

APPENDIX II-J
INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number _____ Rule Number Puc 902 and 909

1. Agency Name & Address: Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, New Hampshire 03301	2. RSA Authority:	RSA 362-A:9, X; RSA 365:8, XII
	3. Federal Authority:	_____
	4. Type of Action:	
	Adoption	<u>X</u>
	Amendment	_____
	Repeal	_____
	Readoption	_____
5. Filing Date: November 14, 2013	Readoption w/amendment	<u>X</u>

6. Short Title: **Puc 902 and 909 GROUP NET METERING**

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

Name:	Michael J. Sheehan	Title:	Staff Attorney
Address:	N.H. Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301	Phone #:	603-271-6028
		Fax#:	603-271-4033
		E-mail:	<u>Michael.Sheehan@puc.nh.gov</u> TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Summary explaining the effect of the rule:

Puc 902 is being readopted with amendment to amend one definition, to add four definitions related to group net metering, and to renumber the existing definitions.

Puc 909 is being adopted to implement group net metering by establishing a registration process for hosts, minimum requirements for agreements among hosts and their members, duties of the distribution utility, required annual reports, sanctions, and forms.

The interim rule is proposed to conform with Chapter 266 of the Laws of 2013 (SB 98).

9. Listing of people, enterprises, and government agencies affected by the rule:

The rules affect customer-generators and customers who wish to become hosts and members. The rules affect the distribution utilities that must calculate and administer the payments required under the statute and prepare reports. Last, the rules affect the Public Utilities Commission which must register hosts, prepare reports, and administer the new law.

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Puc 902 and 909 (other specific provisions implemented by specific rules listed below)	362-A:9, X and 365:8, XII		
902.01	362-A:9, XIV(a)		
902.02	362-A:1-a		
902.03	362-A:1-a, II-b		
902.06	374-F:2, II		
902.10	362-A:9, XIV(a)		
902.11	362-A:1-a, III-a		
902.12	362-A:9, XIV(a)		
902.15	362-A:9, XIV(a)		
909.01	362-A:9, XIV		
909.02	362-A:9, XIV		
909.03	362-A:9, XIV(a)		
909.04	362-A:9, XIV(a)		
909.05	362-A:9, XIV(a)		
909.06	362-A:9, XIV(a); 362-F:10, IV		
909.07	362-A:9, XIV(c)		
909.08	362-A:9, XIV(e)		
909.09	362-A:9, XIV(a)		
909.10	362-A:9, XIV(a); 362-F:10, IV		
909.11	362-F:10, IV; 365:8, IV and XIV		

11. Summary of the effect upon the state if the rule were not adopted:

Absent these rules, those wishing to lower their energy costs through group net metering and to expand renewable energy in New Hampshire by developing new systems would not be able to proceed because the rules provide the necessary regulatory framework for group net metering. Also, the Commission would be in violation of the statutory mandate that it adopt rules to implement group net metering.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

December 19, 2013

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable.

FIS # 13:196, dated 11/8/2013

APPENDIX II-I

COVER SHEET FOR PROPOSED INTERIM RULE

Proposed Interim Rule Number Puc 909 Rule Number _____

<p>1. Agency Name & Address:</p> <p>Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, New Hampshire 03301</p>	<p>2. RSA Authority: RSA 362-A:9, XIV; 362-A:1-a, II-b; 362-F:10, IV</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Amendment _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Puc 909 Group Net Metering**

6. Contact person for copies and questions:

Name: Michael Sheehan	Title: Staff Attorney
Address: N.H. Public Utilities Commission 21 South Fruit Street, Suite 10 Concord, NH 03301	Phone #: 603-271-6028
	Fax: 603-271-4033
	Email: Michael.Sheehan@puc.nh.gov

****PLEASE ATTACH THE FOLLOWING**, numbered to correspond to the numbers on this sheet (a separate sheet is not required for every item):

7. An explanation of why the interim rule is necessary, including documentary evidence to prove that the agency is acting in accordance with RSA 541-A:19, I, and is not adopting an interim rule solely to avoid the time periods imposed in RSA 541-A.

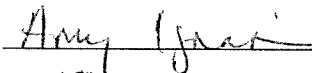
8. A description of the people, enterprises, and government agencies affected by the rule.

9. The fiscal impact statement prepared by the Legislative Budget Assistant, if required by RSA 541-A:19, II. See Section 3.2 of Chapter 3 of the Drafting and Procedure Manual for Administrative Rules

****PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET** and all attachments along with 2 copies of the interim rule to the Office of Legislative Services, Administrative Rules. The rule must include an appendix containing the same information about statutes or federal regulations as in Item 10 of Appendix IIJ.

****PLEASE SIGN THE FOLLOWING:**

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an interim rule is necessary.

Date: 11/14/13 Signature: 
 Name: Amy L. Ignatius
 Title: Chairman, NH Public Utilities Commission

*("Adopting authority" is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)

7. An explanation of why the interim rule is necessary:

RSA 541-A:19, I provides: “An agency may adopt as an interim rule any rule which amends an existing rule, repeals an existing rule, or creates a new rule, and which is designed solely to allow the agency to: (a) Conform with a new or amended codified state statute or chaptered session law.”

This proposed interim rule Puc 909, which amends the definitions section of Puc 902 and adopts a new section Puc 909 governing group net metering, is necessary to conform with a new statute, 2013 N.H. Laws Ch. 266 (SB 98), codified at RSA 362-A:9, XIV, RSA 362-A:1-a, II-b, and RSA 362-F:10, IV, which statute became effective upon passage on July 24, 2013.

8. A description of the people, enterprises, and government agencies affected by the rule.

First, the government agency affected by this rule is the Public Utilities Commission, which the statute expressly directed to verify that the specified group requirements have been met, to register hosts, to establish the process for registering and re-registering hosts, to establish the process by which changes in membership are allowed and administered, to determine the costs that are necessary to upgrade the utilities’ information systems to implement group net metering, and to draft appropriate rules.

Second, the people and enterprises affected by this rule are those who wish to become hosts and those who wish to become group members. These rules provide the specific processes by which hosts and members can form groups for the purposes intended by the statute.

Third, these rules will also affect the distribution utilities because they will have to make the net metering payments required by the statute, and assemble and file the required information and periodic reports.

9. Fiscal Impact Statement.

Attached.