

1 **STATE OF NEW HAMPSHIRE**2 **PUBLIC UTILITIES COMMISSION**

3
4 **April 29, 2013 - 2:33 p.m.**
5 Concord, New Hampshire

NHPUC MAY15'13 PM 4:10

6
7 **RE: DRM 13-088**
8 **RULEMAKING:**
9 **Puc 700 - Rules for Sewer Utilities.**
10 **(Hearing to receive public comment)**

11
12 **PRESENT:** Chairman Amy L. Ignatius, Presiding
13 Commissioner Robert R. Scott
14 Commissioner Michael D. Harrington

15 Sandy Deno, Clerk

16 **APPEARANCES:** **Reptg. the Residential Ratepayers:**
17 Stephen R. Eckberg
18 Office of Consumer Advocate

19 **Reptg. PUC Staff:**
20 Marcia A. Brown, Esq.
21 Mark A. Naylor, Director/Gas & Water Division
22 Denise McKeen, Legal Division

23 Court Reporter: Steven E. Patnaude, LCR No. 52
24

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P R O C E E D I N G

CHAIRMAN IGNATIUS: Good afternoon. I'd like to open the hearing in Docket DRM 13-088. This is the Commission's rulemaking for the Puc 700 rules regarding sewer utilities. And, we are at the point of having a public comment hearing for companies and members of the public to come and comment on the proposed rules. Which have been formally noticed in the Rulemaking Register.

We have present today representation from the Office of Consumer Advocate and the Commission Staff, but no members of the public or sewer utilities. And, it's after the time that we noticed this.

So, I guess, while we wait and see if anyone else appears, let me first ask, Ms. Brown, if you could recount for us the work that's been done to put notice out to people about this afternoon's proceeding and the rulemaking effort itself, and also the date for written comments, if anyone has something they want to supply, but aren't here today.

MS. BROWN: Yes. As stated in the Rulemaking Notice Form that was published, and also is included in the Commission's Docketbook, May 6, close of business, 4:30, is the deadline by which interested

1 parties should submit comments on Puc 700 rules.

2 With respect to the notice of the
3 rulemaking, as you stated, the Rulemaking Notice Form was
4 published in the Rulemaking Register, but also Staff
5 effectuated actual notice by mailing by First-Class Mail
6 and e-mailing, for those who had e-mail, to all of the
7 sewer utilities affected by these rules. Staff is aware
8 that the Commission's Docketbook, as of today, does not
9 reflect documentation of those efforts to contact the
10 utilities, and Staff will file the appropriate
11 documentation after this hearing, to document both that
12 where we had e-mails, an e-mail copy of the rulemaking
13 notice, along with the Puc 700 rules was sent out, and,
14 where we didn't have e-mail, that it was mailed by
15 First-Class Mail. Thank you.

16 CHAIRMAN IGNATIUS: Thank you. And, can
17 you give us a quick summary of any changes that are
18 contained within the 700 Initial Proposal?

19 MS. BROWN: Yes. There are no changes.
20 Staff did notice that the index to the rules, from the
21 change eight years ago, had not been updated. Although
22 the Legislative Services review team does not consider the
23 index to be part of the rules, so, there are no changes to
24 the rules. But that is something that Staff has edited.

1 So, the total package, with the index and the Puc 700
2 rules, there are no changes. Thank you.

3 CHAIRMAN IGNATIUS: All right. Does the
4 Office of Consumer Advocate have any comments on the
5 proposed rules?

6 MR. ECKBERG: No, we have no comments.
7 Generally, we don't get involved in regulation of sewer
8 utilities, only because of our limited resources. So, we
9 appreciate Staff efforts to keep these rules up-to-date.
10 Thank you very much.

11 CHAIRMAN IGNATIUS: Thank you. Any
12 questions? Commissioner Scott.

13 CMSR. SCOTT: I have a general question,
14 and perhaps it's best for Mr. Naylor, but whoever. Both
15 for the water and for the sewer, which we're discussing
16 now, rules, I was curious, how do we -- it strikes me odd
17 that there are zero changes, other than references, after
18 eight years. And, I wonder, are we communicating with
19 regulated entities, so they understand we would like to
20 constantly improve and make life easier for them and
21 ourselves, and yet get the same rules? Is that happening,
22 do you think?

23 MR. NAYLOR: Well, I think we regulate
24 five or six sewer utilities. The largest is, I believe,

1 Eastman Sewer, is about 530 customers. So, these are all
2 pretty small utilities. Typically, the issues we have
3 with these companies of that size are not so much
4 enforcement of rules, that kind of thing, but making sure
5 they're providing safe and adequate service, where they're
6 looking out for what their capital requirements are, in
7 terms of access to financing and making improvements that
8 are needed.

9 When we have dealings with these small
10 companies, we typically get in touch with the DES staff,
11 to see where they stand in terms of compliance with their
12 DES requirements. So, it's really, with these small
13 utilities, it's really at a much -- much bigger picture
14 level, I guess you would say. Making sure that the
15 service they provide is reasonably safe and adequate.

16 CMSR. SCOTT: Do you have the impression
17 that these utilities are familiar with our rules?

18 MR. NAYLOR: I don't believe I've come
19 across any circumstances, and, certainly, in recent years,
20 where there have been issues with compliance with rules.
21 It's usually -- it's usually the bigger picture of, you
22 know, whether they have -- whether they can get capital,
23 you know, to put in improvements and, you know, that kind
24 of thing.

1 CMSR. SCOTT: Thank you.

2 CHAIRMAN IGNATIUS: Then, we will await
3 the deadline of May 6 to see if any written comments are
4 received. And, beyond that, we'll work our way towards
5 the final conclusion of the rulemaking process. I
6 appreciate everyone's attention today. And, we are
7 adjourned.

8 **(Whereupon the hearing ended at 2:40**
9 **p.m.)**

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