

GRANITE STATE HYDROPOWER ASSOCIATION

Energy Stakeholder Forum

Supplemental Comments

June 27, 2006

EXHIBIT 3

LIMITED ELECTRICAL ENERGY PRODUCERS 362-A:4

362-A:3 Purchase of Output of Limited Electrical Energy Producers by Public Utilities. The entire output of electric energy of such limited electrical energy producers, if offered for sale to the electric utility, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.

HISTORY

Source. 1978, 32:1. 1979, 411:2. 1983, 395:3, eff. Aug. 21, 1983. —1979. Inserted "to the electric utility" following "if offered for sale" in the first sentence and added the second sentence.
Amendments—1983. Deleted the second sentence.

CROSS REFERENCES

Payment for purchase of output by public utilities, see RSA 362-A:4.
Purchase of output by private sector, see RSA 362-A:2-a.

ANNOTATIONS

Cited

Cited in Appeal of Granite State Electric Co. (1981) 121 NH 787, 435 A2d 119.

362-A:4 Payment by Public Utilities for Purchase of Output. Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay rates per kilowatt hour to be set from time to time by the commission. Such rates shall be based on the purchasing utility's avoided costs. The commission may set long term rates which shall, at the option of the qualifying small power producer or qualifying cogenerator, be based on the purchasing utility's avoided costs either calculated for the time of delivery or calculated for a specified term at the time the qualifying small power producer or qualifying cogenerator agrees to be obligated to deliver for the specified term. Nothing in this section shall limit the authority of any electric utility or any qualifying small power producer or qualifying cogenerator to agree to a rate for any purchase which differs from the rate or terms or conditions which would otherwise be required by the commission.

HISTORY

Source. 1978, 32:1. 1983, 395:4, eff. Aug. 21, 1983. "a price" preceding "per kilowatt hour" and deleted "public utilities" preceding "commission" in the first sentence, and added the second, third, and fourth sentences.
Amendments—1983. Deleted "of Limited Electrical Energy Producers" following "Output" in the catchline, substituted "rates" for

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utilities commission must approve all such agreements for the wheeling of power and retains the right to order such wheeling and to set such terms for a wheeling agreement including price that it deems necessary. The public utilities commission or any party involved in a wheeling transaction may demand a full hearing before the commission for the review of any and all of the terms of a wheeling agreement.

III. Before ordering an electric utility to wheel power from a limited electric producer or before approving any agreement for the wheeling of power, the public utilities commission must find that such an order or agreement:

(a) Is not likely to result in a reasonably ascertainable uncompensated loss for any party affected by the wheeling transaction.

(b) Will not place an undue burden on any party affected by the wheeling transaction.

(c) Will not unreasonably impair the reliability of the electric utility wheeling the power.

(d) Will not impair the ability of the franchised electric utility wheeling the power to render adequate service to its customers.

HISTORY

Source. 1979, 411:1, eff. Aug. 22, 1979. 1998, 261:5, eff. Aug. 25, 1998.
Amendments—1998. Paragraph 1: Added "unless additional authority to sell is otherwise allowed by statute or commission order" following "utility" at the end of the first sentence and added the third sentence.

362-A:3 Purchase of Output of Limited Electrical Energy Producers by Public Utilities.

I. The entire output of electric energy of such limited electrical energy producers, if offered for sale to the electric utility, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.

II. No purchases and related transactions involving qualifying facilities shall take place under RSA 362-A:3 or RSA 362-A:4 in any location where retail electric competition is certified to exist pursuant to RSA 38:36, unless such purchase or related transaction is pursuant to:

- (a) Commission orders or agreements providing for qualifying facility power sales existing prior to such certification;
- (b) Negotiated qualifying facility power purchase contracts existing prior to such certification; or
- (c) Commission orders or agreements resulting from the renegotiation of orders, agreements, or contracts referenced in subparagraphs (a) and (b).

HISTORY

Source. 1978, 32:1. 1979, 411:2. Amendments—1998. Designated 1983, 395:3, eff. Aug. 21, 1983. 1998, 261:6, eff. Aug. 25, 1998. the existing provisions of the section as par. I and added par. II.

362-A:4 Payment by Public Utilities for Purchase of Output.

Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay rates per kilowatt hour to be set from time to time by the commission. Such rates shall be based on the purchasing utility's avoided costs. The commission may set long term rates which shall, at the option of the qualifying small power producer or qualifying cogenerator, be based on the purchasing utility's avoided costs either calculated for the time of delivery or calculated for a specified term at the time the qualifying small power producer or qualifying cogenerator agrees to be obligated to deliver for the specified term. Nothing in this section shall limit the authority of any electric utility or any qualifying small power producer or qualifying cogenerator to agree to a rate for any purchase which differs from the rate or terms or conditions which would otherwise be required by the commission. No payments or rates shall be required by this section in locations where retail electric competition is certified to exist pursuant to RSA 38:36, unless such payments or rates are pursuant to an arrangement authorized by RSA 362-A:3.

HISTORY

Source. 1978, 32:1. 1983, 395:4. Amendments—1998. Added the eff. Aug. 21, 1983. 1998, 261:7, eff. fifth sentence. Aug. 25, 1998.

362-A:4-b Buyout of Existing Rate Orders.

[Repealed 1998, 261:15, eff. Aug. 25, 1998.]