



The Senate of the State of New Hampshire

107 North Main Street, Concord, N.H. 03301-4951

March 23, 2015

Martin P. Honigberg, Esquire
Chairman
NH Site Evaluation Committee
NH Public Utilities Commission
21 Fruit Street
Concord, NH 03301

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Dear Chairman Honigberg:

I write to express my concern that draft rules now under consideration by the NH Site Evaluation Committee (Docket 204-14) fail to meet the statutory objectives set forward in recently enacted legislation.

The intention of rulemaking mandates set forth in SB 99 (Laws of 2013, Chapter 134), SB 245 (Laws of 2014, Chapter 217) and HB 1602 (Laws of 2014, Chapter 310) was that the SEC would propose new rules: 1) identifying specific criteria regarding the siting of new energy facilities; and 2) clarifying how the SEC would arrive at the individual findings required under RSA 162-H:16, IV. As the prime sponsor of SB 99 and SB 245, I am disappointed that the draft rule proposals do not measure up on these two objectives.

To assure that the SEC has sufficient time to address these concerns, the New Hampshire State Senate adopted the enclosed amendment to SB 170 on the floor last Thursday extending the deadline for completion of the new SEC rulemaking by three months. It is my expectation that with this additional time the SEC will provide clearer siting criteria (with established standards for each) and clearer foundations for reaching decisions on each of the four findings required in RSA 162-H:16, IV.

Sincerely,


Jeanie Forrester
Chair, Senate Finance Committee
New Hampshire State Senate
District 2

JF/dm

Enclosure: Floor Amendment #2015-1056s, SB 170

P.S. – While I am sure this is an unintended oversight, the SEC website link to RSA 162-H does not include the amendment enacted in 2014 by HB 1602 (Section 10-a) governing the “specific criteria” for the siting of new wind energy facilities.

Sen. Prescott, Dist. 23

Sen. Bradley, Dist 3

March 18, 2015

2015-1056s

06/05

Floor Amendment to SB 170

Amend the title of the bill by replacing it with the following:

AN ACT requiring the public utilities commission to ensure ratepayer protections with electric power suppliers and extending the time for the site evaluation committee to adopt certain rules.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Electric Utility Restructuring; Ratepayer Protections. Amend RSA 374-F by inserting after section 4 the following new section:

374-F:4-a Ratepayer Protection.

I. Within 60 days of the effective date of this section, the commission shall initiate a proceeding to develop rules to allow residential and small commercial customers to choose how they receive bill notices from competitive electric suppliers and to implement the provisions of this section.

II. Within 120 days of the effective date of this section, the commission shall redesign its website to enable residential and small commercial customers to compare standard pricing policies and charges and to require competitive electric suppliers to input such information. Such information shall be input no less frequently than once per month, unless there is no change in such information. Such redesign shall:

(a) Reflect the best practices of similar commission websites in other states and develop a process for removal of a competitive electric supplier's listings from such Internet website based on protocols established by the commission to ensure compliance with this section and to address customer complaints.

(b) Emphasize:

(1) Uniformity in the way competitive electric suppliers provide information for each category on the commission's website.

(2) Ease of use by customers.

(3) Ease of selecting and purchasing a specific contract from a competitive electric supplier shown on the commission's website.

(c) Include separate input boxes for the following information:

(1) A link to the provider's web page.

(2) Contract durations.

(3) Whether the contract has variable or fixed rates, or both, and when such rates apply.

(4) Cancellation charges.

(5) Rates.

(6) Other relevant information.

III. On or before July 1, 2017, and every 2 years thereafter, the commission shall review its website and ensure that the site remains an efficient tool for the comparison of pricing policies and charges among competitive electric suppliers.

IV. Unless the contract specifies a month-to-month variable rate, no competitive electric supplier shall charge a residential customer a variable rate, including during a contract term or following the expiration of a contract, without first providing written notification in a form approved by the commission of the nature of such variable rate 45 days prior to the commencement of the variable rate. The residential customer shall select the method of written notification at the time the contract is signed. Such customer shall have the option to change the method of notification at any time during the contract.

V. Competitive electric suppliers shall retain records of any of the notices required in this section for a period of not less than 2 years and shall make such records available to the commission upon its request.

2 Competitive Electricity Supplier Requirements. RSA 374-F:7, III is repealed and reenacted to read as follows:

III. The commission may assess fines against, revoke the registration of, order the rescission of contracts with residential customers of, order restitution to the residential customers of, and prohibit from doing business in the state any competitive electricity supplier, including any aggregator or broker, which:

(a) Is found to have engaged in any unfair or deceptive acts or practices in the marketing, sale, or solicitation of electricity supply or related services;

(b) Violates the requirements of this section or any other provision of this title applicable to competitive electricity suppliers; or

(c) Violates any rule adopted by the commission pursuant to paragraph V and RSA 374-F:4-a.

3 Energy Facility Evaluation Siting, Construction and Operation; Rules. Amend RSA 162-H:10, VII to read as follows:

VII. As soon as practicable but no later than ~~[July 1]~~ *November 1*, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to the organization, practices, and procedures of the committee and criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the office of energy and planning shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process.

4 Effective Date. This act shall take effect upon its passage.

2015-1056s

AMENDED ANALYSIS

This bill requires the public utilities commission to:

I. Redesign the commission's website.

II. Develop a summary of the terms and conditions of an electric generation service contract for residential customers.

III. Extends the time for the site evaluation committee to adopt rules relative to criteria for the siting of energy facilities.