) Support one or more of the purposes set forth in (a) above;
- (2) Are realistically proposed and achievable by the applicant;

(3) Are most likely, on balance, to advance the purposes of RSA 125-O, within the constraint of available funds.

(c) Following selection of a proposal, the commission shall establish a schedule of disbursement of funds that shall consist of one or more of the following:

- (1) Upfront funding of the proposal;
- (2) Increments of funding based on the passage of time or specified milestones;
- (3) Reimbursement of actual expended costs; or
- (4) A loan of funds for a period of time.

(d) Pursuant to RSA 125-O:23,VIII, the commission shall enter into funding agreements for the implementation of programs that are contingent, in whole or in part, on future proceeds from budget allowance auctions held within 12 months of the date such agreements become effective.

PART Puc 2605 RATEPAYER REBATES

Puc 2605.01 Allowance Sales in Excess of Threshold Prices

(a) Notwithstanding Puc 2604 above, pursuant to RSA 125-O:23, IV the commission shall order and provide for the rebate to all electric ratepayers on a uniform per kilowatt hour basis all auction proceeds that exceed threshold prices for any allowance sale made prior to January 1, 2016.

(b) For purposes of this section, “threshold prices” means the prices listed below for any allowance sale made prior to January 1, 2016 that are deposited in the fund:

- (1) 2009, \$6 per ton;
- (2) 2010, \$8 per ton;
- (3) 2011 and 2012, \$9 per ton;
- (4) 2013 and 2014, \$12 per ton; and
- (5) 2015, \$15 per ton.

Puc 2605.02. Unencumbered Funds. If the commission finds that there is a significant amount of unencumbered dollars in the greenhouse gas emissions reduction fund that are not needed for program or administrative purposes, the commission shall order and provide for the rebate of such unencumbered dollars on a uniform per kWh basis to electric ratepayers.

Puc 2605.03 Rebate to Electric Ratepayers. The commission shall order and provide for the rebate of any monies eligible for rebate under this part in a timely manner to be set forth by commission order.

Appendix

(a) A cross reference of the specific sections of state and federal statutes which Puc 2600 is intended to implement is set forth as follows:

Puc 2601.01	RSA 125-O:8, II; RSA 125-O:23
Puc 2601.02	RSA 125-O:8, II; RSA 125-O:23, II
Puc 2602.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:21, II
Puc 2602.02	RSA 125-O:8, II; RSA 125-O:23; RSA 155-D:2, II
Puc 2602.03	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.04	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.05	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.06	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:2, IV
Puc 2602.07	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.08	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.09	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.10	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.11	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.12	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.13	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.14	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.15	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:20, XII
Puc 2602.16	RSA 125-O:8, II; RSA 125-O:23
Puc 2602.17	RSA 125-O:8, II; RSA 125-O:23
Puc 2603.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, III
Puc 2604.01	RSA 125-O:8, II; RSA 125-O:23
Puc 2604.02	RSA 125-O:8, II; RSA 125-O:23
Puc 2604.03	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, VII
Puc 2605.01	RSA 125-O:8, II; RSA 125-O:23; RSA 125-O:23, IV
Puc 2605.02	RSA 125-O:8, II; RSA 125-O:23, V
Puc 2605.03	RSA 125-O:8, II; RSA 125-O:23; IV