STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DE 10-212

RENEWABLE ENERGY INCENTIVE PROGRAM FOR COMMERCIAL AND INDUSTRIAL SOLAR PROJECTS

Order *Nisi* Temporarily Modifying Program Terms

O R D E R N O. 26,346

April 7, 2020

In this order, the Commission approves temporary modifications to the existing incentive program for solar energy projects undertaken by commercial and industrial electric customers. These modifications include: (1) authorizing electronically filed applications; (2) extending the current initial application deadline until April 24, 2020; (3) postponing the public lottery until May 1; and (4) authorizing Commission Staff to conduct the public lottery through virtual means rather than at a physical location. Those modifications are consistent with Commission procedures implemented in response to the COVID-19 related state of emergency. This order is issued on a *nisi* basis to ensure that interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

I. PROCEDURAL HISTORY

RSA 362-F:10, VIII, authorizes the Commission to establish incentive or rebate programs and competitive grant opportunities for renewable energy projects sited in New Hampshire. In 2010, the Commission approved a commercial and industrial (C&I) solar rebate program pursuant to RSA 362-F:10, VIII. *See Establishing a Commercial and Industrial Renewable Energy Rebate Program*, Order No. 25,151 (October 1, 2010). The C&I Solar Rebate Program (C&I Program) provides funds to C&I electric customers to incentivize the development of solar

photovoltaic and solar thermal energy projects. The Program is funded by the renewable energy fund (REF) created by RSA 362-F:10.

Since 2010, the C&I Program has been modified, closed, and reopened at different times due to high demand for the program and funding constraints. *See, e.g., Renewable Energy Incentive Program for C&I Solar Projects*, Order No. 25,764 (February 20, 2015) (expanding and modifying program into two categories); *Renewable Energy Incentive Program for C&I Solar Projects*, Order No. 25,878 (April 6, 2016) (reducing incentive levels); *Renewable Energy Incentive Program for C&I Solar Projects*, Order No. 26,111 (March 8, 2018) (reducing incentive levels and reopening program).

Most recently, the Commission issued an order that: (1) reopened the C&I Program, effective March 16, 2020; (2) reduced the incentive levels; (3) simplified the application process; (4) set an initial application deadline and public lottery date; and (5) adopted changes to increase administrative efficiency. *See Renewable Energy Incentive Program for C&I Solar Projects*, Order No. 26,336 (March 6, 2020).

On March 13, 2020, Governor Sununu issued a state of emergency related to the Novel Coronavirus (COVID-19). On April 2, 2020, Commission Staff (Staff) filed a recommendation (Recommendation) proposing additional program modifications intended to address issues related to the COVID-19 state of emergency.

The Recommendation and other prior docket filings, other than any information for which confidential treatment has been requested of or granted by the Commission, are posted at: https://www.puc.nh.gov/Regulatory/Docketbk/2010/10-212.html.

II. STAFF RECOMMENDATION

According to Staff, temporary modifications to the C&I Program are necessary in consideration of the current state of emergency. Staff recommended that the Commission permit new C&I Program applications to be submitted electronically, as well as through paper submissions. Staff stated that submissions should be considered filed as of the time that an electronic version is received by the Commission, with paper copies also submitted in a timely manner thereafter. Staff maintained that this modified approach is consistent with the Commission's COVID-19 related secretarial letter issued on March 17, 2020, which permitted electronic filings in Commission proceedings during the state of emergency.

With respect to the current schedule for the reopened C&I Program, Staff recommended extending the deadline for initial applications to be included in the public lottery by one week to April 24, 2020, and postponing the public lottery by one week to May 1. Staff also recommended allowing the public lottery to be conducted virtually through video conference technology rather than in a physical location at the Commission's offices.

Staff further recommended that the temporary program modifications be approved on a *nisi* basis, with shortened *nisi* periods, in order to implement the changes in a timely manner.

III. COMMISSION ANALYSIS

We have reviewed Staff's proposed temporary modifications to the C&I Program. We find that the temporary modifications are warranted in light of the current state of emergency, and are consistent with our general directives to implement social distancing in Commission procedures during the state of emergency. We therefore approve of, and adopt, Staff's proposed temporary modifications to the C&I Program.

We direct Staff to implement application submission, processing, review, and approval procedures consistent with this order. To facilitate administration, we authorize Staff to make clerical, administrative, and other modifications to program forms and processes without further Commission approval, provided that such modifications are consistent with this order. We also expressly authorize the Commission's Executive Director to terminate the temporary modification permitting electronic application submissions following the end of the state of emergency.

Under RSA 365:28, the Commission has the authority, "after notice and hearing, to alter, amend, suspend, annul, set aside, or otherwise modify any order made by it." In lieu of a hearing, we modify Order No. 26,336 to implement the temporary C&I Program modifications addressed above by issuing this order on a *nisi* basis to ensure that all interested persons receive notice of the decision and have the opportunity to submit comments or request a hearing before the order becomes effective.

Based upon the foregoing, it is hereby

ORDERED *NISI*, that the commercial and industrial solar rebate program shall be modified as described in the body of this order; and it is

FURTHER ORDERED, that the Executive Director shall publish this order *nisi* on the Commission's website no later than one day after the date of issue, and shall cause a copy of this order *nisi* to be sent via electronic mail to the service list for this docket; and it is

FURTHER ORDERED, that all persons interested in responding to this order *nisi* be notified that they may submit their comments or file a written request for a hearing that states the reason and basis for a hearing no later than April 13, 2020, for the Commission's consideration; and it is

FURTHER ORDERED, that all persons interested in responding to such comments or request for hearing shall do so no later than April 15, 2020; and it is

FURTHER ORDERED, that this order *nisi* shall be effective on April 17, 2020, unless the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

FURTHER ORDERED, that Staff is authorized to make clerical, administrative, and other modifications to program application forms and processes without further Commission approval, provided that such modifications are consistent with this order; and it is

FURTHER ORDERED, that the Commission's Executive Director is authorized to terminate the temporary modification permitting electronic application submission following the end of the state of emergency.

By order of the Public Utilities Commission of New Hampshire this seventh day of April, 2020.

Dianne Martin	Kathryn M. Bailey	Michael S. Giaimo
Chairwoman	Commissioner	Commissioner

Attested by:

Debra A. Howland
Executive Director

Service List - Docket Related

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