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November 8, 2019

Ms. Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, New Hampshire 03301-7319

RE: DRM 19-158
Net Metering Rules Revision

Ms. Howland,

This letter is in response to the rulemaking notice form requesting comment on the first round of revisions to Puc 900 to reflect statutory amendments and PUC orders from previous years.

The Office of the Consumer Advocate (OCA) commends the PUC Staff for proposing of a set of rules that accurately reflects the orders of the PUC and earlier statutory amendments. We have a few substantive remarks and a couple of technical suggestions to make. The OCA looks forward to continuing to work with Staff and the other participants in drafting additional revisions in accordance with SB 165 that will further enable low-income solar projects to overcome barriers.

Substantive Comments:

909.08(e): The issue of competitive supplier participation in net metering is confusing to the public. This is particularly the case for small customer generators, which are sometimes less sophisticated participants. The rules can provide some assistance by making two changes to this section.

- 1) Add 'from the distribution utility' after 'the payments' on the second line.
- 2) Add a sentence to the section: "Such payments shall not be the responsibility of the distribution utility and shall be made pursuant to Puc 903.02(g)."

904.02 Interconnection Application:

The current structure for determining interconnection costs is a barrier for small customer-generators and especially for low-moderate income projects. The rules require finalized information for all aspects of the project for the interconnection application, which triggers a study from the utility to determine cost. Low-income projects trying to use grant funding under SB 129 (2017 N.H. Laws ch. 226) must confirm they have grant funding before

they can finalize their projects. Utility costs have often come in many times higher than originally projected. There needs to be a way to increase the transparency and provide more information to potential customer-generators to determine if investing in the technology is feasible.

Providing an interconnection application with less information (for instance one that does not include the exact manufacturers, models, and certifications for code compliance) where the utility is still required to provide an estimate of the interconnection cost can address this issue. Some of the utilities have expressed a willingness to do this. Adding such a provision to the rule will help inform the public that cost information is available from their utilities while ensuring that the utilities cooperate in providing that information.

Proposed Addition to 904:02 (either as part of (d) or a new subsection (e) that follows (d)).

A customer-generator may submit an interconnection application to its distribution utility when it does not have all of the details of the project and the distribution utility shall still use the normal process to determine estimated costs for interconnection under 904.04(e). Estimated costs may be modified by the utility after evaluation of the completed final application if relevant inputs have been modified.

904.02(c)(2)f: We agree with replacing “battery backup” with “storage system” in this provision. Utility knowledge of the distributed energy resources available in its territory is important. “Storage system” can include batteries, electric vehicles and other mechanisms for electric energy. However, this may not be clear to participants. We recommend adding a definition for storage system: “A storage system may be any combination of a battery, electric vehicle, or other storage mechanism for electric energy and the applicable manufacturer, model name, model number and owner.”

904.02(c)(3)i: Section 904.02(c) identifies what the application form shall include. However, it is not clear how the proposed modification to 904.02(c)(3)i. helps. The change is from “Responses to the questions posed in Puc 904.01” to “Information required under Puc 904.01.” The information under Puc 904.01 is not required and therefore should not be a forced inclusion in the application form. According to the utilities very, very few complete a Puc 904.01 Pre-application Review. This subsection i. may have been relevant when PUC 904.01(a)(1) regarding the utility cap established by RSA 362 A:9,I was still in effect. We think it makes sense to strike this subsection or to use a different word than ‘required’ such as ‘furnished’.

904.02(e): “The distribution utility shall not interconnect the facility until all requirements pursuant to (d) above have been met.” While we have no issue with the proposed tense change in the sentence, (c) is the more relevant set of requirements and would recommend either replacing (d) with (c) or adding (c).

Technical Comments:

903.02(e)(8): Strike the 'a' after 'second' in the second line.

903.02(h)(4): Make the language in the first line of (h)(4) the same as the language in the first line of (i)(4).

903.02(h) and (i): Use 'and' between sub-paragraphs consistently. I believe the removal of the 'and' at the end of (h)(3) will result in ';' between sub-paragraphs except an 'and' before the final sub-paragraph in that subsection.

Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Christa Shute', written in black ink.

Christa Shute
Staff Attorney

cc: Service list via electronic mail