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September 5, 2008

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429

Re: Waiver of Notice Publication Deadline for Proposed Interim Rule

Dear Commissioners:

In a letter dated August 28, 2007, Chairman Thomas B. Getz of the Public Utilities Commission (PUC) requested, on the PUC's behalf, a waiver pursuant to RSA 541-A:40, IV of the deadline under RSA 541-A:19, I(a) for publishing a notice for a proposed interim rule. This rule will be designed to implement HB 1434 (Chapter 182 of the Laws of 2008) relative to the regional greenhouse gas initiative. Because Chapter 182 was effective June 11, 2008, the basis for an interim rule in this case under RSA 541-A:19, I(a) requires that "an agency shall not publish notice of a proposed interim rule more than 90 days after the effective date of the new or amended statute." The 90th day will be September 9, 2008.

As provided by RSA 541-A:40, IV, as Director of the Office of Legislative Services I have the authority to waive, for good cause shown, any deadline contained in RSA 541-A after consultation with the Chair and Vice-Chair of the Joint Legislative Committee on Administrative Rules (JLCAR). Chairman Getz's letter addresses the purpose of the new law and the effect of the proposed interim rule. This includes the connection to proposed interim rules recently filed by the Department of Environmental Services to implement Chapter 182, and the need of the PUC to consult with the new Energy Efficiency and Sustainable Energy Board established under Chapter 292 of the Laws of 2008. The letter also indicates that the proposed interim rule would be filed for the November 20 JLCAR meeting.

I have consulted with the JLCAR Chair and Vice-Chair. In light of the reasons set forth in Chairman Getz's letter, I agree that good cause exists for waiving the 90-day deadline for publishing a notice for the proposed interim rule.

If you have any questions in this regard, please contact the legal staff in Administrative Rules at 271-3680.

Very truly yours,

Carol J. Holahan (by JKS)

Carol J. Holahan
Director

SFE/CJH

cc: Thomas B. Getz, Chairman, PUC
Scott F. Eaton, Administrative Rules Director, OLS

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