

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Puc 100 ORGANIZATIONAL RULES

REVISION NOTE:

Document #6470, effective 3-18-97, made changes to the wording, format, and numbering of rules in Chapter Puc 100. Former Part Puc 101 governing definitions has been amended and renumbered as Part Puc 102. Former Part Puc 102 governing the description of the agency has been amended and renumbered as Part Puc 103. Part Puc 101 and Part Puc 104 are new rules adopted by Document #6470.

Document #6470 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Puc 100 include the following documents:

#2011, eff 5-4-82
#2173, eff 11-11-82
#2912, eff 11-26-84
#4997, eff 11-26-90
#6365, INTERIM, eff 11-18-96

PART Puc 101 APPLICABILITY

Puc 101.01 Applicability. This chapter shall apply to the conduct of all commission business in furtherance of the agency's statutory responsibilities.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, eff 6-10-06

PART Puc 102 DEFINITIONS

Puc 102.01 "Adjudicative proceeding" means a proceeding conducted pursuant to the procedure followed in contested cases, as set forth in RSA 541-A:31 through RSA 541-A:36 and the rules of the commission.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, eff 6-10-06

Puc 102.02 "Commission" means the public utilities commission of the State of New Hampshire, its commissioners and its employees.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.03 "Complaint" means a writing filed with the commission pursuant to RSA 365:1 which claims a public utility has acted or failed to act in violation of any law, rule, regulation, or order administered or promulgated by the commission.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.04 "Contested case" means a proceeding in which the legal rights, duties, or privileges of a party are required by law to be determined by the commission after an opportunity for hearing.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

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Puc 102.05 “Customer” means any person, firm, corporation, cooperative marketing association, tenant, governmental unit, or subdivision of a municipality or of the state of New Hampshire who has contracted for electric, gas, sewer, steam, telephone, or water service from a utility.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.06 “Document” means any paper or electronic record, including but not limited to any application, complaint, petition, motion, prepared testimony, data request, data response, exhibit, brief, written communication or correspondence. With respect to an electronic record, “document” does not include information that would not appear if the document were printed in paper form.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.07 “Hearing” means a properly noticed session held in a contested case before the commission or its designee which provides for opportunity for any party, intervenor or commission staff to present evidence and conduct cross-examination. “Hearing” also includes any pre-hearing conferences conducted pursuant to Puc 203.14.

Source. (See Revision Note at *chapter heading for Puc 100*)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.08 “Motion” means a request made to the commission or the presiding officer after the commencement of a contested proceeding for an order or ruling directing some act to be done in favor of the party making the motion, including a statement of justification or reasons for the request.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.09 “Order” means the whole or part of the commission's disposition of a matter, other than a rule, but does not include a commission decision to initiate, postpone, investigate or process any matter.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.10 “Party” means “party” as defined by RSA 541-A:1, XII, namely, “each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party.”

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.11 “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character which appears before the commission for any purpose.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

Puc 102.12 “Petition” means the initial pleading filed with the commission to commence a proceeding for the purpose of seeking commission action pursuant to Puc 202.01(a).

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-97; ss by #8656, eff 6-10-06

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Puc 102.13 “Prehearing conference” means a properly noticed session in contested cases which provides the opportunity, pursuant to RSA 541-A:31, V, to consider requests for intervention, offers of settlement, simplification of the issues, stipulations or admissions as to issues of fact or proof, limitations on the number of witnesses, changes to standard procedures during the hearing, or other matters which aid in the disposition of the proceeding.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.14 “Prehearing order” means the commission’s written decision addressing procedural issues raised in a prehearing conference.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.15 “Presiding officer” means the chairman of the commission except as provided in Puc 203.14(b)(c).

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.16 “Proceeding” means a docketed case commenced by the commission.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.17 “Public statement hearing” means a meeting of the commission convened in an adjudicative proceeding for the sole purpose of receiving public comment that will not be entered into evidence.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.18 “Respondent” means any party subject to the commission’s jurisdiction to whom the commission issues notice instituting a proceeding, or investigation or inquiry of the commission, or any party in interest or person ordered before any pending proceeding of the commission.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*

Puc 102.19 “Routine filings” means documents submitted, on a recurrent basis, by a utility to the commission outside of an adjudicative proceeding.

Source. #9897, INTERIM, eff 3-26-11, EXPIRES: 9-22-11

Puc 102.20 “Rulemaking” means the process for adopting rules as provided for in RSA 541-A:3 and other relevant provisions of RSA 541-A.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*; renumbered by
#9897, (from Puc 102.19)

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Puc 102.21 “Staff” means the employees of the commission other than the commissioners.

Source. #8656, *eff 6-10-06*; renumbered by #9897, (from Puc 102.20)

Puc 102.22 “Technical session” means a meeting of the parties at which information is shared on an informal basis and at which neither the presiding officer nor any commissioners are present.

Source. #8656, *eff 6-10-06*; renumbered by #9897, (from Puc 102.21)

PART Puc 103 DESCRIPTION AND CONTACT INFORMATION FOR THE COMMISSION

Puc 103.01 Commission Functions.

(a) The commission is established to carry out the requirements of RSA Title XXXIV relative to public utilities and their customers and the requirements of RSA 38 relative to public utilities and municipalities.

(b) Pursuant to RSA 363:17-a, the commission serves as the arbiter between the interests of the customer and the interests of regulated utilities.

(c) Pursuant to RSA 374:3, the commission has the general supervision of all public utilities and their facilities so far as is necessary to carry out the requirements of RSA Title XXXIV.

(d) Pursuant to RSA 378, the commission has the responsibility to assure that rates charged by public utilities are just, reasonable and lawful.

(e) Pursuant to RSA 363:27, II, the commission shall organize its staff as it determines best achieves the commission’s statutory responsibilities.

(f) Pursuant to RSA 363:27, III, the commission shall appoint an executive director and a general counsel.

(g) The staff of the commission is structured around industry-specific divisions and includes divisions with expertise in electric, gas, telecommunications, water and all other types of utilities as set forth in RSA 362:2.

(h) In addition to the industry-specific divisions noted in (g), the commission includes an administration division, a legal division, a safety division, an audit division and a consumer affairs division.

(i) The commission is located at 21 South Fruit Street, Suite 10, Concord, New Hampshire.

(j) The commission has regular hours from 8:00 a.m. to 4:30 p.m. and is closed on Saturdays, Sundays and state holidays.

(k) The consumer affairs division may be contacted directly by telephone at 1-800-872-2793 or 603-271-2431, TDD Access-Relay NH: 1-800-735-2964, by facsimile at 603-271-3878, or by written communication addressed to the attention of:

The Consumer Affairs Division
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

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(l) The safety division may be contacted directly by telephone at 888-397-5444 or 603-271-6022, by facsimile at 603-271-6048, or by written communication addressed to the attention of:

The Safety Division
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

(m) General inquiries and requests for public information pursuant to Puc 104 may be directed by telephone at 603-271-2431, by facsimile at 603-271-3878, by e-mail to puc@puc.nh.gov, or by written communication addressed to the attention of:

Executive Director
NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, N.H. 03301-2429

(n) The web site of the commission is www.puc.nh.gov.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, eff 6-10-06

PART Puc 104 REQUESTS FOR PUBLIC INFORMATION

Puc 104.01 Public Access to Information.

(a) To the extent required or permitted by RSA 91-A, the commission shall permit members of the public to examine and copy public records.

(b) Members of the public may make a request to examine records by contacting the executive director pursuant to Puc 103.01(m).

(c) The commission shall permit examination and copying of public records, as follows:

- (1) On the commission premises;
- (2) During commission business hours; and
- (3) Within the time-frames set forth in RSA 91-A.

(d) Any person who seeks to examine or copy public records shall describe the information requested sufficiently in detail to allow the commission to identify the records requested.

(e) This section shall not require the release by the commission of information determined, pursuant to RSA 91-A:5, Puc 201.06, Puc 201.07, or Puc 203.08, to be:

- (1) Confidential; or
- (2) Not a matter of public record.

(f) Within the time period specified by RSA 91-A:4, the commission shall respond to such a request by:

- (1) Making the record available for inspection and copying;

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(2) Denying the request in writing and stating the reasons for denial; or

(3) Furnishing written acknowledgement of the receipt of the request and a statement of the time reasonably necessary to determine whether the request shall be granted or denied.

(g) For all records submitted to the commission pursuant to Puc 201.06, the procedures established under Puc 201.07 shall govern the commission's response to requests for public release of such documents.

(h) The commission shall charge for copies of public records at the actual cost of providing the copy, pursuant to RSA 91-A:4, IV.

(i) A written denial issued under this rule shall be treated as the final determination of the commission for purposes of appeal to the superior court pursuant to RSA 91-A:7.

Source. (See Revision Note at chapter heading for Puc 100)
#6470, eff 3-18-9; ss by #8656, *eff 6-10-06*; ss by #9897,
INTERIM, eff 3-26-11, EXPIRES: 9-22-11

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APPENDIX

RULE	STATUTE
Puc 101.01	RSA 365:8, XII; RSA 363:17-a
Puc 102.01-102.22	RSA 365:8, XII; RSA 365:8, XIV
Puc 103.01	RSA 356:8, XII
Puc 104.01	RSA 365:8, XII; RSA 365:8, XIV