DRM 10-216

MAR 10 2011

APPENDIX II-C

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RULEMAKING NOTICE FORM

Notice Number 2011-35 Rule Number **Puc 900**

1. Agency Name & Address: **Public Utilities Commission** **21 South Fruit Street** **Suite 10** **Concord, NH 03301**	2. RSA Authority: **RSA 362-A:9 X & RSA 365:8, XII** 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment **X**

5. Short Title: **Puc 900 – Net Metering for Customer-Owned Renewable Energy Generation Resources of 1000 Kilowatts or Less**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Specifically, the proposed rule sets forth definitions of terms, general rules, rights and obligations, statutory and other requirements, requirements relating to the interconnection application process, technical requirements for interconnection, description of separate compliance paths for units using inverters or meters to interface with the electrical grid and procedural requirements for all interconnected units.

Net energy metering is a way to provide a reasonable opportunity for small customers to choose interconnected self generation, to encourage private investment in renewable energy resources, to stimulate in-state commercialization of innovative and beneficial new technology, to enhance the future diversification of the state's energy resource mix, and reduce interconnection and administrative costs.

The amendments to Puc 900 implement the 2010 amendment to RSA 362-A which increased the size of eligible facilities up to 1000kW. The 2010 amendment also provided alternative payment options for customers and provided alternative for customers where production from a customer facility exceeded the power consumed by the customer.

6. (b) Brief description of the groups affected: **Any person or entity which seeks to interconnect to the electric grid with a renewable energy generation resource of 1000 kilowatts or less in capacity. Additionally affected are electric utilities which distribute electric power within the State of New Hampshire and electric suppliers within the state as defined in the rule.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statue (RSA)
Puc 900 (other specific statute provisions implemented by specific rules are listed below)	RSA 362-A: 9,X
Puc 901	RSA 362-A:1
Puc 902.01	RSA 362-A:1-a
Puc 902.05	RSA 374-F:2, II
Puc 902.09	RSA 362-A:1-a, III-a
Puc 903	RSA 362-A:9
Puc 903.01(c)	RSA 362-A:9, III
Puc 903.01(n)	RSA 362-A:9, XIII
Puc 903.02(e)	RSA 374-F:7
Puc 904.01 (a)(1)	RSA 362-A:9,I
Puc 904.02	RSA 362-F:4, I (a) through (f), RSA 541-A:16,I(b)
Puc 908.03	RSA 365:8,I
Puc 908.05	RSA 541-A:30,II
Puc 908.06	RSA 374:15
Puc 908.07	RSA 362-A:9, I

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Suzanne Amidon**
Address: **21 South Fruit Street**
Suite 10
Concord, NH 03301

Title: **Staff Attorney**
Phone #: **603-271-6616**
Fax#: **603-271-3878**
E-mail: **suzanne.amidon@puc.nh.gov**
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **April 29, 2011**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for: **April 19, 2011**

Date and Time: **2:00 p.m.**
Public Utilities Commission
Place: **21 South Fruit Street, Suite 10**
Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 11:031 dated 03/07/11

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: **The proposed rules do not modify an existing program or responsibility, and do not apply to any political subdivision and therefore do not violate Part I, Article 28-a.**

LBAO
FIS 11:031
03/07/11

Fiscal Impact Statement for Public Utilities Commission rules governing Net Metering For Customer-Owned Renewable Energy Generation Resources of 1000 Kilowatt Or Less. [Puc 900]

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
   There is no difference in cost when comparing the proposed rules to the existing rules.

2. **Cite the Federal mandate. Identify the impact on state funds:**
   No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**
   There are no additional costs or benefits attributable to the proposed rules.

   A. **To State general or State special funds:**
      None.

   B. **To State citizens and political subdivisions:**
      None.

   C. **To independently owned businesses:**
      None.

Readopt with amendment Puc 900, effective 7-18-09 (Document #9515) 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.

Edit. in (a): Say "Puc 904 through Puc 908 shall be applicable." In (c), say "Puc 900" and not "these rules." Also, in (b), unclear what criteria and procedure govern tariff approval.

Puc 901.02 Applicability.

Edit. Insert "Puc."

(a) Puc 904, 905, 906, 907 and 908 are applicable only to small net-metering customers.

(b) Interconnection for large net-metering customers shall be governed by each utility's interconnection practices as set forth in a tariff filed with and approved by the commission and posted on the commission's website.

(c) With the exception of 903.02(t) and 905.07, and unless otherwise noted, these rules shall apply to rural electric cooperatives for which a certificate of deregulation is on file with the commission.

Edit. "namely" means verbatim RSA quote is intended, but it is not exact (see highlights) and is missing quotation marks. See RSA 362:1-a, II-b. After correction, insert quotes before "an electric" and after "requirements."

PART Puc 902 DEFINITIONS

Puc 902.01 "Customer-generator" means "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, namely an electric utility customer who owns and operates electrical generating facilities powered by renewable energy with a total peak generating capacity of not more than 100 kilowatts (kW), or that first began operation after July 1, 2010 and has a total peak generating capacity of 100kW or more up to one MW, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is ~~intended primarily~~ used in the first instance to offset ~~part or all of~~ the customer's own electricity requirements.

Puc 902.02 "Default service" shall include 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.

Puc 902.~~02~~03 "Distribution utility" means the company that owns and/or operates the distribution facilities delivering electricity to the customer-generator's premises.

Puc 902.~~03~~04 "Electric utility customer" as used in the definition of "customer-generator" means any retail~~sidential, commercial or industrial~~ ratepayer of a distribution utility.

Puc 902.~~04~~05 "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.~~05~~06 "Generation capacity" means, for inverter based units, the kilowatt rating of the inverter, and for other interconnections, the kilowatt rating of the generation unit.

Puc 902.~~06~~07 "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 902.08 "Large net-metering customer" or "large customer-generator" means a customer-generator defined under Puc 902.01 that first began operation after July 1, 2010 and has a total peak generating capacity greater than 100kW up to one MW.

Puc 902.~~07~~09 "Net energy metering" means "net energy metering" as defined in RSA 362-A:1, 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.~~08~~10 "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 902.11 "Small net-metering customer" or "small customer-generator" means a customer-generator as defined by Puc 902.01 with a total peak generating capacity of not more than 100kW.

Puc 902.~~09~~12 "Witness test" means the process used by the electric utility following the interconnection of a customer-generator's generation facility to determine whether the interconnection affects the safety, reliability or power quality of the distribution system.

PART Puc 903 CONDITIONS TO INTERCONNECTION

Unclear. Unless this is repeating a statute, do not use 2 terms in Puc 900 to mean the same thing. See §3.7 of Ch. 4 of *Manual*. Also, **Edit.**: If Puc 902.01 is corrected, insert "kilowatts" and "megawatt" here due to first use of acronyms.

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 generating 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, III and Puc 903.02(i).

(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; ~~and~~

(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 generating and interconnection facility~~.~~; and

(3) Interconnection requirements of the distribution utility as set forth in each utility's 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 generating and interconnection facility and to inspect such facility prior to the commencement of operation.

(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 generating or interconnection facility's safety, durability or reliability.

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

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

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

(m) A customer-generator shall operate and maintain its generating and interconnection facility in a manner that is as safe, dependable and efficient as practicable.

(n) Customer-generators shall be responsible for all costs associated with the physical interconnection with the distribution system, as provided under RSA 362-A:9, XIII, including improvements or upgrades necessary to support the interconnection where such costs are detailed in the interconnection requirements of the distribution utility as set forth in the applicable tariff on file with the commission.

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 until such time as the total rated generating capacity owned and operated by customer-generators totals ~~1.0 percent of the annual peak energy demand distributed by each such distribution utility as determined by the commission from time to time, pursuant to RSA 362-A:9.~~a number equal to 50 MWs multiplied by the utility's percentage share of the total 2010 annual coincident peak energy demand for New Hampshire.

(c) ~~Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions, pursuant to RSA 362-A:9.~~ Metering shall be done in accordance with normal metering practices as follows:

Edit. Say "subparagraphs (a)(3) and (4)".

(1) Small customer-generators shall have a single meter capable of recording the customer's net engery usage and that measures both the customer's use from the distribution utility and the production from the customer's generation facility, except as provided for in paragraphs (3) and (4) below. Small customer-generators shall not be required to pay for the installation of this meter;

(2) Large customer-generators shall have a bi-directional metering system that records the total amount of electricity that the customer takes from the distribution utility and the production from the customer's generation facility. Such meter shall record measurements instantaneously or over intervals of an hour or less. Large customer-generators shall pay for the installation of the bi-directional meter;

Edit. Say "(a)(3) or (4)". But "(a)(3) and (4)" seems more correct, as used in (a)(1).

(3) ~~(d) Notwithstanding (c) above,~~ A distribution utility may install an additional meter or meters to monitor the flow of electricity in each direction ~~may be installed,~~ for a small customer-generator, 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) ~~(e) 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, a second meter measuring the flow of electricity from the facility may be ~~installed~~ at the customer-generator's expense.; and

(5) ~~(f)~~ If an additional meter or meters are installed, as described in (3) or (4) above, the net energy metering calculation shall yield the same result as when a single meter is used, pursuant to RSA 362-A:9.

~~(a) (g) The net energy metering calculation shall be made by taking the difference between the electricity supplied over the electric distribution system and the electricity generated by the customer-generator and fed back into the electric distribution system over the billing period, pursuant to RSA 362-A:9.~~

~~(b) (h) Each electric distribution utility shall, pursuant to RSA 362-A:9, offer net energy metering to each customer-generator on terms which shall be identical, with respect to rates, rate structure, and periodic charges, to the contract or tariff to which the same customer-generator would be assigned if such customer-generator was not a customer-generator.~~

(d) A customer-generator shall be billed for electricity under the same rate schedule that such customer-generator would be billed if they had no generation.

Edit. Use "he or she" or "the customer-generator."

Edit. Replace comma with period.

(~~i~~e) Competitive ~~E~~electricity suppliers registered under RSA 374-F:7 may voluntarily determine the terms, conditions, and prices under which they will agree to provide generation supply to and purchase net generation output from customer-generators~~;~~ ~~however, electricity suppliers who provide default energy service to such a customer generator shall only bill for the net energy supplied as calculated in accordance with (h) above, pursuant to RSA 362-A:9~~.

Unclear. Do you mean "measured in kilowatt-hours"?

(~~j~~f) Pursuant to RSA 362-A:9, the following shall apply to net energy measurement for small customer-generators billed on a rate schedule that is not time based:

Edit. Insert "kilowatt-hours", and place acronym in parentheses, as this is the first use of "kWh".

(1) The net energy produced or consumed on a monthly basis shall be measured in accordance ~~with normal metering practices~~;

(2) ~~-~~Charges that are not based on kWh, including the customer charge and demand (kW) based charges, shall be billed in accordance with the applicable rate schedule;

(~~2~~3) Where the electricity supplied to the customer-generator over the electric distribution system exceeds the electricity ~~generated~~ supplied to the distribution system by the customer-generator during the billing period, the customer-generator shall be billed based on the net energy supplied for distribution services and other charges in accordance with this section and standard applicable rates; and

Edit. "shall be".

(4) Where the customer-generator's net energy usage is negative in that more electricity is fed into the distribution system than is consumed by the customer;

Unclear to say "shall use zero". This calculation appears contrary to the existing provision of this rule, Puc 903(j)(2), effective 7/18/09, where billing is based on net energy supplied.

a. The surplus electricity fed into the distribution system will be calculated by subtracting the kWh supplied over the electric distribution system from the kWh fed back into the distribution period for the billing period; and

b. The distribution utility shall use zero kWh when calculating all charges that are based on kWh usage.

(~~3~~5) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid in any billing period, the customer-generator shall be:

a. C~~c~~redited over subsequent billing periods for the excess ~~kilowatt-hours generated in accordance with this section.~~kWh generated; or

b. If the excess production exceeds 600 kWh, 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 in (h) below.

(g) Pursuant to RSA 362-A:9, the following shall apply to net energy measurements for large customer-generators:

(1) The net energy produced or consumed on a monthly basis shall be measured in accordance with normal metering practices;

(2) All charges that are not based on kWh will be billed in accordance with the applicable rate schedule;

Unclear if this is intended. When the customer-generator uses more electricity than the customer-generator supplies to the distribution system, why should the customer be billed all applicable charges rather than net charges after deducting the economic value of the energy supplied?

(3) Where the electricity supplied to the customer-generator over the electric distribution system exceeds the electricity supplied to the distribution system by the customer-generator during the billing period, the customer-generator shall be billed all applicable charges on all kilowatt hours supplied for distribution services and other charges in accordance with this section and standard applicable rates; and

(4) Where the customer-generator's net energy usage is negative in that more electricity is fed into the distribution system than is consumed by the customer;

Edit. "shall be".

See the clarity comment to Puc 903.02(f)(4) on p. 5.

a. The electricity fed into the distribution system will be calculated by subtracting the kWh supplied over the electric distribution system from the kWh fed back into the distribution period for the billing period; and

b. The distribution utility shall use zero kWh when calculating all charges that are based on kWh usage.

(5) Where the electricity generated by the customer-generator exceeds the electricity supplied by the electric grid in any billing period, the customer-generator shall be:

a. Credited over subsequent billing periods for the excess kWh generated; or

b. 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 billing-cycle surplus as calculated in (m) below.

(h) Following the May billing cycle on an annual basis, each distribution utility will provide notice to small customer-generators that have accumulated a surplus in excess of 600 kWh and all large customer-generators that experience at least one billing cycle with surplus kWh with written notice that provides:

(1) The number of accumulated kWh; and

Edit. Change to "shall."

(2) A statement that the customer-generator will continue to accumulate any net surplus unless they elect 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.

(i) Unless an electric distribution utility elects otherwise as provided in paragraph (j) below, the economic value of the surplus will be calculated by using the utility's avoided costs for energy and capacity as determined periodically by the commission in each utility's default service filing, or in the case of rural electric cooperatives for which a certificate of deregulation is on file with the commission, special filings to determine their avoided costs for energy and capacity.

(j) Annually, by written notice to the Commission on or after May 1 of each year, each electric distribution utility may elect to purchase or value surplus generation at a rate that is equal to the generation supply component of the applicable default service rate, provided that payment is issued to 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.

(k) Upon exit from the net energy metering system, there shall be no payment or credit to a customer-generator for any remaining excess generation.

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

(m) The commission shall consider any request for a waiver, whether filed pursuant to (l) above or otherwise, pursuant to Puc 201.05, titled waiver of rules.

(n) 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. 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.

Unclear what criteria govern this determination.

(o) The commission may by order, after notice and hearing, establish on a utility-specific or generic basis a methodology by which customer-generators may be provided service under time-based net energy metering tariffs.

(p) 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.

Incorrect use of "may." Under what circumstances shall the PUC establish this methodology?

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 customer-generator's distribution utility informally review the proposed project and provide information on:

(1) Whether the customer-generator's distribution utility is under the cap established by RSA 362-A:9,I;

(2) Whether the customer-generator's generation facility and electric grid interface unit, in the opinion of the distribution utility, is likely to comply with the requirements of Puc 900; and

(3) 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 elaborate review of the 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; or Edit. Delete.

(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 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;

(2) Generating facility information, including:

a. The generator type, whether solar, wind, hydro or other renewable source as listed in RSA 362-F:4, I, (a) through (f);

b. The generator manufacturer, model name and 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 number;

f. Whether a battery backup will be used or not; and

g. Whether an exterior manual disconnect switch for utility use shall be installed, if the generation output of the unit is less than or equal to 10 kilowatts in size; and

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

a. Whether the generator shall be owner installed;

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 system hardware is in compliance with Puc 900;

g. Certification, if applicable, that the system 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. Responses to the questions posed in 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, tested or is not yet otherwise in compliance;

(2) Fulfill any unmet requirements prior to interconnecting; and

(3) Upon completion of 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 (d) above are met.

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

(1) When the application is filed in person, immediately; or

(2) When 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 what information is necessary to complete the 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 the approval of the filing.

(h) A sample interconnection application form is set forth in appendix II to Puc 900.

Unclear. This is not written as a rule. Also, the sample does not seem to contain all of the required info. in Puc 904.02(c).

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 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. The making of 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 to the electric grid

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 set forth 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 whom he or she 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 set forth in (b) above.

(h) The provisions of the indemnity agreement described in this section shall not be construed to relieve any insurer of its obligations 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 as beginning 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 what information is missing.

(c) The distribution utility shall verify that the customer-generator's facility equipment passes 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 generation 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 the customer-generator a description of work and an estimate of the cost for approval.

(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 the signatures pursuant to (c) and (d) above, the customer-generator shall provide the distribution utility with a copy of the certificates of completion.

(f) Following receipt of the certificate(s) of completion, the distribution utility may inspect the customer-generator's facility for compliance with 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 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 will attempt to conduct it within 10 business days of the receipt of the certificate of completion.

(i) All projects larger than 10 kW 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 is appropriately installed and 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 inform the customer-generator in writing what actions are required to mitigate the safety, reliability or power quality issues along approval of the facility interconnection.

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

(m) As to a generating facility up to 25 kW that does not interface with the electric grid 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 system 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 the customer-generator specific written reasons for objecting to interconnection.

(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 75 day review period for non-inverter based systems 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 length; 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 the distribution utility information necessary to assess the potential impact of the system on safety, reliability or power quality of the electric grid;

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 of any required information not included in the customer-generator's interconnection application filing, but not later than 30 days following filing of an application that the customer-generator indicates 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 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 unit; and

(2) Upon request, demonstrate to the distribution utility the operation of the unit.

(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 system 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, unless as otherwise provided.

(v) Nothing in (u) above shall prohibit a party from petitioning the commission, pursuant to Puc 201.05, as to any net energy metered facility, to require additional interconnection requirements, performance of or payment for additional tests, or payment of additional interconnection-related charges.

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

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

(y) For facilities larger than 25 kW, 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 System.

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

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

Edit. As a single paragraph in a section, the letter "(a)" could be deleted.

(1) The generation capacity is increased or its source is changed;

(2) Any key component of the system, such as the inverter, is replaced or upgraded; or

(3) The relays for a non-inverter system, are replaced, rewired or upgraded.

Puc 904.07 Insurance.

(a) The customer-generator shall not be required by the distribution utility or 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 FOR FACILITIES

Puc 905.01 Requirements for Disconnect Switches.

Edit. "3-phase"

(a) No facility which connects to the electric grid by means of a single-phase or three-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 grid a customer-generator who 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 disrupting generation or service, as an alternative to having his or her service disconnected, and upon agreement of the distribution utility, the customer-generator or their 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 grid 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 system, as described in (c) above, and the customer-generator does not meet at the scheduled time, the distribution utility may disconnect the service as provided in (b) 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 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 their distribution utility, on or near their service meter location.

Edit. "gang-operated"

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 its 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 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 at a location on the property of the customer-generator 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 must 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 Generation 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 generators 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 generators 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 generators connected to 4-wire multi-grounded distribution systems, the step-up transformer may be an existing grounded-wye to grounded-wye transformer. "Wye" as used in this section, 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 the paragraph 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 generation system site shall be impedance grounded, as described in (f) above, if necessary, in a manner adequate to assure that the unit does not:

Edit. "paragraph"

(1) Significantly degrade the power quality or voltage regulation on the distribution system;

(9) Create significant safety problems; or

(10) 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 where 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 generation facility and before final approval and interconnection to the electric grid, the customer-generator shall, in addition to the certifications required in connection with the

interconnection application, conduct a load-break test on the generator, 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 generation unit 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 its distribution utility.

(d) The customer-generator shall provide an initial test on a non-inverter interfaced system, 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 system function as designed; and

(4) The anti-islanding function of the unit works properly.

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

(1) Utilizes test equipment:

a. Necessary to adequately test the key components of the system;

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 generator; and

(3) Maintains any professional accreditation or certification necessary for the testing of this nature.

(f) The individual conducting the testing of a non-inverter based system required by this section shall, upon request, provide the distribution utility information on 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) As to a generator facility which interfaces with the electric grid by an inverter, the customer-generator shall, if requested to do so by its distribution utility, conduct a load-break test, as described in Puc 905.04(b), once per year after installation.

(b) As to a generator that interfaces with the electric grid by a non-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 generation unit, which shall include the testing prescribed by the unit 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 kW; or

b. Once every 4 years for facilities rated 25 kW 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 entity 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 the 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 generation unit 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 deem the threshold of concern for aggregate distributed generation as reached if:

(1) The lower of 7.5% of the peak feeder demand as measured at the substation or 20% of the peak feeder demand downstream of the point of interconnection is reached;

(2) More than one net metered unit 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 deem the threshold of concern for aggregate distributed generation as reached if it determines that the addition of the proposed generation unit poses a reasonable threat to the continued safety, reliability or power quality to any significant portion of the electric grid.

(d) The distribution utility shall absorb the cost within its rate base for any studies or analyses which it deems necessary to evaluate a proposed net energy metered system and/or the electric grid relative to such a system.

Puc 905.07 Payment for Upgrades or Improvements to the Electric Grid.

If an upgrade or an improvement to the electric grid up to the customer-generator's meter is necessary for the distribution utility to interconnect to the customer-generator's net energy metered system, the expense shall be borne according to the utility's approved tariff on file with the commission.

Edit. "3-phase"

PART Puc 906 COMPLIANCE PATH FOR INVERTER UNITS

Puc 906.01 Inverter Requirements.

(a) A net energy metered project which connects to the electric grid by means of a single-phase or three-phase inverter shall be deemed to be compliant with the technical specifications for the generation unit itself, as established by Puc 900, if the unit complies with the minimum requirements set forth in the following national standards:

(1) The "IEEE Recommended Practice for Utility Interconnections ANSI/IEEE STD 1547" issued by the Institute of Electrical and Electronic Engineers, Inc., New York, NY, July, 2003; and

(2) The "UL 1741, 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, May, 2007.

(b) A net metered system shall be installed in accordance with the National Electrical Code, 2008, issued by the National Fire Protection Association, Quincy, Massachusetts;

PART Puc 907 COMPLIANCE PATH FOR GENERATION UNITS NOT USING AN INVERTER

Puc 907.01 Interconnection Requirements.

(a) Except as provided in (b) below, any net energy metered generation system which interfaces with the electric grid by means of other than an inverter shall:

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

a. The system shall not compromise the safety of the distribution utility personnel, the customer-generator or other customers on the electric grid;

When filing the Final Proposal, you will need Incorp. by Reference Statements for these documents.

b. The system 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;

Edit. "devices;"

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 kW shall certify that they are in compliance with IEEE Standard 1547 for harmonics;

(2) Interface with the electric distribution system according to the following requirements:

a. The system shall synchronize with the primary voltage level on the distribution grid;

b. The transformer winding connection to be used at the primary voltage interconnecting point shall be adequate to coordinate with the distribution grid;

c. The generation facility shall synchronize with the electric grid; 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) As to relays, use utility grade relays.

(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) When seeking to interconnect with the distribution utility, the applicant shall provide 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 energy metering system showing how the system protection shall be wired.

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

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

(1) The testing shall be conducted by a individual qualified for testing as described in Puc 905.04(e) and (f); and

(2) The customer-generator shall provide 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 electric distribution utility cannot agree to the interconnection requirements, they shall file with the commission for review and determination.

(g) In determining interconnection requirements for a non-inverter system, 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 UNITS

Puc 908.01 Emergencies, Maintenance.

(a) The customer-generator shall, during the period it operates as a customer-generator, provide the distribution utility a current telephone number(s).

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

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

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

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

(1) Create an islanding situation on the grid; or

(2) Energize a de-energized utility circuit for any reason.

Puc 908.02 Procedures for Disconnection.

(a) When an emergency condition, 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 energy metered system 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 generation 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 system, maintenance of its protective devices;

(2) The customer-generator's generation facility:

a. Impedes the normal use of distribution utility equipment or equipment belonging to other distribution utility customers in a negative manner; or

b. Impedes the normal quality of service of adjoining customers in a negative manner; or

(3) 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 system to compliance with Puc 900 and notifies the distribution utility of such compliance, the utility shall:

(1) Within 2 business days:

a. Provide written verification to the customer-generator of their compliance; or

b. Provide written notice to the customer-generator of the specifics of their continued non-compliance; 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 to the electric grid in coordination with the distribution utility, upon receipt of verification as provided in (d) above if the customer-generator, upon distribution utility request or otherwise, disconnected itself from the grid.

(f) If the distribution utility disconnects the customer-generator's net metering system for one of the emergency conditions referred to in (a) 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 system, then the distribution utility shall reconnect the system upon cessation of the emergency.

(h) Notwithstanding any special notification and re-connection requirements for customer-generators established by Puc 908, the distribution utility shall not be required to provide for special notification or re-connection for a customer-generator that differs from its usual and regular policies and protocol in a disconnection situation, if:

(1) The disconnection is not for reasons associated with the net metered system; 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 system, 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 system by a distribution utility shall follow the same process as emergency disconnections of such systems, except that the utility shall:

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

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

(l) If the net metered system 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 the metering system of a customer-generator, 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, it shall hold a hearing on the matter within 30 days and rule on whether the net metering system has violated a condition necessary for it to operate.

(o) In any hearing as referred to in (m) above, the disconnecting utility shall carry 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 energy metered generation 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 System.

(a) The distribution utility may inspect the net energy metered system 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 notice to the customer-generator to enter the customer-generator's property to inspect the net metered system, install additional controls or meters or conduct additional tests.

(c) A customer-generator shall not withhold allowing 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 200 shall be applicable to filing and resolution of any complaint and investigation arising out of Puc 900.

(b) Any party 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 on net energy metering, the distribution utility shall provide a copy of Puc 900 to the customer 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 stating a brief description of the availability of net energy metering of one paragraph or more in length.

(c) The distribution utility shall provide the information described in (b) above at annual intervals.

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 energy metered system, or take such other action consistent with the above that it deems provident if it finds good cause.

(b) Good cause, as referred to 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 system 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 their filing for approval to operate; or

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

(c) In determining the consequences of 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 infraction, the more severe the consequence;

(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 circumstance which would tend to lessen fault; and

(3) Prior violations of Puc 900.

Puc 908.07 Utilities shall Report Number and Size of Net Energy Metered Units.

(a) Each distribution utility shall:

(1) Track the number and size of net energy metered systems on their lines;

(2) Report to the commission annually by April 1 of each year for the prior year, the following as regards net energy metered units:

a. The number of units operating;

b. The generation output rating of the units in kilowatts; and

c. The total capacity of units' generation output operating on the utility's distribution system relative to the 1.0% of annual peak energy demand limitation mandated by RSA 362-A:9,I; and

(3) Notify the commission within 10 business days when the distribution utility has reached the 1.0% of its annual peak energy demand limit mandated by RSA 362-A:9,I.

Puc 908.08 Existing Systems Grandfathered.

(a) Net energy metering systems 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 systems referred to in (a) above shall comply with the procedural requirements for interconnected units contained in Puc 908.

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

(d) The distribution utility or electricity supplier may request and the customer-generator shall provide, as to any system 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 such information as it may change.

(e) A generation system 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.

(a) Unless otherwise specified, Puc 900 shall not supersede any other rule of the commission but, supplement such rules.

Puc 908.10 Transferability.

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

(1) Any changed information provided in connection with the interconnection application described in Puc 904.02; and

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

(b) The distribution utility shall not deny a new owner acquiring a currently duly registered net energy metering facility, which otherwise complies with the requirements of Puc 900, the right to register, as long as 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 in Puc 904.02.

(d) Transfers of a net metered facility as described in the section shall not be construed as exiting from the system and Puc 902.03(j) shall not apply to any such transfer.

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

Unclear. See comment to Puc 904.02(h) on p. 10. Also, if this form and the form on p. 31 are sample forms for customer-generators, as noted in Puc 904.02(h), they should be labeled as such and given Appendix numbers. Otherwise, they seem to be unnumbered rules.

Simplified Process Interconnection Application and Service Agreement

Contact Information: Date Prepared: _____

Legal Name and address of Interconnecting Customer (or, Company name, if appropriate)

Customer or Company Name (print): _____ Contact Person, if Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

Alternative Contact Information (e.g., electrical contractor or coordinating company, if appropriate):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone (Daytime): _____ (Evening): _____

Facsimile Number: _____ E-Mail Address: _____

Electrical Contractor Contact Information (if appropriate):

Name: _____ Telephone: _____

Mailing Address: _____

City: _____ State: ____ Zip Code: _____

License No. _____

Facility Information:

Address of Facility: _____

City: _____ State: _____ Zip Code: _____

License No. _____

Electric Utility Company: _____ Account Number: _____ Meter Number: _____

Competitive Electric Supplier (if not supplied by local electric utility) _____ Account No. _____

Inverter Manufacturer: _____ Model Name and Number: _____ Quantity: _____

Nameplate Rating: ___ (kW) ___ (kVA) ___ (AC Volts) Single____ or Three____ Phase

System Design Capacity: _____ (kVA) _____ (kVA)

Net Metering: If Renewably Fueled, will the account be Net Metered? Yes_____ No _____

Prime Mover: Photovoltaic ☐ Reciprocating Engine ☐ Fuel Cell ☐ Turbine ☐ Other_____

Energy Source: Solar ☐ Wind ☐ Hydro ☐ Diesel ☐ Natural Gas ☐ Fuel Oil ☐ Other _____

UL 1741.1 (IEEE 1547.1) Listed? Yes_____ No _____

Estimated Install Date: _____ Estimated In-Service Date: _____

Customer Signature

I hereby certify that, to the best of my knowledge, all of the information provided in this application is true and I agree to the Terms and Conditions on the following page:

Interconnecting Customer Signature: _____ Title: _____ Date: _____

Please attach any documentation provided by the inverter manufacturer describing the inverter's UL 1741 listing.

Approval to Install Facility (For Company use only)

Installation of the Facility is approved contingent upon the terms and conditions of this Agreement, and agreement to any system modifications, if required (Are system modifications required? Yes __ No __ To be Determined ___):

Company Signature: _____ Title: _____ Date: _____

Company waives inspection/Witness Test? Yes ____ No____

Application ID No.

Certificate of Completion for Simplified Process Interconnections

Installation Information: ☐ Check if owner-installed

Customer or Company Name (print): _____ Contact Person, if Company_____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____

Address of Facility (if different from above): _____
City: _____ State: _____ Zip Code: _____

Electrical Contractor's Name (if appropriate): _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Telephone (Daytime): _____ (Evening): _____
Facsimile Number: _____ E-Mail Address: _____
License number: _____

Date of approval to install Facility granted by the Company: _____

Application ID number: _____

Inspection:
The system has been installed and inspected in compliance with the local Building/Electrical Code of

_____
(City/County)

Signed (Local Electrical Wiring Inspector, or attach signed electrical inspection):

_____

Name (printed): _____
Date: _____
As a condition of interconnection you are required to send/fax a copy of this form to (insert Company's name below):

Name: _____
Company: _____
Mail 1: _____
Mail 2: _____
City, State ZIP: _____
Fax No.: _____

APPENDIX

Rule(s)	State Statue (RSA)	Federal Statute	Federal Regulation
Puc 900 (other specific statute provisions implemented by specific rules are listed below)	RSA 362-A: 9,X		
Puc 901	RSA 362-A:1		
Puc 902.01	RSA 362-A:1-a		
Puc 902.05	RSA 374-F:2, II		
Puc 902.09	RSA 362-A:1-a, III-a		
Puc 903	RSA 362-A:9		
Puc 903.01(c)	RSA 362-A:9, III		
Puc 903.01(n)	RSA 362-A:9, XIII		
Puc 903.02(e)	RSA 374-F:7		
Puc 904.01 (a)(1)	RSA 362-A:9,I		
Puc 904.02	RSA 362-F:4, I (a) through (f), RSA 541-A:16,I(b)		
Puc 908.03	RSA 365:8,I		
Puc 908.05	RSA 541-A:30,II		
Puc 908.06	RSA 374:15		
Puc 908.07	RSA 362-A:9, I		

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362-A
LIMITED ELECTRICAL ENERGY PRODUCERS ACT

Section 362-A:1

362-A:1 Declaration of Purpose. – It is found 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. It is also found 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. It is also found that these goals should be pursued in a competitive environment pursuant to the restructuring policy principles set forth in RSA 374-F:3. It is further found 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.

Source. 1978, 32:1. 1994, 362:2. 1998, 261:1, eff. Aug. 25, 1998. 2010, 143:1, eff. Aug. 13, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362-A
LIMITED ELECTRICAL ENERGY PRODUCERS ACT

Section 362-A:1-a

362-A:1-a Definitions. – In this chapter:

I. "Bio-oil" means a liquid renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-a. "Bio synthetic gas" means a gaseous renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-b. "Biodiesel" means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, and meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751.

I-c. "Cogeneration facility" means a facility which produces electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes.

II. "Commission" means the New Hampshire public utilities commission.

II-a. "Electricity suppliers" has the same meaning as in RSA 374-F:2, II.

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates electrical generating facilities powered by renewable energy with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to 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 in the first instance to offset the customer's own electricity requirements.

III. "Limited producer" or "limited electrical energy producer" means a qualifying small power producer or a qualifying cogenerator, with a total capacity of not more than 5 megawatts.

III-a. "Net energy metering" means 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.

IV. "Person" means any individual, partnership, association, corporation, governmental unit or agency or any combination thereof.

V. "Primary energy source" means the fuel or fuels used for the generation of electric energy, except that such term does not include the minimum amounts of fuel required for ignition, startup, testing, flame stabilization, or control uses or the minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages or emergencies directly affecting the public health, safety or welfare which would result from electric power outages.

VI. "Qualifying cogeneration facility" means a cogeneration facility which the commission determines meets such requirements, including requirements respecting minimum size, fuel use and fuel efficiency, as the commission may prescribe and which is owned by a person not primarily engaged in the generation or sale of electric power, other than electric power solely from cogeneration facilities or small power production facilities.

VII. "Qualifying cogenerator" means the owner or operator of a qualifying cogeneration facility.

VII-a. "Qualifying facility" means either or both of a qualifying small power production facility or qualifying cogeneration facility.

VIII. "Qualifying small power producer" means the owner or operator of a qualifying small power production facility.

IX. "Qualifying small power production facility" means a small power production facility which the commission determines meets such requirements, including requirements respecting fuel use, fuel efficiency and reliability, as the commission may prescribe and which is owned by a person not primarily engaged in the generation or sale of electric power, other than electric power solely from cogeneration facilities or small power production facilities.

X. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, bio-oil, bio synthetic gas, biodiesel, or any combination thereof and which has a power production capacity which, together with any other facility located at the same site, as determined by the commission, is not greater than 30 megawatts.

Source. 1983, 395:1. 1989, 211:1. 1998, 261:2-4. 2006, 294:1, 2. 2007, 174:1, eff. Aug. 17, 2007. 2010, 143:2, eff. Aug. 13, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362-A
LIMITED ELECTRICAL ENERGY PRODUCERS ACT

Section 362-A:9

362-A:9 Net Energy Metering. –

I. Standard tariffs providing for net energy metering shall be made available to eligible customer-generators by each electric distribution utility in conformance with net metering rules adopted and orders issued by the commission. Each net energy metering tariff shall be identical, with respect to rates, rate structure, and charges, to the tariff under which a customer-generator would otherwise take default generation supply service from the distribution utility. Such tariffs shall be available on a first-come, first-served basis within each electric utility service area under the jurisdiction of the commission until such time as the total rated generating capacity owned or operated by eligible customer-generators totals a number equal to 50 megawatts multiplied by each such utility's percentage share of the total 2010 annual coincident peak energy demand distributed by all such utilities as determined by the commission.

II. Competitive electricity suppliers registered under RSA 374-F:7 may determine the terms, conditions, and prices under which they agree to provide generation supply to and purchase net generation output from eligible customer-generators.

III. Metering shall be done in accordance with normal metering practices. A single net meter that shows the customer's net energy usage by measuring both the inflow and outflow of electricity internally shall be the extent of metering that is required at facilities with a total peak generating capacity of not more than 100 kilowatts. A bi-directional metering system that records the total amount of electricity that flows in each direction from the customer premises, either instantaneously or over intervals of an hour or less, shall be required at facilities with a total peak generating capacity of more than 100 kilowatts. Customer-generators shall not be required to pay for the installation of net meters, but shall pay for the installation of all bi-directional metering systems as outlined in utility interconnection tariffs or rules.

IV. (a) For facilities with a total peak generating capacity of not more than 100 kilowatts, when billing a customer-generator under a net energy metering tariff that is not time-based, the utility shall apply the customer's net energy usage when calculating all charges that are based on kilowatt hour usage. Customer net energy usage shall equal the kilowatt hours supplied to the customer over the electric distribution system minus the kilowatt hours generated by the customer-generator and fed into the electric distribution system over a billing period.

(b) For facilities with a total peak generating capacity of more than 100 kilowatts, the customer-generator shall pay all applicable charges on all kilowatt hours supplied to the customer over the electric distribution system, less a credit on default service charges equal to the metered energy generated by the customer-generator and fed into the electric distribution system over a billing period.

V. When a customer-generator's net energy usage is negative (more electricity is fed into the distribution system than is received) over a billing period, such surplus shall either:

(a) Be credited to the customer-generator's account on an equivalent basis for use in subsequent billing cycles as a credit against the customer's net energy usage or bill in a manner consistent with either subparagraph IV(a) or IV(b), as applicable; or

(b) Except as provided in paragraph VI, the customer-generator may elect to be paid or credited by the electric distribution utility for its excess generation at rates that are equal to the utility's avoided costs

for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA). The commission shall determine reasonable conditions for such an election, including the frequency of payment and how often a customer-generator may choose this option versus the option in subparagraph (a).

VI. Instead of the option in subparagraph V(b), an electric distribution utility providing default service to customer-generators may voluntarily elect, annually, on a generic basis, by notification to the commission, to purchase or credit such excess generation from customer-generators at a rate that is equal to the generation supply component of the applicable default service rate, provided that payment is issued at least as often as whenever the value of such credit, in excess of amounts owed by the customer-generator, is greater than $50.

VII. A distribution utility may perform an annual calculation to determine the net effect this section had on its default service and distribution revenues and expenses in the prior calendar year. The 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, shall be determined by the commission.

VIII. Notwithstanding other provisions of this section, the commission may establish, on a utility-specific or generic basis, a methodology by which customer-generators may be provided service under time-based, net energy metering tariffs. The methodology shall specify how a customer's energy usage and generation shall be metered, how net energy usage shall be calculated and any applicable charges applied, and how excess generation shall be credited, consistent with size limits and the terms and conditions and intent of this section and other requirements of state and federal law.

IX. Renewable energy credits shall remain the property of the customer-generator until such credits are sold or transferred. If an electric distribution utility acquires renewable energy credits from a customer-generator in conjunction with purchasing excess generation, it may apply such generation and credits to its renewable energy source default service option under RSA 374-F:3, V(f).

X. The commission shall adopt rules, pursuant to RSA 541-A, to:

(a) Establish reasonable interconnection requirements for safety, reliability, and power quality as it determines the public interest requires. Such rules shall not exceed applicable test standards of the American National Standards Institute (ANSI) or Underwriters Laboratory (UL); and

(b) Implement the provisions of this section.

XI. The commission may by order, after notice and hearing:

(a) Waive any of the limitations set forth in this chapter for targeted net energy metering arrangements that are part of a utility strategy to minimize distribution or other costs; and

(b) Implement any utility-specific provisions authorized under this section.

XII. Once the commission has established standards for equipment used by eligible customer-generators, electric distribution utilities shall not require any additional standards or testing for transmission equipment as a condition of net energy metering.

XIII. Customer-generators shall be responsible for all costs associated with interconnection with the distribution system.

Source. 1998, 261:10. 2000, 148:1, 2. 2007, 174:2-4, eff. Aug. 17, 2007. 2010, 143:3, eff. Aug. 13, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362-A
LIMITED ELECTRICAL ENERGY PRODUCERS ACT

Section 362-A:1-a

362-A:1-a Definitions. – In this chapter:

I. "Bio-oil" means a liquid renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-a. "Bio synthetic gas" means a gaseous renewable fuel derived from vegetable oils, animal fats, wood, straw, forestry byproducts, or agricultural byproducts using noncombustion thermal, chemical, or biological processes, including, but not limited to, distillation, gasification, hydrolysis, or pyrolysis, but not including anaerobic digestion, composting, or incineration.

I-b. "Biodiesel" means a renewable diesel fuel substitute that is composed of mono-alkyl esters of long chain fatty acids, is derived from vegetable oils or animal fats, and meets the requirements of the American Society for Testing and Materials (ASTM) specification D6751.

I-c. "Cogeneration facility" means a facility which produces electric energy and other forms of useful energy, such as steam or heat, which are used for industrial, commercial, heating, or cooling purposes.

II. "Commission" means the New Hampshire public utilities commission.

II-a. "Electricity suppliers" has the same meaning as in RSA 374-F:2, II.

II-b. "Eligible customer-generator" or "customer-generator" means an electric utility customer who owns or operates electrical generating facilities powered by renewable energy with a total peak generating capacity of not more than 100 kilowatts, or that first begins operation after July 1, 2010 and has a total peak generating capacity of 100 kilowatts or more up to 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 in the first instance to offset the customer's own electricity requirements.

III. "Limited producer" or "limited electrical energy producer" means a qualifying small power producer or a qualifying cogenerator, with a total capacity of not more than 5 megawatts.

III-a. "Net energy metering" means 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.

IV. "Person" means any individual, partnership, association, corporation, governmental unit or agency or any combination thereof.

V. "Primary energy source" means the fuel or fuels used for the generation of electric energy, except that such term does not include the minimum amounts of fuel required for ignition, startup, testing, flame stabilization, or control uses or the minimum amounts of fuel required to alleviate or prevent unanticipated equipment outages or emergencies directly affecting the public health, safety or welfare which would result from electric power outages.

VI. "Qualifying cogeneration facility" means a cogeneration facility which the commission determines meets such requirements, including requirements respecting minimum size, fuel use and fuel efficiency, as the commission may prescribe and which is owned by a person not primarily engaged in the generation or sale of electric power, other than electric power solely from cogeneration facilities or small power production facilities.

VII. "Qualifying cogenerator" means the owner or operator of a qualifying cogeneration facility.

VII-a. "Qualifying facility" means either or both of a qualifying small power production facility or qualifying cogeneration facility.

VIII. "Qualifying small power producer" means the owner or operator of a qualifying small power production facility.

IX. "Qualifying small power production facility" means a small power production facility which the commission determines meets such requirements, including requirements respecting fuel use, fuel efficiency and reliability, as the commission may prescribe and which is owned by a person not primarily engaged in the generation or sale of electric power, other than electric power solely from cogeneration facilities or small power production facilities.

X. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, bio-oil, bio synthetic gas, biodiesel, or any combination thereof and which has a power production capacity which, together with any other facility located at the same site, as determined by the commission, is not greater than 30 megawatts.

Source. 1983, 395:1. 1989, 211:1. 1998, 261:2-4. 2006, 294:1, 2. 2007, 174:1, eff. Aug. 17, 2007. 2010, 143:2, eff. Aug. 13, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 365
COMPLAINTS TO, AND PROCEEDINGS BEFORE, THE COMMISSION

Proceedings Before the Commission

Section 365:8

365:8 Rulemaking Authority. – The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The conduct of its hearings, including alternative processes in hearings and other forms of alternative dispute resolution.

II. Standards and procedures for streamlined review or other alternative processes to enhance the efficiency of the commission and respond to the needs of the utility's ratepayers and shareholders.

III. Standards and procedures for the creation, monitoring and evaluation of alternative forms of regulation.

IV. Standards and procedures for the handling of confidential information, in accordance with RSA 91-A.

V. Standards and procedures for filing requirements for tariffs, engineering, accounting, and other commission matters.

VI. Standards and procedures for franchise terms and conditions, including extended area telephone service.

VII. Standards and procedures for safe and reliable utility service and termination of service subject to RSA 363-B.

VIII. Standards and procedures for matters related to the proper administration of RSA 366 relative to utility relations with affiliates.

IX. Standards and procedures relative to a reasonable amount of the short-term notes, bonds or other evidences of indebtedness based upon the amount of the utility's respective plant investment which each utility shall not exceed without first obtaining the approval of the commission pursuant to RSA 369:7.

X. Standards and procedures for determination and recovery of rate case expenses.

XI. Standards and procedures for the conduct of investigations authorized under this title.

XII. Procedures necessary to provide for the proper administration of and to further the purposes of this title.

XIII. [Repealed.]

XIV. Standards and procedures for public utilities to request protection of routine filings that contain confidential commercial or financial information.

Source. 1911, 164:2. PL 238:9. RL 287:9. 1951, 203:11 par. 8. RSA 365:8. 1981, 220:4. 1994, 193:1. 2005, 102:1, eff. June 15, 2005. 2010, 206:2, eff. June 22, 2010; 336:3, eff. Oct. 18, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 362-F
ELECTRIC RENEWABLE PORTFOLIO STANDARD

Section 362-F:4

362-F:4 Electric Renewable Energy Classes. –

I. Class I (New) shall include the production of electricity from any of the following, provided the source began operation after January 1, 2006, except as noted below:

(a) Wind energy.

(b) Geothermal energy.

(c) Hydrogen derived from biomass fuels or methane gas.

(d) Ocean thermal, wave, current, or tidal energy.

(e) Methane gas.

(f) Eligible biomass technologies.

(g) The equivalent displacement of electricity, as determined by the commission, by end-use customers, from solar hot water heating systems used instead of electric hot water heating.

(h) Class II sources to the extent that they are not otherwise used to satisfy the minimum portfolio standards of other classes.

(i) The incremental new production of electricity in any year from an eligible biomass or methane source or any hydroelectric generating facility licensed or exempted by Federal Energy Regulatory Commission (FERC), regardless of gross nameplate capacity, over its historical generation baseline, provided the commission certifies demonstrable completion of capital investments attributable to the efficiency improvements, additions of capacity, or increased renewable energy output that are sufficient to, were intended to, and can be demonstrated to increase annual renewable electricity output. The determination of incremental production shall not be based on any operational changes at such facility but rather on capital investments in efficiency improvements or additions of capacity.

(j) The production of electricity from a class III or IV source that has begun operation as a new facility by demonstrating that 80 percent of its resulting tax basis of the source's plant and equipment, but not its property and intangible assets, is derived from capital investment directly related to restoring generation or increasing capacity including department permitting requirements for new plants. Such production shall not qualify for class III or IV certificates.

II. Class II (New Solar) shall include the production of electricity from solar technologies, provided the source began operation after January 1, 2006.

III. Class III (Existing Biomass/Methane) shall include the production of electricity from any of the following, provided the source began operation prior to January 1, 2006:

(a) Eligible biomass technologies having a gross nameplate capacity of 25 MWs or less.

(b) Methane gas.

IV. (a) Class IV (Existing Small Hydroelectric) shall include the production of electricity from hydroelectric energy, provided the facility began operation prior to January 1, 2006, has a total nameplate capacity of 5 MWs or less as measured by the sum of the nameplate capacities of all the generators at the facility, has actually installed both upstream and downstream diadromous fish passages and such installations have been approved by the Federal Energy Regulatory Commission, and when required, has documented applicable state water quality certification pursuant to section 401 of the Clean Water Act for hydroelectric projects.

(b)(1) Notwithstanding subparagraph (a), the commission shall re-certify as class IV renewable

energy sources the facilities named in commission order numbers 24,940 and 24,952. These facilities are:

(A) The Canaan, Gorham, Hooksett, and Jackman hydroelectric facilities owned by Public Service Company of New Hampshire, which had been previously certified by the commission on September 23, 2008; and

(B) The North Gorham and Bar Mills projects owned by FPL Energy Maine Hydro, LLC which had been previously certified by the commission on October 30, 2008.

(2) These facilities shall not qualify or be certified as class IV renewable energy sources after March 23, 2009, unless they meet the requirements of subparagraph (a). Such facilities shall be eligible for class IV renewable energy certificates for all electricity generated between the effective date of each facility's original certification by the commission through March 23, 2009. Such certificates shall have the same validity as any other class IV certificate issued under RSA 362-F, and may be sold, exchanged, banked, and utilized accordingly.

V. For good cause, and after notice and hearing, the commission may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

VI. After notice and hearing, the commission may modify the class III and IV renewable portfolio standards requirements under RSA 362-F:3 for calendar years beginning January 1, 2012 such that the requirements are equal to an amount between 85 percent and 95 percent of the reasonably expected potential annual output of available eligible sources after taking into account demand from similar programs in other states.

Source. 2007, 26:2, eff. July 10, 2007. 2009, 86:1, eff. June 10, 2009.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 374-F
ELECTRIC UTILITY RESTRUCTURING

Section 374-F:2

374-F:2 Definitions. – In this chapter:

I. "Commission" means the public utilities commission.

I-a. "Default service" means electricity supply that is available to retail customers who are otherwise without an electricity supplier and are ineligible for transition service.

II. "Electricity suppliers" means 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.

III. "FERC" means the Federal Energy Regulatory Commission.

IV. "Stranded costs" means costs, liabilities, and investments, such as uneconomic assets, that electric utilities would reasonably expect to recover if the existing regulatory structure with retail rates for the bundled provision of electric service continued and that will not be recovered as a result of restructured industry regulation that allows retail choice of electricity suppliers, unless a specific mechanism for such cost recovery is provided. Stranded costs may only include costs of:

(a) Existing commitments or obligations incurred prior to the effective date of this chapter;

(b) Renegotiated commitments approved by the commission; and

(c) New mandated commitments approved by the commission, including any specific expenditures authorized for stranded cost recovery pursuant to any commission-approved plan to implement electric utility restructuring in the territory previously serviced by Connecticut Valley Electric Company, Inc.

V. "Transition service" means electricity supply that is available to existing retail customers prior to each customer's first choice of a competitive electricity supplier and to others, as deemed appropriate by the commission.

Source. 1996, 129:2. 1998, 191:3, 4. 2003, 56:2, eff. July 20, 2003.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 374-F
ELECTRIC UTILITY RESTRUCTURING

Section 374-F:7

374-F:7 Competitive Electricity Supplier Requirements. –

I. Competitive energy suppliers are not public utilities pursuant to RSA 362:2, though a competitive energy supplier may seek public utility status from the commission if it so chooses. Notwithstanding a competitive energy supplier's non-utility status, the commission is authorized to establish requirements, excluding price regulation, for competitive electricity suppliers, including registration, registration fees, customer information, disclosure, standards of conduct, and consumer protection and assistance requirements. Unless electing to do so, an electricity supplier that offers or sells at retail to consumers within this state products and services that can lawfully be made available to such consumers by more than one supplier shall not, because of such offers or sales, be deemed to be a public utility as defined by RSA 362:2. These requirements shall be applied in a manner consistent with the restructuring principles of this chapter to promote competition among electricity suppliers.

II. Aggregators of electricity load that do not take ownership of power or other services and do not represent any supplier interest are not public utilities pursuant to RSA 362:2, but shall notify the commission of their intent to do business. Municipalities that aggregate electric power or energy services for their citizens pursuant to RSA 53-E are not public utilities pursuant to RSA 362:2.

III. The commission is authorized to assess fines against, revoke the registration of, and prohibit from doing business in the state, any competitive electricity supplier which violates the requirements of this section or any other provision of this title applicable to competitive electricity suppliers.

IV. As a condition of operation, for a 2-year interim period from the date that competition is implemented in one or more areas of the state, competitive energy suppliers and load aggregators shall submit to the jurisdiction of the commission for mediation and resolution of disputes between customers and competitive energy suppliers or aggregators. Municipalities that aggregate electric power or energy service for their citizens pursuant to RSA 53-E are not subject to this paragraph.

V. The commission shall adopt rules, under RSA 541-A, to implement this section.

Source. 1997, 298:19. 2007, 26:5, eff. July 10, 2007. 2010, 336:2, eff. Oct. 18, 2010.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 374
GENERAL REGULATIONS

Reports, Etc.

Section 374:15

374:15 Filing. – Every public utility shall file with the commission reports at such times, verified by oath in such manner, and setting forth such statistics and facts, as may be required by the commission.

Source. 1911, 164:8. PL 240:14. RL 289:14. 1951, 203:32, eff. Sept. 1, 1951.

TITLE LV
PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A
ADMINISTRATIVE PROCEDURE ACT

Section 541-A:16

541-A:16 Rules; Filing Required. –

I. In addition to other rulemaking requirements imposed by law, each agency shall:

(a) Adopt as a rule a description of its organization, stating the general course and method of its operations and the methods by which the public may obtain information or make submissions or requests.

(b) Adopt rules of practice setting forth the nature and requirement of all formal and informal procedures available, including:

(1) [Repealed.]

(2) Rules governing adjudicative proceedings pursuant to RSA 541-A:30-a; and

(3) Rules governing public comment hearings for rulemaking.

(c) Adopt rules setting the format and procedures for submitting, considering, and disposing of rulemaking petitions under RSA 541-A:4.

(d) Adopt rules relating to filing petitions for declaratory rulings and their prompt disposition.

II. Each agency shall also:

(a) Make available to the public all written statements of policy or interpretations, other than rules, formulated or used by the agency in the discharge of its functions.

(b) File with the director of legislative services all declaratory rulings issued.

III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV or RSA 541-A:19, X, or such other date and time as specified, provided that filing occurs before such effective date and time. A rule adopted under RSA 541-A:14, IV shall expire after the last day of the eighth year following its becoming effective, unless sooner amended, readopted, or repealed.

IV. If any deadline for action by an agency, the public, or the committee imposed by this chapter falls on a Saturday, Sunday, or state legal holiday, the deadline for such action shall be extended to the next day that is not a Saturday, Sunday, or state legal holiday.

Source. 1994, 412:1. 1998, 298:1. 2006, 145:11, eff. July 21, 2006.

TITLE LV
PROCEEDINGS IN SPECIAL CASES

CHAPTER 541-A
ADMINISTRATIVE PROCEDURE ACT

Section 541-A:30

541-A:30 Agency Action Against Licensees. –

I. If a timely and sufficient application has been made in accordance with agency rules for renewal of a license for any activity of a continuing nature that does not automatically expire by law, the existing license shall not expire until the agency has taken final action upon the application for renewal. If the agency's final action is unfavorable, the license shall not expire until the last day for seeking judicial review of the agency's action, or a later date fixed by the reviewing court.

II. An agency shall not revoke, suspend, modify, annul, withdraw, or amend a license unless the agency first gives notice to the licensee of the facts or conduct upon which the agency intends to base its action, and gives the licensee an opportunity, through an adjudicative proceeding, to show compliance with all lawful requirements for the retention of the license.

III. If the agency finds that public health, safety or welfare requires emergency action and incorporates a finding to that effect in its order, immediate suspension of a license may be ordered pending an adjudicative proceeding. The agency shall commence this adjudicative proceeding not later than 10 working days after the date of the agency order suspending the license. A record of the proceeding shall be made by a certified shorthand court reporter provided by the agency. Unless expressly waived by the licensee, agency failure to commence an adjudicative proceeding within 10 working days shall mean that the suspension order is automatically vacated. The agency shall not again suspend the license for the same conduct which formed the basis of the vacated suspension without granting the licensee prior notice and an opportunity for an adjudicative proceeding.

Source. 1994, 412:1. 1999, 331:1, eff. Sept. 14, 1999.