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April 8, 2020

David J. Alukonis, Director
Office of Legislative Services
State House Room 109
107 North Main Street
Concord, NH 03301-4951

**Re: Rulemaking Notice 2019-162
Puc 900 Rules, Net Metering for Customer-Owned Renewable Energy
Generation Resources of 1,000 Kilowatts or Less
NHPUC Docket No. DRM 19-158**

Dear Director Alukonis:

The Commission was disappointed to receive the denial of the request for a second waiver of the Final Proposal filing deadline in this rulemaking proceeding. As suggested in your letter, the Commission is prepared to proceed to readopt as emergency rules the provisions of the Puc 900 rules that would otherwise expire on April 23, and to initiate a new formal rulemaking proceeding adopting as the Initial Proposal the substantive text of the Final Proposal adopted on March 11. However, given the concerns raised in the denial letter regarding the lack of specific information, we wanted to provide additional information before proceeding, in the event that information might warrant reconsideration.

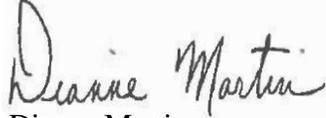
First, the Commission began this rulemaking proceeding well in advance of expiration of the existing rules. The proposed rules amendments include implementation of Chapter 271, Laws of 2019 (Senate Bill 165), the "Low-Income Community Solar Act of 2019. Given the complexity involved in the implementation of that new legislation, Commission staff conducted a number of stakeholder input sessions and held a second public hearing and provided a second opportunity for written comment submission by interested parties. Unfortunately, those extra steps required additional time.

Second, the waiver request referenced documents necessary for the inclusion of Incorporation by Reference Statements with the Final Proposal filing. The referenced documents included updated industry standard documents ordered from third parties. More specifically, the Commission had ordered, but not yet received on the date of the filing, the following documents: (1) IEEE Standard 1547 (2018) from Institute of Electrical and Electronic Engineers, Inc., Piscataway, New Jersey; (2) UL 1741 SA Standard (2010) from Underwriters Laboratories, Inc., Northbrook, Illinois; and (3) National Electrical Code (2017) from National Fire Protection Association, Quincy, Massachusetts. I understand we still have not received the 2017 National Electrical Code we ordered and we do not otherwise have it in-house. Without having received the updated industry standard documents, it was not possible to complete and file the related Incorporation by Reference Statements with the Final Proposal.

Other than the necessary documents from third parties, as referenced above, and the Amended Fiscal Impact Statement from the LBA, the Commission was prepared to timely file its Final Proposal by March 19, well in advance of the filing deadline. The Commission had held its public meeting to adopt the Final Proposal on March 11 and had requested an amended Fiscal Impact Statement the next day. Rather than file an incomplete Final Proposal package, however, we submitted the second waiver request letter on the filing deadline date, consistent with advice provided by your office.

Thank you for your consideration. Please do not hesitate to contact me directly if you should have any questions or further concerns regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Martin". The signature is written in black ink on a light-colored background.

Dianne Martin
Chairwoman

cc: Scott F. Eaton, Director,
Administrative Rules Office

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