CLEAN ENERGY NH
Your Voice in All Energy Matters

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February 4th, 2020



Ms. Debra A. Howland
Executive Director
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 18
Concord, New Hampshire 03301

Re: DRM 19-158 Rulemaking PUC 900 Rules

Thank you for the opportunity to submit written comments as a follow-up to the comments made at the hearing in the above referenced docket on January 28th, 2020. We submit these comments jointly with our members Revision Energy, New England Solar Garden, and New England Commercial Solar Services who have been active participants in this docket.

We submit for your consideration the following comments to the draft submitted by Staff proposing updates and additions for the PUC 900 rules.

**Section 903.03 Where Multiple Projects Are Deemed a Single Facility**
We support including this clarification in the rules rather than relying on the previous approach of using the "utility normal course of business" as the standard. Including this clarification in rules will provide a uniform statewide standard, clarity and certainty to the developer community, and a reasonable appeal process as a rule waiver request.

However, as drafted this determination is now overly restrictive and considerably more restrictive than what any of the 3 regulated utilities would currently allow under their current normal course of business.

We support the previous draft of this section proposed by Staff in mid-December which read as follows with the addition of one recommended clarification that appears in bold text:

"(a) Except as otherwise provided in (b) and (c) below, projects consisting of electricity generating equipment powered by renewable energy or that employ a heat led combined heat and power system, and located behind separate retail meters, shall be deemed to be one facility if located on the same parcel of land or adjacent and contiguous parcels of land, unless each of the following conditions applies:

(1) Each project is located on a separate parcel of land;

(2) The property boundaries of each parcel of land have not been subdivided, modified, or otherwise altered within the three years immediately preceding the submission of a project interconnection request to the distribution utility;

(3) Each project is owned by a separate individual or by a separate corporation, limited liability company, or other legal entity **at the time of signing the utilities Interconnection Service Agreement (ISA)**; and
(4) Each project is interconnected with the utility distribution system through a separate interconnection point and with a separate meter.

(b) The conditions set forth in (a) above shall apply to two or more projects notwithstanding any phased approach to development or different construction schedules for such projects.

(c) Multiple projects located on the same or adjacent parcels of land and interconnected behind separate retail electricity meters shall be considered separate facilities if each such project is being or has been developed:

(1) To serve primarily the on-site load of existing or new retail electric customers;
(2) To participate in a different electric generation program, such as net metering, direct producer to consumer retail sales of electric power, or wholesale sales of electric power;
(3) Using distinct and different electricity generating technologies and equipment that can be operated independently; or
(4) On parcels of land for which the property boundaries have been subdivided, modified, or otherwise altered within the three years immediately preceding the submission of a project interconnection request to the distribution utility, if the project owner has provided written documentation demonstrating that such subdivision, modification, or alteration was not undertaken for the purpose of affecting the eligibility of the project for net metering or that it was otherwise unrelated to the development of electric generation facilities."

We also request that the Commission consider carefully the implementation of the rule changes in this section and request that any project that has already applied for interconnection with a utility in NH be allowed to continue development under current utility practice and that the new rules regarding co-location would only apply to new projects not yet in the interconnection queue.

Finally, we suggest that restrictions on co-location also not apply to project eligible to qualify as a low-moderate income community solar project or projects developed on land that is a landfill or brownfield.

**Section 906.01 Inverter Requirements**

We consulted an inverter manufacturer and their Manager of US standards informed us that manufacturers cannot yet get nationally recognized testing laboratories certification using IEEE 1547-2018. Once that certification can be obtained, then supplement SA to UL1741 is not necessary. UL1741 is the standard and "SA" is a supplemental section within that standard covering test procedures for certain advanced inverter functions. IEEE 1547 (2018) is not a standard that a product can be certified towards. It is rather an a-la-carte menu of capabilities to which the grid operator defines the operating parameters.

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As written the rules may be requiring inverters to meet standards for advanced inverter functions and parameters which are not otherwise required by these rules or by the utilities for interconnection.

We suggest that simply the UL 1741 standard be required or replacing "and" with "or" at the end of 906.01 (a) (1) so that inverters may meet either standards but not be required to meet both.

**Section 909.13 Low-Moderate Income Community Solar Projects**

In sub-section (d) 8, rather than prohibiting a participating group member from being charged a "power purchase price" we request that this be changed to say a "power purchase price greater than the customer would otherwise pay as a utility default service customer".

In section (h), we request that the requirement be changed to mandate that at least 50% of the value of the LMI adder be returned to LMI group member participants as on-bill monetary credits rather than 12% of the total credit amount. Again, we support the version of the draft rules that were circulated to stakeholders in mid-December which read:

"(h) In addition to compliance with Puc 909.12(c) through (e), the host of a group registered as a low-moderate income community solar project shall make separate on-bill monetary credit percentage allocations to the host and group members of the additional credit amount described in (b) above, provided that the sum of such separate percentage allocations to members that are residential end-user customers with household income at or below 300 percent of the federal poverty guidelines or affordable housing projects shall not be less than 50 percent of the total additional credit amount allocated to the host and all group members."

There is considerable concern by the developer community that the step down in the LMI adder and the lack of grandfathering and lack of certainty in the duration of the LMI adder will make these projects very challenging to finance. We view requiring a distribution of a percentage of the total credit to LMI participants as contributing further to this uncertainty and for this reason prefer the that the minimum credit allocated to LMI participants be a percentage of the adder only.

Thank you for considering our input on these important rule changes.

Sincerely,

Madeleine Mineau
Executive Director
Clean Energy NH