

**STAKEHOLDER REVIEW OF NEW HAMPSHIRE'S
UTILITY ASSESSMENT SYSTEM**

Information Requests

The Commission is currently required under RSA 363-A:1 to ascertain the total expenses it incurs annually in the performance of its duties relating to public utilities, as defined in RSA 362:2, and its duties relating to the office of the consumer advocate. Such expenses do not include expenses incurred as a result of investigations or rate proceedings under RSAs 365:37 and 365:38, respectively.

Under the statute, the Commission must calculate individual assessments by using the gross utility revenue of all public utilities and 33 percent of the gross utility revenue of certain rural electric cooperatives, and then allocating a percentage to each utility in direct proportion to the utility's revenues as they relate to total utility revenues as a whole. Allocations must be assessed against each public utility and rural electric cooperative in an amount equal to its proportionate share. *See* RSA 363-A:1. The Commission shall assess a minimum fee, in such proportion as the Commission determines to be fair and equitable, to utilities having minimal revenues, pursuant to RSA 363-A:2. Utilities that earn less than \$10,000 in gross revenues during the preceding fiscal year are exempted from the assessment under RSA 363-A:5.

1. The current allocation method is based on a utility's revenues as a percent of the total revenues of all New Hampshire utilities.
 - (a) Do you believe that the allocation method currently specified in statute is fair and reasonable?
 - (b) Why or why not?
 - (c) If not, what different method(s) of allocation would you propose and why is that method(s) more fair and reasonable?
 - (d) What statutory and/or rule changes would be required to utilize the method you propose?

2. Do you believe that the allocation method currently specified in statute is legal and constitutional?
 - (a) Why or why not?
 - (b) If not, what different method(s) of allocation would you propose?
 - (c) What statutory and/or rule changes would be required to utilize the method(s) you propose?

3. Do you believe that entities that are not public utilities under RSA 362:2 should be required to fund the Commission's expenses in some way? If so:

- (a) What non-public utilities should be required to fund the expenses and why?
 - (b) What amount of the expenses should non-utilities be required to fund?
 - (c) By what mechanism(s) should the monies be collected?
 - (d) What is the legal basis for imposing the obligation?
 - (e) What statutory and/or rule changes would be required to implement your proposals?
4. The Commission has historically implemented the calculation of “gross utility revenue” under RSA 363-A:2 to include all of a utility’s revenues associated with operations within the State of New Hampshire, whether or not the revenues are derived from an activity that is directly regulated by the Commission. For example, Public Service Company of New Hampshire reports revenue from transmission facilities located in New Hampshire that transmit electricity generated in and/or consumed in New Hampshire, even though the rates, terms of service and safety of transmission facilities are regulated by the Federal Energy Regulatory Commission. Telephone utilities must include revenue from interstate telephone calls that originate, or are placed to a location, in New Hampshire and travel over wires in New Hampshire, even though interstate telephone calls are regulated by the Federal Communications Commission.

Please provide:

- (a) Your company’s total revenues associated with operations within New Hampshire for your fiscal years 2010, 2011, and, as soon as available, 2012. Please also state where this information may be found in publicly available sources other than reports filed with the Commission (e.g., SEC filings, FERC filings, FCC filings, publicly available annual reports, etc.).
- (b) Your company’s total revenues associated with interstate operations within New Hampshire for your fiscal years 2010, 2011 and 2012, as soon as available. Please also state where this information may be found in publicly available sources (e.g., SEC filings, FERC filings, FCC filings, annual reports, etc.).
- (c) Your company’s total revenues associated with operations regulated by the Commission for fiscal years 2010, 2011 and 2012.
- (d) Your company’s total revenues for fiscal years 2010, 2011 and 2012 associated with operations within the State of New Hampshire that are regulated wholly by a federal agency and upon which the Commission is preempted from taking any regulatory action, including without limitation, an investigation or participation in regional or federal proceedings.
- (e) If your answer to subsection (d) is anything greater than \$0, please describe the operations upon which you base your answer, and briefly summarize your legal analysis.

- (f) Your company's total revenues for fiscal years 2010, 2011 and 2012 collected on behalf of, and paid to, another entity. Please describe the related service(s) and amount of revenue related to each service. Are those revenues reflected in gross revenues as reported to the Commission?
5. As to any interstate operations of your company within New Hampshire, please state whether such operations rely to any extent on facilities or service providers whose rates, terms of service and/or safety are regulated by the Commission, and if so, identify any and all such facilities and how they relate to such operations.
6. Please provide any further thoughts that you think may be useful in consideration of the issues raised in Docket no. DM12-276 and Commission Order No. 25,451.

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