

THE STATE OF NEW HAMPSHIRE



PUBLIC UTILITIES COMMISSION
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January 12, 2012

Scott F. Eaton, Director
Administrative Rules Division
Office of Legislative Services
State House Annex, Room 219
25 Capitol Street
Concord, New Hampshire 03301

Re: Notices Nos. 2011-113 and 2011-114, Puc 100 & 200, Procedural;
Commission Docket No. DRM 11-023, Final Proposals

Dear Mr. Eaton:

On August 15, 2011, the Commission voted pursuant to RSA 541-A to initiate two rulemakings to: (1) readopt with amendment Puc 100 and 200, regarding the Organizational Rules and Rules of Practice and Procedure, and (2) readopt with amendment Puc 201.05. Rulemaking notice forms were filed with the Office of Legislative Services on August 15, 2011, as required by RSA 541-A:6. The notice scheduled a public hearing on the proposed Readoptions with Amendment for September 20, 2011.

The hearing was held as scheduled, and comments were received from several parties involved. On January 11, 2012, the Commission voted to approve the established Final Proposals for Notices 2011-113 and 2011-114. The Commission asks that the JLCAR consider these proposals for Approval. As required by the new Rulemaking Manual, you will find enclosed one copy of the following:

- A completed Appendix II-G, Cover Sheet for Final Proposal;
- A copy of the full text of the statutory rulemaking authority for the rule;
- The established text of the final proposed rule as the "Final Proposal—Fixed Text", including the cross-reference table required by RSA 541-A:3-a, II as an appendix; and

The established text of the final proposed rule as the "Final Proposal—Annotated Text".

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Thomas B. Getz".

Thomas B. Getz
Chairman

Enclosures

APPENDIX II-G

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2011-114

Rule Number Puc 201.05

1. Agency Name & Address:

**NH Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429**

2. RSA Authority: RSA 365:8, XII

3. Federal Authority: _____

4. Type of Action:

- Adoption
 Amendment
 Repeal
 Readoption
 Readoption w/amendment

5. Short Title: **ORGANIZATIONAL RULES AND RULES OF PRACTICE AND PROCEDURE**

6. Contact person for copies and questions:

Name: **Alexander Speidel, Esq.**
Address: **NH Public Utilities Commission
21 South Fruit Street, Suite 10
Concord NH 03301-2429**

Title: **Staff Attorney**
Phone #: **603-271-2431**

7. Yes No Agency requests Committee legal counsel review and delayed Committee review pursuant to RSA 541-A:12, I-a

8. The rulemaking notice appeared in the Rulemaking Register on August 19, 2011

**SEE THE INSTRUCTIONS--PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET
AND 2 COPIES OF THE FOLLOWING:
(and numbered correspondingly)**

9. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

10. The full text of the RSA passage granting rulemaking authority.

11. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

TITLE XXXIV
PUBLIC UTILITIES

CHAPTER 365
COMPLAINTS TO, AND PROCEEDINGS BEFORE, THE COMMISSION

Proceedings Before the Commission

Section 365:8

365:8 Rulemaking Authority. – The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The conduct of its hearings, including alternative processes in hearings and other forms of alternative dispute resolution.

II. Standards and procedures for streamlined review or other alternative processes to enhance the efficiency of the commission and respond to the needs of the utility's ratepayers and shareholders.

III. Standards and procedures for the creation, monitoring and evaluation of alternative forms of regulation.

IV. Standards and procedures for the handling of confidential information, in accordance with RSA 91-A.

V. Standards and procedures for filing requirements for tariffs, engineering, accounting, and other commission matters.

VI. Standards and procedures for franchise terms and conditions, including extended area telephone service.

VII. Standards and procedures for safe and reliable utility service and termination of service subject to RSA 363-B.

VIII. Standards and procedures for matters related to the proper administration of RSA 366 relative to utility relations with affiliates.

IX. Standards and procedures relative to a reasonable amount of the short-term notes, bonds or other evidences of indebtedness based upon the amount of the utility's respective plant investment which each utility shall not exceed without first obtaining the approval of the commission pursuant to RSA 369:7.

X. Standards and procedures for determination and recovery of rate case expenses.

XI. Standards and procedures for the conduct of investigations authorized under this title.

XII. Procedures necessary to provide for the proper administration of and to further the purposes of this title.

XIII. [Repealed.]

XIV. Standards and procedures for public utilities to request protection of routine filings that contain confidential commercial or financial information.

Source. 1911, 164:2. PL 238:9. RL 287:9. 1951, 203:11 par. 8. RSA 365:8. 1981, 220:4. 1994, 193:1. 2005, 102:1, eff. June 15, 2005. 2010, 206:2, eff. June 22, 2010; 336:3, eff. Oct. 18, 2010.

CHAPTER Puc 200 RULES OF PRACTICE AND PROCEDURE

PART Puc 201 GENERAL REQUIREMENTS

Readopt with Amendment Puc 201.05, effective 6-10-06 (Document # 8657-B), to read as follows:

Puc 201.05 Waiver of Rules.

(a) The commission shall waive the provisions of any of its rules, except where precluded by statute, upon request by an interested party, or on its own motion, if the commission finds that:

- (1) The waiver serves the public interest; and
- (2) The waiver will not disrupt the orderly and efficient resolution of matters before the commission.

(b) In determining the public interest, the commission shall waive a rule if:

- (1) Compliance with the rule would be onerous or inapplicable given the circumstances of the affected person; or
- (2) The purpose of the rule would be satisfied by an alternative method proposed.

(c) Any interested party seeking a waiver shall make a request in writing, except as provided in (d) below.

(d) The commission shall accept for consideration any waiver request made orally during a hearing or pre-hearing conference.

(e) A request for a waiver shall specify the basis for the waiver and proposed alternative, if any.

APPENDIX

A cross reference of the specific sections of the state statute and federal statute or regulation, as may be applicable, which the rule is intended to implement is set forth as follows:

Rule(s)	State Statute (RSA)
Puc 201.05	RSA 365:8, XII