05/19/16

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DE 16-576

ELECTRIC DISTRIBUTION UTILITIES

Development of New Alternative Net Metering Tariffs and/or Other Regulatory Mechanisms and Tariffs for Customer-Generators

ORDER OF NOTICE

New Hampshire House Bill 1116 (HB 1116), amended several provisions of RSA 362-A:9, the net energy metering section of the Limited Electrical Energy Producers Act, RSA 362-A, effective as of May 2, 2016. Pursuant to new paragraph XVI of RSA 362-A:9, the Commission is required to initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory.

In developing such alternative tariffs and any limitations on their availability, RSA 362-A:9, XVI requires that the Commission consider: the costs and benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time based tariffs; whether there should be a limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The Commission is authorized to waive or modify specific size limits and terms and conditions of service for net metering

specified in RSA 362-A:9, I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The Commission is also authorized to approve time and/or size limited pilots of alternative tariffs.

In connection with such alternative net metering tariff development, the Commission will be guided by the legislative purposes stated in HB 1116, including, among other things, the continuance of reasonable opportunities for electric customers to invest in and interconnect customer-generator facilities and receive fair compensation for such locally produced power while ensuring costs and benefits are fairly and transparently allocated among all customers, and the promotion of a balanced energy policy that supports economic growth and energy diversity, independence, reliability, efficiency, regulatory predictability, environmental benefits, a fair allocation of costs and benefits, and a modern and flexible electric grid that provides benefits for all ratepayers.

Pursuant to new paragraph XVII of RSA 362-A:9, the Commission shall issue an order initially approving or adopting such alternative tariffs, which may be subject to change or adjustment from time to time, within ten months of the effective date of HB 1116 (i.e., on or before March 2, 2017).

As required under RSA 362-A:9, XVI, the Commission opens a docket to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators. The electric distribution utilities regulated by the Commission shall participate as mandatory parties to this proceeding. Other interested persons may seek permission to intervene, as described in the ordering paragraphs below. Each party has the right to have an attorney represent the party at the party's own expense.

The proceeding shall commence with a prehearing conference and a technical session, during which the following relevant matters, among others, are expected to be addressed:

1. The performance of marginal cost of service studies by the three regulated electric distribution utilities and the anticipated completion and filing dates for such studies;

2. The timing and sequence of filing by the three regulated electric distribution utilities and other parties of proposed alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators;

3. The extent to which any such tariff or alternative filing must be supported by pre-filed written testimony and related studies and documentation;

4. The necessity for and timing of submission of briefs or memoranda of law regarding any relevant legal issues;

5. The anticipated need to submit any information claimed to be confidential and the procedures for handling such confidential information; and

6. The procedural schedule for the proceeding, including, without limitation, filing dates, discovery deadlines, submission of initial and rebuttal testimony, future technical sessions, potential settlement conferences, and hearing dates and times.

The proceeding raises, inter alia, issues related to the development of alternative net energy metering tariffs and/or other regulatory mechanisms and tariffs, as provided under RSA 362-A:9, XVI. This Order and any subsequent docket filings, other than any information for which confidential treatment is requested of or granted by the Commission, will be posted to the Commission's website at www.puc.nh.gov.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Code Admin. Rules Puc 203.15, be held before the Commission located at 21 South Fruit Street, Suite 10, Concord, New Hampshire, on June 10, 2016 at 9:00 a.m., at which each party will provide a preliminary statement of its position with regard to relevant matters and any of the issues set forth in N.H. Code Admin. Rules Puc 203.15; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, the electric distribution companies, Commission Staff, and any interveners hold a Technical Session to review relevant matters and to develop a procedural schedule for the proceeding; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin. Rules Puc 203.12, the Executive Director shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice on the Commission's website no later than May 23, 2016; and it is

FURTHER ORDERED, that consistent with N.H. Code Admin. Rules Puc 203.17 and Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission seven copies of a Petition to Intervene, with copies sent to the Office of the Consumer Advocate and all parties listed on the Commission's service list for this proceeding, on or before June 7, 2016, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities, or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rule Puc 203.17 and RSA 541-A:32, I (b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before June 10, 2016.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of May, 2016.

Debra A. Howland
Executive Director

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.