

Readopt with amendment Puc 902, effective 7-18-09 (Document #9515), ss by #9998, effective 9-2-11, to read as follows:

CHAPTER Puc 900 NET METERING FOR CUSTOMER-OWNED RENEWABLE ENERGY
GENERATION RESOURCES OF 1,000 KILOWATTS OR LESS

PART PUC 902 DEFINITIONS

Puc 902.01 "Agreement" means the written agreement signed by the host and by each group member as required by RSA 362-A:9, XIV for the purpose of controlling energy costs of the group and which includes at least the following:

- (a) The contact information for the host and each member, including their names, billing addresses, service addresses, phone numbers, email addresses, and name of distribution utility;
- (b) The procedure by which the host will allocate and make payments to, and allocate and collect payments from, its members, including the frequency and manner of such payments and collection;
- (c) The procedure by which members may join and leave the group, which procedure shall, at a minimum, contain the language required by Puc 909.05;
- (d) A binding process for the resolution of any disputes arising under the agreement involving the host, its members, or among members, which process does not rely on the distribution utility or the commission. This dispute resolution clause shall address disputes arising out of the member removal process required by Puc 909.05;
- (e) The host and each member must sign the agreement attesting that the information provided is true to the best of their knowledge and belief; and
- (f) The agreement and signatures may be electronic as authorized by RSA 294-A.

Puc 902.02 "Combined heat and power system" means a "combined heat and power system" as defined in RSA 362-A:1-a, I-d, namely "a new system installed after July 1, 2011, that produces heat and electricity from one fuel input using an eligible fuel, without restriction to generating technology, has an electric generating capacity rating of at least one kilowatt and not more than 30 kilowatts and a fuel system efficiency of not less than 80 percent in the production of heat and electricity, or has an electric generating capacity greater than 30 kilowatts and not more than one megawatt and a fuel system efficiency of not less than 65 percent in the production of heat and electricity. Fuel system efficiency shall be measured as usable thermal and electrical output in BTUs divided by fuel input in BTUs."

Puc 902.03 "Customer-generator" means "eligible customer-generator" as defined in RSA 362-A:1-a, II-b, namely "an electric utility customer who owns or operates an electrical generating facility either powered by renewable energy or which employs a heat led combined heat and power system, with a total peak generating capacity of up to and including one megawatt, that is located behind a retail meter on the customer's premises, is interconnected and operates in parallel with the electric grid, and is used to offset the customer's own electricity requirements. Incremental generation added to an existing generation facility, that does not itself qualify for net metering, shall qualify if such incremental generation meets the qualifications of this paragraph and is metered separately from the nonqualifying facility."

Puc 902.04 "Default service" means energy supply services provided by a distribution utility which includes a rural electric cooperative for which a certificate of deregulation is on file with the commission.

Puc 902.05 "Distribution utility" means the company that owns and/or operates the distribution facilities delivering electricity to the customer-generator's premises.

Puc 902.06 "Electric utility customer" as used in the definition of "customer-generator" means any retail ratepayer of a distribution utility.

Puc 902.07 "Electricity suppliers" means "electricity suppliers" as defined in RSA 374-F:2, II, namely "suppliers of electricity generation services and includes actual electricity generators and brokers, aggregators, and pools that arrange for the supply of electricity generation to meet retail customer demand, which may be municipal or county entities."

Puc 902.08 "Eligible fuel" means "eligible fuel" as defined in RSA 362-A:1-a, II-c, namely, "natural gas, propane, wood pellets, hydrogen, or heating oil when combusted with a burner, including air emission standards for the device using the approved fuel."

Puc 902.09 "Generation capacity" means, for inverter based units, the kilowatt rating of the inverter, and for other interconnections, the kilowatt rating of the generation unit.

Puc 902.10 "Group" means one or more members who are default service customers of the same distribution utility who have signed an agreement with a host as required by RSA 362-A:9, XIV.

Puc 902.11 "Heat led" means "heat led" as defined in RSA 362-A:1-a, II-d, namely, "that the combined heat and power system is operated in a manner to satisfy the heat usage needs of the customer-generator."

Puc 902.12 "Host" means a customer-generator that elects to assume the duties and obligations of RSA 362-A:9, XIV, who is, and who remains during the term of the agreement, a default service customer of the same distribution utility as the group.

Puc 902.13 "Islanding" means a condition in which a portion of the utility system that contains both load and dispersed generation is isolated from the remainder of the utility system.

Puc 902.14 “Large customer-generator” means a customer-generator defined under Puc 902.01 that first began operation after July 1, 2010 and has a total peak generating capacity greater than 100 kilowatts (kW) up to one megawatt (MW).

Puc 902.15 “Member” means a default service customer of the same distribution utility as the host, who signs an agreement to be a member of a group under RSA 362-A:9, XIV, and who remains a default service customer of the same distribution utility as the host during its membership in the group. A member may sign an agreement with more than one host, but the portions of that member’s load which are allocated to each host, when combined, shall not exceed that member’s total load.

Puc 902.16 “Net energy metering” means “net energy metering” as defined in RSA 362-A:1, III-a, namely, “measuring the difference between the electricity supplied over the electric distribution system and the electricity generated by an eligible customer-generator which is fed back into the electric distribution system over a billing period.”

Puc 902.17 “Renewable energy” means electricity produced by renewable resources including geothermal, tidal or wave, wind, solar, landfill gas, hydro, biomass, bio-oil, bio-synthetic gas and biodiesel resources.

Puc 902.18 “Small net-metering customer” means a customer-generator as defined by Puc 902.01 with a total peak generating capacity of not more than 100 kW. The term includes “small customer-generator.”

Puc 902.19 “Witness test” means the process used by the electric utility following the interconnection of a customer-generator’s generation facility to determine whether the interconnection affects the safety, reliability or power quality of the distribution system.

Adopt Puc 909 to read as follows:

**CHAPTER Puc 900 NET METERING FOR CUSTOMER-OWNED RENEWABLE ENERGY
GENERATION RESOURCES OF 1,000 KILOWATTS OR LESS**

PART Puc 909.01 PURPOSE

Puc 909.01 Purpose. The purpose of this Section is to implement 2013 N.H. Laws Ch. 266 (SB 98), "An act authorizing group net metering for limited electrical energy producers," which amended the definition of "customer-generator" in RSA 362-A:1-a, II-b, added RSA 362-A:9, XIV, and expanded the commission's reporting requirement in RSA 362-F:10, IV.

Puc 909.02 Applicability. Puc 909.01 through Puc 909.11 apply to customer-generators who elect to become hosts and to distribution utilities that serve customer-generators who become hosts.

Puc 909.03 Registration of Hosts.

(a) Any customer-generator seeking to become a host shall provide the commission, with a copy to the distribution utility, a registration application, Form PUC 909.09, containing the information specified in Puc 909.09.

(b) No customer-generator shall begin acting as a host until it has completed all aspects of the application process required by this section and Puc 909.09.

(c) Unless the commission determines that an application is incomplete or does not comply with the requirements of this chapter, the commission shall either approve the application in writing within 60 days after the commission receives a complete application, with a copy to the distribution utility, or it shall be deemed to have been approved 60 days after receipt.

(d) If the commission requested information or clarification to complete the application and such information or clarification is not provided within 60 days of the date of the request, the commission shall suspend action on the application. The commission shall provide notice of such suspension to the applicant and to the distribution utility. If, after 120 days from the date of the request the applicant has not provided the requested information or clarification, the commission shall reject the application and shall so notify the applicant and the distribution utility.

Puc 909.04 Re-Registration of Hosts.

(a) Re-registration shall not be required so long as a duly registered host complies with the requirements of this section including, but not limited to, the obligation to timely file annual reports described in Puc 909.06.

(b) If a host must re-register, the host shall provide the commission, with a copy to the distribution utility, a registration application, Form PUC 909.09, containing the information specified in Puc 909.09 and shall note any changes from the information provided with the host's previous application(s).

(c) Unless the commission determines that an application for re-registration is incomplete or does not comply with the requirements of this chapter, the commission shall either approve the application in writing within 60 days after the commission receives a complete application, with a copy to the distribution utility, or it shall be deemed to have been approved 60 days after receipt.

(d) If the commission requested information or clarification to complete an application for re-registration, and such information or clarification is not provided within 60 days of the request, the commission shall suspend action on the application. The commission shall provide notice of such suspension to the applicant and to the distribution utility. If, after 120 days from the date of the request the applicant has not provided the requested information or clarification, the commission shall reject the application, and shall so notify the applicant and the distribution utility.

Puc 909.05 Changes in Membership.

(a) The procedure by which members are added and removed from the group shall be defined in the agreement. The agreement shall describe how members may be added, how members may leave voluntarily, and how members may be removed involuntarily. The host shall keep records of the dates that each member joins and leaves the group.

(b) The addition of a member shall be effective on the host's first meter read date immediately following the new member's addition.

(c) The departure of a member shall be effective on the host's last meter read date immediately preceding the member's date of departure.

(d) Departing members shall receive their allocated share of any payments due from the host, and shall be responsible for their allocated share of any payments due to the host, through the effective date of their departure. Unless the agreement provides otherwise, such payments shall be made within 60 days of the effective date of their departure.

(e) Unless the agreement provides otherwise, in the event of a member's death the meter(s) associated with that deceased member shall continue to be a part of the group until removed according to the terms of the agreement or by order of a court with appropriate jurisdiction. The legal representatives of deceased members shall receive the deceased member's allocated share of any payments due from the host, and shall be responsible for their allocated share of any payments due to the host.

Puc 909.06 Annual Report. Each host shall file with the commission, with a copy to the distribution utility, an annual report on Form PUC 909.10 on or before April 1 of each year after registration, providing information related to the preceding calendar year.

Puc 909.07 Duties of the Distribution Utility.

(a) Upon receipt of a registration or re-registration application and approval of that application through commission notice or through passage of time as described in Puc 909.03 and Puc 909.04, the distribution utility shall thereafter pay the host for the host's surplus generation at the end of each billing cycle, beginning with the meter read date immediately following the effective date of the host's registration. The distribution utility's monthly payments to the host shall be based on the rate used to calculate the host's credit relative to the host's own net metering under RSA 362-A:9, IV(a) or (b).

(b) If the host fails to timely file an annual report required by Puc 909.06, the distribution utility shall stop making monthly payments. The distribution utility shall restart monthly payments as of the meter read date immediately following receipt of the host's annual report.

(c) By June 1 of each year, the distribution utility shall calculate the difference between the host's surplus generation for which the host was paid during the course of the preceding calendar year and the group's total electricity used during that same period, using either subparagraph (1) or (2) below:

(1) If the group used more electricity than the host's surplus generation, no payment adjustment is required; or

(2) If the group used less electricity than the host's surplus generation, then the distribution utility shall calculate a payment adjustment based on the amount of electricity that the host's surplus generation exceeded the group's total use. The host shall be entitled to compensation for that excess generation at the distribution utility's avoided cost or its default service rate in accordance with RSA 362-A:9, V(b) or VI. If the distribution utility paid the host for that excess generation at a higher rate, then the distribution utility may, by June 1 of each year, bill the host for the amount it overpaid the host for that excess generation.

(d) Any distribution utility serving registered hosts shall file an annual report with the commission on or before April 1 of each year, beginning April 1, 2014, covering the immediately preceding calendar year, which report shall describe the number and location of all registered group host facilities it serves, the generating capacity and renewable source of each facility, the payments to each facility, and the group load served by each facility.

Puc 909.08 Sanctions for Failure to Comply.

(a) The commission shall suspend the registration of a host for a period of up to 2 years, after notice and an opportunity to be heard, for any of the following:

- (1) Misrepresentation of information required by Puc 909.09 which, if accurately reported, would have resulted in the denial of the application;
 - (2) A material violation of Puc 909 or RSA 362-A:9, XIV; or
 - (3) A material violation of any commission order.
- (b) The commission shall determine the period of suspension based on:
- (1) The severity of the infraction;
 - (2) Whether the host acted in good faith;
 - (3) Whether other mitigating or aggravating circumstances exist; and
 - (4) Other relevant information pertaining to the host and its principals.
- (c) A host whose registration was suspended may, at the end of the period of suspension, seek reinstatement by submitting a re-registration application under Puc 909.04.

Puc 909.09 Form PUC 909.09 Application to Register or Re-register as a Host.

- (a) An applicant for registration or re-registration as a host shall provide the commission, with a copy to the distribution utility, the following information on Form PUC 909.09:
- (1) The host's name, trade name, address, service address, telephone number, e-mail address, and website address, as applicable;
 - (2) The name, telephone number, and e-mail address of the individual responsible for responding to commission inquiries;
 - (3) A list of all members in the host's group, including each member's name, billing address, service address, and projected annual load;
 - (4) A certification that all members and the host are default service customers of the same distribution utility;
 - (5) The total historic annual load and the total projected annual load of the host;
 - (6) The total historic annual load and the total projected annual load of the members;
 - (7) The fuel source of the host facility, its generation capacity, the actual annual output of the host's facility, if known, and the projected annual output of the host's facility;

(8) A certification that the total historic annual load of the members together with the host exceeds the projected annual output of the host's facility;

(9) A certification that the host has provided a copy of the application to the distribution utility; and

(10) A certification that the applicant has the authority to file the application on behalf of the host and that its contents are truthful, accurate and complete;

(b) The applicant shall sign and date the form. The form and signatures may be electronic as authorized by RSA 294-A.

(c) The individual signing the form shall certify by the individual's signature that the information on the form is true to the best of the individual's knowledge and belief.

(d) The applicant shall electronically file the form and any attachments, in a format compatible with the computer system of the commission pursuant to Puc 203.03, through the commission's website, www.puc.nh.gov . The commission shall accept the form and any attachments through the regular mail or by hand delivery if the applicant certifies it is unable to file the documents electronically.

Puc 909.10 Form PUC 909.10 Host's Annual Report.

(a) On or before April 1 of each year, beginning the year after the host was registered, all registered hosts shall provide the commission, with a copy to the distribution utility, the following information on Form PUC 909.10 covering the immediately preceding calendar year:

(1) Any changes to the information required in Form PUC 909.09;

(2) As to those members who joined the group during the course of the immediately preceding calendar year, the effective dates of each such member's addition and each such member's name, billing address, service address, and projected annual load; and

(3) As to those members who left the group during the course of the immediately preceding calendar year, the effective date of each such departure;

(b) The host shall sign and date the annual report. The annual report and signature may be electronic as authorized by RSA 294-A.

(c) The host signing the form shall certify by that individual's signature that the information on the form is true to the best of the individual's knowledge and belief.

(d) The host shall electronically file the annual report, in a format compatible with the computer system of the commission pursuant to Puc 203.03, through the commission's website, www.puc.nh.gov . The commission shall accept the annual report through the regular

mail or by hand delivery if the host certifies it is unable to file the report electronically.

Puc 909.11 Confidentiality.

The registration and re-registration application Form Puc 909.09, the host's annual report Form Puc 909.10, the distribution utility's annual report described in Puc 909.07, and any related attachments provided to the commission shall be considered confidential and shall be released only after compliance with Puc 201.07, except that the commission shall use statistical information derived from the applications and annual reports to prepare the commission's annual report required by RSA 362-F:10, IV.

APPENDIX

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		

State of New Hampshire
Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301
603-271-2431
www.puc.nh.gov

Form PUC 909.09 Application to Register or Re-register as a Host (RSA 362-A:9, XIV)

Host Information:

Host's Name and Trade Name:

Host Mailing Address

Host Service Address

Host Telephone Number

Host email address

Host website

Person Responsible for Responding to Commission Inquiries:

Name

Telephone Number

Email address

Group Member Information (attach additional sheets if necessary):

Name

Billing Address

Service Address

Projected annual load

Name

Billing Address

Service Address

Projected annual load

Name

Billing Address

Service Address

Projected annual load

Host's total historic annual load _____ and projected annual load _____.

Host facility's actual output _____ and projected output _____.

Total historic annual load (combined) of all members: _____.

Total projected annual load (combined) of all members: _____.

Fuel source and generation capacity of host's facility: _____.

By signing below, I certify the following:

that each member and the host are default service customers of the same distribution utility;

that each member has signed an agreement with the host that complies with Puc 902.01;

that the total historic annual load of the members together with the host exceeds the projected annual output of the host's facility;

that I have provided a copy of this application, with any attachments, to the distribution utility;

that I have the authority to sign this application on behalf of the host; and

that the information on this form is true to the best of my knowledge and belief.

Dated: _____
Printed name: _____ Signature _____

Notes

This document may be signed electronically, RSA 294-A.

This form and any attachments shall be filed electronically through the PUC's website, www.puc.nh.gov, in a format compatible with the computer system of the commission, Puc 203.03.

The commission shall accept this form and any attachments through the regular mail or by hand delivery if the applicant certifies it is unable to file the documents electronically.

Questions? Call the PUC at 603-271-2431 or 1-800-735-2964

State of New Hampshire
Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301
603-271-2431
www.puc.nh.gov

Form PUC 909.10 Annual Report for Group Hosts (RSA 362-A:9, XIV)

**This form is due April 1 with a copy to the distribution utility.
The distribution utility will stop making monthly payments if this form is not timely filed.**

This Report Pertains to Calendar Year _____.

Host information:

Provide any changes in the host's name, trade name, mailing address, service address, telephone number, email address and/or website:

Person Responsible for Responding to Commission Inquiries:

Provide any changes in the person responsible for responding to commission inquiries:

Group Member Information (attach additional sheets if necessary):

Provide any changes in the information pertaining to current group members, including changes to their names, billing or service addresses, or actual or projected annual loads:

For any member(s) who left the group during the calendar year covered by this annual report, please state their name(s) and provide the effective date that the member(s) left the group:

For any member(s) who joined the group during the calendar year covered by this annual report, please state the effective date of when the member(s) joined the group, and provide the following for each new member: name, billing address, service address and actual or projected annual load.

State the host's actual annual load for the calendar year covered in this report:_____.

State the host's actual output for the calendar year covered in this report: _____.

State the actual annual load (combined) of all the members for the calendar year covered in this report: _____.

Describe any substantial change in the host's facility:_____.

By signing below, I certify the following:

that each member and the host are default service customers of the same distribution utility and have signed an agreement that complies with Puc 902.01;

that I have provided a copy of this annual report to the distribution utility;

that I have the authority to sign this annual report on behalf of the host; and

that the information on this form is true to the best of my knowledge and belief.

Dated:_____

Printed name:_____

Signature_____

Notes

This document may be signed electronically, RSA 294-A.

This annual report is due April 1 and shall be filed electronically through the PUC's website, www.puc.nh.gov, in a format compatible with the computer system of the commission, Puc 203.03.

The commission shall accept this form and any attachments through the regular mail or by hand delivery if the applicant certifies it is unable to file the documents electronically.

Questions? Call the PUC at 603-271-2431 or 1-800-735-2964