

# NEW HAMPSHIRE DRAFTING AND PROCEDURE MANUAL

## APPENDIX II-A

### REQUEST FOR ADVANCE PUBLIC COMMENT ON SUBJECT MATTER OF POSSIBLE RULEMAKING

	Rule Number	<u>Puc Chapter 200</u> (If applicable)
1. Agency Name & Address:  <b>Public Utilities Commission 21 Fruit Street, Suite 10 Concord, NH 03301</b>	2. RSA Authority:	<b>RSA 541-A:16; RSA 365:8</b>
	3. Federal Authority:	<b>n/a</b>
	4. Type of Action:	
	Adoption	_____
	Amendment	_____
	Repeal	_____
	Readoption	_____
	Readoption w/amendment	<b>X</b>
5. Short Title: <b>PROCEDURAL RULES</b>		

IN ACCORDANCE WITH RSA 541-A:11, VIII THIS AGENCY IS SOLICITING PUBLIC COMMENT ON A SUBJECT MATTER OF POSSIBLE RULEMAKING UNDER ACTIVE CONSIDERATION PRIOR TO FORMALLY PROPOSING RULES IN THE RULEMAKING PROCESS. WHERE, WHEN, AND HOW PERSONS MAY PROVIDE COMMENT ARE INDICATED BELOW.

6. (a) Summary of the subject matter, or summary of the rule if drafted, and the effect on those regulated:

**The Public Utilities Commission's 200 rules govern the Commission's process for handling formal and informal procedures, presently including adjudicative proceedings, rulemaking, alternative regulation, and declaratory rulings. 2021 House Bill 2 created the New Hampshire Department of Energy and transferred portions of the Commission's functions to the Department of Energy, effective July 1, 2021. Pursuant to RSA 12-P:14, as amended by 2022 HB 1258, the Commission has 5 years from July 1, 2021, to amend its rules, including organizational and procedural rules, to reflect this reorganization of functions.**

**On May 2, 2022, the Commission held an informal stakeholder session at which practitioners provided feedback and suggestions on the Commission's processes. Among the comments provided at that time were various requests that the Commission continue to engage stakeholders in the rulemaking process to update its 200 procedural rules, consistent with the 2021 reorganization.**

**Based upon this feedback, the Commission is seeking input and public comment prior to drafting its initial proposal for its readopted and amended Puc 200 procedural rules. Subjects of potential input include, but are not limited to:**

- Electronic filing
- Filing deadlines
- Processes for scheduling proceedings
- Discovery, evidentiary, and confidentiality rules
- Post-hearing briefing

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- The rule waiver processes
- Publication and notice requirements
- Remote participation at prehearing conferences and hearings
- Elimination of portions of rules now applicable to the Department of Energy
- Establishment of rules relating to *nisi* orders or other alternative or expedited processes for routine matters
- The establishment of a rule part applicable to investigatory dockets or informal workshops with commissioners or commission advisors/staff
- Communication with advisors or other staff of the Commission
- Alternative dispute resolution or mediation

6. (b) Brief description of the groups affected:

**The Commission's procedural rules affect all participants in proceedings before the Commission, including regulated entities, state agencies (Department of Energy, Office of Consumer Advocate), and other interested parties or stakeholders that initiate or intervene in dockets.**

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## APPENDIX II-A (Continued)

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7. Contact person for copies, questions, and receipt of comment including requests to accommodate persons with disabilities:

Name: **Eric Wind, Esq.**

Title: **Senior Advisor**

Address: **Public Utilities Commission  
21 Fruit Street, Suite 10  
Concord, NH 03301**

Phone #: **603-271-2431**

Fax#:

E-mail: **rulemakingadministration@puc  
.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-  
2964 or dial 711 (in NH)

8. Deadline for submission of comment in writing or, if practicable for the agency, in the electronic format specified: **November 4, 2022**

☐ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 17, 2022, 10:00 a.m.**

Place: **Hearing Room A  
Public Utilities Commission  
21 Fruit Street, Suite 10  
Concord, NH 03301**