

**THE 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 Granting Motion for Adoption  
of an Interim Alternative Net Metering Tariff**

**O R D E R   N O. 25,972**

**December 21, 2016**

In this Order, the Commission grants the motion filed by Commission Staff and approves an initial alternative net metering tariff to be effective for an interim period from March 2, 2017, until a further order in this proceeding following the development of a more thorough record. The parties will be expected to continue their work with the intention of completing the record so that a further order may be issued in June 2017.

On November 23, 2016, Commission Staff (Staff) filed a Motion for Adoption of an Interim Alternative Net Metering Tariff (Motion). The Motion was assented to by a majority of the parties in the proceeding, according to Staff, and no party has objected to the Motion. The Motion noted the large number of testimony filings made by parties representing a diverse range of stakeholder interests, as well as the extensive discovery that has been conducted by many parties. The Motion described the parties' general consensus that an extension to the procedural schedule in this proceeding would facilitate the completion of discovery, submission of detailed rebuttal testimony, evaluation of potential settlement options, and preparation for hearings on the merits. The additional time would enable the parties and Staff to develop a more extensive and detailed record upon which the Commission may base its final decision in this proceeding.

Adoption of an interim alternative net metering tariff (Interim Alternative Tariff) would facilitate the necessary procedural schedule extension, while permitting the Commission to meet the statutory deadline under RSA 362-A:9, XVII to adopt an alternative tariff by March 2, 2017. The Interim Alternative Tariff would be designed to effectively preserve the net metering program currently in effect under RSA 362-A:9 and the Commission's net metering rules, N.H. Code Admin. Rules Puc 900, during a short-term interim period.

In particular, the Motion requested that the Commission adopt and approve an Interim Alternative Tariff containing the following elements:

1. It would be in effect on an interim basis beginning on March 2, 2017, and ending when a subsequent order is issued that adopts and approves a successor alternative net metering tariff or tariffs, which may include other regulatory mechanisms and tariffs for customer-generators (the Interim Period);
2. It would continue the same terms and conditions of the existing standard tariffs, consistent with RSA 362-A:9 and the Puc 900 rules, subject to the further provisions described in paragraphs 3 and 4 below;
3. It would provide that any eligible customer-generator whose qualifying project falls under the interconnecting utility's allocated share of the 100 megawatt cap set forth in RSA 362-A:9, I, and receives a net metering capacity allocation from the interconnecting utility during the Interim Period, would be subject to the terms and conditions of the Interim Alternative Tariff until December 31, 2040, notwithstanding any subsequent revision, modification, adoption, approval, revocation, or repeal of any applicable net metering tariff or other alternative regulatory mechanism applicable to eligible customer-generators; and
4. It would provide that, if any utility reaches the applicable cap for net metering as set forth in RSA 362-A:9, I prior to or during the Interim Period, eligible customer-generators whose projects are above that cap would be able to continue to interconnect during the Interim Period subject to the Interim Alternative Tariff, except that such customer-generators would transition to a new or modified alternative net metering tariff once it is approved or adopted for the utility.

The Motion further requested that the record in this proceeding be held open pursuant to any such revised procedural schedule as may be approved by the Commission, and that the Commission defer final consideration of the factors specified in RSA 362-A:9, XVI until the

record in this proceeding has been closed; provided, however, that Commission consideration of “timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism” may include lost revenue resulting from application of the Interim Alternative Tariff to the eligible customer-generators described in paragraphs 3 and 4 above.

Staff requested that the Commission grant the Motion and adopt and approve the Interim Alternative Tariff as requested in the Motion without further notice or hearing, provided that no objection to the Motion was timely filed.

We have reviewed the representations and requests made in the Motion and noted the broad consensus in support of the Motion and the absence of any filed objections. We do not believe it is necessary to conduct a hearing prior to acting on the Motion. We are persuaded that the procedural schedule should be extended to enable the parties and Staff to develop a more extensive and detailed record upon which the final decision in this proceeding may be based. We understand that the primary purpose of the proposed Interim Alternative Tariff is to preserve the status quo net metering program as currently in effect until this proceeding is completed and an order is issued that adopts and approves a successor alternative net metering tariff to be in effect for a longer time period.

Under RSA 362-A:9, XVII, the Commission is authorized and directed to “issue an order initially approving or adopting such alternative [net metering] tariffs, which may be subject to change or adjustment from time to time, within 10 months of the effective date of this paragraph.” That statutory paragraph became effective on May 2, 2016, so the specified 10-month period expires on March 2, 2017. Adoption of the Interim Alternative Tariff enables the Commission to meet that statutory deadline, while extending the procedural schedule and effectively continuing the current net metering program until a final subsequent order is issued.

Those are all beneficial results and we find it is within our authority under the amended net metering statute to approve the proposed Interim Alternative Tariff. We anticipate that the revised procedural schedule will result in the issuance of an order adopting a more thoroughly crafted, longer-term, alternative net metering tariff, than can be accomplished by March 2, 2017. We expect that the parties will continue their work with the intention of completing the record so that a further order may be issued in June 2017.

We further find that the record in this proceeding should be held open, pursuant to such revised procedural schedule as we may approve, and that final consideration of the factors specified in RSA 362-A:9, XVI should be deferred until the record is complete. With respect to final determination based on the statutory factors, our consideration of “timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism” may include lost revenue resulting from application of the Interim Alternative Tariff to the eligible customer-generators described in paragraphs 3 and 4 above.

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

**ORDERED**, that Commission Staff's Motion for Adoption of an Interim Alternative Net Metering Tariff is GRANTED; and it is

**FURTHER ORDERED**, that an Interim Alternative Net Metering Tariff as described in Staff's Motion is adopted for Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty Utilities, Public Service Company of New Hampshire, d/b/a Eversource Energy, and Utilil Energy Systems, Inc.; and it is

**FURTHER ORDERED**, that each of Liberty Utilities (Granite State Electric) Corp., d/b/a Liberty Utilities, Public Service Company of New Hampshire, d/b/a Eversource Energy,

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and Utilil Energy Systems, Inc., shall file, pursuant to Part Puc 1603, revised tariff pages conforming to this order within 30 days following the date of this order.

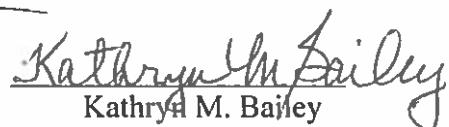
By order of the Public Utilities Commission of New Hampshire this twenty-first day of December, 2016.



Martin P. Honigberg  
Chairman

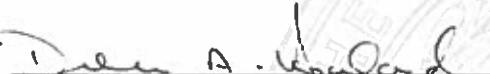


Robert R. Scott  
Commissioner



Kathryn M. Bailey  
Commissioner

Attested by:



Debra A. Howland  
Executive Director

