

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF ENERGY**  
**LOW-MODERATE-INCOME COMMUNITY SOLAR EAP PROGRAM**

**Order Approving the Low-Moderate-Income Community Solar EAP Program**

Pursuant to RSA 362-A:9, XIV(d)-(i),<sup>1</sup> this order approves an application process and the issuance of application instructions for designation of low-moderate income (LMI) community solar projects serving electric customers who have enrolled in, or are on the waitlist for, the Electric Assistance Program (EAP). *See* RSA 362-A:9, XIV(e). Projects designated by the Department of Energy (Department) as LMI community solar projects will be eligible to receive a 2.5¢ per kWh adder (LMI Adder) from their distribution utility as net export compensation. *Id.* The Department may designate projects up to and including a state-wide aggregate nameplate capacity of 6 megawatts (MW) annually. *Id.* If more than 6 MW of projects apply for designation, the Department must select for designation the projects that offer the largest on-bill credit to EAP LMI members. *Id.*

**I. Procedural History**

On September 6, 2022, Senate Bill 270 (SB 270) became effective, making the aforementioned changes to RSA 362-A:9, XIV. Since then, Department staff held multiple stakeholder sessions and offered opportunity for written comment. Department staff held an initial stakeholder session to begin this process on September 7, 2022, subsequently developed a straw proposal regarding program implementation, and held additional stakeholder sessions to

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<sup>1</sup> *See* 2022 N.H. Laws Chapter 329 (SB 270) *codified at* RSA 362-A:9, XIV(d)-(i).

further refine the proposed processes on October 4, 2022, and December 22, 2022, with opportunity for written comment following each session. During the 2023 legislative session, a further amendment was made to the statute authorizing the Department to implement this program by rule or order.

## **II. Program Highlights**

Based on the record of such stakeholder sessions and written comments, the following details are established to facilitate the implementation of the program envisioned by SB 270. The Department will manage the application process and the associated statewide 6 MW annual statutory capacity limit, with opportunity for input from stakeholders on an annual basis. Eligibility is limited to customers of the three regulated New Hampshire electric distribution utilities; Public Service Company of New Hampshire d/b/a Eversource Energy, Unitil Energy Systems, Inc., and Liberty Utilities (Granite State Electric) Corp. d/b/a Liberty (collectively, the Electric Utilities). Applications must present a comprehensive plan that clearly demonstrates and quantifies the percentage allocations for the host and members of on-bill monetary credits as calculated based on the host's net excess electricity exported to the distribution system at the end of each billing cycle. Such percentage allocations to EAP LMI members shall not be less than 25 percent of the total credit amount. Projects must consist of new ground-mounted, carport, or rooftop group net metered community solar projects. Pursuant to RSA 362-A:9, XIV(e), if more than 6 megawatts of projects apply for designation, projects will be ranked based on the highest projected monthly on-bill credit per EAP LMI member. In the event that projects propose identical credits, a public lottery process will be employed. Selected projects will receive a formal designation entitling them to participate and receive the LMI Adder once the project is constructed, operational, and registered for group net metering.

LMI community solar projects will not be eligible for both the LMI Adder and the LMI grant program at this time, cross eligibility will be reviewed again in 2024.

**A. Application and Designation Timelines**

An application period will be announced once per year for that calendar year, following which applications will be accepted for a specified period. Application requirements and selection criteria will be outlined in application instructions, and released each year at the start of the application open period. Designations will be made once per calendar year following review of all submitted applications that meet the requirements of the application instructions.

For the calendar year 2023, applications will be accepted from the date the application instructions are issued (contemporaneously with this order) until 4:30pm on February 29, 2024. Beginning calendar year 2024, the application period will begin earlier in the year and remain open for a longer period.

**B. 6 MW Annual Cap**

The 6 MW annual cap is a state-wide cap on only LMI projects utilizing EAP. The cap is not allocated by Electric Utility service territory. If applications do not fully reserve the 6 MW cap for a particular year, the unused portion of the cap will not be available in future years. If an applicant does not receive designation because the cap has been exceeded, the applicant may reapply in a future year's application period, under a new 6 MW cap.

**C. Member selection**

Pursuant to RSA 362-A:9, XIV(f), group members will be selected by the utility, subject to Department review and approval, and consistent with criteria, process, and timeframe specified in applicable group net metering rules as discussed herein.

Eligible customers will be selected as group members in accordance with RSA 362-A:9, XIV(d) and (e). All members must be within the host utility service territory. The total number of members for a group will be determined by the utility and will adhere to the following requirements:

- i) The estimated uniform load figure per member of 625kWh/month shall be used (rather than actual individual member loads).
- ii) A utility shall make calculations such that the total annual member load will meet or exceed total estimated PV system production, accounting for potential group changes throughout the calendar year. Total estimated annual member load shall represent 105% of total facility net excess generation (not including host usage).
- iii) Total portion of credit to members shall be divided evenly among members.
- iv) Members will be selected first from EAP-eligible customers within the project location zip code and then from EAP-eligible customers in surrounding zip codes. Randomized selection will be used in the event there are more EAP-eligible customers than available group memberships in any relevant priority area.

#### **D. Group Management**

Group registrations can begin two (2) months prior to a project's estimated operational date. The utility will select members based on the aforementioned criteria. The Department will then review and approve the selection through the existing group registration process as outlined in Puc 900, which will be adapted as applicable to these groups and approved through Order, pending rule updates.

The utility will also develop, subject to Department review and approval, the enrollment and opt-out notification(s) for members and notify selected EAP-eligible members of their

enrollment. *See* RSA 362-A:9, XIV(f). Each utility will also provide each selected EAP-eligible customer with opt-out notifications. Enrolled members will have a specified time period of 10 business days to opt-out before being included in a group registration. Upon member enrollment and notification, each utility will submit final group registration information to the Department.

The Department will then issue a group registration certificate to the host and utility, and LMI Adder credit benefits will begin with the following host billing cycle or commercial operation. The EAP-LMI member bill will contain a line item showing and identifying the on-bill-credit. Each utility will make quarterly changes to the group based on conditions including but not limited to EAP eligibility, customer cancellations, and permanent account closure through group change processes managed by the utility, to be further developed and approved by the Department.

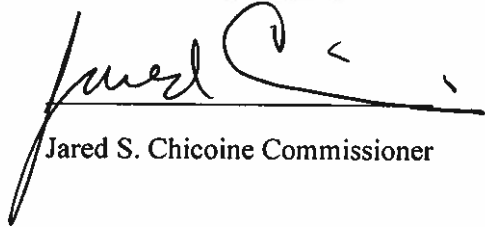
The utility will manage and submit annual reporting requirements pursuant to Puc 909.10. The host will coordinate with the utility regarding requests for information and data including provision of the annual maximum solar production estimate for each facility during the group registration process; an indication of whether a host chooses to receive a check monthly equal to monetary credit for excess production allocated to host under Puc 909.13(c); and the total facility production data for annual reporting.

**Based upon the foregoing, it is hereby:**

**ORDERED**, that the Department shall prepare 2023 application process instructions and notice of deadline for issuance on or before December 29, 2023. Said instructions shall include the details of the application submission requirement, the application selection process, and other general conditions of the program. Applications must be submitted by 4:30pm EST on February

29, 2024. Details of the program and application process can be found on the Department's website.<sup>2</sup>

So ordered this 22<sup>nd</sup> day of December, 2023.



Jared S. Chicoine Commissioner

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<sup>2</sup> NH Senate Bill 270 Low to Moderate Income Community Solar Program | NH Department of Energy